fighter-bomber. Above and beyond normal divisional requirements, major reserves of heavy equipment are also being prepositioned.

Not unexpectedly, the Peking government is responding to this never-ending Soviet military buildup on the frontier in a quiet new way. The former defense in depth, with the lightest of screening forces forward, is clearly being abandoned. Strong Chinese forces are being moved up towards the frontier itself.

Whatever Moscow may decide in the end, in sum, the Soviets are most actively continuing their long, methodical preparations to attack China. Peking, in turn, is taking these preparations even more seriously than before—which is saying a great, great deal.

Without bearing these grim facts continuously in mind, President Nixon's diplomatic successes of the last twelve months cannot even be dimly understood. It was the Soviet threat on the frontier that caused the Chinese to invite the President to Peking. It was the journey to Peking which made it possible for the President to make another triumphant visit, this time to Moscow, against the reasonably lurid backdrop of Haiphong harbor.

By the same token, these same most unpalatable facts should be the main consideration in the combined Senate debate about the SALT agreement and about President Nixon's request for more funds for the U.S. strategic forces. Even Sen. J. W. Fulbright has a duty, after all, to answer the key question hanging over this debate.

The key question is why the Soviets paid such a high price to welcome President Nixon—and no one should forget that the price was inordinately high, because of the port blockade and bombing in North Vietnam! The answer to that question lies in China. When the President and his party were in Moscow, the Soviet leaders and negotiators were downright obsessive on the topic of China.

Nor is that the end of this grim story. In one of his astonishing press conferences in Russia—the climatic one in Kiev—Dr. Henry A. Kissinger said forthrightly that he was not "rejecting the possibility" that the various agreements at Moscow were "intended" by the Soviets "as a tactical device to lull certain people."

Since returning from Moscow, both the President and Dr. Kissinger have gone even further on the same line. "Gaining a free hand to deal with China" has in truth been described as the primary Soviet aim. In other words, the Moscow summit has to be seen, at least in part, as the principal episode in a vast Soviet tranquilization plan. In addition, this plan has of course included the Soviet actions in Western Europe and the Soviet inaction in the Middle East.

It has to be faced, further, that the way the Soviets are preparing to "deal with China" is by naked military force. What men and nations prepare to do, may not always get done in the end. But anyone is a fool who says, "it will never be done," even though the preparations are plainly being made at enormous cost.

There are some other facts to face, too. The Soviets cannot undertake the nuclear castration of China, and then just stop there. If they destroy China's nuclear power before it grows too big to suit them, that act alone will transform the world we live in. Other, equally brutal Soviet moves, in the vulnerable and vital Persian Gulf, for example, will surely have to be expected if all the rules of the game are so abruptly and crudely changed.

This is why Dr. Kissinger and Prime Minister Chou En-lai have undoubtedly been discussing how to deter the Soviets from doing what they are preparing to do. This is also why the current mood of the U.S. Senate verges on actual imbecility. There will be no better way to encourage the Soviets to be resolutely brutal, than to reject the President's proposals for modernizing our own strategic forces.

That is the sort of thing the Soviets always understand, and always slow down for, just as the Soviets have unfailingly reacted by a grab for new advantages whenever the U.S. has recklessly begun disarming. Rightly handled, in fact, what has happened can prove the door to a much better world. But wrongly handled, it can lead to a radically novel situation of the direst danger.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 22, 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?

SENATE—*Monday, June 26, 1972*

The Senate met at 10 a.m. and was called to order by Hon. ADLAI E. STEVENSON, III, a Senator from the State of Illinois.

PRAYER

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

Almighty God, whose spirit follows all our days and invests them with meaning, help us to begin this new week with a determination to work at the things which count most in advancing Thy kingdom. Give us a holy determination to surmount that which divides, distracts, or frustrates the nobler heights to which life may ascend. Deliver us from all that is petty or mean or hurtful. Guide the President and all our leaders that with one accord and in one spirit we may labor together to promote the common good. Accept the consecration of ourselves which we offer in Thy service this day. May we labor with the radiant faith and glowing idealism which is the gift of our heritage.

In the Redeemer's name, we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 26, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 23, 1972, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 856 and 862.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

DENNIS KEITH STANLEY

The Senate proceeded to consider the bill (S. 910) for the relief of Dennis Keith Stanley, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 5, after the word "of", where it appears the first time, strike out "$270.27" and insert "$199.29"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Dennis Keith Stanley of Springfield, Oregon, is relieved of all liability for repayment to the United States of the sum of $199.29, representing the amount (1) of a lump-sum payment for accumulated, unused leave the said Dennis Keith Stanley was erroneously paid by the United States Marine Corps upon his discharge from active duty with the United States Marine Corps, and (2) pay and allowances received by the said Dennis Keith Stanley for those days on which he was on leave and which were, at the time of such discharge, in excess of the days of leave to which he was entitled. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Dennis Keith Stanley, the sum of any amounts received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this subsection is a misdemeanor punishable by a fine not to exceed $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–896), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of S. 910, as amended, is to relieve Dennis Keith Stanley of Springfield, Oreg., of all liability for repayment to the United States of the sum of $199.29 which represents the amount of erroneous payment to him at the time of his discharge from active duty in the U.S. Marine Corps.

STATEMENT

The facts of this case as contained in the report of the Department of the Navy are as follows:

Navy Department records indicate that Cpl. Dennis K. Stanley was discharged from the U.S. Marine Corps on February 12, 1969. His pay account was reviewed at the Marine Corps Finance Center, Kansas City, Mo., after his discharge, and this initial review indicated that he had been overpaid $270.27 incident to his active service. Later, a more comprehensive audit of his pay and related personnel records was conducted which revealed a number of pay discrepancies in his account. The audit revealed the following erroneous transactions:

Charges:	
Erroneous payment on discharge for 19 days, accrued unused leave	$175.50
Failure to deduct 9 days pay and allowance while in an excess leave status	130.32
Arithmetical error	.67
Insufficient deduction for FICA taxes	1.10
Total charges	307.59
Credit:	
Underpaid basic pay for period 11 June 1968 through 12 February 1969	108.30
Net overpayment	199.29

The errors which led to Corporal Stanley's indebtedness to the United States are attributable to the actions of Government officials and are not a result of fault on his part. The nature of the errors is such that Corporal Stanley could not reasonably have been expected to detect them. The fact that he was underpaid with respect to basic pay for a lengthy period of time points convincingly to a lack of full awareness on his part of his entitlements. Since the administrative errors which have caused Corporal Stanley's indebtedness were caused by officials of the Government and since the records of the Navy Department substantiate the conclusion that Corporal Stanley acted in good faith, the Department of the Navy supports enactment of S. 910.

Based on the foregoing facts, the committee believes that legislative relief is appropriate and recommends that S. 910 be favorably considered.

MAJ. MICHAEL M. MILLS, U.S. AIR FORCE

The bill (H.R. 6666) for the relief of Maj. Michael M. Mills, U.S. Air Force, was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–902), explaining the purposes of the measure.

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

PURPOSE

The purpose of the proposed legislation is to pay Maj. Michael M. Mills, U.S. Air Force, $1,620 in full satisfaction of his claims for an erroneous discontinuance by the Air Force of his allotment to the Miami National Bank, Miami, Fla., in 1967.

STATEMENT

The facts of the case as contained in the House report are as follows:

The Department of the Air Force in its report to the committee on the bill stated it would have no objection to the bill with the amendment recommended by the committee reducing the payment to $1,620, representing the out-of-pocket loss Major Mills actually incurred as a result of the discontinuance of the allotment.

The allotment referred to in the bill was authorized by Major Mills early in 1963. The allotment was in the amount of $30 a month and was to be sent to the Miami National Bank, Miami, Fla., to be credited to the account of Lehigh Acres, a real estate firm, under his account number.

Beginning March 1, 1963, AFAFC sent a check in the amount of $30 to the Miami bank. When he transferred from McGuire Air Force Base, N.J., to Vietnam, Major Mills authorized a $700 allotment to be sent to the Winters National Bank, Dayton, Ohio, effective May 1967. The officer has advised the sponsor of the bill that he had been informed by finance personnel that the bank allotment of $30 would not bar the additional allotment. Upon receipt of this authorization, AFAFC returned it to the personnel officer in Vietnam who, under existing procedures, was to notify Major Mills that this allotment had been rejected since he had one allotment in effect to a bank. However, the sponsor has advised the committee that Major Mills was not given this notification. The immediate return of the authorization for the $700 per month allotment was interpreted by AFAFC to mean that this allotment should be placed in effect and the allotment to the Miami bank discontinued. It was also assumed deductions from Major Mills' pay for the $30 allotment were discontinued. Accordingly, AFAFC discontinued sending a check each month to the Dayton bank.

In April 1968, AFAFC made a comparison of allotment deductions being made from Major Mills' pay account with the allotments which were being paid. This comparison showed that $30 was being deducted from his pay in addition to the deductions for allotments that were actually being paid. Action was taken to discontinue the $30 deductions and the amount which had been deducted for which allotments were not paid was refunded to him.

In January 1969, Major Mills filed a claim against the Air Force for $3,390. In his claim, he stated the allotment to the Miami bank was initiated to make payment on two real estate lots purchased on contract in December 1962. Since deductions were being made from his pay for this allotment, he believed the payments on the contract was being made. He stated that the first he knew that the allotment had been discontinued was in May 1968, when the real estate company advised him, in reply to his notification of a change of address, that his account had been closed in January 1968, because of his failure to make monthly payment on his contract. The company also advised him that prior to closing his account it had attempted to notify him but in the absence of a correct address had been unable to do so. The company also reported that the lots he had purchased had been resold for $3,390; however, the amount he had paid on the principal ($875) could be applied against the purchase price of two other lots. He did not accept this offer inasmuch as he was stationed in Okinawa and could not examine the lots.

In its report to the committee, the Air Force stated that the claims officer at Kadena Air Base, Okinawa, estimated that, as a result of the discontinuance of his allotment to the Miami bank, Major Mills had suffered a net loss of $2,020. This amount was computed by deducting the amount Major Mills had actually paid on the lots ($1,620) from the initial purchase price ($2,990) to establish the amount ($1,370) he owed on the date the allotment was discontinued. This amount was then deducted from the amount ($3,390) for which the lots were resold. However, it should be noted that, in his computations, the claims officer did not take into consideration that although Major Mills paid $1,620 to the real estate company only $875 was applied to the principal and the remaining $745 was interest on the loan. On July 25, 1969, Pacific Air Force headquarters notified Major Mills that his claim had been disapproved because it was not cognizable under the Federal Torts Claims Act (28 U.S.C. 2671–2680). He was also advised of his right to file a suit in a U.S. district court.

The Air Force stated that under these circumstances, there are no administrative procedures under which Major Mills' claim against the United States may be paid. While under normal peace-time conditions, it would be reasonable to assume that a purchaser of

lots would have the responsibility of verifying the fact that periodic payments were received and correctly credited to the account to satisfy the obligation for the purchase of the lots, the unusual circumstances of this case made this all but impossible for a man assigned to service in Vietnam. In fact, the confusion concerning allotments appears to have a direct relation to that service. Furthermore, as is noted in the Air Force report, the fact that the Air Force failed to suspend deductions for the allotment from the man's pay until a considerable period had passed also would have served to indicate to the individual that the allotment was being made as he had originally directed. Accordingly, the committee has concluded that relief should be extended to this individual in the reduced amount suggested by the Air Force. The Air Force pointed out that the out-of-pocket loss suffered by Major Mills was equal to $1,620 which is the full amount he paid prior to the discontinuance of the allotment. It is recommended that the bill with this amendment be considered favorably.

In agreement with the views of the House of Representatives, the committee recommends the bill favorably.

EXECUTIVE SESSION

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

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

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

MISSISSIPPI RIVER COMMISSION

The second assistant legislative clerk read the nomination of Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration, for appointment as member of the Mississippi River Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

AMBASSADORS

The second assistant legislative clerk proceeded to read sundry nominations of Ambassadors.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

The second assistant legislative clerk read the nomination of George P. Schultz, of Illinois, for appointment to the offices indicated: U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate resume the consideration of legislative business.

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

FLOOD DEVASTATION IN PENNSYLVANIA

Mr. SCOTT. Mr. President, the Commonwealth of Pennsylvania has, as a result of the devastating flood, sustained the worst damage from a natural disaster in its entire history.

From a discussion with Gov. Milton J. Shapp and as a result of the visit to the Commonwealth by President Nixon and General Lincoln, of the Office of Emergency Preparedness, it would appear on the basis of incomplete information that damage to highways and bridges alone is in the neighborhood of $550 million; that the latest count is that 126 bridges are out in Pennsylvania; that as of noon yesterday, damage to schools is in the area of $40 million to $50 million, with no reports yet in from colleges and universities; that whole cities are inundated and have suffered extraordinarily heavy damage; that the downtown district of Wilkes-Barre, Pa., is entirely under water; that the principal industry of Bloomsburg, the Bigelow Carpet Co. is half under water; that the Bethlehem Steel plant is totally under water; that 150 to 200 major factories have been disabled in the State; and that more than 50 sewage systems are out.

It is estimated that somewhere between 40,500 to 50,000 houses have been damaged in Pennsylvania.

The Office of Emergency Preparedness has assured the Commonwealth that it will furnish all assistance within its power, subject to its authorizations and the funds available. That may not and probably will not be nearly enough. The water is stagnant there. Unlike damage in other areas, the water remains. It has not flowed off. It has not acted as a flash flood would in most cases. When water stays 5 or 6 days in a community, it means the virtual destruction of that part of the community so inundated.

Mr. President, it may well be necessary for us to ask for an emergency authorization and appropriation providing for a substantial sum to aid the Commonwealth of Pennsylvania to recover from this terrible disaster.

I have discussed with the Governor the advisability of meeting with the Pennsylvania congressional delegation, probably tomorrow, and if it is necessary to ask for emergency funds, we will appeal to our colleagues in both bodies for sympathetic understanding, and expeditious action on this request.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routing morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business?

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

INVESTIGATION OF LITTON INDUSTRIES

Mr. PROXMIRE. Mr. President, I have asked the Securities and Exchange Commission, the General Accounting Office, and the Navy to investigate the financial capability of Litton Industries to complete performance of its Government contracts. I have also asked Navy Secretary John W. Warner, in a letter I am releasing today, to reject proposals made by Litton that the Navy pay inflated and unsubstantiated claims and take other actions in order to help the company solve its financial difficulties.

It is becoming increasingly clear that Litton is unable to perform any of its major shipbuilding contracts without running up huge cost overruns. Litton's $450 million worth of shipbuilding claims against the Navy must be seen as an attempt to shift the costs of its own inadequacies to the American taxpayer.

Litton executives, from the president on down, have been meeting almost daily with Navy officials in an effort to obtain a bailout from its financial plight.

In my letter to Secretary Warner, I said:

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

Because of Litton's cash shortages, the huge cost overruns, schedule delays, and technical difficulties encountered on its

shipbuilding programs, a shadow has been cast over two of the largest ship contracts awarded in recent years.

Litton is now 2 years behind schedule on the LHA contract and there is a serious question as to whether Litton is capable of building even the first LHA ship.

LHA contract has already been delayed with adverse effects to the DD–963 destroyer program and Litton may also be unable to deliver on that contract.

Litton has given the Navy grounds for declaring the LHA contract in default and continued failure to take corrective action on the Navy's part could increase the cost to the taxpayer by hundreds of millions of dollars.

If the Navy does not pay the unsubstantiated portion of Litton's claims, the company could face a financial crisis of major proportions in the near future.

For these reasons, I have asked the Securities and Exchange Commission to tell me whether Litton's annual reports correctly state the company's earnings. If the shipbuilding claims have been reported as earnings but are rejected by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

I have also asked the Commission to state whether Litton's reporting methods comply with SEC rules and regulations, and whether the SEC requires public disclosure of expected large overruns or underruns of defense contracts by defense contractors.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to carry out its Government contracts.

I ask unanimous consent, to insert in the RECORD copies of my letters to the Securities and Exchange Commission, the General Accounting Office, and the Department of the Navy.

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

JUNE 19, 1972.

Hon. WILLIAM J. CASEY,
Commissioner, Securities and Exchange Commission, Washington, D.C.

DEAR MR. COMMISSIONER: As you know the Joint Economic Committee has held several hearings on weapons acquisition programs of the Department of Defense. One aspect of these hearings involves large claims by Navy shipbuilders. Currently these claims total about $1 billion and involve some of the Nation's largest companies.

Litton Industries has the largest dollar amount of claims against the Navy; these total about $450 million. Some Litton claims are several years old. Navy witnesses have testified that Litton's claims appear exaggerated and Litton's actual entitlement is substantially less than the amounts of its claims. Reports by the General Accounting Office indicate that some of the claims have been overstated.

Recently Litton announced it was taking a $25 million write-off against FY 1972 operations for expected loses on the LHA Navy shipbuilding contract. According to the press, Litton stated that the company doesn't expect a further write-off this year, but indicates that the negotiations with the Navy are continuing. But looking at Litton's published financial statements in the light of its recent release, it appears that for several years the company has been reporting profits based on the anticipation of obtaining substantial sums from its claims against the Navy. If these claims are in fact overstated, Litton's profits for the past several years may also have been overstated. At least it appears that Litton's profits or losses are subject to considerable uncertainty until these claims are settled, and have been for some time. Yet there are no footnotes or other explanations in Litton's published reports—specifically in its FY 1971 annual report and interim reports of October 31, 1971, and January 31, 1972—to indicate that this is the case. In fact, the Litton FY 1971 annual report states:

"The outlook for Defense and Marine Systems is good. Our present backlog spans several years of activity providing a basis for continuing growth of sales and profits independent of the general economy."

The Accountants Report for that year—by Touche, Ross and Company—also fails to note that Litton had several large claims against the Navy in process or under negotiations, the outcome of which could substantially alter Litton's financial results. These reports, therefore, appear very misleading.

I would like to know:

Has Litton in fact reported earnings based on its expected recovery of large claims against the Government? If so, can you tell me to what extent Litton's earnings have been overstated for the past several years—say 1968–1971—if such claims are not honored by the Navy? It appears to me that if substantial portions of the alleged claims are not paid by the Navy, Litton may not have the financial capability to carry out its contractual commitments.

What are the Securities and Exchange Commission rules concerning the company's obligations for public disclosure of information in a situation such as this? If, in fact, Litton was including anticipated claims settlements as valid receivables from the Government, would it be violating any SEC rules? Has Litton violated any Securities and Exchange Commission rules by its failure to reflect uncertainty in its published reports as to the ultimate settlement of its claims against the Government.

Do other publicly owned defense contractors follow similar practices? If so it seems to me that defense contractors can manipulate earnings to show whatever they want to show just by the size of their claims against the Government.

At what point does the Securities and Exchange Commission require disclosure of expected large over-runs or under-runs of defense contracts by defense contractors.

I would appreciate obtaining answers to my questions by June 30, 1972.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. JOHN W. WARNER,
Secretary, Department of the Navy, Washington, D.C.

DEAR MR. SECRETARY: I have become increasingly concerned over the Navy's problems with the Ingalls Shipbuilding Division of Litton Industries. As you know, Litton is responsible for the largest single amount of outstanding shipbuilding claims now pending against the Navy, totaling about $450 million. In addition to the huge cost overruns represented by these claims, Litton has fallen far behind the performance schedule on the LHA and is experiencing serious technical difficulties on this and other government programs.

I now have reason to believe that because of cash shortages, Litton is confronted with a financial crisis of major proportions. I am informed that in order to extricate itself from its financial problems, the company is attempting to persuade the Navy to pay millions of dollars of worthless and inflated claims. Or, alternatively, to restructure the LHA contract or take other steps to solve Litton's shipbuilding problems, including a Navy takeover of the Litton shipyards at Pascagoula.

According to my information, Litton has told the Navy that it wants at least $40 million for two of its larger claims to be paid no later than July 31, 1972. This date coincides with the end of the company's fiscal year when it will be required to demonstrate its financial solvency to its auditors and creditors. You may already be aware of Litton's precarious financial condition. After the first nine months of its current fiscal year, Litton showed a loss of $11.1 million. In addition, a preliminary review of Litton's financial statements for the past several years, suggests that the company has been reporting earnings based on anticipated settlements of claims pending against the Navy. If this is correct, and Litton's claims are in fact exaggerated, the company will soon have a lot of explaining to do. Such a method of reporting profits would be highly irregular if not improper because of the uncertainty surrounding claims against the Government, especially Litton's claims. I have already written to the Securities and Exchange Commission requesting an investigation of this matter. A copy of my letter of June 19, 1972, to Commissioner William J. Casey is attached for your information.

One can easily understand why Litton so desperately needs large amounts of cash and why it is making such a great effort to extract favorable settlements of its shipbuilding claims. There is considerable evidence, however, that at least part of Litton's claims are inflated and insupportable. The two claims I mentioned above, for example, total $82 million. These claims involve work at Litton's East Bank Shipyard on nuclear submarines and ammunition ships. The Navy apparently considers both claims grossly overstated as it offered to pay Litton approximately $12 million for both claims as recently as a month ago. I am informed that a review and investigation of these claims by the appropriate authorities in the Navy shows that these claims cannot be substantiated for more than the amount the Navy offered to pay.

As you know, there are about $180 million worth of claims arising out of the East Bank Shipyard, including the above two. The largest claim in the East Bank Shipyard is for $95 million for the alleged "ripple effect" on Litton's business produced by change orders to a number of submarines built at this yard several years ago. NAVSHIPS, according to my information, considers this claim totally unjustified.

The largest Litton claim, valued at $270 million based on the LHA contract, arises out of the West Bank Shipyard. This is a relatively new claim and has not yet been fully evaluated. There are other problems with the LHA contract. As you know, the original amount of this contract was about $1 billion for nine LHA ships. The current estimate to complete the work on the five ships comprising the present program is $1,441,000,000. The unit cost of this contract has risen from about $113 million to $288 million per ship. In addition to this huge over-run, the program is now estimated to be about two years behind schedule. In my judgment, the schedule delay constitutes grounds for declaring the contractor in default of his contract, and I am at a loss to understand why the Navy has not issued a 10-day cure notice. The continued failure on the part of the Navy to take action could be construed as a constructive change and could result in the loss of millions of dollars for the Government.

The delays in the LHA program have already impacted on tht DD–963 destroyer program which Litton is also supposed to be performing in the West Bank Shipyard. Although it is true that a keel-laying ceremony was conducted recently for the first DD–963,

I am informed that the delays and technical problems in the West Bank Shipyard are so serious that Litton has proposed to the Navy that it be permitted to construct several of the DD–963's in its older East Bank Shipyard, where nuclear submarine construction is now in progress. As you know, one of the major reasons for awarding the DD–963 contract to Litton was in anticipation of the efficiency of operations in the new and modernized West Bank Shipyard. So far as I can tell, none of the benefits expected from the West Bank Shipyard have yet been realized. Moving the destroyer program into the East Bank would not only cast doubt on the decision to award this contract to Litton, it could have a detrimental impact on the nuclear submarine construction in the East Bank Shipyard.

It occurs to me that the only way the Navy may be able to obtain the DD–963 destroyers would be to further reduce or terminate the LHA program so that work on the DD–963 can go forward. I plan to communicate with you further on this matter.

It is not surprising that officials of Litton, including the President, the Executive Vice President, a Senior Vice President, and a Vice President, have made recent visits to high officials in the Department of the Navy circumventing the officials charged with the responsibility for negotiating claims settlements in attempts to resolve its difficulties.

In view of the distributing facts, I would like the Navy to respond to the following questions:

1. Does the Navy plan to pay unsupported and unsubstantiated shipbuilding claims to Litton or to take other steps calculated to bail out the company from its financial difficulties?

2. What is the Navy's assessment of Litton's financial capability to complete performance on its Navy contracts? Has the Navy done a cash flow study of Litton?

3. Why hasn't the Navy declared the Litton LHA contract in default?

I urge you, Mr. Secretary, not to allow Litton to become the Navy's Lockheed. A decision to allow this company to ignore its contractual obligations to the Navy will have serious consequences and will become a most unfortunate precedent. If my information and interpretation of Litton's financial situation is correct, even a $40 million settlement of Litton's inflated East Bank claims might only be the down payment on future similar unwarranted demands. The only way to assure that the public interest will be served in the settlement of claims is for the proper officials to negotiate them strictly on their merits. If an agreement cannot be reached on a claim, it should be referred to the Armed Services Board of Contract Appeals. For high officials of the Navy to be "horsetrading" claims with corporate presidents and vice presidents is both demeaning to the Navy and improper, in my judgment.

I have asked the General Accounting Office to conduct an independent investigation of Litton's financial capability to perform its contracts, and I hope you will fully cooperate with it.

Your early reply to this letter will be appreciated.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

JUNE 22, 1972.

Hon. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR ELMER: Recently I have written to the Chairman of the Securities and Exchange Commission and the Secretary of the Navy requesting answers to questions concerning Litton Industries. Copies of those letters are enclosed for your information.

There is a growing amount of evidence raising questions about Litton's corporate finances. If my information is correct, Litton in addition to suffering a loss on the first nine months' business of the current fiscal year, has been reporting as earnings the full amount of pending claims on Navy shipbuilding contracts.

As you know, shipbuilding claims in the past, including claims of Litton Industries, have often been grossly overstated. If Litton's shipbuilding claims are in fact exaggerated, the company's true financial condition may be at sharp variance from the picture portrayed by its public reports.

This letter is to formally request that the General Accounting Office conduct an independent investigation of Litton's financial capability to carry out its government contracts. Because of requests now pending before Congress affecting some of these contracts, I would hope that your investigation can be begun immediately and completed by July 31, 1972. I am sure you are aware of the seriousness of the questions I have raised and the need to answer them at the earliest possible time.

Sincerely,

WILLIAM PROXMIRE,
Chairman, Subcommittee on Priorities and Economy in Government.

QUORUM CALL

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON PLANNED ADJUSTMENTS IN NASA SPACE FLIGHT OPERATIONS PROGRAM

A letter from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on planned adjustments in the NASA Space Flight Operations program (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

REPORT ON ORDERLY LIQUIDATION OF STOCKS OF AGRICULTURAL COMMODITIES

A letter from the Acting Assistant Secretary of Agriculture, transmitting, pursuant to law, a report on Orderly Liquidation of Stocks of Agricultural Commodities Held by the Commodity Credit Corporation and the Expansion of Markets for Surplus Agricultural Commodities (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF RECEIPTS AND DISBURSEMENTS PERTAINING TO THE DISPOSAL OF SURPLUS MILITARY SUPPLIES

A letter from the Deputy Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a report of receipts and disbursements pertaining to the disposal of surplus military supplies, equipment, and materiel, and for expenses involving the production of lumber and timber products, for the third quarter of 1972 (with an accompanying report); to the Committee on Appropriations.

REPORT ON FACILITIES PROJECT PROPOSED TO BE UNDERTAKEN FOR THE NAVAL RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, of a facilities project proposed to be undertaken for the Naval Reserve, at the Naval Air Station, South Weymouth, Mass.; to the Committee on Armed Services.

REPORT ON UH–1H HELICOPTER AND T–53 ENGINE ASSEMBLY PROGRAM

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on the UH–1H helicopter and T–53 engine assembly program (with an accompanying report); to the Committee on Foreign Relations.

REPORT ENTITLED "NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS—REPORT ON EXAMINATION OF ACCOUNTS"

A letter from the firm of LeBoeuf, Lamb, Leiby & MacRae, Washington, D.C., transmitting, pursuant to law, a report entitled "National Council on Radiation Protection and Measurements—Report on Examination of Accounts, December 31, 1971" (with an accompanying report); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIBLE, from the Committee on Appropriations, with amendments:

H.R. 15418. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes (Rept. No. 92–921).

REPORT ENTITLED "JUVENILE DELINQUENCY"—REPORT OF A COMMITTEE (S. REPT. NO. 92–922)

Mr. BAYH, from the Committee on the Judiciary, pursuant to S. Res. 32, 92d Congress, first session, submitted a report entitled "Juvenile Delinquency," which was ordered to be printed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BENNETT:

S. 3746. A bill for the relief of Charles Eugene Fickas, Marjorie Jean Fickas, Charles Bradley Fickas, and Steven Fickas. Referred to the Committee on the Judiciary.

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several States in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 3747. A bill to help relieve the burden of high property taxes by allowing each homeowner a credit against his Federal income tax for property taxes paid for the support of public schools. Referred to the Committee on Finance.

A TAX CREDIT FOR PUBLIC SCHOOL EDUCATION

Mr. GOLDWATER. Mr. President, there is a growing campaign at all levels of government to grant a measure of tax relief to parents who send their children to private elementary and secondary schools. Today I propose that this campaign be broadened to include relief for the many additional millions of average citizens who support the public school system in America.

Mr. President, the proposal is a simple one. It would create a special tax credit of $150 that would be available to every homeowner in the United States who pays a tax on his residential property, whether it is paid to his local government, to a school district, or to a State. In other words, every taxpayer who pays a school tax on his residence, or as part of his real estate tax, shall, after having calculated the amount of Federal income tax which he must pay, be permitted to subtract from his Federal tax bill the full amount of his school tax up to $150.

Mr. President, let me emphasize that my proposal would retain the existing Federal deduction granted on account of State and local school taxes. But in addition, it would permit each homeowner to take a $150 credit against what he owes the Federal Government. This approach will direct the savings to the lower and average income persons who can enjoy the full benefit of the credit, in contrast with the tax deduction which provides the greatest savings only to persons with the highest incomes. Of course, if any taxpayers' credit would be more than the actual Federal income tax he owes, the taxpayer is allowed to take a credit against that amount of tax which he owes, and no more.

Mr. President, I am certain that everyone is aware that the local and State property tax is still the primary source of financing for public education. It provides over half of the funds spent annually on public school support, while only 7 percent comes from the highly publicized Federal aid to education programs. The percentage of these taxes levied by local school districts has remained at a stable level for the past 20 years. In 1950–51, local property taxes provided 57 percent of the money spent by public schools. In the 1970–71 school year, these local taxes still provided 52.8 percent of all school revenues.

Mr. President, not only has the local share of public school expenses remained at a high level, but 37 States still levy some kind of State property tax that produces nearly a billion dollars annually. Furthermore, as I shall discuss later, four recent court decisions might act as a catalyst toward a much greater State role in funding education through property taxation at the State level.

On top of these developments, expenditures for public schools have increased at an average of 10.5 percent each school year over the past decade. In fact, in the 1961–62 school year, when I first introduced a tax credit proposal similar to the one I am offering today, the total expenditure for public elementary and secondary education was $14.7 billion, but in the school year 1971–72 this will have risen to a total of $39.6 billion. So there is no relief in sight for the taxpayers who must meet this heavy bill.

Mr. President, it was recently estimated by Secretary of Health, Education, and Welfare Richardson that at least $11 billion of public school financing is currently raised by local property taxes on strictly residential property. It is this category of American homeowner who is finding himself hard pressed to meet the combined burden of Federal, State, and local income and sales taxes in addition to his ever-rising property tax, not to mention the taxes on electricity, gas, telephones, and other basic necessities of life which he must pay. These taxes hit especially hard at retired persons who in their older age are living on fixed and small incomes, but they are also severely felt by the vast majority of salaried taxpayers who are unable to take advantage of special business tax credits or to reduce their taxable incomes with a wide range of expense deductions.

Mr. President, property is no longer an index of a man's wealth. The take from the property tax now hits individuals of all income brackets. In the most recent year for which statistics are available, the 1968 tax year, 23.7 million taxpayers took a deduction on their Federal income tax returns on account of real estate property tax payments. Almost 3 million, or 12 percent, of these taxpayers had adjusted gross incomes of less than $5,000. The greatest number of taxpayers using the real property deduction were in the range of $5,000 to $10,000 income. There were 8.5 million of these taxpayers. Another 7.4 million of these taxpayers had between $10,000 to $15,000 of adjusted gross income. In all, 48 percent, or almost half, of the taxpayers who itemized real property tax payments had an annual income of below $10,000, and 79 percent of all taxpayers who claimed real property tax payments reported incomes of less than $15,000.

On these facts, Mr. President, it is evident that the enactment of a property tax credit such as I propose would not be a boon to the wealthy, but would be of serious financial help to the average citizen. Not only is the great bulk of homeowners who feel the bite of property taxes made up of middle and lower-income persons, but my proposal would almost wipe out the burden of the school tax paid by the lowest income groups since the $150 tax credit, together with the existing tax deduction provision, will nearly equal the amount of their average property tax payment.

In addition, Mr. President, I wish to emphasize that my proposal would not overlook the education tax burden that is shared by Americans who live year around in mobile homes. It is high time that we in Government took note of the fact that over 7 million Americans are now living in mobile homes and that half of the one-family homes being built in the United States today are mobile homes. In 1971 alone, over half a million mobile homes were manufactured, which was a 24 percent increase over the production a year earlier.

In my own State of Arizona, there were 17,380 mobile homes shipped to dealers in 1971, a 99-percent boost over 1970. Think of it, Mr. President, these figures indicate that there were nearly 20,000 newly established households in the State of Arizona in 1971 represented by purchasers of mobile homes. This figure includes 7,231 families who live in mobile homes produced in Arizona itself, where the production of such homes rose by a whopping 379 percent over 1970.

This gives all of us some indication of why we had better begin to take account of the interests of the many millions of Americans who are now turning toward mobile homes as their family households. I know from my own observations in Arizona that this includes a sizeable group of younger Americans, such as college students and returning veterans, as well as retired citizens.

Accordingly, I have provided in the legislation I am introducing today that taxpayers who own and use mobile homes as their residence shall be entitled to the same tax credit as the one given to the owners of standard homes. To nail this feature down, the bill expressly states that any State and local taxes or license fees under whatever name that are imposed on residential mobile homes and serve the same purpose of supporting public education as regular property taxes do, shall be treated as a real property tax for purposes of entitlement to the tax credit established in my bill.

This is a good place to mention, Mr. President, that my proposal would allow a credit for that portion of a homeowner's property tax which is imposed for the support of public elementary and secondary education and no more. It is the financing of public education with its skyrocketing increases in costs that has caused the heavy burden suffered by homeowners, and a reduction in the impact of this tax take will substantially assist the financial picture of the average citizen. It is the burden of meeting the enormous problem of school financing that I am attacking today, and not the portion of property taxes that are used for street lighting, public safety, sewers, and the like.

Mr. President, before I conclude, I wish to make one observation about the recent decisions by State and Federal courts in California, Minnesota, Texas, and New Jersey relative to property taxes. These cases do not mean that the property tax is unconstitutional, even if their holdings are eventually upheld by the U.S. Supreme Court. The local property tax itself might remain a powerful source of school revenues under any new State school financing plan so long as the method chosen to distribute its revenues eliminates the discrimination among different school districts in the State. Also, it appears likely that a statewide real property tax

might be substituted for the locally raised tax.

In other words, I think it is far too early to predict the demise of either local or State real property taxes and feel that these court decisions should not stand as any barrier against providing American taxpayers immediately with relief from the burden of the high taxes they are now paying. If the grand day should ever occur when some State financial wizards discover a way of meeting the operating expenses of their public school systems without relying on property taxation at all, then the tax credit feature that I have proposed today can simply go unused; but until that bright day falls on the horizon, I think our homeowners who are still paying their tax bills each year will find it a little easier to make their way in these expensive times if we enact the tax credit I have proposed.

Mr. President, I ask unanimous consent that a copy of the bill, entitled the "Residential Property Tax Relief Act of 1972," be printed in the RECORD.

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

S. 3747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Residential Property Tax Relief Act of 1972."

SEC. 2. (a) Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by renumbering section 42 as section 43, and by inserting after section 41 the following new section:

"SEC. 42. RESIDENTIAL PROPERTY TAXES PAID FOR SUPPORT OF PUBLIC EDUCATION.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, but only to the extent that such taxes do not exceed the lesser of—

"(1) $150 ($75, in the case of a married individual filing a separate return), or

"(2) the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under the preceding sections of this part (other than sections 31 and 39).

"(b) Income Tax Benefits Not to Exceed Amount of Residential Property Taxes Paid for Support of Public Education.—If the amount allowable (but for this subsection) as a credit under subsection (a) for any taxable year, when added to the amount by which the tax under this chapter for the taxable year is less by reason of the deduction allowed under section 164 for State and local residential property taxes for which credit is otherwise allowable under subsection (a), exceeds the total amount of State and local residential property taxes paid or accrued during the taxable year which are imposed for the support of public elementary and secondary education, the amount allowable as a credit under subsection (a) shall be reduced by an amount equal to such excess.

"(c) State and Local Residential Property Taxes.—For purposes of this section, the term 'State and local residential property taxes' means—

"(1) State and local real property taxes (within the meaning of section 164) on property which is comprised primarily of one or more dwelling units and the land on which the dwelling unit or units are situated, and

"(2) State and local taxes (other than real property taxes) or license fees on mobile homes.

"(d) Determination of Amount of Residential Property Tax Paid for Support of Public Education.—For purposes of subsection (a), the amount of any State or local residential property tax which is imposed for the support of public elementary and secondary education shall be—

"(1) with respect to any residential property tax imposed solely for such support, the amount of such tax; and

"(2) with respect to any residential property tax imposed in part for such support, the portion of such tax—

"(A) designated in the bill for such tax submitted to the taxpayer by the taxing jurisdiction imposing such tax; or

"(B) determined from information set forth in such bill or from information furnished to the taxpayer by such taxing jurisdiction,

as the amount of such tax which is imposed for the support of public elementary and secondary education.

"(e) SPECIAL RULES.—

"(1) TAXES CONSTRUCTIVELY PAID.—Under regulations prescribed by the Secretary or his delegate, the provisions of subsections (d), (e), and (f) of section 164 shall apply to real property taxes with respect to which credit is allowable under subsection (a).

"(2) MOBILE HOMES.—No credit shall be allowed under subsection (a) for any residential property tax on a mobile home, unless such mobile home is used by the taxpayer as his principal residence.

"(3) TRUSTS.—No credit shall be allowed under subsection (a) to a trust."

(b) The table of sections for such part IV is amended by striking out the last item and inserting in lieu thereof the following:

"SEC. 42. Residential property taxes paid for support of public education.

"SEC. 43. Overpayments of tax."

SEC. 3. The amendments made by this Act shall apply to taxable year beginning after December 31, 1971.

By Mr. BAYH:

S. 3748. A bill to protect the public interest in fair and impartial execution of the antitrust laws of the United States and for other purposes. Referred to the Committee on the Judiciary.

THE ANTITRUST SETTLEMENT ACT OF 1972

Mr. BAYH. Mr. President, I introduce for appropriate reference "The Antitrust Settlement Act of 1972." This bill will reform the process by which antitrust cases are settled in two important respects. First, it will provide a meaningful way for interested citizens to make their views known before an antitrust case is settled. Second, it will require the Department of Justice to explain to the court and to the public the reasons it has agreed to the proposed settlement.

One of the many lessons which can be learned from the extensive Judiciary Committee hearings into the manner in which the Justice Department reached a settlement of its antitrust suit against ITT is that there is currently no effective mechanism for insuring that the public interest is protected in negotiated antitrust settlements. For this reason, the public is rightfully skeptical about the nature of the relationship between government and large private economic interests.

Few political realities are more evident today than the need to increase public confidence in the integrity of government. This legislation is a means of accomplishing that goal in an area where public confidence is especially low at the present time. How we react to this and other measures, which combine public involvement and full disclosure, will ultimately determine whether our system of government can fulfill its high goals. Democracy simply will not succeed if government insists on being aloof from the people from which its power flows.

The vast majority of antitrust cases are settled by agreement between the Department of Justice and the alleged violator without a full trial of the issues. Yet under present regulations, individual citizens have precious little opportunity to bring to the attention of the court and the Department their views of the terms of the settlement. Today, after secret negotiations between the Department and the antitrust defendant are concluded, the Department simply sits back and allows the public to comment for 30 days. There are no requirements that the Department publicize the terms of the proposed settlement, or seriously consider the comments that it receives. The bill I introduce today will change that.

The Antitrust Settlement Act of 1972 will require that the terms of every antitrust settlement be broadly publicized, and that relevant documents be made available to the public around the country. This will insure that concerned citizens know that the Department has decided to forego a full trial of the case, and that these citizens have the information they need to make intelligent comments about that decision. Further, the bill will require that, the court to which the proposed settlement has been submitted withhold a decision on whether to accept the settlement for at least 60 days, during which time it and the Department will consider the comments the public submits.

There are two other important aspects of this bill, both of which are substantial and necessary changes from present practice. First, the court is directed to hold a hearing on the proposed settlement unless it finds that there is no substantial controversy about it. This will give the public a chance in every important case to bring its arguments directly to the judge, or if the court so directs, to a special master appointed to hold the hearing. Second, and perhaps most important of all, the bill requires the Attorney General to present to the court and to the public before the settlement becomes final a full statement of the reasons that he believes the proposed settlement to be consistent with the antitrust laws and to be in the best interests of the United States.

Mr. President, such a statement by the Attorney General is the best safeguard the public has to insure that antitrust settlements are really reached in the public interest. When the Department has good reasons for settling a case—and when it has thought those reasons through—it should have no objection to making its reasons public. And by mak-

ing them public the Department will avoid the cloud of suspicion that all too often surrounds antitrust settlements. If the Department has done its jobs conscientiously, there will be little or no administrative burden involved in submitting to the court and the public the statement of reasons this bill requires.

Our antitrust laws reflect our Nation's basic faith in the free enterprise system and our Nation's healthy skepticism of the concentration of power—political or economic—in the hands of the few. Antitrust actions by the Justice Department are the most important single means of enforcing these laws. I do not go so far as to say that antitrust regulation is too important to be left to the regulators. But I do think that the regulators and the courts will benefit from listening to the views of interested citizens. And, equally important, public confidence in the way that antitrust settlements are reached will increase markedly if the public has a meaningful way to participate in the process.

I ask unanimous consent, Mr. President, that two articles from the New York Times be printed in the RECORD. One describes the efforts of Federal Judge David N. Edlestein of New York, who issued an order requiring publicity of an antitrust case very similar to the kind of publicity this bill would require. The other is an excellent and important article entitled "Should The Public Play a Role in Antitrust Settlements?" I also ask unanimous consent that the text of the Antitrust Settlement Act of 1972 be printed in the RECORD.

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

ADVANCE PUBLICITY IN ANTITRUST CASE ORDERED BY JUDGE

(By Eileen Shanahan)

WASHINGTON, June 13.—In the first such order ever issued, a Federal judge is requiring the Government to publicize widely the terms of settlement of an antitrust case before the settlement becomes final.

The case involves two trade groups that were accused of having conspired to block the sale of foreign-made steam boilers in the United States by denying the foreign products the safety certifications that are required by law in many localities.

The idea behind the judge's order was that persons other than those directly involved in the case should have an opportunity to learn of the settlement and have time to file a protest if they found the terms of the settlement inadequate.

The order was issued yesterday by Daniel N. Edelstein, chief judge of the United States District Court for the Southern District of New York. Details of the settlement and of the judge's requirement for publicizing it were announced today.

In issuing the order, to which the parties in the case agreed, Judge Edelstein called it "a historic first."

The order requires that an advertisement, detailing the terms of the proposed settlement, be published in seven consecutive issues of the New York Times, as a paper of general circulation, and of The New York Law Journal, as a paper seen by lawyers.

The advertisement will specifically invite comments on the settlement from interested members of the public and tell them where they may obtain or inspect copies of the basic documents in the case.

Anyone who wishes to comment on the settlement has 60 days from today in which to do so.

Under ordinary procedures for settling antitrust cases, the settlements become final within 30 days after being filed with a court. Judge Edelstein proposed the extension of time.

PROCEDURES CRITICIZED

The judge's action, which did not appear to imply that he saw anything wrong with the settlement of this specific case, followed mounting criticism of the procedures for settling antitrust cases from antitrust lawyers and from such organizations as Ralph Nader's antitrust study group.

The criticism intensified following disclosure of the involvement of a White House staff member in the settlement last year of cases against the International Telephone and Telegraph Corporation.

The basic trust of the criticism has been that parties other than the defendants and the Justice Department should have a greater opportunity than they do now to challenge antitrust settlements that they believe are not in the public interest.

Up until the early nineteen-sixties, there was no opportunity for participation by third parties in antitrust settlements, which were announced and made final simultaneously.

Attorney General Robert F. Kennedy, heeding criticism that had been heaped on his predecessors, adopted the procedure of announcing settlements 30 days before they became final. Dissatisfied parties could then ask for changes in the settlements, and in a few cases they have been successful. But no procedures for publicizing the settlements, beyond issuance of a Justice Department press release, were employed.

The current case involves the American Society of Mechanical Engineers, Inc., and the National Board of Boiler and Pressure Vessels Inspectors.

According to the Justice Department's original complaint, which was filed in July, 1970, the two organizations conspired illegally to deny certain safety certifications and stamps to foreign-made boilers and pressure vessels. Forty-two states and many local governments require such certifications of boilers.

The complaint said that a majority of the members of the committees of the two organizations that dealt with the safety certifications were officers or employes of domestic manufacturers of boilers or pressure vessels or their suppliers or insurers.

As is true in all settlements of antitrust cases, the accused parties did not admit that they had engaged in the illegal conduct that was alleged. But they agreed to take a number of steps aimed at making such illegal behavior impossible in the future.

Among other things, they agreed to inaugurate within 90 days "a fair, reasonable and nondiscriminatory procedure enabling foreign manufacturers who meet the requirements" to receive safety certifications and stamps" on an equal basis with domestic manufacturers."

Provisions involving licensing of inspectors on a nondiscriminatory basis are also included in the settlement.

SHOULD THE PUBLIC PLAY A ROLE IN ANTITRUST SETTLEMENT?

By Eileen Shanahan

WASHINGTON.—"Just as war is too important to be handled exclusively by the military generals, big antitrust settlements are too important to be handled exclusively by the attorneys general—of either party."

In this fashion a noted antitrust lawyer opened a panel discussion last week on the necessity and wisdom of permitting persons other than the Government and the defendant corporations to have a say in the settlement of antitrust suits.

Coincidentally, the day before the panel took place, two events raised prospects of increasing public participation in antitrust settlements:

In Hartford Federal Judge Joseph Blumenfeld ruled that Ralph Nader and an associate should be allowed at least to make their formal argument that the Government should be required to explain further why it settled three antitrust cases against the International Telephone and Telegraph Corporation.

In New York Federal Judge David N. Edelstein told the Justice Department and two trade organizations against which it had brought suit that he would not accept their settlement of the case until it had been publicized in both general-circulation and legal periodicals. The public will have 60 days, under Judge Edelstein's order, in which it may protest the settlement.

The common thread that tied together the judge's actions and the lawyer's speech was, plainly, a fear that when the Government and an antitrust defendant negotiate a settlement, the Government may not always be acting in the public interests; that it may have some reason—justifiable or otherwise—for not driving the hardest possible bargain.

That is exactly what had been alleged in the long inquiry by the Senate Judiciary Committee into the I.T.T. settlement. The implication was that the White House had persuaded the Justice Department to go easy because the company had pledged a big contribution toward the Republican National Convention.

While much testimony rebutted that notion, one indisputable point was that the Justice Department gave one set of reasons at the time the settlement was announced and another set to the committee.

In the first instance, the Government argued that the settlement was good, really reducing the impact of I.T.T.'s mergers, even though the company was allowed to retain control of the vast and highly liquid Hartford Fire Insurance Company. In the hearings, and ever since, Justice Department officials have said they settled the case because they feared the harm to I.T.T., the stock market and possibly the entire economy, if the merger with Hartford were undone.

It was on this matter that Mr. Nader went to court. At the very least, he argued, the Government should be required to state to the court itself all of its reasons for the settlement and to explain why it had not stated them from the outset. Judge Blumenfeld agreed to consider the point, and added: "What troubles me is the suggestion that a fraud has been committed upon the court."

In asking for briefs over what the Government should be required to disclose about its motives for settlement, Judge Blumenfeld was still a long way from reopening the I.T.T. settlement.

But even if he requires only that the Government explain itself, he will have injected a new element into the settlement system. Explanations of motives have not been given in the past, and the Justice Department argued before Judge Blumenfeld that it would be harmful to disclose them and to ask a court to weigh "the Attorney General's balancing of the considerations leading to a settlement." The considerations would include an assessment of the likely success or failure of the Government's case and that assessment could provide ammunition for other antitrust defendants in future cases.

"Such a judicial inquiry would, in effect, require a trial on the entire range of factors bearing on settlement, the Justice brief said. "The hearing could be as complex as a trial on the merits and it would, in effect, involve a trial of the Attorney General's good faith and good judgment."

Those who have long worried about the secrecy surrounding the Government's de-

cisions to settle antitrust cases are willing to run whatever risks may come with disclosure.

Among the worriers is Victor H. Kramer, the lawyer who said that big antitrust settlements were too important to be handled exclusively by attorneys general.

Mr. Kramer, who heads a public-interest law group at the Georgetown University Law Center, had a long career in the Government and then in private practice. He outlined some situations in which he would like to see the traditional privacy of settlement negotiations interrupted.

One of these was relevant to the I.T.T. case: the settlement "did not undo the principal acquisition attacked" in the original law suit, that of the Hartford Fire Insurance Company, although it did undo other acquisitions and forbade I.T.T. from making certain types of future acquisitions.

In the case that was heard by Judge Edelstein in New York, the issue was not explanations of the Justice Department's actions. In fact, on its surface at least, the settlement seemed to have met the test enunciated by Mr. Kramer. The settlement appeared to cover most or all of the points raised in the original suit, which involved an alleged conspiracy to keep foreign-made boilers out of the United States by denying them essential safety certifications.

Judge Edelstein gave no indication in his statements in court that he found the settlement inadequate.

He will not discuss the case, because it is still before him, but someone who knows his thinking reports that he has long been disturbed by the antitrust-settlement process. In brief, the Government and the accused company negotiate, and the Government may consult other parties, if it chooses. Once an agreement is reached, it is entered with a Federal district judge and announced, with as much or as little detail as the Government and the company wish to give.

In the ordinary case, 30 days must elapse before the settlement becomes final, and those who think the settlement is defective may ask the court for permission to intervene. The Justice Department has always opposed such intervention by "third parties," but even so, a settlement has been changed occasionally.

Judge Edelstein, who was reported to have decided after reading about the I.T.T. case, that he should follow his long-held feelings and try to improve the prospects for "third-party" interventions, ordered a 60-day waiting period in a case involving the American Society of Mechanical Engineers and the National Board of Boiler and Pressure Inspectors.

He also ordered the terms of the settlement to be advertised for seven consecutive publishing days in The New York Times and The New York Law Journal, together with information on where the full text of the settlement and other documents in the case might be obtained, or inspected—in brief, from the Justice Department's Antitrust division in Washington or at the Federal Courthouse in Foley Square in New York.

Those who have sought greater public access to the antitrust settlement process are not sure that Judge Edelstein's order will change things much, even if it is widely imitated. They question whether affected parties will learn more about settlements through Judge Edelstein's method than they do now from the department's press release.

They are looking for greater reform—possibly including public participation in the negotiating process.

Many jeer at this idea. For example, Lloyd Cutler, a noted Washington lawyer who debated Mr. Kramer on the panel, which was sponsored by the Federal Bar Association and the Bureau of National Affairs, called the idea "essentially a plan to prevent any settlement from taking place."

Mr. Cutler also expressed the fear that any formal proceeding could take a long time, so long that constructive solutions to the problems would be delayed.

Possibly his most fundamental complaint went to the notion that there would often—or ever—be anything wrong with a settlement worked out between the Justice Department and the defendant company.

The notion that someone should be allowed to intervene in the settlement process "reflects excessive skepticism about the good faith of our fellow lawyers, in and out of Government, and excessive faith in the rectitude of the facts alleged in the complaint," he said.

A major debate over the issue is currently going on in law journals, producing a number of ideas of ways to protect the public interest when antitrust suits are settled. With the growth of public-interest law firms, additional courtroom challenges will obviously be brought.

S. 3748

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as "The Antitrust Settlement Act of 1972".

SEC. 2. (a) Before any court of the United States permits any proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws and brought by or on behalf of the United States to become final, it shall:

(1) direct the United States to publicize the terms of the proposed settlement

(A) by publishing for seven days over a period of two weeks in newspapers of general circulation of the district in which the case has been filed, in Washington, D.C., and in such other districts as the court may direct (i) a summary of the terms of the proposed consent judgment or decree or other settlement, (ii) a description of the case (including the alleged conditions which lead the Department of Justice to conclude that the antitrust laws had been violated), (iii) a list of the materials available under subsection (a)(1)(B) and the places where such material is available for public inspection, and (iv) an invitation to members of the public to send their comments on the terms of the proposed consent judgment or decree or other settlement to the Attorney General; and

(B) by making available to members of the public at United States Courthouses in every district mentioned in subsection (a)(1)(A), and in such other districts as the court may deem appropriate, copies of the proposed consent judgment or decree or other settlement and such other documents as the court deems necessary to permit meaningful comment by members of the public on the proposed settlement; and

(C) by taking such other steps as the court deems appropriate to ensure that members of the public have knowledge of the terms of the proposed consent judgment or decree or other settlement and an opportunity to comment thereon; and

(2) withhold decision on whether to permit the proposed consent judgment or decree or other settlement to become final for at least 60 days, or such other longer period as it deems necessary to allow the public adequate time to comment thereon and the United States and the court adequate time to consider such comments, *provided however* that the court shall not permit the proposed consent judgment or decree or other settlement to become final before the Attorney General has complied with the requirements of subsection (b) and a hearing has been held in compliance with subsection (c).

(b) The Attorney General or his designate shall (1) distribute to the court and to the defendant copies of any comments he receives on the terms of the proposed consent judgment or decree or other settlement, and (2) if no substantial changes of public interest are made in the proposed consent judgment or decree or other settlement, submit to the court, by such date as the court may direct after the expiration of any period under subsection (a)(2), a statement that he has taken into consideration the comments, if any, received from members of the public and that he believes the proposed consent judgment or decree or other settlement to be consistent with the antitrust laws and to be in the best interests of the United States, together with a full and complete articulation of the reasons for his belief, *provided* that if substantial changes of public interest are made in the proposed consent judgment or decree or other settlement the provisions of sections (a) and (b) of this section will be applicable as if the proposed consent judgment or decree or other settlement were being presented to the Court for the first time.

(c) The court shall order that a hearing be held on whether the proposed consent judgment or decree or other settlement should be allowed to become final, unless it finds after the Attorney General has complied with subsection (b) that there is no substantial controversy concerning the proposed consent judgment or decree or other settlement. The court may direct that such hearing be held before a special master appointed for that purpose.

(d)(1) The costs of any publicity ordered by a court pursuant to this section shall be borne equally by the United States and the defendant.

(2) The court, after deciding whether to allow the proposed consent judgment or decree or other settlement to become final, may award to any persons the actual, necessary and reasonable costs incurred by such person in preparing and presenting comments or preparing and presenting responses to comments (other than the report required of the Attorney General by subsection (b)(2)) pursuant to this Act, whenever the court finds it is in the public interest to make such an award.

(e) Nothing in this section shall limit in any way the power of the courts of the United States to make such other orders in connection with a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws as the court may lawfully make; nor shall anything in this section limit or expand in any way the power of the courts to accept or reject a proposed consent judgment or decree or other settlement of any suit, action or proceeding arising under the antitrust laws or any other laws; nor shall anything in this section limit or expand in any way the rights of any person to intervene in any suit, action or proceeding arising under the antitrust laws or any other laws.

By Mr. ELLENDER:

S. 3749. A bill to authorize the Secretary of Agriculture to encourage and assist the several State in carrying out a program of animal health research. Referred to the Committee on Agriculture and Forestry.

ANIMAL HEALTH RESEARCH ACT

Mr. ELLENDER. Mr. President, the United States enjoys one of the highest standards of animal health in the world with many diseases having been eradicated or controlled. Economic losses, however, currently are experienced due to serious chronic infections and parasitic, toxic, metabolic, nutritional, reproductive, degenerative and neoplastic diseases and disorders of animals. Total loss to the public, livestock and poultry industries was estimated in 1965 to be ap-

proximately $2.7 billion a year. The food loss for which these diseases are responsible is too great to be accepted.

We are not accustomed to thinking in terms of shortages of animal protein or of other foods, but which the world's growing population overtaking the food supply, we must develop newer technology to meet and stay ahead of demand. This means intensifying efforts to improve livestock and poultry production and it means providing the domesticated animal industry with better protection against disease.

Great strides have been taken in this country in the expansion of livestock production and many noteworthy improvements have been achieved in the breeding, nutrition, and management of herds and flocks. However, the presence of animal disease has been and continues to be the most important limiting factor to the continued expansion of the industry. In the report "A National Program of Research for Agriculture" it was stated that "infectious diseases represent the single greatest hazard to the production of an adequate and wholesome supply of animal protein." Ironically, the conditions which give rise to these disease dangers are more widespread today than ever before. Both livestock and poultry are now concentrated in larger and more intensively managed units. This system has the inherent risk of greater and more frequent exposure to the ever present sources of disease. The National Academy of Sciences has estimated the animal disease losses to be 15 to 20 percent per year in the United States and 30 to 40 percent in less developed countries of the world.

Members of the Council on Research of the American Veterinary Medical Association have expressed concern over the limited scope of research on livestock and poultry disease problems. They concluded that the present research effort is incompatible with future demands to meet the Nation's or the world's food needs and went on record recommending a substantial increase in the livestock disease research effort, and so they developed this bill which I am now introducing.

Veterinary medical research is conducted in all of the 18 schools of veterinary medicine and in 36 agricultural experiment stations in the United States and Puerto Rico which do not have schools. Associated with the latter group are 19 departments of veterinary science and 49 departments of animal science, animal pathology or the equivalent. These, plus the USDA laboratories constitute the principal institutions where veterinary research is conducted.

In fiscal year 1969, the State agricultural experiment stations expended approximately $15.3 million in support of research on livestock and poultry diseases and parasites. This amount included moneys from State and Federal appropriations and some support from industry. In addition, $926,241 of USDA federally appropriated funds were used to pay State experiment stations for performance of specific research contracts, grants and cooperative agreements. During the same period the U.S. Department of Agriculture Research Agencies spent approximately $16.6 million in support of livestock and poultry disease research and an additional $331,718 in support of contracts, grants, and cooperative agreements. If these estimates are correct, the total cost of research work on animal diseases and parasites is little more than 1 percent of the estimated annual losses. This is not an adequate program.

The proposed act would provide funding for the colleges of veterinary medicine and, in those States not having a school of veterinary medicine, the departments of veterinary science or animal pathology or similar units conducting animal health research in the State agricultural experiment stations. The basic distribution of funds to the institutions would be on a formula administered by the Secretary of Agriculture in consultation with an advisory board taking into account the livestock and poultry values and the research capacities in each State.

Authority also would be provided for the Secretary to support the funding of needed research facilities. The funds for facilities also would be apportioned among the research institutions in the several States, except that, to meet special needs, the Secretary could request additional funds for facilities at one or more of the eligible institutions, after consultation with the advisory board.

The advisory board, appointed by the Secretary, would be composed of members representing livestock and poultry associations, the schools of veterinary medicine, and the appropriate animal health research units of the agricultural experiment stations. The advisory board would recommend priorities for the conduct of animal health research and otherwise advise the Secretary in administering the provisions of the act.

I am concerned about certain definitions used in section 3 of this bill, especially that applied to eligible institutions. It seems to me that animal health research should be done wherever the talent exists and whenever a salutary effect on animal health can be achieved. It is vital to State, regional, and national interests that we do not exclude any capabilities or competencies in our effort to improve the health status of the livestock and poultry industries. This bill excludes animal health research in agricultural experiment stations in those States having a school of veterinary medicine. In the final analysis, my suggestion would be to include as eligible institutions both colleges of veterinary medicine and agricultural experiment stations. This in effect would qualify health research and would reduce duplicate efforts in terms of research administration as was done in the McIntire-Stennis Cooperative Forestry Act. However, to delay enacting such legislation would delay implementing essential animal disease programs and would add to the increased pressures being applied to the livestock and poultry industries of the Nation. I am confident that any inequities, whatever they be, can be resolved before this measure is reported to the Senate.

Too often we consider that animal disease losses are problems of livestock producers only. Disease losses necessarily must be reflected in the price of meat, milk, eggs, and wool. The price of pork is influenced by young pigs which die before they reach marketable age. Bovine mastitis reduces milk production and increases the market price of milk. Disease losses are a part of the cost of production and the public must pay for this as well as for the cost of feed and care of producing animals. The prices of livestock and animal products on the market are geared to average disease losses and this figure today is much greater than it should be. The producer who can manage to keep his losses low, profits by greater margins. The ones that have excessive losses eventually go out of business.

The Animal Health Research Act would make possible an expanded animal disease research program essential to achieving goals outlined in the National Program of Research for Agriculture. I am confident this bill will receive the most serious consideration in forthcoming attempts to correct the imbalanced funding on animal disease research. We must move toward early enactment of such legislation.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a list of veterinary medical colleges and State agricultural experiment stations which would be eligible to receive Animal Health Act funds.

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

ANIMAL HEALTH RESEARCH ACT

1. VETERINARY MEDICAL COLLEGES ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

School of Veterinary Medicine, Auburn University, Auburn, Ala.

School of Veterinary Medicine, Tuskegee Institute, Tuskegee Institute, Ala.

School of Veterinary Medicine, University of California, Davis, Calif.

College of Veterinary Medicine, Colorado State University, Fort Collins, Colo.

School of Veterinary Medicine, University of Georgia, Athens, Ga.

College of Veterinary Medicine, University of Illinois, Urbana, Ill.

School of Veterinary Science and Medicine, Purdue University, Lafayette, Ind.

College of Veterinary Medicine, Iowa State University, Ames, Iowa.

College of Veterinary Medicine, Texas A&M University, College Station, Tex.

College of Veterinary Medicine, Kansas State University, Manhattan, Kans.

College of Veterinary Medicine, Michigan State University, East Lansing, Mich.

College of Veterinary Medicine, University of Minnesota, St. Paul, Minn.

School of Veterinary Medicine, University of Missouri, Columbia, Mo.

New York State Veterinary College, Cornell University, Ithaca, N.Y.

College of Veterinary Medicine, Ohio State University, Columbus, Ohio.

College of Veterinary Medicine, Oklahoma State University, Stillwater, Okla.

School of Veterinary Medicine, University of Pennsylvania, Philadelphia, Pa.

College of Veterinary Medicine, Washington State University, Pullman, Wash.

2. STATE AGRICULTURAL EXPERIMENT STATIONS ELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH FUNDS

Institute of Agricultural Sciences, University of Alaska, College, Alaska.*

Arizona Agricultural Experiment Station, Tucson, Ariz.

Arkansas Agricultural Experiment Station, Fayetteville, Ark.
Connecticut Agricultural Experiment Station, New Haven, Conn.*
Connecticut Agricultural Experiment Station, Storrs, Conn.
Delaware Agricultural Experiment Station, Newark, Del.
Institute of Food and Agricultural Sciences, University of Florida, Gainesville, Fla.
Hawaii Agricultural Experiment Station, University of Hawaii, Honolulu, Hawaii.
Idaho Agricultural Experiment Station, Moscow, Idaho.
Kentucky Agricultural Experiment Station, Lexington, Ky.
Louisiana Agricultural Experiment Station, University Station, Baton Rouge, La.
Maine Agricultural Experiment Station, Orono, Maine.
Maryland Agricultural Experiment Station, College Park, Md.
Massachusetts Agricultural Experiment Station, Amherst, Mass.
Mississippi Agricultural and Forestry Experiment Station, State College, Miss.
Montana Agricultural Experiment Station, Bozeman, Mont.
Nebraska Agricultural Experiment Station, Lincoln, Nebr.
Nevada Agricultural Experiment Station, Reno, Nev.
New Hampshire Agricultural Experiment Station, Durham, N.H.
New Jersey Agricultural Experiment Station, New Brunswick, N.J.
New Mexico Agricultural Experiment Station, New Mexico State University, Las Cruces, N. Mex.
New York State Agricultural Experiment Station, Geneva, N.Y.*
North Carolina Agricultural Experiment Station, Raleigh, N.C.
North Dakota Agricultural Experiment Station, State University Station, Fargo, N. Dak.
Ohio Agricultural Research and Development Center, Wooster, Ohio.
Oregon Agricultural Experiment Station, Corvallis, Oreg.
Pennsylvania Agricultural Experiment Station, University Park, Pa.
Puerto Rico Agricultural Experiment Station, Rio Piedras, P.R.
Rhode Island Agricultural Experiment Station, Kingston, R.I.
South Carolina Agricultural Experiment Station, Clemson, S.C.
South Dakota Agricultural Experiment Station, Brookings, S. Dak.
Tennessee Agricultural Experiment Station, Knoxville, Tenn.
Utah Agricultural Experiment Station, Logan, Utah
Vermont Agricultural Experiment Station, Burlington, Vt.
Agricultural and Life Sciences Research Division, Virginia Polytechnic Institute, Blacksburg, Va.
West Virginia Agricultural Experiment Station, Morgantown, W. Va.
Wisconsin Agricultural Experiment Station, Madison, Wis.
Wyoming Agricultural Experiment Station, University Station, Laramie, Wyo.

3. STATE AGRICULTURAL EXPERIMENT STATIONS INELIGIBLE TO RECEIVE ANIMAL HEALTH RESEARCH ACT FUNDS

Alabama Agricultural Experiment Station, Auburn, Ala.
California Agricultural Experiment Station, Berkeley, Calif.
Colorado Agricultural Experiment Station, Fort Collins, Colo.
Georgia Agricultural Experiment Station, Athens, Ga.
Illinois Agricultural Experiment Station, Urbana, Ill.
Indiana Agricultural Experiment Station, Lafayette, Ind.
Iowa Agriculture and Home Economics Experiment Station, Ames, Iowa.
Kansas Agricultural Experiment Station, Manhattan, Kans.
Michigan Agricultural Experiment Station, East Lansing, Mich.
Minnesota Agricultural Experiment Station, St. Paul Campus, St. Paul, Minn.
Missouri Agricultural Experiment Station, Columbia, Mo.
New York Agricultural Experiment Station, Cornell Station, Ithaca, N.Y.
Oklahoma Agricultural Experiment Station, Stillwater, Okla.
Texas Agricultural Experiment Station, College Station, Tex.
Washington Agricultural Experiment Station, Pullman, Wash.

* Eligible Agricultural Experiment Station in which there apparently is not current animal health research.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 3492

At the request of Mr. MATHIAS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972.

S. 3700

At the request of Mr. RIBICOFF, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 3700, a bill to allow tuition tax credits to the parents of non-public-school students.

S. 3741

At the request of Mr. MATHIAS, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 3741, a bill to require full disclosure for Members of Congress.

SENATE RESOLUTION 327—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF "SOCIAL SECURITY AND WELFARE REFORM"

(Referred to the Committee on Rules and Administration.)

Mr. LONG submitted the following resolution:

S. RES. 327

Resolved, That there be printed for the use of the Committee on Finance two thousand additional copies of its Committee Print of the current Congress entitled "Social Security and Welfare Reform."

DEPARTMENTS OF LABOR, AND HEALTH, EDUCATION, AND WELFARE, AND RELATED AGENCIES APPROPRIATIONS, 1973—AMENDMENTS

AMENDMENTS NO. 1288 AND 1289

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

Mr. PASTORE submitted two amendments intended to be proposed by him to the bill (H.R. 15417) making appropriations for the Department of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973, and for other purposes.

AMENDMENT NO. 1300

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

Mr. SCOTT, for himself, Mr. SCHWEIKER, and Mr. MATHIAS, submitted an amendment intended to be proposed by them jointly to the bill (H.R. 15417), supra.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1973—NOTICES OF MOTIONS TO SUSPEND THE RULE

AMENDMENT NO. 1290

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, after the figure on line 13 insert a comma and the following: "including not to exceed $50,000 for reconstruction of certain streets in Harpers Ferry, West Virginia".

Mr. BIBLE submitted the amendment (No. 1290) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1291

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $450,000 shall be for assistance to the Rocky Boy School District, Rocky Boy Indian Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1291) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1292

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $320,000 shall be for assistance to the Lame Deer Public School District No. 6, Northern Cheyenne Reservation, Montana;".

Mr. BIBLE submitted the amendment (No. 1292) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1293

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice

in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, after line 5, insert the following: "that not to exceed $465,000 shall be for assistance to the Dunseith, North Dakota, Public School District No. 1;".

Mr. BIBLE submitted the amendment (No. 1293) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1294

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 7, line 19, after "$50,000,000" insert a colon and the following:

"*Provided*, That there shall be advanced from the Alaska Native Fund upon request of the board of directors of any Regional Corporation established pursuant to section 7 of said Act, $500,000 for any one Regional Corporation, which shall be reduced by any amount advanced to such Regional Corporation prior to July 1, 1972, and an additional $1,000,000 to be available for distribution by the Secretary among the Corporations, which the Secretary of the Interior shall determine to be necessary for the organization of such Regional Corporation and the Village Corporations within such region, and to identify land for such Corporations pursuant to said Act, and to repay loans and other obligations incurred prior to May 27, 1972, for such purposes: *Provided further*, That such advances shall not be subject to the provisions of section 7(j) of said Act, but shall be charged to and accounted for by such Regional and Village Corporations in computing the distributions pursuant to section 7(j) required after the first regular receipt of moneys from the Alaska Native Fund under section 6 of said Act: *Provided further*, That no part of the money so advanced shall be used for the organization of a Village Corporation that had less than twenty-five Native residents living within such village according to the 1970 census".

Mr. BIBLE submitted the amendment (No. 1294) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1295

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided*, That $90,000 representing the National Park Service share for planning a modern sewage system and treatment plant, in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to service said towns and Harpers Ferry National Historical Park shall not be available until such time as agreement relating to the procedures and funding for design, construction, and operation of the facility is consummated among the concerned agencies".

Mr. BIBLE submitted the amendment (No. 1295) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1296

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 20, line 23, after the word "expended" insert a colon and the following: "*Provided further*, That $550,000 shall be available to the National Park Service to complete the construction of two locomotives, a locomotive storage and display building, and for the restoration of historic trestles at Golden Spike National Historic Site notwithstanding the Act of July 30, 1965 (P.L. 89–102)".

Mr. BIBLE submitted the amendment (No. 1296) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

AMENDMENT NO. 1297

Mr. BIBLE submitted the following notice in writing:

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 15418) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1973, and for other purposes, the following amendment, namely:

Page 38, after line 26, insert the following:

"John F. Kennedy Center for the Performing Arts

"For expenses necesary for operating and maintaining the non-performing arts functions of the John F. Kennedy Center for the Performing Arts, $1,500,000, to be available for obligations incurred in fiscal year 1972."

Mr. BIBLE submitted the amendment (No. 1297) intended to be proposed by him to the bill (H.R. 15418), supra, which was ordered to be printed and to lie on the table.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1298

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

Mr. GURNEY submitted an amendment intended to be proposed by him to the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

EXTENSION OF LEVEL IN THE PUBLIC DEBT—AMENDMENT

AMENDMENT NO. 1299

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

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 15390) to provide for a 4-month extension of the present temporary level in the public debt limitation.

MARINE MAMMAL PROTECTION ACT

AMENDMENT NO. 1275

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Oklahoma (Mr. HARRIS.)

The PRESIDING OFFICER. Without objection it is so ordered.

STATEMENT BY SENATOR HARRIS

On June 23 I introduced with the junior Senator from New Jersey (Mr. WILLIAMS), the senior Senator from New Jersey (Mr. CASE), the senior Senator from California (Mr. CRANSTON), the senior Senator from Illinois (Mr. PERCY), the junior Senator from Vermont (Mr. STAFFORD), the junior Senator from Illinois (Mr. STEVENSON), and the junior Senator from Ohio (Mr. TAFT) several amendments pertaining to the Marine Mammals Protection Act of 1972. It has come to my attention that through a clerical error included in the package was an amendment to transfer authority for implementation of the Act from the Secretary of Commerce to the Secretary of Interior.

I personnally support such an amendment which I understand will be offered during Senate debate on the Marine Mammals Protection Act. But the amendment, number 1275, should not have been included in the package.

For parliamentary reasons it is not possible for an amendment once introduced to be withdrawn. However, I wish to clarify now that the Senators listed as co-sponsors of the package do support amendments 1274, 1276, 1277, and 1278. My introduction of amendment number 1275 does not necessarily reflect their position on the issue of whether the Secretary of Commerce or the Secretary of Interior should be required to implement the proposed legislation.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 1273

At the request of Mr. CASE, the Senator from Missouri (Mr. EAGLETON), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kentucky (Mr. COOK), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of Amendment No. 1273, intended to be offered to the bill (H.R. 15417) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1973.

ANNOUNCEMENT OF HEARING ON BILL TO AMEND THE ADMINISTRATIVE CONFERENCE ACT

Mr. KENNEDY. Mr. President, on Tuesday, June 27, 1972 at 2 p.m. in room 4232, New Senate Office Building, the Subcommittee on Administrative Practice and Procedure will hold a legislative hearing on S. 3671, a bill to amend the Administrative Conference Act. The bill would first, authorize the Conference to seek a level of funding to expand its activities; and second, permit it to enter into supporting research arrangements

and to receive grants from private nonprofit institutions. Witnesses will include Roger C. Cramton, chairman of the Administrative Conference of the United States, and Warner W. Gardner, a Washington attorney who is a member of the conference and chairman of its informal action committee.

NOTICE OF HEARING ON IMPACT OF SUPREME COURT WIRETAPPING DECISION

Mr. KENNEDY. Mr. President, the Senate Subcommittee on Administrative Practice and Procedure will hold a hearing on Thursday, June 29, 1972, on the interpretation, implementation, and implications of the Supreme Court's June 19 decision that the Attorney General must obtain court warrants before he can wiretap or bug for so-called "domestic security" information.

The Supreme Court has given the Amercan people new confidence that our liberty and freedom will be protected from Government interference. The Court has unanimously rejected the administration's claim that it could bug or wiretap anyone it wanted to, without any judicial authorization or controls. But the Court's ruling will turn out to be a cruel hoax on us all unless we can be sure that the Department of Justice intends to translate both the letter and the spirit of the decision into a real reduction in the amount of warrantless executive branch electronic spying on domestic groups and individuals. Thus it is vital that the public be told now how the Department interprets the Supreme Court's decision and what is being done to implement it. Among the questions which need answers are:

How many bugs and taps have been removed as a result of the decision?

Will the Department use the existing statutory procedures to obtain new warrants for "domestic security" intelligence or will it await the passage of new legislation specifically designed for such matters, as the Court suggests?

What level of foreign domination and control over a domestic group will be considered sufficient to bring the group into the area of foreign activities which the Court has not yet ruled upon, and what procedures will be followed in this area?

What will be done to notify those who have been unlawfully bugged and tapped since passage of the 1968 law so that their possible entitlement to damages can be determined?

The Department of Justice will be represented at the hearing by Deputy Assistant Attorney General for Internal Security, Kevin Maroney. Other witnesses invited include former Attorney General Ramsey Clark, former Assistant to the Solicitor General Nathan Lewin, and other experts. These witnesses will discuss both the Supreme Court opinion and the Department's interpretation of the opinion, as well as the practical impact of the decision on the Government's information-gathering functions, on the criminal justice system, and on citizen privacy.

Especially at a time when the arrest of the "Watergate 5" with bugging equipment in the offices of a political party has given Americans new concern about the sanctity of their homes and offices, it is vital that they be reassured that unauthorized eavesdropping will not be conducted by government agents. Of course, at this time it would be premature for the subcommittee to delve into the Watergate case itself. I would expect, however, that the professional staffs of the Criminal Division, the U.S. Attorney's Office, the FBI, and the Metropolitan Police have been authorized and directed to proceed independently of any political influence or control, to utilize every available resource, and to determine all the facts as to the ultimate responsibility for the alleged spying activities. In particular that investigation must necessarily determine the involvement of employees, consultants, or agents of the White House or White House-connected organizations—such as the Nixon Reelection Committee or the Republican National Committee—in the Watergate incident or related activities.

The Nation is also entitled to expect that, at the earliest possible moment, the Departemnt of Justice will give the American public as full and comprehensive a report as possible on these matters, consistent with the rights of those who may actually be indicted.

For certainly if there is no involvement of its staff or party, the administration should have no hesitation to reveal the facts fully. And if any of them is involved, then the public has a right to know, and to know immediately and completely, who and how and why.

The subcommittee's hearing is scheduled for 10 a.m. in room 6202, New Senate Office Building. To assist those who may be interested in the subject of warrantless electronic surveillance and who may wish to provide the subcommittee with their views of the implications of the Supreme Court decision, I ask unanimous consent that a copy of the Supreme Court's opinion in the case of the United States District Court, et al. (Keith) be printed in the RECORD at this point.

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

UNITED STATES v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN ET AL.

(Certiorari to the United States Court of Appeals for the Sixth Circuit; No. 70–153. Argued February 24, 1972—Decided June 19, 1972)

SYLLABUS

The United States charged three defendants with conspiring to destroy and one of them with destroying, Government property. In response to the defendants' pretrial motion for disclosure of electronic surveillance information, the Government filed an affidavit of the Attorney General stating that he had approved the wiretaps for the purpose of gather[ing] intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." On the basis of the affidavit and surveillance logs (filed in a sealed exhibit), the Government claimed that the surveillances, though warrantless, were lawful as a reasonable exercise of presidential power to protect the national security. The District Court, holding the surveillances violative of the Fourth Amendment, issued an order for disclosure of the overheard conversations, which the Court of Appeals upheld. Title III of the Omnibus Crime Control and Safe Streets Act, which authorizes court-approved electronic surveillance for specified crimes, contains a provision in 18 U.S.C. § 2511(3) that nothing in that law limits the President's constitutional power to protect against the overthrow of the Government or against "any other clear and present danger to the structure or existence of the Government." The Government relies on § 2511(3) in support of its contention that "in excepting national security surveillances from the Act's warrant requirement, Congress recognized the President's authority to conduct such surveillances without prior judicial approval." *Held:*

1. Section 2511(3) is merely a disclaimer of congressional intent to define presidential powers in matters affecting national security, and is not a grant of authority to conduct warrantless national security surveillances. Pp. 4–10.

2. The Fourth Amendment (which shields private speech from unreasonable surveillance) requires prior judicial approval for the type of domestic security surveillance involved in this case. Pp. 16–23, 25.

(a) The Government's duty to safeguard domestic security must be weighed against the potential danger that unreasonable surveillances pose to individual privacy and free expression. Pp. 16–17.

(b) The freedoms of the Fourth Amendment cannot properly be guaranteed if domestic security surveillances are conducted solely within the discretion of the executive branch without the detached judgment of a neutral magistrate. Pp. 18–20.

(c) Resort to appropriate warrant procedure would not frustrate the legitimate purposes of domestic security searches. Pp. 20–23.

444 F. 651, affirmed.

POWELL, J., delivered the opinion of the Court, in which DOUGLAS, BRENNAN, MARSHALL, STEWART, and BLACKMUN, JJ., joined. DOUGLAS, J., filed a concurring opinion. BURGER, C. J., concurred in the result. WHITE, J., filed an opinion concurring in the judgment. REHNQUIST, J., took no part in the consideration or decision of the case.

Mr. JUSTICE POWELL delivered the opinion of the Court.

The issue before us is an important one for the people of our country and their Government. It involves the delicate question of the President's power, acting through the Attorney General, to authorize electronic surveillance in internal security matters without prior judicial approval. Successive Presidents for more than one-quarter of a century have authorized such surveillance in a varying degrees,[1] without guidance from the Congress or a definitive decision of this Court. This case brings the issue here for the first time. Its resolution is a matter of national concern, requiring sensitivity both to the Government's right to protect itself from unlawful subversion and attack and to the citizen's right to be secure in his privacy against unreasonable Government intrusion.

This case arises from a criminal proceeding in the United States District Court for the Eastern District of Michigan, in which the United States charged three defendants with conspiracy to destroy Government property in violation of 18 U.S.C. § 371. One of the defendants, Plamondon, was charged with the dynamite bombing of an office of the Central Intelligence Agency in Ann Arbor, Michigan.

During pretrial proceedings, the defendants moved to compel the United States to disclose certain electronic surveillance information and to conduct a hearing to determine whether this information "tainted" the evidence on which the indict-

Footnotes at end of article.

ment was based or which the Government intended to offer at trial. In response, the Government filed an affidavit of the Attorney General, acknowledging that its agents had overheard conversations in which Plamondon had participated. The affidavit also stated that the Attorney General approved the wiretaps "to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." [2] The affidavit, together with the logs of the surveillance, were field in a sealed exhibit for *in camera* inspection by the District Court.

On the basis of the Attorney General's affidavit and the sealed exhibit, the Government asserted that the surveillances were lawful, though conducted without prior judicial approval, as a reasonable exercise of the President's power (exercised through the Attorney General) to protect the national security. The District Court held that the surveillance violated the Fourth Amendment, and ordered the Government to make full disclosure to Plamondon of his overheard conversations. —— F. Supp. ——.

The Government then filed in the Court of Appeals for the Sixth Circuit a petition for a writ of mandamus to set aside the District Court order, which was stayed pending final disposition of the case. After concluding that it had jurisdiction,[3] that court held that the surveillances were unlawful and that the District Court had properly required disclosure of the overheard conversations, 444 F. 2d 651 (1971). We granted certiorari, 403 U.S. 930.

I

Title III of the Omnibus Crime Control and Safe Streets Act, 18 U. S. C. §§ 2510–2520, authorizes the use of electronic surveillance for classes of crimes carefully specified in 18 U. S. C. § 2516. Such surveillance is subject to prior court order. Section 2518 sets forth the detailed and particularized application necessary to obtain such an order as well as carefully circumscribed conditions for its use. The Act represents a comprehensive attempt by Congress to promote more effective control of crime while protecting the privacy of individual thought and expression. Much of Title III was drawn to meet the constitutional requirements for electronic surveillance enunciated by this Court in *Berger* v. *New York*, 388 U. S. 41 (1967), and *Katz* v. *United States*, 389 U. S. 347 (1967).

Together with the elaborate surveillance requirements in Title III, there is the following proviso, 18 U. S. C. § 2511 (3):

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U. S. C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. *Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any other clear and present danger to the structure or existence of the Government.* The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial, hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis supplied.)

The Government relies on § 2511(3). It argues that "in excepting national security surveillances from the Act's warrant requirement Congress recognized the President's authority to conduct such surveillances without prior judicial approval." Govt. Brief, pp. 7, 28. The section thus is viewed as a recognition or affirmance of a constitutional authority in the President to conduct warrantless domestic security surveillance such as that involved in this case.

We think the language of § 2511(3), as well as the legislative history of the statute, refutes this interpretation. The relevant language is that:

"Nothing contained in this chapter . . . shall limit the constitutional power of the President to take such measures as he deems necessary to protect . . ." against the dangers specified. At most, this is an implicit recognition that the President does have certain powers in the specified areas. Few would doubt this, as the section refers—among other things—to protection "against actual or potential attack or other hostile acts of a foreign power." But so far as the use of the President's electronic surveillance power is concerned, the language is essentially neutral.

Section 2511(3) certainly confers no power, as the language is wholly inappropriate for such a purpose. It merely provides that the Act shall not be interpreted to limit or disturb such power as the President may have under the Constitution. In short, Congress simply left presidential powers where it found them. This view is reinforced by the general context of Title III. Section 2511(1) broadly prohibits the use of electronic surveillance "except as otherwise specifically provided in this chapter." Subsection (2) thereof contains four specific exceptions. In each of the specified exceptions, the statutory language is as follows:

"It shall not be unlawful . . . to intercept" the particular type of communication described.[4]

The language of subsection (3), here involved, is to be contrasted with the language of the exceptions set forth in the preceding subsection. Rather than stating that warrantless presidential uses of electronic surveillance "shall not be unlawful" and thus employing the standard language of exception, subsection (3) merely disclaims any intention to "limit the constitutional power of the President."

The express grant of authority to conduct surveillances is found in § 2516, which authorizes the Attorney General to make application to a federal judge when surveillance may provide evidence of certain offenses. These offenses are described with meticulous care and specificity.

Where the Act authorizes surveillance, the procedure to be followed is specified in § 2518. Subsection (1) thereof requires application to a judge of competent jurisdiction for a prior order of approval, and states in detail the information required in such application.[5] Subsection (3) prescribes the necessary elements of probable cause which the judge must find before issuing an order authorizing an interception. Subsection (4) sets forth the required contents of such an order. Subsection (5) sets strict time limits on an order. Provision is made in subsection (7) for "an emergency situation" found to exist by the Attorney General (or by the principal prosecuting attorney of a State) "with respect to conspiratorial activities threatening the national security interest." In such a situation, emergency surveillance may be conducted "if an application for an order approving the interception is made . . . within 48 hours." If such an order is not obtained, or the application therefor is denied, the interception is deemed to be a violation of the Act.

In view of these and other interrelated provisions delineating permissible interceptions of particular criminal activity upon carefully specified conditions, it would have been incongruous for Congress to have legislated with respect to the important and complex area of national security in a single brief and nebulous paragraph. This would not comport with the sensitivity of the problem involved or with the extraordinary care Congress exercised in drafting other sections of the Act. We therefore think the conclusion inescapable that Congress only intended to make clear that the Act simply did not legislate with respect to national security surveillances.[6]

The legislative history of § 2511 (3) supports this interpretation. Most relevant is the colloquy between Senators Hart, Holland, and McClellan on the Senate floor:

"Mr. HOLLAND. . . . The section [2511(3)] from which the Senator [Hart] has read does not affirmatively give any power. . . . *We are not affirmatively conferring any power upon the President.* We are simply saying that nothing herein shall limit such power as the President has under the Constitution. . . . We certainly do not grant him a thing.

"There is nothing affirmative in this statement.

"Mr. MCCLELLAN. Mr. President, *we make it understood that we are not trying to take anything away from him.*

"Mr. HOLLAND. The Senator is correct.

"Mr. HART. Mr. President, there is no intention here to expand by this language a constitutional power. Clearly we could not do so.

"Mr. MCCLELLAN. Even though we intended, we could not do so.

"Mr. HART. . . . However, we agreed that this language should not be regarded as intending to grant any authority, including authority to put a bug on, that the President does not have now.

"In addition, Mr. President, *as I think our exchange makes clear, nothing in Section 2511(3) even attempts to define the limits of the President's national security power under present law, which I have always found extremely vague. . . . Section 2511(3) merely says that if the President has such a power, then its exercise is in no way affected by title III.* (Emphasis supplied.)[7]

One could hardly except a clearer expression of congressional neutrality. The debate above explicitly indicates that nothing in § 2511(3) was intended to *expand* or to *contract* or to *define* whatever presidential surveillance powers existed in matters affecting the national security. If we could accept the Government's characterization of § 2511(3) as a congressionally prescribed exception to the general requirement of a warrant, it would be necessary to consider the question of whether the surveillance in this case came within the exception and, if so, whether the statutory exception was itself constitutionally valid. But viewing § 2511(3) as a congressional disclaimer and expression of neutrality, we hold that the statute is not the measure of the executive authority asserted in this case. Rather, we must look to the constitutional powers of the President.

II

It is important at the outset to emphasize the limited nature of the question before the Court. This case raises no constitutional challenge to electronic surveillance as specifically authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968. Nor is there any question or doubt as to the necessity of obtaining a warrant in the surveillance of crimes unrelated to the national security interest. *Katz* v. *United States*, 389 U.S. 347 (1967); *Berger* v. *New York*, 388 U.S. 41 (1967). Further, the instant case requires no judgment on the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country. The Attorney General's affidavit in this case states that the surveil-

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lances were "deemed necessary to protect the nation from attempts of *domestic organizations* to attack and subvert the existing structure of Government" (emphasis supplied). There is no evidence of any involvement, directly or indirectly, of a foreign power.[8]

Our present inquiry, though important, is therefore a narrow one. It addresses a question left open by *Katz, supra,* p. 358, n. 23:

"Whether safeguards other than prior authorization by a magistrate would satisfy the Fourth Amendment in a situation involving the national security . . . ."

The determination of this question requires the essential Fourth Amendment inquiry into the "reasonableness" of the search and seizure in question, and the way in which that "reasonableness" derives content and meaning through reference to the warrant clause. *Coolidge* v. *New Hampshire,* 403 U. S. 443, 473–484 (1971).

We begin the inquiry by noting that the President of the United States has the fundamental duty, under Art. II, § 1, of the Constitution, "to preserve, protect, and defend the Constitution of the United States." Implicit in that duty is the power to protect our Government against those who would subvert or overthrow it by unlawful means. In the discharge of this duty, the President—through the Attorney General—may find it necessary to employ electronic surveillance to obtain intelligence information on the plans of those who plot unlawful acts against the Government.[9] The use of such surveillance in internal security cases has been sanctioned more or less continuously by various Presidents and Attorneys General since July 1946.[10] Herbert Brownell, Attorney General under President Eisenhower, urged the use of electronic surveillance both in internal and international security matters on the grounds that those acting against the Government

"turn to the telephone to carry on their intrigue. The success of their plans frequently rests upon piecing together shreds of information received from many sources and many nests. The participants in the conspiracy are often dispersed and stationed in various strategic positions in government and industry throughout the country."[11]

Though the Government and respondents debate their seriousness and magnitude, threats and acts of sabotage against the Government exist in sufficient number to jusitfy investigative powers with respect to them.[12] The covertness and complexity of potential unlawful conduct against the Government and the necessary dependency of many conspirators upon the telephone make electronic surveillance an effective investigatory instrument in certain circumstances. The marked acceleration in technological developments and sophistication in their use have resulted in new techniques for the planning, commission and concealment of criminal activities. It would be contrary to the public interest for Government to deny to itself the prudent and lawful employment of those very techniques which are employed against the Government and its law abiding citizens.

It has been said that "the most basic function of any government is to provide for the security of the individual and of his property." *Miranda* v. *Arizona,* 384 U.S. 436, 539 (1966) (WHITE, J., dissenting). And unless Government safeguards its own capacity to function and to preserve the security of its people, society itself could become so disordered that all rights and liberties would be endangered. As Chief Justice Hughes reminded us in *Cox* v. *New Hampshire,* 312 U.S. 569, 574 (1940):

"Civil liberties, as guaranteed by the Constitution, imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses."

But a recognition of these elementary truths does not make the employment by Government of electronic surveillance a welcome development—even when employed with restraint and under judicial supervision. There is, understandably, a deep-seated uneasiness and apprehension that this capability will be used to intrude upon cherished privacy of law-abiding citizens.[13] We look to the Bill of Rights to safeguard this privacy. Though physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed, its broader spirit now shields private speech from unreasonable surveillance. *Katz* v. *United States, supra; Berger* v. *New York, supra; Silverman v. United States,* 365 U.S. 505 (1961). Our decision in *Katz* refused to lock the Fourth Amendment into instances of actual physical trespass. Rather, the Amendment governs "not only the seizure of tangible items, but extends as well to the recording of oral statements 'without any technical trespass under . . . local property law.' " *Katz, supra,* at 353. That decision implicitly recognized that the broad and unsuspected governmental incursions into conversational privacy which electronic surveillance entails[14] necessitate the application of Fourth Amendment safeguards.

National security cases, moreover, often reflect a convergence of First and Fourth Amendment values not present in cases of "ordinary" crime. Though the investigative duty of the executive may be stronger in such cases, so also is there greater jeopardy to constitutionally protected speech. "Historically the struggle for freedom of speech and press in England was bound up with the issue of the scope of the search and seizure power," *Marcus* v. *Search Warrant,* 367 U.S. 717, 724 (1961). History abundantly documents the tendency of Government—however benevolent and benign its motives—to view with suspicion those who most fervently dispute its policies. Fourth Amendment protections become the more necessary when the targets of official surveillance may be those suspected of unorthodoxy in their political beliefs. The danger to political dissent is acute where the Government attempts to act under so vague a concept as the power to protect "domestic security." Given the difficulty of defining the domestic security interest, the danger of abuse in acting to protect that interest becomes apparent. Senator Hart addressed this dilemma in the floor debate on § 2511(3):

"As I read it—and this is my fear—we are saying that the President, on his motion, could declare—name your favorite poison—draft dodgers, Black Muslims, the Ku Klux Klan, or civil rights activists to be a clear and present danger to the structure or existence of the Government."[15]

The price of lawful public dissent must not be a dread of subjection to an unchecked surveillance power. Nor must the fear of unauthorized official eavesdropping deter vigorous citizen dissent and discussion of Government action in private conversation. For private dissent, no less than open public discourse, is essential to our free society.

III

As the Fourth Amendment is not absolute in its terms, our task is to examine and balance the basic values at stake in this case: the duty of Government to protect the domestic security, and the potential danger posed by unreasonable surveillance to individual privacy and free expression. If the legitimate need of Government to safeguard domestic security requires the use of electronic surveillance, the question is whether the needs of citizens for privacy and free expression may not be better protected by requiring a warrant before such surveillance is undertaken. We must also ask whether a warrant requirement would unduly frustrate the efforts of Government to protect itself from acts of subversion and overthrow directed against it.

Though the Fourth Amendment speaks broadly of "unreasonable searches and seizures," the definition of "reasonableness" turns, at least in part, on the more specific commands of the warrant clause. Some have argued that "the relevant test is not whether it was reasonable to procure a search warrant, but whether the search was reasonable," *United States* v. *Rabinowitz,* 339 U.S. 56, 66 (1950).[16] This view, however, overlooks the second clause of the Amendment. The warrant clause of the Fourth Amendment is not dead language. Rather it has been

"a valued part of our constitutional law for decades, and it has determined the result in scores and scores of cases in the courts all over this country. It is not an inconvenience to be somehow 'weighed' against the claims of police efficiency. It is, or should be, an important working part of our machinery of government, operating as a matter of course to check the 'well-intentioned but mistakenly over-zealous executive officers' who are a part of any system of law enforcement." *Coolidge* v. *New Hampshire, supra,* at 491.

See also *United States* v. *Rabinowitz,* 339 U.S. 57, 68 (1950) (Frankfurter, J., dissenting); *Davis* v. *United States,* 328 U.S. 582, 604 (Frankfurter, J., dissenting).

Over two centuries ago, Lord Mansfield held that common law principles prohibited warrants that ordered the arrest of unnamed individuals whom the *officer* might conclude were guilty of seditious libel. "It is not fit," said Mansfield, "that the receiving or judging of the information ought to be left to the discretion of the officer. The magistrate ought to judge; and should give certain directions to the officer." *Leach* v. *Three of the King's Messengers,* How. St. Tr. 1001, 1027 (1765).

Lord Mansfield's formulation touches the very heart of the Fourth Amendment directive: that where practical, a governmental search and seizure should represent both the efforts of the officer to gather evidence of wrongful acts and the judgment of the magistrate that the collected evidence is sufficient to justify invasion of a citizen's private premises or conversation. Inherent in the concept of a warrant is its issuance by a "neutral and detached magistrate." *Coolidge* v. *New Hampshire, supra,* at 453; *Katz* v. *United States, supra,* at 356. The further requirement of "probable cause" instructs the magistrate that baseless searches shall not proceed.

These Fourth amendment freedoms cannot properly be guaranteed if domestic security surveillances may be conducted solely within the discretion of the executive branch. The Fourth Amendment does not contemplate the executive officers of Government as neutral and disinterested magistrates. Their duty and responsibility is to enforce the laws, to investigate and to prosecute. *Katz* v. *United States, supra,* at 359–360 (DOUGLAS, J., concurring). But those charged with this investigative and prosecutorial duty should not be the sole judges of when to utilize constitutionally sensitive means in pursuing their tasks. The historical judgment, which the Fourth Amendment accepts is that unreviewed executive discretion may yield too readily to pressures to obtain incriminating evidence and overlook potential invasions of privacy and protected speech.[17]

It may well be that, in the instant case, the Government's surveillance of Plamondon's conversations was a reasonable one which readily would have gained prior judicial approval. But this Court "has never sustained a search upon the sole ground

Footnotes at end of article.

that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end." *Katz, supra,* at 356–367. The Fourth Amendment contemplates a prior judicial judgment,[18] not the risk that executive discretion may be reasonably exercised. This judicial role accords with our basic constitutional doctrine that individual freedoms will best be preserved through a separation of powers and division of functions among the different branches and levels of Government. John M. Harlan, Thoughts at a Dedication: Keeping the Judicial Function in Balance, 49 A. B. A. J. 943–944 (1963). The independent check upon executive discretion is not satisfied, as the Government argues, by "extremely limited" post-surveillance judicial review.[19] Indeed, post-surveillance review would never reach the surveillances which failed to result in prosecutions. Prior review by a neutral and detached magistrate is the time tested means of effectuating Fourth Amendment rights. *Beck* v. *Ohio,* 379 U.S. 89, 96 (1964).

It is true that there have been some exceptions to the warrant requirement. *Chimel* v. *California,* 395 U.S. 752 (1969); *Terry* v. *Ohio,* 392 U.S. 1 (1968); *McDonald* v. *United States,* 335 U.S. 451 (1948); *Carroll* v. *United States,* 267 U.S. 132 (1925). But those exceptions are few in number and carefully delineated, *Katz, supra,* at 357; in general they serve the legitimate needs of law enforcement officers to protect their own well-being and preserve evidence from destruction. Even while carving out those exceptions, the Court has reaffirmed the principle that the "police must, whenever practicable, obtain advance judicial approval of searches and seizures through the warrant procedure," *Terry* v. *Ohio, supra,* at 20; *Chimel* v. *California, supra,* at 762.

The Government argues that the special circumstances applicable to domestic security surveillances necessitate a further exception to the warrant requirement. It is urged that the requirement of prior judicial review would obstruct the President in the discharge of his constitutional duty to protect domestic security. We are told further that these surveillances are directed primarily to the collecting and mantaining of intelligence with respect to subversive forces, and are not an attempt to gather evidence for specific criminal prosecutions. It is said that this type of surveillance should not be subject to traditional warrant requirements which were established to govern investigation of criminal activity, not on-going intelligence gathering. Govt. Brief, pp. 15–16, 23–24. Govt. Reply Brief, pp. 2–3.

The Government further insists that courts "as a practical matter would have neither the knowledge nor the techniques necessary to determine whether there was probable cause to believe that surveillance was necessary to protect national security." These security problems, the Government contends, involve "a large number of complex and subtle factors" beyond the competence of courts to evaluate. Govt. Reply Brief, p. 4.

As a final reason for exemption from a warrant requirement, the Government believes that disclosure to a magistrate of all or even a significant portion of the information involved in domestic security surveillances "would create serious potential dangers to the national security and to the lives of informants and agents . . . . Secrecy is the essential ingredient in intelligence gathering; requiring prior judicial authorization would create a greater 'danger of leaks . . ., because in addition to the judge, you have the clerk, the stenographer and some other official like a law assistant or bailiff who may be apprised of the nature' of the surveillance." Govt. Brief, pp. 24–25.

These contentions in behalf of a complete exemption from the warrant requirement, when urged on behalf of the President and the national security in its domestic implications, merit the most careful consideration. We certainly do not reject them lightly, especially at a time of worldwide ferment and when civil disorders in this country are more prevalent than in the less turbulent periods of our history. There is, no doubt, pragmatic force to the Government's position.

But we do not think a case has been made for the requested departure from Fourth Amendment standards. The circumstances described do not justify complete exemption of domestic security surveillance from prior judicial scrutiny. Official surveillance, whether its purpose be criminal investigation or on-going intelligence gathering, risks infringement of constitutionally protected privacy of speech. Security surveillances are especially sensitive because of the inherent vagueness of the domestic security concept the necessarily broad and continuing nature of intelligence gathering, and the temptation to utilize such surveillances to oversee political dissent. We recognize, as we have before, the constitutional basis of the President's domestic security role, but we think it must be exercised in a manner compatible with the Fourth Amendment. In this case we hold that this requires an appropriate prior warrant procedure.

We cannot accept the Government's argument that internal security matters are too subtle and complex for judicial evaluation. Courts regularly deal with the most difficult issues of our society. There is no reason to believe that federal judges will be insensitive to or uncomprehending of the issues involved in domestic security cases. Certainly courts can recognize that domestic security surveillance involves different considerations from the surveillance of ordinary crime. If the threat is too subtle or complex for our senior law enforcement officers to convey its significance to a court, one may question whether there is probable cause for surveillance.

Nor do we believe prior judicial approval will fracture the secrecy essential to official intelligence gathering. The investigation of criminal activity has long involved imparting sensitive information to judicial officers who have respected the confidentialities involved. Judges may be counted upon to be especially conscious of security requirements in national security cases. Title III of the Omnibus Crime Control and Safe Streets Act already has imposed this responsibility on the judiciary in connection with such crimes as espionage, sabotage and treason, § 2516 (1) (a) (c), each of which may involve domestic as well as foreign security threats. Moreover, a warrant application involves no public or adversary proceedings: it is an *ex parte* request before a magistrate or judge. Whatever security dangers clerical and secretarial personnel may pose can be minimized by proper administrative measures, possibly to the point of allowing the Government itself to provide the necessary clerical assistance.

Thus, we conclude that the Government's concerns do not justify departure in this case from the customary Fourth Amendment requirement of judicial approval prior to initiation of a search or surveillance. Although some added burden will be imposed upon the Attorney General, this inconvenience is justified in a free society to protect constitutional values. Nor do we think the Government's domestic surveillance powers will be impaired to any significant degree. A prior warrant establishes presumptive validity of the surveillance and will minimize the burden of justification in post-surveillance judicial review. By no means of least importance will be the reassurance of the public generally that indiscriminate wiretapping and bugging of law-abiding citizens cannot occur.

IV

We emphasize, before concluding this opinion, the scope of our decision. As stated at the outset, this case involves only the domestic aspects of national security. We have not addressed, and express no opinion as to, the issues which may be involved with respect to activities of foreign powers or their agents.[20] Nor does our decision rest on the language of § 2511(c) or any other section of Title III of the Omnibus Crime Control and Safe Streets Act of 1968. That Act does not attempt to define or delineate the powers of the President to meet domestic threats to the national security.

Moreover, we do not hold that the same type of standards and procedures prescribed by Title III are necessarily applicable to this case. We recognize that domestic security surveillance may involve different policy and practical considerations from the surveillance of "ordinary crime." The gathering of security intelligence is often long range and involves the interrelation of various sources and types of information. The exact targets of such surveillance may be more difficult to identify than in surveillance operations against many types of crime specified in Title III. Often, too, the emphasis of domestic intelligence gathering is on the prevention of unlawful activity or the enhancement of the Government's preparedness for some possible future crisis or emergency. Thus, the focus of domestic surveillance may be less precise than that directed against more conventional types of crime.

Given these potential distinctions between Title III criminal surveillance and those involving the domestic security, Congress may wish to consider protective standards for the latter which differ from those already prescribed for specified crimes in Title III. Different standards may be compatible with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence information and the protected rights of our citizens. For the warrant application may vary according to the governmental interest to be enforced and the nature of citizen rights deserving protection. As the Court said in *Camara* v. *Municipal Court,* 387 U.S. 523, 534–535 (1967):

"In cases in which the Fourth Amendment requires that a warrant to search be obtained, 'probable cause' is the standard by which a particular decision to search is tested against the constitutional mandate of reasonableness. . . . In determining whether a particular inspection is reasonable—and thus in determining whether there is probable cause to issue a warrant for that inspection—the need for the inspection must be weighed in terms of these reasonable goals of law enforcement." It may be that Congress, for example, would judge that the application and affidavit showing probable cause need not follow the exact requirements of § 2518 but should allege other circumstances more appropriate to domestic security cases; that the request for prior court authorization could, in sensitive cases, be made to any member of a specially designated court (*e.g.,* the District Court or Court of Appeals for the District of Columbia); and that the time and reporting requirements need not be so strict as those in § 2518.

The above paragraph does not, of course, attempt to guide the congressional judgment but rather to delineate the present scope of our own opinion. We do not attempt to detail the precise standards for domestic security warrants any more than our decision in *Katz* sought to set the refined requirements for the specified criminal surveillances which now constitute Title III. We do hold, however, that prior judicial approval is required for the type of domestic security surveillance involved in this case and that such approval may be made in accord-

ance with such reasonable standards as the Congress may prescribe.

V

As the surveillance of Plamondon's conversations was unlawful, because conducted without prior judicial approval, the courts below correctly held that *Alderman* v. *United States*, 394 U.S. 168 (1969), is controlling and that it requires disclosure to the accused of his own impermissibly intercepted conversations. As stated in *Alderman*, "the trial court can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the materials which they may be entitled to inspect." 394 U.S. 185.[11]

The judgment of the Court of Appeals is hereby

Affirmed.

The CHIEF JUSTICE concurs in the result.

Mr. JUSTICE REHNQUIST took no part in the consideration or decision of this case.

FOOTNOTES

[1] See n. 10, *infra*.

[2] The Attorney General's affidavit reads as follows:

"JOHN N. MITCHELL being duly sworn deposes and says:

"1. I am the Attorney General of the United States.

"2. This affidavit is submitted in connection with the Government's opposition to the disclosure to the defendant Plamondon of information concerning the overhearing of his conversations which occurred during the course of electronic surveillances which the Government contends were legal.

"3. The defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the nation from attempts of domestic organizations to attack and subvert the existing structure of the Government. The records of the Department of Justice reflect the installation of these wiretaps had been expressly approved by the Attorney General.

"4. Submitted with this affidavit is a sealed exhibit containing the records of the intercepted conversations, a description of the premises that were the subjects of the surveillances, and copies of the memoranda reflecting the Attorney General's express approval of the installation of the surveillances.

"5. I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter."

[3] Jurisdiction was challenged before the Court of Appeals on the ground that the District Court's order was interlocutory and not appealable under 28 U.S.C. § 1291. On this issue, the Court correctly held that it did have jurisdiction, relying upon the All Writs Statute, 28 U.S.C. § 1651, and cases cited in its opinion, 444 F. 2d, at 655–656. No attack was made in this Court as to the appropriateness of the writ of mandamus procedure.

[4] These exceptions relate to certain activities of communication common carriers and the Federal Communications Commission, and to specified situations where a party to the communication has consented to the interception.

[5] 18 U.S.C. § 2518, subsection (1) reads as follows:

"§22518. Procedure for interception of wire or oral communications

"(1) Each application for an order authorizing or approving the interception of a wire or oral communication shall be made in writing upon oath or affirmation to a judge of competent jurisdiction and shall state the applicant's authority to make such application. Each application shall include the following information:

"(a) the identity of the investigative or law enforcement officer making the application, and the officer authorizing the application;

"(b) a full and complete statement of the facts and circumstances relied upon by the applicant, to justify his belief that an order should be issued, including (i) details as to the particular offense that has been, is being, or is about to be committed, (ii) a particular description of the nature and location of the facilities from which or the place where the communication is to be intercepted, (iii) a particular description of the type of communications sought to be intercepted, (iv) the identity of the person, if known, committing the offense and whose communications are to be intercepted;

"(c) a full and complete statement as to whether or not other investigative procedures have been tried and failed or why they reasonably appear to be unlikely to succeed if tried or to be too dangerous;

"(d) a statement of the period of time for which the interception is required to be maintained. If the nature of the investigation is such that the authorization for interception should not automatically terminate when the described type of communication has been first obtained, a particular description of facts establishing probable cause to believe that additional communications of the same type will occur thereafter;

"(e) a full and complete statement of the facts concerning all previous applications known to the individual authorizing and making the application, made to any judge for authorization to intercept, or for approval of interceptions of, wire or oral communications involving any of the same persons, facilities or places specified in the application, and the action taken by the judge on each such application; and

"(f) where the application is for the extension of an order, a statement setting forth the results thus far obtained from the interception, or a reasonable explanation of the failure to obtain such results."

[6] The final sentence of § 2511(3) states that the contents of an interception "by authority of the President in the exercise of the foregoing powers may be received in evidence . . . only where such interception was reasonable. . . ." This sentence seems intended to assure that when the President conducts lawful surveillance—pursuant to whatever power he may possess—the evidence is admissible.

[7] Cong. Rec. Vol. 114, pt. 11, p. 14751, May 23, 1968. Senator McClellan was the sponsor of the bill. The above exchange constitutes the only time that § 2511(3) was expressly debated on the Senate or House floor. The Report of the Senate Judiciary Committee is not so explicit as the exchange on the floor, but it appears to recognize that under § 2511 (3) the national security power of the President—whatever it may be—"is not to be deemed disturbed." S. Rep. No. 1097, 90th Cong., 2d Sess., 94 (1968). See also The "National Security Wiretap": President Prerogative or Judicial Responsibility where the author concludes that in § 2511(3) "Congress took what amounted to a position of neutral noninterference on the question of the constitutionality of warrantless national security wiretaps authorized by the President." 45 S. Cal. L. Rev.—(1972).

[8] Section 2511(3) refers to "the constitutional power of the President" in two types of situations: (i) where necessary to protect against attack, other hostile acts or intelligence activities of a "foreign power"; or (ii) where necessary to protect against the overthrow of the Government or other clear and present danger to the structure or existence of the Government. Although both of the specified situations are sometimes referred to as "national security" threats, the term "national security" is used only in the first sentence of § 2511(3) with respect to the activities of foreign powers. This case involves only the second sentence of § 2511(3), with the threat emanating—according to the Attorney General's affidavit—from "domestic organizations." Although we attempt no precise definition, we use the term "domestic organization" in this opinion to mean a group or organization (whether formally or informally constituted) composed of citizens of the United States and which has no significant connection with a foreign power, its agents or agencies. No doubt there are cases where it will be difficult to distinguish between "domestic" and "foreign" unlawful activities directed against the Government of the United States where there is collaboration in varying degrees between domestic groups or organizations and agents or agencies of foreign powers. But this is not such a case.

[9] Enactment of Title III reflects congressional recognition of the importance of such surveillance in combatting various types of crime. Frank S. Hogan, District Attorney for New York County for over 25 years, described telephone interception, pursuant to court order, as "the single most valuable weapon in law enforcement's fight against organized crime." Cong. Rec. Vol. 117, pt. 11, p. 14051. The "Crime" Commission appointed by President Johnson noted that "the great majority of law enforcement officials believe that the evidence necessary to bring criminal sanctions to bear consistently on the higher echelons of organized crime will not be obtained without the aid of electronic surveillance techniques. They maintain these techniques are indispensable to develop adequate strategic intelligence concerning organized crime, to set up specific investigations, to develop witnesses, to corroborate their testimony, and to serve as substitutes for them—each a necessary step in the evidence-gathering process in organized crime investigations and prosecutions." Report by the President's Commission on Law Enforcement and Administration of Justice, The Challenge of Crime in a Free Society, p. 201 (1967).

[10] In that month Attorney General Tom Clark advised President Truman of the necessity of using wiretaps "in cases vitally affecting the domestic security." In May 1940 President Roosevelt had authorized Attorney General Jackson to utilize wiretapping in matters "involving the defense of the nation," but it is questionable whether this language was meant to apply to solely domestic subversion.

The nature and extent of wiretapping apparently varied under different administrations and Attorneys General, but except for the sharp curtailment under Attorney General Ramsey Clark in the latter years of the Johnson administration, electronic surveillance has been used both against organized crime and in domestic security cases at least since the 1946 memorandum from Clark to Truman. Govt. Brief, pp. 16–18; Resp. Brief pp. 51–56; Cong. Rec. Vol. 117, pt. 11, pp. 14051–14052.

[11] Brownell, The Public Security and Wire Tapping, 39 Cornell L. Q. 195, 202 (1954). See also Rogers, The Case For Wire Tapping, 63 Yale L. J. 792 (1954).

[12] The Government asserts that there were

1,562 bombing incidents in the United States from January 1, 1971, to July 1, 1971, most of which involved Government related facilities. Respondents dispute these statistics as incorporating many frivolous incidents as well as bombings against nongovernmental facilities. The precise level of this activity, however, is not relevant to the disposition of this case. Govt. Brief, p. 18; Resp. Brief, p. 26–29; Govt. Reply Brief, p. 13.

[13] Professor Alan Westin has written on the likely course of future conflict between the value of privacy and the "new technology" of law enforcement. Much of the book details techniques of physical and electronic surveillance and such possible threats to personal privacy as psychological and personality testing and electronic information storage and retrieval. Not all of the contemporary threats to privacy emanate directly from the pressures of crime control. A. Westin, Privacy and Freedom (1967).

[14] Though the total number of intercepts authorized by state and federal judges pursuant to Tit. III of the 1968 Omnibus Crime Control and Safe Streets Act was 597 in 1970, each surveillance may involve interception of hundreds of different conversations. The average intercept in 1970 involved 44 people and 655 conversations, of which 295 or 45% were incriminating. Cong. Rec. Vol. 117, pt. 11, p. 14052.

[15] Cong. Rec. Vol. 114, pt. 11, p. 14750, May 23, 1968. The subsequent assurances, quoted in part I of the opinion, that § 2511 (3) implied no statutory grant, contraction, or definition of presidential power eased the Senator's misgivings.

[16] This view has not been accepted. In *Chimel* v. *California*, 395 U.S. 752 (1969), the Court considered the Government's contention that the search be judged on a general "reasonableness" standard without reference to the warrant clause. The Court concluded that argument was "founded on little more than a subjective view regarding the acceptability of certain sorts of police conduct, and not on considerations relevant to Fourth Amendment interests. Under such an unconfined analysis, Fourth Amendment protection in this area would approach the evaporation point." *Chimel, supra*, at 764–765.

[17] Lesson, The History and Development of the Fourth Amendment to the United States Constitution, 79–105 (1937).

[18] We use the word "judicial" to connote the traditional Fourth Amendment requirement of a neutral and detached magistrate.

[19] The Government argues that domestic security wiretaps should be upheld by courts in post surveillance review "unless it appears that the Attorney General's determination that the proposed surveillance relates to a national security matter is arbitrary and capricious, *i.e.*, that it constitutes a clear abuse of the broad discretion that the Attorney General has to obtain all information that will be helpful to the President in protecting the Government . . ." against the various unlawful acts in § 2511(3). Govt. Brief, p. 22.

[20] See n. 8, *supra*. For the view that warrantless surveillance, though impermissible in domestic security cases, may be constitutional where foreign powers are involved, see *United States* v. *Smith*, — F. Supp. — (1971); and American Bar Association Criminal Justice Project, Standards Relating to Electronic Surveillance, Feb. 1971, pp. 11, 120, 121. See also *United States* v. *Clay*, 430 F. 2d 165 (1970).

[21] We think it unnecessary at this time and on the facts of this case to consider the arguments advanced by the Government for a reexamination of the basis and scope of the Court's decision in *Alderman*.

MR. JUSTICE DOUGLAS, concurring.

While I join in the opinion of the Court, I add these words in support of it.

This is an important phase in the campaign of the police and intelligence agencies to obtain exemptions from the Warrant Clause of the Fourth Amendment. For, due to the clandestine nature of electronic eavesdropping, the need is acute for placing on the Government the heavy burden to show that "exigencies of the situation [make its] course imperative." [1] Other abuses such as the search incident to arrest, have been partly deterred by the threat of damage actions against offending officers,[2] the risk of adverse publicity, or the possibility of reform through the political process. These latter safeguards, however, are ineffective against lawless wiretapping and "bugging" of which their victims are totally unaware. Moreover, even the risk of exclusion of tainted evidence would here appear to be of negligible deterrent value inasmuch as the United States frankly concedes that the primary purpose of these searches is to fortify its intelligence collage rather than to accumulate evidence to support indictments and convictions. If the Warrant Clause were held inapplicable here, then the federal intelligence machine would literally enjoy unchecked discretion.

Here federal agents wish to rummage for months on end through every conversation, no matter how intimate or personal, carried over selected telephone lines simply to seize those few utterances which may add to their sense of the pulse of a domestic underground.

We are told that one national security wiretap lasted for 14 months and monitored over 900 conversations. Senator Edward Kennedy found recently that "warrantless devices accounted for an average of 78 to 209 days of listening per device, as compared with a 13-day per device average for those devices installed under court order." [3] He concluded that the Government's revelations posed "the frightening possibility that the conversations of untold thousands of citizens of this country are being monitored on secret devices which no judge has authorized and which may remain in operation for months and perhaps years at a time." [4] Even the most innocent and random caller who uses or telephones into a tapped line can become a flagged number in the Government's data bank. See *Laird* v. *Tatum*, 1971 Term, No. 71–288.

Such gross invasions of privacy epitomize the very evil to which the Warrant Clause was directed. This Court has been the unfortunate witness of the hazards of police intrusions which did not receive prior sanction by independent magistrates. For example, in *Weeks* v. *United States, supra; Mapp* v. *Ohio*, 367 U.S. 643; and *Chimel* v. *California, supra*, entire homes were ransacked pursuant to warrentless searches. Indeed, in *Kremen* v. *United States*, 353 U.S. 346, the *entire contents* of a cabin, totalling more than 800 items (such as "1 Dish Rag") [5] were seized incident to an arrest of its occupant and were taken to San Francisco for study by FBI agents. In a similar case, *Von Cleef* v. *New Jersey*, 395 U.S. 814, police, without a warrant, searched an arrestee's house for three hours, eventually seizing "several thousand articles, including books, magazines, catalogues, mailing lists, private correspondence (both open and unopened), photographs, drawings, and film." *Id.*, 815. In *Silverthorne Lumber Co.* v. *United States*, 251 U.S. 385, federal agents "without a shadow of authority" raided the offices of one of the petitioners (the proprietors of which had earlier been jailed) and "made a clean sweep of all the books, papers, and documents found there." Justice Holmes, for the Court, termed this tactic an "outrage." *Id.*, 385, 390, 391. In *Stanford* v. *Texas*, 379 U.S. 476, state police seized more than 2,000 items of literature, including the writings of Mr. Justice Black, pursuant to a general search warrant issued to inspect an alleged subversive's home.

That "domestic security" is said to be involved here does not draw this case outside the mainstream of Fourth Amendment law. Rather, the recurring desire of reigning officials to employ dragnet techniques to intimidate their critics lies at the core of that prohibition. For it was such excesses as the use of general warrants and the writs of assistance that led to the ratification of the Fourth Amendment. In *Entick* v. *Carrington*, 19 How. St. Tr. 1029, decided in 1765, one finds a striking parallel to the executive warrants utilized here. The Secretary of State had issued general executive warrants to his messengers authorizing them to roam about and to seize libel and libellants of the sovereign. Entick, a critic of the Crown, was the victim of one such general search during which his seditious publications were impounded. He brought a successful damage action for trespass against the messengers. The verdict was sustained on appeal Lord Camden wrote that if such sweeping tactics were validated then "the secret cabinets and bureaus of every subject in this kingdom will be thrown open to the search and inspection of a messenger, whenever the secretary of state shall think fit to charge, or even to suspect, a person to be the author, printer, or publisher of a seditious libel." *Id.*, 1063. In a related and similar proceeding, *Wilkes* v. *Wood*, 9 How. St. Tr. 1153, 1167, a false imprisonment suit, the same judge who presided over Entick's appeal held for another victim of the same despotic practice, saying "to enter a man's house by virtue of a nameless warrant, in order to procure evidence, is worse than the Spanish Inquisition. . . ." As early as *Boyd* v. *United States*, 116 U.S. 616, 626, and as recently as *Stanford* v. *Texas, supra*, at 485–486; *Berger* v. *New York*, 388 U.S. 41, 50; and *Coolidge* v. *New Hampshire, supra*, at 455, n. 9, the tyrannical invasions described and assailed in Entick and Wilkes, practices which also were endured by the colonists,[6] have been recognized as the primary abuses which ensued the Warrant Clause a prominent place in our Bill of Rights. See J. Landynski, Search and Seizure and the Supreme Court 28–48 (1966). N. Lasson, The History And Development Of The Fourth Amendment To The United States Constitution 43–78 (1937); Note, Warrantless Searches In Light of *Chimel*: A Return To The Original Understanding, 11 Ariz. L. Rev. 455, 460–476 (1969).

As illustrated by a flood of cases before us this Term, *e. g.*, *Laird* v. *Tatum*, No. 71–288; *Gelbard* v. *United States*, No. 71–110; *United States* v. *Egan*, No. 71–263; *United States* v. *Caldwell*, No. 70–57; *United States* v. *Gravel*, No. 71–1026; *Kleindienst* v. *Mandel*, No. 71–16; we are currently in the throes of another national seizure of paranoia, resembling the hysteria which surrounded the Alien and Sedition Acts, the Palmer Raids, and the McCarthy era. Those who register dissent or who petition their governments for redress are subjected to scrutiny by grand juries,[7] by the FBI,[8] or even by the military.[9] Their associates are interrogated. Their homes are bugged and their telephones are wiretapped. They are befriended by secret government informers.[10] Their patriotism and loyalty are questioned.[11] Senator Sam Ervin, who has chaired hearings on military surveillance of civilian dissidents, warns that "it is not an exaggeration to talk in terms of hundreds of thousands of . . . dossiers." [12] Senator Kennedy, as mentioned *supra*, found "the frightening possibility that the conversations of untold thousands are being monitored on secret devices." More than our privacy is implicated. Also, at stake is the reach of the Government's power to intimidate its critics.

When the Executive attempts to excuse these tactics as essential to its defense

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Footnotes at end of article.

against internal subversion, we are obliged to remind it, without apology, of this Court's long commitment to the preservation of the Bill of Rights from the corrosive environment of precisely such expedients.[13] As Justice Brandeis said, concurring in *Whitney* v. *California*, "those who won our independence by revolution were not cowards. They did not fear political change. They did not exalt order at the cost of liberty." Chief Justice Warren put it this way in *United States* v. *Robel*, 389 U.S. 258, 264: "[T]he concept of 'national defense' cannot be deemed an end in itself, justifying any . . . power designed to protect such a goal. Implicit in the term 'national defense' is the notion of defending those values and ideas which set this nation apart. . . . It would be indeed ironic if, in the name of national defense, we would sanction the subversion of . . . those liberties . . . which make the defense of the Nation worthwhile."

The Warrant Clause has stood as a barrier against intrusions by officialdom into the privacies of life. But if that barrier were lowered now to permit suspected subversives most intimate conversations to be pillaged then why could not their abodes or mail be secretly searched by the same authority? To defeat so terrifying a claim of inherent power we need only stand by the enduring values served by the Fourth Amendment. As we stated last Term in *Coolidge* v. *New Hampshire*, 403 U.S. 443, 455: "In times of unrest, whether caused by crime or racial conflict or fear of internal subversion, this basic law and values that it represents may appear unrealistic or 'extravagant' to some. But the values were those of authors of our fundamental constitutional concepts. In times not altogether unlike our own they won . . . a right of personal security against arbitrary intrusions . . . . If times have changed, reducing every man's scope to do as he pleases in an urban and industrial world, the changes have made the values served by the Fourth Amendment more, not less, important." We have as much or more to fear from the erosion of our sense of privacy and independence by the omnipresent electronic ear of the Government as we do from the likelihood that fomenters of domestic upheaval will modify our form of governing.[14]

FOOTNOTES

[1] *Coolidge* v. *New Hampshire*, 403 U.S. 443, 455; *McDonald* v. *United States*, 335 U.S. 451, 456; *Chimel* v. *California*, 395 U.S. 756; *United States* v. *Jeffers*, 342 U.S. 48, 51.

[2] See *Bivens* v. *Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388.

[3] Letter from Senator Edward Kennedy to Members of the Subcommittee on Administrative Procedure and Practice of the Senate Judiciary Committee, Dec. 17, 1971, p. 2. Senator Kennedy included in his letter a chart comparing court-ordered and department-ordered wiretapping and bugging by federal agencies. This chart is reproduced in the Appendix to this opinion. For a statistical breakdown by duration, location, and implementing agency, of the 1,042 wiretap orders issued in 1971 by state and federal judges, see Administrative Office of the United States Courts, Report on Applications for Orders Authorizing or Approving the Interception of Wire or Oral Communications (1972); The Washington Post, May 14, 1972, at A29, col. 8.

[4] Kennedy, *op. cit.*, 2–3. See also H. Schwartz, A Report on the Costs and Benefits of Electronic Surveillance (1971); Schwartz, The Legitimation of Electronic Eavesdropping: The Politics of "Law and Order," 67 Mich. L. Rev. 455 (1969).

[5] For a complete itemization of the objects seized, see the Appendix to *Kremen* v. *United States*, 353 U.S. 346, 349.

[6] On this side of the Atlantic, the validity of general search warrants centered around the writs of assistance which were used by customs officers for the detection of smuggled goods." N. Lasson, The History and Development Of The Fourth Amendment To The United States Constitution 51 (1937). In February 1761, all writs expired six months after the death of George II and Boston merchants petitioned the Superior Court in opposition to the granting of any new writs. The merchants were represented by James Otis, Jr., who later became a leader in the movement for independence.

"Otis completely electrified the large audience in the court room with his denunciation of England's whole policy toward the Colonies and with his arguments against general warrants. John Adams, then a young man less than twenty-six years of age and not yet admitted to the bar, was a spectator, and many years later described the scene in these oftquoted words: 'I do say in the most solemn manner, that Mr. Otis's oration against the Writs of Assistance breathed into this nation the breath of life.' He 'was a flame of fire! Every man of a crowded audience appeared to me to go away, as I did, ready to take arms against Writs of Assistance. Then and there was the first scene of opposition to the arbitrary claims of Great Britain. Then and there the child Independence was born. In 15 years, namely in 1776, he grew to manhood, and declared himself free.'" N. Lasson, *supra*, 58–59.

[7] See Donnor & Cerruti, The Grand Jury Network: How the Nixon Administration Has Secretly Perverted A Traditional Safeguard Of Individual Rights, 214 The Nation 5 (1972). See also *United States* v. *Caldwell*, 1971 Term, No. 70–57; *United States* v. *Gravel*, 1971 Term, No. 71–1026; *Parnas* v. *United States*, and *United States* v. *Egan*, 1971 Term, Nos. 71–110 and 71–263. And see N.Y. Times, July 15, 1971, at 6, col. 1 (grand jury investigation of N.Y. Times staff who published the Pentagon Papers).

[8] *E.g.*, N.Y. Times, April 12, 1970, at 1, col. 1 ("U.S. To Tighten Surveillance of Radicals"); N.Y. Times, Dec. 14, 1969, at 1, col. 1 ("F.B.I.'s Informants and Bugs Collect Data On Black Panthers"); The Washington Post, May 12, 1972, at D21, col. 5 ("When the FBI Calls, Everybody Talks"); The Washington Post, May 16, 1972, at B15, col. 5 ("Black Activists Are FBI Targets"); The Washington Post, May 17, 1972, at B13, col. 5 ("Bedroom Peeking Sharpens FBI Files"). And, concerning an FBI investigation of Daniel Schorr, a television correspondent critical of the Government, see N.Y. Times, Nov. 11, 1971, at 95, col. 4; and N.Y. Times, Nov. 12, 1971 at 13, col. 1. For the wiretapping and bugging of Dr. Martin Luther King by the FBI. See V. Navesky, Kennedy Justice 135–155 (1971). For the wiretapping of Mrs. Eleanor Roosevelt and John L. Lewis by the FBI see Theoharis & Meyer, The "National Security" Justification For Electronic Eavesdropping: An Elusive Exception, 14 Wayne L. Rev. 749, 760–761 (1968).

[9] See *Laird* v. *Tatum*, 1971 Term, No. 71–288; See also Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee, 92d Cong., 1st Sess. (1971); N.Y. Times, Feb. 29, 1972, at 1, col 4.

[10] "Informers have been used for national security reasons throughout the twentieth century. They were deployed to combat what were perceived to be an internal threat from radicals during the early 1920's. When fears began to focus on Communism, groups thought to have some connection with the Communist Party were heavily infiltrated. Infiltration of the Party itself was so intense that one former FBI agent estimated a ratio of one informant for every 5.7 members in 1962. More recently, attention has shifted to militant antiwar and civil rights groups. In part because of support for such groups among university students throughout the country, informers seem to have become ubiquitous on campus. Some insight into the scope of the current use of informers was provided by the Media Papers, FBI documents stolen in early 1971 from a Bureau office in Media, Pennsylvania. The papers disclose FBI attempts to infiltrate a conference of war resisters at Haverford College in August 1969, and a convention of the National Association of Black Students in June 1970. They also reveal FBI endeavors 'to recruit informers, ranging from bill collectors to apartment janitors, in an effort to develop constant surveillance in black communities and New Left organizations' [N.Y. Times, April 8, 1971, at 22, col. 1]. In Philadelphia's black community, for instance, a whole range of buildings including office of the Congress of Racial Equality, the Southern Christian Leadership Conference [and] the Black Coalition' [*ibid.*] was singled out for surveillance by building employees and other similar informers working for the FBI." Note, Developments In The Law—The National Security Interest and Civil Liberties, 85 Harv. L. Rev. 1130, 1272–1273 (1972). For accounts of the impersonation of journalists by police, FBI agents and soldiers in order to gain the confidences of dissidents, see Press Freedoms Under Pressure, Report of the Twentieth Century Fund Task Force on the Government and the Press 29–34, 86–97 (1972). For the revelation of Army infiltration of political organizations and spying on Senators, Governors and Congressmen, see Federal Data Banks, Computers and the Bill of Rights, Hearings before the Subcom. on Constitutional Rights of the Senate Comm. on the Judiciary, 92d Cong., 1st Sess. (1971) (discussed in my dissent from the denial of certiorari in *Williamson* v. *United States*, 405 U.S. ——). Among the Media Papers was the suggestion by the F.B.I. that investigation of dissidents be stepped up in order to "enhance the paranoia endemic in these circles and [to] further serve to get the point across that there is an FBI agent behind every mailbox." N.Y. Times, March 25, 1971, at 33, col. 1.

[11] *E. g.*, N. Y. Times, Feb. 8, 1972, at 1, col. 8 (Senate peace advocates said, by presidential adviser, to be aiding and abetting the enemy).

[12] *Amicus curiae* brief submitted by Senator Sam Ervin in *Laird* v. *Tatum*, 1971 Term, No. 71–288, at 8.

[13] *E. g.*, *New York Times Co. v. United States*, 403 U. S. 713; *Powell* v. *McCormick*, 395 U. S. 486; *United States* v. *Robel*, 389 U. S. 258, 264; *Aptheker* v. *Secretary of State*, 378 U. S. 500; *Baggett* v. *Bullitt*, 377 U. S. 372; *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U. S. 579; *Duncan* v. *Kahnamoky*, 327 U. S. 304; *White* v. *Steer*, 327 U. S. 304; *De Jonge* v. *Oregon*, 299 U. S. 353, 365; *Ex parte Milligan*, 4 Wall. 2; *Mitchell* v. *Harmony*, 13 How. 115. Note, the "National Security Wiretap": Presidential Prerogative or Judicial Responsibility, 45 So. Cal. L. Rev. 888, 907–912 (1972).

[14] I continue in my belief that it would be extremely difficult to write a search warrant specifically naming the particular conversations to be seized and therefore any such attempt would amount to a general warrant, the very abuse condemned by the Fourth Amendment. As I said in *Osborn* v. *United States*, 385 U. S. 323, 353: "Such devices lay down a dragnet which indiscriminately sweeps in all conversations within its scope, without regard to the nature of the conversations, or the participants. A warrant authorizing such devices is no different from the general warrants the Fourth Amendment was intended to prohibit."

APPENDIX TO OPINION OF DOUGLAS, J.—FEDERAL WIRETAPPING AND BUGGING 1969–70

Year	Court-ordered devices		Executive-ordered devices		
				Days in use	
	Number	Days in use	Number	Minimum (rounded)	Maximum (rounded)
1969	30	462	94	8,100	20,800
1970	180	2,363	113	8,100	22,600

Year	Ratio of days used Executive ordered: Court ordered		Average days in use per device		
			Court-ordered devices	Executive-ordered devices	
	Minimum	Maximum		Minimum	Maximum
1969	[1] 17.5	[1] 45.0	15.4	86.2	221.3
1970	3.4	9.6	13.1	71.7	200.0

[1] Ratios for 1969 are less meaningful than those for 1970, since court-ordered surveillance program was in its initial stage in 1969

Source:
(1) Letter from Assistant Attorney General Robert Mardian to Senator Edward M. Kennedy, Mar. 1, 1971. Source figures withheld at request of Justice Department.
(2) 1969 and 1970 Reports of Administrative Office of U.S. Courts.

UNITED STATES, PETITIONER, v. UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION, ET AL

[Supreme Court of the United States, No. 70–153, on Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit, June 19, 1972]

MR. JUSTICE WHITE, concurring in the judgment.

This case arises out of a two-count indictment charging conspiracy to injure and injury to Government property. Count I charged Robert Plamondon and two codefendants with conspiring with a fourth person to injure Government property with dynamite. Count II charged Plamondon alone with dynamiting and injuring Government property in Ann Arbor, Michigan. The defendants moved to compel the United States to disclose, among other things, any logs and records of electronic surveillance directed at them, at unindicted coconspirators, or at any premises of the defendants or coconspirators. They also moved for a hearing to determine whether any electronic surveillance disclosed had tainted the evidence on which the grand jury indictment was based and which the Government intended to use at trial. They asked for dismissal of the indictment if such taint were determined to exist. Opposing the motion, the United States submitted an affidavit of the Attorney General of the United States disclosing that "[t]he defendant Plamondon has participated in conversations which were overheard by Government agents who were monitoring wiretaps which were being employed to gather intelligence information deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government," the wiretaps having been expressly approved by the Attorney General. The records of the intercepted conversations and copies of the memorandum reflecting the Attorney General's approval were submitted under seal and solely for the Court's *in camera* inspection.[1]

As characterized by the District Court, the position of the United States was that the electronic monitoring of Plamondon's conversations without judicial warrant was a lawful exercise of the power of the President to safeguard the national security. The District Court granted the motion of defendants, holding that the President had no constitutional power to employ electronic surveillance without warrant to gather information about domestic organizations. Absent probable cause and judicial authorization, the challenged wiretap infringed Plamondon's Fourth Amendment rights. The court ordered the Government to disclose to defendants the records of the monitored conversations and directed that a hearing be held to determine the existence of taint either in the indictment or in the evidence to be introduced at trial.

The Government's petition for mandamus to require the District Court to vacate its order was denied by the Court of Appeals. 444 F. 2d 651 (1971). That court held that the Fourth Amendment barred warrantless electronic surveillance of domestic organizations even if at the direction of the President. It agreed with the District Court that because the wiretaps involved were therefore constitutionally infirm, the United States must turn over to defendants the records of overheard conversations for the purpose of determining whether the Government's evidence was tainted.

I would affirm the Court of Appeals but on the statutory ground urged by respondent Keith (Brief, p. 115) without reaching or intimating any views with respect to the constitutional issue decided by both the District Court and the Court of Appeals.

Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 82 Stat. 212, 18 U.S.C. §§ 2510–2520, forbids under pain of criminal penalties and civil actions for damages any wiretapping or eavesdropping not undertaken in accordance with specified procedures for obtaining judicial warrants authorizing the surveillance. Section 2511(1) establishes a general prohibition against electronic eavesdropping "except as otherwise specifically provided" in the statute. Later sections provide detailed procedures for judicial authorization of official interceptions of oral communications; when these procedures are followed the interception is not subject to the prohibitions of § 2511(1). Section 2511(2), however, specifies other situations in which the general prohibitions of § 2511(1) do not apply. In addition, § 2511 (3) provides that

"Nothing contained in this chapter or in section 605 of the Communications Act of 1934 (48 Stat. 1103; 47 U.S.C. § 605) shall limit the constitutional power of the President to take such measures as he deems necessary to protect the Nation against actual or potential attack or other hostile acts of a foreign power, to obtain foreign intelligence information deemed essential to the security of the United States, or to protect national security information against foreign intelligence activities. Nor shall anything contained in this chapter be deemed to limit the constitutional power of the President to take such measures as he deems necessary to protect the United States against the overthrow of the Government by force or other unlawful means, or against any clear and present danger to the structure or existence of the Government. The contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding only where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power."

It is this subsection that lies at the heart of this case.

The interception here was without judicial warrant, it was not covered by the provisions of § 2511 (2) and it is too clear for argument that it is illegal under § 2511 (1) unless it is saved by § 2511 (3). The majority asserts that § 2511 (3) is a "disclaimer" but not an "exception." But however it is labeled, it is apparent from the face of the section and its legislative history that if this interception is one of those described in § 2511 (3), it is not reached by the statutory ban on unwarranted electronic eavesdropping.[2]

The defendants in the District Court moved for the production of the logs of any electronic surveillance to which they might have been subjected. The Government responded that conversations of Plamondon had been intercepted but took the position that turnover of surveillance records was not necessary because the interception complied with the law. Clearly, for the Government to prevail it was necessary to demonstrate first that the interception involved was not subject to the statutory requirement of judicial approval for wiretapping because the surveillance was within the scope of § 2511 (3); and, secondly, if the Act did not forbid the warrantless wiretap, that the surveillance was consistent with the Fourth Amendment.

The United States has made no claim in this case that the statute may not constitutionally be applied to the surveillance at issue here.[3] Nor has it denied that to comply with the Act the surveillance must either be supported by a warrant or fall within the bounds of the exceptions provided by § 2511 (3). Nevertheless, as I read the opinions of the District Court and the Court of Appeals, neither court stopped to inquire whether the challenged interception was illegal under the statute but proceeded directly to the constitutional issue without adverting to the time-honored rule that courts should abjure constitutional issues except where necessary to decision of the case before them. *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 346–347 (1936) (concurring opinion). Because I conclude that on the record before us the surveillance undertaken by the Government in this case was illegal under the statute itself, I find it unnecessary, and therefore improper, to consider or decide the constitutional questions which the courts below improvidently reached.

The threshold statutory question is simply put: Was the electronic surveillance undertaken by the Government in this case a measure deemed necessary by the President to implement either the first or second branch of the exception carved out by § 2511(3) to the general requirement of a warrant?

The answer, it seems to me, must turn on the affidavit of the Attorney General offered by the United States in opposition to defendants' motion to disclose surveillance records. It is apparent that there is nothing whatsoever in this affidavit suggesting that the surveillance was undertaken within the first branch of the § 2511(3) exception, that is, to protect against foreign atack, to gather foreign intelligence or to protect national security information. The sole assertion was that the monitoring at issue was employed to gather intelligence information "deemed necessary to protect the Nation from attempts of domestic organizations to attack and subvert the existing structure of the Government." App. 20.

Footnotes at end of article.

Neither can I conclude from this characterization that the wiretap employed here fell within the exception recognized by the second sentence of § 2511(3); for it utterly fails to assume responsibility for the judgment that Congress demanded: that the surveillance was necessary to prevent overthrow by force or other unlawful means or that there was any other clear and present danger to the structure or existence of the Government. The affidavit speaks only of attempts to attack or subvert; it makes no reference to force or unlawfulness; it articulates no conclusion that the attempts involved any clear and present danger to the existence or structure of the Government.

The shortcomings of the affidavit when measured against § 2511(3) are patent. Indeed, the United States in oral argument conceded no less. The specific inquiry put to Government counsel was: "[D]o you think the affidavit, standing alone, satisfies the Safe Streets Act?" The Assistant Attorney General answered "No sir, we do not rely upon the affidavit itself. . . ." Tr. of Oral Arg., p. 15.[4]

Government counsel, however, seek to save their case by reference to the *in camera* exhibit submitted to the District Court to supplement the Attorney General's affidavit.[5] It is said that the exhibit includes the request for wiretap approval submitted to the Attorney General, that the request asserted the need to avert a clear and present danger to the structure and existence of the Government, and that the Attorney General endorsed his approval on the request.[6] But I am unconvinced the mere endorsement of the Attorney General on the request for approval submitted to him must be taken as the Attorney General's own opinion that the wiretap was necessary to avert a clear and present danger to the existence or structure of the Government when in an affidavit later filed in court and specifically characterizing the purposes of the interception and at least impliedly the grounds for his prior approval, the Attorney General said only that the tap was undertaken to secure intelligence thought necessary to protect against attempts to attack and subvert the structure of Government. If the Attorney General's approval of the interception is to be given a judicially cognizable meaning different from the meaning he seems to have ascribed to it in his affidavit filed in court, there obviously must be further proceedings in the District Court.

Moreover, I am reluctant myself to proceed in the first instance to examine the *in camera* material and either sustain or reject the surveillance as a necessary measure to avert the dangers referred to in § 2511 (3). What Congress excepted from the warrant requirement was a surveillance which *the President* would assume responsibility for deeming an essential measure to protect against clear and present danger. No judge can satisfy this congressional requirement.

Without the necessary threshold determination, the interception is, in my opinion, contrary to the terms of the statute and subject therefore to the prohibition contained in § 2515 against the use of the fruits of the warrantless electronic surveillance as evidence at any trial.[7]

There remain two additional interrelated reasons for not reaching the constitutional issue. First, even if it were determined that the Attorney General purported to authorize an electronic surveillance for purposes exempt from the general provisions of the Act there would remain the issue whether his discretion was properly authorized. The United States concedes that the act of the Attorney General authorizing a warrantless wiretap is subject to judicial review to some extent. Brief for the United States, pp. 21–23, and it seems improvident to proceed to constitutional questions until it is determined that the Act itself does not bar the interception here in question

Second, and again on the assumption that the surveillance here involved fell within the exception provided by § 2511(3), no constitutional issue need be reached in this case if the fruits of the wiretap were inadmissible on statutory grounds in the criminal proceedings pending against respondent Plamondon. Section 2511(3) itself states that "[t]he contents of any wire or oral communication intercepted by authority of the President in the exercise of the foregoing powers may be received in evidence in any trial hearing, or other proceeding *only* where such interception was reasonable, and shall not be otherwise used or disclosed except as is necessary to implement that power." (Emphasis added.) There has been no determination by the District Court that it would be reasonable to use the fruits of the wiretap against Plamondon or that it would be necessary to do so to implement the purposes for which the tap was authorized.

My own conclusion, again, is that as long as nonconstitutional, statutory grounds for excluding the evidence or its fruits have not been disposed of it is improvident to reach the constitutional issue.

I would thus affirm the judgment of the Court of Appeals unless the Court is prepared to reconsider the necessity for an adversary, rather than an *in camera*, hearing with respect to taint. If *in camera* proceedings are sufficient and no taint is discerned by the judge, this case is over, whatever legality of the tap.

FOOTNOTES

[1] The Attorney General's affidavit concluded:

"I certify that it would prejudice the national interest to disclose the particular facts concerning these surveillances other than to the court *in camera*. Accordingly, the sealed exhibit referred to herein is being submitted solely for the court's *in camera* inspection and a copy of the sealed exhibit is not being furnished to the defendants. I would request the court, at the conclusion of its hearing on this matter, to place the sealed exhibit in a sealed envelope and return it to the Department of Justice where it will be retained under seal so that it may be submitted to any appellate court that may review this matter." App. 20–21.

[2] I cannot agree with the majority's analysis of the import of § 2511 (3). Surely, Congress meant at least that if a court determined that in the specified circumstances the President could constitutionally intercept communications without a warrant, the general ban of § 2511 (1) would not apply. But the limitation on the applicability of § 2511 (1) was not open-ended; it was confined to those situations which § 2511 (3) specifically described. Thus, even assuming the constitutionality of a warrantless surveillance authorized by the President to uncover private or official graft forbidden by federal statute, the interception would be illegal under § 2511 (1) because it is not the type of presidential action saved by the Act by the provision of § 2511 (3). As stated in the text and footnote 3, the United States does not claim that Congress is powerless to require warrants for surveillances which the President otherwise would not be barred by the Fourth Amendment from undertaking without a warrant.

[3] See the Transcript of Oral Argument in this Court, pp. 13–14:

"Q. . . . I take it from your answer that Congress could forbid the President from doing what you suggest he has the power to do in this case?

"Mr. Mardian [Assistant Attorney General]: That issue is not before this Court——

"Q. Well, I would—my next question will suggest that it is. Would you say, though, that Congress could forbid the President?

"Mr. Mardian: I think under the rule announced by this court in *Colony Catering* that within certain limits the Congress could severely restrict the power of the President in this area.

"Q. Well, let's assume Congress says, then, that the Attorney General, or the President may authorize the Attorney General in specific situations to carry out electronic surveillance if the Attorney General certifies that there is a clear and present danger to the security of the United States?

"Mr. Mardian: I think that Congress has already provided that, and——

"Q. Well, would you say that Congress would have the power to limit surveillances to situations where those conditions were satisfied?

"Mr. Mardian: Yes, I would—I would concur in that, Your Honor."

A colloquy appearing in the debates on the bill, appearing at Cong. Rec. Vol. 114, Pt. 11, pp. 14,750–14,751, indicates that some Senators considered § 2511 (3) as merely stating an intention not to interfere with the constitutional powers which the President might otherwise have to engage in warrantless electronic surveillance. But the Department of Justice, it was said, participated in the drafting of § 2511 (3) and there is no indication in the legislative history that there was any claim or thought that the supposed powers of the President reached beyond those described in the section. In any case, it seems clear that the congressional policy of noninterference was limited to the terms of § 2511 (3).

[4] See also Transcript of Oral Argument, p. 17:

"Q. [I]f all the *in camera* document contained was what the affidavit contained, it would not comply with the Safe Streets Act?

"Mr. Mardian: I would concur in that, Your Honor."

[5] The Government appears to have shifted ground in this respect. In its initial brief to this Court, the Government quoted the Attorney General's affidavit and then said, without qualification, "These were the grounds upon which the Attorney General authorized the surveillance in the present case." Brief for the United States, p. 21. Moreover, counsel for the Government stated at oral argument "that the *in camera* submission was not intended as a justification for the authorization, but simply [as] a proof of the fact that the authorization had been granted by the Attorney General of the United States, over his own signature." Tr. of Oral Arg., pp. 6–7.

Later at oral argument, however, the Government said: "[T]he affidavit was never intended as the basis for justifying the surveillance in question . . . . The justification, and again I suggest that it is only a partial justification, is contained in the *in camera* exhibit which was submitted to Judge Keith . . . . We do not rely upon the affidavit itself but the *in camera* exhibit." Tr. of Oral Arg., at pp. 14–15. And in its reply brief, the Government says flatly: "These [*in camera*] documents, and not the affidavit, are the proper basis for determining the ground upon which the Attorney General acted." Reply Brief for the United States, p. 9.

[6] Procedures in practice at the time of the request here in issue apparently resulted in the Attorney General merely countersigning a request which asserted a need for a wiretap. We are told that under present procedures the Attorney General makes an express written finding of clear and present danger to the structure and existence of the Government before he authorizes a tap. Tr. of Oral Arg., pp. 17–18.

[7] "Whenever any wire or oral communication has been intercepted, no part of the con-

tents of such communication and no evidence derived therefore may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, or a political subdivision thereof if the disclosure of that information would be in violation of this chapter." 18 U.S.C. § 2515.

ADDITIONAL STATEMENTS

ACCOMPLISHMENTS AT STOCKHOLM CONFERENCE ON HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, in a speech I delivered on the floor of the Senate last week, I listed what I considered to be the 12 most significant accomplishments of the United Nations Conference on the Human Environment, just concluded in Stockholm. Many of those accomplishments, after consideration by the U.N. General Assembly this fall, will require action by the Senate in the form of treaty ratification or appropriations.

In anticipation of this fact, several Senators—Mr. ALLOT, Mr. BUCKLEY, Mr. CASE, Mr. MAGNUSON, Mr. MOSS, Mr. NELSON, Mr. PELL, and Mr. WILLIAMS—were asked to attend as advisers and delegates for the United States at the Conference. Although all of the Members of the Senate who participated at Stockholm deserve the praise of their colleagues, I want to mention specifically and commend the fine job done by Senators CASE and MAGNUSON, who were selected as the leaders of the senatorial delegation. Their expertise in the areas of foreign relations and international commerce, in addition to their keen sense of environmental awareness, was of immeasurable value to the entire U.S. delegation in its efforts to bring about a successful Conference.

When the Senate begins its consideration of many of the measures adopted at Stockholm, I look forward to the same type of leadership from Senators CASE and MAGNUSON at home, that they exhibited so well abroad, and I hope that together we might gain the support of the Senate for the spirit of action to respect, preserve, and protect the environment, the spirit which was begun at Stockholm.

OBSERVATIONS OF TOM DOWLING ON THE CURT FLOOD CASE

Mr. ERVIN. Mr. President, the noted sportswriter Tom Dowling had some interesting observations on the recent decision of the Supreme Court in the Curt Flood case. These observations appeared in the Washington Evening Star for June 22 and June 25, 1972.

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Washington Star, June 22, 1972]

FLOOD VERSUS KUHN: NOT THE COURT'S FINEST HOUR

(By Tom Dowling)

When the players themselves sound glum and apologetic for the game they've just played, you have to figure the sport involved is baseball. And sure enough that's the way the Supreme Court sounded in its 5–3 decision Monday siding with baseball in the Curt Flood case. It was the third time this century the court has had its fling with the National Pastime and it has yet to get the hang of the game.

Essentially, the issue before the court was whether baseball's reserve clause violates antitrust law because it imposes restraint of trade by denying ball players the right to sell their services on the open market.

An ancillary consideration was why baseball should be the sole American professional sport to be granted the special privilege of antitrust immunity as a result of the High Court's decision in Federal Baseball Club of 1922 and Toolson of 1953.

ASTOUNDING RULING

Monday's ruling was astounding on several counts.

In the first instance, all knowledgeable observers, including baseball's own lawyers, assumed that the court had agreed to hear Flood vs. Kuhn last October because it had distinct reservations over the wisdom of its earlier decisions conferring antitrust immunity on a game that becomes more and more business oriented with each passing year.

Secondly, there is no clear evidence that the present court is markedly less vigilant in upholding antitrust statutes than its predecessor, the Warren Court. Finally, the five justices who voted to reaffirm baseball's unique status were at best tepid in defense of their votes.

Writing for the majority—though two of his colleagues pointedly snubbed two-fifths of his opinion—Justice Harry Blackmun termed baseball's reserve clause exemption "an exception and an anomaly . . . an aberration." In a concurring opinion, Chief Justice Burger's most ringing defense of his own position was to note he had "grave reservations as to its correctness."

CHARITABLE INTERPRETATION

You would think that with friends like this the reserve clause hardly requires an enemy. Yet the indefensible carried the day, the unlikely and the illogical retains its age-old privileged sway. The obvious and disquieting explanation for baseball's triumph is that the court did not regard the clear if lucrative servitude of ballplayers as a very serious public issue.

In substance, Burger's opinion argues that the reserve clause is an awkward but hallowed custom best left to Congress to rectify.

Blackmun, on the other hand, asserts that Congress "positive inaction" over baseball's anomalous antitrust position implies legislative satisfaction with the status quo. This is surely one of the most charitable possible interpretations to account for Congress characteristically dropsical inactivity, a torpor that extends to almost every issue of public policy. Indeed, by a 5–2 majority the court repudiated Blackmun's thesis on this point. In sum, both the Blackmun and Burger opinion are copouts.

This is all the more disappointing since the chief institutional difference between the Supreme Court and the Congress is that the former is alive and working, while the latter has long ago forfeited any public confidence in its capacity to take decisive action.

While it is possible to make a persuasive case that inequities and even chaos might result should baseball be shorn of its reserve clause, the fact is that such consequences are no concern of the Supreme Court, which commands considerable respect for rigorously deciding matters on the basis of the law. Sadly enough, by its own acknowledgement the court eschewed that responsibility with Curt Flood. True, he is only an individual, but then the rights of a single man are the special majesty of the law.

CONSIDERABLE CONFUSION

Because the court's deliberations are held in secrecy it is impossible to determine exactly how the Flood decision was reached. However, some details have come to light, which may help explain why Flood vs. Kuhn was not the High Court's finest hour, was indeed a matter of considerable confusion.

Justice Lewis Powell, who heard the oral arguments last March, promptly disqualified himself from the case, apparently because he owns 880 shares of Anheuser-Busch stock, worth approximately $44,000 at the time Powell was appointed to the court. Since Gussie Busch owned not only the Budweiser brewery but also the St. Louis Cardinals, Powell clearly felt that his active participation in the Flood case would raise a possible conflict of interest.

That left eight votes. Informed sources close to the court say that the eight justices originally were split in conference 5–3, with Chief Burger on Flood's side and Justice Thurgood Marshall on baseball's side. This is entirely plausible since the Star has learned that Justice Potter Stewart assigned the majority opinion to Blackmun. This could only happen in the event the Chief Justice and the next two justices senior to Stewart, William Douglas and William Brennan, were in the minority, as was, in fact, the case.

So, after the opinion for the majority had been given to Blackmun, either Burger or Marshall switched his position on the case. That change would have meant a 4–4 deadlock, which in turn would mean that the court could render no decision whatsoever in the case. Given the considerable publicity surrounding Flood vs. Kuhn, such a standoff doubtless would prove embarrassing to the court. After all, why go to the lengths of reopening baseball's antitrust immunity only to leave the matter up in the air? For if the court failed to speak to Flood vs. Kuhn, another baseball player could test the legality of the reserve clause again in the courts.

RULING INSURED

The cost of the Flood litigation was around $100,000. This is a fair sum of money for the Major League Baseball Players Association to spend on still another suit against baseball with the possibility that the issue ultimately would return to the Supreme Court only to be left dangling again in irresolution.

Therefore, whichever justice—Burger or Marshall—abandoned the majority to create the 4–4 standoff, the remaining one then reportedly defected from the minority side to create the final 5–3 vote. Internal evidence would suggest that Burger, who as Chief Justice has a special concern if not proclivity for preserving the court's public image of efficiency, was the last switch, thus insuring a ruling even if it were of an intellectually disagreeable nature.

Such switches are by no means an uncommon practice at the court, where decisions frequently are the result of consensus politicking and independent re-examination of views. Yet, these reported shifts certainly imply a confused, even a Byzantine approach to the relatively cut and dried antitrust issue involved in Flood vs. Kuhn.

Perhaps the explanation lies in the almost mythical grip of baseball on the national consciences, especially among the generation now old enough to sit on the Supreme Court. How else can you view Monday's curious decision with its extralegal, sentimental qualities?

More on that Sunday.

[From the Washington Star, June 25, 1972]

QUAINT OPINION FROM THE COURT

(By Tom Dowling)

"The Supreme Court follows the election returns," drawled Mr. Dooley to Mr. Hennessy in 1901, when major league baseball was king. Nowadays, when the whole face of America

has altered, it seems that the Supreme Court only follows the baseball standings—circa 1901.

Why, even Mr. Hennessy could tell that the court's 5–3 ruling last week against Curt Flood's challenge to the reserve clause says one thing with any particular clarity: We don't want to put any new-fangled asterisks in the baseball record book, whatever the rights of the case.

Baseball takes its special character from its turn of the century roll-call of mythic heroes, of big strapping farmboys abandoning their ploughs in the fields to journey to the burgeoning cities beyond the Appalachians—Pittsburgh, Cleveland, Cincinnati, St. Louis, Detroit, Chicago. The future was out West and, sure enough, St. Louis, the gateway city, had two ball clubs, as many as patrician Boston and merchantile Philadelphia.

Like the railroads, baseball was one of the sinews reminding us how the nation was tied together in the days of manifest destiny. And, if, like the railroads, baseball is now only a waning shadow of its former self no one wants to be reminded of that painful fact.

THE BIZZARRE PART

How else to account for the backward-looking majority opinion of Justice Harry Blackmun in the Flood case? Blackmun's opinion is divided into five parts, the first of which—judicially speaking, at least—is perhaps the most bizarre literally effort ever handed to the Supreme Court printers.

It is, in fact nothing less that a breathless hymnal to major league baseball—lyrical, devout, bombastic, yet oddly touching in its awkwardly Whitmanesque power to summon up the breadth of a vanished era.

Here is a small flavor of Blackmun's rhapsodical pre-Grantland Rice prose: "It is a century and a quarter since the New York Nine defeated the Knickerbockers 23–1 on Hoboken's Elysian Fields June 19, 1846, with Alexander Jay Cartwright as the instigator and the umpire. . . . And one recalls the appropriate reference to the 'World Series' attributed to Ring Lardner Sr., Ernest L. Thayer's 'Casey at the Bat,' the ring of 'Tinker to Evers to Chance,' and all the other happenings, habits and superstitions about and around baseball that made it the 'national pastime'. . . ."

Blackmun at his rhetorical peak gushes forth a list of no fewer than 88 heroic baseball players "celebrated for one reason or another, that have sparked the diamond and its environs and that have provided tinder for recaptured thrills, for reminiscence and comparisons and for conversation and anticipation in-season and off-season."

THE ANCIENT NAMES

The first names roll by as in some rich processional pageant of a cozier era: Ty, Goose, King, Big Dan, Wahoo Sam, Wee Willie, Iron Man, Three Finger, Smoky Joe, Chief, Dazzy, Cap, Nap, Stuffy, Zack, Eppa, Pie, Rube, Old Hoss, Rabbit and Lefty.

Yes, Good God, yes, this game is touched with a grandiose and venerable zaniness, a next-door-neighbor intimacy when baseball teams were special, made up of big-hearted men-children just like the butcher's boy, the carpenter's apprentice up the street, each with his own vivid moniker and derring-do you could never forget.

There is surely a place for mythic recollections. But in a Supreme Court opinion on antitrust law? It is hard to grasp why such romantic sentiments have anything to do with Curt Flood who came to the Supreme Court for equitable redress, not to hear rhapsodical encomiums on Cap Anson and Rabbit Maranville.

In that sense, it is noteworthy that Chief Justice Warren Burger and Justice Byron White, while joining in the 5–3 majority against Flood, specifically disassociated themselves from Blackmun's celebration of baseball. You have to speculate that Burger and White felt a trifle squeamish that a colleague assigned to deliver the majority opinion on a landmark baseball decision would begin with a preamble that even Commissioner Bowie Kuhn would be inclined to tone down for credibility's sake. Judicial impartiality blurs somewhat when the author wears his heart on his sleeve.

TOO LITTLE HEART

Yet, if Blackmun displayed too much heart for baseball's past the others who joined in the majority vote showed perhaps too little heart to face the issue of baseball's present.

It is hard to foresee any legislative response to the High Court's invitation to Congress to deal with the reserve system. What seems a more probable ramification is that the more hard-nosed baseball owners, a working majority already, will see the decision as a vindication of their point of view.

Bowie Kuhn has already issued a conciliatory sounding statement on the impact of the ruling on owner-player relations. But that does not mean that the owners, who have the real power, are going to take a moderately compromising tack with the Players Association over modifying the reserve clause. That would require considerably more foresight and even-handedness than the owners have ever demonstrated.

Indeed, with the fear of legal reprisal now removed by the Supreme Court, the owners may seek to further consolidate their gains by seeking to crush, or at least humble, the players' association during the next round of baseball negotiations. That could mean a baseball strike next year that would make this year's walkout seem a mere friendly misunderstanding.

Such a bitter labor-management showdown wouldn't have much to do with the baseball lore Harry Blackmun finds so appealing. But then today's game doesn't have much to do with the sport he and the court majority remember, either.

ROBERT E. LEE

Mr. BOGGS. Mr. President, last Friday the Senate passed H.R. 10595, which would change the official name of the Custis-Lee Mansion in Arlington National Cemetery to "Arlington House, the Robert E. Lee Memorial." I support this change for both its historical accuracy and the tribute it pays to this great American.

This legislation restores the house's original name, Arlington House. But it also takes note of the house's greatest historical value, the fact that it served as the home of Gen. Robert E. Lee for 3 years prior to the beginning of the War Between the States.

I am personally a great admirer of General Lee. I believe his life and career are examples of the highest qualities of statesmanship, and I am pleased that his name will be linked permanently with this landmark visited every year by millions of Americans.

General Lee was the founding father of the first chapter of Kappa Alpha Order at Washington College—now Washington and Lee—during his tenure as the school's president following the War Between the States. I was privileged to become a member of Kappa Alpha when I was a student at the University of Delaware, and I am proud of the association with the memory of Robert E. Lee which that membership has brought me.

THE PRESIDENT QUITS ON WELFARE REFORM

Mr. RIBICOFF. Mr. President, as yesterday's Washington Post editorial and today's New York Times editorial accurately indicate, President Nixon has made it clear that he does not wish to enact a welfare reform bill.

I am deeply disappointed that President Nixon does not wish to work with those of us in Congress seeking meaningful welfare reform. In the past the President has asked to be judged by his deeds, not his words. He has failed his own test—delivering words on welfare reform but little else. As a result of his lack of commitment to secure passage of reform legislation, the prospects for reforming our Nation's welfare mess are growing dimmer.

For some time it has been evident that the only possibility for enactment of worthwhile legislation lies in accommodation between those of us supporting improvements to H.R. 1 and the President.

I fail to understand how the President can say that moving in the direction of compromise is wrong on the merits. The fact is that in the past he has supported virtually every element of the proposed compromise bill.

In 1969 and 1970, President Nixon's welfare reform guaranteed benefits no lower than under the present system. Now he rejects that principle.

He agreed to optional work registration for mothers with preschool children. Now he rejects that principle.

He agreed to require State supplementation of families headed by unemployed males. Now he rejects that principle.

He agreed to job suitability provisions, eligibility based on current need, simplified, efficient administrative requirements. Now he rejects these principles.

In short, by rejecting an accommodation with those of us seeking meaningful reform, he is turning his back on all the principles he has supported in the past. He is left with H.R. 1—a regressive, inhumane, and unacceptable welfare bill. It should be obvious to him by now that there are no supporters for H.R. 1 as it passed the House. Not one Republican member of the Senate Finance Committee supported it. Instead, they supported a subpoverty make-work program, which is completely incompatible with the concepts of the family assistance plan.

A large group of Republicans and Democrats remain committed to passage of worthwhile welfare legislation. Without the President's support, however, welfare reform is dead.

I ask unanimous consent that the Washington Post and the New York Times editorials be printed in the RECORD.

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

[From the Washington Post, June 25, 1972]

PRESIDENTIAL POLITICS AND WELFARE REFORM

With his latest statement on welfare reform, President Nixon has finally made his

game plan on this issue quite clear and it looks from here to be significantly more disastrous than the play he gave to the Redskins last December and substantially less well intentioned. Along with revenue sharing, some executive reorganization and one or two other legislative items, welfare reform was trumpeted as part of the President's New American Revolution. Then came the economic crisis last summer and with a grand gesture, he deferred this part of the Revolution to a later date. That gave some people a bit of pause about the seriousness of his intentions, but with many others, we gritted our teeth, waited for the rest of the story and hoped for the best.

The course of welfare reform has been tortuous and hazardous. First, the House took the President's proposals, added some harsh measures with the President's assent and sent the bill over to the tender hands of the Senate Finance Committee. Whereas the House-passed measure (H.R. 1) would have simply insured that a large number of the people now receiving benefits would receive less in the way of payments and food stamps, the bill fashioned by the Senate Finance Committee is draconian by comparison. The House passed bill at least had the virtue of embodying the humane principle of a cash floor under income. The Senate Committee, on the other hand, designed a weird forced make-work program which would trap both the government and welfare recipients into an untenable and costly relationship which would also endanger some of the fundamental freedoms of those in the program.

Senator Ribicoff, meanwhile attempted to fashion a bill which would retain the humane aspects of H.R. 1 while ensuring that no recipients would be hurt by the "reforms." While the Ribicoff plan picked up substantial support in the Senate, the argument that it was too costly threatened to impede its headway there. A compromise, embodying the Ribicoff safeguards, but which would cost the taxpayers less has been worked out and has the support of 19 Republican senators as well as the President's own Secretary of Health, Education and Welfare. Sophisticated nose counters believe that the original supporters of the Ribicoff measure plus those who could support the compromise promised a Senate majority for a rational and humane welfare reform measure.

The time thus had come for the President to move past rhetoric and to turn his cards up. Now, apparently, he has done that by telling us that he cannot support the compromise, because, among other reasons, he believes it "would not be in the interests of the welfare recipients themselves." Aside from being dead wrong on the facts—the Senate compromise would enhance benefits rather than cut them as would H.R. 1, which the President supports—the President has probably dealt a lethal blow to the meaningful welfare reform that he once assured us that he wanted. By undercutting the moderate Senate majority for the compromise plan, Mr. Nixon has either killed welfare reform entirely or given us the horrendous possibility of something that is a cross between H.R. 1 and the Senate Finance Committee bill.

In a word, then, Mr. Nixon's game plan seems to be to dump the whole thing—and blame it on Congress in the fall campaign. And that is a point to remember. For all the political rhetoric, it now seems clear that it is the coach himself and no one else who will be responsible for the death of any hope for real welfare reform.

[From the New York Times, June 25, 1972]

THE WELFARE SWAMP

President Nixon has made no contribution toward enactment of welfare reform by undercutting the efforts of a Senate coalition headed by Senator Ribicoff to correct defects in the bill already passed by the House.

From the time when the President first advanced his proposal for putting a Federal floor under family income nearly three years ago, the basic idea seemed to us an innovative and imaginative approach to solving the present catastrophic welfare program. Chairman Mills of the House Ways and Means Committee, after a long period of soul searching, twice succeeded in persuading the House to go along with this effort to erase the demeaning line between the working poor and those wholly dependent on public support.

In the Senate, however, the measure has been hammered into unrecognizability by the conservative majority in the Senate Finance Committee. It is about to report out an abomination that would make the existing welfare system even more degrading, costly and chaotic. Meanwhile, the ranks of Senators who ought to be stanch supporters of the original concept of welfare reform have been split by a wrecking campaign initiated by ultramilitants among welfare recipients, dissatisfied with any measure that fails to double or treble the already high cost of the House bill.

Senator Ribicoff has sought to repair the damage through months of conferences with Secretary Richardson of the Department of Health, Education and Welfare and other high Administration officials. Out of these talks came a compromise that would have vastly improved the House bill without departure from the principles originally enunciated by the President.

In essence, the compromise would raise the Federal income guarantee for a family of four from the House level of $2,400 a year to $2,600, a decidedly modest liberalization. Even more important, it would insure that adoption of the reform program would not mean a reduction in benefits for families now on the rolls. The plan also would entail more realistic provisions for moving welfare recipients into jobs and establish Federal administration of benefit payments.

This is a program that deserves Senate approval, but it is unlikely to prevail unless the President, modifying his present declared intention to stick with the House version, swings to active support of the Ribicoff compromise. The alternative is less likely to be passage of the House bill than the killing for this Congress of any real move to dredge the swamp that is welfare.

UNITED AIRLINES AND TRANSPORTATION FOR THE ELDERLY AND HANDICAPPED

Mr. DOLE. Mr. President, the elderly citizens of our Nation face many pervasive and complex problems, and the 1971 White House Conference on Aging identified transportation as one of the most pressing. In its report the conference stated: For many of the elderly, the lack of transportation itself is the problem; for others it is the lack of money for bus fares; the lack of available services to places they want and need to reach; the design and service features of our transportation systems.

Several modes of transportation are available to the elderly, chiefly automobiles, cabs, buses, and airlines. Many elderly citizens do have the financial resources to purchase or do own a car, but they are not able to drive themselves because they are physically handicapped. Cab service is expensive and often unreliable; bus service is often inconvenient for the elderly since the waiting periods are often lengthy—especially for intra-urban travel—the fares are high, and the buses are often overcrowded.

The commercial airlines are one form of transportation which is utilized by elderly citizens for long distance travel, and the Nation's airlines offer many valuable free services to the disabled and the elderly. Airlines frequently provide escorts from the ticket area to the plane, arrangements can be made for early boarding of flights to avoid the crush and confusion of regular boarding operations, specific meals can be ordered to meet dietary requirements, airline personnel will often notify an elderly person's relatives or friends when and where the passenger will arrive, and wheelchairs are available in most terminal buildings. One carrier which offers such services and has an outstanding record in serving the elderly and the handicapped is United Air Lines. On Monday, June 12, the Federal Aviation Administration presented United Air Lines with a distinguished service award for its leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers.

John H. Shaffer, Administrator of the FAA, recently visited United's executive offices in Chicago to present this citation to Mr. Edward E. Carlson, president of United, and while there he also presented a silver medal to Mr. Robert G. Sampson, vice president, property central division, who is himself handicapped.

The citation to Mr. Carlson read:

The distinguished service award goes to United Air Lines whose pioneering efforts in providing airline service tailored to the special needs of physically handicapped and elderly persons has immeasurably enhanced their ability to use and enjoy the benefits of air transportation. This airline's leadership in establishing methods and procedures to accommodate disabled and nonambulatory passengers is a corporate responsibility and compassion and deserves the gratitude of the entire aviation community.

Mr. President, I would hope that the beneficial services offered by United Air Lines to elderly and handicapped passengers will soon be offered not only by all airlines, but by other modes of transportation, as well.

CLINTON R. GUTERMUTH, A FRIEND OF WILDLIFE

Mr. CHURCH. Mr. President, at a time of growing appreciation of our interdependence on wildlife, we owe a particular debt of gratitude to those who seek to promote and protect our wildlife. The national interest in wildlife has, to some extent been recent, and those who pioneered this awakening to the value of wildlife deserve the special thanks of all Americans.

One such individual is Clinton Raymond Gutermuth, known to his many friends as "Pink" Gutermuth. His long and distinguished record as a conservationist and expert in wildlife management is nationally and even internationally known. As vice president of the Wildlife Management Institute for 26 years and as a member of the boards of directors of countless conservation organizations, "Pink" Gutermuth has made his mark as one who treasures our national and wildlife values.

This spring the University of Idaho se-

lected Clinton R. Gutermuth to receive an honorary doctor of science degree. This award, signifying the recognition of both his contribution to wildlife and conservation on the national level and of his special contribution to the organization of the Idaho Cooperative Wildlife Research Unit, was given at graduation ceremonies at the university in Moscow, Idaho, on May 21, 1972.

I and other Idahoans owe a debt of thanks to Charles R. Gutermuth for his exemplary career in conservation and wildlife management. I know that Senators will want to join me in extending congratulations to "Pink" Gutermuth on the occasion of this award.

I ask unanimous consent that the citation conferred with the honorary doctor of science degree upon Charles R. Gutermuth be printed in the RECORD for the information of the Senate and those who are interested in wildlife and conservation.

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

Clinton Raymond Gutermuth—Your contributions to conservation, wildlife management, and the education of the general public in these areas make us proud to welcome you to our fellowship of honorary alumni. A graduate of the American Institute of Banking, Notre Dame University in 1927, you, early in your career, opted to leave banking and commerce in favor of the interests of conservation in its broadest and best sense. From 1934 to 1942 as Director of Education and Director of Fish and Game for the State of Indiana, you establish a national and international reputation which led to your appointment in 1942 as Executive Secretary of the American Wildlife Institute. In 1946 you moved to the vice-presidency of the Wildlife Management Institute, a post which you held for 26 years until your retirement in 1971. A member or officer of countless boards of directors of various conservation agencies throughout the world, we in Idaho are in your debt for your special attention and help in the organization of the Idaho Cooperative Wildlife Research Unit and for your continuing attention to its needs and to its promotion. A frequent visitor to this campus and to this state, you had a major role in the 1952 study of Idaho's fish and game management program. This survey led directly to substantial improvement in the operation of the state's Fish and Game Commission and Department. Author, astute manager, educator, great good friend of all the world and its natural populations, your public honors are legion. To them the University of Idaho is proud to add its honorary degree Doctor of Science. This degree, by virtue of the authority vested in me by the Regents, I do now confer, together with all of its rights, privileges, and responsibilities.

A RECOMMITMENT TO HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, Senators are well aware of the practical implications of the Genocide Convention. A rational examination of the treaty reveals that it does not attempt to interfere with the domestic jurisdiction of sovereign nations, and would not jeopardize the constitutional rights of U.S. citizens.

I shall address myself, however, to the moral and philosophical questions which have been raised by this modest proposal. Supporters and opponents alike have been moved to consider this treaty as a statement on man's responsibility to his fellow man, on the responsibilities of governments to their citizens. I commend such lofty thinking; it is heartening to know that there are those who recognize the ever-increasing need for respect and cooperation among the world's people. As the earth becomes more crowded, the behavior of individuals and of nations must be based on ever higher and more humane standards.

President Kennedy eloquently expressed his awareness of this need when he said:

The day-to-day unfolding of events makes it ever clearer that our own welfare is interrelated with the rights and freedoms assured the people of other nations . . . There is no society so advanced that it no longer needs periodic recommitment to human rights. The United States cannot afford to renounce responsibility for support of the very fundamentals which distinguish our concept of government from all forms of tyranny.

Mr. President, we have an opportunity to recommit ourselves to that basic belief in the sanctity of human life upon which our Nation was founded; we have an obligation to reaffirm our opposition to that desecration of human life which we have so often fought. I urge Senators to take advantage of this opportunity, to accept this obligation, and move for the immediate ratification of the Genocide Treaty.

STATEMENT OF SENATOR HARRIS BEFORE DEMOCRATIC PARTY PLATFORM COMMITTEE

Mr. HARRIS. Mr. President, yesterday I testified before the Platform Committee of the Democratic Party. Believing that the issues I raised then are relevant to the decisions confronting the Senate, as well, I ask unanimous consent that my statement be printed in the RECORD.

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

THE CHOICE: GREATER INDIVIDUAL POWER OR GREATER CORPORATE AND GOVERNMENTAL POWER

Mr. Chairman: A few times in history—very few—party platforms have made a difference. Most often, they have re-worded the good intentions of four years before.

1968 was different in a key respect: the struggle over the issue of the Vietnam war—though the final platform provision had little meaning—nevertheless focused the attention of the nation and ourselves on the immorality and impracticality of our involvement in that war, made us see that the Democratic Party was fundamentally undemocratic, made us excrutiatingly aware that America was living on a level far below its ideals.

1972 could be a memorable year, as well. We might begin to put America back together again—across race, age, sex and regional lines—around fundamental issues and principles.

Re-read Jackson's words when he voted the bank renewal bill, Cleveland's message to Congress in 1888, the best of the Bryan's campaign oratory and Franklin Roosevelt's acceptance speech of 1936. These men spoke bluntly, and they sided with the people.

That is the lesson of the 1972 primaries. The centrists did not win. The people did not rally to the campaigns of the Muskies, the Humphreys, the Jacksons. The big winners in 1972 were George McGovern and George Wallace—a strange result to those accustomed to the old terms of "liberal" and "conservative." But in terms of power, in terms of the overriding sense of powerlessness which most Americans feel, the meaning of the McGovern and Wallace candidacies comes into focus. People want change. They do not like the way things are. They are dissatisfied with those who hold power and the way they use it.

George McGovern understood this best and offered the best alternatives—and his campaign succeeded best.

Foolish in the extreme are those—some are McGovern's friends who do not yet understand why this gentle man stirs up such enthusiasm; some are his enemies who still cannot figure out what it is he has—foolish are those who now counsel that McGovern's campaign must abandon its most appealing aspects—its honesty, its directness, its fundamental issues—and become centrist. Nonsense! For God's sake, a centrist is what we have in the White House right now—and look where that's gotten us!

Those who counselled the candidates of 1972 to avoid the American shame of race to speak only in vagueness, to look away from the deprivations of the poor and the privileges of the rich—these counsellors counselled their candidates to defeat.

Pandering to the baser fears and prejudices which lurk within us all is not what Presidents are for. Nor is finding out where the middle ground is and getting there as fast as one can. Presidents and presidential candidates—and political parties—have a higher duty, a duty to lead, to search out and gather up and shout forth a better vision of ourselves.

No Party can turn its back on black people or the problems of the central cities, no Party can refuse to stand up for the poor and hungry, no Party can fail to seek redress of inordinate imbalances in economic and political power without calling into serious question its reason for existing as a political party.

The success of the McGovern campaign should not surprise those who really believe in America and its people. While it may not be technically true, as Thomas Jefferson said, that "one man with courage is a majority," that man or woman will eventually *win over* the majority if right. To question that is to question whether our system will really work and whether people really are smart enough and decent enough to govern themselves.

I believe they are. And it is our job to give them a choice. If we do that, 1972 will come to be looked upon as the pivotal year in the long history of our nation.

The choice is between greater individual power or greater corporate and governmental power. The 1972 election should be decided on this issue.

Where is our sense of common struggle and shared ideals? Both the "hard hat" and the student look to us for that answer.

What does it mean to be an American in the last third of the 20th century? Both the jobless black teenage drop-out from a criminally ineffective school system and the white pulpwood cutter in Alabama who cannot feed his family want to know.

They know the *symptoms*—and so do we: rising alcoholism, increasing use of narcotics, alarming crime rates, growing violence and suicides and apathy. These *are* symptoms. They are not causes. They are symptoms—pathological symptoms—of a society in deep stress. The steelworker in Gary, the small farmer in Oklahoma, the Chicano mother in Los Angeles, the old person in Miami, the Native American in Arizona, the teacher in Cleveland, the garbage worker in New York—they all know what we *should* know. A little more housing, a little more food stamps, a

few more summer jobs—though we need them all—will not do.

Deep down, they all know that America ought to be a place where every person has a right—not a matter of charity, but a *right*—to a decent share in things, and that America ought to be a country where we practice, at home and around the world, the human ideals we profess. They know that America *should* be that kind of country, that it *isn't*, that it *can* be.

It can be, if we will help make it so. Even a campaign can make a difference.

But the people cannot be rallied to a mere restatement of traditional liberalism, nor to a quantitative call for adding on to old programs. Reform is too circumscribed to bring about fundamental change if we will not deal with fundamentals.

The 1972 platform of the Democratic Party should state bluntly and plainly that it is our aim—and should be the goal of our nation—to:

More fairly distribute income and wealth;

Deconcentrate economic and political power, and

Make real the inherent power and liberty of the people.

MORE FAIRLY DISTRIBUTE INCOME AND WEALTH

The social problems of America will not be solved by more handouts to the rich, but by more income for the people. People can buy health and housing and education with dignity, if they have money. Advice will not suffice.

Today, the richest *one-fifth* of our people have forty-one percent of the income, *after taxes*. That is more than the lower three-fifths combined, who have only thirty percent. The lower one-fifth of our people have only five percent of the income. This endemic maldistribution of income—with all of our New Deal programs—has gotten slightly worse, not better.

That is the kind of America we said we wanted. We are not an organized government in order to protect the rich and powerful; the rich and powerful can take care of themselves. We are an organized government so that everyone will have a fair share. We should say so, straight out, and then the people will make us do something about it.

The maldistribution of wealth is even worse. The richest *eight* percent of our people now own over sixty percent of all private assets. The upper *two* percent own nearly all of the personally-held income producing investments—eighty percent of corporate stock, ninety percent of corporate bonds and one hundred percent of municipal bonds.

The rule of prime-geniture, a system by which the king's oldest son became king, went out of vogue a long time ago, despite the fact that some people justified it on the grounds that, "We got a lot of bad kings that way, but it saves a lot of trouble". Yet, today's rich—the Mellons, the Rockefellers, the Fords and DuPonts—as well as the owners of great bolcks of General Motors stock and other fortunes—pass from one generation to another with little diminution more power over human lives than most of history's kings dared dream of.

With all these glaring disparities in the distribution of income and wealth in America, some liberal economists still position themselves along side President Nixon, urging that we must not lose the "cooperative spirit" in our economy, and that it would be better if we hush up about the inequities of the division and promote, instead, economic growth as the best way for "everyone" to gain.

Aside from the serious questions now rightly being raised about the awesome problems which go hand in hand with unlimited growth for private gain, poor people and working people, black people and other minorities, know their *relative* share is getting less, not more, and it was already an unfair share.

Enough of this saying that poor people in America are better off than poor people in Belgium! Enough of this saying that working people in America are better off than working people in Spain! Enough of this saying that black people in America are better off than black people in Africa!

Poor people and working people and black people and other minorities in America are not Belgians, nor Spaniards, nor Africans. They are American, and they have a right to judge their lives and their hopes by *American* standards.

The Democratic Party must say that everyone in America willing and able to work has a *right* to a job, and that those who cannot work or who cannot find work have a *right* to a decent income. Not only or just out of the goodness of our hearts, but because that is the only kind of system which will work.

The Democratic Party must say it is going to stop all this redistribution in the wrong direction—stop these farm and other subsidies to the rich.

Most basically, the Democratic Party must say that the government is going to have to start taxing on the basis of income and wealth, stop *all* the tax loopholes and restrict the transfer of inordinate wealth from one generation to another.

A comedian of some years ago regularly drew great laughs when he said that, if he were President, he would tax the poor, not the rich, because, he said, that would give the poor some incentive to *be* rich. That pretty well sums up our present tax policy and the Democratic Party must offer fundamental change in that system.

After all, if the way we finance government is unfair, what *is* fair?

DECONCENTRATE ECONOMIC AND POLITICAL POWER

The economic problems of America will not be solved by more government intervention, but by more economic liberty. As someone wisely said, the Nixon Administration may not be soft on Communism, but it's damn sure hard on capitalism.

Why not try a little free enterprise? It cannot be worse than what we have. Some of the socialist countries of eastern Europe are making steps in that direction. Why shouldn't we?

Despite government controls, prices continue to go up and joblessness remains tragically high in a country where there are plenty of things that need to be done. Even some liberals side with President Nixon and say that what we may need are even *more* government controls. The Chamber of Commerce and big industry support President Nixon's government controls. Where are the traditional defenders of free enterprise? Doesn't it seem strange that they are either quiet and docile in the face of these economic controls, or speak out in their support?

Not so strange. If one has the power and pretty much controls the government, he doesn't so much mind the government controlling him.

There are natural market forces which hold down prices and unemployment. The government must step in where they do not work or to hold them within human bounds, but our government increasingly has intervened on the side *against* natural market pressures.

The big rich and corporate farmers are not more efficient at farming. They are more efficient at farming the government.

The small farmer being forced off his land knows something is wrong when the big conglomerates like Tenneco and other huge landholders unfairly compete with him with the *help* of government irrigation water and tax, farm payment and labor law subsidies.

The homeowner knows something is wrong when utility rates go up and up while service gets worse and worse and the big bankers and insurance companies and oil companies, which monopolize our energy resources, grow richer and richer without competition or control.

The small landowner and the deep-mine coal worker out of work know something is wrong when huge land holders are allowed to devastate the mountains, destroy the streams and exploit the people through strip mining, making politicians dance to their tune.

The worker in the Vega plant in Lordstown, Ohio, who turns the same little screw 107 times an hour, having to hold up his hand to go to the toilet or having to slip around to take a smoke, knows something is wrong when he draws only one ninetieth the salary of Mr. Richard C. Gerstenberg, President of General Motors, with all of his plush offices, corporate jets and huge incentives.

That kind of system drives people mad, and it will not work. Why should we only advocate land reform in Vietnam and South America? What's wrong with a little land reform in America?

Why can't *workers* have the incentive of owning shares in their company and having some control over their work?

Those in power do not need *new* favors; they already have them. And the people of this country are becoming painfully aware that our scandalous system of campaign financing, and the tax laws that allow U.S. Steel to deduct as a business expense the cost of advertisement and lobbying to tell us about the beauties of strip mining, are not the earmarks of a system designed to diffuse economic and political power.

We have more and more developed into a system in which the interests of big industry and big government are virtually synonymous. The Kleindienst-ITT affair is not an isolated case. It evidences the *rule*, rather than the exception. It should not be remembered merely as a question of Mr. Kleindienst's fitness to be Attorney General. We are going to get a bad attorney general in any event under this Administration.

The lesson of the Kleindienst-ITT case is that inordinate corporate power, sought to be regulated to some degree by inordinate government power, is *not* our only alternative.

Look at a graph showing mergers—fewer firms and less competition—over the last years. The peak of mergers just before Theodore Roosevelt took office looks like Pike's Peak; then it goes down again. The peak of mergers just before Franklin D. Roosevelt took office looks like Mount Everest; then it goes down again. But the peak of mergers during the last two years hasn't been reached yet, and it already goes off the top of the chart!

The biggest 200 corporations in America now control sixty percent of all manufacturing, as compared with only forty-six percent at the end of World War II.

Thirty-five percent of all industry in America—and that includes steel, automobiles, soap, soup, aluminum, farm machinery, containers and oil and gas—are dominated by four or fewer firms which have seventy percent or more of sales. That is *some* kind of system, but it is *not* the free enterprise system.

Prices in America are twenty percent too high because of the lack of competition in these shared monopolies, quality is held down and technological developments are stifled. Thus, we can't compete with foreign industry in too many of these fields, so we export jobs.

We must break up these shared monopolies such as GM and make the market work. Bigness—particularly with recent technological developments—is not essential, and is not benign, no matter who controls it. Bigness tends to grind down individuals.

The case for government controls and

ownership is not well made. Government controls have not done so well with the Post Office, nor with foreign policy for that matter. Why not try a little old-fashioned American competition?

The Democratic Party must say: reverse government control; inordinate concentration of economic and political power—whether in government, in industry or in labor—is not the American way.

MAKE REAL THE INHERENT POWER AND LIBERTY OF THE PEOPLE

The problems of instability in our society will not be solved by more government control, but by more individual freedom. It has been wisely put: the cure for the problems of democracy is more democracy.

If people are searching—as they are—for the underlying worth and meaning in their own lives and in their society, it is no wonder.

We have a government which says that we must continue the draft so we can have a volunteer army, spend more for arms so we can agree on arms control, bomb for peace.

Our government refuses to justify its foreign and military policies on moral grounds, but, nevertheless, presumes to invade the individual privacy of its citizens to enforce its own ideals of morals.

So, it involves itself in the private sexual behavior of consenting adults, breaks in and criminalizes the possession of marijuana, injects itself into the conscience-matter between a woman and her doctor over the control of her own body.

Our government wants to know what private citizens are saying and doing, but will not talk straight and openly about what *it* is doing.

We have a government which asks us to pledge allegiance to "one nation, indivisible," but itself acts to hinder equality of opportunity in education, its most important service.

Our government announces that the Vietnam War is wrong and unwinnable, but continues to make pariahs of those who knew it first.

But it is said that these are issues the Democratic Party must not deal with, except obliquely and vaguely and indecisively.

I say that the Democratic Party and the nation *will* deal with these issues, whether we want to or not.

And it is better that we deal with them in the right context and see the underlying American principles involved. For the real issues are the issues of human liberty and the right to be free of improper government control.

These *are* real issues, involving real principles. If we will not lead on them and help the nation see them aright and work them through, who will?

Enough of these euphemisms—"no-knock", "preventive detention", "moratorium", or legitimate court orders—which mask such ugly concepts!

In times of stress and trouble, freedom's cause is not furthered by abandoning its tenets.

The Democratic Party must call our people back to their basic belief in the inherent power and liberty of the individual. If we will not do so, it may not be done.

Mr. Chairman, "populism" is a popularly heard term in our land again. Some think it a passing fad. Some hope it is.

But there is more to the New Populism than the name. And some who call themselves by that name shun both its burden and its promise.

The New Populism—and it doesn't matter what you call it—means that most Americans are commonly exploited, and that, if we get ourselves together, we are a popular majority and can take back our own government.

It promises a more stable, secure society of self-esteem—for the rich as well as for the poor and the not-so-rich. We all will be willing to pay and sacrifice for that promise if we can be assured that, unlike in the past, what we pay and what we give will really make a difference.

In calling America back to the greatness and goodness that is in us, we can help the people of our country find purpose and community in a common enterprise worth being a part of, because it is bigger than ourselves.

Demos means people, and it is the Democratic Party which can take up the peoples' cause again.

THE HALF-FOUGHT WAR AGAINST HUNGER

Mr. HOLLINGS. Mr. President, in recent days we have been reminded again of a familiar story: The story of a war half-fought—a war in which the full resources at our command have not been utilized—a war in which we settle for less than victory because of an unwillingness to see the battle through—a war in which politics has all too often intruded and interfered with a commonsense battle plan.

I speak not of Vietnam, Mr. President, but of a battle much closer to where we stand today. I speak of the war against hunger. Because once again this year, the witnesses tell Congress—and the newspapers tell the country—that the administration continues in its traditional apathy toward the feeding of America's hungry. Once again we hear of appropriated moneys going unspent, and we learn that not only does the administration phase back this year, but it plans to phase out still more of the proven programs which have made a real beginning in this war.

At this minute, less than half of those standing in need of food assistance are being helped by the food stamp program. Yet the Department of Agriculture has just announced that it is returning $400 million unspent funds to the Treasury—money that had been authorized and appropriated by the people's representatives in Congress. Millions more have gone unexpended in the school luncheon program, supplemental food assistance, and so on.

Mr. President, the Washington Evening Star of June 23, 1972, contains a sobering column entitled "Hunger War Undermined by Tightwad Agency," written by Mr. Carl T. Rowan. It details just where we stand in the effort to stamp out hunger, American-style. And it shows beyond shadow of doubt the conscious efforts being made by those in positions of high responsibility to welsh on the promise to end hunger.

It is sad but true that hunger still persists in America. The tragedy is that the situation is not necessary; on the contrary, we could eliminate hunger in short order if we put our best efforts to the task. And we could do so at far less cost than some of the welfare schemes which are being bandied about in the politics of this election year.

Mr. President, I ask unanimous consent that Mr. Rowan's excellent piece be printed in the RECORD. I urge the widest possible audience for this column. It is time we take off the gloves in the war against hunger. It is time to follow through on the commitment already made. It is time, in truth, to insist on total and unconditional victory. The outcome will affect us all—not only the 25 million Americans who stand in need of food assistance, but also the remaining 183 million who will reap the benefits—or the consequences—of the outcome.

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

[From the Washington Star, June 23, 1972]

HUNGER WAR UNDERMINED BY TIGHTWAD AGENCY

(By Carl T. Rowan)

It is hard to think of a more heartless scene than a child squirming in a classroom, unable to stay awake, or follow the teacher, because that child's stomach aches from hunger.

But a lot of children faced that plight this year because the Department of Agriculture squeezed some children out of eligibility for a free school lunch and declined to spend $82 million that Congress allocated for food for needy schoolchildren.

It is hard to think of a longer-lasting cruelty than to deprive poor, pregnant women of the special nutritious foods that make it possible for them to produce healthy babies. The hurt is long-lasting because ill-nourished mothers produce babies that may be premature, or weak in some respects, and such infants run a high risk of early death or mental retardation.

But a lot of pregnant women and young children who are especially vulnerable to malnutrition are not getting the supplemental foods that Congress says they should have. The Agriculture Department decided to spend in fiscal 1972 only $13 million of the $36 million Congress allocated for the Supplemental Foods program.

Of all the programs designed to aid America's 26 million poor people, the one hardest to begrudge is the food stamp program, which is the major bulwark against hunger for 11.5 million Americans.

But at a time when President Nixon was reiterating his pledge to end hunger in America for all time, was the Agriculture Department trying to extend the food stamp program to the 14.4 million poor people not yet aided by it? No, the department was pushing policies that limited participation and reduced benefits to many people already using the program—with the result that the department refused to spend $400 million that Congress allocated for food stamps for the poor.

These are facts reported by the Senate Select Committee on Nutrition and Human Needs, which claims that of seven food assistance programs, the department will turn back to the Treasury some $700 million this year.

The administration announced with pride recently that the budget deficit this year will be several billion dollars less than anticipated. That is supposed to be good news in an election year. The Agriculture Department obviously was playing the nice political game by squeezing almost a billion dollars out of the mouths of the aged, the poor, the helpless children who are the great victims of hunger.

It is an ironic coincidence that the select committee is chaired by Sen. George McGovern, now the leading candidate to oppose President Nixon for the presidency. McGovern has wasted no time lashing the administration for "pick-pocketing the poor." But many congressmen have made it clear that this issue transcends partisan politics.

Many Republican governors and congressmen were part of the nationwide protests that in January caused Agriculture Secretary Earl Butz to rescind regulations that

would have increased the cost of food stamps to a level where many poor would be driven out of the program.

Arthur Schiff, assistant administrator of New York City's Human Resources Administration, told the Senate committee that the people won that January battle with Butz but they are losing the war. He says that through the "interpretation" of regulations and the issuance of new food stamp tables the Agriculture Department is acomplishing piecemeal what a public outcry prevented it from doing in one fell swoop.

For example, even when the administration emphasizes "workfare" and "job incentives" for people on welfare, the Agriculture Department has come up with an interpretation that has had what McGovern calls "a devastating effect on food stamp recipients who participate in work, training or education programs intended to make them self-sufficient."

Previously, for example, money used by a mother for a babysitter, or for transportation to work, was not counted as money available for food. Now the department counts that money, meaning that some stamp recipients suddenly are paying $20 to $30 more a month while their income has not increased.

The hanky-panky in Agriculture is especially dismaying in view of the progress that was being made against hunger. In 1969 some 21 million children participated in the school lunch program, with only 3.8 million receiving lunches free or at substantially reduced prices. There are now 25 million children in the program, with 8 million receiving free or reduced-price lunches.

That kind of progress augurs well for a healthy, happy population, which must forever be our greatest national asset.

But the bureaucratic scrooges in the Agriculture Department have 700 million unspent dolars as proof that they can produce defeat just when victory seemed attainable in this grim war against hunger.

TORTURE IN BRAZIL

Mr. TUNNEY. Mr. President, tomorrow I will call up my amendment No. 1272 to S. 3390, the Foreign Assistance Act amendments, on behalf of Senators CRANSTON, HART, MCGOVERN, PROXMIRE, RIBICOFF, and myself. This amendment addresses itself to the urgent problem of the torture of political prisoners in Brazil.

In the meantime, I ask uanimous consent to have printed in the RECORD at this point several documents which I believe will help Senators to understand more fully the pressing need for our Government to respond to the problem of Brazilian torture of political prisoners.

These documents reflect the international outcry against these abuses to human dignity. They record the views of representatives of the International Commission of jurists, the National Council of Churches, the World Federation of Trade Unions, the Inter-American Commission on Human Rights, and others on this urgent matter.

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

FACT SHEET ON TORTURE IN BRAZIL

"Well known declarations from moderate and impartial sources concerning the inhuman treatment of political prisoners awakened the world's conscience as never before".

Mr. NIALL MAC DERMOTT,
Secretary General of the International Commission of Jurists—address to the U.N. Commission on Human Rights—plenary session of the Geneva meeting, March 1971.

"Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the Fall of 1969".

Latin American Department of the National Council of Churches—June 5, 1970.

". . . it becomes a regular practice to detain and torture with no concrete accusation . . . it is a system of *repression* by *intimidation* whose realisation supposes a complete despise for human rights".

International Commission of Jurists, Statement on torture in Brazil. Press release July 22, 1970.

From 1969 until the present, but mainly in the last 15 months, an increasing number of political prisoners were listed as "killed while resisting arrest", or "while trying to escape", or "committed suicide" in prison. "The case of another prominent Brazilian—former congressman, Rubens Paiva, who disappeared—is an example. The police were finally moved to disclaim any knowledge of an arrest, although there were records of it." (*Washington Post*, Sept. 26, 1971)

"Torture . . . has become a political weapon . . . is systematically applied often even before the interrogation itself starts".

". . . Organs of repression often conduct round-ups on university campuses . . . factories or in the out back of the country . . . these suspects are systematically tortured in the hope that they will reveal a plan of action, a hiding place about which the torturers themselves have not the slightest idea".

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"Documents, expert medical evidence, and statements examined by reporters indicate that torture techniques vary little.

1. The water torture: the head of the prisoner is . . . submersed . . .

2. The electric torture: the captive is hung by his feet and arms . . . from an iron bar. Electrodes are then applied to his genital organs, ears, . . . electric shocks . . . are then passed through the victim's body.

3. Blows: to strike them (the genital organs, kidneys, head, feet, and hands) with iron or lead clubs.

4. Rape of women prisoners frequently committed.

5. . . . Frequently a child is tortured in front of her mother . . .

6. . . . Dogs are specially trained to attack the delicate parts of the human body."

International Commission of Jurists, Statement on torture in Brazil, Press release July 22, 1970.

"A powerful group of Roman Catholic Church leaders (the southern region of National Conference of Brazilian Bishops) has accused Brazilian authorities of torturing political prisoners physically, mentally, and morally so that some of them are mutilated, broken in health or even die. The Church leaders said that they had urged the government to stop torture two years now. But they added that the Church now has evidence of a sufficient number of recent cases to know that substantially the situation has not changed since that time".

Washington Post, June 13, 1972.

There is no sign of reduction or restriction on the application of torture and the use of massive arrests in Brazil. Round-ups:

In the state of Bahia in May, 1971 (letter from 30

In the state of Bahia in September, 1971 (*Le Monde*, Sept. 18, 1971)

In the state of Sao Paulo in February, 1972 (*Le Monde*, June 2, 1972)

In the state of Maranhao in January, 1972 (letter to President Emilio Garrastazu Medici from the Division for Latin America, United States Catholic Conference, March 22, 1972)

In the state of Pernambuco in April, 1972 (from a pastoral letter from Archbishop Helder Camara, May 1, 1972)

These round-ups brought hundreds of Brazilian citizens to prison, and resulted in protests from church organizations.

"Very serious and sad incidents forced us again to write you . . .

As pastors, and assuming responsibility before God, before our own consciences, and before those who trust us, we declare that the rule of treatment of those arrestees involves unbelievable moral and physical torture. There has been increasing pressure against the Catholic Workers' Action: many members and one national director have been arrested."

DON HELDER CAMARA,
Archbishop of Olinda and Recife.

JOSE LAMARTINES SUARES,
Auxiliary Bishop,
Pastoral letter from May 1, 1972.

The denunciation of such procedures is very difficult inside the country because of both military censorship on the press and other media, and strict control of the Congress.

The reaction of the Brazilian people to the torture is one of horrified rejection, but also of terrorized silence. As the National Council of Brazilian of Bishops states: "It is exactly the absence of these freedoms and especially the habeas corpus that has created this climiate of insecurity" . . . "These are the insecurities of people who feel themselves threatened with prisoner maltreatment on mere suspicion or even by the state; the insecurity of entire families who find it impossible months to obtain information about missing members who have been arrested; the insecurity of the whole society which today is uncapable of confiding in those which have the responsibility for the protection of the people" (*Washington Post*, June 13, 1972.)

A STUDY OF THE SITUATION IN BRAZIL WHICH REVEALS A CONSISTENT PATTERN IN VIOLATION OF HUMAN RIGHTS, PRESENTED TO UNITED NATIONS COMMISSION ON HUMAN RIGHTS

1. Recent information about Brazil has been characterized by one common trend: allegations of the systematic violation of human rights by the Brazilian authorities. This concern has been voiced by a number of Brazilian and international institutions, as well as by outstanding personalities. They suggest that such persistent violations are being felt by all strata in Brazil. Increased protests are coming from all sectors of the population, including many who thus far hesitated to speak out.

2. The National Conference of Brazilian Bishops, in a statement issued in May 1970, denounced "trials conducted too slowly, arrests on the basis of mere suspicion, hasty and unproven charges, and investigations carried out while the defendants are detained in secret prisons and are often deprived of the fundamental right of defence." Still more recently, in February 1971, the Conference restated: "We must affirm that unfortunately tortures exist in our country."

3. The Brazilian Association of Lawyers has time and again protested against the ill-

treatment of political prisoners and their seriously restricted right of defence.

4. Trade union organizations have protested against the limitation of freedom of association and democratic liberties, and have expressed their concern about the violation of their right to organize and to express grievances in Brazil.

5. Reports have been received of widespread intimidation of suspects by their arrest, detention, and torture, either physical or psychological, by police and military organizations, these suspects being later released without any attempt to charge or try them for any offense—a procedure which is a complete abuse of the Rule of the Law and Human Rights.

6. In view of the apparent powerlessness of judicial institutions in Brazil, seen by some to be dangerously threatened by undue, interference by the executive power, a number of international organizations have felt it important to determine the validity of these allegations. In July 1970, the International Commission of Jurists requested the Brazilian government to grant facilities to the International Committee of the Red Cross and to Amnesty International to visit all places of imprisonment and detentions, and asked the Inter-American Commission on Human Rights to undertake an investigation into the treatment of political prisoners in Brazil, in order to ensure, at least, that the United Nations standard minimum prison rules are respected.

7. The Brazilian government has chosen to reply by denying the existence of political prisoners and the use of torture in the country, and by refusing to authorize the visit of any international organization, thus impeding any partial ascertainment of the validity of the allegations.

8. The allegations can no longer be ignored by the United Nations. In particular, the growing protest from important Brazilian and international ecclesiastical, trade unions, lawyers associations and other bodies, that the Universal Declaration of Human Rights, to which the Brazilian Government is a signatory, is being systematically violated through the torture of political prisoners.

9. For this reason, the international Organizations, listed in the annex to this document, have addressed a joint appeal to the Brazilian Government, urging it to accept an impartial investigation by a competent international commission. The full text of this appeal is attached.

10. They further urge the United Nations Commission on Human Rights to place the specific case of human rights violations in Brazil on its agenda. They are prepared to place at the disposal of the Commission extensive documentation of these allegations which, we are convinced, contain sufficient evidence to demand study and eventual action by the United Nations. Such a preliminary dossier has been presented to the Secretary-General, and we are at his disposal to provide such further information as he may deem useful and necessary.

World Federation of Trade Unions
Commission of the Churches on International Affairs of the World Council of Churches; International Commission on Jurists, Pax Romana.
March 1971.

ORGANIZATION OF AMERICAN STATES,
May 3, 1872.

RESOLUTION ON CASE 1684 (BRAZIL), APPROVED BY THE COMMISSION AT ITS THIRD MEETING HELD ON MAY 3, 1972

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Having seen the report prepared by the rapporteur and the Chairman of the Commission on case 1684 (doc. 6–28) concerning alleged violations of human rights in Brazil.

Whereas: Article 9, paragraph *b*) empowers it to "make recommendations to the governments of the member states in general, if it considers such action advisable, for the adoption of progressive measures in favor of human rights within the framework of their domestic legislation and, in accordance with their constitutional precepts, appropriate measures to further the faithful observance of those rights."

Resolves: To approve the "Fourth Report on case 1684 (Brazil)" (doc. 6–28) concerning alleged violations of human rights in Brazil, prepared by the rapporteur, Dr. Durward V. Sandifer, and the Chairman of the Commission, Dr. Justino Jimenez de Arêchaga; and

Decides: 1. To declare that, because of the difficulties that have hindered the carrying out of the examination of this case, it has not been possible to obtain absolutely conclusive proof of the truth or untruth of the acts reported in the denunciations. However, the evidence collected in this case leads to the presuasive presumption that in Brazil serious cases of torture, abuse and maltreatment have occurred to persons of both sexes while they were deprived of their liberty.

2. To exercise the power granted to it by Article 9, paragraph *b*) of its Statute and recommend to the government that it carry out a thorough investigation, the results of which the Commission would like to be able to examine at its next regular session, in charge of independent judges, not subject to military or police influence, with a view of determining, with all the guarantees of due process,

(a) Whether acts of torture, abuse and maltreatment have been carried out against persons detained in any of the places of incarceration indicated in Chapter IV of this report; and

(b) Whether acts of torture, abuse and maltreatment of prisoners have been carried out by any of the military or police authorities whose names are included in Chapter IV of this report.

3. To request the Government of Brazil that, once the investigation is completed,

(a) It inform the Commission of the results (Statute, Article 9, paragraph *d*) and forward to it a copy of the basic parts of the report, and

(b) It punish, to the full extent of the law, those persons that the evidence proves to have been responsible for violations of human rights.

4. To forward to the Government of Brazil a copy of the report of the rapporteur and the Chairman of the Commission as well as this resolution; and to inform the claimants of the contents of this resolution.

STATEMENT ON POLITICAL REPRESSION AND TERROR IN BRAZIL (JUNE 5, 1970)

I. INTRODUCTION

The people of the United States are deeply involved in the economic, military, cultural, religious and political affairs of Brazil. That nation is the third largest recipient of U.S. economic assistance in the world. Over 600 U.S. industries operate in Brazil as well as hundreds of other U.S. based institutions and agencies. Approximately 2,100 U.S. Protestant personnel representing 120 denominations and mission sending agencies and 700 U.S. Roman Catholic personnel representing 38 religious orders and lay agencies live and work in Brazil.

In spite of the vast range of this involvement the people of the United States have not been apprised of the extensive information regarding the repression, terror and torture by which Brazil is governed today. The result is that both public and private funds appear to support and strengthen a military regime which, in the name of law and order and of anti-communism, crushes dissent and all advance toward a free and open society. Christian concern must center, in such a situation, upon the loss of human rights and the deprivation of that dignity which belongs to all men as creatures of God.

It is not the business of the North American churches to concern themselves with the affairs of every country around the world, but the cries of oppressed people must not be ignored and especially not when these cries come from people whose lives are affected by the policies of public and private institutions in our own country.

II. CONDITIONS IN BRAZIL

In 1964 Brazil suffered a "coup d'etat" at the hands of the Brazilian military. The U.S. Government immediately extended diplomatic recognition to the new regime and U.S. economic aid was sharply increased. Many United States Government officials have considered the military officers who took control of Brazil in 1964 to be progressive and dedicated to the economic development of their country and to the preservation of democratic institutions. Under this tutelage Brazil increased its Gross National Product by 3% in 1964 to over 4% in 1968. But this growth has been achieved at an extraordinarily high price in social and political control.

Brazil has become a virtual police state, and accounts of the most brutal and humiliating tortures have been filtering out of the country since the fall of 1969. Allegations of political torture are not entirely new. Many Brazilians say that such tortures began with the military take-over in 1964, although it was not until the fall of 1969 that these stories began to attract attention outside Brazil.

Virtually no sector of the Brazilian population has been immune from the repressive policies of the military government, though the blows have fallen hardest on students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers and artists. Anyone in Brazil today who publicly dissents from government policy is in danger of running afoul of the country's stringent laws of national security, and of arbitrary arrest and persecution. Furthermore, anyone suspected of anti-government actions, or of having information which might lead to the arrest of others is in danger of arrest for interrogations—including torture as a means of extracting information or confessions.

We recognize that the Brazilian government officially denies that political prisoners are tortured. But the reports have been too numerous, too widely documented and recognized by too many reliable sources to be discounted. All indications are that a quiet and efficient "reign of terror" against political dissent is currently continuing in Brazil. If torture is practiced in this hemisphere it is incumbent upon us as churchmen and citizens both to take note of this fact and actively seek to determine to what extent our own government or business community are in any way supporting repression and torture in that country.

III. LATIN AMERICA DEPARTMENT POSITION

The Latin America Department, Division of Overseas Ministries of the National Council of Churches of Christ, U.S.A. declares its solidarity with the Committee of International Affairs of the U.S. Catholic Conference in its Brazil Statement of May 26, 1970, and further registers its own position as follows:

1. As churchmen and citizens we condemn the torture of men and women anywhere, at any time and under any circumstances.

2. We call upon the Congress of the United States to schedule a Congressional Hearing

on the effects of U.S. Government policy in Brazil, examining especially the nature and dimension of U.S. aid to determine to what extent public funds are used to support political repression in Brazil.

3. We call upon the World Council of Churches to invite the Vatican to share in an investigation of possible abuses of civil liberty in Brazil, with special attention to alleged arrests and torture and reported acts of intimidation against persons and institutions, and to publicize the results of the investigation.

4. We urge the Commission on Human Rights of the United Nations and the Commission on Human Rights of the Organization of American States to initiate an investigation based on the numerous depositions and other evidence of torture in Brazil perpetrated upon students, professors, journalists, priests, nuns, ministers, politicians, lawyers, workers, artists, and others.

5. We take note of the fact that reports of political repression are coming from a country which is currently experiencing a period of rapid industrial growth stimulated by the direct investments of major North American and Western European corporations. As U.S. Churches begin a special year of study on Latin America and as concern for church-support for economic and social development in Latin America grows, we ask those churches, their judiciatories, boards and agencies to seek to determine to what extent U.S. economic investment (as it is taking place in Brazil) in any way contributes to or depends upon social and political repression.

LETTER FROM PRISONERS IN THE DOPS OF RECIFE

(DOPS is the acronym for the Brazilian Government organization known as the "Department of Public Order and Security").

We are young Brazilians. We are imprisoned in the DOPS of Recife, Pernambuco. We decided to make this (statement), aware of the risk that we are running.

Some of us were witnesses to the savage murder of Odijas Carvalho and we are exposed to the same fate. Odijas arrived in the DOPS on January 30, 1971. From 11:00 o'clock until 2:00 in the morning of the following day, without interruption, he was submitted to the most stupid tortures, consisting principally of being kicked and beaten in the head, the intestines, the kidneys and the testicles (which caused a paralization of his urinary system). At 2 o'clock in the morning he was taken to the cell and we could verify that his buttocks were like raw meat from the beating he had received. He was thrown into the cell but seconds later was taken out by Silvestre, an inspector of DOPS, and the tortures were continued until 4 o'clock. Odijas passed 5 days without eating and groaning with pain. On the fifth, at night he was taken to a hospital. On February 1 we were awaken by the cries of the wife of Odijas who, overtaken by a crisis of nerves, was weeping for the loss of her husband.* It was then that we were aware of the fact. The walls of his cell are still stained with blood. Even though tortured to death, Odijas maintained a position of firmness and bravery.

His torturers and murderers are persons whose names are well known but who continue unpunished. Miranda (involved in the murder of Father Henrique and in the attempt on the life of Candido Pinto), Fausto, Edmundo, Rocha, Carlos de Brito (bachelor of laws), Venicios, Silvestre de Olivera (inspector of DOPS) and others whose names we do not know, beside Eusebio Osvaldo.

Our situation is desperate. Our tortures continued during 4 days but they were interrupted by the death of Odijas. They will, however, return at any moment especially because of the fact that among us are witnesses of the cold blooded murder of Odijas.

The practice of tortures in our country has been a systematic practice and is a rule and not the exception. Right here among us there is a young man—Alberto Vinicios Mello do Nascimento—who was tortured for 16 days in Paraná and in São Paulo. He was submitted to beating, the parrot's perch, electric shocks in his genital organs, his anus, in his feet and his hands, his head and his buttocks. His leg was broken by blows from a policeman's stick and remained without a cast on it for 10 days. He was held incommunicado until February 11, 1971, although he was imprisoned on November 29, 1970.

As we make these charges, we know that reprisals may come, but we also know that the sacrifice of Odijas and our own will not be in vain, because the ideals of justice and liberty will not die with us.

We hope that our words may echo in the conscience of men who love justice and liberty and that something may be done.

DOPS, Recipe, March 2, 1971

The following prisoners sign:

Lilia Guedes
Maria Ivone Loureiro—wife of Odijas
Carlos Alberto Soares
Alberto Vinicios Mello Nascimento
Mario Miranda Albuquerque
Claudio Roberto Marques Gurgel
Rosa Maria Soares

Translator's note: 1. The entire document, including the names at the end, is printed in the same hand.

2. The document was received on film. The missionary who sent it said: "I can vouch personally for its authenticity."

* There is some evident confusion in identifying days, but the translation is exactly as stated in the document.

SENATOR KENNEDY'S SUMMING UP OF ADMINISTRATION INACTION ON AGING

Mr. CHURCH. Mr. President, the Senate Committee on Aging and individual members of that committee have recently expressed misgivings and impatience about the slow pace of the executive branch in implementing recommendations made at the White House Conference on Aging.

After all, that Conference took place nearly 7 months ago. Its 3,400 delegates were quite clear about the emergency nature of most of their recommendations. They wanted action, not another administration game plan.

Our major complaint, of course, is that the administration has no real plan, and apparently no intention to end poverty among 5 million older Americans. In the face of widespread congressional support for a 20-percent increase in social security benefits, for example, the administration has remained stolidly committed to a mere 5 percent. On many other fronts related to aging, the administration is providing only timid, standpat responses. It will occasionally go along with congressional initiatives, but more often it will oppose them or passively resist them.

It is still not too late for the administration to put together a comprehensive action program on aging, but it is getting late in the day. What we need now is a rising chorus of complaints, not only from older Americans but from Congress, as well.

One such statement was delivered a few days ago by the Senator from Massachusetts (Mr. KENNEDY) in an address to the National Council of Senior Citizens 11th Annual Convention.

A part of that address was a comparison of executive branch profligacy in matters it considers important—such as tax loopholes for special interests—and its niggardliness when it comes to security and satisfaction for older Americans.

Senator KENNEDY, drawing from his firsthand inquiries as chairman of the Senate subcommittee studying health problems throughout our Nation, also gave poignant commentary about costs and deficiencies of our medical care system.

His powerful speech should be shared. I ask unanimous consent that it be printed in the RECORD.

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

ADDRESS BY SENATOR EDWARD M. KENNEDY TO THE NATIONAL COUNCIL OF SENIOR CITIZENS' 11TH ANNUAL CONVENTION, WASHINGTON, D.C.

I appreciate the opportunity to be with you at this eleventh convention of the National Council of Senior Citizens. For it has been this group above all others, here in the national capitol, in state capitals and in local council chambers, which has raised its voice to demand equal rights for America's elderly.

And it has been this group which has raised its voice on behalf of equal rights for all Americans.

For you know as I do that the test of this land and the test of our people is whether we can say here in America as Cicero did long ago: "Herein is old age honest and honorable, in defending and maintaining itself, in saving itself free from bondage and servitude . . . even until the last hours of death."

But it is a goal still to be reached.

For as a nation, we have moved cautiously and timidly when the conditions of the elderly in this land require bold and creative action.

As a nation, we have been silent partners in the isolation of millions of older Americans from the mainstream of American life.

As a nation, we have closed our eyes to the plight of 20 million older Americans.

But no one has to tell this convention what the needs of the elderly are in this country.

No one has to tell this convention that 5 million elderly Americans live in poverty.

No one has to tell this convention that thousands of men and women between 60 and 64 were forced into early retirement last year.

No one has to tell this convention that elderly Americans live in inadequate housing, receive inadequate health care and live out their lives in fear rather than comfort.

You know the unmet needs too well.

If any documentation was needed, it was gathered in the White House Conference of 1961. The full shame of our neglect was unfolded and an agenda for change was set forth.

Although we can point to Medicare and Medicaid and the establishment of the first Administration on Aging as its legacy, the agenda in large measure remains unfulfilled.

And now six months have passed since the 1971 White House Conference on Aging issued its recommendations.

What we don't need now is any more studies or any more analyses or any more rhetoric. What we need is leadership and commitment to implement those recommendations.

And I ask this Administration and I ask this Congress, what is your response?

What is your response to the White House Conference?

The White House promised the Conference delegates that there would be a response to each of the recommendations. But that response is nowhere to be seen.

The White House promised the Senate and House Committees that there would be a response.

But we are still waiting and the elderly of America are still waiting.

When the oil companies want an answer, they come up to the Hill, and they get an answer.

When the banks want an answer, they make a phone call and they get an answer. When ITT wants an answer, they walk right in to the highest offices of this land, and they get their answer. I think twenty million older Americans also deserve an answer.

But if the Administration record thus far is any indication, the answer may be less than satisfactory. It took three years for the President to send Congress his message on the aging.

It took three years for the Administration to end its opposition to major funding increases needed for the Administration on Aging.

It took two years for the Administration to drop its opposition to nutrition for the elderly legislation.

And then, it was only when the White House Conferees came to Washington that it was possible to pass those measures.

I had introduced S. 1163 with twenty cosponsors. The Administration testified against it in both the House and the Senate. But with the delegates in town, the Administration dropped its public opposition and S. 1163 passed the Senate 88–0 on the opening day of the Conference.

This measure, signed into law in March, begins to meet the White House Conference recommendation on nutrition by providing a hot meal-a-day and out-reach services to low income isolated elderly persons.

There was a second immediate benefit from the White House Conference. For the past three years, the Administration has requested less each year than the Congress has appropriated the previous year for the Older Americans Act. Each year, the gap between what Congress had authorized and what the Administration requested grew larger and larger. But with the Conference delegates still in town, the Administration supported the amendment that I introduced to the Supplemental Appropriations bill which more than doubled the Older Americans Programs to its present $100 million level.

So, there were some immediate and direct benefits from the White House Conference.

Unfortunately, the impact was short-lived. For once the delegates packed their bags and traveled back to Boston or Boise or Kansas City, the needs of elderly Americans no longer were given top priority in Washington.

The passage of time means that a policy of neglect will continue.

The passage of time means that more older Americans will be forced into early retirement and poverty.

The passage of time means that more elderly persons will be shunted into institutions, shut up and closed off from the world around them.

If we are capable of providing services to the affluent and the comfortable, then we surely can find the means to enable elderly Americans to live out their lives in their own homes and among their own friends. And not only do we have that capability, but, if we are pledged to a just society, then we must begin, and begin now, to use that capability.

First, we must provide the nation's elderly with adequate income. One of every four Older Americans lives on an income beneath the poverty line, an increase of over 200,000 in the past three years.

Why is it that those who have the least are made to suffer the most?

Why is it that an elderly American is twice as likely to be poor as a younger American?

Why is it that the nation's elderly are bearing the heaviest burden of the past three years of economic decline?

If it is all right to provide a guaranteed income to the special interests through tax loopholes, then surely we can provide a decent income for the nation's elderly poor. If it is all right to recommend a 7 percent hike in the defense budget, then surely the President can recommend more than a five percent increase in Social Security. If the Administration can ask for $5 billion more for bombs to destroy life, then surely we can expect at least $5 billion more for Social Security to preserve life.

If we want to resolve the crisis of inadequate income, then the answer is clear—a guaranteed adequate income for the nation's elderly, financed by general revenues and Social Security.

A first step toward that goal is the 20 percent increase in Social Security which I and 55 other Senators have sponsored. This is far closer to the needs of the elderly than the five percent hike proposed by the President.

And we are not going to adjourn this Congress until we enact that 20 percent increase.

The second challenge facing us is whether we will provide quality health care to the elderly of this nation.

For most older Americans, Medicare seemed to promise an end to the financial hardship that followed serious illness.

But the facts are otherwise. Today, despite Medicare, older Americans are paying out of their meager income the same astronomic sums for health care that they paid in 1966.

Today, despite Medicare, older Americans are paying out-of-pocket health costs that are double the costs of younger Americans.

Today, despite Medicare, older Americans are paying for eye glasses, for foot care and for hearing aids.

Today, despite Medicare, older Americans receive less medical care for their dollar than they have ever before.

And this failure of the health care system has dramatic and tragic personal meaning to thousands of persons across this land.

In the hearings of my Health Subcommittee, I heard the frustrating stories of older Americans caught in the net of our non-system of health care.

Stories of a woman who has to pay $5 a month for health costs out of an $85 Social Security check.

Stories of a 65-year-old man whose life depended on a kidney machine he could no longer afford.

Stories of a widow from New York who quit working at age 69 and found that her dentist would not treat her because she was now on Medicaid and the costs were not covered.

Stories of a disabled World War II veteran living on a pension of $200 a month and paying $5 a month on a three-year-old hospital bill.

Stories of a college professor dead of brain cancer at 46, after tens of thousands of dollars in expenses. Now, the lives of his wife and children are mortgaged for years into the future. The cruelest irony is that the wife is from Israel, where all of her expenses would be covered.

These personal tragedies emphasize that the Nation now faces a crisis in health care, a crisis which can only be relieved by a fundamental restructuring of our health care system.

We need a new health care system so that when you rush to the hospital in an emergency, they meet you at the door and ask how sick you are, not how much health insurance you have.

We need a new health care system so that when you get the bill, it's stamped "Paid in Full" by health insurance, without any loopholes or deductions, so it will not be turned over to a collection agency to harass you when you are sick and cannot afford it.

I am convinced that the basic step that must be taken to meet the crisis is for the Congress to pass the Health Security Act, S. 3.

The principles of the Health Security Act are straightforward:

It guarantees health to be a basic right for all, not just an expensive privilege for the few.

It guarantees every man, woman and child in America to be covered at any time for any illness by health insurance at a price he can afford to pay. No American should lose his health insurance because he lost his job. No American should have the tragedy of serious illness compounded by the tragedy of a serious financial burden.

It guarantees every American the same high quality of health care that anyone else receives. No American should be given second-class health care because he is old or poor or black.

It guarantees a system that pays doctors and hospitals to keep the people healthy, instead of a system whose profits depend on illness.

That is why passage of the Health Security Act is so important.

But the administration opposes this measure and puts forward instead its own proposal. But who does that bill rely on to provide the basic services? It relies on the same private health insurance companies which have grown rich off the present system. It offers them a billion dollar bonanza to keep doing the same thing they are doing now—providing a minimum of service at a maximum of costs.

And one of its most glaring failures is its disregard of the basic needs of the elderly. For, while the administration bill offers increased benefits for doctor bills, there is an enormous cutback in the coverage of hospital costs. The Nixon bill pays only one-fifth the number of hospital days covered under present law.

The President is sending a clear message to 20 million Americans over 65: "We'll help you with your doctor's visit," he says, "but if you're sick enough to require long-term hospital care, you're on your own." At the very time we ought to be closing the gaps in Medicare, the President is expanding them. I think it is time to close those gaps and the Health Security Act does the job.

It closes the gaps by paying all hospital costs from the first day a patient enters until the day he leaves.

It closes the gaps by covering all health services for the prevention and early detection of disease, the care and treatment of illness and medical rehabilitation.

It closes the gaps by covering the cost of drugs and eyeglasses and hearing aids.

None of these costs are covered by the Administration bill.

Moreover, the Health Security bill contains no cutoff dates, no co-insurance, no deductible, no waiting periods.

These are only some of the reasons why I feel strongly that S.3, the Health Security

Act, is required if quality health care is to be provided for our elderly citizens.

A third challenge is to provide adequate employment opportunities so that every man or woman who wants to work can work.

In 1972, we still are closing the doors of our factories and businesses to elderly Americans. In 1972, more than 1 million persons 45 and older are jobless, almost 75 percent higher than three years ago. In 1972, we continue to deny ourselves the benefits of the talents and skills and creative energies of older workers, and the nation cannot afford that denial.

The first step to reverse that process is to pass legislation outlawing age discrimination for all public and private employers.

And the next step is to pass legislation providing the enforcement tools to make sure the law is obeyed.

No one who is able and willing to work should have his job application turned down because of his age. Nor can the nation build its future while it is discarding talented older men and women for the sole reason that they can no longer be called young.

The federal government's disdain for the employment needs of older Americans also is mirrored in the statistics of its job training programs. While 10 percent of the nation's unemployed are 55 and older, only one percent of the job trainees are in the same age bracket. We not only can do better; but we must do better.

Congress now is considering S. 555 to provide community service employment opportunities to elderly Americans. This measure, which I introduced, provides $250 million in the next two years to fund jobs for older Americans in schools, libraries, hospitals and recreation centers across the nation.

If we have learned anything from the Senior Aide and Green Thumb Programs it is this—they work and they work well. And I think it is time to make those programs permanent and nationwide.

A fourth challenge exists in the area of housing. Across this land, 2 million housing units were built last year. Yet elderly Americans still live in cold rooms in falling-down boarding houses, in decaying inner city tenements, and in the oldest and most substandard rural housing.

The White House Conference was explicit in its recommendations. Heading the list was a call for the construction of 120,000 units per year of elderly housing.

But how far have we moved? Instead of the goal set by the Conference, we find the Administration recommending plans to provide only slightly more than half that number of units for FY 1972.

The Senate has at least started toward the Conference goal. We have passed legislation establishing an Assistant Secretary for Housing for the Elderly. And we have increased direct loans for subsidizing elderly housing. But we are still far short of the mark.

We have provided, and rightly so, millions of dollars to help meet the housing crisis of the under-developed world. But if we are able to recognize the critical need for adequate housing in other nations, surely we can recognize that need here in America.

I find no justification for a single American, whether old or young, to live in wretched, unsafe and unhealthy housing. We can and we must achieve decent housing for all Americans.

Finally, there is the challenge in the nursing home industry, where one million elderly Americans endure the final years of their lives.

A missionary wrote in his diary in the last century of a conversation he had with a woman abandoned in the desert. "Yes," she said, "my own children . . . have left me here to die . . . I am very old, you see, and am not able to serve them. When they kill game, I am too feeble to help with carrying home the flesh. I am not able to gather wood and make a fire, and I cannot carry their children on my back as I used to do."

And so they left her out.

And so too today, do we leave too many elderly Americans, not to live out their lives in peace and dignity, but to survive until their death.

Although there are many fine nursing homes among the 24,000 that exist across the country, too many remain "warehouses for the dying."

When the federal government pays 40 percent of the cost of operating this industry each year, when fifty chains of nursing homes now have their stock listed on Wall Street, and when a million persons depend on them for support, then we cannot continue to ignore their conditions.

We must develop a comprehensive home care program that ensures that institutionalization is the last step and not the first step in the aging process.

We must provide rewards to those nursing homes which offer exemplary care and which are aimed at rehabilitation rather than custodial care.

We must ensure that nursing home personnel are better trained and better paid so that they are capable of serving in a quality care system.

We must provide federal inspectors if state inspectors cannot do the job. And they must inspect not only physical facilities but patient care as well. And when they do find violation of standards they must be penalized—we cannot afford to wait for the next nursing home fire to remind us of the need for vigilance.

And so when we look at the challenges that remain to secure the quality of life for the elderly of this land, we know that we have lacked neither the resources nor the skills to overcome them. But we have lacked the leadership and the will.

What we require today is a national policy of concern, a policy that spans the fields of health and housing and employment and income, and nursing home care, a policy that starts with the recommendations of the White House Conference and goes forward from there.

The historian, Toynbee, concluded that the quality and strength of a society can be measured best "by the respect and care given its elderly citizens."

If we are to enrich the quality of life of all Americans, and if we are to maintain the strength and vigor of this great land of ours, then we must provide the means for elderly Americans to find fulfillment and not frustration in the final years of their lives.

It is not too much to ask of a society which owes them so much and which can still benefit from their wisdom and service.

THE BLACK PRESS IS ALIVE AND WELL

Mr. HUMPHREY. Mr. President, last Friday, June 23, it was my privilege to address the National Newspaper Publishers Association convention in Miami, Fla.

Many of us ignore the significant contribution made by the black press in our country. Many of us do not know that more than 200 such newspapers are published, all over the United States, bringing to the black public news which would not be available elsewhere.

The subject matter and the perspective of the black press differ consciously and qualitatively from that of the white press. These newspapers are truly independent, and have never in the course of their 150-year history attempted to model after the white press. Their strength over so many years is attributable to their commitment to provide news of concern to blacks, written by blacks, published by blacks, from a truly unique perspective not reflected in the white press.

The earliest black newspaper of record was the Freedom's Journal, founded in 1827 during the time of slavery by a young black Bowdoin College graduate. From that day to this, there has always been a black press in this country. Garth C. Reeves, president of the National Newspaper Publishers Association, states that nearly 3,000 black newspapers have existed in our country at one time or another.

Unlike their white counterparts, black publications are increasing in number, strength, and influence. Americans generally underestimate, if not ignore, the power of the black press. This power is growing.

Several fine articles appeared in the National Newspaper Publishers Association convention journal. I ask unanimous consent that two of these be printed in the RECORD in their entirety. The first, written by Garth C. Reeves, president of the NNPA, is "The Black Newspaper," an article prefaced by his "President's Message." The second, "The Black Press—Voice of Protest and Self-Improvement," was written by Sherman Briscoe, executive director, NNPA.

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

THE PRESIDENT'S MESSAGE

Despite the complexity of problems facing the Black Press in this country today, the 1944 forecast of Gunnar Myrdal seems like a prophecy. Diligent and sustained efforts of black publishers to improve their products without losing sight of the black perspective are paying off in higher circulation figures and increased advertising revenue.

For 145 years the Black Press has involved itself directly in the black struggle, and in many instances not only initiating but actively leading the fight not only with words, but physically and financially. In a capitalistic society economics is the name of the game.

That is why the theme for this 32nd annual convention is "How the Black Press Can Help Improve the Economic Status of Black Americans." Black publishers realize the importance of seeking out and interpreting to their readers those progressive and meaningful programs that help our black brothers and sisters find their way into the economic mainstream of this country.

Here's hoping our discussions will be constructive and meaningful and out of them will come new and innovative ideas to alleviate the frustrations of a growing number of our society.

When your work is done there is no need to hurry back home. Greater Miami welcomes you to stay and enjoy its many attractions.

THE BLACK NEWSPAPER

(By Garth C. Reeves, President NNPA)

Roland Wolseley in his book on the Black Press gave these three qualifications which a publication must meet to be considered a unit of the black press:

First—Blacks must own and manage the publication; they must be the dominant racial group connected with it. In support of that requirement it can be said that if the publication is not black-owned and black-operated, its aims, policies, and programs can be altered by persons unsympathetic to the goals of black editors and publishers.

Second—The publication must be intended for black consumers. A newspaper for black citizens deals with their interests and con-

cerns and is not primarily for whites. So long as there is a cultural and ethnic distinction in society between black and white citizens there will be a place for black journalism.

Third—The paper must serve, speak and fight for the black minority. It must also have the major objective of fighting for equality for the black man in the present white society.

This third proviso makes the Black Press a special-pleading institution, one with a cause, goal, or purpose going beyond the basic one necessary for survival in the American economy—the making of a profit.

OPEN AND CLOSE

Since John B. Russwurm and the Rev. Samuel Cornish founded the first American black newspaper in New York City in March 1927, 2800 different black newspapers have opened or closed—mostly closed.

With the exception of Muhammad Speaks, the once popular national newspapers are no more. This is partly due to the large size of this country, but more so that virtually all black papers are weeklies, and several cover the black news of the country in about the same way as a weekly newsmagazine.

There are six newspaper groups or chains in the black press today, the largest being the Sengstacke chain that embodies the Defender and Courier nine-paper publications.

The Afro-American Group publishes five editions, and the California Post Group and the Louisiana New Leader Group have four papers each. The World Group, anchored by Atlanta's Daily World has three papers. The group with the largest circulation is the California Wave publications with a combined circulation over 200,000.

Some of the independent black papers with circulation over 20,000 include the Houston Forward Times, Cleveland Call and Post, Norfolk Journal & Guide, Atlanta Inquirer, Miami Times, Los Angeles Sentinel, Philadelphia Tribune, St. Louis Sentinel, Louisiana Weekly and Dallas Post Tribune.

Four black dailies are presently in operation: The Atlanta World, Chicago Daily Defender; Columbus, Ga. Times, and the newly-organized New York Challenger.

There are 215 black newspapers currently published on either a daily or weekly basis in the United States. The combined circulation of the black press today exceeds three million.

LARGEST PAPER

The largest black paper is Muhammad Speaks, which has a weekly circulation of 600,000. It is published in Chicago by the Nation of Islam. Next in circulation size are the Amsterdam News in New York City with 85,000; and the Detroit, Michigan Chronicle with 65,000.

Of the 215 newspapers now printing, more than half have been established since 1950 and one third since 1960.

Only 19 of these papers were founded before 1920, and just five have founding dates before 1900. These papers are the Philadelphia Tribune (1885), Houston Informer (1892), Des Moines Bystander (1894), and the Indianapolis Recorder (1895).

There are 14 states in which no black papers are published: Alaska, Hawaii, Idaho, Maine, Montana, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia and Wyoming.

Most black papers today would probably not get a high rating if they were judged by the white measuring stick of American journalism—the three major standards being (1) Integrity: being detached from political or commercial influence that might deny readers the truthful information they are led to expect. (2) Fairness: which means giving all sides of a news event and restricting the paper's opinions to the editorial columns, and avoid printing opinions as news unless the source is clear. (3) Technical excellence: including legibility of printed matter, correctness of grammar and spelling, professionalism in layout and make-up.

INTEGRITY, FAIRNESS

The first two standards for operation—integrity and fairness—are within the reach of most publishers, but the third standard—technical excellence—often is much less attainable because it requires substantial capital investment.

But if black newspapers were carbon copies of white papers, they would be worthless. They are purchased by their readers for the specific reason that they are not white papers; that what they purport to do is to report events of concern to black people from a black viewpoint.

Like any other business today the black press has its share of problems and shortcomings. We are not paragons of virtue. An alarming number of black papers are still designed primarily for the middle class black, with too little attention paid to those who have not yet made it up the ladder.

Some tend to accept at face value the efficacy of old formulas, without taking full account of changing priorities and techniques designed to answer new problems. Some sometimes expend their resources on insignificant news events that should be explored in greater detail. Our coverage, because of thinness of staff, is sometimes spotty.

These are faults, however, that the black press can correct. The increased revenue we are receiving from advertisers, as more and more merchants discover the effectiveness of their messages in a black newspaper, should enable us to attract and retain capable journalists.

Looking to the future of the black press, the words Gunnar Myrdal wrote in 1944 are still valid:

"No feasible widening of the reporting of Negro activities in the white press will substitute for the Negro press. What happens to the Negroes will continue to have relatively low 'news value' to the white people and even the most well-meaning editor will have to stop far short of what Negroes demand if he wants to satisfy his white public. Whether or not this forecast of an increased circulation for Negro papers comes true, the Negro press is of tremendous importance."

In a fully integrated society, the Black Press would shrink and eventually vanish, much in the manner of the foreign language press. Pending that, however, it is alive and well.

THE BLACK PRESS—VOICE OF PROTEST AND SELF-IMPROVEMENT

(By Sherman Briscoe)

The voice of one of the longest protests in history is the Black Press of America which celebrated its 145th anniversary last March.

But it has been more than an effective voice of protest that has played a major role in every erg of resistance overcome; it has also stimulated attainments in education and self-improvement to help keep black people abreast of opportunities as they have been achieved.

It was in March of 1827—more than 200 years after slavery had been established in America—that John B. Russwurm and the Rev. Samuel E. Cornish launched Freedom's Journal, the first black newspaper in the United States and the first black voice raised in newsprint against bondage.

The Journal not only spoke out against slavery in the South and ill treatment of freed blacks in the North, but it also emphasized education, self-improvement, industry, and thrift on the part of freedmen.

Within a little over a year, Russwurm, an 1826 graduate of Bowdoin College, became discouraged, left the paper and joined the American Colonization Society. He emigrated to Liberia where he served as superintendent of schools and governor of the Maryland colony until his death in 1851.

CHANGES NAME

The Reverend Mr. Cornish, founder of the first black Presbyterian Church in America, continued briefly with the Journal, changing its name to "The Rights of All."

Between the death of the Journal and the death of slavery, 23 other black newspapers were to raise their mastheads in protest of that institution, of the denial of full enfranchisement of freed blacks, and of oppression of them. Equally, they promoted the Underground Railroad and other abolitionist efforts, while constantly encouraging self-improvement, self-definition, industry and thrift.

Among the most outstanding of these mostly short-lived papers were: Fred Douglass' North Star, Willis Hodges' Ram's Horn, William Welles Brown's Rising Sun, Phillip Bell and Charles Ray's Colored American, Dr. Martin Delaney's Mystery, and the AME Church's Christian Advocate which is still going after 124 years.

With slavery dead in 1865, black leaders believed there was no urgency to continue black newspapers. Only about 10 such papers were established between the end of the Civil War and the Hayes-Tildren deal which led to the withdrawal of troops from the South in 1877 and the rolling back of the clock whose hands were to stand still in racial progress for more than half a century.

Between 1877 and 1900, about 150 black newspapers came into being to protest mob violence, lynchings, the total abrogation of the 14th and 15th amendments and only half observance of the 13th.

STILL GOING

The leading black papers of this dark period were: The Washington Bee, established in 1879 by Attorney William Calvin Chase; the Cleveland Gazette, launched in 1883 by Harry C. Smith; the Philadelphia Tribune, founded by Chris J. Perry, a successful realtor, in 1884. This 88-year-old paper, now under the leadership of the able Eustace Gay, is one of five that still survive from the 19th century.

Other outstanding papers of the era were: Timothy Thomas Fortune's New York Age, John Mitchell's Richmond Planet, Sol Johnson's Savannah Tribune, Phillip Bell and W. J. Powell's San Francisco Elevator, Nick Chiles' Topeka Plaindealer, John Murphy's Afro-American which, along with the Indianapolis Recorder, the New Iowa Bystander, and the Houston Informer and Texas Freeman, are the other four that are still going.

Harvard educated William Monroe Trotter practically opened the 20th century with his Boston Guardian. Much like Rev. T. J. Smith's Pittsburgh Broad-Axe, it let the chips fall where they may.

The Guardian was soon followed by Robert Sengstacke Abbott's Chicago Defender in 1905, P. B. Young's Norfolk Journal and Guide, James Anderson's Amsterdam News, Robert L. Vann's Pittsburgh Courier, Roscoe Dungee's Oklahoma Black Dispatch, and Joseph and William Mitchell's St. Louis Argus.

With the departure of George White of North Carolina from the Congress in 1901, the long night of disfranchisement, nurtured by the Ku Klux Klan and grandfather clauses in state constitutions, set in for 27 years.

GO NORTH

But Robert Abbott, unlike Boston-reared Trotter, was born and reared in Savannah, Ga., and educated at Hampton Institute of Virginia. He knew that no amount of cursing and protesting and demanding alone would improve the plight of black people as long as they remained in the South. The answer, as he saw it, was to get as many black people as possible out of the South. And he launched his campaign to bring them North.

By the time his campaign got well underway, World War I had begun and there arose a demand in the North for black workers to help man the steel mills, stockyards, and other industries. During and following the war, Abbott's Chicago Defender carried red headlines week after week, reading: "Negroes are Coming North by the Thousands."

Largely, it has been the voting leverage of blacks in the North that has made the difference in civil rights advance. And Abbott and his Defender are rated the most significant black journalistic achievement of the first half of the 20th century.

His paper—now directed by one of his nephews, John H. Sengstacke, has become one of four black dailies in continental U.S. The other three are the Atlanta Daily World, founded by W. A. Scott in 1932, the New York Challenger, launched in March by Thomas H. Watkins, Jr. of the New York Recorder, and the Columbus Times of Columbus, Ga., two years old, Mrs. Ophelin DeVore Mitchell, Publisher.

In addition to the Defender, Sengstacke owns the New Pittsburgh Courier, The Michigan Chronicle, and the Memphis Tri-State Defender.

John Murphy's Baltimore Afro-American was expanded into a chain by his sons Carl and Arnett and other members of the family. The chain includes Afro-American in Newark, Philadelphia, Richmond, and Washington which absorbed the Washington Tribune.

BOUGHT BY SYNDICATE

James Anderson's Amsterdam News, named for the street he lived on, was taken over by Drs. C. B. Powell and Philip Savory in 1936. Last year it was purchased for more than $2 million by Attorney Clarence B. Jones and the Amsterdam News Syndicate.

These and other papers joined the Defender in its migration drive. In their deal, their editors made negative reporting a fetish, seldom seeing anything good about the South or about the black people who lived there. Much of this attitude slopped over into the North where it still exists.

While negative reporting fired the migration movement and the protest against segregation and mob-violence, it may have had the harmful influence of retarding greater efforts in education, self-improvement, industry and thrift.

Black protest was also fired by Woodrow Wilson's false promise of entering World War I "to make the world safe for democracy." At first blacks believed the slogan, but soon discovered that it was merely a slogan. Angered by the deception, black editors pressed hard for the rights of their people and took every opportunity to expose the failings of democracy.

So vocal was the black press in its protests and demands, that the War Department summoned 31 of the loudest voices to Washington to face complaints and criticism. But the editors brought complaints of their own —anti-Negro mob-violence, ill-treatment of black troops, segregation here at home, and disfranchisement. Their complaints went unanswered by the War Department and the Department of Justice, and they returned to their typewriters and continued their criticism and protest as before. A Philip Randolph's Messenger was one of the most outspoken.

The riots which followed the war stimulated the establishment of a number of black newspapers. Among the most important of these were: Chester Franklin's Kansas City Call, Anthony Overton's Chicago Bee, William O. Walker's Cleveland Call & Post, E. L. Goodwin's Oklahoma Eagle, H. E. Sigismund Reeves' Miami Times, M. L. Collins' Shreveport Sun, and C. C. Dejoie's Louisiana Weekly. The latter three papers are now operated by sons of the founders—Garth Reeves, M. L. Collins, Jr., and C. C. Dejoie, Jr.

STARTS ANP

The rioting also led to the establishment of the Associated Negro Press by Claude A. Barnett, a Tuskegee graduate and a former staffer of the Chicago Defender. He developed it into an effective news service and continued it from 1919 until his declining years in 1964.

On the eve of the 1929 depression were born Nathaniel A. Sweets' St. Louis American, L. E. Austin's Durham Carolina Times, and the Scott brothers' Atlanta World as a weekly.

During the 1930s, scores of black papers arose and fell. Among those that have survived are: The Defender established Louisville Defender, now published by Frank Stanley, Sr., and the Michigan Chronicle with Louis Martin as editor. Longworth M. Quinn now runs the paper for the Sengstacke chain.

Other papers of the 1930s are: Leon H. Washington's Los Angeles Sentinel, Cecil Newman's Minneapolis Spokesman, Mrs. Mildred Brown's Omaha Star, and Percy Greene's Jackson Advocate.

In the 1940s with the war and the Fair Employment Practices Commission—more national advertising became available through Interstate, now Amalgamated Publishers, Inc. (API). Since then, more than 100 papers have been launched; about half are still going. Adam Powell's People's Voice was one of the casualties. Among the more substantial survivors are: The Jervay Brothers' Raleigh Carolinian and Wilmington Journal, Dr. Carlton B. Goodlett's San Francisco Sun Reporter, the late John Kirkpatrick's East St. Louis Crusader.

Also C. Blythe Andrews' Florida Sentinel Bulletin which took over the Tampa Bulletin, Frank Thomas' Mobile Beacon, Jesse Hill's Atlanta Inquirer, Charles Bolen's Ft. Pierce Chronicle, J. K. Land's News Leaders in Baton Rouge and four other Louisiana cities, Marjorie Parham's Cincinnati Herald, Mrs. Julius Carter's Houston Forward Times, Clyde Jordan's East St. Louis Monitor, the Muslims' Muhammad Speaks, John Johnson's Jet, Jerrel Jones' Milwaukee Courier, and out in California, William Lee's Sacramento Observer, Earl Davis' San Diego Voice & Viewpoint, Thomas Berkley's Berkeley Post chain, and Chester Washington's Central News-Wave chain.

Also the 1940s saw the coming of age of the National Newspaper Publishers Association (NNPA) which was organized in 1940 with 11 members at a meeting in Chicago called by John Sengstacke. Representing the combined strength of the Black Press, an NNPA committee called on President Roosevelt in 1944 and demanded an end of segregation in the armed forces. This helped start the ball rolling, and in 1948 a Truman commission, on which Sengstacke served, drew up the guidelines for ending segregation in the military.

Since that first call on Roosevelt, NNPA has met with every President and presented its position on issues concerning the welfare of black Americans.

Protests of injustice, racial discrimination and segregation, unequal employment and promotion opportunities for black people are still the driving force of the Black Press. And encouragement is given the shock troops by its reports of black success, solid achievement, and general advancement of black people here at home, in Africa, and throughout the world.

INCOME TAX CREDIT FOR NONPUBLIC SCHOOLS

Mr. RIBICOFF. Mr. President, unless action is taken soon by Congress, many of our Nation's nonpublic schools will be forced to close.

The President's Panel on Nonpublic Education has reported that nonpublic school enrollment has been declining at a rate of 6 percent per year. Roman Catholic schools have been the hardest hit, but they are not alone. In the past 2 years, independent school enrollment has dropped 11 percent, military schools 10 percent, and boarding schools 4 percent. At this rate one-fourth of the schools operating in 1970 will be closed by 1975.

If this trend continues we will experience a massive dislocation in our public school system. Over 10 percent of America's total elementary and secondary students attend nonpublic schools. Should these schools collapse, our public school system would have to absorb over 5 million more children. Most of the impact would be felt in urbanized areas already heavily burdened by the need to provide public service.

In an attempt to alleviate this problem, I have introduced a bill (S. 3700) to grant tuition tax credits to the parents of nonpublic school pupils. I am hopeful that Congress will give this complex problem its close attention in the months ahead.

During its deliberations, the President's Panel on Nonpublic Education studied a report prepared by Roger A. Freeman, a senior fellow at the Hoover Institution on War, Revolution and Peace. Because I believe that Senators will find it most informative, I ask unanimous consent that a synopsis of Mr. Freeman's report, entitled "Income Tax Credits for Tuitions and Gifts in Nonpublic School Education," be printed in the RECORD. The complete text of this report can be obtained from the President's Panel on Nonpublic Education.

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

INCOME TAX CREDITS FOR TUITIONS AND GIFTS IN NONPUBLIC SCHOOL EDUCATION

SYNOPSIS

1. Nonpublic elementary and secondary schools have been in a rapid decline over the past five to six years which seem to be accelerating and it appears now that many and possibly most of those schools may be forced out of existence during the 1970s unless some type of action is taken to keep them alive.

2. The closing of most nonpublic schools could throw up to 5 million children on to the public school system and place an annual $4 to $5 billion burden on the taxpayers' backs. With few if any alternatives available, virtually all children would then have to get their education in the public schools, save for the children from the most affluent families. Many observers regard attendance of the same schools by all children to be the best preparation for life in a democracy. But it would certainly make a hollow shell of the natural right of the parents to direct their children's education, as defined by the U.S. Supreme Court in its unanimous decision in *Pierce v. Society of Sisters*.

3. The President made it a particular assignment of the Commission on School Finance to consider the financial problem in nonpublic education, especially in religious schools, and to recommend measures by which their decline can be halted and their threatened collapse prevented.

4. Several decisions of the U.S. Supreme Court rule out the appropriation of public funds for direct governmental subsidies to religious schools but permit tax benefits to churches and other religious institutions. It

appears therefore that church-connected education can be effectively aided either by tax benefits of some kind or not at all.

5. The Internal Revenue Code now leaves about one-half of all personal income free from federal income taxation. Most of the numerous types of tax benefits are intended a) to establish greater horizontal equity, i.e., make taxes fairer by making allowance for special burdens, or b) to stimulate socially desirable activities by offering tax incentives.

6. Income tax deductions have long been permitted for special burdens such as state and local taxes, interest payments, casualty losses, medical expenses, etc., as well as for donations for religious, educational and charitable purposes. Considerations of equity as well as social policy make it desirable to add tuitions to the list; this seems to be the most effective method, and possibly the only method, by which parents can be aided in exercising their right of choice and church-connected schools can be helped to survive.

7. Because of the progressive income tax rate scale, deductions confer proportionately greater benefits on taxpayers in high income brackets than on low or middle income persons. This lopsided situation can be rectified by using tax credits—deductible from tax liability—instead of deductions from adjusted gross income. I suggest that the privilege which is now enjoyed only by taxpayers in the highest income bracket—to offset 70% of their donations to schools against their tax liability—be extended to taxpayers at all income levels. This would effectively stimulate contributions among middle and lower income persons.

8. Tuition tax credits can help parents to augment their support of nonpublic schools without placing a commensurate burden on them. If well designed, tuition tax credits are on firm constitutional grounds and will stand up against any conceivable constitutional challenge.

I suggest a 70% tax credit for tuitions in all regular schools. Such a credit could, for example, apply to tuitions between $100 and $300 in elementary schools and between $100 and $500 in secondary schools, with an upper income cutoff. Its annual cost may be estimated at $900 million, which is less than one-fourth of the expense of educating those children in public schools.

9. Public schools, as well as homeowners and renters, could be aided by the granting of income tax credits for residential property taxes levied for school purposes (or, possibly, for all purposes).

WHEN ARE WE GOING TO START TO BUILD ENOUGH RECREATION ROADS?

Mr. MOSS. Mr. President, what must be called an "explosion of use" of our recreational areas is occurring in America—with an "explosion of demand" for roads to reach these areas. In my State of Utah motorists are traveling on any road, track or trail that will carry them to spectacular scenic spots, placing far too heavy a load on low standard roads and breaking their axles and blowing their tires on barely passable tracks and trails.

Recently I prepared a statement for the Roads Subcommittee of the Committee on Public Works recommending that authorization levels be substantially increased for fiscal 1974 and fiscal 1975 for all scenic and recreational roads in the Federal Aid Highway Authorization Act of 1972, now under consideration. Higher authorization levels will hold out some hope of getting higher appropriation levels in years to come, and eventually of stepping up our pace in building the roads we need to serve our outdoor-oriented, increasingly mobile population. To call the attention of all of my colleagues to the recommendations I have made, and why I made them, I ask unanimous consent that my statement be printed in the RECORD.

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

FEDERAL AID HIGHWAY AUTHORIZATION ACT OF 1972

Mr. Chairman, it is a pleasure to testify before this subcommittee, of which I was a member for so many years. From my own experience I know how difficult is the task which confronts you. Determining the level of authorization for the various Federal aid highway programs—in this instance for fiscal 1974 and 1975—and dealing with all of the very controversial questions which arise out of the financing, construction and use of these highways, is one of the hardest and most complex jobs this subcommittee, or in fact the Congress as a whole, undertakes in the second session of each Congress. I offer you my sympathy and support.

I come here today because I am outraged by the low level of authorization recommended in S. 3590 for fiscal 1974 and 1975 by the Nixon Administration for categories of the Federal aid highway system which help us build our scenic and recreational highways. The levels the Administration suggests are both unrealistic and unwise. I sometimes wonder if those who set these levels are living in the same country as I, with our millions of outdoor-loving, mobile citizens out every weekend crowding every highway, every gravel and dirt road, and even every wagon track that will lead them to any recreation area.

My own state of Utah is a prime example of what is happening. The explosion of interest in outdoor recreation has led people to try to reach any spot where they can camp or picnic or hike or boatride or fish or enjoy a scenic view. They drive over any road that is passable, putting on it a burden in weight and numbers far beyond what it can carry. They often blow out their tires and break their axles and do other damage to their cars. But they keep coming and coming—seeking outdoor recreation experiences. Where scenic highways have been built, or the recreational access roads have been constructed, the cars extend bumper to bumper with hours of delay on weekends in getting to or from a popular area.

As one way of beginning to build the highways and roads we need, I recommend a substantial increase in authorization in all Federal aid highway categories which are used in any large measure for recreation.

Now, I am sure someone will remind me:

But Congress is not appropriating the fully authorized amount for these categories in most instances now, so why increase the authorization?

My reply is a simple one. We are not appropriating more because in most instances the Administration is sending a budget request to Congress which only asks for one half or two thirds of the authorization and the Congress, fearing additional funds will only be frozen by the Administration if they greatly exceed the budget request, is increasing appropriations by cautious amounts. Perhaps if we get the authorizations up, we will get the budget requests up, and then we can get the funding up and we can begin to move along faster in building some of the roads we so desperately need.

I would, therefore, recommend that Section 105(a) of S. 3590 be amended, to make the following changes in levels of authorization for scenic roads, recreation access roads, park and parkland roads and roads across public lands:

For Forest Highways, out of the Highway Trust Fund, $50 million for fiscal 1974 and $50 million for 1975, instead of the $33 million recommended for each year.

For Public Land Highways, out of the Highway Trust Fund, $25 million for fiscal 1974 and $25 million for fiscal 1975, instead of the $16 million recommended for each year.

For Forest Development Roads and Trails, $170 million for fiscal 1974 and $170 million for fiscal 1975 out of general revenue funds instead of the $75 million recommended for each year.

For Public Land Development roads and trails $20 million out of general revenue funds for fiscal year 1974 and $20 million for fiscal 1975, instead of the $10 million recommended for each year.

For park roads and trails, $50 million out of general revenue funds for fiscal year 1974 and $50 million for fiscal 1975, instead of the $30 million recommended.

For parkways, $40 million out of general revenue funds for fiscal 1974 and $40 million for fiscal 1975 instead of the twenty million recommended.

These are substantial increases, I realize, but not unreasonable in view of the need. The Forest Highway authorization, for example, has been at a level of $33 million for over 10 years. There is already a tremendous backlog of Forest Highway projects. In Utah alone, at the present rate of authorization, it is estimated it will require some 40 to 50 years to complete the system. And we are not even appropriating the $33 million authorized each year. In fiscal 1972, for example, we appropriated only the amount of the budget request which was $20 million.

I suggest that the subcommittee not only increase the authorization for Forest Highways, but also include in the bill which is reported a provision requiring a study of "Forest Highway Needs." I understand that Forest Highways were not included in the most recent highway needs study, and we really don't know how much money we need to build the Forest Highway system. A study would probably show that my suggested figure of a $50 million authorization is far too low—as there can be little doubt that the $33 million figure is.

The Forest Roads and Trails authorization request is equally unrealistic. The fiscal 1974 and 1975 authorization for $75 million is almost a hundred million short of the $170 million authorization for fiscal 1973. I realize that there is some unfunded authorization available, but this could be used up quickly with increased appropriations and no budget restraints and the necessary personnel. By suggesting a cut of more than 100 percent in the Forest Roads and Trails authorization for fiscal 1974 and 1975, I would hope that the Administration did not intend to indicate that the present rate of development of Forest Service roads and trails is adequate—because it isn't.

In the state of Utah we received about $4 million in the current fiscal year for Forest Roads and Trails. The demand upon these funds has been tremendous. The spectacular rise in the use of Utah recreational roads is indicated by the following figures:

In 1967, there were 6,494,000 recreation visitor days in the state which represented 4.3 percent of national visitor days. Some 1,245,000 of these visitor days were used in traveling Forest Service roads and trails in Utah.

By 1971, the total number of recreation visitor days in the state had skyrocketed to 9,604,000 and to 5.3 percent of the national total, with 1,880,000 of those days of travel on U.S. Forest Service roads and trails.

In other words, not only are we experiencing constantly increasing recreational visitor use in Utah, but we are rapidly escalating our share of the national total in days of visitor use. Recreation use in Utah is rising

faster than in many other states, and it is rising especially fast on Forest Service roads and trails.

I can best explain what is happening by discussing the Nebo Scenic Loop in the Uinta National Forest which goes from Payson Canyon up the remote back side of Mt. Nebo and comes into Salt Creek Canyon east of Nephi—the whole trip a refreshing, scenic experience. The road is approximately 20 miles long. It is built on an old existing road constructed during the CCC days. This deteriorating road carries heavy traffic each summer weekend. It becomes rutted and filled with chuck holes. A $250,000 contract is now being advertised by the Forest Service which will allow improvement of one segment of the road. $500,000 could well be used on this road in one construction season. But only half this much needed work will be done this year. We need urgently to step up the pace of the work.

Or again, consider the 130 mile Skyline Drive through the MantiLaSal National Forest which contains some of the most beautiful scenery in the state of Utah. About three miles of road through Huntington Canyon is on the Forest Highway system—the rest must be built with Forest Road and Trails money. A recent report describes the road as follows:

"From the elevated portions of the route, magnificent panoramas of the surrounding mountain areas are visible. On a clear day you can see for over 300 miles. Numerous opportunities for hiking, fishing, boating, camping, hunting and just plain looking exist along and adjacent to the entire route. Over 40 recreation areas and 17 lakes could be serviced from this road."

Most of Skyline Drive is also in very poor condition—little more than a couple of tracks in some places. But a few hardy souls try to drive through its Alpine meadows and forest Sunday after Sunday, week after week. A paved or even a well graded road would give thousands more an opportunity to do so and to enjoy its grandeur.

Another point of great interest to me is the fact that this proposed road lies in a rural area covering portions of four different counties all of which are in dire need of economic assistance that could be stimulated, in part, by opening up this valuable area to the many tourists, campers, hunters and fishermen, who otherwise cannot get into the area.

But perhaps the level of authorizations which most appall me are the $30 million request for parks roads and trails, for which I have proposed the higher authorization of $50 million, and the $20 million authorization for parkways, for which I would substitute $40 million. I am not overstating it when I say we could use the $30 million for park roads and trails immediately in the state of Utah, where we have in the past few years established three new national parks—Canyonlands, Capitol Reef and Arches—and one recreation area—Flaming Gorge—and where we are about to pass legislation setting by statute the final boundaries of the million acre Glen Canyon National Recreation Area.

And Utah will soon, I hope, be calling on the National parkways funds for the Canyon Country National Parkway, for which legislation I have introduced is pending.

In 1964 when Canyonlands National Park was established the National Park Service unveiled a five year, $8 million development plan which called for considerable road building to provide access to the park. Included was improvement of the road already in existence from the northern end of the park to Island of the Sky and the confluence of the Green and Colorado Rivers, and construction of a road from the southeastern entrance of the park through the Squaw Flat area to the confluence.

Now eight years later, we are still working on the Squaw Flat Road, and are at least ten miles from the confluence. No other roads have been built. A contract for about $600,000 has recently been advertised for the Squaw Flat Road which will build it to the Big Springs Bridge. The bridge itself is estimated to cost about a million and a half dollars. The projected million people a year visitation to Canyonlands has shrunk to the 55,400 people who actually visited the park last year.

Far fewer people than once expected have been able to enjoy Canyonlands because access has not been provided, and the projected economic benefits to the surrounding area have not been realized either. The people in the area are thoroughly disillusioned. Most of the park can be seen only by those who backpack in. We want, of course, to keep large sections of Canyonlands in wilderness for the enjoyment of those who seek nature experiences, but we must quickly open up other parts of the park so everyone can enjoy them. We will then take the pressure off some of our other overburdened recreation areas.

Glen Canyon National Recreation area, which encompasses Lake Powell is an area of very high visitation. But the facilities there are greatly overburdened, and must be extended. One road—the Glen Canyon to Bullfrog Road—which would provide quicker and easier access to new recreational sites on Lake Powell will cross the Glen Canyon Recreation Area, and will cost some $40 million to build. This road is so seriously needed, and is such an issue in my state of Utah, that the Utah Congressional delegation will try to authorize its construction right in the bill establishing the Glen Canyon National Recreation Area.

Mr. Chairman, the National Park Service advises me it will take an estimated $1 billion to bring all its parkways and its park roads and trails up to standard. And yet the Nixon Administration sends to Congress an authorization request for a combined $50 million for both categories in each of the coming two fiscal years—1974 and 1975. Surely by then we will be out of Vietnam and be able to concentrate more money on our domestic problems. The authorization figures are so out of proportion to the nation's needs that they are indefensible. I trust that the subcommittee will substantially raise them all.

In conclusion, let me state also that I support the bill, S. 3405, introduced by the distinguished Chairman of the Senate Public Works Committee, Mr. Randolph and cosponsored by the Chairman of this subcommittee to amend Title 23 of the U.S. Code to establish a special national scenic and recreational highway program. The bill would authorize $30 million for each of the fiscal years ending June 30, 1974 and 1975 to build scenic highways, and to furthermore authorize $150 million for each of the fiscal years ending June 30, 1974 and 1975 to allocate grants to the states to build scenic roads.

I hope that the subcommittee will include the provisions of this measure in the bill it reports.

ADDRESS BY SENATOR HUMPHREY TO THE U.S. CONFERENCE OF MAYORS

Mr. HUMPHREY. Mr. President, on June 20, 1972, I was privileged to address the annual meeting of the U.S. Conference of Mayors.

It was a memorable occasion for me. As a former mayor, I always feel at home with the mayors of our country.

Mr. President, the thrust of my remarks was clear: We cannot begin to take care of America until we take care of America's people. And, America's people live predominantly in urban areas.

The urban areas of our Nation need our help. And, they need it immediately. Long-range plans are essential—and I spoke to the necessity for a national growth policy. But, as I said, cities have to be operated now. People have to live now.

The U.S. Government has an obligation to help restore the fiscal vitality of the cities.

That is one reason why I have been a consistent supporter of revenue sharing. That is why I have joined with the Senator from Tennessee (Mr. BAKER) in introducing in the Senate the House Ways and Means Committee-approved revenue-sharing bill.

That is also why I have asked the Senator from Louisiana (Mr. LONG), chairman of the Committee on Finance to move ahead quickly on hearings for the swift passage of revenue sharing.

Chairman LONG has given me his assurance that he will indeed move forward as expeditiously as possible.

In my remarks to the mayors, I spoke of my talk with the chairman, and I relayed to the mayors my intention to be the leadoff witness for revenue sharing when hearings are held in the Senate.

Mr. President, I ask unanimous consent that my address to the U.S. Conference of Mayors be printed in the RECORD.

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

REMARKS OF SENATOR HUBERT H. HUMPHREY TO THE U.S. CONFERENCE OF MAYORS, NEW ORLEANS, LA., JUNE 20, 1972

Last year when I had the privilege of addressing the Conference of Mayors, I said that our Nation must develop a national urban strategy to deal with the diminishing quality of life in urban America.

A year has passed and there has been little visible progress towards meeting the great needs of American cities.

Tragically, we have no national urban policy to guide us.

Yet every day we are faced with the fact that more and more Americans are moving to urban areas.

Every day the need for fundamental services for urban Americans increases.

Every day the financial resources prove to be less and less.

In the face of this crisis, what is the response from the Federal Government?

Too often it runs away from the problems:

It underfunds badly needed programs.

It encumbers effective local action with bureaucratic over-regulation.

It ignores the neighborhoods—it guts them with indiscriminate highway programs and plans urban renewal projects which are in effect, people removal programs.

But the Federal Government's greatest failure is to try to solve urban and suburban problems of the 1970's with the solutions of the 1950's and 60's.

What are the realities of urban life today?

Realistically, our urban society extends beyond city lines into increasingly urbanized suburbs.

But the problems of the city—because they are people problems—don't stop when concrete and pavement become green grass and shopping centers.

There isn't a metropolitan area in this Nation which has avoided the social disintegration and economic decay caused by affluent Americans running away from the poor.

There are few families in suburbs who

can claim today that the drug problem of the inner city is not theirs also.

Crime knows no neighborhood—no one is free from assault and stick-ups; no American home or apartment is safe from burglary and no American can be secure when there is violence and disorder.

Throughout metropolitan areas the educational system is breaking down:

School bond issues are being defeated.

Classroom size is being increased.

School taxes are going up.

Parochial schools are closing.

Students and parents are having serious doubts about the educational quality of our school system.

And there is no metropolitan area where the level of basic services has kept pace with needs of the people.

This means that people are angry, frustrated and often disillusioned.

The despair and crushed spirit of urban American increases every day because we know that cities can come alive again.

We know that cities can have green parks, tree-lined roads, safe and clean streets, good schools and a style of life that gives people dignity, hope and opportunity.

I believe it's time for America to stop running away from its own problems—to face up to the urban crisis and to act accordingly.

It's time to do for ourselves what we have been doing for the rest of the world during the past 27 years.

We must restructure our political organizations, adapt our social institutions to changing times, revitalize our community services and commit the financial resources needed to do the job.

These are the long range goals which deserve a national commitment.

But people have to live today and your cities can't wait for another five or ten years.

Let me be specific and give you my ideas as to what together we must do now.

The passage of an adequate revenue sharing bill is imperative. Revenue sharing is not a panacea for the ills of American cities. And it cannot replace the grant-in-aid programs.

But our plans, our goals, our long-run objectives are simply useless without a continuing, well-funded revenue sharing program, and I have been a consistent advocate of revenue sharing.

I believe that it is a program for the 1970's.

Tomorrow, the House of Representatives will begin debate on the Mills fiscal assistance proposal.

And in the Senate, Senator Howard Baker and I have introduced an identical revenue sharing bill. There are now 41 co-sponsors of that legislation.

I want the mayors of America to know that I have talked with Chairman Russell Long of the Senate Finance Committee and requested Senate revenue sharing hearings.

I can report to you today that Chairman Long has given me his personal assurances that the Finance Committee will promptly begin hearings on this legislation and expedite its report to the Senate floor.

I will be the first witness before the Finance Committee on behalf of the mayors and the cities when the hearings begin.

Revenue sharing will be an article of law this year. But revenue sharing is but the first step.

The second immediate task is enactment of the National Domestic Development Bank—legislation I introduced to help cities, States and towns finance vitally needed public projects.

This legislation is based on accepted principles of international finance.

I propose that we now apply them at home by providing long-term loans at low interest rates, and that we couple the financial help with technical assistance.

My plan will allow cities, counties, towns, school districts and other government jurisdictions to move ahead on a wide range of urgently needed public construction.

It will provide an alternative and supplemental source of funds for a nation that is privately wealthy and publicly poor. It will bring together public and private financing for the revitalization of urban America.

It can help end the stop-start history of public construction in this country by providing for an orderly and continuing new financing mechanism and the National Domestic Development Bank is a program for all the communities of America.

It can facilitate economic development in depressed areas.

It can provide jobs.

It can stimulate the economy.

Once cities have the necessary tools to achieve some of their objectives the next stop is to change the way the Federal Government makes its budget decisions.

Right now, mayors and city officials, supervisors, city managers, county officials, governors and the people are closed out of the Federal Government's budget process.

Decisions are made every day about your city by bureaucrats in Washington.

You are seldom consulted.

Your true needs are often ignored. You and the people end up living with decisions you had no part in making. This makes no sense.

I want the budget process of the Federal Government to be open to the mayor before the decisions are made.

I propose that the budget officers leave Washington, go into the cities and regions of this Nation and hold hearings and meetings on the coming fiscal year's budget.

Let's send the President's executive decision makers to where the problems are so that they can hear first hand from you and others who face urban problems every day.

If an assured level of funding is available over a period of years and if mayors and city officials have full access to the Federal budget process, then we can take the fourth step: effective planning and use of our resources to meet our needs.

We have visions of tomorrow, but we lack the specific plans to make our tomorrows a reality.

The basis of our vision for the future should be targeting a rural-urban balance—a healthy balance between the people and the land.

This mans focusing on orderly growth—designing this for people rather than for expediency, and an essential component for ordered growth is slowing down the forces which have placed a third of the American people in the six States of New York, California, Illinois, Pennsylvania, Ohio and Texas. Yet there is not a single mechanism or process to plan the future growth and development of the United States.

Today we are a nation of 209 million people, 70% of whom now live in cities of 50,000 or more—by the 1980's—80%.

By the end of this century, 300 million people will populate our country and as many as 90 percent will live in metropolitan complexes.

We have totally neglected the impact of a growing population let alone the movement of people within our Nation.

Because we lack a national planning process, Americans are deprived of the benefits planned growth can provide.

I will soon introduce a national growth and development act that will be the first step towards planning the national growth of our country.

A national growth policy can mean:

Overcoming fiscal crises through planning.

Making the best possible use of land in our metropolitan areas.

Coordinating an attack on all types of pollution.

Planning for services and facilities so that when people move in, the services are already there.

The legislation I will soon introduce will establish an Office of National Growth and Development within the White House. It will provide the leadership necessary to coordinate all departments and agencies—and regulatory bodies—with respect to development and implementation of national policy.

And in the Congress, I propose that a Joint Committee on National Growth be established, and supported by a Congressional Office of Policy and Planning.

Finally, my legislation would force the Federal Government for the first time to anticipate the consequences of growth when it plans a facility, lets a large contract, implements a new program or expands its funding.

For thousands of years cities have reflected the spirit and achievement of a civilization.

It has been in the cities where the centers of learning, art and culture have flourished. The great libraries, universities, theatres, museums and centers of commerce have existed in the cities of the world.

But cities have always been a measure not only of a society's culture, but of its humanity.

But as long as there are slums, people in poverty, hungry children, segregated and dilapidated neighborhoods, deteriorating schools, polluted air and pervasive crime in our cities, then the quality of our entire civilization is threatened.

Can our nation build great cities?

There is no alternative.

The answer must be yes.

I want to be President of an America where cities are a place people want to come to learn, to live and to raise their children.

This type of urban and suburban society can be achieved if our leaders are truly committed to the revitalization and rebuilding of life in urban America.

DEBUNKING THE McGOVERN AS GOLDWATER MYTH

Mr. CHURCH. Mr. President, the Saturday Review of July 1, 1972, contains a highly significant article on the Presidential candidacy of Senator GEORGE MCGOVERN, written by John Kenneth Galbraith.

Of particular interest is Mr. Galbraith's debunking of the myth that a McGovern candidacy would, in some fashion, be comparable to the Republican candidacy in 1964 of Senator BARRY GOLDWATER.

Mr. Galbraith writes:

The comparison with Goldwater is a brilliant piece of political polemics, it is also nonsense.

It is, indeed.

As Mr. Galbraith points out:

Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts.

Mr. Galbraith further points out that if one must search for historical analogies, the proper comparison with Senator MCGOVERN is Franklin Delano Roosevelt with his reforms of 40 years ago which, like the case today, were designed to benefit the majority.

Mr. President, I ask unanimous consent that Mr. Galbraith's article be printed in the RECORD.

There being no objection, the article

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

THE CASE FOR GEORGE MCGOVERN

(By John Kenneth Galbraith)

It all happened in a matter of three months this spring. Before the New Hampshire primary in March, George McGovern was nowhere—an object of the sympathy and amusement of the established political sages to the extent that his seemingly feckless effort was deemed worthy of notice by men of such stature. By the end of May he had it made. The California primary—some unprecedented accident apart—all but wrapped up the nomination, although, in a shrewder view, it was probably Ohio that decided things. There it was evident that McGovern not only had a strangle hold on liberal urbanites, suburbanites, and students but could also make deep inroads into the blue-collar and ethnic columns that were meant to march for Hubert Humphrey.

There remained, to be sure, some doubt as to how McGovern did it. Joe Alsop, whom I cherish as one of the splendidly comic figures of our age and always read before Art Buchwald, thought carefully and concluded that the McGovern men had stolen the primaries and the state conventions. They had organized, and organization (anyhow, if by the liberal and young) defeats the popular will. Stewart Alsop, although conceding McGovern some considerable appeal, thought that people were voting for him out of mass misinformation—they did not see what he was up to on abortion, economics, and things like that. When they did—wow! But most others have agreed that McGovern is somehow popular with voters. For judging his prospects next fall, it is worth knowing just what happened this spring and why.

The McGovern success can be understood, I think, only in terms of the preferred position in the United States of social diagnosis as compared with practical action. No country approaches us in the candor and quality, not to mention the sheer volume, of such diagnosis. If something is wrong with our economy or polity or otherwise with our society, we search out the flaw and an explanation for it with relentless force. This has been especially so in these last years, when so much has seemed wrong—when the phrase "credibility gap" has come to grace a general commitment by the government to uninspired falsehood; when a costly and intellectually inexplicable involvement in Indochina has persisted contrary to all reason and expectation; when our military budget has become absurd in light of either military need or the starvation of our cities; when we have put moon travel on a commuter basis, while people at home cannot get to work; when a disenchanting combination of severe inflation and severe unemployment has persisted in conflict with all reputable economic instruction; when the welfare mess has caused people to crowd to the cities and has then penalized them for taking a job; where the fiscal system has been fostering a whole new class of income-tax dropouts, who were even so gauche as to convene by private jet at John Connally's ranch to hear the President defend their graft with wonderful indifference to the trouble the average citizen was having with the tax on his house; and when it was being discovered that our air, streams, lakes, beaches, roadsides, and countryside were all being sacrificed to uninhibited economic (and corporate) growth.

On all of these problems, as noted, men of wisdom had been speaking urgently, righteously—and, in most cases, for very adequate compensation. But it was implicit in this discussion that nothing much would be done that would upset the basic equilibrium in our politics, an equilibrium based on the understanding that we will analyze, deplore, recommend, and, on occasion, demand but will not act. This rejection of action is held to reflect the public will. No matter how serious the problem, the people will vote against the man who proposes remedies, for remedies cost money and make him a radical. There is, alas, an element of pecuniary self-interest in all this. Social diagnosis is a considerable industry in the United States. A lot of this industry's entrepreneurs, without ever quite admitting it, find things entirely comfortable as they are. They persuade themselves that others, despite the troubles they describe, are really quite comfortable, too.

Thus George McGovern. He got hold of the novel idea that a fair majority of citizens not only want to understand their sorrows, they would like to have something done about them. The other candidates made the mistake of believing that all the talk about truth in government and change in the society was purely theoretical. For months friends have kept calling me to say what a mistake it was for McGovern to spell out his position on tax loopholes, welfare reform, and the military budget in such unnecessary detail. He would frighten people. No doubt quite a few were frightened off. But it won him the primaries and will him the nomination. Only an honest and serious man bothers to tell you exactly what he hopes to do, and these qualities evidently appeal to voters these days.

Now it will be said—and said and said—that, while McGovern's commitment to the reform of military, economic, and fiscal policies that nearly everyone agrees are ghastly was great for winning the nomination, it will lose him the election. Zealots who want change can nominate a man; only defenders of the *status quo* can elect one. If McGovern doesn't now adopt the Establishment view, it is asserted, he will do more this autumn to make Richard Milhous Nixon a statesman than Barry Goldwater did to make L.B.J. a pacifist.

The comparison with Goldwater is a brilliant piece of political polemics. It certainly has taken hold. It is also nonsense. The natural reaction of some McGovern defenders has been to argue that he isn't all that extreme. He hasn't really advocated compulsory abortion; the next generation of Rockefellers will still have a few of the millions rightfully accruing to them from the only moderately righteous enterprise of their great-great grandfather a hundred years ago and so will be available for public office; McGovern proposes amnesty only for those who resisted the war and will not release all felons from jail. Doubtless all this is true, but it would have been more to the point to argue that McGovern, unlike Barry Goldwater, was urging the kind of change that most voters want. Goldwater was urging change in favor of the few and the rich. McGovern is urging change in favor of the many who are in the middle or below. The many, a point that some thoughtful writers have never grasped, are more numerous than the few, and in politics it is the majority that counts. It was Barry Goldwater's romantic thought that the poor wanted more done for the rich, less for themselves. He had inveighed against the progressive income tax; when the campaign started, he was still worried about the effect of Social Security on the moral fiber. He wanted more freedom, which, generally speaking, meant freedom for the privileged to expand their preferred form of plunder. The McGovern reforms—on employment, taxes, welfare, equality—are all designed to benefit the majority. An important distinction.

If one is searching for historical analogies, it could be recalled that Roosevelt's reforms of forty years ago were similarly concerned with the majority. They also made him a dangerous radical. And they made him electorally invulnerable. There is a difference between a Democratic Goldwater and a Democratic Roosevelt. McGovern's identification, if he remains on course, is more plausibly with Roosevelt.

It might also be added that Goldwater was a hawk. McGovern is that most curious of political birds, a dangerous dove. As a final point, this whole discussion seems to me a bit hard on Barry Goldwater. He is a nice man who brought a marked passion to his program for enriching the rich. Why hurt his feelings? Let the McGovern people help Barry out: Let them say that McGovern is the Goldwater of the forgotten man.

It is necessary, of course, that McGovern resist the pressure of the privilege. As I've said, in the months ahead it will be a wonderful thing to watch. Having failed to nominate an adequately inert man, the Establishment philosophers will try to do the best with what they have. Only a man indistinguishable from Nixon—or preferably Scoop Jackson or possibly Sam Yorty—will, so they will say, stand a chance of election. I think that, on the whole, McGovern will resist. (I, of course, distinguish between conciliation, even occasional compromise, and retreat.) Accordingly, he will be an alternative to Nixon. He will appeal to the unrich, unpowerful, and unprivileged majority, and, therefore, like Roosevelt, he will be elected. This expectation derives partly from an impression of the man and partly from his reaction to the issues in the past. Let me say something about each.

I first worked with George McGovern when I was in India, and he was head of the Food for Peace Program under President Kennedy. The whole effort was a mirror of the McGovern mind and mood. As a farm congressman from South Dakota, he had constituents for whom wheat growing was halfway between an industry and an obsession. He wanted to see that farm plant used efficiently. And he believed that hungry people should have enough to eat—an idea he thought applicable even to the United States, to the terrible distress of Congressman Jamie Whitten of Mississippi and similar philanthropists. Many diagnosticians had pointed to the inconsistency between big food surpluses and pervasive hunger; McGovern was bent on doing something about it, and he did. Many people are now alive as a result of his efforts to make food surpluses available to the starving. I might add that these efforts won the United States—and him—a very pleasant response. His reception, when he came to India in 1962, was better than that accorded Henry Kissinger last year. I share with others a certain nostalgia for the days when Americans were thought nice.

I really got to know George McGovern with the Vietnam War. The mid-Sixties were lonely years for opponents of the war; we were treated in Washington with all the cordiality that is commonly accorded acute paresis. Following close on the heels of Wayne Morse and Ernest Gruening, McGovern was one of the little band of men who led the fight against the war in the Senate. More than anyone else except Gene McCarthy, he translated what had been dissent into organized and legitimate, and hence effective, political opposition. It did not seem at the time to be a politically profitable enterprise. To take such a stand was surely a fair test of commitment. Prominent among those leading the chorus on the other side—demanding that L.B.J. send in more troops, more bombers, unleash the Joint Chiefs of Staff—was Richard Nixon. He is wiser now. But it would be safer and a lot more economical to have as President a man who foresees disasters. One-hundred-and-fifty-billion dollars—not to mention the lives—is a large price for educating Richard Nixon. And on Vietnam he is still a very retarded boy in the class. He has, in fact, been even more brutal than his predecessors in his policy of destroying

and maiming the people of Vietnam and in wrecking the countryside on which they live. But they are poor people who are accustomed to death and dismemberment—or anyhow that has long been the Washington view.

Mr. Nixon, to be sure, has seen how completely the American people have come to reject the old Cold War rhetoric and anger, how much they want an affirmative effort for peace with the Communist countries. So we have the engaging picture of this man—the greatest Cold Warrior of them all, the politician who once equated negotiation with treason, the man who wanted to send soldiers to Vietnam in 1952—emerging, by his own billing, as the new apostle of peaceful coexistence. He has used the phrase. He has been to Peking. He has been to Moscow.

We cannot deplore the journeys to Peking and Moscow. They must have been a severe trial for Mr. Nixon's old anti-Communist friends; one wonders how Joe McCarthy must be reacting from wherever Joe is these days. But it is better to have a man of flexible principle such as Richard Nixon than a principled man who sticks to principles that are wrong. It would be better still to have a principled man who is right. This, on the record, is the case for McGovern.

There is still much to be done in the field of foreign policy. We face a long period of negotiation with the Soviet Union, in which the primary task is to get the arms race under control. This has been a major McGovern goal. Any notion that such control was achieved in Moscow has now been dissipated by Mel Laird. He has just explained that the agreements signed by Mr. Nixon in the Kremlin have made an increase in spending by some billions for the manned bomber, the Trident submarine, and several other gadgets more necessary than ever.

There also lies ahead the major task of reforming our relations with the Third World. We have learned in these last years that there is little in the inner life of the Third World nations that we can control. And we have learned that there is less that we need or ought to control. We have earned that, if some people in this world choose to call themselves Communist, there is little we can do about it. And we have learned that the difference between a Communist jungle and a non-Communist jungle is not all that evident except to the CIA. Similarly with rice paddies. We need to contract our policy in the Third World—to reduce our own bureaucracy there, notably our troops, bases, fleet, military missions, and spooks. Specifically, we need to get out of the business of chasing Communists over Laos or making plots in Chile.

We need also to get out of the business of propping up dictatorships. Men of wisdom have often pointed regretfully to the necessity of choosing between strategy and morality in foreign policy. But last year, in its support of the military government of Yahya Khan in Pakistan against the people of Bengal, the Nixon administration accomplished something new—it managed to offend both. Its continuing support of the Greek colonels—and of dictatorships in other countries—is equally offensive. Messrs. Nixon and Agnew have forgotten that we are a democracy. McGovern has not. On all of these matters the position of McGovern is clear. And so is that of Mr. Nixon; his re-election would mean only more of the same.

On domestic policy McGovern's positions—and his commitment to them—seem to me equally strong. Here there will be four major issues: the management of the economy; the excessive share of taxes being borne by the average man; the need for real equality—equality between the races, between men and women, in the way income is distributed, and between those with the bad jobs and the good; and the effect of modern industrial development on our surroundings.

Good economic management requires controls that are equitably administered—they must be equitable if they are to have the confidence of consumers and the consent of labor. This is the area of Nixon's greatest failure. His price administration has been spineless—a ratification of increases that would have occurred anyway. His employment policy has been based, all but exclusively, on tax incentives for corporations and the comparatively affluent. In consequence profits and property income (as well as prices) have been rising at a record rate. The unions are rightly aroused; one cannot have wage stabilization unless living costs, profits, and executive compensations are also stable. George McGovern was the first of the candidates to spell out a policy of equitable price and wage administration—combined with equitable taxation of business profits.

Given wage and price stability, the next task is to increase employment. The efficient as well as the egalitarian way to do this is by increasing needed public outlays either in general or specifically for public-service employment, thus supporting the living standards for the poor. The worst way is to reduce taxes on the well-to-do in the hope that they will spend more. The contrast here between Nixon and McGovern should work well at the ballot box.

For easing the burden on the average man, it is also essential that we close the loopholes on the rich. I would personally go further than McGovern. I have come to believe that every person who adds to his wealth by a given amount—whether by earned income, property income, capital gains, real estate income, oil income, inheritance, or defrauding McGraw-Hill—should pay the same progressive tax on the particular amount of the enrichment. The operative rule is that a-buck-is-a-buck-is-a-buck. But McGovern's requirement that, regardless of loopholes, everyone pay at least 75 per cent of what is specified in the tax tables is a step in the right direction. That too will be hard to attack at the supermarkets.

A decent tax system is the first practical step toward greater equality. The second requirement is to strongly support organizing activity by those people—the farm workers, for example—who have the weakest position in the economy. Here the McGovern position is clear, and it has won him the support of Cesar Chavez, who leads the weakest workers of all. The third step is to place a floor under family and individual income. The McGovern position on this—one that still requires a good deal of work, as McGovern himself might agree—was duly celebrated in the California debates with Hubert Humphrey. The step is vital. Mr. Nixon cannot effectively attack the principle of a guaranteed minimum income; he—greatly to his credit—has proposed one himself. He will attack McGovern for urging that the minimum be brought to a reasonable level, to a level where it protects not only the family that is without employment but those whose weakness in the labor market makes them the natural object of exploitation.

The McGovern plan, it should be noted, provides what is lacking in all present welfare arrangements—namely, a voluntary incentive to take a job. The man who is now on welfare and takes a job at wages around the welfare level of payment gives up all his welfare income. He has, in effect, a 100 per cent tax on his additional income. It is only human to wonder why one should bother to work. The new design ensures that the man who works will always have more money than the man who does not. It is a long step toward both economic decency and the Calvinist virtue appropriate to a South Dakotan.

Finally, there is the matter of racial equality. That Mr. Nixon has managed to alienate the black voter not many will deny. And that McGovern has gained strength in the black community during the course of the primaries most will agree. His reforms have opened the Democratic party to blacks in spectacular fashion—as the Miami convention will show. On busing he hasn't had one position in the North and another in the South. He has argued everywhere for upholding the Supreme Court. That didn't help him in Florida, or in Maryland, or everywhere in Michigan. But it probably did help in the country as a whole. It showed that he was the one thing not even the greatest enemy of busing can criticize—namely, an honest man.

As for protecting the environment, what we have to do is to specify, by law, what business, large and small, may and may not do. And having so specified what may not be done, the law must be enforced, however influential the offender. There can no longer be one law for the citizen, another for the corporation. On this there is no question as to where George McGovern stands. And, unlike the administration, it is not his business to befriend the corporations.

Better economic management, a better break for the average citizen, greater equality, and a better environment are related to each other; they are also related to military and foreign policy. If it weren't for the exaggerated demands of the Pentagon, federal tax revenues would be available in volume to aid the cities and to ease the pressure on the property tax. More capital would also be available for civilian industry. In consequence, we would not be producing goods with obsolescent machinery in competition with the Germans and the Japanese who, having lost a war, have been forced to use their capital resources for useful purposes. Our competitive position would be better, our balance of payments would be much stronger.

In the campaign this year Mr. Nixon will be calling for more defense expenditure. As noted, Secretary Laird has already sounded the trumpet. McGovern will be for less. Thus Nixon will be for heavier taxes on the average man, a weaker economic position in the world at large. McGovern will be for relief for the average taxpayer, a stronger civilian economy, a better balance of payments. President Nixon will be getting the applause of the big weapons firms and, quite deservedly, of corporate enterprise in general. This is as it should be. The corporations and the privileged and powerful have a right to be represented. It is the historic function of the Republican party to represent them. And no one who has watched its recent dealings with Hal and Phil and Dita and those other splendid people at ITT will doubt that the party has kept the faith—the best evidence of how it has kept the faith seems to have got shredded. McGovern will be for a government that distinguishes the public interest from the corporate interest, the popular interest from the privileged interest. This, I venture, will be far from bad at the polls.

So it is perfectly clear, as President Nixon would say, that McGovern is the best man. And, in contrast with what President Nixon often says, this is the truth. If we can't elect the best man, something is wrong. But we can; the fact that McGovern has made it again and again and again in South Dakota—once the most Republican state in the Union—shows that he is highly electable. And, for once, my credentials as a prophet are impeccable. Speaking twelve weeks ago in Wisconsin, before the primary, I offered a scenario—not, I then said, as "an exercise in political euphoria but as a decent prediction." With even more than normal pleasure I now quote myself. "McGovern will carry Massachusetts and Nebraska next month. He will carry Oregon. He will take California and New York, the two largest states of the Union. Will the convention deny the nomination to a man with this record? I think not." Nor, I am now convinced, will the country reject George McGovern in November.

SENATOR WILLIAMS PRAISES SENATE APPROVAL OF VETERANS' ADMINISTRATION APPROPRIATION

Mr. WILLIAMS. Mr. President, I am delighted that the Senate by a vote of 70 to 2 has passed H.R. 15093, which included appropriations for the Veterans' Administration budget for fiscal year 1973.

Three years ago the Congress and the Nation were informed of the acute problems and insufficiencies facing veterans who needed medical care. Unbelievably, many thousands of young men who were casualties in Vietnam returned home and found wholly inadequate medical care available to them through the Veterans' Administration hospital system.

At about that time, many Members of Congress began an intensive effort to correct the great deficiency of the VA medical system. For fiscal years 1971 and 1972, $376.1 million was added over the administration's request for veterans' medical care. These substantial increases have led to general improvements across the country in medical care for veterans and vital increases in VA hospital staffs.

Once again, in the Senate version of H.R. 15093, major advances have been made.

The sum of $54,580,000 has been added to the budget estimate for medical care. As I think of the 303,600 Vietnam-era veterans who have service-connected disabilities, I understand the importance of this increase for the men who have suffered physically in the service of their country.

This increased appropriation allows the VA to maintain an average daily patient census of 85,500 and to add 400 full-time employees for spinal cord injury units up to the necessary level.

In order to maintain high morale and to continue attracting high caliber medical personnel, the committee has determined that, contrary to the wishes of the Office of Management and Budget, administrative grade reduction control and employee ceilings are not to be imposed on the VA medical program in fiscal year 1973.

And there is an additional section of H.R. 15093 which is particularly gratifying to me. The sum of $28,342,000 has been added over the budget estimate for the construction of hospital and domiciliary facilities. Among the 12 projects covered by this section is $3.7 million to begin work on a desperately needed new Veterans' Administration hospital in southern New Jersey. When completed, this hospital will serve a rapidly growing nine-county area in the Nation's most densely populated State and the Philadelphia metropolitan region.

Between 1960 and 1970 the total population of these counties increased by 29 percent from 1,579,012 to 2,038,740. As might be predicted, veterans constituted a considerable part of this growth rate: The veteran population in this area rose from 252,620 in 1966 to 274,170 in 1969—a 9-percent increase over a period of only 3 years.

While we are faced with problems of insufficient hospital beds and staff to care for veterans on a national scope, the shortage of VA hospital beds is particularly acute in South Jersey. At present, the veterans from this area are forced to go to several different hospitals, either in the northern part of the State or completely outside of the State. According to the VA, as of January 1, 1972, 854 South Jersey veterans had to be placed in the East Orange, N.J. facility; 823 in Wilmington, Del.; 200 in Coatesville, Md.; 36 in Baltimore, Md.; 88 in New York City; and 132 in various other VA hospitals throughout the United States. In addition, 183 veterans had to be placed in public facilities because the VA hospital system could not accommodate them. This situation not only results in substantial transportation expenses for the patient and his family but makes family visits—which are so important to patient morale and recovery—almost impossible.

Last fall, after several years of attempting to have a VA hospital located in southern New Jersey, I realized that immediate congressional action was necessary. In order to accomplish this objective, I invited Governor Cahill and other State and Federal representatives to meet with me to discuss the best means of obtaining this vitally needed hospital. That meeting in my office was an important step because the VA had announced that its future policy would be to build new hospitals only if they were affiliated with a medical school. Because of this precondition, it became necessary to secure an agreement with New Jersey officials that the State would undertake to operate a new medical school if we were able to secure funding for a veterans hospital in South Jersey. At the meeting, Governor Cahill agreed that he would commit the resources of the State to building and operating such a medical school. With this agreement, prospects for the new hospital gained momentum.

In January of this year, the Nixon administration submitted its budget for fiscal year 1973 for the Veterans' Administration, but once again failed to request funds for a new VA hospital in southern New Jersey. Despite this fact, Representative ED PATTEN and I worked to see that funds were included in the VA budget in the appropriations bill which passed the House earlier this year. The appropriation which passed the House was $2.7 million and was specifically directed for planning and architectural services for a new VA hospital in southern New Jersey.

It was, of course, necessary that similar action be taken in the Senate. I began working with Senators MAGNUSON and PASTORE to secure a similar budget recommendation in the Senate bill. We developed an amendment designed to accomplish that specific objective.

On May 31, 1972, the Senate Appropriations Committee approved its version of the VA budget which included $3.7 million for planning and architectural services for a hospital in the southern New Jersey region. I was very much pleased by this important action, since it is $1 million over the House amount, and for the first time both the Senate and the House bills contain language which gives strong impetus for the location of a new hospital in southern New Jersey.

Now, with the Senate passage of the VA appropriations bill, it is assured that during fiscal year 1973 preliminary planning and drafting for this hospital will begin.

On behalf of the veterans of southern New Jersey, I commend Senators PASTORE, ELLENDER, and MAGNUSON for their accomplishments in this area and thank them particularly for their exemplary leadership in meeting veterans health needs in this specific area.

During the last 3 years, American veterans have become extremely fortunate in that several Senators have become aware of the crisis in the VA medical system and have worked successfully to mitigate those problems. Now, because of this concern, veterans again will be able to have faith in the medical system established for their care and use.

FUNDS FOR HIGHWAY CONTRACT PLACEMENT IN MONTANA

Mr. METCALF. Mr. President, the Montana Senators support the administration in its efforts to promote world peace, especially the international agreements entered into by the President and the Soviet Union. This we do knowing full well that the cancellation of the one Safeguard project has created a tremendous economic impact in our State—the only area which is immediately affected by these international agreements.

The administration has a very definite responsibility in assisting the people and communities of north central Montana. Several agencies of the Federal Government have already responded to this need and the people of the area are most appreciative. The greatest need is to provide jobs to absorb the unemployment created by the stoppage of this huge contract. The most immediate possibility which has come to the attention of the Montana delegation is the highway construction program. The State of Montana has some $19 million worth of highway projects which could be placed under contract immediately if the Department of Transportation would release the funds to Montana.

Senator MANSFIELD and I earlier this month made an appeal to the Secretary of Transportation asking that Federal funds be released to the State either from a reallocation of funds for this current fiscal year or the release of moneys held by the Office of Management and Budget. The response from the Secretary of Transportation is something less than encouraging.

Mr. President, I ask unanimous consent that at this point in my remarks Senator MANSFIELD's and my letter of June 5 and the Secretary's response be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., June 5, 1972.

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

DEAR MR. SECRETARY: The State of Montana was slow to proceed with the construction of

the Interstate Highway System in the early years of the program but now advises it is in a position where they can proceed rapidly in completing this construction only to find that they do not have the federal funds with which to proceed. At the present time, our State has utilized all 1972 authority obligations and, if funds were available, they could let contracts for some nineteen million dollars worth of construction before the end of this fiscal year.

We would appreciate knowing if the Department intends to assess the amount of the federal highway funds unobligated in the fifty states for a possible reallocation prior to June 30th. If this is done, we ask that Montana be given special consideration. The highway construction program has been of considerable economic importance to the State. It can be an even more important instrument in stabilizing the State's economy at a time when we are attempting to respond to the economic chaos created by the recent announcement by the Administration to suspend construction of the Safeguard Project in north-central Montana. An accelerated highway construction program could absorb a considerable number of the work force which anticipated employment for the Safeguard.

The difficulties created by the suspension of the Safeguard Project are the responsibility of the Department of Defense and we believe that the Administration has a responsibility to assist the people of Montana in adjusting to this situation. This assistance can best come from non-military sources. The release of additional highway funds to the State of Montana is, in our estimation, the most immediate source of financial aid. Your cooperation would be most appreciated.

With best personal wishes, we are

Sincerely yours,

MIKE MANSFIELD,
U.S. Senate.
LEE METCALF,
U.S. Senate.

SECRETARY OF TRANSPORTATION,
Washington, D.C., June 21, 1972.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: We are responding to your letter of June 5, co-signed by Senator Metcalf, concerning obligation authority available for the Federal-aid highway program in Montana during the fiscal year 1972.

As you know, the Federal-aid highway funds authorized by the Congress and apportioned to the States in accord with Title 23, U.S.C., are released for obligation in accord with budgetary requirements and economic stabilization programs in effect since 1966. Ceiling limitations for the program are set by the Office of Management and Budget.

A total of $52.9 million has been made available to Montana for obligation during the current fiscal year, and these funds have been nearly all obligated. We regret that the funds available for obligation are insufficient to permit Montana to proceed more rapidly with completion of its Interstate System as an offset to suspension of the Safeguard project.

As discussed in your letter, we are taking steps to redistribute the fiscal year 1972 obligation authority that will not be used by some States. However, we have determined that all but a very few States will make full use of their funds, as has Montana, and that the amount available for redistribution will be very minimal.

We will endeavor to release additional obligating authority to Montana if it is possible to do so from the funds available for redistribution. Otherwise we have no additional obligating authority that can be made available to Montana for the fiscal year 1972.

Obligating authority for the fiscal year 1973 is being released to the States in total effective July 1, 1972. Montana's share of the total $4.4 billion is $46.3 million, and this release will permit the State to proceed with its program more promptly than if the funds were to be made available on a quarterly basis.

You may be sure that we will make additional obligating authority available to Montana whenever possible.

Sincerely,

JOHN A. VOLPE.

Mr. METCALF. Mr. President, this situation prompts me to express great concern about the administration's handling of the Nation's highway program. The Congress has consistently increased the authority for highway construction yet the administration, through the Office of Management and Budget, has reduced the highway program while highway funds continue to accumulate in the trust fund. In the current fiscal year, $52.9 million were made available to Montana for obligations. I am now advised that during the next fiscal year, Montana's share will be reduced to $46.3 million. This reduction comes at a time when the State could easily expand its highway construction program.

Senators know, of course, that the motorists of the Nation pay gasoline taxes which are channeled into the highway trust fund. These moneys are piling up and are not being used for their intended purpose. By the end of fiscal year 1971, the trust fund accumulated $3.586 billion, by the end of fiscal year 1972 it will have accumulated $4.391 billion and it is estimated that by the end of fiscal year 1973, the fund will contain $5.128 billion. The highway trust fund is, in fact, lending money to the general fund and collecting $200 million interest. The administration is using the highway fund as a financing device rather than for highway construction. It would seem that the citizens of the Nation can, with justification, request a reduction in the gasoline tax if they are not to realize the benefits for which the tax is collected.

In addition, I do not like reports I have been receiving that the Federal highway authorities are placing far greater emphasis on urban construction at the expense of highways in rural States. I need not remind Congress that in many of our cities, they are resisting freeway and highway construction. It would seem that the time has come for Congress to reassert some of its authority over the highway construction program.

I respectfully suggest that the Senate Committees on Public Works, Finance, and Appropriations have a responsibility to review the usage of highway construction funds and the goals of the Nation's highway program.

ON LETTING GEORGE DO IT

Mr. CHURCH. Mr. President, the Washington Post has manfully recognized that it grossly misjudged GEORGE MCGOVERN'S early drive for the Democratic nomination for President and is in no position now to offer the Senator any advice on where to go from here. The Post editorialized—

It might just be, that a low-keyed, plain-spoken gentle revolutionary is what a large number of voters really want.

At any rate, the Washington Post concludes that—

As of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is roiling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

That is good advice—letting George do it.

I ask unanimous consent that the lead editorial of the Washington Post of June 23, 1972, be printed in the RECORD.

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

[From the Washington Post, June 23, 1972]

ON LETTING GEORGE DO IT

By most estimates, Senator George McGovern has almost all the delegates he needs, either in hand or in prospect, for a first-ballot nomination, and while no candidate ever thinks he has enough money, he probably is in a position to attract a sufficiency of that. But where his cup runneth over, where he is rich beyond measure, is in a super-abundance of unsolicited advice. Having confounded the predictions and expectations of all the experts—including, one would surmise, some of his own most zealous supporters—he is now being freely counseled to abandon the fresh and often radical doctrines that have carried him through an almost impossibly testing obstacle course from New Hampshire to New York and to make himself more conventionally acceptable. He is being told that his voice is flat and his style colorless, that he doesn't exhilarate or electrify. It is being said that he must "clarify" the positions he has taken up to now, which is another way of saying that he must modify them to the taste of one or another of the challengers that he has disposed of along the way. In brief, he is being hassled and chivvied to become precisely the antithesis of what he has presented himself to be, which is something new and apart from the old political etsablishment, and to seek security in some hypothetical Center where the decisive votes of the American electorate have always been supposed to be.

Well, there may be great political wisdom in a lot of this, but frankly, having been among the pundits who grossly misjudged the McGovern candidacy from the beginning, we are sufficiently shell-shocked by his stunning successes to be chary—at least for now, mind you—with advice. Just for one thing, we're not quite as certain as we thought we were about just where the Center is to which Senator McGovern is now being asked to move. True, his total popular vote, in all the primaries he contested against a proliferation of candidates, is not the truest register of voting sentiment across a representative sample of the electorate. But it says something about a degree of popular disenchantment with things as they are that does not encourage conventional reliance on the old politics.

For another thing, it is important to consider who is doing most of the hassling. Who is it that's saying that McGovern would be a "disaster" for the Democrats? Who is heaping scorn upon his boisterous, hot-eyed, tireless army of party irregulars who have outfought and outorganized and outworked the organization regulars? Who is telling the

senator that what was good enough in January and June, and presumably will be good enough in July, will not wash in November because it's too woolly or too wild? The answer is that today's chorus of advisers-without-portfolio to George McGovern is made up in considerable measure of (1) columnists and commentators who still can't believe, or admit, that he's all but won the whole thing and that they were horribly and consistently wrong about his prospects; (2) governors and other party leaders who backed losers in the race and are likewise unwilling to concede to their own supporters that they made a mistake; (3) the losers themselves who would like to find some vindication of their own performance by forcing Senator McGovern to repudiate his; and (4) old hands from earlier Democratic administrations and/or campaigns whose current putdowns of Senator McGovern reflect at least in part their concern about how they can still scramble aboard the bandwagon, after having missed it, and where—or even if—they can find a suitable seat.

None of this is to suggest that a campaign fitted to the zany rough-and-tumble of the primaries does not need some overhauling and refitting before it's ready for the big struggle in the fall. Large parts of the McGovern program on taxes, welfare, defense and foreign policy, as it has been unfolded on the dead run these past months, have struck us as hastily assembled, in some cases misconceived, and in others incomprehensible, and therefore susceptible to what could be fatal misunderstanding. Mr. McGovern would not be the first candidate to be victimized in the fall by false impressions and distorted images allowed to form in the spring under the particular pressures of primaries involving disparate electorates in widely differing states. So there is obviously a need for re-thinking and re-statement and we gather that process is underway. There is also an urgent need for reconciliation with substantial elements of the party who find the senator's philosophy, to say the least, unsettling, and that need also seems to be recognized by the more responsible and realistic members of the McGovern camp including, we would judge, the candidate himself; he did not get where he is by being entirely insensitive to his political imperatives.

Whether he will, or can, adjust enough to bring some greater cohesion to his sorely divided party is something else; there are enormous differences to be reconciled. How much he *ought* to change is also something else which nobody should be too quick to be categorical about; it might just be that a low-key, plain-spoken gentle revolutionary is what a large number of voters really want.

No self-respecting pundit, ourselves included, could consider letting George do it all by himself without at least a little critical counseling from time to time. But as of right now, we do not count ourselves among those who feel sufficiently in tune with whatever it is that is roiling the American electorate to be offering him advice with any confidence. In short, when you look at his record, you have to ask yourself just who it is—the senator or the rest of us—who is most in need of going back to the drawing-board.

PEACEKEEPING AND THE UNITED NATIONS

Mr. CRANSTON. Mr. President, I have long felt that a truly international United Nations peacekeeping force would serve the interests of all countries, including our own. Although our military spending has reached enormous peaks, no nation can feel truly safe in a world punctured by crises and aggravated by unilateral military responses.

In San Francisco an effort to solicit public opinion on a United Nations peacekeeping force is at present underway. The campaign would place on the ballot the proposition that the United States offer to reallocate 10 percent of its annual defense appropriation for the development of a potent United Nations peacekeeping force under international controls.

Mr. President, I think that the time is long overdue to solicit the views of the American people on the pressing questions of war and peace. I therefore ask unanimous consent to have printed in the RECORD the case for the peace force proposition campaign.

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

THE CASE FOR THE UNITED NATIONS PEACE FORCE PROPOSITION

This is not a radical proposal. It is, in fact, "reactionary"—a return to the original agreements of the United Nations Charter, particularly Articles 42 to 48 dealing with collective security and the military responsibilities of the U.N. The Peace Force Proposition in San Francisco is a pilot campaign. We intend to follow up with similar campaigns in other communities throughout the United States in our endeavor to focus Congressional and Presidential attention on these forgotten United Nations responsibilities. We feel that this Peace Proposition also raises, in an urgent way, a number of fundamental public policy questions related to taxation, defense spending, arms control strategy, the termination of the Indochina and Middle East crises, and the revival of the middle-of-the-road peace movement in America.

OUR MONEY'S WORTH IN NATIONAL SECURITY?

Have we not reached the point of diminishing returns in our tax investment for defense spending? If the objective of a $76 billion defense budget (soon to be raised by another $6.3 billion) is to produce national security, is this program succeeding? Do we feel safe, militarily speaking? Or is the arms race, like inflation, denying us the national security we seek? We now spend about $380 per capita unilaterally for our defenses but give a mere $1.50 to the United Nations for all U.N. activities, including peacekeeping. The Peace Force Proposition campaign contends that a transfer of our military spending to the United Nations will provide us, under appropriate control arrangements, with more national security for fewer tax dollars.

ARE WE ENDING THE ARMS RACE?

Is it not time to turn a new corner in our fumbling efforts to end the $200 billion-a-year world arms race? Most disarmament proposals assume that the way to end war is to eliminate weapons. Removing the the symptoms will not end the disease. No nation can feel safe in a violent and hostile world unless it has the protection of one of the major powers or, alternatively, a United Nations collective security system. Arms limitations agreements are just as unlikely to end the arms race. We see at the Strategic Arms Limitations Talks (SALT) a military duopoly trying to limit costs of competition and prospective competitors, particularly in nuclear weapons. The arms race has and will continue to go on in every other type of weaponry. The Peace Force Proposition contends that arms control may be most quickly and permanently achieved by implementing the all-but-forgotten Articles 42 to 48 of the U.N. Charter. In a way unknown twenty-five years ago, today's weapons technology makes collective security the only alternative. Unilateral national security efforts produce inflationary arms races, and nothing more.

IS A UNILATERAL INITIATIVE RISKY?

Is it risky for the United States to act unilaterally in offering to give a tenth ($7.6 billions) of its defense resources to the United Nations? Unilateral initiatives in the cause of peace are not new to our Government. The 1946 Baruch Plan for international control of nuclear weapons was such an initiative whose time had not yet arrived. Our defenses of Berlin, South Korea, South Vietnam, and other communities were initiated unilaterally. The Peace Force Proposition contends that an offer to give is very different from an outright gift; it sets in motion essential negotiations about who else gives, who has access to collective protection, and who manages the military arm of the peacekeeping organization. We also contend that the Proposition's proviso—that the resources be used solely for creation of a Peacekeeping Force under international controls that would assure American security—will keep these negotiations on the right track, namely, realistic arrangements for collective physical security for all nations. If the Proposition were implemented, it would begin to take the heat off the United States as the major military power in the world. If the Soviet Union wishes to brandish its military might at the United Nations, that is their privilege. Americans are weary of the policeman role and the Soviet diatribe that is elicited by it.

WHO WILL POLICE INDOCHINA AND THE MIDDLE EAST?

When the time comes for ending the military tragedies in Indochina and the Middle East, who is going to police these regions? This will be no minor military assignment. These two conflicts are undoubtedly difficult to terminate precisely because there are no significant post-hostilities policing proposals under consideration. The Peace Force Proposition contends that only an offer as dramatic and as serious as the contribution of a tenth or more of our defense budget to a U.N. Peace Force can introduce a significant new and productive consideration in the pacification of these two regions of the world.

HOW DOES THIS PROPOSITION FIT INTO THE PEACE MOVEMENT?

Where does the Peace Force Proposition stand in the American peace movement today? The Proposition stands on the Left in its promise to get the United States out of Vietnam and end American activities as policeman-for-the-world. The Proposition stands on the Right in its concern for effective spending of our defense dollars and for improvement of our national security. The Proposition, most of all, stands in the Center as an endorsement of collective security through the United Nations. No people in the world are as aware as Americans that well-governed police forces—whether local, national, or international—are the best assurance of safety without violence. The only alternative is and has been the primiltive lawlessness of the frontier.

Please, therefore, help us with our campaign to revive a forgotten American strategy for placing the responsibility of defending the world upon the shoulders of the United Nations. This strategy promises greater national security for fewer tax dollars. It promises an end to the escalating arms race as well as a way of stabilizing Indochina and the Middle East. Please be a Sponsor, a contributor, a voter for the Peace Force Proposition. Contributions may be made to "Peace Force Campaign." (A Campaign financial statement will be made available to all contributors upon request.)

McGOVERN IN THE HERITAGE OF EISENHOWER

Mr. CHURCH. Mr. President, the Washington Post of June 25 contains an article by George C. Wilson comparing

the defense proposals of Democratic presidential candidate GEORGE MCGOVERN with the defense policies of the late President Dwight D. Eisenhower.

This is a remarkable article. It traces the lines of parallel thought in the approach of these two men to the defense of their country, and clearly shows that rather than being irresponsible, Senator MCGOVERN's outline of his defense strategy is a highly responsible, straightforward alternative to the ever-spiraling costs of the Nixon administration's defense budgets.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

[From the Washington Post, June 25, 1972]

MCGOVERN ON DEFENSE: A DISCIPLE OF EISENHOWER

(By George C. Wilson)

Even in this strange political year it may take some by surprise to learn that George McGovern views his military policy as inspired largely by Dwight D. Eisenhower. Yet that is indeed the case, as McGovern will tell you if you ask.

"President Eisenhower was the biggest single influence on me in the defense field," says the leading contender for the Democratic presidential nomination. "I admire his restraint—his willingness to settle for less than total victory in Korea, his realization that money taken for defense is by its nature wasted, his willingness to undertake unilateral actions for real world security, such as restraint in nuclear testing in hopes of bringing about a test ban treaty."

Skeptics might dismiss such praises to the late general as an attempt to help McGovern's controversial plan to slash the defense budget. They might consider McGovern's fondness for quoting Eisenhower's warning about the military-industrial complex as merely a vote-getting gimmick. They might see only politics in McGovern's little noted habit of quoting Eisenhower's 1953 statement that "every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and not clothed."

But an examination of the record shows it to be more than politics. There is indeed a lot of Dwight Eisenhower in George McGovern's "alternative" military budget. And the ironic prospect is that, if nominated at Miami Beach, George McGovern is likely to be firing some of the Eisenhower ammunition at Eisenhower's old running-mate, Richard M. Nixon.

Consider, for example, the question of U.S. troops in Europe. The McGovern and Eisenhower views are alike on this issue and in conflict with Mr. Nixon's. Under the name "redeployment," President Kennedy seemed to be moving toward withdrawing troops from NATO, but he never made a big cut. He did, however, remove extra troops in 1961–63 after the Berlin crisis eased. Eisenhower favored reducing the troop commitment from 4⅓ Army divisions in Europe—about 300,000 men—to one division. In the Oct. 26, 1963 issue of the Saturday Evening Post, he wrote:

"Though for eight years in the White House I believed and announced to my associates that a reduction of American strength in Europe should be initiated as soon as European economics were restored, the matter was then considered too delicate a political question to raise. I believe the time has now come when we should start withdrawing some of those troops . . . One American division in Europe can show the flag as definitely as can several . . . Unless we take definite action, the maintaining of permanent troop establishments abroad will continue to overburden our balance-of-payments problem and, most important, will discourage the development of the necessary military strength Western European counties should provide for themselves . . ."

While McGovern would leave two divisions in Europe rather than Eisenhower's one, there is a remarkable similarity in their positions. As McGovern states in his proposed defense budget:

"Our European allies all devote a smaller share of their national wealth than the United States to national defense . . . Yet they have all achieved dynamic economies since World War II, and they are unquestionably capable of carrying a greater share of the burden of their own defense. Moreover, U.S. forces in Europe pose a balance-of-payments problem for the United States which would not be suffered by NATO partners supplying added forces to meet their own assigned quotas . . . Two and one-third of the 4⅓ active divisions presently stationed in Europe should be returned to the United States, leaving two divisions in Europe . . . This redeployment should return roughly 170,000 men, leaving 130,000. A force of that size would be sufficient to supply an important military contribution at the start of any conflict and also to signal the U.S. commitment both to Europe and in the Middle East . . ."

NIXON VERSUS EISENHOWER

It is Mr. Nixon who disagrees with the Eisenhower and McGovern view. In his February 1971, annual report to Congress on foreign policy, for example, he declared:

"I decided, despite these pressures [for withdrawing U.S. troops], that given a similar approach by our allies, the United States would maintain and improve its forces in Europe and reduce them without reciprocal action by our adversaries . . . It had become clear to me that without undiminished American participation in European defense, neither the Alliance's strategy, nor America's commitment, nor Western cohesion would be credible.

"No token presence could serve our purpose. Our substantial contribution of United States forces—about 25 per cent of NATO's peacetime capabilities in Central Europe—insures the viability of the strategy of flexible response. It enables us to found alliance defense on something other than reliance on the threat of strategic nuclear war. It is the basis of our allies' confidence in us . . .

"America's presence in substantial force is psychologically crucial as well. It provides the sense of security which encourages our partners' efforts to unit and do more for themselves . . ."

On the issue of Vietnam-type forces, McGovern turns away from the Kennedy-Johnson effort to build counter-insurgency troops to combat "national wars of liberation" and heads back toward Eisenhower's opposition to U.S. troop involvement in such wars. President Nixon, under his doctrine of helping foreign nations at arms length, as distinguished from fighting beside them on the ground, is heading in McGovern's general direction, but not as far.

For example, Mr. Nixon insists that the United States must substitute military aid—money for weapons and training—for the American presence in Vietnam and other nations. In contrast, McGovern says: "We must terminate military aid overseas except to NATO and Israel." (Eisenhower agreed with Mr. Nixon on the need for military assistance.)

McGovern also says he is willing to take risks to slow the arms race, contending that this was the Eisenhower approach to achieve a test-ban treaty.

Eisenhower in 1963 said he authorized a moratorium on nuclear testing in the atmosphere in 1958—a moratorium which the Russians, who proceeded into a series of tests, did not observe. Even so, Eisenhower said in backing the 1963 test ban treaty that it had to be tried, partly because the "limited agreement may lead to other steps for lessening of tensions—and ultimately to genuine disarmament."

President Nixon and Secretary Laird, on the other hand, have rejected recommendations to halt MIRV tests. Backers of such a moratorium say it would decrease pressure on the Soviets to develop and deploy that multiple warhead weapon.

Laird, in another example of the bargaining chip argument, told Congress it should approve the construction of an anti-ballistic missile defense to give President Nixon the leverage needed to negotiate such weapons out of existence in sessions with the Soviets.

McGovern contends President Eisenhower's willingness to try a nuclear testing moratorium paved the way for the test ban and is the type of risk-taking which must be followed to curb the arms race. Says McGovern:

"The bargaining chip tragedy—under which we have begun building our own ABMs and MIRVs long before there was any military necessity—has been exposed as a grave and tactical blunder. Tugging the MIRV cat out of the bag has seriously compounded the problem of inspection.

"So we have ended up with a limited arms control agreement which completely leaves out the qualitative jumps that have become the real arms race issue in recent years. By exercising restraint, I believe we could have prevented both Soviet and American MIRVs. But because we were so determined to play them, we have lost those bargaining chips. Certainly our ability to build these systems should be just as effective for bargaining purposes as actual construction."

A DIFFERENCE OF DEGREE

From Eisenhower on, U.S. strategy for avoiding nuclear war has been to make it look like suicide to any would-be attacker. This requires enough American H-bombs on land and sea missiles and inside bombers to survive a surprise attack and retaliate with devastating power. McGovern embraces this same deterrent strategy and purposes keeping most of today's retaliatory forces on the line. His argument with Nixon is over how much is enough, with the President favoring full-speed-ahead with MIRV multiple warheads and a new generation of missile submarine, the Trident. McGovern favors a slower pace in hopes of deterring the Soviet Union from making the same plunge into new weaponry.

While the popular image of Eisenhower's military stance was the "massive retaliation" policy enunciated by his Secretary of State, John Foster Dulles, that really overstates the policy of the late Eisenhower years.

The following excerpts from the Jan. 13, 1960, testimony of Eisenhower's Secretary of Defense, Thomas S. Gates Jr., show that Eisenhower—like McGovern—wanted balanced forces and felt nuclear weapons had limited power:

"The two principal objectives of our defense program continue to be: first, to deter the outbreak of general war by maintaining and improving our present capability to retaliate with devastating effectiveness in case of a major attack upon us or our allies; and second, to maintain together with our allies a capability to apply to local situations the degree of force necessary to deter local wars, or to win or contain them promptly if they do break out. . .

"Just matching our competitor missile for missile is not the answer. The simple piling up of ever larger numbers of a single weapon, without regard to their ability to survive a surprise attack or to perform effectively under

a wide range of conditions, would not only be enormously costly but would not assure our security . . ."

CAN IT BE DONE?

Are McGovern's ideas on national defense unrealistic, or worse? Can he cut the budget to $54.8 billion by 1975 without endangering U.S. security? Like beauty, the answer lies in the eye of the beholder.

The Joint Chiefs of Staff would say no. Those military leaders argue that the United States must project overall superiority to its adversaries. They have argued in the past for putting a thick missile defense around the United States to preserve what they call "the Cuban environment" of military superiority.

A group of arms specialists—including Herbert York, former Pentagon research director, and Paul Warnke, former assistant secretary of defense for foreign policy questions—said on May 27 that the McGovern budget "provides a sound, constructive and fully adequate level of military spending by the United States."

Defense Secretary Melvin R. Laird, charged McGovern's budget amounts to running up the white flag of surrender. And the Pentagon's comptroller, Robert C. Moot, said McGovern was $10 billion too low in calculating the cost of his plan. Moot said even $64.9 billion for the McGovern budget would mean "manpower and investment levels much lower than any since the Korean War, the Nato commitment and Soviet possession of nuclear arms."

Sen. William Proxmire (D-Wis.), who has thrown more harpoons at the military and its programs than any other senator, believes McGovern's alternative budget cuts too deep.

THE REAL QUESTION

But these assorted views do not face up to the real question: What would McGovern as President want to do in the world? Looking at how many soldiers and airplanes McGovern would have is staring through only one end of the telescope, unless one believes weapons should dictate policy rather than the other way around.

Obviously, McGovern's proposed budget has enough nuclear power in it to incinerate the Soviet Union and China simultaneously—just as he says it does. He would keep the triad of nuclear land and sea missiles and long-range bombers. Both the United States and Soviet Union have agreed under SALT to leave themselves naked to offensive missiles by foregoing defenses against them. Thus, the nuclear weapons considered adequate to deter an attack in the days when the Soviet Union was building a missile defense would seem to be more than adequate after that defense has been abandoned.

John F. Kennedy in 1960, sounded the alarm about the "missile gap" with the Soviet Union—only to have his defense secretary admit after Kennedy's election that he could not find such a gap. In the years since, the terms for expressing the nation's military strength have gone from "superiority" to President Nixon's "sufficiency." The President has defined sufficiency "in its broader political sense" as "forces adequate to prevent us and our allies from being coerced."

Again, what is "adequate" for that purpose is debatable. It also leads to the larger question of what constitutes a nation's strength. Here, too, there are Eisenhower and McGovern quotes which show parallels in their arguments that a nation must be strong economically as well as militarily to project strength to nations that might try to coerce the United States.

In sum, at the very least, the McGovern alternative budget is a responsible document for stimulating responsible debate. It is not—and cannot be—the definitive blueprint, but a sketch of intentions, world conditions permitting.

BLOODY CIVIL STRIFE IN BURUNDI

Mr. KENNEDY. Mr. President, on June 12, as chairman of the Judiciary Subcommittee on Refugees, I spoke in this Chamber to express deep concern over developments in Burundi. Evidence pieced together by journalists and others told a story of bloody civil strife between two tribal groups in the preceding 6 weeks. It was a story of human suffering, refugees, and massacre of thousands. Some estimates put the death toll at 150,000 or more.

At the time I made my statement, it was reported from several sources—including the Department of State—that the civil strife and slaughter had ended, that things in Burundi were under control, and the preparations were underway to meet emergency relief needs within Burundi and among the thousands of refugees who fled into neighboring countries.

This optimistic assessment about Burundi—like early assessments out of Bangladesh and elsewhere—was apparently premature—if not an effort in some quarters to cover up another world tragedy involving suffering and death for thousands of our fellow human beings. For the record is now clear—from nongovernmental and official sources—that the killing has continued.

Reports within our own Government say that selective genocide has continued to take a heavy toll among the majority Hutu tribe in Burundi. In fact, very recent field reports to our Government say that the repression is continuing its ruthless course—that many persons are being arrested—that the criteria of the government's repression is unknown, but that it has now reached beyond the Hutu intellectual and leadership elements, of whom few are left, into the masses of villagers and refugees throughout the country.

These reports also say that the meager government relief program is not uniformly administered—and that in certain cases where government authorities have given refugees an assurance of safe return to their home villages, the refugee males have been picked up and summarily slaughtered. The description in these reports of Burundi Government reprisals against the Hutus is gruesome and shocking.

The reaction of the administration to this latest link in the chain of war ravaged populations around the globe is not encouraging. Once again massive human tragedy—involving many deaths and the flight of refugees across international borders—is apparently viewed by our Government as an internal affair of Burundi.

As I said on June 12, I fully appreciate the immense difficulties in the Burundi issue. Like so many other problems in the world the Burundi issue is a complex matter for diplomats and humanitarians alike. But the frequency of these massive human tragedies in recent years cries out for greater international concern and relief.

The people of Burundi, however small their numbers and importance in world affairs, are experiencing horrendous suffering. Hopefully, our Government will finally give some public evidence to reflect a growing concern among many Americans over events in Burundi. And, hopefully, the United Nations mission which arrived in Burundi over the weekend has the strong support of all governments in helping to bring peace and relief to a troubled area.

Mr. President, in this connection I commend the religious groups and voluntary agencies present in Burundi for taking early initiatives in meeting humanitarian needs. As so often in the past, the private sector has been in the vanguard of a needed relief effort. With modest help from the American Embassy's emergency fund and the United Nations food program in neighboring Uganda, missionaries representing a number of American denominations and Catholic Relief Services are doing whatever they can to relieve human suffering in Burundi. I ask unanimous consent to have printed in the RECORD the latest report of Catholic Relief Services.

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

CATHOLIC RELIEF SERVICES

EMERGENCY AID PROGRAM FOR BURUNDI

On April 29, 1972, an attempted overthrow of the Government of Burundi created confusion and chaos throughout the country. Attacks by insurgent forces and reaction by government forces to put down the rebellion resulted in the indiscriminate killings of innocent men, women and children. The actual death toll may never be known, but observers say that perhaps at least 50,000 and possibly more than 100,000 lives were lost. Also, many more thousands of persons have fled from their home villages to hide in the bush or across the borders into the neighboring countries of Zaire (the former Congo), Rwanda, and Tanzania.

The uprising, which started during the first week of the planting season, forced an estimated 200,000 people to abandon their farms. Planting cannot begin again until September, after the next rainy season, and hence there will be no harvest until December. The people are facing a famine situation unless food relief reaches them as they return to their villages.

CATHOLIC RELIEF SERVICES RESPONSE

Catholic Relief Services (CRS) is the only American voluntary agency with a welfare program in Burundi. Immediately after the initial tragedy, Catholic Relief Services made available from stocks within Burundi 320,000 pounds of food supplies, valued at $45,000. An additional 16,000 pounds of clothing and medicines were flown from Zaire (Congo) on May 7, out of the CRS stocks there.

On June 14, from New York, CRS airfreighted 57,000 pounds of food, clothing, blankets and medicines, valued at $100,000, to Bujumbura, the capital of Burundi. Also, 54,000 pounds of baby foods from CRS stocks in the Cameroons were flown to Burundi. Another 60 tons of U.S. donated foods, obtained from the U.N.'s World Food Program in Uganda, were distributed by CRS in Burundi.

The Catholic Relief Services representative in Burundi, Mr. Laurence Bourassa, reports that distribution of the relief supplies is being conducted without undue obstacles, and with every effort made to assist all in need, without discrimination. In addition to providing immediate aid, Catholic Relief Services will supply materials and financial

assistance to displaced families to enable them to begin shelter construction, and obtain household goods and agricultural tools. It is estimated that each family will eventually require approximately $100-worth of materials to begin rehabilitation.

A special committee, of which CRS is a member, has been set up to coordinate and plan the emergency relief program. Caritas (the Catholic Charities of Burundi) is active in the distribution of CRS relief. Missionaries and local Churches, both Catholic and Protestant, are providing shelter to the homeless as well as food and other emergency aid. From its stocks in Zaire and Rwanda, CRS is assisting needy refugees in those countries with food and other relief supplies.

HOMEOWNERSHIP COUNSELING PROGRAMS UNDER SECTIONS 235 AND 237 URGED BY SENATOR PERCY

Mr. PERCY. Mr. President, I have always been a strong advocate of homeownership for low-income families. I am a strong supporter of the section 235 program and particularly of the homeownership counseling provisions of sections 235 and 237. I have long felt these counseling programs were crucial to the success of the entire program.

I recently engaged in a colloquy on the floor of the Senate with the distinguished Senator from Rhode Island (Mr. PASTORE) and the distinguished Senator from Colorado (Mr. ALLOTT) during the consideration of the fiscal year 1973 appropriations bill for the Department of Housing and Urban Development. We all agreed that the omission of a budget request specifically for the counseling programs was a grave error. I did not press my amendment to make these counseling programs operational after receiving assurances from my distinguished colleagues that they would urge Secretary George Romney to submit a budget estimate for the supplemental appropriations bill.

The evidence in support of the effectiveness of counseling programs is overwhelming. On Saturday, the Washington Post published a report by Robert L. Gray, of the Mortgage Bankers Association, on a study of counseling programs in eight areas of the country.

Mr. Gray concluded "that counseling in the 235 and 237 programs is highly effective in reducing foreclosures." Mr. Gray went on to praise the highly successful and innovative counseling program in Wisconsin.

This program includes pre- and post-purchase counseling on money matters as well as home maintenance problems; careful pre- and post-purchase inspections of the properties; and close cooperation between Wisconsin's housing, welfare, and university extension officials.

The time has come to make programs such as the Wisconsin one available to all purchasers of properties under the 235 and 237 programs. These programs reduce the foreclosure rate and thus save the taxpayers millions of dollars. I cannot understand the reluctance of HUD to make a small investment in counseling which can gain such large dividends.

I ask unanimous consent that Mr. Gray's article be printed in the RECORD.

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

[From the Washington Post, June 24, 1972]

COUNSELING KEY TO SUCCESS OF SECTION 235

(By Robert L. Gray)

There is really no need for a high foreclosure rate in the FHA Section 235 mortgage interest subsidy program.

A study made by the Mortgage Bankers Association in eight areas of the country shows that counseling of prospective buyers in the 235 and 237 programs is highly effective in reducing loan foreclosures.

The results indicate that foreclosure rates are an inverse function of the quality of counseling.

Nowhere is this more evident than in the dramatic success of the 235 program in Wisconsin. If the Department of Housing and Urban Development wants a model program, it would do well to recommend that insuring offices in other states adopt the program of counseling and assistance developed by Wisconsin's former FHA administrator, Lawrence S. Katz, now vice president of urban affairs and financing at the Midland National Bank of Milwaukee.

The score, as of a few months ago was 9 foreclosures out of 8,500 mortgages insured under sections 235 or 237, according to Katz. That is a foreclosure rate of only .09 of one per cent. The national foreclosure rate for all types of mortgages is .50 per cent.

Milwaukee's system of counseling practically guarantees against failure if the applicant gets as far as closing.

And almost anyone who has the determination to sit through Katz's prepurchase clinics would find it hard not to qualify.

The typical low-income applicant, frequently a welfare mother, is not likely to fit into normal underwriting patterns. Katz's system recognizes that such a person has no money for repairs after paying the mortgage. So, the welfare departments in 13 Wisconsin counties have been asked to guarantee the financial stability of buyers who may have to meet unexpected maintenance expenses.

The HUD office in Milwaukee has a two-man counsel operation. Before an applicant is permitted to choose a home, he must attend three counseling classes where the staff explains taxes, insurance, amortization and the buyer's responsibility.

At the conclusion of the classes, the applicant is told:

"Now you are on your own. Find a house and talk to the real estate broker." The FHA office maintains a list of brokers and properties.

Some applicants can provide their own $200 downpayment, the minimum on a 235 house, but for others, the St. Vincent de Paul Society in Milwaukee will supply the sum from a $100,000 fund for downpayment grants.

Once the applicant is graduated from the FHA counseling course, he is required only to prove his need. The Society then notifies FHA of its willingness to grant a downpayment. But there is much more to be done before settlement.

Next, the county welfare agency looks at the house. A staff of 10 housing aides at the Milwaukee County Welfare Department is on duty to check the physical condition of the house and to determine that the family has adequate living space and basic comforts. If the welfare office is satisfied with the house, it notifies FHA and the sales contract is signed. The FHA then makes its standard inspection and, upon approval, notifies the St. Vincent de Paul Society to release the downpayment money.

At this point, one of a group of volunteer lawyers operating under an Office of Economic Opportunity program, represents the buyer. Five days before the closing, FHA requires the 235 buyer to examine the property and sign an acceptance that lists any criticisms of the house. Katz considers this a particularly important step in instances where the applicant has agreed to buy, but has seen no model home.

After choosing the house, the applicant attends classes in home maintenance conducted by the Milwaukee County Welfare Department. The intensive teaching and counseling course is held in facilities that resemble a high school home economics laboratory. The woman of the house is paid $53 a month for two months to attend the classes. She receives free transportation and nursery care for her children while she is in class.

The University of Wisconsin's extension program assists in the instruction program. In addition, a select group of welfare mothers, previously counseled in 235 ownership, assist and instruct as team leaders. The buyer is taught how to replace faucet washers and fuses, to repair upholstery, to make draperies, to varnish floors, and to replace window panes.

At the end of the course, the buyer can pick out $65 worth of home tools provided by a government grant to the University of Wisconsin.

Once the family has occupied the premises, a welfare aid returns every 3 months to inspect the house for maintenance problems that might cause serious deterioration. The welfare department does this to protect its own financial exposure as well as the family.

When it endorsed the house prior to purchase, the department guaranteed to pay for all major and minor repairs that the buyer is unable to handle. Costs incurred in this program are shared—55 per cent is paid by the Federal Government (OEO,, 27.5 per cent by the state, and 7.5 per cent by the county. The buyer pays 10 per cent.

Since Katz's innovative program, other attempts have been made to cover the unexpected maintenance costs for the low-income homeowner. In present form, their effectiveness is questionable. For example, a new program, Section 518 (b) of the National Housing Act, requires the Secretary of HUD to take responsibility for some major maintenance and repair costs.

However, it authorizes the Secretary to pass on portions of this maintenance bill to the seller. HUD has set up regulations requiring the seller to put 5 per cent of the sales price in escrow to meet these costs. The effect of this regulation has been to encourage sellers of existing homes to abandon the 235 program in favor of the section 221 program.

Until this more recent method of covering home maintenance costs is perfected, the Katz system remains the best. If HUD needs an overall national model to reduce foreclosures in the 235 program, it has an example within its own shop.

Even with its present foreclosure rate, the program is a success when judged in the context of its purpose. The 235 program was designed to make home ownership available to people denied this opportunity by circumstances of poverty. Even if the nationwide foreclosure rate on 235 loans were to go as high as 10 per cent, it would mean that an unbelievable 90 per cent of these buyers are succeeding in the face of severe personal austerity. In a program created to deal with the economically disadvantaged, a 90 per cent success is a miracle. It is obvious from the Wisconsin experience that section 235 can be a success throughout the country.

(The writer of this piece is director of information for the Mortgage Bankers Association. He has conducted interviews on Section 235 ownership in various parts of the U.S.)

NATIONAL GUARD TECHNICIANS RETIREMENT ACT

Mr. BAYH. Mr. President, today the House Post Office and Civil Service Committee will be considering the National Guard Technicians Retirement Act which the Senate passed last month. As a cosponsor of this important measure I want to urge the Members of the House to give this matter prompt and favorable attention.

This legislation is necessary to correct an unfortunate inequity in the 1968 law which brought the 42,000 National Guard technicians within the purview of Federal benefits, including retirement benefits. At that time National Guard technicians were credited with only 55 percent of their prior service for the purposes of computing their well-deserved retirement benefits.

The new legislation, which the Senate passed without opposition, would give National Guard technicians the opportunity to receive 100 percent credit for service prior to 1968. Of course, this is a voluntary program since eligibility will be contingent upon the willingness of the technician to reimburse his retirement fund in an amount equal to that which would have withheld had he been fully enrolled prior to 1968.

Mr. President, there are 42,000 National Guard technicians across the country. In 31 States they are not covered by State retirement programs and the currently inadequate program places them in an impossible position. The simple fact is that our National Guard could not properly perform its assigned tasks without the essential support services provided by the technicians.

What is involved here is a simple but important measure to bring a deserved measure of equity to National Guard technicians. I am gratified, as a cosponsor, that the Senate passed this legislation without opposition and hope that the House of Representatives will act quickly so that this injustice can be redressed without further delay.

PAKISTANI-INDIAN MEETING

Mr. THURMOND. Mr. President, this week the President of Pakistan, Zulfikar Ali Bhutto, will be meeting with Mrs. Indira Gandhi, Premier of India, for the long-awaited discussions to bring a settlement between their two countries.

As everyone recognizes, this meeting is taking place under the most unequal circumstances. Pakistan has been dismembered as a result of armed intervention by the Indian Government in December 1971. India has continued to arm and has increased its military budget this year and is even manufacturing some of her own war materials in her own ordinance factories. In addition, as a result of the military treaty signed with the Soviet Union on August 9, 1971, she is receiving massive military assistance from Moscow, including the latest sophisticated Soviet weapons.

On the other hand, Pakistan has no military production capability of its own. More than 80 percent of Pakistan's armament system has been geared to supplies from the United States, although, of course, U.S. military assistance was cut off in 1965 and more recently there is a total ban on shipment of U.S. supplies to Pakistan, including the sale of spare parts.

Whatever the problems originally involved in the East Pakistan affair, we now have an entirely different situation. Whatever excuse India had for forceable military intervention in the affairs of another state is now gone. Yet many observers have expressed apprehension that India will continue to use the military advantage gained in its unlawful confrontation to secure further political advantages from Pakistan. At present, India still holds 93,000 Pakistani prisoners of war. These are just not soldiers or those engaged in active combat; they include civil servants and civilians—men, women and children. Under the terms of the third Geneva Convention, such prisoners should have been released immediately upon the cessation of hostilities. Such a cessation of hostilities was clearly indicated by the United Nations Security Council Resolution No. 307(71) of last December 21.

Yet India has allowed 5 months to go by and is still holding these prisoners almost, as it were, hostages in contravention of international law. It is now up to India, if she wishes to regain some measure of respect in the international community of nations, to release these prisoners, both as a sign of good will and as a sign of living up to her responsibilities. Pakistan has already made any number of such concessions while India gives the impression of attempting to squeeze the maximum advantage out of her situation.

Let us hope that during the meeting of President Bhutto and Mrs. Gandhi the prisoners of war matter will be solved with a magnanimous gesture. This will certainly clear the air and allow the other problems to be solved. The world will be waiting to see whether India regains its place in the community of peaceful nations.

E. M. DEBRAH: AMBASSADOR EXTRAORDINAIRE

Mr. BROOKE. Mr. President, yesterday was a day of tribute to one of the world's most outstanding men. Next Sunday will see his departure from our land and his return to his own, where I have no doubt but that he will serve his nation with continuing great distinction.

I refer, of course, to Ghana's departing Ambassador, Ebenezer Moses "Kojoe" Debrah.

Ambassador Debrah has served for 5 years as his nation's ambassador to the United States. Before that he had served from 1960 to 1963 as Ghana's Counselor of Embassy in Washington. In his total 8 years of service in America Ambassador Debrah has seen a great deal of change.

But he has been far more than a witness and a reporter of the American scene. He has in fact been far more than an ambassador from his government to our own.

Kojoe Debrah has been a personal envoy from the people of Ghana to the people of the United States.

In his early years here, he quickly perceived the struggle for pride and identity then occurring in the black community. He recognized, as few others did either in America or around the world, the essential rootlessness and uncertainty of the black people of America.

But he recognized, too, that black Americans are Americans first—not Africans. And if they are to find pride and identity, it must be found within their own situation—here in the United States.

Ambassador Debrah's personal philosophy can be summarized in two words: "inspire and support." And he has sought to inspire by example, and support by personal encouragement, a multitude of efforts and individuals.

Ambassador Debrah has many "firsts" to his credit:

The first foreign envoy to walk the streets of Washington during and after the 1968 riots.

The first foreign envoy to visit the Lorton Reformatory, and to become involved in the program of the Inner Voices and other self-help groups.

The first foreign envoy to make it a practice of visiting Junior Village to work with the homeless youngsters there, to "inspire and support" them.

The first foreign envoy to visit, and speak to, every black college in America.

The first foreign envoy ever to entertain prison inmates in his own home on special holidays—and to implant and encourage in them a deep sense of self-respect and self-worth.

Ambassador Debrah has visited nearly all the 50 States—not as an observer, but as a direct participant in the programs and the lives of the people. He has promoted cultural exchange on a broad scale, becoming personally involved in the activities not only of the Museum of African Art on Capitol Hill, but of the Anacostia Neighborhood Center on Martin Luther King Avenue and of cultural festivals from Howard University to local block parties.

But all of these involvements do not define the man who is leaving America this Sunday. There is about Kojoe Debrah an unlimited capacity for caring about his fellow men. He is a man who took time from his formal duties to travel to my own State of Massachusetts with an inmate group to participate in an educational conference on drug abuse. He is a man who would prefer to join a group of students in a college cafeteria than attend the luncheon being held in his honor elsewhere. He is a man who has earned the lasting admiration and affection of every man, woman, and child whose life he has touched.

The Washington Post today contains an article entitled: "Farewell, Kojoe, Spirit of a Nation." I have visited his country, and I know that the confidence the ebullience, the concern and the creativity which Kojoe Debrah conveys is, indeed, the spirit of his nation.

I am proud to salute the man who has conveyed some of that spirit to us, and I pray that one day his spirit may be ours as well.

Mr. President, I join now with our many mutual friends in wishing the

Ambassador a future filled with joy and opportunity. I ask unanimous consent that the article from today's Washington Post be printed in the RECORD.

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

FAREWELL TO KOJOE

(By Dorothy McCardle)

In an unprecedented display of affection from citizens of this city for a foreign diplomat, retiring Ambassador of Ghana Ebenezer Moses Debrah was praised yesterday in song, dance, proclamation, eulogy, clapping and foot stamping.

At a testimonial luncheon in his honor at the Mayflower, the ambassador heard 2½ hours of sustained tribute from spokesmen for the 400 persons who paid $12.50 each to honor him.

Then he stood erect in his robe of Ghanaian kente cloth and, a catch in his voice, responded with a small joke stemming from American politics.

"There was a time when crying in public for a good cause was acceptable. But no more. If you cry, you are finished."

After the laughter subsided, he added,

"Even though I am completely overwhelmed and deeply touched by your presence here, by your very kind words and your good wishes, I must not show the wrong emotions. The Ghanaian proverb says 'Men don't cry.'"

Kojoe, as Ambassador Debrah has become affectionately known during his almost five years here as chief of Ghana's mission, goes home next Sunday to become a member of Ghana's foreign affairs ministry.

Yesterday was his day. Mayor Walter Washington read a proclamation which hailed the African diplomat as "Ambassador Ebenezer Moses Debrah Day," a move which the Mayor said had been suggested by the National Council of Negro Women.

"He has walked with kings, queens, presidents and prime ministers," said Mayor Washington. "But he has never overlooked anyone. His hand is always out to everyone. I call him the reach-out diplomat."

Mrs. Willie Hardy, civil rights activist and Afro-American Woman of the Year, briefly pinpointed the reasons for the expressions of affection.

"He has identified with black America as no other foreign diplomat has ever dared to do before," said Mrs. Hardy.

"You have helped so many of us to be proud of being black and not to be ashamed," said D.C. Superior Court Judge Harry T. Alexander. "You have helped the white man to understand this, too."

Speakers referred to the fact that Debrah is the first foreign ambassador ever to visit Lorton Reformatory and to invite a group of the talented prisoners there, The Inner Voices, to perform and dine at his embassy residence. Rhozier Brown, director of Lorton's Inner Voices was there to recall this. His interest in young people has taken him to colleges and universities all over America, telling them of the greatness of their black heritage.

Vice chairman of the D.C. City Council Sterling Tucker urged that Debrah be "made an honorary citizen of this country" because of his interest in blacks all over the nation.

Assistant Secretary of State for African Affairs David D. Newsom put Kojoe into international diplomatic perspective.

"Kojoe is as popular at Foggy Bottom as he is at City Hall," said Newsom. "Any nation would be proud to have Kojoe Debrah as its ambassador. He has conveyed to us the spirit of a nation and the essence of a continent."

Then came more encomiums from James J. Cheek, president of Howard University, Ruth Sykes of the National Council of Negro Women, Jim Pope of the United States Information Agency, Ethel Payne of Senstack Publications, Lillian Wiggins and Bill Johnson, committee members of the Friends of Ghana, were co-equally in charge of the ceremonies. Mrs. Charles C. Diggs Jr., wife of the Democratic member of Congress from Michigan, brought a message from her husband.

In between, the Melvin Deal dancers and a choral group from Washington's high schools—all of whom Ambassador and Mrs. Debrah have aided—sang and danced.

Then it was learned that even the luncheon to honor Dabrah was a benefit for an American cause. Former Assistant Secretary of Labor Arthur Fletcher announced that proceeds will go to the United Negro College Fund of which Fletcher is now president.

In the end Debrah had the final words, and they were not "bikini brief," as he had promised his audience at the start.

Reading from the 12-page speech he preached what he has spoken over the years to many who have become his friends. He took the late Dr. Martin Luther King as the model for the future.

"Please let us remember that Christianity is not a voice in the wilderness, but a life in the world," said Debrah. "It is not an exotic slant to be kept under glass, but a hardy plant to bear 12 months of fruits in all kinds of weather."

THE POSTAL ACADEMY PROGRAM

Mr. PERCY. Mr. President, it has been announced that, as of June 30, the Postal Academy program will be terminated by the Postal Service. This program, begun as street academies for high school dropouts by former Postmaster General Winton Blount, has been an undeniable asset to the city of Chicago as well as the other five cities in which it is located. The unique Postal Academy program is the only national academic program for high school dropouts.

The national enrollment has grown from an initial 250 students in May of 1970 to the present enrollment of 1,275. In Chicago where we have three Postal Academies, there are 217 students currently enrolled. Almost 500 students have been able to take advantage of the program since its beginning. As of January 1972, the Postal Academy program has recorded 58 students who are in college, 95 students who have received high school equivalency diplomas, 103 students who entered full-time employment, 16 students who entered the armed services, and 57 students who returned to public schools.

The program has been funded by the Postal Service, Department of Labor, and the Department of Health, Education, and Welfare, with the Postal Service providing approximately 10 percent of the funds and part-time employment during the program with, hopefully, full-time work upon completion of the training. However, the Postal Service now has decided that since only 22 percent of the students can be placed in its organization, its participation in the program must be discontinued.

With 850,000 high school dropouts each year and the desperate problems we face with unemployment and poverty, it seems logical that funding for this successful program should be continued by Department of Labor or the Department of Health, Education, and Welfare, or a combination of the two. The program was evaluated recently by the Department of Labor. That evaluation stated that the Postal Academy program is an "asset to our communities" and documented an "air of exuberance" among the students, instructors and streetworkers.

I strongly urge that efforts be undertaken by the Department of Labor and the Department of Health, Education, and Welfare to make certain that the Postal Academy program does continue.

HOUSING RESEARCH

Mr. METCALF. Mr. President, my attention has been called to a study of research into housing conducted by the U.S. Department of Agriculture and the agricultural experiment stations for calendar year 1970. This study was done by Prof. Don F. Hadwiger, a member of the faculty at Iowa State University, Ames, Iowa.

It is a detailed, perceptive, and disturbing document, if we will recall that the USDA and the agriculture experiment stations are the agencies that are responsible for research affecting the lives of rural people in this country.

It is apparent from reading Professor Hadwiger's analysis that a good portion of the research was directed to, first, increasing the use of forest products in housing construction, or, second, aiding housing producers on narrow, technical aspects of material usage, or, third, was so indecisive as to be more or less useless. Professor Hadwiger's concluding remark is:

> It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America.

There was no meaningful research into the problem of meeting the needs of rural and smalltown people where 60 percent of the substandard housing of this Nation exists, certainly none as regards the matter of providing data needed by policymakers to meet this need. This fact makes one wonder just who is responsible for the research necessary to improve the quality of the lives of rural people.

I cannot resist commenting on some of the findings of the studies that have been done:

Termite behavior and migration;

Mobile homes are a major supplier of low-income housing:

Strength of glue;

Difficulty of homemaking tasks is related to housing;

Employed homemakers have less time for housekeeping tasks than non-employed homemakers;

I might not react adversely to this research, nor to such astounding discoveries that a woman with two jobs has less time to spend on one than has a woman with only one job, if, as a consequence, rural people were being housed better. That has not been the case.

I am particularly concerned that the needed research is not being done because my state of Montana has been victimized by the housing programs of the Farmers Home Administration. That agency has been far more active in neighboring States than in my own State by any criterion.

If we consider the total amount of

loans in fiscal 1971 under Farmers Home's homeownership, rural rental, and home repair programs, we find that in Montana the agency lent $6 per capita while the comparable figures were $13 in South Dakota, $18 in Wyoming, $25 in North Dakota and $35 in Idaho.

If we relate the number of homeownership loans to the number of nonmetro units lacking essential plumbing facilities as reported in the 1970 census, we find that in Montana, Farmers Home Administration made 1.3 loans for every 100 such units, while the comparable figures for the other States were 2.3 in South Dakota, 4.0 in North Dakota, 6.7 in Wyoming, and 11.7 in Idaho.

Mr. President, it is possible meaningful research into the housing problems of rural America might disclose why Montana's neighboring States are so favored by the Farmers Home Administration. I do not begrudge our neighbors their successes with Farmers Home Administration; I do believe Montana should be equally benefited.

It is small wonder, given this approach to research, that the USDA has had virtually nothing to offer in the way of ideas for solving the rural housing problem. The truth is pretty obvious: They are not really concerned about the rural housing problem.

I ask unanimous consent that Professor Hadwiger's paper be included in the RECORD as a kind of benchmark on the devotion of the USDA researchers to the welfare of rural people and the keen perception they enjoy in going about the task.

There being no objection, Professor Hadwiger's paper was ordered to be printed in the RECORD, as follows:

ANALYSIS OF RESEARCH PROJECTS OF USDA AND AGRICULTURE EXPERIMENT STATIONS FOR CALENDAR 1970, CATEGORIZED UNDER RPA 801 (HOUSING)

(By Don F. Hadwiger)

INTRODUCTION

My objective is to classify USDA and CSRS research projects designated under "housing" into sub-categories based on their intended objectives or anticipated findings. A particular interest in doing this is to learn how findings might be useful or not useful in determining public policy for rural housing.

The information was gained from progress reports for calendar year 1970, with the project descriptions and publications listed therein, as furnished by the Department of Agriculture. These reports were uneven in structure. Inconsistencies between the more general project descriptions and particular results listed in progress reports and publications often required a judgment as to the real nature of the project. The effort was made to settle upon the major theme of ongoing research.

A special task force of CSRS, reporting in 1965, found that relatively little research was devoted to the social, economic, and human aspects of rural America. More recently, J. Patrick Madden expressed similar concern about lack of public policy research, in an article in the American Journal of Agricultural Economics (May, 1970) entitled "Social Change in Public Policy in Rural America: Data and Research Needs for the 1970's." Madden listed five major problems in rural American on which public policy research was needed. One of these five problems was—"meeting the housing needs of rural families." The other four problems were—improving economic opportunities of rural people, improving rural community institutions and services, finding causes and cures for poverty, and isolating social and economic barriers to change.

For each of these problems several types of research are needed, Madden said. These types of research, as he lists them, provide one basis for classifying housing research projects. Madden's list includes the following: (1) determine the existing situation, including description of the target population; (2) analyze relevant forces impinging, and estimate casual relations; (3) study the effects of current intervention programs; (4) evaluate potential innovations in intervention programs, using pilot studies; (5) pull together from all the studies a wide range of readily accessible information and knowledge so that policy makers from all levels can make informed decisions in program formulation. Since Madden also emphasized using techniques to make the knowledge accessible to the decision makers, this communications function is listed as the sixth type of research. He emphasized that many "elegant" reports had no real impact, because they were not in a form communicable to decision makers.

It was not possible to categorize all rural housing research projects under Madden's six headings. Many projects dealt with purely technical aspects of housing construction which, at best, would have only an indirect impact upon any of the categories mentioned above. For example, research on new techniques for gluing joints might well reduce the cost or increase the durability of low-cost housing, but it did not seem reasonable to list this in one of the categories that Madden mentioned. Therefore, three additional categories were included: physical construction—technical aspects; physical challenges to housing (such as termites); and technical aspects of operating and maintaining houses.

This eight-part categorization will be entitled. "Types of Research." In subsequent sections this research will also be classified as to who is likely to use it, and then as to how immediately applicable it may be. Finally, the effort will be made to state the major finding of each research, and these will simply be listed in the order in which projects appeared. Publications will also be listed in the same order.

TYPES OF RESEARCH

1. *Determining existing situation including describe target population:*

Out of the total of 71 projects listed under RPA 801 (housing) for which some description was provided, twelve projects were placed in the category of describing the situation. However, out of a total of 48.3 man-years for all projects, only 6.6 man-years were involved here, and 3.7 of these were committed to one ERS project which undertook to determine rural housing trends and prospects both with respect to new kinds of housing and characteristics of housing occupants.

Several kinds of situation research were differentiated, the major one (three projects, including the ERS project, with 4.7 man-years) being descriptions of the kinds and quality of housing used by occupants categorized by income or age or ethnic background or other social or demographic characteristics. The second largest kind of research consisted of behavior studies in which resident behavior patterns were observed in an effort to discover housing designs which were most convenient (four projects, .3 man-years). Other kinds of research explored consumers' desires or demand for housing (two projects, .6 man-years), and development of concepts as to understanding the situation or character of recipients (one project, .3 man-years).

Comments: Most of these projects were quite specific as to subject, dealing with fragments of the total situation. For example, the behavior studies dealt mainly with behavior of elderly people within a particular design of kitchen, or home. There was no counterpart study of behavior patterns of families, or of the many behavior problems involved in multi-family housing. Most of the situation studies were region-specific.

The ERS project on rural trends produced at least two publications with comprehensive findings. However these are based upon secondary data mainly, in the case of the generalized rural housing trends and prospects.

2. *Analyze relevant forces impinging, estimating casual relations:*

Eleven projects and four man-years were placed under this heading. These were differentiated as follows:

Community economic resources available to be devoted to housing (one project, .3 man-years)

Relationship between housing, other socio-economic characteristics, and fertility rate (one project, 1 man-year)

Effect of housing on other life aspects such as—difficulty of or preference for tasks; and eating habits (three projects, .8 man-years)

Effective legal constraints on use of new technology and other factors affecting supply of housing (two projects, 1 man-year)

Relationship of socio-economic and demographic characteristics of occupants—*to* demand for housing (one project, .0 man-years); and credit-behavior, housing-meanings characteristics *to* desire for housing (one project, .0 man-years); and credit-behavior, house-meanings characteristics *to* quality of housing (one project, .3 man-years); *to* demand for housing (one project, .0 man-years); *to* maintenance of housing (one project, .2 man-years); *to* housing attitudes and use patterns (one project, .2 man-years); *to* work habits and patterns (two projects, .6 man-years).

Comments: The amount of research into causal relationships, using housing either as independent or dependent variable, is obviously small. Most studies involve a small universe of residents, located in one community or small area. Most do include some low-income housing occupants.

As to whether the findings are policy relevant, and whether their authors were concerned about this matter, some doubts and reservations are expressed in a later section. Presumably some of these projects address the question, "who is in bad housing, and why?" But the studies do not seem structured to say much directly about the dynamics of improvements in housing. Instead, the research usually explored socio-economic relationships, which are presumably conservative (reinforce status quo) rather than dynamic in their effects.

3. *Study the effects of current intervention programs:*

Only one project seemed appropriate for inclusion in this category, despite efforts to be inclusive. This one was included because one aim (out of several) was to compare satisfactions of people living in public housing projects with satisfactions of those living in trailer homes. There were no man-years committed to this project in 1970.

Obviously there is much experience to be studied with respect to a number of federal and state programs as well as housing regulations, catalytic efforts, and other types of federal, state, or local initiatives to improve housing, especially during the last four years. The lack of research in this area is not explained by lack of methodology or interest or activity.

4. *Evaluate potential innovations in intervention program, using pilot studies:*

There are four projects which seem to qualify here in the sense that some experimentation had been undertaken, using human subjects in a new situation. A total of .7 man-

years were involved, and the activities included independent housing for elderly persons, acceptability of new housing designs for for low-income people, promoting self-help organizations, and an anticipated experimentation in improving rural low-income housing.

A good deal of experimental or pilot program research *has* occurred in other areas of behavior such as nutrition education, and this kind of research is common procedure in the natural sciences. Is the lack of this kind of research by USDA and CSRS in rural housing due to lack of interest on the part of researchers, or lack of qualified researchers to undertake projects of this nature, lack of resources, or simply lack of priority for rural social phenomena?

5. *Synthesis of findings:*

Two projects seemed primarily interested in bringing findings together either for others or for the use of scholars at the institution. The first assembled materials on house designs into a handbook, and the second assembled bibliography to guide a research program. A total of two projects and .6 man-years were involved here.

There is very little information available on housing needs and housing programs for use by community non-profit organizations. The area of housing is one in which the average community leader and even housing planners act without information, in the absence of any efforts to synthesize findings. Rural housing situations, for example, are particularly unknown from one region or one subject to another.

6. *Making knowledge accessible for policy makers at all levels:*

Two projects seemed to fit this category, with a total of .5 man-years. One project was to prepare a handbook of rules on migrant housing; another was to instruct builders (not policy makers) on use of surface bonding of concrete block. Conceivably the ERS publication on housing trends, indicated earlier under No. 1 might also have been classified in this category.

7. *Technical aspects of physical construction of houses:*

There were 15 projects in this category, but these included 39.6 man-years (60%) of all housing research man-years. These projects were undertaken primarily by the Forest Service or Agricultural Engineering Departments. Many or most of the experiment station projects classified here were labeled as efforts to reduce costs of low-income housing; and this designation would certainly seem accurate, for example, for research on bonded concrete block walls (eliminating the need for mortar). However the relationship in terms of output was not always clear, as in the case of a project, classified under (9) below, testing the effects of foot traffic wear upon wood floor surface. The title of this project on floor surfaces was "physical, social, and economic aspects of functional housing for low-income families."

While two or more projects dealt with concrete building materials, most projects endeavored to improve the use of wood, and often were specifically aimed at increasing the use of wood in low-income or other housing. This may be understandable in view of the input of Forest Service and forestry professionals under this category, but the fact deserves comment. Materials other than wood may be less scarce, or in any case deserve more proportionate treatment in federal research.

8. *Parasites:*

Six projects, with a total of 12 man-years, were devoted to studying the behavior of termites or bacteria or other enemies of wood. This accounted for 18% of total man-years in rural housing research, about equal to all man-years under the Madden categories.

9. *Operation of houses and utilities:*

Three projects, with a total of 1.2 man-years, were categorized as designed to provide maintenance of houses—the proper use of electricity, upkeep practices of elderly people, and wearability of wood floor surfaces.

FOR WHOM WAS RESEARCH INTENDED?

An effort was made to list the parties or agencies for whom research might be intended, although the progress reports themselves did not usually specify a target group.

As indicated, most research was concerned with technical aspects of construction or maintenance of property, and therefore a large number of the projects, encompassing the bulk of total man-years, were listed as being intended for those who construct or maintain houses—architects, builders, service industries. One may postulate that economies achieved in the construction of houses will be passed along to the consumer, though that proposition was not tested or even touched upon in any rural housing research project. Furthermore, consumer interests were rarely mentioned, and some research seemed intended as a direct service to producers. For example, one research project was producing market surveys and undertaking law searches designed to provide information to facilitate the marketing of lumber. There was no project which would have measured the efficiency of the lumbering industry, or its profit-taking. There was no look at the institutions involved in producing or selling housing. Yet there is need for this kind of analysis, because a long chain of private individuals and firms now provide specialized inputs in the process of providing federally subsidized housing to consumers, and the value of these services is nowhere examined in this research. Instead, the spirit and intent of much research is industry-oriented, as indicated in the description of one very substantial project, "Use of automated and more complex sawmill machinery is increasing demand for operations research to provide information for decision making in forest product industries. Benefits of operation research analysis are useful to an existing plant, and are extremely valuable in evaluating investment in both horizontal and vertical integration and in new plant facilities."

While most research was for the initial benefit of the building industry, the second largest use category contained research for which no user was apparent. It was difficult to know, for example, who would be the user or recipient of new information about relationships between socio-economic characteristics of residents and the quality of their housing. Farmers Home Administration might incorporate such information in its proposals for program changes, and individuals or terms within USDA research agencies could pick up this information and assure that it does become a basis for program suggestions. However, only a part of these findings would have clear program relevance. Many potential research questions designed to find causes which are subject to administrative control would be related to existing programs but many of these have to do with the method of administering programs, which has yet to be looked at in any single project. Another approach would be to seek socio-economic characteristic and demographic relationships with program outputs. This would tend to indicate shortcomings in the program in addition to those in administration.

Is summary, most research is not intended for the benefit of consumers directly, or for policy makers. It is pointed toward use by the housing industry, or to be incorporated into a body of sociological knowledge.

USABILITY OF RESEARCH

An effort was made to put research into three categories—that which was immediately usable or practical; that which was an increment or addition to a body of knowledge which might then be useful as a whole; and research which was purely theoretical or methodological, not intended at all for practical use. This required very large judgments, but perhaps the evaluation supports a few statements.

Much of the research dealing with housing construction or maintenance fell into the category of direct and practical. A total of 15 projects dealing with housing construction and maintenance were listed as practical, and another four non-construction, non-maintenance projects were listed in this category. The latter four included a survey of low-income housing residents, research on how much repair is needed in rural low-income homes, a model for self-help housing, and the development of a bibliography for use by scholars at one institution.

On the other extreme—theoretical and methodological, five projects were listed. The other projects fell in between these, with no apparent immediate or practical use, although perhaps many of these findings could be incorporated into program design or administration if there exists a good chain of communication and synthesis of information between researchers and program administrators.

FINAL COMMENTS

It would appear that not much of the present research on rural housing is intended to provide findings useful for the development of public policy in rural America, as solicited in the paper by J. Patrick Madden. Some of the needs Madden mentions, such as analysis of existing policy and testing innovations, are entirely neglected.

Perhaps this conclusion drawn from examination of projects should be tested from the other direction, that is, by devising ways to learn whether decision-makers are in fact tapping research knowledge being produced by USDA–CSRS projects.

APPENDIX: PUBLICATIONS IN PROCESS OR COMPLETED UNDER 801, 1970

The following are abbreviated titles of the publications listed in the rural housing research progress reports:

Housing agricultural workers—Handbook.
Five publications on use of concrete.
Rural housing quality in Ozarks as related to characteristics of units and occupants.
Reduce housing costs.
Housing trends.
Mobile homes.
Inhabitants of substandard housing, future needs.
New test procedure.
Review of literature on thermal degradation.
Evaluation of fire-resistant treatments.
Effects of heat on wood properties.
Effectiveness of preservatives (several publications).
Withdrawal resistance of tapping screws into different wood density.
Some articles on glue-laminated beams, etc.
Housing conditions and financial management practices.
Method of assessing consumer preferences.
(Physical) Housing needs of older citizens.
Housing and activities of the elderly.
Use of community and mobile park resources by the elderly.
Differences in homemaker's considerations in accomplishing household tasks.
Approach to study of managerial control.
Home managerial tasks, perceived competence, and related consequences.
Effectiveness of sound absorption in drywalls.
Sound insulation of wood-framed floors.
Moisture of laminated timbers.
Model home for low-income families.
Residential heating.
Residential cooling.
Better utilization of forest products in housing.
Changing form of wood.

Moisture content of laminated timbers.
Effect of air conditioning or moisture conditions.
Changing building codes to permit innovation.
Building code relationships.
Wood floors are competitive with concrete slab.
Risk and the lumber futures market.
Soil penetration by insecticides.
Residues of heptachlor.
Termites.
Chemical studies of attractants.
Genetic control of bacteria.
Capacity of bacteria to cause decay.
Micro-organisms in pines.

TYPES OF RESEARCH UNDER RPA "RURAL HOUSING," BY CSRS AND USDA, CALENDAR 1970[1]

	Number of projects	Man-years
Madden public policy categories:		
1. Situation	12	6.6
2. Causes	15	4.4
3. Current programs	1	.0
4. Innovations	4	.7
5. Synthesis of findings	2	.6
6. Communication to decision-makers	2	.5
Subtotal	36	12.8
Technical findings:		
7. Construction	15	39.6
8. Parasites	6	12.0
9. Maintenance	3	1.2
Subtotal	24	52.8

[1] Derived from information in annual progress reports.

SPECIFIC FINDINGS, 1970

Below is a list of major findings of rural housing research projects. For each project reporting findings, an effort was made to extract that finding which was most emphasized. These appear in abbreviated form below, listed in the order in which projects appeared.

Better house designs.
Amount of electricity used in farm homes.
Relationship between SES, credits, demographic, ownership, and quality of rural housing.
Termite behavior, migration.
Ways to reduce housing construction costs.
Little mortgage credit is available in rural Arkansas.
Substandard houses are inhabited by old or disabled or women; and mobile homes are a major supplier of low-income housing.
Strength of glue.
Durability of wood finishes.
Fire resistant material was uneconomical.
Effectiveness of wood preservatives.
Engineering values for strength of wood paneling.
Need adequate anchorage for wood beams.
Sandwich panels perform well.
Financial management practices are related to housing conditions.
Technique of building concrete blocks without mortar.
A method of assessing consumer preferences for housing.
Physical aspects of housing needs for elderly.
Floor surface wear is reduced after a time.
Elderly did not prefer public housing over other forms, and use of public facilities was determined by proximity.
Difficulty of homemaking tasks is related to housing.
Employed homemakers have less time for housekeeping tasks than nonemployed homemakers.
There are differences between rural and urban in completion of housing tasks.
Sound does not unduly penetrate wood frame walls.
Low cost home design.
Use of new nails, new glue and preventing decay of wood.
Operations research can help forest products industry.
Behavior of termites.
Bacteria deterioration of wood.
Conditions and remedies for problems of low-income housing.
Housing status is related to SES, housing meanings, social participation.
Urban-rural differences are related to fertility rates.
Size of families and income of rural families.
How much does a home cost the community, and how much does the community receive from taxes (community cost for residence versus community income from taxes)?
Heat and radiation varies specifically with size and position of wall openings.

CONFIDENCE IN AMERICA: THE CONCERNS AND PROPOSALS OF SENATOR HUBERT H. HUMPHREY

Mr. HUMPHREY. Mr. President, today, perhaps more surely than at any other time in the past 40 years, we are faced with a crisis of confidence in our governmental institutions.

A crisis of confidence in the believability and integrity of government.

A crisis of confidence in our Government's willingness to understand the everyday problems and needs of people.

And most important of all, a crisis of confidence in the ability of government to act.

Last week, a respected national survey reported a precipitous rise in the feelings of alienation among the American people over the past few years.

The Harris survey reported a sharp increase in the number of Americans who believe that the people running the country do not really care what happens to the average American or what the average American thinks.

Most shocking of all, nearly 70 percent of those interviewed expressed the belief that they were living in a political, social, and economic system in which, inevitably, "the rich get richer and the poor get poorer."

We are faced with a situation of rising anger, discontent, fear, frustration, raw group hostility, and widespread hopelessness.

Either we confront and deal with the root causes of these dangerous symptoms or the very foundations of the institutions which have made this country great will be threatened.

A CRISIS OF CONFIDENCE

What are some of the elements in this crisis of confidence?

It is a war that does not end.

It is a wife whose husband has been a prisoner of war for 6 years.

It is cities rotting from within.

It is a society in which our elderly feel neglected, the middle aged feel ignored, and the young feel ineffective.

It is a man with a family without a job wondering how he will pay the rent.

It is a child in a land of plenty going to bed hungry.

It is a tax system which is unfair.

It is a retired person counting out her pennies to pay for an inadequate diet in a society which too often says life is over at age 65.

It is the fear of getting sick because it costs too much to get well.

It is the thousands of kids standing on street corners, getting into trouble, going on drugs because they cannot find work.

It is the young worker too often invisible and too often forgotten by a country that says a college education is the only way to get ahead.

It is millions of men and women working in our mines and factories under unsafe and hazardous conditions because of a Government that lacks compassion and courage to enforce job safety laws.

It is the family that is afraid to take an evening walk together.

All this need not be.

We have the ability and the resources to change things, and shape the conditions which affect our lives.

To do so we need only the will and commitment to act. And, we must chart a course to give us direction.

Mr. President, this is part of the message I have been stating in all parts of our country over the last few months and which I emphasized to the Democratic Party Platform Committee in Washington, D.C., this past weekend.

I have confidence in America and I have spelled out a comprehensive program of action which will activate and direct the great strengths of our people.

Today I shall spell out in detail my overall program, but I first wish to emphasize some of my concerns.

END THE WAR AND REVIEW OUR COMMITMENTS

Our first order of business is to end the war in Vietnam.

The Democratic Party should endorse, and our Government should set, an immediate deadline for the complete withdrawal of American troops from Vietnam, and the termination of all U.S. military operations in South Vietnam, Laos, and Cambodia contingent upon the release of American prisoners of war and an accounting of our personnel missing in action. We must persistently pursue a cease-fire throughout all Indochina, using every possible diplomatic channel, including the use of the United Nations.

After more than a decade of U.S. military assistance, it is clear that we have more than fulfilled any commitment to South Vietnam.

With a commitment to ending our military operations in Indochina should come a parallel commitment to a comprehensive review of American defense posture. The goals of this analysis should be—

Review all American commitments to determine which of those remain in our national interest.

Reduce American bases overseas.

Pare down our top-heavy command structure and increase the proportion of effective combat troops to support troops.

Establish a long-term defense plan to provide for U.S. national security and at the same time enhance U.S. foreign policy.

Maximize and modernize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures to reduce enormous cost over-

runs and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament agreed upon by nuclear and nonnuclear powers.

This review must take place before detailed budget decisions can be made. Our defense budget can take reductions. There is waste and duplication. I have previously suggested that reasonable reductions that would not impair our defense capabilities would be in the range of $12 billion. This figure has also been recommended by the Brookings Institution. Cuts beyond this range without comparable reductions in the Soviet Union's defense structure would not be realistic nor responsible.

PUT AMERICA BACK ON ITS FEET

The Democratic Party has an obligation to establish the programs and policies that will put Americans back to work and our Nation back on its feet.

The Nixon economic policies have given the American people the highest unemployment in a decade, the highest inflation rate in two decades, the highest budget deficits in four decades, the highest trade deficits in eight decades and the highest interest rate in 100 years. Combined, these Republican economic failures have brought hardship and tragedy to millions of American families.

The goal of the Democratic Party must be the creation of jobs and meaningful work. The right to a job must become an accepted economic and social principle. That 5-percent unemployment, or 4 million Americans without jobs is acceptable must be totally rejected by the party which represents the working families of this Nation.

I have submitted proposals calling for the creation of at least a 1 million job public service employment program, a special youth employment program, retention of the investment tax credit and the creation of programs to deal with unemployment among highly skilled persons.

Jobs are one half of the economic equation.

Controlling inflation is the other half.

We must have a price and wage stabilization mechanism that is fair, efficient, and an advocate of the public interest—not a rubberstamp for corporate business. Stiff prosecution for price violators and price rollbacks where necessary are important components of a fair economic policy.

RESTORE TAX JUSTICE

Fairness must also be carried to our tax system. The American tax system is rigged against the working families of this country.

Because we have reduced Federal income taxes in recent years, the regressive payroll, sales, and property taxes have taken larger and larger amounts from the taxable incomes of working families.

The middle-income families are being increasingly taxed with regressive payroll and sales taxes while giant corporations and the privileged few escape paying their fair share.

Since the Nixon administration has blatantly refused to endorse tax reform this year, our party has a special obligation to make a firm and realistic commitment to tax reform.

At a minimum, the essentials of the Democratic Party's tax reform program must be:

Review the tax code with the objective of eliminating those special tax privileges which permit the wealthy few and the giant corporations to avoid paying their fair share.

By closing tax loopholes we can make available funds to local areas to reduce substantially the homeowner's property tax burden.

Revising the social security system to cut payroll taxes.

Simplification of all tax forms and procedures.

Elimination of Federal tax liability for those people with poverty-level incomes.

Creation of a tax structure which will not inhibit investment or limit the incentive to earn.

An extra effort must be made to create a progressive tax system at every level of government.

A progressive tax structure is not only fair but it can be used to achieve a more equitable distribution of income among all Americans. The increasingly regressive nature of the American tax structure is leading to unfair concentration of wealth and a growing tax burden on middle-income persons.

REFORM PUBLIC ASSISTANCE

Another goal of our party must be an effective reform of the public assistance system.

We must have a welfare system that treats recipients and taxpayers fairly. To do this we must scrap the present system and recognize welfare as a national problem demanding national answers and national financing.

Here is what I believe we must do to assure that compassionate aid for those in need is provided:

Federalize the cost of welfare.

Set uniform eligibility standards and provide a basic level of assistance for those in need.

Maintain the incentive to work by providing jobs and job training along with the establishment of a suitable work requirement for recipients.

Establish a nationwide system of child day care and development centers and conduct an extensive effort to broaden the food stamp program to every county in America.

Begin an effort to lift 5 million elderly Americans out of poverty through increases in the social security and old-age assistance programs.

I am opposed to substituting a vast national income redistribution scheme for a truly effective and progressive public assistance program.

To aid those in need must be our goal. I do not believe that in order to achieve this goal we must provide all Americans—regardless of their wealth—with an income grant.

EMPHASIZE THE NEEDS OF OUR CITIES AND SUBURBS

Finally, the programs of the Democratic Party and our Government must emphasize the needs of the 70 percent of the people living in urban and suburban America.

It should be our goal to focus on street-level government, to maintain the integrity of neighborhoods, to establish certain basic services for our cities, to provide new financing mechanisms, and to plan the use of our resources through a national growth and development policy.

I have offered a detailed plan and legislative program which includes a well-funded revenue-sharing program and a National Domestic Development Bank to enable cities and communities to move ahead on a wide range of urgently needed public construction funded by long-term loans.

We cannot solve the problems of this country without solving the problems of urban America. And, the difficulties confronting urban America are due in part to the mass migration of rural Americans to the urban areas. The Democratic party must commit itself to the revitalization of rural and urban America. They are inseparable. There is no relief for one without help for the other. We simply must move toward an urban-rural balance.

And part of this commitment must include a willingness to use planning to meet our future needs. We must outline the creation of structures and policies in Congress, the executive branch, and at all levels of Government that will enable us to better shape and give direction to our national growth.

Mr. President, now I shall review and specify the proposals I have made for a national program to restore confidence in America.

1—THE RIGHT TO A JOB

ISSUE

Thirty-five million Americans will be seeking their first jobs between 1972 and 1982, or 700,000 per year more than in the 1960's. Today over 5 million Americans are now unemployed. Joblessness among teenagers is over 17 percent. Joblessness among minorities runs from 10 to 40 percent depending on age group. Unemployment among Vietnam veterans is over 12 percent.

HUMPHREY JOB PROGRAM GOALS

To provide a job for all those who want and can work with emphasis on providing people with opportunity for a job or career they want.

To stimulate our economy so that our industries begin producing again.

To provide training and opportunities for those without skills so they may advance.

To get this Nation back to work and our country moving again.

HUMPHREY JOB PROGRAM

One million public service jobs—the Employment Opportunities Act of 1972.

Two-hundred and fifty thousand youth jobs.

Continued support for the recently enacted investment tax credit to stimulate jobs in the private sector.

Support for research and development funds tied directly to jobs produced as a result of research.

Accelerated public works program.

Community conversion corporations for aerospace and defense related personnel.

Expanded manpower training programs—programs that lead directly to employment, not more training.

Massive 10-year program of urban and rural revitalization.

2—TAXES

ISSUE

The American tax system is rigged against the working man. Working families end up paying more than their fair share of the tax burden while a privileged few and some giant corporations can use loopholes to escape taxation.

Property taxes are too high and payroll taxes too regressive, with the result that the progressive principle of the tax system has been almost destroyed.

The burden of paying for government programs has been shifted from higher income peoples to low income peoples.

GOALS OF A HUMPHREY TAX PROGRAM

To close the door on tax loopholes which give special privilege for the wealthy and the giant corporations.

To end the fast write-offs and other undue tax breaks for American corporate enterprise.

To promote inventiveness and imagination among all our people by making certain that the tax system does not penalize some to the advantage of others.

To eliminate from federal tax liability the poor and impoverished.

To bring the taxing systems—federal, state, and local—into harmony with each other so that the systems are truly progressive.

To have a tax system that will not inhibit investment or limit the incentive to earn.

To reduce the burden for low and moderate income families.

HUMPHREY TAX REFORM PROGRAM

Reform of the Payroll Social Security Tax to cut the payroll taxes by at least one-third.

Tax Reform Act of 1972 to raise $16 billion and return this money to the homeowner so that property taxes can be reduced.

Complete tax code overhaul within the first 100 days of a Humphrey Administration, including making the forms simplistic and readable, and rewriting rules and regulations.

Incentive for states to make their state taxes as progressive as possible.

Tax credit for home rehabilitation, remodeling and repair.

One-third educational funding through an education trust fund, to take the burden off the backs of local property owners, and more equally distribute resources for education.

Federalizing the cost of welfare, to help relieve local and state tax burdens.

Humphrey's Poor People's Amendment—to eliminate those people who live below the poverty line from federal tax liability.

To review in detail all present tax exemptions and deductions.

3—AMERICAN LABOR

ISSUE

Today workers confront a totally inadequate minimum-wage floor beneath an oppressive wage-increase ceiling. And, rising costs of living, including more taxes, and the frequent loss of retirement income security, are the harsh reality for America's working families.

The Nixon Administration continues its legislative efforts to impose compulsory arbitration.

Government policies continue to give low priority to the needs of the worker and the middle-income consumer.

GOALS OF THE HUMPHREY PROGRAM

Establish full employment and at a fair wage.

Strengthen the collective bargaining process.

Enact tax reforms to assure that every American pays his fair share.

Establish a balanced and comprehensive approach to stabilizing and strengthening the American economy, assuring justice for the worker and the consumer.

Bring an end to hazardous working conditions, and assure the protection of a worker's pension rights.

HIGHLIGHTS OF SPECIFIC HUMPHREY ACTIONS

Author of legislation to establish a public service employment program providing over one million critically needed jobs.

Sponsor of legislation to achieve vital pension plan reforms.

Sponsor of immediate legislation to extend and increase unemployment compensation benefits.

Author of a major legislative program to launch economic and public development in the cities, towns, and rural areas of America, and to channel immediate federal fiscal assistance to states and cities to provide vitally needed tax relief to the American taxpayer.

Sponsor of a program to provide employment for skilled and professional workers thrown out of work by defense cutbacks, and to provide extensive job opportunities for all older workers.

A central advocate in Congress of specific measures to end the harsh reality of joblessness confronting Vietnam-era veterans and America's youth.

Original sponsor of legislation to strengthen the enforcement of civil rights laws, including the prohibition of employment discrimination and of barriers to the right to vote.

Immediate increases in the minimum wage, raising it to $2.20 within one year, and to extend its coverage to major new categories of American workers.

Further measures by the Department of Labor to assure the effective enforcement of the Occupational Safety and Health Act, and of protective measures on behalf of farmworkers and coal miners and their dependents.

4—CONTROLLING THE COST OF LIVING

ISSUE

In the face of increasing inflation, the Nixon Administration announced a freeze on wages and prices; then the Administration began a program of economic controls ostensibly designed to halt inflation. The end result of the Nixon program has been increased food cost, higher profits for the big corporations, price increases, and frozen wages.

GOALS OF THE HUMPHREY COST OF LIVING CONTROL PROGRAM

Fairness—all sectors of the economy must bear their fair share of the inflation control burden.

Price stabilization must work for the American families rather than against them.

Inflation must be reduced substantially.

HUMPHREY COST OF LIVING CONTROL PROGRAM

A Wage-Price Control Program that emphasizes tough, firm, strict and fair enforcement.

Wage and price mechanisms that are broadly representative of all sectors of the economy—agriculture, labor, management, consumers, and the public.

Price control decisions that are made in the open, with open hearings, and open decision-making.

Price control decisions that reflect what the actual price increase means to the individual—not just what happens to a company's profit margins.

Price controls in the service area of the economy must be as effective and efficient as in the manufacturing sector.

Price rollbacks when necessary; strict prosecution of price control violators.

A price board that is the people's, not the corporation's advocate.

Profits that are in excess must be taxed—either through a higher corporate rate or an excess profits tax.

Wage controls that are firm but fair and supported by both Labor and Management.

5—RECONVERSION: UTILIZING OUR NATIONAL EMPLOYMENT TALENT

ISSUE

As our national economy switches gears from a wartime to a peacetime economy there are likely to be dislocations in the employment sector. In short, many highly skilled, talented persons with aerospace and non-aerospace work experience will be without work. At the same time, our Nation has vast unmet public and private needs. What must be done is to match the resource talent with needs of our Nation.

HUMPHREY GOALS FOR RECONVERSION

To match immediate available talent with resources to meet public needs.

To have programs for non-aerospace and non-defense related personnel as well as aerospace and defense employees.

To utilize workers immediately—the emphasis is on work, not unemployment compensation, transition allowances or relocation assistance.

HUMPHREY PROGRAM FOR RECONVERSION

Creation of and the funding of Community Conversion Corporation to hire workers to plan, identify, and begin operations on badly needed community projects.

The National Science Policy and Priorities Act of 1972 to provide federal assistance to Community Conversion Corporations.

Special Emphasis Programs for the non-aerospace worker living in a community affected by aerospace cutbacks.

Community Revenue Assistance to help those communities finding their tax base reduced by cutbacks in defense and aerospace contracting.

Extra optional services and payments such as relocation assistance for those employees who relocate or seek training in such fields as local government services.

Job training and job reorientation programs for those who wish to change

careers or upgrade their employment status.

Special employment placement assistance for out of work aerospace personnel.

One million jobs through the Employment Opportunities Act to put Americans back to work building for this nation.

6—PUBLIC ASSISTANCE REFORM

ISSUE

In the last four years, more than 6 million persons have been added to the public assistance rolls. Costs have increased. And families have little or no chance to break the dependency on welfare.

Welfare has become a system that no one likes and no one understands.

HUMPHREY GOALS FOR PUBLIC ASSISTANCE REFORM

An end to hunger in America.

Enact a welfare system that treats recipients fairly, provides coverage and adequate income for the needy, and guarantees that no recipient receives less under a reformed system than under the present welfare system.

Strengthen the family by providing coverage and greater opportunity to the working poor.

Provide fiscal relief from the crush of local taxes.

Recognize welfare as a national problem demanding national answers and the commitment of national resources.

HUMPHREY PUBLIC ASSISTANCE PROGRAM

Phased-in federalization of family welfare program with an initial $3,000 minimum benefit for a family of four based on need.

Adequate day care centers, sufficient public sector jobs, and a suitable work requirement for those who can work.

Increase the food stamp budget to guarantee all localities who want a program the resources to have a program.

Increase the minimum benefit for adult categories so that all elderly will be lifted out of poverty. Federalize the cost and administration of these categories.

Eliminate those persons with incomes below the poverty level from federal tax liability.

Immediate 25 percent increase in Social Security benefits.

A national Health Security Program to provide health services care for Americans.

Manpower Training and Development Programs—to upgrade job skills and prepare one for entry level jobs.

Employment Opportunities Act—to provide one million public service jobs to put America back on its feet and Americans back to work.

7—ELDERLY

ISSUE

For too many older Americans, life indeed is over at age 65. Or at least that is the attitude of many Americans. The fundamental fact is that older Americans often lack income; they are beset by high taxes and increasing cost of living; they face increasing health costs—and they must pay for these services from what is likely to be a fixed income or savings.

HUMPHREY GOALS FOR OLDER AMERICANS

To assure older Americans the dignity, decency and security of a full life.

To assure older Americans of adequate income support.

To assure older Americans of adequate health care.

To dispel the present American attitude toward older Americans—an attitude that too often prevents older Americans from having the same choices of younger Americans.

HUMPHREY PROGRAM FOR OLDER AMERICANS

Immediate 25 percent increase in Social Security, with cost of living escalator.

Guaranteed minimum public assistance payment of $165 for individual and $215 for a couple, to bring all older Americans out of poverty.

Comprehensive Home Health Care legislation to provide needed care in the homes of older Americans—not force them to seek hospitalization for every illness.

Medicare changes such as elimination of the $50 deductible, elimination of the doctor's insurance premium, freezing of the hospital copayment, home nutritional health care, prescription drug payments, hospital insurance for the uninsured.

Increase in the limitations on retirement earnings from $1680 to $3000.

One hundred percent widow's benefits.

Cabinet level Office for the Aging.

Elderly Nutrition Act, to expand the Meals on Wheels Act and provide home nutritional services and nutritional meals to older Americans.

Reduced-fare public transportation for senior citizens backed by Federal subsidies.

At least 125,000 housing units for the elderly built each year.

Tax relief for elderly from crush of property tax burden.

8—CHILD NUTRITION, ELDERLY, AND FAMILY FEEDING PROGRAMS

ISSUE

Child Nutrition: Over 10 million children and over 20,000 schools are now excluded from participating in the National School Lunch Program. The current child nutrition program is a patchwork of individual programs which have created a legislative and administrative maze of confusion.

The program desperately needs to be completely overhauled and updated in response to total national need. The current system contains no nutrition educational component, no training program for new food personnel, nor any supplemental feeding program for infants, preschool children or low-income pregnant women. Current school-feeding programs foster an "economic caste system: which is not only degrading to children of lower-income families, but which also work against the "nutritional improvement" objectives of the program as they relate to *all* schoolchildren, regardless of their parents' income.

Food Stamp Program: Expansion of the Food Stamp Program has been slowed due to the "budgetary politics" of the Nixon Administration. More than 12 million poor in this Nation do not participate in the program. While the Administration has called for a modest $45 million increase in funding for child summer feeding and school breakfast programs, it plans to return ten times that amount in unspent food stamp funds to the Treasury at the end of this month which Congress appropriated for the program for fiscal year 1972.

HUMPHREY GOALS FOR FOOD ASSISTANCE

To end hunger and malnutrition in America.

To provide every American school child with at least one "free" meal per day and to provide a school breakfast for every child that needs or wants one on a free or reduced-price basis.

To provide for a nutrition education program within our Nation's school system—tied, if possible, to a national nutrition labeling program.

To provide for supplemental feeding program for infants, preschool children and low-income pregnant women.

To provide those schools having either no or inadequate school cafeteria services with the financial resources to acquire the equipment and personnel to establish such services.

To further expand the Food Stamp Program and facilitate establishment and expansion of nutrition programs for the elderly to reach all those who are in need of such assistance.

HUMPHREY PROGRAMS

Universal Child Nutrition and Nutrition Education Act—which would completely overhaul existing patchwork of child feeding programs and would establish a national child nutrition education program. Every child, regardless of parent's income, would be provided with at least one "free" meal per day while he is attending school.

Expansion of Baltimore experimental project utilizing "formulated" foods to meet the nutrition needs of infants, preschoolers, and low-income pregnant women.

Increase federal reimbursement rates and funding for school lunch, breakfast, and summer feeding programs.

Expansion of Food Stamp Program to guarantee every locality sufficient funds for a program.

To expand the elderly nutrition program so that all those in need are reached.

9—VETERANS

ISSUE

More than 350,000 Vietnam-era veterans are unemployed. While veterans' education benefits have risen only slightly in actual dollar value since World War II, college tuition costs have soared, more than 350 percent.

Despite a Congressional mandate that the daily bed patient level at VA hospitals be raised to 85,500, the actual level earlier this year was only 83,662—meaning continued waiting lists—and the ratio of staff to an in-patients was even worse (1.4:1) than last year.

Older veterans on fixed pensions struggle to meet the rising cost of living; a problem that is compounded for the disabled veteran dependent on compensation payments.

GOALS OF THE HUMPHREY PROGRAM

Guarantee the right of America's veterans to dignity and self-respect.

Provide good medical care and rehabilitation services to all eligible veterans.

Assure returning veterans the opportunity to continue their education or obtain effective job training while receiving an adequate income.

Provide extensive job opportunities at a fair wage.

Insure the right of older veterans to the security of a liveable income.

HIGHLIGHTS OF THE HUMPHREY PROGRAM

Author of the Employment Opportunities Act of 1972, establishing a program to provide more than 1 million public service job opportunities, with first priority given to Vietnam-era veterans.

Sponsor of the Veterans Employment and Readjustment Act, focused on the specific employment service and job training needs of veterans. Decisive action must replace failure of Nixon's Jobs for Veterans program.

Has proposed and sponsored legislation to raise a veteran's basic monthly education allowance from $175 to $220, and to provide a direct tuition payment of $1,000 per year to the college where the veteran is enrolled.

Sponsor of legislation to authorize the issuance of $10,000 life insurance policies to all Vietnam-era veterans.

Author of legislation to prohibit discrimination in employment on the basis of a mental or physical handicap, and original sponsor of legislation recently passed by the Senate to increase statutory awards and compensation payments to disabled veterans and provide further benefits.

Sponsor of major legislation to substantially improve VA medical care facilities and increase medical staff, and to improve nursing home care for veterans. Has called for extensive utilization of the skills of veterans themselves in the VA, particularly as parmedical personnel. Has called for the establishment of a National Commission on Veterans' Medical Care to develop specific recommendations on solving current problems and meeting future needs. Introduced legislation to expand greatly drug abuse treatment and rehabilitation services for veterans and to make these services immediately accessible through community mental health centers.

Strongly supported the enactment of bills to increase pension benefits, and sponsored legislation to prevent pension cutbacks resulting from certain other retirement benefit increases.

Acted to halt delays and cancellations in the direct loan program for veterans seeking to purchase homes in credit-tight counties, and strongly supported the enactment of legislation to provide mortgage protection life insurance for disabled veterans.

10—CONSUMER

ISSUE

Despite current publicity, the American consumer is still largely unprotected, in the marketplace, in the areas of disclosure, standards, and redress of damages.

HUMPHREY GOALS

Every American should be able to know the content and quality of what he buys.

The goverment must protect the people from unfair or deceptive practices and unsafe and unreliable products.

Fullest possible disclosure of warranties, guarantees, and terms of purchase must be routinely available to the consumer.

Consumers should have the right to redress of damages, including the class action lawsuits.

HUMPHREY PROGRAM

Independent Consumer Protection Agency, to become the public's advocate for protection of American consumers. To search out unlawful consumer practices and bring prompt legal action against offending companies.

Consumer credit protection, to provide for complete disclosure, full realization by borrower of his obligation, and to regulate effectively consumer credit companies in a manner consistent with the public interest.

Class action lawsuits to permit consumers the widest legal tools against unlawful consumer practices.

Consumer Product Warranties and Federal Trade Commission Improvements Act, to provide for full disclosure of terms and conditions of warranties for items valued at $5 or more.

Consumer Product Safety Act, to provide for safety inspections of consumer goods.

11—HOUSING

ISSUE

Our nation continues to fall way behind its goal of producing 2.6 million housing units per year.

Blacks remain trapped in the ghetto.

Elderly on fixed incomes struggle with high maintenance costs and taxes on their homes; fined few options in seeking apartments.

Young couples confront high settlement costs and interest rates.

And, the Nixon Administration faces charges of gross mismanagement of subsidized housing programs for lower income families, while Secretary Romney speaks of urban renewal as a failure and suggests a halt to further public housing in the city.

HUMPHREY GOALS FOR HOUSING

To assure every American a decent living environment.

To make adequate housing available for low and moderate income families.

To curb the cost of buying homes.

To use the most innovative housing technology available to meet our national shelter needs.

HUMPHREY PROGRAM FOR HOUSING

No down payment, government-guaranteed housing loans, to make home buying within reach of those Americans who choose to do so.

Home Protection Agency, to provide American families with advice and advocacy in case of deception, procrastination, or unlawful builder and developer practices.

Full appropriations for federally subsidized housing, coupled with basic administrative reforms.

Direct housing certificates to lower-income families who can exercise choice in housing.

Full support for metropolitan housing development to create planned approaches to providing open housing for all under innovative approaches to achieve decent communities.

Major thrust toward providing housing specially designed for the elderly and enabling older couples to keep their homes.

Include property tax relief, home rehabilitation grants, at least 125,000 units of housing for elderly per year.

Place major emphasis on "new communities" and "new towns" to expand housing market in a decent environment.

Decisive Federal effort to control settlement costs and mortgage interest rates.

Transportation system planning assistance geared to relating jobs to housing and accessible location of shopping and services. Emphasis upon the living environment needs of people.

Federal financial assistance incentives to cities and towns to adopt tax reforms geared to the rehabilitation of depressed areas.

Extensive Federal programs to assure constructive land use.

Deepen housing assistance subsidies in recognition of operational and upkeep costs. Provide direct assistance to communities for public facilities costs of public housing, and establish a sustained Federal program on housing management to combat extensive problem of housing abandonment.

Tax credit for home improvement—to give incentive for rehabilitation and remodeling.

12—A NEW EDUCATION POLICY

ISSUE

Across the nation, local school districts and institutions of higher education are exhausting their financial resources as expenses continue to mount. Recent court decisions have held that the disparities of local property-tax school financing constitute a denial of the equal protection of the laws, emphasizing the demand both for tax relief and for sharply increased State and Federal assistance to equalize educational opportunity.

The record of the present administration has been one of repeated vetoes and cutbacks in education program assistance funds. As a result, tens of thousands of children are condemned to an inferior education; far too many youth are denied the right to continue their education; and millions of adults are deprived of the opportunity to pursue basic and specialized courses.

GOALS OF THE HUMPHREY PROGRAM

Establish a new education policy to guarantee that all children, without regard to circumstances of residence, family income, or race, will have a full and equal educational opportunity.

Substantially increase the Federal investment in education, to one-third of all public resources.

Establish education as a high national priority in the protection and development of America's human resources.

Broaden the spectrum of educational opportunity, from the preschool to the adult level.

SPECIFIC HUMPHREY ACTIONS AND PROPOSALS

Author of legislation to establish a Department of Education, to consolidate federal resources and programs, and to give education an advocate at the highest level of government.

A National Educational Trust Fund to provide an assured revenue base for the advanced planning and development of America's education resources.

A federal grant and loan guarantee program would be established for school construction and modernization, with the priority given to deprived rural and urban areas.

There must be a program of sharply increased federal and state assistance to balance public support among school districts to guarantee an equal opportunity for a quality education to every child. There must be incentives for a sustained and progressive effort by local agencies to improve the school situation, and to provide effective relief to local residents from the burden of education costs, through progressive tax reforms.

Emergency assistance must be provided to assure modern, high-quality schools in urban and rural areas of poverty, and to overcome educational handicaps resulting from racial and economic isolation. To compensate for generations of neglect, we must provide these children with extensive remedial services to upgrade basic learning skills, daily nutritious meals to combat the hunger that thwarts learning, new bi-lingual and bi-cultural curricula and instructional programs in schools serving children whose language is other than English, full guidance and counseling services, innovative applications of communications media and audio-visual resources, and inter-school resources, and inter-school programs where transportation can improve the quality of a child's education.

Comprehensive early childhood development programs must be provided in local communities across the Nation, to provide critically needed opportunities and quality care for over 6 million children, and to give essential help to millions of mothers who want and need to work.

New initiatives must be launched on behalf of disadvantaged teenagers who have dropped out of school and over 8 million forgotten working young men and women unable to pursue a higher education on a full-time basis. Under a major reform of a Neighborhood Youth Corps work training assistance program, disadvantaged youth can be involved in extensive community improvement programs, and at a fair wage, while also being given a broad range of opportunities through community colleges and other institutions to continue their education with federal assistance. And young people will benefit from a further program proposed by Senator Humphrey to provide educational scholarships and loans for part-time education to advance their vocational skills and fulfill educational expectations that would otherwise be denied.

Major new directions must now also be taken in adult education, with federal assistance, to provide continuing education opportunities and training in new job and professional skills.

The strengths of puralism and diversity in American education must be maintained, both through effective federal aid to private colleges and extensive student aid based on need, and through a tax credit to parents bearing the additional costs for their children attending private and parochial elementary and secondary schools. Private schools and colleges must also be assured a fair share of federal education assistance.

The civil rights of millions of mentally and physically handicapped children to obtain public education services must now be guaranteed, and a substantial program of federal help to school systems should be launched to assure that this guarantee is carried through.

Author of a resolution that was instrumental in obtaining legislative action to grant teachers the retroactive pay denied under Nixon Administration wage-freeze decisions, Senator Humphrey believes teachers should have a national structure to assure them access to good-faith collective bargaining and should be able to earn a decent income commensurate with the cost of living as well as to exercise their professional rights and responsibilities.

Busing—I am opposed to busing children away from their neighborhoods unless it improves the quality of their education. It makes no sense to bus a child from a good school to a poor school. It makes sense to bus a child from a poor school to a better school. It makes better sense to improve schools in all neighborhoods. We must no longer permit the quality of a child's education to be determined by the wealth or poverty of his community. To correct this profound inequality, we must achieve property tax reforms and apply extensive federal and state assistance leading to an overall balancing of public support among school districts. And we must target additional compensatory aid, remedial services, and teaching facilities improvements to help educationally disadvantaged children in depressed areas.

Neither racial nor economic discrimination must have any place in our school systems. I believe that the President's legislative proposals would wrongly work to maintain existing school segregation problems, not only through imposing a moratorium on all new court-ordered busing, but also by tying this action to a measure that fails to provide for any new educational financial assistance for disadvantaged children beyond what has already been authorized by Congress.

13—HEALTH: QUALITY AND COST ISSUE

The cost of getting sick has made it almost prohibitive to become ill. Hospital charges of $100 are not uncommon. Over 30 million Americans are without basic health insurance. Health care delivery systems are uneven—with deficiencies in inner city and rural areas. Specialized health care problems such as dental care, handicapped, and mental illness lack adequate funding and support. Shortages of medical personnel have reached crisis proportions. And there is a severe lack of emphasis on preventive as opposed to curative health care.

HUMPHREY GOALS FOR HEALTH CARE AND HEALTH INSURANCE

To make the best health care available to everyone.

To reduce drastically the cost of health care.

To meet with sufficiency the specialized health care problems of mothers, mentally handicapped persons, and the physically disabled.

To provide the assistance necessary so that adequate medical personnel is available.

To meet health care shortages in inner city and rural areas.

To foster the development of new medical technology, and increase the usage of paramedical personnel.

HUMPHREY PROGRAM FOR HEALTH CARE AND HEALTH INSURANCE

A program of National Health Security—to cover cost of physicians services, hospital services, nursing home care, outpatient services, psychiatric services, dental services, medicines, therapeutic devices and eyeglasses.

Increased federal financial support for medical, dental, and nursing schools.

Paramedical and Medical Technology Advancement Act, to give increased federal support for the development of alternative types of health care delivery systems and increase health care aides.

Cancer Cure Agency—to launch an all-out attack on cancer, to put an end to this dreaded killing disease.

Comprehensive Home Health Care Act, to provide home health care services in a patient's home rather than to force hospitalization.

Continued support but on an expanded scale for the Hill-Burton Hospital Construction program, the Regional Medical programs, and specialized medical research endeavors through the National Institutes of Health, Mental Health Institutes.

Major new efforts through a Drug Cure and Control Authority to crack down on hard drug pushers and begin rehabilitating the addict.

Federal incentives and support for Group Medical Practice, to make quality health care available at lowest cost through Health Maintenance Organizations.

To support adequately federal programs designed to deal with health problems such as lead based paint and job health conditions.

14—TRANSPORTATION ISSUE

American transportation is primarily dependent on the single family car. The single family car has given this nation unprecedented mobility, but at the expense of congestion, pollution, often the break-up of neighborhoods for costly highway systems.

At the same time, public transportation is often too costly and remote to provide the service necessary to meet the needs of people.

HUMPHREY GOALS FOR TRANSPORTATION

A balanced transit system of private and public modes; an integrated trans-

portation system of air, water, and land mobility.

A transportation system accessible with minimum cost to all—elderly, inner-city, suburban, rural areas.

A transportation system that maintains the integrity of our neighborhoods.

A transportation policy that meets immediate crisis needs while laying the foundation for solid future development.

HUMPHREY TRANSPORTATION PROGRAM

The Ground Transportation Systems Improvements Act of 1972.

Open up the highway trust fund for mass transit financing.

Operating subsidies for present transportation systems in our communities.

Airports Improvement Act, to provide the latest technology, weather communications, and safety equipment for all of our airports.

Reinvigoration of America's shipbuilding industry, including subsidies.

Federal assistance for development of new modes of water transportation and development of our waterways.

Federal support and incentives for railroad service—freight and commuter—so that Americans do not lose benefits of rail travel.

Assistance for small communities threatened by lack of rail service through track abandonment.

Insistence that the Interstate Commerce Commission become the people's advocate acting in public interest.

15—ENERGY

ISSUE

Americans use six times as much electric power as the world average. We burn 30 percent of the world's fossil fuel consumption. We utilize 15.5 million barrels of oil a day. And by 1980, between 20 and 25 million barrels will be needed. The United States consumes 49 percent of total natural gas used in the world, and we burn over 530 million tons of coal.

In less than 15 years, our energy needs will double.

Yet, the supply of fossil fuel is finite. Experts predict that by the year 2035, 90 percent of all the oil, coal, and gas will be gone.

There is an energy crisis. And it must be met.

HUMPHREY GOALS FOR ENERGY

To develop clean energy supplies.

To assure effective utilization of existing energy supply.

To bring energy and environmental demands into harmony.

To develop new sources of energy.

HUMPHREY PROGRAM FOR ENERGY DEVELOPMENT

Establish an Energy Council take stock and assist in development of our energy resources, who own resources, and utilization of them.

Federal assistance to develop additional energy sources including earth heat, solar, water power, nuclear fusion, and additional mechanisms for energy storage.

An expanded program of research into energy alternatives for the future.

Development of a National Electrical grid.

ENVIRONMENT

ISSUE

For too long, Americans have assumed that environmental resources were infinite. As a result, no concerted effort to rationalize the use of natural resources has evolved. We are now paying that price—sewage systems out of date, polluted air and water, land use policies that make little sense, pesticides that are toxic, high level of noise, and lack of national energy policies.

HUMPHREY GOALS FOR THE ENVIRONMENT

To halt the raping and scarring of our land.

To begin a systematic air pollution and water pollution control program with definite goals and fund commitments.

To protect man's remaining frontiers—timber, water sheds, refuges.

To focus the attention of the individual citizen on his immediate neighborhood environmental program.

To develop rationalized methods for control growth and bringing it into harmony with environmental objectives.

HUMPHREY PROGRAMS FOR THE ENVIRONMENT

Community coalitions for a clean environment, a broad based citizen's effort to identify local environmental problems and move to meet them.

Environmental Trust Fund and Environmental Savings Bonds to finance pollution protection programs.

River Basins Waste Treatment Authorities Act, to begin a comprehensive attack on sewage problems and solid waste disposal problems and a general clean-up of our rivers.

Tax on pollutants, to provide industries with the incentive to clean their own environmental problems.

Class Action Environmental Suits—to attack polluters through the courts.

National Growth and Development Act, to plan the use of our land, the allocation of our resources, and the use of our environment.

Environmental Research laboratories, to conduct a continuing research program into the causes, consequences, and alternatives to environmental pollution.

Strengthen the Environmental Protection Agency program to deal with the environment of the inner city including street dirt, garbage, lead based paint, and noise.

Continued protection for our coastlines and estuaries. Full federal support for anti-ocean dumping measures.

Refuge and Forest Protection Act, to expand our wildlife refuges, protect our national forests, and protect man's remaining frontiers such as the Everglades and Big Cypress Swamp.

Work against the cause and effects of pollution on an international scale through the United Nations Environmental Board and the International Environmental Conferences.

Continued support for the National Environmental Policy Act—including the Environmental Impact Statement.

Effective pesticide control legislation.

17—BALANCED NATIONAL GROWTH AND DEVELOPMENT POLICY

ISSUE

The United States currently lacks any stated policy pertaining to its future growth and development. The country even lacks specific policies relating to the major determinants of growth, such as land use, transportation, communication, regional distribution of national economic growth, education, health, housing, population, income distribution, energy and fuels, human nutrition, and food and fiber production.

No mechanism or process even is available today to develop and implement such national policies, let alone provide for their integration into a total national strategy or policy to govern and guide the future growth and development of the nation.

HUMPHREY GOALS ON NATIONAL GROWTH

To develop national economic, social, environmental and political polices affecting the future growth and development of our nation.

To provide for policies that will lead to balanced urban-rural development.

To provide each American with an expanded range of choices as to where and what pattern of life style he or she wishes to pursue.

To provide new mechanisms of financing public development and building badly needed public facilities.

HUMPHREY PROGRAM FOR NATIONAL GROWTH POLICY

National Growth and Development Act of 1972—this legislation provides the framework, mechanisms, and policies for implementing the above-mentioned goals. Included in this legislation is:

An Office of Balanced National Growth to develop policies and coordinate programs leading to understanding and humanizing growth.

To provide for direct citizens' participation in the development of national growth and development policy.

To provide in both the Congress and in the Executive Branch the mechanisms and personnel needed to address these essential policy development questions.

To provide for multi-state regional policy and development mechanisms to insure that all states share more equitably in the distribution of our nation's future economic growth and development.

To require the federal government, as it relates to both its facility location and procurement policies, to develop and adjust such policies so as to maximize benefits and minimize costs (social and environmental) as they may affect national, regional, state, or local community growth and development goals.

To provide for uniform standards and centralization of financial assistance to help regions, states, and local communities "plan" for their future growth and development so they can avoid and minimize unanticipated happenings relating to growth which often lead to a deterioration of communities and the quality of life of individual citizens.

To provide for the research required to develop "alternative futures" including identification and forecasting of current and future happenings in both the "hard" and "soft" sciences.

To provide for continuous analysis and forecasting of population and demographic data.

National Domestic Development Bank Bill, to provide long-term financing for badly needed public development.

Rural Development Act of 1972.

Rural Development Credit Act, which will embody a new Rural Development Banking and Financial System, to provide rural America with an expanded range of financial and credit opportunity.

Humphrey General Revenue Sharing Bill—for a short term infusing of funds.

URBAN AMERICA

ISSUE

America is an urban nation. More and more Americans are moving to and living in metropolitan areas. Yet, urban areas have been unable to deal effectively with the crush of people and the services they require. The essential problem is one of programs, the lack of financial resources, declining tax base, and the unwillingness to make the commitments of resources necessary to solve the urban crisis.

HUMPHREY GOALS FOR URBAN AMERICA

To bring government close to the people and be responsive to their needs.

To maintain the integrity of neighborhoods—to refocus on street level government, where people live.

To establish certain minimums of basic services for all our cities and communities.

To establish new financing mechanisms, including long term credit, short term immediate financial assistance and multi-year bloc grant program funding.

To plan the use of resources through a national growth policy.

HUMPHREY PROGRAMS FOR URBAN AMERICA

White House Regional Ambassadors—to expedite the flow of business and plans among the levels of government.

National Budget—to allow governors, mayors, and citizens to have input on what the expenditures should be and the direction the resources allocation should take.

Neighborhood Service Centers—to bring under one roof comprehensive neighborhood services so that these services (consumer protection, information referral, etc.) are accessible to the citizens.

Basic service improvement programs such as The Ground Transportation Systems Improvement Act of 1972, the Community Coalitions for a Clean Environment, the River Basin Waste Treatment Authority Act, the Social Security Improvements Act, the Educational Trust Fund with its new method of financing education, the National Institutes of Justice, Tax Credits for Housing Improvement, Drug Abuse Control Act.

New Methods of Financing Urban America:

The National Domestic Development Bank, to provide long term loans at low rates of interest to build needed public facilities.

Revenue Sharing—as an immediate infusion of funds to the cities and suburbias and communities.

Multi-year Planning and Program Operation Grants—programs funded on a three year basis to allow more long term planning and fiscal authority.

National Balanced Growth and Development Act of 1972 to establish a framework for planning for the future growth of this country, including within the Office of the President, a National Planning Agency and the Office of Balanced Growth and Development. To establish a Congressional Joint Committee on National Growth to begin the planning process at all levels of government and in the private sector, and to plan for bringing about balanced urban-rural growth.

Demonstration Cities—to build new towns and new communities in towns.

Metropolitan Land Reserve Act—to allow metropolitan areas more flexibility over what kind of development takes place on municipal property.

19-REVITALIZATION OF RURAL AMERICA

ISSUE

Thirty million people, mostly young and many poor, have migrated from our farms and countryside to our nation's cities in the last 30 years. That movement still continues today at a rate of about 600,000 yearly. As this depopulation of our countryside continues, Rural America is being stripped of both its promise and its potential while the huge urban centers of our nation continue to deteriorate as a result of the overcrowding, congestion, and myriad of problems such population concentrations create.

HUMPHREY GOALS

To provide for the improvement of public services and job opportunities for the almost 70 million Americans living in nonmetropolitan America.

To provide freedom of residence for all Americans so that those who wish either to remain or move to Rural America may do so.

To encourage the development of Rural America on a "planned" basis.

To provide the credit and other financial resources that will be needed to accomplish the revitalization of Rural America.

Stop the abandonment of rural rail trackage and service essential to the economic well-being of small rural communities.

To provide full funding to meet the financial needs of rural electric and telephone cooperatives.

Development of programs designed to develop the human resources of Rural America, especially, among the rural poor.

Continue to strengthen the comprehensive area-wide planning and development concept in Rural America through non-metropolitan multi-county planning and development districts.

HUMPHREY PROGRAM

Rural Development Act of 1972 which provides:

For the expansion of Farmers Home Administration in providing business and industrial loans, and increased grants for community services and facilities, including those important to attracting new businesses and jobs.

For increased funding under the Watershed and Bankhead-Jones Acts for municipal and industrial water supply development, pollution abatement and other environmental activities.

For a new program to help small communities establish or improve their fire fighting capabilities.

For a new nationwide research and extension program concerning rural development and small farmers.

Further liberalization of credit for rural housing.

For increased water and waste disposal planning and construction funds.

For rural development planning funds.

For strengthening the role of the U.S. Department of Agriculture within the Executive Branch concerning Rural Development and for the improved coordination of federal agency activities in rural areas.

Establishment of a new borrower-owned system of rural development credit and financial assistance which would secure its loan funds from the nation's central money markets.

Establishment of a block-grant rural development fund for sharing federal revenues with states, non-metropolitan planning and development districts and local governments.

20—PRESERVATION OF AMERICA'S FAMILY FARM SYSTEM

ISSUE

About 100,000 families continue to be forced out of American agriculture each year. Low prices, lack of bargaining power, and inadequate federal farm programs continue to plague the farmers of this nation in their efforts to secure a fair return on their investments and labor.

HUMPHREY FARM GOALS

To restore parity of price and income to our nation's farmers.

To rely upon more effective supply-management approach as a means to maintain workable supply-demand relationships.

To establish a national grain reserve to help minimize production planning risks which will help insure a more stable price and supply situation for farmers and consumers as it relates to both grain and livestock production.

To enhance the bargaining power of farmers in the marketplace.

To prohibit the takeover of American agriculture by nonfarm corporate interests.

To strengthen prices, supply commitments, and expand access for U.S. farm products in world markets.

Continue to strengthen and expand world food assistance and development of foreign markets under our nation's Food for Peace program (initiated by Senator Humphrey in 1954).

To provide special help and assistance to both young and small family farmers to improve their farm and off-farm income opportunities.

HUMPHREY AGRICULTURAL PROGRAM

Increase price support levels for farm commodities under federal farm programs accompanied by effective adjustment programs to insure that workable supply-demand relationships are maintained including establishment of national reserve inventories of essential farm commodities—the Strategic Storable Farm Commodities Act.

Strengthen farm bargaining and ex-

panded marketing order approach—National Bargaining and Marketing Order Act.

Permit federal crop insurance through the Federal Crop Insurance Act to be provided on a "cost for investment" basis and expand federal funding authorization for administration of this program.

Encourage U.S. negotiators to pursue new International Grains Agreement containing minimum and maximum price levels and supply commitments.

Enactment of Family Farm Act, which would prohibit any further encroachment by large corporations into farming.

Liberalize credit for young farmers just getting started in agriculture and require Land Grant College and State Extension Services to provide more help and assistance to small farmers—both provided for in Humphrey Rural Development Act of 1972.

Maintain an effective Department of Agriculture with a Secretary of Agriculture coming from a family farm background.

Include an agricultural economist as a member of the Council of Economic Advisors. Include in the Federal Reserve Board a farm spokesman with experience in commercial agriculture.

Include agricultural representation on the Federal Tariff and Federal Trade Commissions.

21—CRIME AND JUSTICE

ISSUE

The American justice system is in need of overall reform and modernization. Our courts are congested, cases take too long to come to trial and hence pre-trial detainees congest the jails. Ten thousand laws are passed in our country each year. There is too little inter-jurisdictional coordination. There is inequity.

American confidence in the justice system is diminished, and distinguished jurists have begun to propose a thorough and complete review and reform of the justice system.

HUMPHREY GOALS

To give as great or greater an emphasis on justice for every American as is now given to social reforms in the areas of health, welfare, etc.

To create an effective federal mechanism for justice reform.

HUMPHREY PROGRAM

Senator Humphrey has introduced a bill for the establishment of a National Institute of Justice, a nonprofit institute to be comprised of the finest legal minds in our Nation, to undertake on a national scale the refinement and reform of our judicial and related processes.

The five major functions of the institute would be:

To survey, collect, analyze, and disseminate information about the operation of all levels of our judicial system, with emphasis on improvements and innovations.

To conduct a study of the causes of delay in the administration of justice, identify the problems, and recommend solutions.

To establish priorities, objectives, and continuing evaluation of the judicial system at all levels.

To conduct research, either directly or through arrangements with institutions of higher education, law schools, bar associations, or other appropriate professional groups, on neglected aspects of the functioning of the judicial system.

To advise, upon request, federal, state, or local public agencies, professional legal societies, and/or members of the bar.

The ultimate aim of the National Institute of Justice would be that of a national focus for a system of justice both fair and efficient, newly rededicated to its own betterment, with strengthened safeguards for the protection of all our rights, and a heightened responsiveness to the age in which we live.

22—LAW ENFORCEMENT

ISSUE

During the first two years of the Nixon Administration, total crime increased by over 22 percent. Crimes of violence were up 28 percent. Robberies were up over 30 percent.

Nearly $2 billion was spent in crime-fighting by the Law Enforcement Assistance Administration, 92.1 percent of the fiscal year 1971 monies never reached local enforcement agencies but were tied up at state or county levels.

In short, the crime problem has been compounded. Massive efforts—Omnibus Crime and Safe Streets legislation and the Law Enforcement Assistance Administration have been established but, in fact, Americans do not feel any more secure on the streets than before these efforts.

HUMPHREY GOALS FOR LAW ENFORCEMENT

An all-out attack on organized crime.

Better training, benefits, and community involvement with law enforcement officers.

Eradicate the sources of hard drugs.

Emphasize training, employment and rehabilitation of convicts.

Effective gun control legislation that gets guns out of hands of criminals but does not penalize the legitimate sportsman.

Speedier trials, equitable bail rates.

Reduce juvenile crime.

HUMPHREY LAW ENFORCEMENT PROGRAM

Correction Systems Reform Act—to upgrade and reform the prison system, including national minimum standards, rights of inmates, grievance procedures.

Juvenile Crime Reduction Act—to reduce the incidence of juvenile crime, create a National Office of Juvenile Justice and Delinquency Prevention.

Drug Cure and Control Authority—to stop the pusher, mount a total effort against hard drugs, and rehabilitate the addict.

Victims of Crime Act—to compensate the innocent victims of violent crime for injuries.

Life insurance for families of public safety officers and firemen killed in line of duty.

Legislation to rid our streets of the infamous "Saturday Night Special," while protecting the legitimate rights of sportsmen to own sporting weapons.

Legislation that would make killing a policeman or fireman a federal crime.

23—DRUGS

ISSUE

The use and misuse of drugs has become a problem pervading almost all parts of our society. The results of drug usage are evident: lives ruined, increase in crime, families torn apart, and in many cases, death.

HUMPHREY GOALS FOR DRUG CONTROL

To search out the hard drug pushers in our country and put them out of business.

To broaden and make more accessible the treatment and rehabilitation facilities.

To begin comprehensive programs of drug education in all of our schools.

To move ahead on drug research.

To emphasize medical and social rehabilitation rather than prolonged incarceration for addicts.

HUMPHREY DRUG PROGRAM

Drug Cure and Control Authority, an independent agency within the Executive Branch to attack the drug problem from all aspects: rehabilitation, treatment, and law enforcement.

Drug Education Act, to provide funds and support staff for drug education programs in elementary, secondary, and college schools.

Increase funding of $160 million for community health centers to increase addict treatment and rehabilitation programs of these centers.

To review penalties for private possession or use of marijuana with a view for decreasing these penalties.

To enlist the support of allies overseas in effective drug control programs at source. And, if there is no cooperation, then to refuse foreign aid to those countries that will not take steps to halt the flow of hard drugs to the United States.

Funding and staffing for centers that would conduct an active programming treatment and rehabilitation of addicted G.I.'s.

24—CIVIL RIGHTS

ISSUE

The Administration's performance in the field of Civil Rights has been hesitant and inadequate. There has been a basic absence of policy towards establishing equal justice and opportunity for all Americans. Civil rights laws now on the books are not vigorously enforced. And there has been a failure to provide the necessary moral leadership to assure the civil rights of all Americans.

HUMPHREY GOALS

Equal economic and job opportunities.

Carry out the mandates of the Civil Rights Acts.

Guarantee every American full rights of citizenship, political representation, and equal protection of the laws.

Break barriers of racial discrimination.

HUMPHREY PROGRAMS

Employment Opportunities Act of 1972, leading to over one million public service jobs.

250,000 youth jobs.

Upgrading of the Equal Employment Opportunities Commission, including

cease and desist orders, adequate funding and staff to reduce the discrimination complaint backlog. Emphasis on appointment of minorities and women to higher positions in government.

Community economic self-development programs, including minority enterprise aid, technical assistance, and adequate capital investment aid.

National Voter Registration Act, to protect and guarantee every citizen effective right to vote.

Adequate housing supply and enforcement of fair housing laws.

Welfare reform, to scrap the present system and federalize the entire public assistance program.

Child development program, to provide adequate day care service and educational development programs.

Humphrey Drug Cure and Control Authority Act, to search out and convict the drug pushers and rehabilitate the addict.

Bail and parole procedure reforms.

Prison system reforms.

Tax reform proposals, including a closing of tax loopholes and a return of money to the local level to reduce property taxes.

Humphrey Poor People's Amendment, to eliminate the poor from federal tax liability.

An expanded health care system, including funding of neighborhood health centers and home health care.

A total program for the elderly, including a 25 percent increase in Social Security, home nutritional care, Medicare and Medicaid liberalizations.

Major program of federal assistance to upgrade schools and advance desegregation, plus sharply increased financial help to college students from lower income families, and to higher education institutions that promote equal education opportunities for minority and disadvantaged youth.

Self-determination for the District of Columbia.

25—WOMEN'S RIGHTS

ISSUE

In our continued striving for a just society we have given too little attention to the repression of our neglected majority, over half of our national population: 104 million American women.

HUMPHREY GOALS FOR WOMEN

A society that will no longer tolerate more than half of its population relegated to second-class citizenship.

A society in which men and women will share more equally in the responsibilities of raising their children.

A society in which men and women can be equally productive participating and efficient members of the American economic, social, and political systems.

A society in which people will change the way they think about the roles of women and men.

HUMPHREY PROGRAM

Professional and comprehensive day care and child development centers available to every woman regardless of income level.

Equal pay for equal work as a basic tenet of our economic system.

Equal access to leadership positions in business, government, and the professions.

Guaranteed maternity leave without loss of position.

Meaningful participation in American politics, as decisionmakers in the Government Cabinet, judicial branch, agencies, and commissions.

Equal rights amendment—to make certain that equal protection under the law is in fact implemented.

Endorse cochairmanships for women at Democratic Convention.

Prohibit sex discrimination in higher education.

Tax relief for child care expenses for working parents.

Continue to advocate, as in the past, the appointment of women to the Supreme Court.

26—YOUTH

ISSUE

The crisis of youth is at once one of direction, one of opportunity, and one of goals. Not all youth are in college and these young workers are too often forgotten by a society that says a college education is the only way to get ahead.

Young people want jobs. They want good health care. They want adults to respect them as persons. And they want to be heard.

HUMPHREY GOALS FOR YOUTH

A voice in the affairs of our Nation.

Opportunity for the kind of education one wants.

A meaningful job, with good pay, interesting work.

HUMPHREY PROGRAMS FOR YOUTH

Two hundred and fifty thousands jobs in neighborhood improvement.

Americans for Domestic Development, a major new service corps to utilize the idealism of American youth to meet the human needs of this Nation.

Community part-time employment program, to provide part-time, odd-job employment for American youth.

Educational scholarships for America's forgotten youth, to focus attention on needs of America's invisible—the more than 8 million young men and women not in college. They should have a fair share in the educational subsidies and privileges enjoyed by college students.

Office of Youth Affairs, to bring the voice of young America into the highest councils of government.

Interns for Political Leadership, to provide opportunities for young people to work as interns in offices of elected local, state, and national officials.

Utilization of Department of Defense training facilities, equipment, staff, and programs for job training and work experience for all young men and women—service and non-service.

National program to focus on job advancement opportunities, and job conditions for young workers.

27—INDIANS

ISSUE

Our nation has never addressed with determination the critical problems of reservation Indians, the Indian family isolated in rural poverty, and the Indian confronting an all-too-often alien culture of the city.

HUMPHREY GOALS

To acknowledge and further the rich heritage this pluralistic nation enjoys in the traditions and values of Indian people.

A totally new national policy toward Indian people, formed with and by Indian people.

A commitment to meet vital needs of Indians in areas of health care, education, employment, housing, and the protection and development of land resources.

HUMPHREY PROGRAM

Support for land resource rights such as "Blue Lake" land in New Mexico and the Alaskan Native Land Claims.

Repeal of the Termination Act affecting the Menominee Indians.

Trust and responsibility extended to all Indian people, regardless of where they reside.

Sufficient funding to fully staff Urban Indian Service Centers. The Bureau of Indian Affairs simply must extend its services to off-reservation Indians.

Implementation of the new eligibility for federal services to off-reservation Indians in urban, rural, and state reservations locations.

Job opportunity and economic opportunity for Indians.

A federal policy of Indian self-determination, without termination of the legal and historical relationship between the Indians and the federal government.

Increase in the health services and housing assistance programs critically needed by Indians.

The establishment of an American Indian Development Bank to assist Indians and Indian tribes in the development of industrial and agricultural facilities and enterprises, and in the development of their natural resources.

28—SPANISH-SPEAKING PEOPLE

ISSUE

America's second largest minority group, the Spanish-speaking people have for too long experienced the harsh realities of discrimination, compounded by language barriers and society's ignorance of and disrespect for their rich and varied cultural heritage. Experience of exploitation and cultural repression are particularly severe for the 15 million citizens of Mexican-American, Puerto Rican, Cuban, and Central and South American origin. The reality of life in the United States for Spanish-speaking Americans is the placement of their children in classes for the mentally retarded because of language difficulties, rampant unemployment, an unbroken cycle of poverty, and grossly substandard housing.

HUMPHREY GOALS

A national policy of commitment to assuring Spanish-surname Americans the equal protection of the laws and the full range of opportunities available to other citizens.

Sustained, high-priority programs by the federal government to carry out this commitment by sharply focusing public attention on these needs, demonstrating equality of opportunity in federal employment and contracts, assuring nondiscrimination in programs receiving fed-

eral assistance, and launching new initiatives to meet the critical needs of Spanish-speaking Americans for jobs at a fair wage, decent housing, and readily available health, education, and social welfare services.

HUMPHREY PROGRAM

Assure Americans of Spanish ancestry a fair share of the more than one million public service jobs that can be provided with the enactment of the Humphrey Equal Employment Opportunities Act. Promote economic self-development in Spanish-American communities.

Sharply focus federal statistical reporting on the critical problems of Spanish-speaking Americans, in line with the legislative demand made by Senator HUMPHREY that the national unemployment rate for this important but ignored population group be published in the regular monthly employment report issued by the Bureau of Labor Statistics, as well as data on the social and economic condition of the Spanish speaking.

Act immediately to end the severe educational handicaps borne by 2 million Spanish surname schoolchildren, by specifically requiring bilingual educational programs, the recognition of Spanish history, heritage, and folklore in school curricula, and the hiring of specially qualified teachers, administrators, and guidance counsellors, who are committed to these goals, as a condition of Federal assistance.

In line with initiatives by Senator HUMPHREY dating back to 1951, concerntrate federal programs and protective measures on meeting the vital needs of migrant farmworkers for fair wages and better working conditions, decent housing and immediately available health and social welfare services, and extensive continuing education opportunities.

Place a major emphasis on extensive child care and development programs vitally needed for Spanish-speaking preschool children and working mothers.

Assure that special attention is given to providing new housing and effective housing management services for Spanish-surname communities.

Establish leadership in the Office of the President in guaranteeing a full range of equal employment opportunities for Spanish-speaking Americans, by appointing Americans of Spanish ancestry at cabinet-level rank and high civil service positions and insuring affirmative non-discrimination compliance efforts as a condition of federal contracts.

29—VIETNAM

ISSUE

President Nixon promised in the Presidential campaign of 1968 that he would end the war 6 months after he was elected. Six months have been dragged out to 3½ years. U.S. troops have been steadily withdrawn, but expenditures in human lives and American treasury continue to remain high. What was once determined to be a limited war for limited purposes in North and South Vietnam has been expanded by the Nixon Administration into a war with heavy American air combat involvement throughout Indochina Peninsula. First there was the invasion of Cambodia starting on April 30, 1970; then there was the South Vietnamese invasion of Laos with heavy U.S. air combat support beginning February 8, 1971; then, the intensification of U.S. bombing in South and North Vietnam and finally, on May 8, the President's decision to mine the harbors of North Vietnam and bomb civilian as well as military targets above the demilitarized zone. In sharp contrast to the military escalation of the war, the President has progressively changed his hard-line diplomatic position to one somewhat more in keeping with the suggestions outlined by the solid Democratic coalition in Congress.

The central question which Vietnam poses today, whether or not a settlement is reached by November, 1972, is what price did Americans, their allies and the Vietnamese people have to pay for the cruel duration of this war? Could President Nixon have terminated American involvement at an earlier date with an agreement to release American prisoners of war and an accounting of our personnel missing in action?

HUMPHREY GOALS

Secure the release of American prisoners of war and an accounting of all American personnel missing in action.

Terminate all U.S. military operations in Indochina.

Bring about complete disengagement of all U.S. Armed Forces from South Vietnam.

Offer assistance in securing a negotiated settlement of the war throughout Indochina.

HUMPHREY PROGRAM

Humphrey's legislative record on Vietnam since his return to the Senate indicates his strong and consistent opposition to the war and his concern about the fate of American POW/MIA's.

Humphrey's proposals on Vietnam have been three pronged:

Terminate all U.S. military operations in Indochina and obtain an agreement on the release of American POW's and an accounting of our MIA's.

Withdraw all U.S. Armed Forces from South Vietnam contingent upon the release of American POW's and an accounting of American personnel mission in action.

Work through the United Nations to obtain a cease-fire in Vietnam and to help resolve the issues which have continued to be an obstacle to the negotiated settlement of the war. In particular, Humphrey has urged the major powers involved in supplying both North Vietnam and South Vietnam with military assistance to implement a moratorium on further military assistance. This moratorium could strengthen any settlement which was finally reached.

30—THE MIDDLE EAST

ISSUE

It has been five years since the outbreak of the "6-Day War," and still the Middle East remains the world's most threatening powder keg, ready to ignite at any moment. The Soviet Union continues to supply Arab countries with provocative weapons, Soviet military technicians, and diplomatic tactics which only serve to bolster their intransigence towards reaching a comprehensive agreement with Israel. It is making economic forays into the Middle East which may strangle the world's fuel supplies. In short, the Soviet Union has assumed an aggressive posture in the Middle East which has muddied the waters for a negotiated settlement and for international cooperation in that part of the world.

HUMPHREY GOALS

To secure a negotiated settlement in the Middle East, as agreed upon by Israel and the Arab countries themselves in keeping with the spirit of UN Resolution 242.

To insure the defense capabilities of the state of Israel.

To achieve a normalization of economic and diplomatic relations in the Middle East and to support UN efforts in this direction.

HUMPHREY PROGRAMS

Humphrey's legislative record has been one of consistency and constancy in his support of Israel, to help Israel maintain its freedom, and in his effort to reduce tension throughout the Middle East. His proposal for achieving a peaceful settlement include the following points:

The United States must convince the Soviet Union to assume a stand-off position in the Middle East and reach an agreement whereby neither country attempts to obstruct negotiations. The Soviet Union must exercise self-restraint, comparable to that of the United States.

Any settlement must establish secure, recognized and agreed boundaries with demilitarized zones to act as buffers between the states in recognition of the territorial sovereignty of all states in the Middle East.

A settlement should also establish effective controls against terrorism and other recurrent violations of international law, an agreement for free navigation in international waterways, compensation and resettlement programs for Jewish and Arab refugees in the Middle East, and recognition for Holy places.

Recognition of Jerusalem as the capital of Israel.

Economic assistance for the settlement of refugees.

Assure the availability through credits of the necessary planes, tanks and defensive weapons vital for the security of Israel.

Insistence that Soviet Union guarantee the right of Soviet Jews to migrate to Israel.

Furtherence of cultural relations with Israel.

31—SPACE

ISSUE

Space exploration and work in the field of astronautics has come under some attack in the debate on national priorities. The Nixon Administration has provided little leadership in defense of this field and in the creation of imaginative programs which have direct application to our needs at home. The Administration has been slow in attempting to promote an array of international programs in the field of space which could benefit all mankind.

HUMPHREY GOALS

A comprehensive space program which integrates scientific discoveries with domestic planning and programs.

Achievement of expanded international cooperation in space for the control of the human environment and its resources.

Stress work in space for peaceful purposes.

HUMPHREY PROGRAMS

Humphrey has always been a vigorous and articulate supporter of space and aeronautics progress with special emphasis on the practical benefits of such developments. As Vice President, he served as the Chairman of the National Aeronautics and Space Administration.

The Humphrey program would:

Support the space shuttle as part of the new phase in manned spaceflights.

Encourage greater cooperation in space, not just with the Soviet Union but other countries as well, on a bilateral and multilateral basis.

Establish an integrated approach to space programs so that there is a direct tie-in to domestic programs in such fields as urban planning, communications, health and rural development.

Apply space technology for a breakthrough in global resource management, beyond the terms set up in the Outer Space Treaty.

Support and encourage the domestic development of space-spawned technological advances such as Communication Satellites, Earth Resources Technology Satellites (ERTS), Nimbus Weather Satellites, advance medical technology improvements, new metals and fabrics, computer advances and medical pacesetters.

32-DEFENSE

ISSUE

This year, the defense budget calls for $83.4 billion, roughly 30% of the total federal budget. This represents a jump of $6.3 billion in new budget authority at the same time that the Administration claims it is withdrawing from Vietnam and halting construction of defensive nuclear weapons. In other words, defense expenditures have absorbed the so-called Vietnam peace-dividend, the savings from the SALT agreements, and then some. Defense planning and strategic thinking has remained static, failing to take account of the latest international diplomatic developments and requirements for our national security.

HUMPHREY GOALS

Establish a long-term defense plan to provide for U.S. national security and to enhance U.S. foreign policy.

Maximize the efficiency of our Armed Forces and our total defense capabilities.

Reform acquisition and procurement procedures in the military to reduce enormous cost-overruns and improve competition for defense contracts.

Concentrate on the pursuit of armaments limitations and disarmament, agreed upon by nuclear and non-nuclear powers.

Reduce overseas bases and military personnel.

HUMPHREY PROGRAM

Humphrey's public career has been dedicated to peace and disarmament:

Delegate to the United Nations in 1956–57.

Author of the bill to establish the Arms Control and Disarmament Agency.

Sponsor of the Limited Test Ban Treaty of 1963.

A leader in the planning and development of the Nuclear Nonproliferation Treaty of 1968.

As Vice President, played a leading role in the creation of a nuclear free zone in Latin America.

Since returned to the Senate, has introduced several important pieces of legislation to help bring a halt to the arms race.

Humphrey's legislative record on defense has been marked by a studied approach to reforming and modifying our defense program.

Voted to cut spending for the overly sophisticated F–14 fighter bomber and the B–1 bomber.

Had legislation calling upon the Department of Defense to make available to Congress a five-year defense budget and to submit an alternative budget for Congressional consideration.

Voted for increased funding of our research and development programs to insure U.S. preparedness.

Humphrey's defense proposals:

Begin comprehensive review of the proper relationship of defense to foreign policy, weapons systems to security requirements, and the structure of our system of defense to battlefield requirements.

Restrict air defense system to a surveillance role while maintaining current programs for the modernization of offensive strategic weapons.

Modest reduction in active duty strength, matched by improved readiness of reserve units.

Provide for a modified aircraft carrier program and tactical Air Force modernization program.

Reduce the ratio of support to combat forces to level in 1968.

Reduce number of overseas bases.

Reduce military manpower to 2.0 million to assure the implementation of an all-volunteer army.

Seek reciprocal reduction of armed forces and armaments in Europe and move ahead for further, more comprehensive arms control agreements.

Tie any reductions in civilian and military personnel, stemming from cuts in our defense programs to comprehensive economic assistance and employment programs.

Establish new acquisition and procurement procedures which would include greater use of competitive prototypes, enforcing fly-before-you-buy provisions, return to the firm, fixed price contracts, reduce in-service rivalry, and simplify weapons to eliminate "gold plating."

33—RESPONSIVE AND OPEN GOVERNMENT

ISSUE

Too many Americans have come to feel that their government is remote from them, that it responds poorly to their needs, and is often closed off to them. Yet, they see the rich and the powerful with almost full access to the decision-making centers of their Government.

The people want to be heard. They want to be listened to. They want to have control over their lives.

Government that does not do so is not government of the people.

HUMPHREY GOALS FOR A RESPONSIVE GOVERNMENT

A government that is open, with open doors, public meetings, and fully explained decision-making consistent with the national interest.

A government that recognizes the neighborhood, the street where people live, as important and crucial to people's lives.

A government that does not try to run everything from Washington.

A government with heart, that feels the pulse of the people, that is an advocate and servant of the people rather than their master.

HUMPHREY PROGRAMS FOR A RESPONSIVE GOVERNMENT

Implementation of the Freedom of Information Act.

White House Regional Ambassadors—as direct representative of the President to cut through the red tape and get programs operating faster.

Creation of the Office of Balanced National Growth and Development.

National Budget—a change in the budgetary process that would make it more open—to bring Governors, Mayors, local officials into the budget process before decisions are finalized.

A comprehensive program to revitalize basic services at the local level—including proposals on housing, neighborhood improvement, transportation, health, education, property tax relief, welfare reform.

Citizen's Committee to Study Congress—a citizen's based committee to launch an indepth study and analysis of congressional procedures with the goal of reform in the policy and procedures.

Tax Expenditure Awareness Act—to provide every taxpayer in the United States a breakout of exactly how his own tax dollars are spent by the Federal Government.

Joint Committee on National Security—to assure coordination and cooperation among both Houses of Congresses in matters of national security.

Humphrey Universal Voter Registration Act—to expedite voting registration.

Direct election of President and Vice President.

A SALUTE TO EDUCATION

Mr. TOWER. Mr. President, the National Education Association is sponsoring a "Salute to Education" during this week and I am pleased to join in this tribute to our Nation's educational system.

As a former university professor, I firmly believe that there is nothing more important to the continued growth and development of our Nation than a strong educational system. In the last few years tremendous changes have been taking place in the system. Because of these changes the educational structure is now in a period of hiatus.

Our public school systems continue to grow in a variety of ways. Over the last school year expenditures have increased by 7 percent even though daily attendance has only increased by a half percent. Interest on the overall school

debt has risen by more than 6 percent. Compounding these conflicting statistics are the recent Federal and State court decisions, one of them in my State, which ruled that the manner is which the public schools are financed is unconstitutional.

All Americans must find common ground in order to meet these challenges. Governments at all levels must join together to improve the quality of our educational system. The Federal Government must play a role in improving the overall quality of the educational system. However, this role should be limited to assisting local communities when those communities do not have at their disposal the resources necessary to make the improvements we all desire.

This Nation has prospered primarily because of the superiority and of our innovative and flexible approach to education. Without local control of our educational system, I firmly believe that innovative and experimental projects will suffer.

Our superior and constantly improving educational system has been made possibe by the unending devotion of local school administrators, teachers, and parents, as well as America's youth. This tribute is to them; and again, I am pleased to be part of it.

ARTS IN OUR SOCIETY

Mr. TOWER. Mr. President, the administration has recently requested a funding level of $39 million for the National Foundation on the Arts, to provide for its continued expansion efforts. One of the primary goals for 1973 is to insure that all Americans have an opportunity to experience a wealth of cultural activities.

State art councils, in cooperation with the endowment, are making great strides toward this objective. Growing professionalism among the directors, the store of information being gathered from our Nation's cultural resources, and the creativity of State council programs, have contributed immeasurably to our understanding and appreciation of our artistic wealth.

Recently, Harold J. Elias, a member of the Texas Fine Arts Commission from Longview, Tex., expressed his thoughts on the arts in our society in an editorial for the Longview Daily News. I ask unanimous consent that the full text of this editorial be printed in the RECORD.

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

WHY NOT BEAUTY?

(By Harold J. Elias)

In any past society or civilization, its evaluation is the result of its thinkers. The social and monetary values come later. These people who look to the future are found in every profession, but in the area of artistic expression there are more who look ahead and re-examine the past for new paths of self expression.

Although this group is small in number these artists, musicians, poets, and dramatists are in many instances more sensitive to their surroundings, and from their observations, talents and imagination, are the architects who advance their art creating beauty to enhance a community, a country, or even the world.

In past civilizations the arts were supported and nurtured by the church and the nobility. These societies recognized that the practitioner could not make a living then, and there is no reason to believe he can make a living at it today. Many play the violin, piano and guitar, many write and put paint on canvas; this does not make them musicians, poets, dramatists or artists. Art is a world of talent, knowledge, intensive training and experience, and few people ever produce that quality, to be called artists. There are practitioners who make money in the arts, but these are not necessarily artists.

Artists such as Da Vinci, Michelangelo, Mozart or Beethoven, were not always understood in their own time, because their intelligence and creative powers were beyond the average citizen then, and possibly ahead of many even today. There have been artists like Schubert and Van Gogh who produced great works of beauty, but died as paupers unrecognized. Why? Because they were judged by those who did not have the knowledge or ability to understand creative progress.

Centuries ago various societies realized that the artists should be subsidized as the teachers and preachers are today. The nobility and church wanted beauty to enhance their lives, so they saw to it that the artists had the necessary items and commissions to put their creative talents to work. They also gave respect and recognition to creative talent.

The revenue of a community is the total collected taxes from all its citizens. Such revenue must be used intelligently and effectively for the good of the whole community. With this money we build roads, build schools and public buildings. This revenue comes from those contributing who may not be using these roads, have no children to send to school or do not use our public buildings.

Why do we hesitate when it is suggested we maintain a symphony, a threatre or a Civic Center? Because only a handful of people like symphonic music or because only a small group would use a Civic Center? No, only a handful of people use a certain street in our town, but it is built. When will it be that we can put beauty and creative activity on a par with building a street or a public building?

Beauty is found in a good painting, an inspired symphonic concert and a fine theatre production; these belong to and are yardsticks by which to measure a community. A city can by its own efforts lift itself to produce a Civil Center which can have, as only one of its activities, that of being cultural hub of its part of the state. With only a few people to teach and a gentle persuasion to others to see and hear these things, life will gain a quality of stature in this community which will never be the same.

Man can see the real value of the arts, and never be alone, when he can sit down with a good book, enjoy a fine play, listen to great music and be in the company with the great intellects who created it. God has blessed us with these gifts through talented writers, musicians and artists. Make use of them, give your life a dignity and quality you would not have if they were not available. This cultural uplift is just as important to a community as schools, churches, streets, the fire and police departments.

We can, as a unit, use our collective means to produce those things which will give us new horizons to beauty which will excite the mind and the soul. By uniting, I mean beauty is for everyone, not intended for the sophisticated, the diamond or mink crowd or the odd balls; beauty is that glorious quality which can be enjoyed by all.

If you are not aware of this then you are missing one of the great glories of being alive. Longview must see to this for her people. And the people in Longview must see to this for themselves in order that future generations can prosper.

Our future will not be remembered by our social or monetary values. It should be for the future generations to discover how great we were to produce such beauty.

CAUSTIC DETERGENTS

Mr. HARTKE. Mr. President, on October 1 of last year, I introduced an amendment to the Federal Hazardous Substances Act which would have made it clear that the Secretary of Health, Education, and Welfare has the authority to ban or otherwise restrict the sale of caustic household detergents.

My bill was introduced in response to the conflicting statements of administration officials on the question of so-called caustic, nonpolluting detergents versus those detergents which are harmful to our environment. At the time of introduction, I stated that HEW could solve this dilemma by requiring all caustic detergents to bear an appropriate label stating their potential hazard to human health. My bill further provided funds to develop a "childproof" type of container for household detergents to prevent their misuse by children.

To date, no action has been taken, yet a recent article in the Washington Post makes it clear that caustic detergents are extremely hazardous. To permit their unrestricted marketing is to fly in the face of the Federal Hazardous Substances Act.

Mr. President, I call for congressional action to end this serious danger—a danger which is present in millions of American households—and ask unanimous consent that the article be printed in the RECORD.

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

CAUSTIC DETERGENTS ARE SECRETLY SHOWN TO CAUSE BLINDNESS

(By Morton Mintz)

Evidence that a group of household detergents with a small but growing share of the market causes blindness in laboratory animals has been gathered but not disclosed by the Department of Health, Education and Welfare, The Washington Post learned yesterday.

The detergent group, the caustics, poses a hazard primarily for children too young to read the warning labels required by the Food and Drug Administration.

Tests showing that the caustics, which contain little or no phosphate, can cause blindness were done by the National Institute of Environmental Health Sciences at the request of Surgeon General Jesse L. Steinfeld.

The director of the institute, Dr. David Rall, declined to comment. Dr. Merlin K. Duval Jr., assistant secretary of HEW for health and scientific affairs, directed Rall not to disclose the test results—even to Dr. Steinfeld, it was learned.

Steinfeld, who has been at odds with HEW on several issues, set off a flap last September when he advised housewives to use phosphate detergents or soap in preference to the caustics.

He warned that caustics threaten toddlers with a "serious risk of irreversible loss of sight, loss of voice, ulcerations and blockage of the esophagus, severe skin burns and even death."

About 3,900 children a year are reported to eat detergents, although many times that number of cases are believed to go unreported. Extremely few cases of blindness associated with the products are known—but the FDA has never required reporting of eye damage.

In the new studies, however, researchers found that while all detergents cause inflammations in the eyes of rabbits, only the caustics cause permanent damage and blindness.

One qualified source told a reporter that irreversible blindness in a child that touched a caustic detergent to its eyes could occur even if the eyes were to be rinsed a few minutes later.

The FDA, in a report last year on 39 detergents of the caustic and high-phosphate types, said that all of them caused inflammations lasting three days.

Some HEW scientists have complained privately that the FDA insufficiently emphasized the danger from the caustics, despite abundant evidence that it should have done so.

Malcolm W. Jensen, director of the agency's Bureau of Product Safety, said last night that the FDA will propose new regulations this week to require manufacturers to test detergents in rabbit eyes for at least seven days. In the new tests, some cases of blindness were not found until about 14 days, it was learned.

Environmentalists oppose phosphate detergents on the grounds that they cause lakes and rivers to die—a problem Steinfeld has urged be solved with sewage treatment.

Another form of detergent, the so-called NTAs, cause neither blindness nor the death of waterways, but, scientists say, have not been shown to be free of a potential to cause cancer or other serious adverse effects.

MEAT PRICES

Mr. TOWER. Mr. President, today, President Nixon announced his decision to relax meat import quotas in an attempt to increase supply and to meet current demands for beef. Meat prices have been the subject of considerable debate over the past few months. I have opposed increasing meat import quotas and I remain opposed to that action. But we may be faced with raising imports or accepting price controls on raw agricultural products. I see raising imports as the lesser of the two evils.

Price controls on farm produce will not stop the rise in food prices. This is because the basic problem for rising food prices is not on the farm. Farmers are currently receiving about the same price for their products as they were receiving approximately 20 years ago, even though production costs have risen considerably. A possible result of price controls on raw agricultural products is food shortages. We cannot expect the farmer to continue to produce, if he must do so at an economic loss. The profit ratio for American farmers today is already razor thin. Our farmers have been producing over the past many years in an economic climate which reflects the high labor and manufacturing costs of America and simultaneously an economic climate which force their products to compete for sales against foreign produce grown with far less overhead.

U.S. Department of Agriculture and Department of Labor statistics show the plight of the farmer and rancher who produces beef:

The U.S. average wholesale price received by the farmer for all grades of beef cattle in 1951 was $28.70 per hundredweight. Preliminary estimates are that the comparable figure for 1971 was $28.80.

Meanwhile, average hourly employee earnings in the meatpacking industry were $1.56 in 1951, and $4.17 in 1971.

The U.S. average retail price to the consumer in the grocery store for roundsteak in 1950 was 93.6 cents per pound, compared with an estimated 136.1 cents per pound in 1971; and for hamburger the 1950 price was 56.5 cents per pound, compared with 68.1 cents per pound last year.

A one-tenth cent per pound rise in the cost of live cattle simply cannot, by itself, cause a 42.5-cent rise in the consumer price of roundsteak. The cause of high food prices does not lie with the farmer and rancher.

The American farmer has proved to be one of the Nation's most efficient producers. He has never yet failed to meet the demands of the American people for more and better food. I am confident that, without price controls, he will continue to meet growing food demands. But to insure a sufficient supply of food and fiber, we must allow the farmer to make a profit. Price controls on raw agricultural products may erode what is already a very thin farm profit margin. If we act to deny the farmer a profit, we may very well face food production shortages. Drastic measures to control beef and food prices might place us in a new and dire situation; one in which sufficient food is not available at any price.

Today, we are experiencing an increasing demand on the part of consumers for the better cuts of meat. As that demand grows, and as more consumers choose to buy more of the better cuts and less of the cheaper cuts, the price of those better cuts goes up, and this rise contributes to an overall rise in consumer food prices. But a large part of the reason for the increase in demand for the better cuts of meat is the fact that more families are now able to pay the higher prices of these better cuts. Consumers do not suddenly develop a preference for steak over hamburger. They have had that preference all along, but now more of us are achieving the income levels which allow us to buy more steak.

Although most consumers are now spending more dollars in the grocery stores, most consumers are also paying a smaller proportion of their disposable income there.

Price controls on raw agricultural products may temporarily lower the food prices, but such an action might very well lower the supply of food, perhaps drastically. The President noted in his recent news conference that price controls placed on items in short supply can result in black marketing. We must avoid that possibility.

We should be pleased that the incomes of Americans is such that the demand for better, more expensive, cuts of meat are going up. And we should be pleased that the American farmer is producing sufficient quantities so that our population can be fed better than it ever has been. But it would be a grave mistake to impose price controls which might jeopardize our food supply by further diminishing farm profit margins.

An increase in meat imports, undesirable as I think they are, will increase meat supplies. Hopefully this action will enable us to avoid any temptation to impose price controls on raw agricultural products.

LAW ENFORCEMENT PROFESSIONALISM

Mr. HARTKE. Mr. President, a recent article entitled "Indiana Puts Police Work in College," published in the Christian Science Monitor, demonstrates some of the activity in my home State of Indiana to professionalize law enforcement. Although courses in police administration have been taught at Indiana University for some time, recent changes and innovation have expanded the value of the police curricula. A new cadet program and additional courses insure that a graduate will be amply qualified to enter the field of law enforcement.

The program at Indiana University typifies the degree of professionalism that we must achieve if law enforcement is to keep pace with its increasing demands and public expectation. Last fall, upon introduction of S. 2540, I stressed the need for such activities, to be the positive impetus needed to upgrade law enforcement.

We must realize that adequate protection of citizens will not be accomplished by a bumper-strip war against crime. It will be met only through the application of the most sophisticated methods in the fight against crime. S. 2540 projects massive national action like that at Indiana University as the means to provide the citizens of our Nation with the best law enforcement protection possible. The citizens of this country deserve and desire a new standard of excellence in law enforcement.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

INDIANA PUTS POLICE WORK IN COLLEGE

(By Harold F. Bennett)

BLOOMINGTON, IND.—Indiana University has woven the goal of upgrading the professional status of the policeman into its curricula—a new program aimed at giving students who sign up for it a background in law enforcement.

Some courses in police administration have been taught at the university since 1935, but additional courses and a new cadet program have expanded these to provide students with a background of practical experience before they graduate from college.

"Innovative and practical," is the description Robert K. Konkle, superintendent of the Indiana State Police Department, applies to the cadet program. "It should produce the kind of leaders so critically needed in law-enforcement work."

Indiana University students who enter the cadet program fulfill the requirements for a standard university degree. But to be eligible for the program, they must complete their freshman year and must major in subjects related to law enforcement—education,

forensic studies, sociology, data processing, and management.

TRAINING SKETCHED

When they graduate, they offer prospective employers—in addition to the college degree—the equivalent of six months at a police academy and one year of on-the-job training.

Three summer sessions supplement the regular academic courses. Orientation soon after acceptance lasts about one month. Eight weeks of training during the following summer fulfills the minimum requirements of the Indiana Law Enforcement Training Board.

Cadets work and train approximately 20 hours a week with the university safety division. As sophomores, they wear blue slacks and blazers with a distinctive emblem while on duty. At games, concerts, and other public events, as well as during rush hours, some help to direct traffic. Others assist in communications or record keeping, at information centers, or on security patrols. During this period they have no authority to make arrests.

Juniors and seniors are commissioned as full-fledged (but part-time) uniformed police officers. The corps is part of a reorganization offering extended safety services to the entire student body.

Cadets are paid for the police training courses as well as for their working hours. By graduation they may earn up to $7,000. Several scholarships based upon financial need can be earned.

Four of the 37 members of the first class are women. The female role in law enforcement is the subject of a current research project.

Two former policemen are among the students. Roger Allton was a patrolman for more than four years in Greendale. John Bowman also served approximately four years with an Indiana police department. He was a technician in Richmond. Cadets Allton, Bowman, and 11 other military veterans are enrolled under the GI Bill of Rights.

HOW PROGRAM STARTED

The cadet corps is the idea of Irvin K. Owen, appointed university director of the Office of Safety last year. His 23 years with the Federal Bureau of Investigation have enabled him to work closely with police and sheriffs throughout Indiana.

Assistant Director J. Russell Prior, while on loan to the Agency for International Development, taught law enforcement in Brazil, Jordan, and Thailand.

A major share of financing for the cadet program is from federal grants channeled through the Indiana Criminal Justice Planning Agency.

Safety division officials double as faculty members of the university police academy. Part of the appeal of the new program comes from their diversified experience. Besides Mr. Owen, a retired FBI agent, and Mr. Prior, a state policeman for 15 years, faculty include George E. Huntington Jr., city police chief, Ronald F. Bryant, sheriff's executive officer, and James L. Kennedy, county coroner's chief investigator. Guest lecturers also share their expertise.

AWARD TO DR. ROBERT A. BOTTENBERG

Mr. TOWER. Mr. President, on May 3, Dr. Robert A. Bottenberg, at the annual meeting of the President's Committee on Employment of the Handicapped, received the President's Trophy as the Handicapped American of the Year.

Dr. Bottenberg suffered loss of sight, taste, smell, and partial hearing when he was struck by an artillery shell fragment during an assault operation with the 63d Infantry Division in Germany in 1945.

As Sydney Smith said:

A great deal of talent is lost in this world for the want of a little courage.

Dr. Bottenberg has far more than "a little courage." Today he is chief of the Computer and Management Sciences Branch of the U.S. Air Force Human Resources Laboratory at Lackland Air Force Base, Tex. In this position, he manages over a hundred professional and technical personnel.

I ask unanimous consent to have printed in the RECORD the transcript of a speech delivered by Max Robinson, WTOP–TV "Eyewitness News," at the presentation ceremonies in which he describes Dr. Bottenberg's life of courage and determination. He is an inspiration, not only to other handicapped individuals, but to all Americans.

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

A TRIBUTE TO COURAGE

(By Max Robinson)

"Well, Andy, it looks as if I'll have to start over."

These were the first words of a newly-blind soldier to the friend who had dragged him from the path of exploding mortar shells. It was just one day after both men had been wounded in an assault on German fortified positions east of the Rhine River, in the year 1945. The place was a field hospital where casualties of the U.S. Army's 63rd Division had been rushed for medical care.

The private first class who made this statement was 21-year-old Robert A. Bottenberg, whom we honor today as Handicapped American of the Year.

Fate, or the hand of God—call it what you will—had brought him blindness on the battlefield. What had brought him this acceptance of his state, the recognition that one life had been shattered and another must be built?

Mankind calls it courage, which we revere, strive for and can never fully comprehend. To help us understand its embodiment in Robert Bottenberg, we must start at the beginning.

Robert was born in Kansas City, to Grace and Homer Bottenberg. They were wise and loving parents, who encouraged their son's eagerness for learning, his enthusiasm for athletics, camping and nature and his interest in church and Boy Scout activities. Academically, he was at the head of his class, and he excelled in baseball, football and other sports.

Although an only child, he had warm ties to cousins and others in a close family relationship, and many friends.

After high school, Robert went to Kansas City Junior College, with the intention of majoring in chemical engineering. But World War II broke out and he joined the service. He trained with the 63rd Infantry Division in Centerville, Mississippi, and left for Europe in 1944, to see action in France and Southern Germany.

He was a good soldier, his platoon leader recalls, and well liked by his buddies and superiors. He had a habit of saying, "If I get back to Kansas City, I'm going to marry Gene." Gene Laffoon was a girl who went to his church at home, and to the same junior college.

Six months after he arrived in Europe, Robert Bottenberg's optic nerve was destroyed by a shell fragment that pierced his left temple, passed behind his forehead and lodged against his right temple. In addition, he suffered considerable facial damage, some loss of hearing and lost his sense of smell.

And it was on the next day that he said: "It looks as if I'll have to start over."

The first month was grim. Robert was transferred from the field hospital to a hospital in Paris, where the emphasis was on medical treatment, with no attempt at rehabilitation. Then, he was flown to Dibble Hospital, Minelo, California, which specialized in treatment of eye injuries.

This is where Robert's new life began. He was taught to do many things, and new ways of doing others. He learned braille, typing and how to travel. A friend who went to see him reported: "At the end of the visit, Bob said, 'Take my arm and I'll get you out of here.' When he said that, I knew he'd never have a problem."

Three months at Dibble were followed by stays at other hospitals for plastic and medical surgery and a final period of concentrated rehabilitation.

Recalling this time of his life, Robert Bottenberg says: "While I was still undergoing medical treatment, I made the decision to go to college. It was really only a question of how I was going to school, not whether I was." He was encouraged in this decision by the doctors and other staff at the hospitals where he convalesced.

In July 1946, Robert was separated from the Army, returned to Kansas City and in the same month, keeping his promise to himself, he married Gene.

They moved to Columbia, where Robert attended the University of Missouri. He had given up the idea of becoming a chemical engineer, realizing that blindness would limit participation in laboratory work, and decided instead on a degree program in psychology, with the tentative goal of teaching at the college level.

Under Public Law 16 which applied to disabled veterans, he was able to hire sighted individuals to read his text book assignments for recording on a sound scriber. He took lecture notes in braille, which Gene, too, learned. And she was a readily available reader. Another help was a keen memory which Robert further developed, along with his reasoning powers, by doing calculus problems in his head.

In two years he earned his BA degree, graduating Phi Beta Kappa. Next came a non-academic achievement—the first of the Bottenberg's three daughters, born in 1949.

Robert earned his MA degree the following year and the family moved to California. At Stanford University he began to work toward his PhD in psychology, with a minor in mathematical statistics. By a quirk of fate, the Bottenberg apartment was in a building that once had been part of Dibble Hospital, where Robert's new life had started just five years earlier.

By 1953, he had finished the written part of his thesis and his faculty adviser, impressed by his brilliance, contacted the Air Force's Personnel Research Laboratory at Lackland Air Force Base, San Antonio, Texas, and recommended Robert for employment there. That same year, he started work at Lackland. Four years later, he completed his thesis and was awarded his PhD.

During his years at Lackland, Dr. Bottenberg had climbed steadily up the career ladder, enriching his background by attending seminars and courses in computer sciences, mathematics, statistics and psychology. In 1963, with Joe H. Ward, Jr., he co-authored a book, "Applied Multiple Linear Regression," which is a classic in the field of applied statistical techniques.

Today, he is Chief of the Computer & Management Sciences Branch, Personnel Research Division, Air Force Human Resources Laboratory. In this capacity, he manages a work force of over 100 professional and technical personnal engaged in the solution of

Air Force personnel management problems. He is the focal point in the Air Force for the formulation and development of mathematical models of its personnel system. He also acts as consultant on scientific and operational operations to Federal agencies, educational institutions and research foundations

Impressive as his academic and professional achievements are, they reflect only part of the man who is Robert Bottenberg.

When called upon by the Texas Commission for the Blind, he tutors blind youngsters in mathematics and braille, and helps them adjust to their handicap. He encourages and inspires blind veterans at Brooke General Hospital, where they undergo medical treatment before receiving rehabilitation. He has served as president of the Blinded Veterans Association, was a member of the Advisory Committee for the Blinded Veterans Research Project carried out by the American Foundation for the Blind, and serves on the Advisory Committee to the Sensory Aids Evaluation Research Center at M.I.T.

In his community, he belongs to the Kiwanis, and is on the session of the Grace Presbyterian Church, where he and his wife teach in the church school. No doubt because he is the father of daughters and Mrs. Bottenberg remains active in the Girl Scouts, he is as enthusiastic a spokesman for Girl Scout cookies as can be found anywhere.

He is a father who built a playhouse for his girls when they were small, and played and went bike riding with them. He never tired of their constant "What's for dessert?" query, which he answered with "Chocolate covered nails" until the night they persuaded their mother to serve exactly that.

He taught his wife and one of his daughters to drive a car, and when someone asked in amazement, "How could you do that?" he replied: "It didn't bother me a bit. I couldn't see a thing."

With Mrs. Bottenberg he enjoys theatergoing, dining out, bridge, and working in the garden. And in their garage is a bicycle built for two.

Dr. Robert A. Bottenberg—soldier, scholar, scientist, citizen and family man—we pay tribute today to your courage, your achievement and your humanity, and we salute you as Handicapped American of the Year.

JOHN PAUL VANN

Mr. TOWER. Mr. President, John Paul Vann, probably more than any other American, symbolized the U.S. commitment in Vietnam. For 11 years he served as a leader, an adviser, and a fierce proponent of the American effort to prevent a Communist takeover of South Vietnam, never wavering in his belief that the South Vietnamese could and would defend themselves.

Rising from the military rank of lieutenant colonel, Vann, at his death was the third-ranking American in Vietnam, serving as chief U.S. adviser in the military region II. He was flying to the embattled provincial capital of Kontum when the crash of his helicopter took his life.

John Paul Vann was a man so committed to his responsibilities, to the South Vietnamese, and to his own country, that he took risks daily which others found unacceptable. He inspired leadership, courage, and confidence in those around him. He commanded a respect unequaled in South Vietnam.

Mr. President. the death of John Paul Vann is a crushing blow to those of us who knew him and respected him. At Arlington Cemetery R. W. Komer captured the very spirit of the man in a brief but stirring tribute to this extraordinary American. I ask unanimous consent that the tribute of Ambassador Komer to John Paul Vann be printed in the RECORD.

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

A TRIBUTE TO JOHN PAUL VANN

For me, as I suspect for most of you, it's hard to believe that John is dead. His mortal remains may lie here before us—but they can't evoke the courage, the spirit, the exuberant energy, the earthy vitality, the sheer gutsiness of the John Vann we knew.

To us who worked with him, learned from him, and were inspired by him, he was that scrawny, cocky little red-necked guy with a rural Virginia twang—always on the run like a human dynamo, sleeping only four hours a night, almost blowing a fuse at least twice a day, knowing more than any of us about what was really going on, and always telling us so. And any of us with his head screwed on right invariably listened.

That's the John Vann we remember. He was proud to be a controversial character—a role he played to the hilt.

I've never known a more unsparingly critical and uncompromisingly honest man. He called them as he saw them—in defeat as well as victory. For this, and for his long experience, he was more respected by the press than any other American official. And he told it straight to everyone—not just to them or his own people, but to presidents, cabinet officers, ambassadors and generals—letting the chips fall where they may. After one such episode I was told (and not in jest) to fire John Vann. I replied that I wouldn't—and couldn't; that in fact if I could only find three more John Vanns we could shorten the war by half.

If John had few illusions, he also had no torturing doubts about *why* he was in Vietnam—to help defend the right of the South Vietnamese people, whom he loved, to live in freedom. He probably knew more Vietnamese and worked more closely with them, sharing their trials as well as their joys, than any other American. He was more at home in the hamlets, where he so often spent the night, than in the offices of Saigon.

But John was more than a talented advisor. In uniform or out, he was a born leader of men. Personally fearless, he never asked anyone else to do what he wouldn't do himself. To him the role of a leader was to lead, regardless of the risk. He was the epitome of the "can do" guy. And I've never met one among the thousands of men who served with or under John who didn't admire him. He educated and inspired a whole wartime generation of Vietnamese and Americans—as our teacher, our colleague, our institutional memory, our hairshirt, and our friend.

But John's greatest achievement, which he fortunately lived to see come close to fruition, was to play a major role in shaping a more rational South Vietnamese response to internal rebellion and external attack. He passionately believed that the South Vietnamese could win their own war and that the belated pacification effort to which he contributed so much was essential to achieving that goal. Long a prophet without honor among his own colleagues, he ended up a widely influential member of the top U.S. advisory team—able to practice what he so ardently preached. When I last visited him this February in Kontum, Pleiku, and Bin Dinh, he felt we had finally achieved a high degree of security and development in the countryside, and was confident that Hanoi's pending use of its only remaining option—bringing down the rest of its regular army—would fail to reverse this trend.

I am sure John died the way he would have preferred—in action, again putting his finger in the dike—en route to buck up the defenders of Kontum. In his last letters he forecast that Kontum would hold. As so often, he seems proved right again.

It's also fitting that John should lie in Arlington, among our nation's fallen military men. For he was the highest type of professional soldier, whose last tour fulfilled his secret longing to be back in command of American troops. But John was more than a professional soldier—he understood well that firepower alone was not the answer to Vietnam's travail—and few did more to protect and build. Let us hope that his real monument will be the free and peaceful South Vietnam for which he fought so well.

Yet whether or not this tragic conflict ends with that aim fulfilled, all of us who served with Vann will long remember him. He is not a man who will be easily forgotten. So we salute one of the authentic heroes of a grim unpopular war, who gave all of himself to the cause he served, finally even his life. No, we shan't forget you, John. You were the best we had.

OMNIBUS CRIMINAL JUSTICE REFORM AMENDMENT OF 1972

Mr. MATHIAS. Mr. President, S. 3492, the Omnibus Criminal Justice Reform Amendment of 1972 was introduced on April 12, 1972. At that time, the text of the bill was not inserted in the CONGRESSIONAL RECORD. However, due to its popularity, I now ask unanimous consent that the full text of the bill appear in the RECORD. I urge Senators to read the bill, and on behalf of myself and the 12 sponsors of S. 3492, we welcome any additional cosponsorship.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Criminal Justice Reform Amendment of 1972".

DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that—

(1) the ever-increasing number of serious crimes committed in the United States, the backlog of criminal cases in the courts, and the overcrowded and inadequate conditions of correctional institutions are such that only comprehensive reform can achieve a truly adequate system of criminal justice in the United States;

(2) effective control and prevention of crime can best be attained if States and localities adopt comprehensive criminal justice reforms, including reforms in recruiting, training, compensating, and supervising police and other law enforcement personnel, expediting and improving criminal court procedure, and strengthening correctional systems;

(3) the recommendations of the President's Commission on Law Enforcement and the Administration of Justice, together with the planning and recommendations of a number of State planning agencies and commissions and other agencies, provide an excellent basis for the adoption of such reforms;

(4) the responsibility for law enforcement and the administration of criminal justice is essentially the responsibility of State and local governments, but the Federal Government has a responsibility and a unique opportunity to provide financial and technical assistance to encourage comprehensive criminal justice reform;

(5) the security, economic stability, peace, and tranquility of many of the cities of the Nation are threatened by an alarming rise

in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

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

(7) experience has shown that the development, administration, and delivery of effective programs designed to bring about reform of the entire criminal justice system pose extremely difficult, complex, and long-term problems for the offender, the State, and the local community;

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

(9) the crime rate in the United States would drop significantly if most convicted criminal offenders returned to the community as responsible citizens;

(10) a substantial percentage of convicted criminal offenders become recidivists, and for many such offenders, correctional institutions have often been a detriment to rehabilitation;

(11) a large proportion of convicted criminal offenders come from backgrounds of poverty and are members of groups that suffer from economic and social disadvantages;

(12) recidivism will be reduced among convicted criminal offenders who are offered vocational rehabilitation and training so that they may obtain and hold decent jobs;

(13) a major commitment by the Federal Government, including assistance to the State, is necessary to marshall the Nation's educational, training, vocational rehabilitation, and employment resources to institute an adequate and effective program for the rehabilitation of convicted criminal offenders;

(14) a reorganization of the Federal departments and agencies dealing with people, probation, and other activities relating to the disposition of Federal offenders is necessary to insure a unified and coordinated approach to the rehabilitation of such offenders, and the protection of society; and

(15) the Federal Government has unique responsibility for formulating coordinated Federal corrections policies with regard to prison construction, the appointment and training of corrections personnel, pretrial and posttrial release programs, alternatives to incarceration, the establishment of a national clearinghouse and study center for corrections, and other similar activities.

DEFINITIONS

SEC. 3. As used in this title—

(1) "administration" means the Law Enforcement Assistance Administration;

(2) "administrator" means the Administrator of the Law Enforcement Assistance Administration;

(3) "criminal offense" includes juvenile offense, except as otherwise specified;

(4) "locality" means any city or other municipality (or two or more municipalities acting jointly) or any county or other political subdivision or State (or two or more acting jointly) having general governmental powers;

(5) "Federal agency" means any department, agency, or independent establishment in the executive branch of the Government, including any wholly owned Government corporation; and

(6) "State" means each of the several States of the Union, and the District of Columbia.

TITLE I—GRANTS FOR CRIMINAL JUSTICE REFORM AMENDMENT TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

SEC. 101. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended at the end thereof the following:

"PART K—GRANTS FOR COMPREHENSIVE CRIMINAL JUSTICE REFORM

"SEC. 701. It is the purpose of this part to encourage States and units of general local government to develop comprehensive programs to strengthen and reform the criminal justice system within the State.

"SEC. 702. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the administration establishes under section 704 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the administration for that fiscal year in accordance with section 302 of this title.

"SEC. 703. The administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan—

"(1) sets forth a comprehensive approach to a statewide program of criminal justice reform, including construction, acquisition, or renovation of facilities and improvements of practices in and throughout the State to recruit, train, compensate, and supervise police and other law enforcement personnel; expedite and improve criminal court procedures and strengthen correctional systems;

"(2) provides satifactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurance that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides satisfactory emphasis of the development of statewide cooperation with all units of local government to facilitate criminal justice reform within the State; and

"(5) complies with the same requirements for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303.

"SEC. 704. The administration shall by regulation prescribe basic criteria for applicants and grantees under this part, and such regulations shall include the following:

"(1) such State and each such locality within such State eligible to receive assistance under this title must establish with respect to police and other similar law enforcement personnel—

"(A) standards for recruitment which are uniform throughout the States;

"(B) appropriate educational requirements for advancement which are uniform throughout the State;

"(C) beginning compensation and increases in compensation which are appropriate for a professional, considering the size of the community and the cost of living in the community in which such personnel serve;

"(D) a retirement system that is uniform throughout the State, and a statewide pension plan for such personnel;

"(E) to the extent possible, uniform promotional policies for such personnel throughout the State;

"(F) to the extent appropriate, standard operational procedures for such personnel throughout the State;

"(G) lateral entry between law enforcement agencies of each locality within the State and between Federal, State, and local law enforcement agencies located within the State, with appropriate conditions on the period of initial service for such personnel; and

"(H) facilities offering short-term mandatory training for all such personnel within the State;

"(2) each such State and locality within such State having jurisdiction over the trial of criminal offenses must implement such necessary reforms as will insure that (A) the trial of all such offenses (excluding juvenile offenses) will be commenced no later than sixty days from the date on which the defendant was charged by the authorities with such offense, whichever occurs first, and (B) the charges will be dismissed with prejudice for failure to comply with the requirements of this paragraph, except that the administrator shall, by regulation, provide for the exclusion from such sixty-day period of any periods of delay that he designates as may reasonably be necessitated in the interest of justice; and reforms under this paragraph may include, without limitation—

"(i) increasing the number of judges trying criminal offenses;

"(ii) improving the efficiency of criminal court procedures;

"(iii) appointing professional court administrators; and

"(iv) increasing personnel engaged in prosecuting and defending criminal cases;

"(3) each such State and, where appropriate, each such locality within such State eligible to receive assistance under this title—

"(A) shall establish a system for classifying persons charged with, or convicted of, criminal offenses so as to permit individualized treatment and security standards appropriate to the individual;

"(B) shall establish a range of correctional facilities that are adequately equipped and staffed to treat the particular classifications of inmates assigned there, including small-unit, community-based correctional institutions;

"(C) shall provide comprehensive vocational and educational programs designed for the special needs of rehabilitating each class of persons charged with or convicted of criminal offenses;

"(D) shall provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected, or runaway children;

"(E) shall establish standards applicable throughout the State for local jails and misdemeanant institutions to be enforced by the appropriate State corrections agency;

"(F) shall provide parole and probation services for felons, for juveniles, for adult misdemeanants who need or can profit from community treatment, and supervisory services for offenders who are released from correctional institutions without parole;

"(G) shall establish caseload standards for parole and probation officers that vary in size and in type and intensity of treatment according to the needs and problems of the offender;

"(H) shall establish statewide job qualifications and compensation schedules for correctional officers, including probation and parole officers, along with a mandatory system of inservice training; and

"(I) shall develop and operate programs of treatment and rehabilitation for persons suffering from alcoholism and drug abuse, available both to inmates and as an alternative to incarceration;

"(4) each State eligible to receive assistance under this title shall have under study by an appropriate and responsible group for consolidation of law enforcement agencies within such State best suited to the particular needs of that State; and will report to the administrator on its findings not later than two years following the approval of its State plan;

"(5) each State and locality eligible to receive assistance under this title must have under study by appropriate and responsible group the application of the criminal laws, as well as the propriety of the application of such laws to—

"(A) alcoholism and drunkenness;

"(B) narcotics addiction and drug abuse;

"(C) gambling;

"(D) vagrancy and disorderly conduct; and

"(E) such other related areas which the State deems appropriate and will report to the administrator on its findings with respect to such matters not later than two years after the approval of its State plan.

"SEC. 705. The administration may, by regulation, waive some of the basic criteria, whenever the administrator deems that to do so would permit a less densely populated State to participate and would further the objectives of the Criminal Justice Reform Amendments of 1972.

"SEC. 706. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the administration as follows:

"(1) 50 per centum of the funds shall be available for State planning agencies; and

"(2) the remaining 50 per centum of the funds may be made available, as the administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"SEC. 707. (a) The administration is authorized to make grants to and to provide technical assistance to States and to localities in accordance with the provisions of this part, beginning July 1, 1972, and ending

"(b) There is hereby authorized to be appropriated $300,000,000 to carry out the purposes of this part."

TITLE II—URBAN CRIME REDUCTION

SEC. 201. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end thereof the following:

"PART L—EMERGENCY URBAN CRIME REDUCTION GRANTS

"AUTHORIZATION

"SEC. 801. (a) There is authorized to be appropriated to carry out the provisions of this part $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

"(b) The administrator is authorized to make grants to eligible cities that have applications approved under this title to pay the Federal share of the costs of carrying out the projects described in such applications.

SUBPART 1—EMERGENCY PROGRAM

"SEC. 802. It is the purpose of this part to encourage and aid eligible cities and units of local government to develop and implement programs to reduce urban crime.

"ALLOTMENTS TO ELIGIBLE CITIES

"SEC. 803. (a) Funds appropriated to carry out this part shall be allotted by the administrator to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

"(b) For the purpose of this part—

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

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

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

"(d) If the administrator determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the administrator may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the administrator estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this part, and the total of such reduction shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allot * * * under section 224. Each such application shall—

"SEC. 804. (a) An eligible city desiring to receive its allotment of Federal funds under this subpart shall submit an application, consistent with the provisions of this section and other requirements as the administrator may establish under section 224. Each such application shall—

"(1) set forth a program for—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"SEC. 805. As soon as practicable after the enactment of this part, the administrator shall by regulations prescribe basic criteria for the full range of projects for which funds

may be used under clauses (A), (B), and (C) of section 804(a)(1).

"SEC. 806. (a) In order to carry out the provisions of this subpart, the administrator is authorized—

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

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

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

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

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

"(6) to accept voluntary and uncompensated services, notwithstanding the provisions of section 665(b) of title 31, United States Code; and

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

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

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

"SEC. 807. (a) The administrator shall not finally disapprove any city plan submitted under this part, or any modification thereof, without first affording the city coordinating council submitting the plan reasonable notice and opportunity for a hearing.

"(b) Whenever the administrator after reasonable notice and opportunity for hearing to the council administering a plan of an eligible city approved under section 223, finds that—

"(1) the plan has been so changed that it no longer complies with the provisions of such section; or

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

"SEC. 808. (a) Payments under this part shall be made from an eligible city's allotment to any such city which administers an application approved under section 223. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

"(b) Payments to an eligible city under this part may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

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

"SEC. 809. In order to provide assistance to cities, municipalities, and units of local government that do not qualify as eligible cities under section 802, the administrator may provide grants not to exceed 20 per centum of the authorized amount of section 801 on a demonstration basis directed at aiding units of local government to concentrate their law enforcement resources on the reduction of violent street crime.

"Subpart 2—Street Crime Reduction

"SEC. 811. For the purpose of this subpart—

"(1) the term 'eligible city' means any city having a population of at least two hundred and fifty thousand persons desiring to participate in a program under this part and determined by the administrator to have a high incidence of street crime; and

"(2) the term 'street crimes' means robbery, rape, assault, and any other serious offense, committed by a stranger upon the victim either on the street or in his place of residence.

"SEC. 812. (a) Any eligible city desiring to participate in a program under this subpart shall submit an application to the administrator in such time and containing information as the administrator may reasonably require. Each application shall—

"(1) describe with particularity the programs and activities which that eligible city, after consultation with the administrator, determines will best contribute to reducing street crime, including—

"(A) public education concerning protection against and prevention of the commission of street crimes;

"(B) increased police patrolling and any new or innovative police activities or equipment designed to reduce street crime;

"(C) priority for the prosecution of offenders who have committed street crimes;

"(D) speedier trials and other strengthened procedures in the criminal courts located in that city to more expeditiously prosecute offenders who commit street crimes; and

"(E) special rehabilitative efforts in correctional institutions designed to help particularly first offenders who have committed street crimes;

"(2) provide assurances that the city will pay from non-Federal sources the remaining costs of such an application;

"(3) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursal and accounting of Federal funds paid to the eligible city (including such funds paid to the eligible city (including such funds paid by the eligible city to any agency of that city)) under this part; and

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

"(b) Before approving an application under his subpart the administrator shall consult with the applicant eligible city in order to develop jointly the most effective program for the reduction of street crimes in that city. The administrator shall approve any application and any modification thereof which complies with the provisions of this section and he shall not thereof without affording the eligible city notice and an opportunity for a hearing.

"SEC. 813. In order to carry out the provision of this subpart, the administrator is authorized—

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

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

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

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

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

"(6) to accept voluntary and uncompensated service, notwithstanding the provisions of section 665 (b) of title 31, United States Code.

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

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

"SEC. 814. (a) Payments under this part shall be made to an eligible city in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayment or underpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the governing party of such city, or to both.

"(b) The Federal share shall not exceed ——— per centum of the costs of carrying out such application.

"SEC. 815. Whenever the administrator, after giving reasonable notice and opportunity for hearing to an eligible city receiving a grant under this part, finds—

"(1) that the program or project for which such grant was made has been so changed that it no longer complies with the provisions of this part; or

"(2) that in the operation of the program or project there is failure to comply substantially with any such provisions; the administrator shall notify such eligible city of his findings and no further payments may be made to such eligible city by the administrator until he is satisfied that such noncompliance has been, or will promptly be, corrected. The administrator may authorize the continuance of payments with respect to any projects pursuant to this Act which are being carried out by such eligible city and which are not involved in the noncompliance."

TITLE III—JUVENILE DELINQUENCY

PART A—CONGRESSIONAL FINDINGS

SEC. 301. The Congress finds that:

(1) Delinquency among the youth of this country continues to be a national problem.

(2) While much progress has been made in developing services which can assist in solving the program of juvenile delinquency, obstacles to the effective provision of those services still exist.

(3) These obstacles often take the form of fragmentation among many agencies and organizations of the responsibility for providing services to juvenile delinquents and those in danger of becoming delinquent; structural rigidity and arbitrary categorization of Federal, State, and local programs; and lack of coordination and communication among agencies and organizations which provide services to youth.

(4) Apply and develop innovative means of dealing with the problem of juvenile delinquency.

(5) There is a need to assist States and units of local government in the prevention of juvenile delinquency and encourage and assist State and local agencies to enter into new cooperative arrangement.

(6) There is a need to encourage comprehensive youth services systems among the States which will—

(a) assist in the prevention of juvenile delinquency or the rehabilitation of youth who are delinquent;

(b) improve the delivery of services to individuals who are delinquent or in danger of becoming delinquent; and

(c) divert as many juveniles as possible from the established system of criminal justice and the traditional methods of law enforcement.

(7) There is a need to delineate the responsibilities of the Department of Justice and the Department of Health, Education, and Welfare with regard to their programs and activities in the area of the prevention, treatment, and rehabilitation of juvenile delinquency.

(8) There is a need to provide greater protection for juveniles in the Federal courts of the country.

PART B—THE CREATION OF THE JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

DEFINITIONS

SEC. 311. For purposes of this title—

(1) The term "youth services" means services which assist in the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent, including, but not limited to: individual and group counseling, family counseling, diagnostic services, remedial education, tutoring, alternate schools (institutions which provide education to youths outside the regular or traditional school system), vocational testing and training, job development and placement, emergency shelters, halfway houses, extended probationary and parole services, aftercare services, health services, drug abuse programs, social cultural, and recreational activities, the development of paraprofessional or volunteer programs, community awareness programs, runaway homes, foster care and shelter care homes, group homes and any other community-based treatment or rehabilitative facility or service, and legal services.

(2) The term "comprehensive youth services system" means a coordinated system, separate from the system of juvenile justice (which encompasses agencies such as the juvenile courts, law enforcement agencies, and detention facilities) for providing youth services to an individual who is delinquent or in danger of becoming delinquent and to his family in a manner designed to—

(a) facilitate accessibility to and utilization of all appropriate youth services provided within the geographic area served by such system by any public or private agency, organization, or institution which desires to provide such services through such system;

(b) identify the need for youth services not currently provided in the geographic area covered by such system, and, where appropriate, provide such services through such system;

(c) make the most effective use of youth services in meeting the needs of young people who are delinquent or in danger of becoming delinquent, and their families;

(d) use available resources efficiently and with a minimum of duplication in order to achieve the purposes of this Act; and

(e) identify the types and profiles of individual youths who are to be served by such a comprehensive system.

(3) The term "State" includes the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(4) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(5) The term "chief executive" means the Governor of the State in the case of any of the fifty States, and, in the case of the other States, the chief executive officer thereof.

JUVENILE DELINQUENCY PREVENTION AND COORDINATION ADMINISTRATION

SEC. 312. There is hereby established within the Department of Health, Education, and Welfare the Juvenile Delinquency Prevention and Coordination Administration to be directed by an Administrator of Juvenile Delinquency Prevention, who shall be appointed by the President by and with the advice and consent of the Senate. The administrator shall be executive head of the agency and shall exercise all necessary powers subject to the direction of the Secretary of Health, Education, and Welfare.

PLANNING GRANTS

SEC. 313. (a) The purpose of this section is to encourage States and units of general local government to develop and administer a comprehensive youth services system for delinquency prevention and coordination.

(b) The administration shall make grants to the State for the establishment and operation of a Juvenile Delinquency Prevention and Coordination Planning Agency hereinafter referred to as the Juvenile Delinquency Planning Agency, for the preparation, development, and revision of State plans required under section 314 of this title. Any State may make application to the administration for such grant within one year of the enactment of this title.

(c) (1) The grant made under this subparagraph by a State shall be utilized by the State to establish and maintain a Juvenile Delinquency Planning Agency. Such agency shall be created or designated by the chief executive of the State and shall be subject to his jurisdiction. Such agency must be given authority to coordinate activities of State operating agencies involved in education, mental health, public health, welfare, youth development and vocational education as they relate to delinquency prevention. The State planning agency shall be representative of these juvenile delinquency prevention and youth development agencies and units of general local government within the State. In order for a Juvenile Delinquency Planning Agency to be approved by the administrator, he must have assurances, pursuant to developed guidelines, that it represents a wide spectrum of disciplines and the social and economic facets of the community. Any existing statewide agency which meets these qualifications and fulfills the objectives of this Act may qualify and be designated by the Governor as the Juvenile Delinquency Planning Agency.

(c) (2) The Juvenile Delinquency Planning Agency, shall, in accordance with regulations and guidelines promulgated by the Administrator, (a) develop in accordance with section 314 a statewide comprehensive youth services system for juvenile delinquency prevention throughout the entire State, (b) define, develop, and coordinate juvenile delinquency prevention programs for the State and units of general local government in the State, (c) establish goals, standards, and priorities for the improvement of juvenile delinquency prevention throughout the State.

(c) (3) The Juvenile Delinquency Planning Agency shall make such arrangements, as are required by regulations developed by the administrator, to assure that adequate planning funds are made available to units of local government within the State. In allocating funds under this subsection the State planning agency, pursuant to regulations developed by the administrator, must assure that major cities and counties within the State receive adequate planning funds to develop comprehensive programs and coordinate functions at the local level.

(d) A Federal grant authorized under this section may provide 100 per centum of the expenses for establishment and operation of the State planning agency, for the preparation, development, or revision of the plan required by section 314, and for the coordination of juvenile delinquency prevention programs.

(e) Funds appropriated to make grants under this section for a fiscal year shall be allocated by the administration for use therein by the State planning agency or unit of general local government as the case may be. The administration shall allocate $250,000 to each of the States and it shall then allocate the remainder of such funds available among the States according to their relative population. Where the State has no clearly demonstrated need for $250,000 allocation, the administration after notice and opportunity for hearing may grant less than $250,000 to the State. Where the State fails to file an application for a planning grant, the administrator may grant the funds available in this section to units of local government within the State.

(f) No State shall receive planning money under this title, if, after two annual planning grants allocated to the Juvenile Delinquency Planning Agency, said agency has not had approved by the Administrator, a youth services system as required in section 314 of this title.

ASSISTANCE FOR JUVENILE DELINQUENCY PREVENTION AND COORDINATION

SEC. 314. (a) The Administrator is authorized to make grants to States having State comprehensive youth service systems for establishing and operating programs for juvenile delinquency prevention and for coordination of such efforts.

(b) Any State desiring to participate in the grant program under this section shall establish a State planning agency as described in section 313.

(c) The Administration shall make grants under this chapter to a Juvenile Delinquency Planning Agency if such agency has on file with the Administration an approved comprehensive youth services system plan which conforms to guidelines and regulations set forth by the Administrator. No State plan shall be approved as comprehensive unless the Administrator finds that the plan provides for, (a) adequate resources for urban areas or areas of high juvenile crime, and (b) the allocation of adequate resources to deal with alternative methods of handling traditional law enforcement problems in those geographic areas characterized by high juvenile delinquency incidence and activity. Each plan shall—

(1) provide for the administration, supervision, or coordination of such plan by the State planning agency and any local agency where appropriate;

(2) provide adequate opportunity for recipients of youth services and public or private agencies, organizations, or institutions rendering youth services within the State to present their view to the Juvenile Delinquency Planning Agency with respect to such plan;

(3) include a description of—

(A) the functions, programs, and services which will be coordinated and the agencies and organizations which have agreed to participate in this coordinated effort;

(B) the administrative program which will lead to a stated efficiency to be achieved by the plan;

(C) the procedure which will be established for protecting the rights under Federal, State, and local law of recipients of youth services and shall assure appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(D) the procedure which will be established for evaluation of programs supported with funds granted under this section; and

(E) such other information as the Administrator deems to be necessary for carrying out the purposes of this Act;

(4) provide for special programs dealing with minority and disadvantaged youth;

(5) provide a comprehensive data review of delinquency statistics and youth problems;

(6) clearly identify current delinquency prevention services in the State including manpower services, demonstration programs, vocational and career training programs;

(7) include five- and ten-year goals and clearly define the increase or modified State expenditures that will be used to fully implement program and concepts under this Act;

(8) set forth procedures and policies designed to assure that Federal funds made available under this section will be so used as not to supplant State or local funds but to increase the amount of such funds that would in the absence of such Federal funds be made available for law enforcement;

(9) provide for comprehensive State fiscal and audit control of expenditures in accordance with regulations promulgated by the Administrator; and

(10) provide for coordination with those programs which are funded through the Safe Streets Act of 1968, as amended.

(d) The funds appropriated each fiscal year to make grants under this section shall be allocated by the Administration as follows:

(1) 70 per centum of such funds shall be allocated among States according to their respective population for grants to juvenile delinquency planning agencies.

(2) 30 per centum of such funds, plus any additional amount made available by virtue of other sections, of this Act, may in the discretion of the Administrator, be allocated among the States for grants to units of general local government or combinations of such units, according to developed guidelines and criteria and on the terms and conditions the Administrator determines consistent with this Act. Grants made from funds available under this section may be up to 80 per centum of the costs of the programs or projects for which such grant is made. In the case of a grant or subgrant to an Indian tribe, or a low income area defined by the Administrator, if the Administrator determines that the tribe or such areas do not have sufficient funds available to meet the required share of the cost of any program or project to be funded, the Administrator may increase the Federal share of the costs thereof.

(e) If the Administrator determines a date certain that a portion of the funds allocated to a State for grants to the juvenile delinqueficy planning agency under this section will not be required by the State or that the State will be unable to qualify to receive any portion of the funds under the requirements of this Act, that portion shall be available for reallocation to other States under paragraph (1) of subsection (d) of this section.

(f) Juvenile delinquency planning agencies shall receive application for financial assistance from units of general local government and combinations of such units. When a planning agency determines that such an application is in accordance with the provisions of this Act and the comprehensive plan, the planning agency is authorized to disburse funds to the applicant.

(g) Where a State has failed to have youth services plan approved under this title within the period specified by the Administrator for such purposes, the funds allocated for such State under paragraph (1) of subsection (d) of this section shall be available for reallocation by the Administrator under paragraph (2) of subsection (d) of this section. The failure of any State to submit such comprehensive plan shall not deprive any city or local government located within such State to receive money under this Act if it complies with the criteria set forth by the Administrator. Such criteria shall include comprehensive planning for that geographical area. The Administrator in his discretion may reallocate among the States and these cities on a population basis planning funds originally allocated for such planning agencies under section 313 of this Act if such State has failed to have its comprehensive plan approved.

(h) Youth already under the authority of the juvenile justice system may be accepted for a specific type of care or service if—

(1) such care or service is ordered by the court which has jurisdiction over the child; and

(2) such care or service is consented to by the correctional agency which has jurisdiction over the child; and

(3) if the child consents to such a service or program.

PAYMENTS

SEC. 315. Payments under grants or contracts made under section 4 may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

EVALUATION AND TECHNICAL ASSISTANCE

SEC. 316. (a) The Secretary may, directly or by grant or contract, evaluate programs assisted under section 314 in order to determine the achievements of such programs and the efficiency and effectiveness of the youth services provided on a coordinated basis thereunder. In addition to funds otherwise available therefor, such portion of any appropriation to carry out this Act as the Administrator may determine, but not less than 1 per centum thereof, shall be available to him for carrying out this subsection.

(b) The Administrator shall disseminate the results conducted under subsection (a), as well as other information concerning comprehensive youth services systems and significant findings of research activities in the field of delinquency prevention and youth development, to interested agencies, organizations, institutions, and individuals.

(c) The Administrator shall provide, directly or by grant or contract, such technical assistance as he determnes to be necessary to assist public or nonprofit private agencies, organizations, or institutions in the planning, establishment, or operation of comprehensive youth services systems, or in the provision of youth services.

DEVELOPMENT OF RESEARCH AND INNOVATIVE METHODS

SEC. 317. The Administrator shall collect, synthesize, and formulate useful information and data on youth development, delinquency, delinquency prevention and rehabilitation, and related matters and disseminate upon request to Federal, State, local, and private agencies and concerned citizens. On the basis of the Administrator's research and analysis, he shall directly or by grant or contract, develop and test new and innovative methods whch, in his judgment, show promise of making a substantial contribution toward the prevention of juvenile delinquency or in the rehabilitation of youths who are delinquent or in danger of becoming delinquent.

INTERDEPARTMENT COORDINATION

SEC. 318. (a) It shall be the responsibility of the Administrator to coordinate the juvenile delinquency activities of all Federal agencies. Any Federal agency shall consult with and seek advice from the Administrator to insure fully coordinated efforts and the Administrator shall undertake to coordinate such efforts.

(b) There shall be an Advisory Council on Juvenile Delinquency (hereinafter in this section referred to as the "Council") composed of the Attorney General or his designee, the Administrator of Juvenile Delinquency Prevention and Coordination and the representatives of such other departments or agencies as the President may designate.

(c) The functions of the Council shall be to assist the Administrator in the coordination of all programs and activities within the Federal Government which relate to juvenile delinquency prevention or rehabilitation.

(d) The Administrator shall serve as the Chairman.

(e) The Council shall meet a minimum of six times per year and shall submit to the President an annual report which shall contain, among other things, a description of the activities of the Council and of the activities relating to juvenile delinquency of the Federal departments and agencies.

ADMINISTRATIVE PROVISIONS

SEC. 319. (a) The Administrator is authorized and shall establish within ninety days of enactment of this Act and where appropriate after consultation with representatives of States and units of general local government, such rules, regulations, and procedures as are necessary to the exercise of its functions, and are consistent with the stated purpose of this Act.

(b) The Administrator may delegate to any officer or official of the Administration, or, with the approval of the Secretary, to any officer of the Department of Health, Education, and Welfare, such functions as he deems appropriate.

(c) Subject to the civil service and classification laws, the Administrator is authorized to select, appoint, employ, and fix compensation of such officers and employees, including hearing examiners, as shall be necessary to carry out his powers and duties under this chapter.

(d) (1) Whenever the Administrator, after reasonable notice and opportunity, finds that, with respect to any payments made or to be made with this chapter, there is a substantial failure to comply with—

(A) the provisions of this Act;

(B) regulations promulgated by the Administrator under this chapter; or

(C) a plan or application submitted in accordance with the provisions of this chapter;

the Administrator shall notify such applicant or grantee that further payments shall not be made (or in its discretion that there is such failure), until there is no longer such failure.

(2) If any applicant or grantee is dissatisfied with the Administration's final action with respect to the approval of its application or plan submitted under this chapter, or any applicant or grantee is dissatisfied with the Administration's final action under this title, such applicant or grantee may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or grantee is located a petition for review of that action.

A copy of the petition shall be forthwith transmitted by the clerk of the court to the Administration. The Administration shall hereupon file in the court the record of the proceedings on which the action of the Administration was based.

(3) Conclusiveness of determinations: The determinations and findings of fact by the Administration, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Administration to take further evidence. The Administration may thereupon make new or modified findings of facts and may modify its previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact or determination shall likewise be conclusive if supported by substantial evidence.

(4) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Administration or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(e) (1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof: "(56) Administrator of Juvenile Delinquency Prevention and Coordination".

(2) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, at rates of compensation for individuals not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5.

(3) The Administration is authorized to appoint, without regard to the civil service laws, technical or other advisory committees to advise the Administration with respect to the administration of this chapter as it deems necessary. Members of those committees not otherwise in the employ of the United States, while engaged in advising the Administration attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently.

(f) On or before December 31 of each year, the Administration shall report to the President and to the Congress on activities pursuant to the provisions of this chapter during the preceding fiscal year.

(g) (1) Each recipient of assistance under this Act shall keep such records as the Administration shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

ACCESS, AUDITS, AND EXAMINATIONS

(2) The Administrator and the Comptroller General of the United States or any of their duly authorized representatives, shall have access for purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

Primary Grants or Contracts and Subgrants or Subcontracts

(3) The provisions of this section shall apply to all recipients of assistance under this Act, whether by direct grant or contract from the Administration or by subgrant or subcontract from primary grantees or contractors of the Administrator.

AUTHORIZATION

SEC. 320. There are authorized to be appropriated for the fiscal year ending June 30, 1973, and for each of the next four fiscal years, $250,000,000 for carrying out this Act.

EFFECTIVE DATE

SEC. 321. The provisions of this Act shall become effective July 1, 1972.

REPEALER

SEC. 322. With respect to appropriations beginning after June 30, 1972, the Juvenile Delinquency and Control Act of 1968, other than section 407 thereof, is repealed. Section 407 of such Act is repealed effective with the close of June 30, 1972.

PART C—AMENDMENTS TO FEDERAL JUVENILE DELINQUENCY ACT

SEC. 331. (a) Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Proceedings against juvenile delinquents

"(a) A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court of a State (1) does not have jurisdiction over said juvenile with respect to such act of juvenile delinquency, or (2) there is not available to such State juvenile court the rehabilitation and treatment services which would be needed by such juvenile.

"(b) If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State for such action as they may deem legally warranted.

"(c) If the Attorney General does so certify, the Attorney General shall proceed against such juvenile as a juvenile delinquent by information and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency: *Provided*, That with respect to a juvenile who is alleged to have committed an act which if committed by an adult would be a felony, criminal prosecution may be begun against such juvenile with respect to such act if the Attorney General moves in the appropriate district court of the United States that such criminal prosecution be undertaken and such court finds, after hearing, that there are no reasonable prospects for rehabilitating such juvenile before his majority."

(b) Section 5033 of such title is amended by deleting everything after the second sentence thereof.

(c) Section 5034 of such title is amended by adding at the end of the third paragraph the following new sentence: "The Attorney General shall not cause any juvenile alleged or found to be delinquent to be detained or confined in any institution in which persons convicted of a crime or awaiting trial on criminal charges are confined."

(d) Section 5035 of such title is amended to read as follows:

"§ 5035. Detention of alleged juvenile delinquent

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the officer taking such juvenile into custody shall advise such juvenile of his legal rights, immediately notify the Attorney General, and forthwith take such juvenile before a committing magistrate.

"Such juvenile may be detained only in a juvenile home or such other suitable place as the Attorney General may designate by the officer taking such juvenile into custody but not for a longer period of time than is necessary to produce the juvenile before a committing magistrate.

"The committing magistrate shall, with all reasonable speed, release the juvenile to his parents, guardian, or custodian upon their promise to bring such juvenile before the appropriate court when requested by such court unless the committing magistrate determines, after hearing, that the detention of such juvenile is required—

"(a) to protect the person or property of others or of the juvenile; or

"(b) because the juvenile has no parent, guardian, custodian, or other person able to provide supervision and care for such juvenile; or

"(c) to secure the timely presence of such juvenile before the appropriate court.

"Any child ordered to be detained by a committing magistrate shall be detained only in such juvenile home or other suitable place as the Attorney General may designate.

"No juvenile shall be detained in a jail, prison, or other similar place of confinement.

"Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, such juvenile and his parents, guardian, or custodian shall be advised by the officer or by any court before which such juvenile may be brought that such juvenile has the right to be represented by legal counsel at all stages of all proceedings. If legal counsel is not retained for such juvenile, or if it appears that legal counsel will not be retained, legal counsel shall be appointed by the court for such juvenile.

"Unless advised by legal counsel, the statements of a juvenile, while in custody, made to the officer taking such juvenile into custody, to any officer having custody of such juvenile, or to any court or court official shall not be used against such juvenile prior to the determination by the court that the juvenile did commit an act of juvenile delinquency.

"A juvenile charged with an act of juvenile delinquency shall be accorded the privilege against self-incrimination. Any extrajudicial statement which would be constitutionally inadmissible in a criminal proceeding against such juvenile shall not be received in evidence over objection made by or on behalf of such juvenile.

"Evidence with respect to such juvenile illegally seized or obtained shall not be received in evidence over objection made by or on behalf of such juvenile in order to establish that such juvenile committed the alleged act of juvenile delinquency.

"An extrajudicial admission or confession made by the juvenile shall be insufficient to support a finding that the juvenile committed the alleged act of delinquency unless such admission or confession is corroborated by other credible evidence.

"Criminal proceedings based upon an alleged act of juvenile delinquency shall be barred where the court has begun taking evidence with respect to such act or where the juvenile has in open court admitted that he committed the alleged act of delinquency."

PART D—AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

PLAN COMPONENT

SEC. 341. Section 303 of part C of title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after the second sentence the following new sentence: "Within two years after the date of enactment of part F of this Act, no State plan shall be approved as comprehensive, unless it includes a juvenile justice component, as provided for in part F, and providing that at least a certain per centum as determined by the administrator each year on the basis of guidelines developed, of Federal assistance granted to the respective State planning agency for any fiscal year be allocated to the juvenile justice component of the State plan as provided for in part F."

GRANTS AUTHORIZED

SEC. 342. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, is amended by inserting immediately after part E the following new part:

"PART F—GRANTS FOR JUVENILE DELINQUENCY

"PREVENTION AND REHABILITATION

"SEC. 471. It is the purpose of this part to assist States and units of general local government to develop and implement programs and projects for the rehabilitation and treatment of juvenile delinquents.

"SEC. 472. The Administration is authorized to make grants under this part to a State planning agency: *Provided*, That the application sets forth a comprehensive statewide program for the rehabilitation and treatment of juvenile delinquents which shall include the following requirements:

"(a) provides that no less than 50 per centum of the funds available to such State pursuant to section 474(a)(1) will be expended only on the development and use of facilities and services designed to provide an alternative method of rehabilitating or detaining juveniles other than confinement in training schools, reform schools, correctional institutions, detention centers, and other similar facilities as the Administrator shall designate as prohibited pursuant to its authority contained in section 473 of this Act;

"(b) provides that the applicant State will treat juveniles who have committed offenses that would be criminal offenses if committed by an adult in separate facilities with separate and distinct programs;

"(c) provides for advanced techniques in the design of services and facilities, such as, but not limited to the following:

"(1) community-based services and facilities for the rehabilitation and treatment of juvenile delinquents through the development of foster-care and shelter care homes, group homes, halfway houses, and any other designated residential community-based treatment or rehabilitative facility or service;

"(2) diagnostic facilities and services on a state-wide, regional, or local basis;

"(3) expanded use of probation as an alternative to incarceration, including programs of probation subsidies, probation caseloads commensurate with recognized optimum standards, the recruitment and training of probation officers and other personnel according to standards promulgated by the Administration pursuant to section 474 of this Act, and community-oriented programs for the supervision of juvenile probationers and parolees;

"(4) comprehensive programs of drug abuse education and programs for the treatment and rehabilitation of drug dependent youth (as defined in section 2 of the Public Health Services Act (42 U.S.C. 201) as amended);

"(d) provides for special training and other qualifications in order to meet personnel standards required in dealing effectively with juvenile delinquents;

"(e) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12), of section 303 of this title.

"SEC. 473. The Administration shall by regulation prescribe basic criteria for applicants, grantees, facilities, and services; and shall promulgate such rules and regulations as are necessary to effectuate the provisions of this part.

"SEC. 474. (a) The funds appropriated for each fiscal year for grants under this part shall be allocated by the Administration as follows:

"(1) 85 per centum of the funds shall be available for grants to State planning agencies on the basis of the respective populations of juveniles aged eleven through seventeen, inclusive, of eligible States; and

"(2) the remaining 15 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part.

Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. Funds awarded under this part may be used for real estate acquisition, provided that a specific comprehensive audit by the Administration is made at the time of purchase and at the time of selling of said property.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509 of this title, that portion shall be available for reallocation under paragraph (2) of subsection (a) of this section.

"SEC. 475. There are authorized to be appropriated $500,000,000 for the fiscal year ending June 30, 1972, and $500,000,000 for the succeeding fiscal year."

TECHNICAL AMENDMENTS

SEC. 343. (a) Paragraph 4 of section 453 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking the word "delinquents,".

(b) Subsection 520 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by striking out the word "There" and inserting in lieu thereof "Except as provided in part F, there".

(c) Parts F, G, H, and I of title I of such Act are redesignated as parts G, H, I, and J, respectively.

TITLE IV—NEW TRAINING AND EDUCATION PROGRAMS FOR CORRECTIONAL AND OTHER LAW ENFORCEMENT PERSONNEL

DEFINITIONS

SEC. 401. As used in this title—

(1) "Council" means the Coordinating Council for Regional Law Enforcement Academies;

(2) "law enforcement" means any activities pertaining to the prevention or reduction of crime, including the correctional rehabilitation of criminal and juvenile offenders, and the enforcement of the criminal law, and activities pertaining to court administration;

(3) "regional academy" means any regional academy established pursuant to section 405;

(4) "regional board" means the governing body of the regional academy as defined in section 405;

(5) "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa; and

(6) "correctional personnel" includes all officers and employees of any public agency engaged in the operation or supervision of any penal or correctional institution and all other professional and semiprofessional personnel who are involved in the protection, instruction, discipline or rehabilitation of persons charged with or convicted of offenses (on a part-time as well as a full-time basis).

APPROPRIATIONS AUTHORIZED

SEC. 402. There are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, and such sums thereafter as may be necessary to carry out the provisions of this part.

ESTABLISHMENT OF THE COORDINATING COUNCIL

SEC. 403. (a) There is hereby established a Coordinating Council for Regional Law Enforcement Academies, hereinafter referred to as "Council".

(b) The Council shall be composed of eleven members as follows:

(1) the Commissioner of Education;

(2) the Director of the Federal Bureau of Prisons;

(3) the Administrator of the Law Enforcement Administration in the Department of Justice;

(4) a member of the police community appointed by the Attorney General;

(5) a member of the correctional community appointed by the Attorney General;

(6) an educator appointed by the Secretary of Health, Education, and Welfare;

(7) an urbanologist appointed by the Secretary of Housing and Urban Development;

(8) a criminologist appointed by the Attorney General;

(9) a psychologist or psychiatrist appointed by the Secretary of Health, Education, and Welfare;

(10) an individual, who by reason of experience or training is acquainted with the special problems of the poor and law enforcement, appointed by the Director of the Office of Economic Opportunity; and

(11) a judge experienced in criminal law appointed by the Chief Justice of the United States.

(c) Members of the Council appointed pursuant to clauses (4) through (11) of subsection (a) of this section shall be appointed with the advice and consent of the Senate.

(d) Appointed members of the Council shall serve terms of five years, except that—

(1) of those initially appointed, two shall serve terms of two years, two shall serve terms of three years, two shall serve terms of four years, and three shall serve terms of five years as designated by the President at the time of appointment;

(2) in the event an appointed member should resign or be removed from the Council, such vacancy shall be filled in accordance with the provisions of section 3(a) of this Act but only for the unexpired portion of the vacant term; and

(3) members of the Council may be removed by the President for neglect of duty or malfeasance.

(e) A majority of the members of the Council shall constitute a quorum.

(f) The members of the Council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) The Council is authorized without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of confidential Director. The Executive Director shall, by reason of training or experience, be specially qualified to carry out the duties of the office, serve at the pleasure of the Council, be an ex officio member of the Council, and carry out such duties as may be assigned to him by the Council.

FUNCTIONS OF THE COORDINATING COUNCIL

SEC. 404. In order to carry out the purposes of this title, the Council is authorized to—

(1) assist the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration to establish not less than seven regional academies in accordance with section 5 of this title;

(2) supervise the operation of such regional academies;

(3) establish general policies with respect to curriculum development, courses of instruction relevant to the field of law enforcement, corrections, and court administration, the hiring and firing of faculty and degree requirements, for such regional academies;

(4) establish general procedures for qualifications for applicants to such regional academies;

(5) grant a degree equivalent to the bachelor of arts degree to any candidate who satisfactorily completes the requirements set forth in section 8 of this title;

(6) report annually to the Congress on the operations of the Council;

(7) publish pertinent information in forms useful to individuals, agencies, and organizations concerned with correctional systems, law enforcement, and court administration;

(8) make legislative and policy recommendations to the Congress in the area of law enforcement; and

(9) perform such other functions as may be necessary to carry out the provisions of this title.

REGIONAL ACADEMIES

SEC. 405. (a) The Secretary of the Department of Health, Education, and Welfare, in conjunction with the Administrator of the Law Enforcement Assistance Administration of the Justice Department shall establish not less than seven regional law enforcement academies. The location of the academy shall be determined by guidelines published by the two departments. However, emphasis shall be placed upon the already existing law enforcement educational facilities to accommodate a particular region. The campus of a college or university shall be given priority in the location of a regional academy.

(b) The regional academy shall be administered by a regional board composed of two persons from each State within the region who by reason of experience or training are specially qualified to serve on such board and who shall be residents of the region which they are to serve. For purposes of the regional board, no State may be placed in more than one region.

(c) (1) The members of the regional board shall be appointed by the State planning board of each State for each region established pursuant to title I of the Omnibus Crime Control and Safe Streets Act of 1968.

(2) Members of the regional boards shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of any regional board.

(d) Each regional board is authorized to—

(1) appoint a chancellor of the regional academy from among those who are suitably qualified by reason of experience and training, who shall serve at the pleasure of the regional board, and who shall be an ex officio member of the regional board, and who shall carry out such duties as may be assigned to him by the regional board and who shall be compensated at the rate provided for GS–18 of the General Schedule of title 5 of the United States Code;

(2) develop, in accordance with general policy set by the Council, a curriculum of study with particular emphasis upon community relations, criminology, humanities, social and behavioral sciences, penology, government, law, court administration, riot control, and other subjects appropriate and relevant to the law enforcement, corrections and court administration of the region to be served by the regional academy;

(3) provide for a three-year period of instruction for persons engaging in or preparing to enter the field of law enforcement and assist in obtaining a one-year internship as described in section 407(2) of this title in the law enforcement, correctional, or court administration field in the region served by such academy;

(4) process and accept qualified applicants in accordance with the guidelines set forth by the Council;

(5) report annually to the Council on the operations of such regional academy and include therein any recommendations for Federal and State legislation, regulation and other relief in the area within the Regional Academy's jurisdiction;

(6) establish full- or part-time training programs for Federal correctional personnel and provide at the request of a State or unit of local government full- or part-time training programs for State and local correctional personnel;

(7) each regional academy is authorized to establish programs which shall enable the regional academy to serve as—

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

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

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

(d) a research center for basic and applied studies of criminal justice;

(8) the regional academy is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations to assist them in planning, developing, strengthening, or carry out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration, rehabilitative services, court administration, and law enforcement;

(9) authorized to assist States and units of local government in recruitment for law enforcement personnel; and

(10) conduct seminars for attorneys, judges, administrators, Federal and State correctional officials, ex-offenders, and students of the correctional system.

(e) The authorized number of students at each regional academy shall be determined each fiscal year on the basis of population and need of each region by the Secretary of Health, Education, and Welfare and the Administrator of the Law Enforcement Assistance Administration.

STIPENDS

SEC. 406. Every full-time student at a regional academy as described in section 405 (13) shall receive during the period of instruction such reasonable stipends and allowances as the regional board upon approval of the Council determines to be necessary. Each student during the one-year internship described in section 407(2) of this title shall receive such stipends together with the compensation paid to such student intern by the State or local law enforcement agency for the year as the regional board upon approval of the Council determines is necessary to assure that such student intern receives not less than a minimum salary for such year.

AGREEMENTS

SEC. 407. Each student as described in section 405(c)5 selected for admission to a regional academy shall sign an agreement, that unless separated, he will to the best of his ability attempt to—

(1) complete a three-year course of instruction at the regional academy;

(2) serve, in an intern capacity with a State or local law enforcement agency acceptable to the appropriate regional board, in the region from which he was appointed, for a period of not less than one year immediately following the end of the period of instruction at the regional academy. The law enforcement agency shall certify to the regional board upon the satisfactory completion, as defined by the board, of the internship;

(3) after said internship program serve in a State, local or Federal enforcement agency within the region from which he was appointed or within any other region acceptable to the appropriate regional board for a period of not less than three years; and

(4) in the event he shall terminate the course of instruction prior to the end of three years, terminate his internship prior to the end of one year, or terminate service with a State or local enforcement agency within the appropriate region prior to the end of three years, he shall be required to repay 50 per centum of the stipends and allowances received under this title. Appropriate exceptions to this requirement may be made by the appropriate regional board pursuant to guidelines issued by the Council.

ADMINISTRATIVE PROVISIONS

SEC. 408. The Council, and each regional academy under the supervision and direction of the appropriate regional board is authorized—

(1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51, subchapter III, of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(2) to procure temporary and intermittent services to the sum estimate as is authorized by section 3109 of title 5, United States Code;

(3) to promulgate such rules and regulations as may be necessary to carry out the provisions of this title.

(4) to acquire and hold necessary real and personal property;

(5) to accept in the name of the Council and the regional academies; and

(6) to use the services, personnel, facilities, and information of Federal executive agencies and private organizations pursuant to an agreement with the head of any such agency.

TITLE V—CORRECTIONAL REORGANIZATION AND STANDARDS

PART A—FEDERAL CIRCUIT OFFENDER DISPOSITION BOARD

SEC. 501. (a) There is hereby established the Federal Circuit Offender Disposition Board (hereinafter referred to in this part as the "Circuit Board"), which shall be composed of eleven members appointed by the President of the United States, by and with the advice and consent of the Senate, and who shall represent diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. Such members shall serve for terms of four years, except that, of the members first appointed, three shall serve for terms of one year, three shall serve for terms of two years, three shall serve for terms of three years, and two shall serve for terms of four years, as designated by the President at the time of their appointments. Members shall be eligible for reappointment. At the time of his appointment, each member shall be designated by the President to represent a specific judicial circuit. The Attorney General shall call the first meeting of the Circuit Board within six months of enactment.

(b) The Circuit Board shall elect, from among its members, one member to serve as Chairman. The Chairman shall represent the circuit and fix the compensation of such employees as it determines necessary to carry out its duties under this Act.

(c) Members of the Board shall receive compensation at the rate of $100 for each day on which they are engaged in the performance of the duties of the Board, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(d) The Circuit Board is authorized to enter into contracts or other arrangements for goods or services, with public or private profit organizations, to assist it in carrying out its duties and functions under this Act.

FUNCTIONS OF THE CIRCUIT BOARD

SEC. 502. It shall be the function of the Circuit Board to formulate, promulgate, and oversee a national policy on the treatment of offenders under the jurisdiction of any court of the United States on the basis of a charge of having violated any of the laws of the United States. In carrying out such function, the Circuit Board shall, among other things—

(1) establish and recommend sentencing guidelines and standards for the United States courts, and provide periodic review thereof;

(2) establish guidelines and standards for the United States courts in probation, parole, or other forms of release of offenders;

(3) hear appeals by offenders denied parole on the sole ground that a district board deviated from the established national guidelines and standards established pursuant to clause (2) of this section;

(4) assign to each member of the Board the responsibility of overseeing the direction and operation of the various District Boards within the circuit which such member represents; and

(5) assign each member of the Board the responsibility of notifying the President of the United States of any vacancy on the various District Boards within the circuit which such member represents.

REPORTS

SEC. 503. The Board shall, not less than annually, made a written report to the Attorney General concerning the carrying out of its functions and duties under this Act.

DISTRICT COURT DISPOSITION BOARDS

SEC. 504. (a) There is hereby established in each judicial district a District Court Disposition Board (hereinafter referred to in this Act as the "District Board"), which shall be composed of not less than five members appointed by the President of the United States, by and with the advice and consent of the Senate, and representing diverse backgrounds, including, but not limited to, the fields of correction, psychiatry, psychology, sociology, law, medicine, education, and vocational training. The Board shall elect, from among its members, one member to serve as Chairman. The Board may appoint and fix the compensation of such employees as it determines are necessary to carry out its duties under this Act. The Attorney General shall call the first meeting of each District Board.

(b) Each member of a District Board shall be compensated in an amount equal to $—— per annum, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses reasonably incurred in the performance of the duties of the Board.

(c) Such District Board may establish such units as it determines necessary, which may include an investigation unit, a pretrial evaluation unit, a presentence unit, a youthful offender unit, and a narcotics and alcohol unit. Each unit shall consist of such members as shall be determined by the Board. Each unit, with the approval of the Board, shall be authorized to appoint and fix the compensation of such employees as it determines are necessary to carry out its duties

(d) Immediately following the arraignment of a person charged with a Federal offense, the case shall be assigned to the District Board, which shall—

(1) investigate the defendant's background, family ties, relationship with the community, employment history, and the circumstances surrounding the alleged offense, and other information which it deems pertinent;

(2) recommend, if indicated, mental observation, or medical observation for problems such as alcoholism, drug addiction, or other mental or physical disabilities; and

(3) submit, within thirty days of arraignment, a written report to the counsel of record for such defendant, and the office of the United States attorney having jurisdiction over the case.

(e) The report shall set forth the findings and conclusions of the District Board, including its conclusions as to any physical, mental, social, economic, or other problems of the defendant and shall recommend whether and what type of diversion of the defendant from the criminal justice system of prosecution is desirable. The report shall be made part of the permanent record of the defendant's case.

(f) The report shall be the basis for discussion between the United States Attorney and counsel of record for the defendant at a formal precharge conference, during which the report and alternatives to prosecution shall be considered. If the United States Attorney and counsel for the defendant agree that diversion of the defendant from the criminal prosecution system would be desirable, and an appropriate authorized diversion program exists, then the charges against the defendant shall be suspended for up to twelve calendar months subject to the defendant agreeing to participate in that program. The board shall file with the court a statement of the date the defendant has commenced participation in the program. The United States Attorney shall make periodic reviews as to the progress of the defendant while participating in the program, and if the United States Attorney is not satisfied with the defendant's progress, he may resume prosecution of the charges by filing within one year after the defendant commenced participation in the program, a statement of intention to resume prosecution, which shall include the reasons for resumption of prosecution. If the United States Attorney does not file a timely statement of intention to resume prosecution of the charges against the defendant, the charges shall be permanently dismissed. The statement of intention by the United States Attorney to resume prosecution shall be included in the record of the case.

(g) If a defendant is prosecuted for and convicted of, a Federal offense, the court shall refer the record of the case to the appropriate district board for review and consideration prior to sentencing. The board shall examine and review the record, the pretrial evaluation report and other pertinent information concerning the case, including the recommendations of counsel for the defendant. Within thirty days after receiving the record, the board shall file a written report with the court, the counsel for the defendant, and the United States Attorney. Such report shall include—

(1) the sentence recommended by the Board, which may be a suspended sentence, probation, imprisonment, or any alternative authorized by law to imprisonment

(2) the reasons for the sentence recommended; and

(3) if imprisonment is recommended—

(A) the reason imprisonment is recommended (such as for reasons of punishment, deterrence, or rehabilitation) and what alternatives were considered as inapplicable, and the reasons therefor;

(B) the term of imprisonment recommended and the institution or facility in which the imprisonment is recommended to be carried out; and

(C) the goals for the offender to attain while so imprisoned which, when attained, should entitle him to parole, but the goals may, from time to time, be revised by the District Board.

(h) If the court determines not to follow the recommendations of the District Board, it shall so state in writing along with the reasons therefor, and the purposes and goals of its sentence.

(i) The District Board shall carry out, with respect to a defendant who has been sentenced, the functions relating to probation, parole, or other form of release (as the case may be) transferred to the Board pursuant to section 508 of the Act. In carrying out these functions, the District Board shall hold an annual hearing with respect to each offender who has been sentenced to imprisonment. In the hearing, all pertinent information concerning the offender shall be reviewed with a view to determining the progress of the offender in attaining the goals established for him by the District Board. At the hearing the offender shall have the right to be represented by counsel, to submit evidence, and to cross-examine witnesses. Within fourteen days following the conclusion of the hearing, the Board shall make its determination as to whether the offender should be released on parole or other authorized alternative action taken. A determination by the Board to authorize release on parole of an offender eligible for parole shall be accompanied by a statement of the conditions of parole. If the Board determines that an offender who is not eligible for parole should be released on parole, it shall recommend to the appropriate court that the sentence of the offender may be so reduced so that the offender may be so released, or that an authorized alternative disposition be made, and within fourteen days after the determination, the District Board shall submit to the offender and to the appropriate court a written report containing the decisions of the Board and the reasons therefor, including the views of the Board with respect to the goals the offender has attained and the goals he has not yet attained.

(j) A quorum for any hearing held pursuant to subsection (i) shall be not less than three members of the District Board.

(k) The decision of the District Board may be appealed to the Circuit Board by the offender affected by the decision solely on the basis that the District Board, in conducting the hearing, failed to follow the standards and guidelines established by the Circuit Board pursuant to section 505(2) of this Act. Nothing in this section shall be construed as abridging the right of an offender to appeal a sentence to the Federal courts.

(l) The District Boards are authorized to enter into contracts or other arrangements for goods or services, with public or private profit organization to assist them in carrying out its duties and functions under this Act.

TRANSFER OF FUNCTIONS PAROLE: PROBATION

SEC. 505. There are hereby transferred to the District Boards established by this Act all functions which were carried out immediately before the effective date of this section—

(1) by the Federal Board of Parole;

(2) by any United States court relating to the appointment and supervision of probation officers;

(3) by the Attorney General relating to the prescribing of duties of probation officers; and

(4) by the Director of the Administration Office of the United States courts relating to probation officers and the operation of the probation system in the United States courts.

TECHNICAL PROVISIONS

SEC. 506. (a) With respect to any function transferred by this title and exercised after the effective date of this section, reference in any other Federal law, rule or regulation to any Federal instrumentality or officer from which or whose functions transferred by this Act shall be deemed to mean the instrumentality or officer in which or whom such function is vested by this Act.

(b) In the exercise of any function transferred by this Act, the appropriate officer of the District Board to which such functions were so transferred shall have the same authority as that vested in the officer exer-

cising such function immediately preceding its transfer, and such officer's actions in exercising such functions shall have the same force and effect as when exercised by such officer having such function prior to its transfer by this title.

(c) All personnel (other than the members of the Board of Parole), assets, liabilities, property, and records as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by this title are hereby transferred to the District Boards in such manner and to such extent as the said Director shall prescribe. Such personnel shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(d) Effective on the effective date of section 401 of this Act, the Board of Parole shall lapse.

(e) As used in this Act, the term "function" included powers and duties.

EFFECTIVE DATE

SEC. 507. Sections 502, 503, 505, subsections (d), (e), (f), (g), (h), (i), (j), and (k) of section 507, and sections 508 and 509 of this Act shall take effect upon the expiration of the one hundred and twenty-day period following the date of the enactment of this Act. All other provisions of this Act shall take effect upon the date of its enactment.

DEFINITION

SEC. 508. As used in this part, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

AUTHORIZATIONS

SEC. 509. (a) On and after the date of the enactment of this Act, all moneys received by any court of the United States as fines, penalties, forefeitures, and otherwise shall be deposited in the Treasury to the credit of Federal Circuit Offender Disposition Board and shall he available for carrying out the purposes of this Act.

(b) There are authorized to be appropriated such sums as may be necessary in addition to those available pursuant to subsection (a) of this section to carry out the provisions of this part.

PART B—CORRECTIONAL STANDARDS

NATIONAL ADVISORY COMMISSION ON CORRECTIONAL STANDARDS

SEC. 511. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

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

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

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

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

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

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

"(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant—

"(A) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and

"(B) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Attorney General.

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

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

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

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

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

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

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

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

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

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

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

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

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

"(12) the employment and utilization of custodial, administrative, and rehabilitative professional and paraprofessional personnel who are representative of minority groups; and

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

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

"(2) The Commission shall have the power to appoint and fix the compensation of such personnel as it deems advisable, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

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

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

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

TITLE VI—CRIMINAL OFFENDER'S REHABILITATION AND RESTORATION OF RIGHTS

PART A—PAYMENT OF MINIMUM WAGE AND SOCIAL SECURITY BENEFITS TO INMATES

MINIMUM WAGE FOR INMATES EMPLOYED IN CONNECTION WITH PRISON-MADE PRODUCTS

SEC. 601. Section 4126 of title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

"Notwithstanding any other provision of this title or any other law, any inmate employed in any industry, or performing outstanding services in institutional operations shall be compensated at an hourly rate of not less than seventy-five cents, but in no event shall the Attorney General be precluded from authorizing, by regulation, a higher rate in connection with promotions or other incentive purposes."

SEC. 2. The first pargraph of section 4124 of title 18, United States Code, is amended by adding at the end thereof the following new sentence: "Such departments, agencies, and institutions may purchase, at not to exceed current market prices, prison-made products from State penal or correctional systems, if the inmates employed in connection with the making of such products were compensated therefor at an hourly rate of not less than seventy-five cents."

SOCIAL SECURITY COVERAGE

Coverage of Inmates of Federal Penal Institutions

SEC. 602. (a) Section 210(a)(6)(C) of the Social Security Act is amended by striking out clause (iii) thereof.

(b) Section 3121(b)(6)(C) of the Internal Revenue Code of 1954 is amended by striking out clause (iii) thereof.

(c) The amendments made by this section shall apply with respect to service performed on and after the first day of the first calendar quarter which begins on or after the date of enactment of this Act.

PART B—CIVIL ACTIONS FOR DEPRIVATION OF RIGHTS

CIVIL ACTIONS AUTHORIZED

SEC. 611. Section 722 of the Revised Statutes (42 U.S.C. 1988) is amended by adding at the end thereof the following new sentence: "Nothing in this section shall be construed to deny to any person who has been convicted of a criminal offense, the right to bring an action, suit, or other proceeding under the provisions of this chapter and title 18, United States Code, for the protection of all persons in the United States in their civil rights, and for their vindication."

PART C—USE OF CERTAIN FEDERAL PRISON EARNINGS FOR TRAINING

INMATE VOCATIONAL TRAINING AND REHABILITATION FUNDS

SEC. 621. The third paragraph of section 4126 of title 18, United States Code, is amended by striking out "in the vocational training of inmates without regard to their industrial or other assignments;" and inserting at the end thereof the following: "With respect to the earnings that accrue to the corporation each year, the Attorney General shall direct the employment of not less than 100 per centum of such earnings for the purpose of providing vocational and rehabilitational training for inmates. Such training shall take into consideration the vocational and rehabilitative needs of the inmates and shall be undertaken without regard to the needs arising in connection with the industrial and other activities of the Federal prison industries."

PART D—SURPLUS FOOD FOR CORRECTIONAL INSTITUTIONS

PROGRAM AUTHORIZED

SEC. 631. Section 210 of the Agricultural Act of 1956 is amended to read as follows:

"SEC. 210. Notwithstanding any other limitations as to the disposal of surplus commodities acquired through price-support operations, the Commodity Credit Corporation is authorized on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest, and upon application, to donate food commodities acquired through price-support operations to Federal penal and correctional institutions, to State (including the District of Columbia and the Commonwealth of Puerto Rico) penal and correctional institutions, and to penal and correctional institutions (including jails) of any political subdivision of any such State, other than those in which food services is provided for inmates on a fee, contract, or concession basis."

PART E—RIGHT TO VOTE FOR REHABILITATED OFFENDERS

AMENDMENTS TO THE VOTING RIGHTS ACT OF 1965

SEC. 641. The Voting Rights Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE IV—RESTORATION OF RIGHT TO VOTE OF PERSONS CONVICTED OF CRIMES

"DEFINITIONS

"SEC. 401. As used in this title, the term—

"(1) 'Federal election' means a primary, general or special election held to vote for electors for President and Vice President, President or Vice President, Senator, Representative, or Delegate or Resident Commissioner to the Congress; and

"(2) 'State' means each of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

"RIGHT TO VOTE

"SEC. 402. No citizen of the United States who is otherwise qualified to vote in a Federal election shall be denied the right to vote in any Federal election because he has been convicted of any crime in any Federal or State court if subsequent to such conviction he has been pardoned or if he is no longer subject to the jurisdiction of any court with respect to such conviction.

"JUDICIAL RELIEF

"SEC. 403. Whenever the Attorney General has reason to believe that a State or political subdivision is undertaking to deny the right to vote in any Federal election in violation of this title, he may institute for the United States, or in the name of the United States an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

"PENALTY

"SEC. 404. Whoever shall deprive or attempt to deprive any person of any right secured by this title shall be fined not more than $5,000, or imprisoned not more than five years, or both."

TITLE VII—COMMISSION ON VICTIMLESS CRIMES

DEFINITIONS

SEC. 701. For the purpose of this part—

(1) "victimless crime" means—

(A) prostitution;

(B) narcotic addiction and drug abuse;

(C) gambling;

(D) vagrancy and disorderly conduct;

(E) juvenile delinquency and related offenses committed by juveniles which, if committed by an adult, would not be a crime; and

(F) any other similar offense determined by the Commission to be victimless crime; and

(2) "Commission" means the National Commission on Victimless Crimes.

COMMISSION ESTABLISHED

SEC. 702. (a) There is established a Commission on Victimless Crimes composed of fifteen members appointed by the President, by and with the advice and consent of the Senate, from among individuals who by virtue of their experience or training are especially qualified to serve on the Commission. In making appointments to the Commission, the President shall appoint individuals who represent a broad range of occupations and who will provide, collectively, broad expertise in the field of victimless crimes, and will provide, collectively, an appropriate regional balance.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) The Commission shall elect a Chairman and Vice Chairman from among its members.

(d) Eight members of the Commission shall constitute a quorum.

DUTIES OF THE COMMISSION

SEC. 703. (a) The Commission shall make a complete and full study and investigation of the application of criminal law to victimless crimes, with a view to determining the propriety of applying such laws to victimless crimes, and establishing alternative means of dealing with the effects upon society of dealing with such crimes.

(b) Within one year after the enactment of this title, the Commission shall submit to the President and the Congress interim reports with respect to its study and investigation and a final report, not later than one year after the date of enactment of this Act, which shall include recommendations and proposals, including legislative proposals necessary to carry out its recommendations.

(c) The Commission shall cease to exist 90 days after the submission of its final report.

POWERS AND ADMINISTRATIVE PROVISIONS

SEC. 704. (a) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings as may be required for the performance of its functions under this title, administer oaths for the purpose of taking evidence in any such hearings and issue subpenas to compel witnesses to appear and testify and to compel the production of documentary evidence in any such hearing. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee thereof.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this title.

(c) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, including an executive director who may be compensated at a rate not in excess of that provided for level V of the Executive Schedule in title 5, United States Code; and

(2) to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

(d) (1) Subpenas issued pursuant to subsection (a) of this section shall bear the signature of the Chairman of the Commission and may be served by any person designated by the Chairman of the Commission for that purpose.

(2) The provisions of section 1821 of title 28, United States Code, shall apply to witnesses summoned to appear at any such hearing. The per diem and mileage allowances of witnesses so summoned under authority conferred by this section shall be paid from funds appropriated to the Commission.

(3) Any person who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify, or to produce any evidence in obedience to any subpena duly issued under authority of this section shall be fined not more than $500, or imprisoned for not more than six months, or both. Upon the certification by the Chairman of the Commission of the facts concerning any such willful disobedience by any person to the United States attorney for any judicial district in which such person resides or is found, such attorney shall proceed by information for the prosecution of such person for such offense.

COMPENSATION OF MEMBERS

SEC. 705. (a) Members of the Commission who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

(b) Members of the Commission not otherwise employed by the Federal Government shall receive compensation at the rate of $_____ a day, including traveltime, for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

EXPENSES OF THE COMMISSION

SEC. 706. There are authorized to be appropriated $1,000,000 to carry out the provisions of this title.

TITLE VIII—LAW ENFORCEMENT PERSONNEL DEATH BENEFITS PROGRAM

PROGRAM AUTHORIZED

SEC. 801. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new part:

"PART L—PUBLIC SAFETY AND CRIMINAL JUSTICE AND CORRECTIONAL PERSONNEL DEATH BENEFITS

"SEC. 701. (a) Under regulations issued by the Administration under this title, upon certification to the Administration by the Governor of any State that a law enforcement officer employed on a full- or part-time basis by that State or a unit of general local government within the State has been killed as a result of his employment, leaving a spouse or one or more eligible dependents, the Administration shall pay a gratuity of $50,000, in the following order of precedence:

"(1) If there is no dependent child, to the spouse.

"(2) If there is no spouse, to the dependent child or children, in equal shares.

"(3) If there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares.

"(4) If there is no survivor in the above classes, to the parent or parents dependent for support on the decedent, in equal shares.

"(b) As used in this section, a dependent child is one who is unmarried and who was either living with or was receiving regular support contributions from the law enforcement officer at the time of his death, including a stepchild, an adopted child, or a posthumous child, and who is—

"(1) under eighteen years of age; or

"(2) over eighteen years of age and incapable of self-support because of physical or mental disability; or

"(3) over eighteen years of age and a student as defined by section 8101 of title 5, United States Code.

"(c) As used in this section, spouse includes one living with or dependent for support on the decedent at the time of his death, or living apart for reasonable cause or because of desertion by the decedent.

"(d) As used in this section, the term 'law enforcement officer' means all public safety and criminal justice personnel including police, sheriffs, deputy sheriffs, highway patrolmen, firemen, including volunteer firemen, parole and probation officers, investigatory and correctional personnel, alcoholic beverage control agents, judges, magistrates, justices of the peace, and other officers of the court.

"SEC. 702. The gratuity payable to any person under this part is in addition to any benefits to which he may be entitled under any other law."

APPROPRIATIONS AUTHORIZED

SEC. 802. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended by changing the period at the end of subsection (c) of that section to a comma and adding, "except that for the purposes of part L the term does not include the District of Columbia".

AMENDMENT TO THE INTERNAL REVENUE CODE OF 1954

SEC. 804. Section 101(b)(2)(A) of the Internal Revenue Code of 1964 (relating to death benefits excluded from gross income) is amended to read as follows:

"(A) $5,000 LIMITATION.—The aggregate amounts excludable under paragraph (1) with respect to the death of any employee shall not exceed $5,000, except that an amount not to exceed $50,000 shall be excludable under such paragraph if such sum is paid under the provisions of part J of the Omnibus Crime Control and Safe Streets Act of 1968."

EFFECTIVE DATE

SEC. 805. This title shall become effective with respect to any death of a law enforcement officer on or after January 1, 1967.

TITLE IX—CRIMINAL INJURIES COMPENSATION PROGRAM

PART A—DEFINITIONS AND APPLICABILITY

DEFINITIONS

SEC. 901. As used in this title the term—

(1) "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child, and a child conceived prior to but born after the death of the victim;

(2) "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) "dependent" means those who were wholly or partially dependent upon the income of the victim at the time of the death of the victim or those for whom the victim was legally responsible;

(4) "personal injury" means actual bodily harm and includes pregnancy, mental distress, nervous shock, and loss of reputation;

(5) "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, siblings of the whole or half blood, spouse's parents;

(6) "victim" means a person who is injured, killed, or dies as the result of injuries caused by any act or omission of any other person which is within the description of any of the offenses specified in section 922 of this Act;

(7) "guardian" means one who is entitled by common law or legal appointment to care for and manage the person or property or both of a child or incompetent; and

(8) "incompetent" means a person who is incapable of managing his own affairs, whether adjudicated or not.

APPLICABILITY

SEC. 902. Notwithstanding any other provision of this title, no claim shall be paid by the Violent Crimes Compensation Commission or by any State commission unless the victim provides satisfactory evidence of a good faith attempt to recover damages from the criminal offender.

PART B—VIOLENT CRIMES COMPENSATION COMMISSION

COMMISSION ESTABLISHED

SEC. 911. (a) There is hereby established an independent agency within the executive branch of the Federal Government to be known as the Violent Crime Compensation Commission. The Commission shall be composed of three members to be appointed by the President, by and with the advise and consent of the Senate. The President shall designate one of the members of the Commission as Chairman, who shall have been a member of the bar of a Federal Court or of the highest court of a State for at least eight years.

(b) There shall be appointed by the President, by and with the advice and consent of the Senate, an Executive Secretary and a General Counsel to perform such duties as the Commission shall prescribe in accordance with the objectives of this title.

(c) No member of the Commission shall engage in any other business, vocation, or employment.

(d) Except as provided in section 916(1) of this title, the Chairman and one other member of the Commission shall constitute a quorum. Where opinion is divided and only one member is present, the opinion of the Chairman shall prevail.

(e) The Commission shall have an official seal.

FUNCTIONS OF THE COMMISSION

SEC. 912. In order to carry out the purposes of this Act, the Commission shall—

(1) receive and process applications under the provisions of this title for compensation for personal injury resulting from violent acts in accordance with part C of this title;

(2) pay compensation to victims and other beneficaries in accordance with the provisions of this title;

(3) hold such hearings, sit and act at such times and places, and take such testimony as the Commission or any member thereof may deem advisable;

(4) promulgate standards and such other criteria as required by section 944 of this title; and

(5) make grants in accordance with the provisions of part D of this title.

ADMINISTRATIVE PROVISIONS

SEC. 913. (a) The Commission is authorized in carrying out its functions under this title to—

(1) appoint and fix the compensation of such personnel as the Commission deems necessary in accordance with the provisions of title 5, United States Code;

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals;

(3) promulgate such rules and regulations as may be required to carry out the provisions of this title;

(4) appoint such advisory committees as the Director may determine to be desirable to carry out the provisions of this title;

(5) designate representatives to serve or assist on such advisory committees as the Director may determine to be necessary to maintain effective liaison with Federal agencies and with State and local agencies developing or carrying out policies or programs related to the purposes of this title;

(6) use the services, personnel, facilities, and information (including suggestions, estimates, and statistics) of Federal agencies and those of State and local public agencies and private institutions, with or without reimbursement therefor;

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

(8) request such information, data, and reports from any Federal agency as the Director may from time to time require and as may be produced consistent with other law; and

(9) arrange with the heads of other Federal agencies for the performance of any of his functions under this title with or without reimbursement and, with the approval of the President, delegate and authorize the redelegation of any of his powers under this title.

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

(c) Each member of a committee appointed pursuant to paragraph (4) of subsection (a) of this section shall receive $_____ a day, including traveltime, for each day he is engaged in the actual performance of his duties as a member of the committee. Each such member shall also be reimbursed, for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

TERMS AND COMPENSATION OF COMMISSION MEMBERS

SEC. 914. (a) Section 5314. title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(58) Chairman, Violent Crimes Commission."

(b) Section 5315, title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(95) Members, Violent Crimes Commission."

(c) Section 5316, title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(131) Executive Secretary, Violent Crimes Commission.

"(132) General Counsel, Violent Crimes Commission."

(d) The term of office of each member of the Commission taking office after December 31, 1971, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1971, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1971; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(e) Each member of the Commission shall be eligible for reappointment.

(f) A vacancy in the Commission shall not affect its powers.

(g) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(h) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Executive Secretary, or his designee.

PRINCIPAL OFFICE

SEC. 915. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columba.

PROCEDURES OF THE COMMISSION

SEC. 916. The Commission may—

(1) subpena and require production of documents in the manner of the Securities and Exchange Commission as required by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by the Chairman. Subpenas shall be served by any person designated by the Chairman; and

(2) administer oaths, or affirmations to witnesses appearing before the Commission, receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

PART C—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 921. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 922 of this title, the Commission may, in its discretion, upon an application, order the payment of, and pay, compensation in accordance with the provisions of this title, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person;

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person;

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents;

(4) in the case of a payment for the benefit of a child or incompetent the payee shall file an accounting with the Commission no later than January 31 of each year for the previous calendar year; or

(5) in the case of the death of the victim, to any one or more persons who suffered pecuniary loss with relation to funeral expenses.

(c) For the purposes of this title, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this title until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 922. The Commission may order the payment of, and pay compensation in accordance with the provisions of this title for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape; or
(18) other crimes involving force to the person.

APPLICATION FOR COMPENSATION

SEC. 923. (a) In any case in which the person entitled to make an application is a child, or incompetent, the application may be made on his behalf by any person acting as his parent or attorney.

(b) Where any application is made to the Commission under this title, the applicant or his attorney, and any attorney of the Commission, shall be entitled to appear and be heard.

(c) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(d) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(e) If any person has been convicted of any offense with respect to an act or omission on which a claim under this title is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has

been ordered, be taken as conclusive evidence that the offense has been committed.

ATTORNEY'S FEES

SEC. 924. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this title, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under subsection (a) of this section, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within 90 days after the receipt of the information required by subsection (a) of this section, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who willfully charges, demands, receives, or collects for services rendered in connection with any proceedings under this title any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

NATURE OF THE COMPENSATION

SEC. 925. The Commission may order the payment of compensation under this title for—

(1) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(2) loss of earning power as a result of total or partial incapacity of such victim;

(3) pecuniary loss to the dependents of the deceased victim;

(4) pain and suffering of the victim; and

(5) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

FINALITY OF DECISION

SEC. 926. The orders and decisions of the Commission shall be reviewable in the appropriate court of appeals, except that no trial de novo of the facts determined by the Commission shall be allowed.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 927. (a) No order for payment of compensation shall be made under this title unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this title to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death living with the offender as his spouse or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS AND PAYMENT OF THE ORDER

SEC. 928. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 921 of this title any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this title), a State or any of its subdivisions, for personal injury or death compensable under this title, but only to the extent that the sum of such payments and any awarded under this title are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission shall pay to the person named in the order the amount named therein in accordance with the provisions of such order.

PART D—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 931. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this title for a personal injury or death resulting from the act or omission constituting such offense, the Attorney General may within a year institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States or any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) The Commission shall provide to the Attorney General such information, data, and reports as the Attorney General may require to institute actions in accordance with this section.

EFFECT ON CIVIL ACTIONS

SEC. 932. An order for the payment of compensation under this title shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

PART E—VIOLENT CRIMES COMPENSATION GRANTS

GRANTS AUTHORIZED

SEC. 941. Under the supervision and direction of the Commission the Executive Secretary is authorized to make grants to States to pay the Federal share of the costs of State programs to compensate victims of violent crimes.

ELIGIBILITY FOR ASSISTANCE

SEC. 942. (a) A State is eligible for assistance under this title only if the Executive Secretary, after consultation with the Attorney General, determines, pursuant to objective criteria established by the Commission under section 504, that such State has enacted legislation of general applicability within such State—

(1) establishing a State agency having the capacity to hear and determine claims brought by or on behalf of such victims of violent crimes and order the payment of such claims;

(2) providing for the payment of compensation for personal injuries or death resulting from offenses in categories established pursuant to section 944;

(3) providing for the payment of compensation for—

(A) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(B) loss of earning power as a result of total or partial incapacity of such victim;

(C) pecuniary loss to the dependents of the deceased victims;

(D) pain and suffering of the victim; and

(E) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable, and which is based upon a schedule substantially similar to that provided in part C of this title;

(4) containing adequate provisions for the recovery of compensation substantially similar to those contained in part D of this title.

STATE PLANS

SEC. 943. (A) Any State desiring to receive a grant under this title shall submit to the Commission a State plan. Each such plan shall—

(1) provide that the program for which assistance under this title is sought will be administered by or under the supervision of a State agency;

(2) set forth a program for the compensation of victims of violent crimes which is consistent with the requirements set forth in section 942;

(3) provide assurances that the State will pay from non-Federal sources the remaining cost of such program;

(4) provide that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this part; and

(5) provide that the State will submit to the Executive Secretary—

(a) periodic reports evaluating the effectiveness of payments received under this part in carrying out the objectives of this title; and

(b) such other reports as may be reasonably necessary to enable the Executive Secretary to perform his functions under this title, including such reports as he may require to determine the amounts which local public agencies of that State are eligible to receive for any fiscal year and assurances that such State will keep such records and afford such access thereto as the Executive Secretary may find necessary to assure the correctness and verification of such reports.

(B) The Executive Secretary shall approve a plan which meets the requirements specified in subsection (a) of this section and he shall not finally disapprove a plan except after reasonable notice and opportunity for a hearing to such State.

BASIC CRITERIA

SEC. 944. As soon as practicable after the enactment of this Act, the Commission shall by regulations prescribe criteria to be applied under section 942. In addition to other matters, such criteria shall include standards for—

(1) the categories of offenses for which payment may be made; and

(2) such other terms and conditions for the payment of such compensation as the Commission deems appropriate.

PAYMENTS

SEC. 945. (a) The Executive Secretary shall pay in any fiscal year to each State which has a plan approved pursuant to this title for that fiscal year the Federal share of the cost of such plan as determined by him.

(b) The Federal share of programs covered by the State plan shall be 75 per centum for any fiscal year.

(c) Payments under this section may be made in installments, in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(d) Grants made under this section pursuant to a State plan for programs and projects in any one State shall not exceed in the aggregate 15 per centum of the aggregate amount of funds authorized to be appropriated under section 953.

WITHHOLDING GRANTS

SEC. 946. Whenever the Executive Secretary, after reasonable notice and opportunity for a hearing to any State, finds—

(1) that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 943; or

(2) that in the operation of any program assisted under this part there is a failure to comply substantially with any applicable

provision of this part; the Executive Secretary shall notify such State of his findings and that no further payments may be made to such State under this part until he is satisfied that there is no longer any such failure to comply, or the noncompliance will be promptly corrected.

REVIEW AND AUDIT

SEC. 947. The Executive Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination, to any books, documents, papers, and records of a grantee that are pertinent to the grant received.

DEFINITION

SEC. 948. For the purpose of this part the term "State" means each of the several States.

PART F—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 951. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act.

SEC. 952. There is hereby authorized to be appropriated as much money as necessary to carry out the purposes of this title.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

FOREIGN ASSISTANCE ACT OF 1972

The PRESIDENT pro tempore. Under the previous order the Chair lays before the Senate the unfinished business (S. 3390), which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 3390) to amend the Foreign Assistance Act of 1961, and for other purposes.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now lay aside temporarily the unfinished business and proceed to the consideration of S. 3010, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (S. 3010) to provide for the continuation programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION OF APPROPRIATIONS FOR ACTIVITIES OF NATIONAL SCIENCE FOUNDATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on Friday by which the bill (S. 3511), National Science Foundation authorizations, was passed be vitiated.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be discharged from further consideration of H.R. 14108 and that the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 14108) to authorize appropriations for activities of the National Science Foundation, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? Without objection, the committee is discharged from further consideration of the bill and the Senate will proceed to its immediate consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all after the enacting clause of H.R. 14108 be stricken and that there be substituted in lieu thereof the text of S. 3511 as passed by the Senate on last Friday.

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

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 14108) was read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that S. 3511 be indefinitely postponed.

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

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. NELSON. Mr. President, I ask unanimous consent that the following professional staff members of the Committee on Labor and Public Welfare be admitted to the floor during the consideration of S. 3010: Mr. Richard E. Johnson, Mr. William J. Spring, Mr. Jonathan Steinberg, Mr. John Scales, Mr. Richard Siegel, and Mr. Steve Engleberg.

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

The question is on agreeing to the committee amendment.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

CALL OF THE ROLL

Mr. ROBERT C. BYRD. Mr. President, the Senate has now been in session for 1 hour and 20 minutes. Fifty-five minutes have expired since the close of morning business. The pending business, the economic opportunity amendments, is now before the Senate.

The leadership would ask Senators who have amendments thereto to come to the Chamber and to be prepared to offer amendments so that progress can be made in disposing of this bill today if at all possible. Much remains to be done during the remainder of the week, and I feel it would be appropriate at this time to suggest the absence of a quorum and justifiable to state that this will be a live quorum so that the cloak room personnel can notify Senators on both sides accordingly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MONDALE). The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

[No. 245 Leg.]

Brock	Cook	Ribicoff
Buckley	Griffin	Saxbe
Byrd, Harry F., Jr.	Hruska	Stafford
	Mondale	Stevens
Byrd, Robert C.	Nelson	Stevenson

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to execute the order of the Senate.

After a delay the following Senators entered the Chamber and answered to their names:

Aiken	Ervin	Miller
Allen	Fannin	Montoya
Allott	Fong	Moss
Anderson	Fulbright	Packwood
Bayh	Goldwater	Pastore
Beall	Gurney	Pearson
Bellmon	Hansen	Percy
Bennett	Hart	Proxmire
Bentsen	Hartke	Randolph
Bible	Hatfield	Roth
Boggs	Hollings	Schweiker
Burdick	Humphrey	Scott
Cannon	Inouye	Smith
Case	Jackson	Sparkman
Chiles	Jordan, N.C.	Stennis
Church	Jordan, Idaho	Talmadge
Cooper	Kennedy	Thurmond
Cranston	Long	Tower
Curtis	Magnuson	Tunney
Dole	Mathias	Weicker
Dominick	McClellan	Williams
Eagleton	McIntyre	Young
Ellender	Metcalf	

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Sena-

tor from South Dakota (Mr. McGOVERN), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Iowa (Mr. HUGHES), the Senator from Virginia (Mr. SPONG), the Senator from Maine (Mr. MUSKIE), and the Senator from Oklahoma (Mr. HARRIS) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The PRESIDING OFFICER (Mr. JORDAN of North Carolina). A quorum is present.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding, after a discussion with the able assistant Republican leader, that he is prepared to offer an amendment shortly, within the next 3 or 4 minutes. Therefore, I suggest the absence of a quorum, and I hope that it will be only a brief quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRIFFIN. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 138, strike out line 23, and insert in lieu thereof the following:

"AMENDMENT WITH RESPECT TO VOLUNTEER PROGRAMS"

On page 138, between lines 23 and 24, insert the following:

"SEC. 24. (a) Section 801 of the Economic Opportunity Act of 1964 is amended as follows:

In the second sentence of Section 801, after the words "to eliminate poverty" insert the words "and to deal with environmental needs."

"(b) Section 811(a) of such Act is amended:

"(1) by striking out the first sentence thereof, and

"(2) by inserting in lieu thereof: 'Volunteers under this part shall be required to make a full-time personal commitment to achieving the purposes of this title and the goals of the projects or programs to which they are assigned.'

"(c) Section 820(a) of such Act is amended:

"(1) by striking out the first sentence of subsection (a) and

"(2) by inserting in lieu thereof: 'The Director shall develop programs designed to expand opportunities for persons to participate in a direct and personal way, on a part-time basis or for short periods of service either in their home or nearby communities or elsewhere, in volunteer activities contributing to the elimination of poverty or otherwise in furtherance of the purposes of this title.'."

On page 138, beginning with line 24, strike out through "1964" in line 25 and insert in lieu thereof the following:

"(d) The first sentence of section 821 of such Act".

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on this amendment be limited to 30 minutes, to be equally divided between the able Senator from Michigan (Mr. GRIFFIN) and the able Senator from Wisconsin (Mr. NELSON); and that time on any amendment to an amendment, debatable motion, or appeal in relation thereto, be limited to 10 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

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

Mr. ROBERT C. BYRD. Mr. President, does the distinguished Senator from Michigan, the author of the amendment, wish to have a rollcall vote on it, and would he want to get the yeas and nays shortly, or would he wish to wait?

Mr. GRIFFIN. Perhaps we should wait. It may not be necessary to have a rollcall vote.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, this amendment will broaden the authority of VISTA, the volunteer organization, so that it would be able to enlist and use volunteers in environmental cleanup projects.

At the present time, the basic legislation which established VISTA is restrictive in its terminology and requires that volunteers in VISTA can only operate with respect to the problems of poverty.

To be sure, there is plenty of work to do in connection with the problems of poverty and we can use all the volunteers available to work with that particular problem. But one of the unfortunate things is that there are many volunteers, particularly among young people, who would like to devote themselves to various programs and projects which have to do with cleaning up the environment.

In a real sense, the problem of poverty and the problem of pollution are inseparable. I do not think there is any question that the segment of our society which suffers most from pollution is the poor, in the inner cities—those who suffer from pollution of the air, and water, from rats and from unsightly conditions that exist in some areas because of litter. This group would benefit the most from the use of volunteers in environmental projects.

Mr. President, this amendment does not require the director of VISTA to put any particular number of volunteers to work in environmental projects. It merely expands the authority of the agency so that it can utilize volunteers who are able and willing to devote themselves primarily to environmental problems and environmental needs.

Personally I think that legislation of this kind should have been on the books years ago. In fact, when my staff people advised me that in our range of volunteer programs there is no present authority to utilize volunteers for environmental programs, I could hardly believe it. And I insisted that they do a good deal of research to be sure that is the case, because we are all aware of the great interest in environmental problems and the interest of many young people to do something about these problems.

So, the amendment is very simple. In my opinion it should not be controversial. It would merely provide that those who are operating the VISTA program would be able to enlist and utilize volunteers not only for projects that directly relate to poverty, but also for projects such as cleaning up the environment. I would hope that this amendment would be adopted by the Senate.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, on the question of authorizing VISTA volunteers to work in the area of environmental needs, I think that the authorization is already in the law so long as the activity that the VISTA volunteers are involved in is beneficial to poor people. Is that not correct?

Mr. GRIFFIN. Mr. President, I would say that is not the understanding. And it is not at all clear that is the case. If the floor manager of the bill believes that is so, then the amendment I propose would not be objectionable and he would agree to it.

Mr. NELSON. Mr. President, the distinguished Senator from Michigan mentioned lead-based paint. As I recall it, the testimony of Mr. Blatchford before our committee was in fact that VISTA volunteers work in that field now.

Is it the intent of the distinguished Senator from Michigan, concerning the environmental matters in which we would authorize VISTA volunteers to involve themselves, that these activities be for the specific and direct purpose of helping people in poverty.

Mr. GRIFFIN. Mr. President, it would be my thinking that we should not restrict it in that way. However, I have indicated that I have no doubt in my own mind that the group or segment of our society that would benefit most from volunteers working in the area of environmental problems would be the people who are in the inner city and the poor, because they are the ones that suffer the most from air and water pollution, and from the various other problems that are related to the abuse of the environment.

Mr. President, this would leave the discretion within the agency. It does not strike at the fact that the primary purpose of VISTA is directed at poverty. I am sure that should be taken into ac-

count even in interpreting the language which I am suggesting. However, I do not think I would want to be confined to that. I think that if we can get volunteers who are willing and able to go out and pick up litter and trash and help to clean up our environment, I am for using them whether it happens to be in a situation that is directly involved with poverty or not.

Mr. NELSON. Mr. President, one of the problems, as the Senator from Michigan is aware, is that very frequently the environmental movement is attacked as being a movement of the affluent and the middle and upper classes. I happen to agree with the Senator from Michigan that such is not the case, and that in fact the environment that is the worst in this country is in the city ghettos where the environmental noise is the worst, where the air pollution is the worst, where there is less clean space, less open space, less playgrounds, and less of all of the amenities of life.

It would be very disturbing to me if, for example, in a public park in a city in which the accessibility to the park was confined to affluent suburban and middle-class people, we had VISTA volunteers in there cleaning up the park and making the public park a nice place, whereas we have a much worse situation in a park down in the ghetto and the VISTA volunteers are not working there.

I do not think it would be defensible under this program, which is oriented toward helping the poor, to allow discretion in the VISTA program for them to do environmental clean-up work in well-to-do areas in which the environment is still much better than it is in the ghettos. That would concern me.

If the Senator is saying that they should be authorized to work on environmental problems, as he mentioned, in helping in the matter of lead-based paint, cleaning up of playgrounds, and supervising playgrounds oriented toward the poor, I would find no trouble in accepting the amendment. However, if the Senator proposes that these volunteers can be used in the other areas, I think it would be highly questionable.

Mr. GRIFFIN. Mr. President, if I may respond to the distinguished floor manager of the bill, I ask him if it would not make sense to agree to the amendment and give those who run the VISTA program a reasonable opportunity to operate and let us see how they use their authority. If it should be that volunteers are only used to clean up the parks in the affluent areas, if they are ignoring the problems of the inner city, I would be the first to join with the Senator from Wisconsin in asking for some kind of further restriction. However, I do not think that at this point it is necessary. I would assume without question that the Director of VISTA would not confine the use of volunteers to the areas that the Senator from Wisconsin referred to and that certainly a large percentage of these people would be used in the inner city.

Mr. NELSON. What puzzles me a bit is the reluctance of the Senator from Michigan to agree in the colloquy that the funds expended on environmental matters here should be oriented to the environmental problems of the poor. The thing that puzzles me is that if there were appropriated 10 times as much or 200 times as much there would not be enough money to make a significant dent in the disgraceful, deteriorating environmental circumstances in the poverty area. So I would be most reluctant to give the Director the discretion to use VISTA volunteers in the improvement of the environment in areas other than poverty areas. The Senator said he is sure that any Director would emphasize the poor, but why not agree to saying so in the amendment. I do not understand the reluctance to do that. I am for authorizing these activities but not to do work that benefits people who are not poor.

Mr. GRIFFIN. Mr. President, how much much times remains to each side?

The PRESIDING OFFICER. The Senator from Michigan has 10 minutes remaining and the Senator from Wisconsin has 5 minutes remaining.

Mr. NELSON. Mr. President, how do I have 5 minutes remaining when the Senator from Michigan took more time speaking than I did? Did the Chair count all of the Senator's answers to my questions on my time instead of his time?

Mr. GRIFFIN. I will be generous and yield time to the Senator.

The PRESIDING OFFICER. When the Senator from Michigan first took the floor he yielded. The Senator from Wisconsin was recognized. Everything since has been on the time of the Senator from Wisconsin.

Mr. GRIFFIN. Mr. President, I respond to the Senator from Wisconsin in this way. It may well be that the authorization, in terms of money, does need to be increased and it may be we will not, as a Congress, be willing to use the authorization in funding to the extent we could utilize all the volunteers who might be available to work in environmental projects. But I think it a tragedy that at the present time there are people willing to volunteer and work to clean up the environment and we do not have a program to utilize them.

We have the Teachers Corps, the Peace Corps, and VISTA, and the authorization is so restrictive and limited that people who are interested in working in cleaning up the environment have no place to go and say, "I want to work."

Now, I think that we should start by providing that authority in the law. That is what my amendment would do. In other portions of the bill I am willing to consider an increase in the authorization funds to make sure that by broadening this authority we are not going to cut back on the amount of work that the volunteers will do that will be directed specifically at poverty programs not related to the environment. But I would hope that the Senate would see the wisdom finally, after these many years, of making it possible for the VISTA program to enlist and use young people who do want to work in this area of cleaning up the environment. We certainly talk enough about it. We read about it. We know pollution is a serious problem. I rather imagine that most of the citizens of the country and our constituents would be a shocked as I to learn we have no way now under existing programs to utilize those who want to work in cleaning up the environment.

I think the justification for it and the good sense of it are apparent on the face. Again I urge that the floor manager and other Senators support the amendment.

Mr. NELSON. Mr. President, I find the objective of the amendment commendable. I suppose that in the 24 years I have been in public office no one in either House of Congress has spent more time on the issue of the environment than I have. I agree that this is a fundamental and important activity. I agree that VISTA workers should be eligible to participate in that kind of work. I think they are under the present law. I have no objection to broadening the scope of the authorization to make it more clear. I agree with the Senator that the Director of the program is likely to use good sense and to emphasize that the effort in the environmental field through VISTA workers be performed for the benefit of the poor. I suspect that if he has a choice between sending them to fix up a playground in a poverty as against an affluent area, he would choose to have them do work in the poverty area. Dealing with the problems of the poor is the objective of the efforts of VISTA workers. I assume that is what the Director would do in this program and I assume that because of the emphasis on that very aspect by the Senator from Michigan in his opening remarks that the Director of the program would take note of that and the intent would be clear.

I am willing to accept the amendment but I would make it clear in the legislative history that if the emphasis of the program is not on the poor I will return to the floor to take that authority away from the ACTION program and the VISTA program at the first feasible moment.

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

Mr. NELSON. I yield.

Mr. GRIFFIN. Mr. President, I am delighted that the manager of the bill has taken that position, but I believe that to maintain the position of the Senate in conference I nevertheless would like to ask for the yeas and nays. The requisite number of Senators are in the Chamber. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRIFFIN. I thank the Senator.

Mr. NELSON. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 21 minutes remaining.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum, and I ask that the time be charged equally against the author of the amendment and myself.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. CRANSTON. Mr. President——

The PRESIDING OFFICER. The Senate is operating on limited time. All time has expired on the amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on each side be extended by 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

Mr. GRIFFIN. Mr. President, I yield to the Senator from California.

Mr. CRANSTON. I thank the Senator from Michigan.

Mr. President, the present Economic Opportunity Act provisions make plain in section 810(a)(3) that VISTA Volunteers may be assigned to work in connection with programs or activities authorized, supported, or of a character eligible for assistance under this act. There is a section in the pending bill—section 7—providing for a special emphasis program to be added to section 222(a) of the Economic Opportunity Act to authorize an environmental action program that focuses on environmental problems in the poverty community.

I ask unanimous consent that that provision may appear in the RECORD as a part of my remarks.

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

NEW SPECIAL EMPHASIS PROGRAMS

SEC. 7. Section 222(a) of the Economic Opportunity Act of 1964 is further amended by inserting at the end thereof the following:

"(10) An 'Environmental Action' program through which low-income persons will be paid for work (which would not otherwise be performed) on projects designed to combat pollution or to improve the environment. Projects may include, without limitation: cleanup and sanitation activities, including solid waste removal; reclamation and rehabilitation of eroded or ecologically damaged areas, including areas affected by strip mining; conservation and beautification activities, including tree planting and recreation area development; the restoration and maintenance of the environment; and the improvement of the quality of life in urban and rural areas.

Mr. CRANSTON. Mr. President, we have held long and detailed hearings in the Human Resources Subcommittee of the Committee on Labor and Public Welfare on the Action program. I introduced an Action Agency bill—S. 3450—by request, and in those hearings the matter of environmental work and other nonpoverty work for VISTA volunteers was discussed. Every witness before us on this matter made plain their opposition to any environmental work that competed for scarce dollars committed to the war on poverty. We had testimony from Community Action Agency representatives, VISTA representatives, labor representatives, the poor themselves and others.

I believe that a simple amendment to the amendment of the Senator from Michigan would deal with this problem in an adequate way, and I therefore ask if he would accept an amendment on page 2, line 1, to strike out the word "needs" and insert "problems focused primarily upon the needs of low-income persons and the communities in which they reside." Would that be satisfactory?

Mr. GRIFFIN. I would say to the Senator from California that that would be satisfactory. It is not absolutely restrictive, but it recognizes that we should extend the benefits of the bill, and the primary thrust of the bill should be directed toward the solution of problems of poverty and environmental problems associated therewith. I think it is a constructive amendment, and I am glad to accept it.

Mr. CRANSTON. I thank the Senator. With that understanding, I have no objection to the amendment.

On another matter regarding the amendment, I ask unanimous consent that lines 3, 4, and 5 on page 3 be stricken.

Mr. GRIFFIN. Could we take care of the first one first?

The PRESIDING OFFICER. It takes unanimous consent to adopt the amendment.

Mr. GRIFFIN. I think we can adopt it by voice vote, Mr. President. I refer to the amendment of the Senator from California.

Mr. CRANSTON. Mr. President, I offer that amendment.

Mr. GRIFFIN. Mr. President, would it have to be done when the time expires?

The PRESIDING OFFICER. That is correct.

Mr. GRIFFIN. Mr. President, I am prepared to yield back the remainder of my time, if we may do so, except there is a technical error the staff has found.

I ask unanimous consent that the language on lines 3, 4, and 5 on page 3 of the printed amendment be stricken.

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

Mr. GRIFFIN. Mr. President, I yield back the remainder of my time.

Mr. CRANSTON. Mr. President, I offer an amendment to the amendment of the Senator from Michigan as follows:

On page 2, the top line, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Will the Senator send his amendment to the desk so that it may be reported?

Mr. NELSON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 2, line 1 of the modified amendment, strike out "needs" and insert in lieu thereof "problems focused primarily upon the needs of low income persons and the communities in which they reside".

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. GRIFFIN. Mr. President, I yield back my time.

Mr. CRANSTON. I yield back whatever time I may have remaining.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. SPARKMAN). The question now is on agreeing to the amendment of the Senator from Michigan as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oklahoma (Mr. BELLMON) and the Senator from Colorado (Mr. DOMINICK) are detained on official business.

If present and voting, the Senator from Massachusetts (Mr. BROOKE), the Senator from New York (Mr. JAVITS), and the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 79, nays 0, as follows:

[No. 246 Leg.]

YEAS—79

Aiken	Ervin	Moss
Allen	Fannin	Nelson
Allott	Fong	Packwood
Anderson	Fulbright	Pastore
Bayh	Goldwater	Pearson
Beall	Griffin	Percy
Bennett	Gurney	Proxmire
Bentsen	Hansen	Randolph
Bible	Hart	Ribicoff
Boggs	Hartke	Roth
Brock	Hatfield	Saxbe
Buckley	Hollings	Schweiker
Burdick	Hruska	Scott
Byrd, Harry F., Jr.	Humphrey	Smith
Byrd, Robert C.	Inouye	Sparkman
Cannon	Jackson	Stafford
Case	Jordan, N.C.	Stennis
Chiles	Jordan, Idaho	Stevens
Church	Kennedy	Stevenson
Cook	Long	Talmadge
Cooper	Magnuson	Thurmond
Cranston	Mathias	Tower
Curtis	McClellan	Tunney
Dole	McIntyre	Weicker
Eagleton	Miller	Williams
Ellender	Mondale	Young
	Montoya	

NAYS—0

NOT VOTING—21

Baker	Gravel	Metcalf
Bellmon	Harris	Mundt
Brooke	Hughes	Muskie
Cotton	Javits	Pell
Dominick	Mansfield	Spong
Eastland	McGee	Symington
Gambrell	McGovern	Taft

So Mr. GRIFFIN's amendment (No. 1268), as modified, was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment, as amended.

Mr. BROCK. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

Page 71, line 1, strike out "IX, and X", and insert in lieu thereof "and IX".

Page 71, line 13, place a period after "1964", and strike out "and" and all that follows down through and including line 15 on page 71.

Page 71, strike out lines 24 and 25, and insert in lieu thereof the following:

"$466,400,000 shall be for the purpose of carrying out title II of which $71,500,000 shall be for the purpose of carrying out the Legal Services program described in section 222(a)(3), $114,000,000 shall be".

Page 75, strike lines 10 through 12 inclusively, and renumber succeeding paragraphs.

Page 100, strike out line 22 and all that follows down through and including line 21 on page 129.

Page 130, strike "Title X", insert in lieu thereof "Title IX", and redesignate section numbers therein accordingly.

AUTHORIZATION OF APPROPRIATIONS FOR COAST GUARD, FISCAL YEAR 1973—CONFERENCE REPORT

Mr. LONG. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4 and 6 and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: "39,449, and an end of year strength of 39,541."

And that the Senate agree to the same.

RUSSELL B. LONG,
PHILIP A. HART,
ERNEST F. HOLLINGS,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

Mr. LONG. Mr. President, the Managers on the part of the Senate were successful in getting the Managers on the part of the House to accept all of the Senate amendments to H.R. 13188, with one exception in which the Managers on the part of both Houses felt a slight revision was in order.

To all intents and purposes, the House agreed to the Senate amendment other than that they wanted the amendments to be of general application, which was agreed to.

Mr. President, I ask unanimous consent that the statement of explanation of the joint managers be printed in the RECORD, and that the requirement to print the report as a separate document be waived.

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

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the act (H.R. 13188) to authorize appropriations for the procurement of vessels and aircraft and construction of shore and offshore establishments, and to authorize the average annual active duty personnel strength for the Coast Guard, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

AMENDMENT NO. 1

House bill

The House authorized to be appropriated $81,070,000 for procurement and increasing capability of vessels.

Senate amendment

Senate amendment No. 1 increased this amount by $670,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels assigned to the Great Lakes with pollution abatement capabilities.

Conference substitute

The conference report authorizes to be appropriated $81,740,000, with the intent that the funds be allocated for expedited action to equip Coast Guard vessels with pollution abatement capabilities and your conferees expect that the Coast Guard will use such funds to abate pollution from vessels assigned to restricted waters where pollution problems are most acute, such as in inland lakes, rivers, and the Great Lakes, on the basis of the most urgent environmental needs.

AMENDMENT NO. 2

House bill

The House bill authorized to be appropriated $15,100,000 for the procurement and extension of service life of aircraft.

Senate bill

The Senate bill authorized to be appropriated $18,100,000.

Conference substitute

The conference report authorizes to be appropriated $18,100,000. Your conferees agreed that the Coast Guard should be authorized additional funds to procure the long-range search and rescue helicopter authorized by Senate amendment No. 3.

AMENDMENT NO. 3

House bill

No comparable provision.

Senate bill

Senate amendment No. 3 provided for the authorization of one long-range search and rescue helicopter, and the Senate report expressed the intent that the Coast Guard should station the helicopter at Alaskan Coast Guard facilities.

Conference substitute

The conference report authorizes the procurement of one long-range search and rescue helicopter, and your conferees believe that the Coast Guard should locate the helicopter wherever it would be most useful to protect human life.

AMENDMENT NO. 4

House bill

The House bill provided $45,650,000 for construction of certain designated projects, including the rebuilding of the moorings of the Cutter *Mackinaw* at Cheboygan, Michigan.

Senate bill

The Senate bill increased this amount by $390,000 to allow additional funds for the project at Cheboygan, Michigan. This increase was provided as a result of revised cost studies submitted by the Coast Guard.

Conference substitute

The conference report authorized the appropriation of the additional amount provided by Senate amendment No. 4, making the total amount authorized for construction projects $46,040,000.

AMENDMENT NO. 5

House bill

The House bill authorized the Coast Guard to have an average active duty strength of 39,074.

Senate bill

The Senate bill authorized an average active duty strength of 39,449. The Senate increased this authorized strength in order to reflect the recall of two cutters from the reserve fleet, which was funded by appropriations not subject to authorization, and to reflect the transfer from the Navy to the Coast Guard of the responsibility for providing essential services for Coast Guard operations at Kodiak, Alaska necessitated by the closure of the Naval Station at Kodiak.

Conference substitute

In order to conform to the recent action of the Congress requiring that authorized personnel ceilings be stated in terms of the authorized strength at the end of the fiscal year, your conferees agreed to authorize an end of year personnel strength at 39,541, which does not reflect an increase over the ceiling set by the Senate, but states the figure in a manner compatible with the method adopted by the Armed Services Committees of the two Houses; and your conferees agreed to the increases provided in Senate amendment numbered 5.

AMENDMENT NO. 6

House bill

No comparable provision.

Senate bill

Senate amendment No. 6 authorized the extension of the authority for the Coast Guard to lease housing for military personnel, now scheduled to expire on June 30,

1972, at the request of the Coast Guard. The Senate made the authority permanent, contingent upon an annual report to the Congress as to the utilization of the authority for the previous calendar year.

Conference substitutes

The conference report grants the Coast Guard permanent authority to lease housing for military personnel subject to the filing of an annual report to the Congress as to the utilization of the authority during the preceding calendar year.

Mr. LONG. Mr. President, I move adoption of the conference report.

The motion was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions:

H.R. 632. An act for the relief of the village of River Forest, Illinois;

H.R. 3227. An act for the relief of Staff Sergeant J. C. Bell, Junior, United States Air Force;

H.R. 4083. An act for the relief of Thomas William Greene and Jill A. Greene;

H.R. 6820. An act for the relief of John W. Shafer, Junior;

H.R. 10595. An act to restore to the Custis-Lee Mansion located in the Arlington National Cemetery, Arlington, Virginia, its original historical name, followed by the explanatory memorial phrase, so that it shall be known as Arlington House, The Robert E. Lee Memorial;

H.R. 13918. An act to provide for improved financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 14423. An act to amend the Rural Electrification Act of 1936, as amended, to enhance the ability of the Rural Telephone Bank to obtain funds for the supplementary financing program on favorable terms and conditions;

S.J. Res. 72. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; and

H.J. Res. 812. Joint resolution to authorize the Secretary of the Interior to participate in the planning and design of a national memorial to Franklin Delano Roosevelt, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) subsequently signed the enrolled bills and joint resolutions.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. BROCK. Mr. President, I rise to offer an amendment which would keep the legal services program within the office of the OEO.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield, I should like to ask the able Senator whether there is any chance of getting a time limitation on his amendment at this time.

Mr. BROCK. I wish I could accommodate the distinguished majority whip, but I cannot at this time as I have a number of requests for time and I do not know how much will be used.

Mr. ROBERT C. BYRD. I thank the able Senator.

Mr. BROCK. Mr. President, the amendment does not strike any program of the legal services for the poor. During the past few months, we have heard certain aspects of the House and Senate debate on this proposal which infers that a motion to strike proposed title IX of the Economic Opportunity Act of 1964, as amended, would be a motion to destroy the Federal Government's commitment to providing legal services to the poor. Nothing could be further from the truth.

Specifically, my amendment would strike section 18 of the bill, which seeks to establish a National Legal Services Corporation and attendant program as title IX of the EOA. Thus, it preserves the legal services program within OEO, not only as a viable program but also with an increase in authorized funds over previous years.

What is the difference between a federally funded legal services program within OEO and a federally created and federally funded legal services program within, and administered through, a proposed corporation? The difference is major. It is the heart of this debate.

During previous discussion of this program, we have had problem area after problem area, unresolved controversy after unresolved controversy, horror story after horror story brought to the attention of this body. And, in reality, not one of these would be effectively resolved by the proposal now pending.

Policy questions and administrative issues as great as the meaning and role of accountability of the Corporation and its programs to the public and their elected representatives in the Congress; the role of Federal oversight; the qualifications of attorneys and personnel; the eligibility of clients; the nature of the attorney-client relationship; the permissible scope, if any, of solicitation by project attorneys; the permissible scope of the outside practice of law among project attorneys; the determination of priorities as to cases handled by the program; the role of project attorneys in criminal representation and prisoner organization; the role of project attorneys in so-called community education and community organizing; the role of federally funded attorneys engaging in lobbying activities with the blessings of the bill pending before us; the role and propriety of promoting ideological, philosophical, political, and partisan points of view with Treasury funds; the efficacy of involvement and participation in various forms of direct action—rallies, demonstrations; the role of project attorneys in social issues such as busing, abortion, workfare requirements; the role of State and local bar associations; and the end result of this proposed program—each of these questions have been inadequately resolved.

In his veto message of the proposed National Legal Services Corporation last December 9, the President stated emphatically:

It would be better to have no legal services corporation than one so irresponsibly structured.

Mr. NELSON. Mr. President, will the Senator from Tennessee yield for a question?

Mr. BROCK. I am delighted to yield to the Senator from Wisconsin.

Mr. NELSON. The Senator realizes, I assume, that the President's objection to the structure of the Board was that he would have been able to nominate only six of the 17 members. Does the Senator realize that the President asked in his message to create a separate Corporation—that he recommended and asked Congress to approve a separate Legal Services Corporation?

Mr. BROCK. Of course.

Mr. NELSON. So it is the Senator's position that he does not agree with the President that there should be a separate Corporation?

Mr. BROCK. I fully agree with the President. I support the President. But I think the question before us is whether the committee has addressed itself to the points he raised in his veto message and whether the committee has addressed itself to them adequately.

In my reading of this vast bill, all are unresolved questions. They all remain unresolved.

The bill, as written, is not responsive to the request of the President for a Legal Services Corporation which would benefit the poor.

Mr. NELSON. May I ask another question?

Mr. BROCK. Certainly.

Mr. NELSON. Do I correctly understand the Senator, then, to say that he does agree with the President in principle, that there be established a separate and independent Legal Services Corporation?

Mr. BROCK. Yes, I do.

Mr. NELSON. And that the difference is in the spelling out of the details of that Corporation in the bill?

Mr. BROCK. The Senator has correctly stated my position.

Now, to continue my statement, Mr. President, the question, thus, becomes: Do we have any reason to believe that the new program—federally created and federally funded—will manifest itself any differently than the existing program? The answer, unfortunately, is, "No." As a matter of fact, it could be worse, because we divorce the new Corporation from any public accountability. Nothing has been brought to the attention of this body which demonstrates that the transfer of this program from a Federal agency to a federally created Corporation will resolve the mammoth issues brought to our attention.

Mr. President, I suggest that the problems with this program unquestionably reveal that the only way to substantively reform this program, to make it stronger and more effective in meeting the legal needs of the poor—is to keep the program, for the time being, within OEO where it is more susceptible to reform to improve the delivering of legal services to the poor. The debate has brought to the attention of everyone concerned with this program the nature of the

changes and reforms which need to be made.

Mr. President, it is the responsibility of this body collectively, and of its Members individually, to insure the proper administration of any program funded with taxpayers' dollars. The legal services program should be no different from any other. Proper administration can come if this program remains within OEO.

This means that we will have the opportunity to pursue the reforms now in progress, to resolve the questions which are before us in a manner which will ultimately allow us to have a full legal services program of an adequate and responsive nature.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NELSON. Mr. President, I would like to address myself to the amendment offered by the Senator from Tennessee (Mr. BROCK) which is designed to eliminate the Legal Services Corporation from the bill.

LEGAL SERVICES CORPORATION

Title IX of the Economic Opportunity Amendments of 1972 (S. 3010) now pending before the Senate establishes a National Legal Services Corporation and transfers to that Corporation the legal services program currently administered in the Office of Economic Opportunity.

Mr. President, contrary to the position of the distinguished Senator from Tennessee (Mr. BROCK), the committee reported bill's legal service title responds in every significant respect to the administration's viewpoints. As with all legislation, there are many compromises in the legal services title. Its provisions were worked out on a bipartisan basis with the leadership of Senators TAFT and JAVITS of the committee minority and Senators MONDALE and CRANSTON of the committee majority. If my memory is correct, the final bill was reported by a unanimous vote of the whole committee.

Let me remind the Senate of the history of the development of this legislation to establish a National Legal Services Corporation outside the Office of Economic Opportunity.

The President himself called for the Corporation to replace the current legal services program in a Presidential "Message Relative To Providing Legal Services to Americans Otherwise Unable To Pay for Them" transmitted to Congress on May 5, 1971.

In fact, the original initiatives toward the proposal for a National Legal Services Corporation came when the President, as he points out in his message, specifically asked the President's Advisory Council on Executive Organization—the Ash Council—to examine the status of the legal services program.

In response to the President's initiative, the Ash Council in November of 1970 recommended that the Government create a special corporation for the program. The Ash Council stated:

We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique Federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.

In our view, this program should be placed in an organizational setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate. . . .

Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

So it was the President's own reorganization task force, the Ash Council, that first called for the establishment of the National Legal Services Corporation as the most appropriate organizational structure for administering financial assistance to legal services programs.

In addition, the National Advisory Committee on Legal Services recommended in its March 21, 1971, report to the White House that:

After considering various alternatives regarding a future home for the Office of Economic Opportunity's Legal Services program other than OEO itself, the National Advisory Committee concluded and recommends that the program be transferred to a District of Columbia nonprofit corporation chartered by the Congress.

On April 29, 1971, the American Bar Association's Board of Governors adopted a resolution stating—

* * * (T)hat the American Bar Association supports, in principle, the creation of a federally funded nonprofit corporation to administer moneys which will be used to fund programs which will provide a broad range of legal services to persons unable to afford the services of an attorney, the charter of which shall contain assurances that the independence of lawyers involved in the Legal Services program to represent clients in a manner consistent with the professional mandates shall be maintained. * * *

After receiving the recommendations of his own Reorganization Council, of the National Advisory Committee on Legal Services, and of the American Bar Association, along with other groups including many legal organizations, President Nixon called for the Legal Services Corporation in his Message of May 5, 1971. The President then stated:

Today, after carefully considering the alternatives, I propose the creation of a separate, nonprofit Legal Services Corporation. The legislation being sent to the Congress to accomplish this has three major objectives: First, that the corporation itself be structured and financed so that it will be assured of independence; second, that the lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics and the high standards of the legal profession; and third, that the Nation be encouraged to continue giving the program the support it needs in order to become a permanent and vital part of the American system of justice.

Mr. President, I would like to point out that the president of the American Bar Association sent the telegram on June 15, 1972, reading as follows:

The American Bar Association supports the enactment of legislation establishing a National Legal Services Corporation, having concluded that the Corporation will tend to further the Association's interest in preserving the independence and professional integrity of the Legal Services Program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike Title IX or which would threaten the independence of the Corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the Association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

On the same day, the President's message of legal services was sent to Congress, the administration's bill was introduced. The Senator from Kentucky (Mr. COOK) introduced the bill in the Senate (S. 1769) on the administration's behalf.

It is illuminating to compare key provisions and safeguards in the bill drafted and submitted by the administration with the bill which is now before the Senate.

First, the administration bill provided for the creation of an independent nonprofit corporation for legal services which would not be a Federal agency. So does the committee bill.

Second, the administration bill provided that the corporation be prohibited from interfering with attorney-client relationships. So does the committee-reported bill.

Third, the administration bill requires that legal services attorneys who are employed full-time and while engaged in legal services activity refrain from undertaking to influence the passage or defeat of legislation except when legislative bodies request that the attorney make representations to them. The committee-reported bill contains the same prohibition making clear the administration's interpretation that this prohibition applies when a legal services attorney is not representing a client.

Fourth, the administration bill required that full-time attorneys, and part-time attorneys while engaged in legal services activities, refrain from partisan political and voter registration and transportation activity. The committee-reported bill contains the same prohibitions.

Fifth, the administration bill provides that no funds may be made available by the Corporation to provide legal services with respect to any criminal proceeding. The committee-reported bill likewise provides that no funds or personnel made by the Corporation shall be used to provide legal services with respect to any criminal proceeding.

Let me reiterate that the legal services title was developed on a bipartisan basis. Last year during the Senate debate on S. 2007, the Senator from Kentucky (Mr. COOK)—the sponsor of the administration's bill—expressed his views on the legislation. Let me say that his views had great influence with the Senate conferees, and the bill that came out of conference had strong safeguards as a result of his efforts and his counsel. The flat-out prohibition on criminal representation is in accord with his concern that the legislation be crystal-clear on that point.

The President's veto message on last year's bill objected to the provisions of the legal services title in two respects: the composition of the board of directors and the incorporating trusteeship for the transition period while the new corporation is being established.

On both of these points, the bill reported by the committee contains substantial changes designed to meet the President's objections. The veto message criticized last year's bill on the ground that it gave the President full discretion to appoint only six of the 17 directors and that he would have had to select the remaining 11 from lists of recommendations from various groups. These 11 would, under last year's bill, have been selected by the President from lists of recommendations containing from three to 10 names for each position to be filled. One person would have been nominated from lists of names submitted by the American Bar Association, one from names from the Association of American Law Schools, one from the National Legal Aid and Defender Association, one from the National Bar Association, and one from the American Trial Lawyers Association; two from lists of names submitted by the Judicial Conference of the United States; two from lists of names submitted by the Clients Advisory Council; and two former legal services attorneys from lists of names submitted by the Project Attorneys Advisory Council—totaling 11.

In response to the President's objection in his veto message to the provisions of last year's bill which provided the President with full discretion only with respect to six of the 17 nominees to the board of directors, the committee this year has substantially altered the composition of and manner of appointing the board.

First, the President would appoint a clear majority—10 of the 19 board members—without having to consider any recommendations. The remaining nine members would be appointed by the President from recommendations as follows: one from recommendations made by the American Bar Association, one from recommendations of the Association of American Law Schools, one from recommendations of the National Bar Association, one from recommendations of the National Legal Aid and Defender Association, one from recommendations of the American Trial Lawyers Association; then two members are named by the President from recommendations made by the Clients Advisory Council and two members are to be former legal services project attorneys from recommendations by the Project Attorneys Advisory Council. (The two members from recommendations of the Judicial Conference of the United States, which last year's bill provided, are not included in this year's bill.)

Let me point out that this year's bill omits the requirement in last year's bill that lists of three to 10 names be submitted for each position to be filled. The committee accepted the suggestion that the 1971 bill's specific requirement that recommendations be submitted by way of lists was unnecessarily abrasive and could inhibit or be less conducive to informal discussions between the President and the groups making the recommendations.

The committee bill gives absolute policymaking control to the 10 persons the President wishes to appoint. A majority of the board will make the policies governing the Corporation's role in providing legal services to the poor. And the President still appoints the remaining nine from recommendations. The President does not have to submit the name of any individual he does not wish to appoint to the board of directors. No one can be appointed to the board whom the President does not approve.

I might emphasize here that the President could reject 10 recommendations, 100 recommendations, 1,000 recommendations; he could reject every single recommendation made by all recommending bodies under the bill until such time as he had a board made up as he desired it to be made up. I do not know what more anyone could ask. As a matter of fact, OEO people do not object. I understand from the Senator from Kentucky (Mr. COOK) that he does not object to the present composition of the board. I do not know what further objection there could be unless it is the position of the Senator from Tennessee (Mr. BROCK) and those supporting him that the American Bar Association should not be permitted to make a tiny suggestion to the President of the United States about the Legal Services Corporation, or that the Association of American Law Schools should not make recommendations to the President, even though it is not binding on him.

I would think the President would like the benefit of recommendations from these distinguished groups around the United States.

Mr. MONDALE and Mr. BROCK addressed the Chair.

Mr. NELSON. I yield to the Senator from Minnesota.

Mr. MONDALE. In addition to the very strong point the Senator from Wisconsin has made, I would like to refer to page 44 of the committee report which shows that when this measure was reported, including the Legal Services Corporation provision, the committee by a vote of 17 to 0 voted to recommend it. Every Democrat and every Republican on the Committee on Labor and Welfare voted to recommend the bill. Some objections were cited in the concurring statements appearing later in the report, but as I read those suggestions, none of them suggest that anyone on the committee wanting to eliminate the provision for an independent Legal Services Corporation. Am I correct?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. So I am at a loss to reconcile the statement by the sponsor of this measure that he is supporting the President when he seeks to do away with the Legal Services Corporation, which the President supports. Can the Senator advise me if it is possible to support the Brock amendment and still support the President's position?

Mr. NELSON. I did not understand the Senator's question.

Mr. MONDALE. As I understand the position of the President, he wants us to create a National Legal Services Corporation.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. The amendment offered by the Senator from Tennessee would strike the National Legal Services Corporation and keep the present administrative apparatus. Is that correct?

Mr. NELSON. The Senator is correct. That is what is puzzling me about the response of the Senator from Tennessee when I asked him if he supported the President's position in favor of a separate Legal Services Corporation. If that is the case I would think the Senator would offer a specific amendment to the program.

We have agreed to nearly everything the administration asked for. We met the objections of the veto message. If there is some specific change the Senator from Tennessee thinks should be made in the bill, I think he should offer an amendment.

But the Senator from Minnesota is correct that if the Legal Services Corporation is struck from the bill that is contrary to the position of the President.

Mr. MONDALE. As I understand the situation, the bill which we sent to the President—which he vetoed—involved a difference between the conferees and the President, not on the question of whether there should be an independent Legal Services Corporation, but what the form of that corporation should be.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. It was not a question of principle, but rather a question of form.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. What we are trying o do now is change the makeup and some of the other details of the Legal Service Corporation so that the bill meets the objections set forth in the President's veto message.

Mr. NELSON. The Senator is correct.

Mr. MONDALE. Is it not true that in doing so we worked closely with the minority members of the Committee on Labor and Public Welfare to try to shape a measure to meet the objections of the President?

Mr. NELSON. The Senator is correct.

Mr. MONDALE. And the majority went a great distance to try to make this a measure acceptable to the President. Is that correct.

Mr. NELSON. The Senator is correct. I think it worthwhile to point out to the Senator that the House-passed bill provides for the President to be authorized to appoint just six members, as did the bill a year ago, whereas this bill authorizes an absolute majority to be appointed by the President, and it provides that the American Bar Association, the American Trial Lawyers Association, and the American law schools can recommend to the President somebody to go on the Legal Services Corporation without any requirement at all that the President appoint anyone they recommend, with the right to reject any number of recommendations. So the President has ab-

solute control of the board by appointment of the majority.

He has the authority to reject all recommendations that are made to him. I do not know what more could be asked.

Now, he had one other objection. The board was the main one. The other one was the incorporating trusteeship arrangements. He did not like the interim incorporating trusteeship, and he attacked that in his veto message. We have abolished that. There is no interim incorporating trusteeship anymore. The Director of the OEO runs the program until the new corporation has been established. So the President got, I think, everything he was asking for. I do not know what more there is to ask for, unless he wants to say he wants to make all the appointments without even consulting us and without having them go to the Senate for confirmation; but I do not think either house would want that.

Mr. MONDALE. Not even that would be so under the amendment offered by the Senator from Tennessee, because he would oppose the principle of an independent corporation which the bill calls for.

Mr. NELSON. That is correct.

Mr. MONDALE. If I understood the Senator from Tennessee, he makes the point of what he considers mistakes, errors, and bad judgment by an occasional member of the legal services program. I do not in any way support those contentions. What I do not understand is the logic of the Senator from Tennessee's view; if he is correct about these examples about mismanagement—which I doubt—what he is proposing to do is keep the same system of mismanagement which created the problems he is talking about.

Mr. NELSON. That is correct.

Mr. MONDALE. We have tried to create a Legal Services Corporation which would have the maturity, experience, and judgment of the legal profession, as well as those whom the President will select; a Corporation run by an independent board which is seasoned and experienced, and which would hopefully remove this program from political pressures and political compromises. Would the Senator agree with that?

Mr. NELSON. I would agree with that, and the reason why we reached this compromise was that the members of this committee have spent just about 2 years on this issue. We have conducted extensive hearings on the bill and the issue. We have met day after day after day in executive session. We finally hammered out a proposal that we were satisfied with, on a bipartisan basis, including the distinguished Senator from New York (Mr. JAVITS), and Senators SCHWEIKER, PACKWOOD, TAFT, and STAFFORD. We worked on a bill that reached a compromise between the majority and the minority, that caused the bill to be sent to the floor of the Senate with a unanimous vote of 17 to 0.

This was, as I have said, after 2 years of effort, which I would hate to see destroyed by an amendment tossed on the floor of the Senate without even the benefit of having the rest of the Senate hear the discussion.

Mr. MONDALE. Mr. President, will the Senator yield further?

Mr. NELSON. I yield.

Mr. MONDALE. The last time we considered the measure, substantial objection was raised by the Senator from Kentucky, which received quite a bit of support, that under no circumstances should the legal services attorneys engage in criminal defense work.

Mr. NELSON. That is correct.

Mr. MONDALE. Am I not correct that, even though some of us felt that under certain limited circumstances, such attorneys should be available for criminal defense work, nevertheless, in order to reach the objective, this measure prohibits criminal defense by attorneys under this program?

Mr. NELSON. Yes, and I agree with the Senator from Minnesota that there would be special cases in which some criminal conduct may arise out of some civil actions where in fact the attorney ought to be able to represent the client; but in order to meet this objection, we leaned over backward and inserted a section, which is on page 118 of the bill, which reads, starting on line 1:

> That no funds or personnel made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding.

So that issue raised by the Senator from Kentucky (Mr. COOK) was resolved and specifically provided for in accordance with and to meet the objections he had to this bill.

Mr. MONDALE. So, in accordance with the objections made by the President in his veto message, and in terms of the single objection we heard prominently last time this measure was debated—in both instances—we went all the way in an effort to meet the objections. Is that correct?

Mr. NELSON. So far as I know, we met every major objection that was made on the floor of the Senate and by the President's veto message, and accommodated those objections in whole, or almost totally, in every single case.

Mr. MONDALE. I thank the Senator.

Mr. NELSON. Let me explain how the Advisory Councils for the clients and the Advisory Council for the Project Attorneys are appointed. There is a transition period of 6 months during which the Legal Services program continues in OEO while the new National Legal Service Corporation, is being established. During the first 60 days of this transition period, the initial councils are selected in accordance with the procedures established by the Director of OEO, who is the incorporating trustee during this transition period. After the first board of directors of the corporation has taken office, procedures for selecting subsequent members of the Advisory Councils are made by the board of directors. It is therefore clear that the Councils which will be making recommendations for four of the members of the board of directors—two from each Council—will themselves be appointed in a manner acceptable to the Director of OEO who is an appointee of the President and is a high ranking administration official.

Last year's bill provided that the incorporating trusteeship during the 6-month period for establishing the new corporation would consist of the presidents—or their designees—of the five national legal organizations. In order to meet the President's objection to the appropriateness of that incorporating trusteeship, the committee-reported bill provides that the Director of the Office of Economic Opportunity shall be the incorporating trustee during the transition period.

Mr. President, the Legal Services program enables more than 2,000 lawyers to work for the poor in some 900 neighborhood law offices. More than a million cases a year are handled by these legal services attorneys. As President Nixon said in his message proposing the establishment of a National Legal Services Corporation:

> A large measure of credit is due the organized bar. Acting in accordance with the highest standards of its profession, it has given admirable and consistent support to the legal services concept. The concept has also had the support of both political parties.
>
> The crux of the program, however, remains in the neighborhood law office. Here each day the old, the unemployed, the underprivileged, and the largely forgotten people of our Nation may seek help. Perhaps it is an eviction, a marital conflict, repossession of a car, or misunderstanding over a welfare check—each problem may have a legal solution. These are small claims in the Nation's eye, but they loom large in the hearts and lives of poor Americans.

Mr. BROCK. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator from Tennessee has requested the Senator from Wisconsin to yield for a question.

Mr. NELSON. Yes, I yield for a question.

Mr. BROCK. I do not intend to get into a debate on the President's veto, but I think the President felt that no Legal Services Corporation would be better than one which was not accountable to the people of this country.

Mr. NELSON. That is one I do not understand. In what way is this Corporation unaccountable?

Mr. BROCK. The Senator mentioned that it requires the American Bar Association to make recommendations, and so forth. The President does not have to accept these, but the net effect is that he does because the Board cannot function until all are appointed.

Mr. NELSON. The Board has an absolute majority based on the President's recommendations.

Mr. BROCK. But the Board does not come into effect until all 19 are named. The point is there is no prohibition against the OEO or upon the President's receiving recommendations from the American Bar Association or anyone else. If I may cite one example which is related in this context, there are 2 Commissions under the present anti-inflation program. The first is the Price Board and the other is the Pay Board. The Price Board is composed entirely of public representatives. The Pay Board is

represented by advocates of varying views. The question arises as to which Board has been more representative of the American public? I do not think there is any question that the Price Board has done a better job. Under the Pay Board, a condition is created where you have certain groups represented and there will always be an effort to see that certain groups shall or shall not be represented. My point is that the public at large should have the voice in this.

Mr. NELSON. I did not understand.

Mr. BROCK. The public is the one who should have the prime voice. To mandate the President to take appointments by any group is an insult to the President and the American people. If we are going to compromise this bill, we should have a chance to make a judgment on who will represent the American people. To imply that my approach would prohibit the American Bar Association or anyone else from making recommendations just is not so.

Mr. NELSON. I do not understand what the Senator's point is. Number one, until the Board is appointed and confirmed, the Director of OEO serves as incorporating trustee. So if they were never appointed or confirmed, then the Director of OEO would continue to run the legal services program.

Now, the Corporation would be responsible to the public, and the President represents the public. That is why we gave the President an absolute majority. The Senator says he has no objection to the bar associations, the Association of American Law Schools, or the American Trial Lawyers Association making recommendations. Well, if he has no objection to it, why object to the provision in the bill, which simply says they may make recommendations? That is all it says. The President does not have to accept any recommendations they make.

Mr. BROCK. But if he does not, the Board will not begin to function.

Mr. NELSON. Well, the Senator ought to be happy with that. He is trying to strike out the Board. The Legal Services would be run as it is now run, out of the OEO. But if the Senator is really seriously suggesting that these responsible national organizations would keep sending to the President people who were so disreputable or so much in philosophical disagreement with the President that in no way could the President conceivably accept any of the recommendations these national associations would make—I do not think the Senator would intend to insult these organizations in that way, or insult the President in that way. It is absolutely preposterous to suggest that the American Bar Association would not send to the President of the United States or recommend to the President of the United States distinguished, able lawyers. If they did not, the President ought to reject them, and he will reject them.

It is preposterous to think that the American Trial Lawyers Association would not recommend, from their group, some highly distinguished, reputable lawyer to participate on the legal services corporation. And if they did not, the President would reject the recommendation and they would come back with another.

I do not think there is any substance at all to the kind of objection the Senator is making. He says they are entitled to make recommendations anyway. All right; that is all we have said here.

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

Mr. NELSON. Mr. President, I have completed my remarks for the time being. I yield the floor to the Senator from New York. There is no time limitation on the bill thus far.

Mr. JAVITS. Mr. President, addressing myself to the question asked by the Senator from Tennessee, there is a difference, and that difference is in the professional responsibility of lawyers and the need for the recruitment of able and effective lawyers in this program. Therefore the bar association, it seems to me, has a place, which is not the situation with the Price Commission. But in addition to that, all of us are always wary of being holier than Caesar, or holier than whoever is holiest, and the American Bar Association, which represents half the lawyers in this country—we have 330,000 lawyers, and 146,000 are members of the ABA—has sent a telegram to me dated June 15, which reads as follows:

> The American Bar Association supports the enactment of legislation establishing a national Legal Services Corporation. Having concluded that the corporation will tend to further the Association's interest in preserving the independence and professional integrity of the legal services program, I would therefore urge that you resist amendments to S. 3010, the Economic Opportunity Amendments of 1972, seeking to strike title IX, or which would threaten the independence of the corporation or the responsibility of lawyers providing legal services for the poor. This position is consistent with the Association's long-standing commitment to equal access to justice for all citizens.
>
> Signed,
>
> LEON JAWORSKI,
> *President, American Bar Association.*

Mr. President, it seems to me that this is rather rare, that we should have such a firm declaration by the American Bar Association, which is certainly no wild-eyed radical body, and which has been invoked many times here as a very conservative and stabilizing force in the country, in many cases against positions which I and others like me have taken.

Here is the American Bar Association saying, with respect to this bill, "Resist all impeding amendments, and especially resist an amendment to strike the title," basing it upon what I think is the soundest argument of all, which is the professional integrity and the professional responsibility of the individual lawyer.

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

Mr. JAVITS. I yield.

Mr. MONDALE. This is a concept that I think may be difficult for non-lawyers to understand, and yet it lies at the heart of an independent and ethical judicial system—namely, the concept that a lawyer is an officer of the court, and that his responsibility is to the laws, to the Constitution, and to the courts of the land to represent his client fully and ethically in accordance with the ethics of the legal professions. Is that not correct?

Mr. JAVITS. That is correct.

Mr. MONDALE. What we are seeking to do with this National Legal Services Corporation is to deal with the pervasive criticism that these lawyers, in the pursuit of these ethical obligations, have been placed under heavy political pressure to compromise what the rules of ethics require. The National Legal Services Corporation is designed to make certain that the integrity of the attorney-client relationship shall be maintained. I think that is what the President had in mind in recommending the creation of this Corporation, and it is why the American Bar Association—which I think we can take judicial notice is a conservative organization—is here strongly objecting to amendments such as that pending at this time.

Mr. JAVITS. And this is not an amendment; it is a proposal to just cut it out.

Mr. MONDALE. That is right.

Mr. JAVITS. Mr. President, one other item of fact here. I happen to have the most profound regard—and I believe he deserves it; I believe this is also true of many, many of the thousands of lawyers in the country—for Orison Marden, a man who has spent almost his whole life rendering, in the professional arena, legal services to the poor. He is the very model and epitome, the summing up of the Legal Aid Society movement in this country.

He came here to see me with especial reference to this situation, and he sent me a wire to be sure I would have something to state on the Senate floor, which reads as follows:

> I hope that S. 3010 providing for a nonprofit Legal Services Corporation will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests. Orison S. Marden.

I know of no man whose whole life epitomizes so greatly his devotion to this subject. I think that is the common opinion of lawyers. Nor do I know of any more venerated character in the professional ranks of lawyers than that of Orison Marden, one of the real leaders of the bar in this country.

Mr. President, I ask unanimous consent that the wire from the American Bar Association, that of Mr. Marden, and those of many others, including the Association of the Bar of the city of New York, from Bernard Botein, its president, from Sydney Rubin, president of the Monroe County Bar Association, and many others who have backed this legislation, be printed in the RECORD.

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

NEW YORK, N.Y.,
June 22, 1972.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.:

I hope that S. 3610, providing for a nonprofit legal services corporation, will be enacted as you have proposed, without crippling amendments that might interfere with a lawyer's obligation to represent his client loyally and completely in controversies with government as well as with private interests.

ORISON S. MARDEN.

NEW YORK, N.Y.,
June 22, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment. This supplements my previous communications on the legal services bill when president of the association of the bar of the city of New York.

BERNARD BOTEIN.

CHICAGO, ILL.,
June 16, 1972.

Hon. JACOB K. JAVITS,
U.S. Senate,
Old Senate Office Building,
Washington, D.C.:

The American Bar Assn. supports the enactment of legislation establishing a national legal services corporation having concluded that the corporation will tend to further the association's interest in preserving the independence and professional integrity of the legal services program. I would therefore urge that you resist amendments to S. 3010, the Economic Opportunities Act of 1972, seeking to strike title IX or which would threaten the independence of the corporation or the professional responsibility of lawyers providing legal services to the poor. This position is consistent with the association's long standing commitment to equal access to justice for all citizens.

LEON JAWORSKI,
President, American Bar Association.

ALBANY, N.Y.,
June 23, 1972.

Hon. JACOB K. JAVITS,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

I ask your support for prompt action on S. 3010 which includes title IX—Legal Services Corporation Act. I hope you will vigorously oppose efforts to amend or sever title IX from the bill. The continuing support you have given to the legal services program is appreciated. As you may know the report of committee on availability of legal services of New York State Bar Association has previously recommended support of title IX, which recommends action as approved by executive committee of the association.

THOMAS FORD,
Chairman of the Legal Aid Committee,
New York State Bar Association.

NEW YORK, N.Y.,
June 23, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for your continued support of bill S. 3010. The bar appreciates your efforts in forcing out the accommodations in the present bill and strongly urges that you support its passage without amendment.

OTTO G. OBERMAIER,
Chairman, Committee on Legal Assistance.

NEW YORK, N.Y.,
June 23, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Thanks for the continued support of bill S–3010, the bar appreciates your efforts in working out the accommodations in the present bill and strongly urges that you support its passage without amendment.

DONALD T. FOX,
Chairman, Committee on Professional Responsibility, the Association of the Bar of the City of New York.

ROCHESTER, N.Y.,
June 22, 1972.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

Monroe County Bar Association approves the principals of S-3010 and appreciates your continued support.

SYDNEY R. RUBIN,
President, Terminal Building.

CAMDEN, N.J.,
June 23, 1972.

Hon. JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

I urge you to continue your firm support of S–3010, without amendment, for the National Legal Services Corporation.

JOSEPH H. RODRIGUES, Esq.

TUCSON, ARIZ.,
June 24, 1972.

Senator JACOB K. JAVITS,
Senate Office Building,
Washington, D.C.:

Pima County Bar Association urges passage of SB3010 as reported out by Senate committee whereby nine of nineteen directors of legal services corporation will be selected by President from lists furnished by American Bar Association and other associations.

RUSSELL E. JONES,
President.

TUCSON, ARIZ.,
June 23, 1972.

Senator JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

I urge support of SB3010 presently drafted. The professional independents of legal services projects requires board based board of directors of the legal services corporation.

CHARLES E. ARES,
Dean, College of Law University of Arizona.

SANTURCE, P.R.,
June 23, 1972.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.:

Sir, as chairman of the board of director of the Puerto Rico Legal Service Inc. I do respectfully request your support to the passage of the Legal Services Corp. Act—Bill S–3010—legislation is expected to bring about significant changes in the type of legal services rendered to the under privileged of this nation its approval without amendment is highly desired and I thank you in advance for your usual useful support cordially yours.

MIGUEL J. RIOS LUGO,
President of the Board.

SAN FRANCISCO, CALIF.,
June 23, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

The Bar Association of San Francisco strongly supports the adoption of S3010 which includes the National Legal Services Corporation Act of 1972 (Title IX). Major Bar Associations and other interested groups must have the right to participate in the selection of the board in order to maintain the Independence of the NLSC.

CHARLES H. CLIFFORD,
President.

SAN FRANCISCO, CALIF.,
June 23, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: San Francisco Chapter of the National Lawyers Guild strongly urges you to support Senate Bill 3010 as the proposal came from committee specifically we recommend that only 10 of the 19 regional heads of legal services be appointed by the Presidents very truly yours.

GORDAN GAINES,
President, San Francisco Chapter Lawyers Guild.

JUNE 23, 1972.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

SIR: It is my understanding that the legal services corporation at view S–3010 is coming before the consideration of that body and I do respectfully request your enthusiastic and valuaole support in behalf of this legislation legal services for the poor will start schating up into a relative with the passage up this view without amendment and I certainly thank you in advance for your efforts toward the attaining of this goal.

Cordially yours,

JOSE A. CABBERA,
Executive Director.

ANCHORAGE, ALASKA,
June 25, 1972.

Senator JACOB JAVITS,
Senate Office Building,
Washington, D.C.:

The Board of Directors of Alaska Legal Services Corporation unanimously adopted a resolution supporting the National Legal Services Corporation Bill without amendment.

CHANCEY CROFT,
President.

Mr. JAVITS. What have we done to meet the President's points which he made when he vetoed the previous so-called antipoverty bill? In the first place, we have a real problem here as to the freedom of the lawyer in terms of his professional responsibility to his client. If we want to have a legal services program, that has simply got to be observed, notwithstanding the irritation, distaste, or disagreement of many Members of Congress with the so-called law reform cases, that is, cases brought by attorneys in the legal services program under the OEO, which sought to upset some governmental dictate or some law or to challenge some decisions made by a Government official.

What are lawyers all about? And why, if that is justice, should it be denied to an individual who is poor? If you overturn a law, you are not perpetrating an injustice. On the contrary, you are carrying out an act of justice. If the courts overturn it, why deny that justice? Is there something wrong about that? Are we now living in a country where, if you challenge a law, you are thrown outside the moral pale and we will have none of it? Just because you are poor, are you to be denied that privilege? That is what we face.

Therefore, in order to deal with that, we have endeavored to establish a corporation which, within itself, would have such mechanisms as to prevent mischief-making and troublesome suits, specious actions, delaying litigations, and expensive costs to individuals who might be sued.

There is such a thing as the tyranny of the weak, and that is what we are seeking to deal with and restrain. We have no interest in that, any more than the Senators who are sponsoring this particular title.

Mr. President, how did we do it? We did it as follows:

We provided for an integral unit, a corporate personality, which would carry out this program, remembering always that Congress can always pull the plug out by appropriations every year and that this corporation can last only so long as Congress appropriates money for it. That is the ultimate sanction, as we all know, or should know.

Then we provided, in the makeup of the managing board of the corporation, a sufficient—indeed, a very large—representation of the profession in its most substantial aspects.

Then we provided for the selection of a project attorney's advisory council to deal with the problems which related to the individual lawyer and his own problems with respect to the work he was doing.

We provided that that council should advise the board and that the board would select the council and that, therefore, it would be on the operating level as to the individual, aside from the policies which were set by the board and in which we had a very heavy professional preponderance.

Furthermore, as the Senate would confirm all these nominees, it is hardly likely that any wild-eyed radicals we did not want would be on the basic board.

Finally, insofar as we could restrict the operations of an individual lawyer without robbing him of his professional capacity as a lawyer, we eliminated, in essence, criminal actions, and we eliminated outside practice of law for all practical purposes, and we eliminated any question of conflicts of interest insofar as the lawyer's interests are concerned in the case of members of the board. That, it seems to me, is going a very long way in addition to the sanctions built in of appropriations and the professional standing of the lawyer himself.

As Senator MONDALE has said, the lawyer is answerable to the court. Upon complaint of his local bar association, he can be disciplined.

The President wants to appoint all 19 members and to submit them for confirmation by the Senate. I understand that. But there are other people in the world aside from the President of the United States, including the Members of Congress, in both bodies, and they do not happen to agree that it ought to go all that way. They offered a proposal before which he did not find acceptable, and which he rejected. He vetoed the bill for many other reasons. In any case, let us assume that he vetoed it for this reason. So an effort has been made to submit to him a reasonable compromise, and I deeply feel—and I will do my utmost to demonstrate—that it is eminently reasonable.

Incidentally, I fought for the President's total position before the committee. I felt it my duty, as the ranking Republican member, to do everything I could to bring about, if I could, approval of the President's position. I am satisfied that that is impossible.

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

Mr. JAVITS. I yield.

Mr. NELSON. I should like to confirm the statement of the distinguished Senator from New York that he sought to convince the committee that the President should be authorized to appoint de novo all members of the board, without relying upon or waiting upon any recommendations from any individuals or groups.

I should like to state for the record, further, that I have supported the proposition from the very beginning that the President ought to have the majority of the appointees.

As the Senator from New York realizes, the House has refused to accept that position. As I mentioned a few moments ago, the House of Representatives already has passed a bill in which the Legal Services Corporation is essentially identical with the one in last year's bill, with the 17 members, with only six appointed by the President.

So we have had a difficult problem here in trying to reach agreement, both in the Senate and in the House.

As the Senator knows, a year ago I supported the proposition that we send a bill to the President in which he would have a majority of the appointees. It was a compromise toward the President's position, a very substantial one by the majority, who had fought and opposed the concept giving the President the majority of appointees. On that issue, the majority on our side prevailed, although, as I say, I favored giving the President the majority of the appointees. We have now accomplished that. I think it is about as far as we can go in that direction and expect to get any agreement at all by the House conferees when we meet on this measure.

Mr. JAVITS. Mr. President, let us get to the mechanics of the appointment. Ten members out of 19 are appointed exactly as the President would want—to wit, they are appointed by him without restraint. Six must be lawyers, but I do not think the President has any objection to that, since his own bill had that element.

It is conceivable that the President could appoint these 10, that they could be confirmed by the Senate, and that he might choose to accept none of the recommendations made to him for the other nine. In that case, the Board still could go ahead and organize and do business. The President would not be impeded for 1 minute in moving forward with a corporation. I know that he would not do that, and I know that we would not do that. Nonetheless, that is possible.

In addition, the President has objected that the members of a group which had to file the incorporation papers and could therefore work out the terms, and so forth, of the charter were unsatisfactory to him, as put in the vetoed bill. His views upon that were met 100 percent. The incorporating trustee for this Corporation is now to be the Director of the Office of Economic Opportunity, his own appointee. There is no problem whatever, and the President fully prevailed there.

As to the text of the appointment of the other nine members, we advisedly changed the language—and I will explain the reason for the change—from the idea of a list, which was in the vetoed bill—that is, the President was asked to choose from lists submitted by these organizations—to recommendations.

The reason why the change is meaningful is the following: It absolutely latches in the proposition that the President can turn down as many recommendations as he chooses, which is what Senator NELSON, the manager of the bill, made very clear. We all understand that only too well.

Second—and very important—a list could mean any number of members. They could submit to him a list of 100 or 200, with the resulting embarrassment to many people when the President passed them over and said, "I will take only so and so on the list," or, "I will take none on the list." So that this was a matter which the President might properly feel would be distasteful to him. That is not true in these recommendations. They are clearly labeled recommendations. The President makes thousands of recommendations. I suppose, in 1 year, every Senator makes a minimum of 500. I know that in my office, and I am sure in the offices of other Senators who come from a major industrial State, we make probably one or more average recommendations a day. When these people are rejected, no one is insulted. It is standard American procedure. Many are recommended. They might get someone else on another occasion. They are most grateful for the recommendation, which is a mark of distinction by their Senator or a number of Senators who join, or Representatives, in making the recommendation. So we use the term which in no way is invidious. In no way would it make the President feel that he was being locked in on any of those on the list, or by the numbers of people on the list, which may be numerous, or might be, if any associations wanted to be mischievous and were passed over by the President. So there are real changes, real advances, in every aspect of the choice so as to make the difference.

Mr. President, the President did not descend from heaven and become President. He served in this body. He served in the other body. He is a working politician. He was Vice President of the United States, a Senator, and a Representative. He has been active in politics for many years, at every level right down to the local district level. So if anyone can understand that we cannot always get things the way we want to, it is the President.

So I hope the President will find this acceptable—if we send it to him—and can prevail in conference. I can pledge myself to the Senate that if anything, I will make a last ditch fight in conference to resolve this provision which I think the President has a right to insist on as the maximum he will take. But I really deeply and sincerely feel that a reasonable man, and the President of the United States is reasonable—would accept this as a fair resolution of the controversy which has now delayed for so long a while—well over a year—an optimum administrative legal services program.

Before I complete my principal statement, one last point, and that is: What

is the importance of the legal services program?

I respectfully submit to my colleagues that, in my judgment—and I say this to the Senator who has moved to strike this—because the program will go on in OEO even if we do not have the corporation—I do not know of any single thing that has become and that is more effective in terms of the national interest respecting the poor than the legal services program. It has added the one thing and that is the element of dignity.

The poor man or woman feels a certain dignity, that if anyone challenges him, say a rascal in a furniture store tricks him, he is not bereft of the opportunity to fight back because he cannot afford it—that it simply is not worth it because $250 may be what is involved and if one goes to a lawyer it costs that much just to walk in the door. I know. I have lived that way, and with thousands of others. So I cannot emphasize enough to my colleagues the critical importance to the poor and to the national interest in trying to redeem them from the poverty syndrome through the legal services program.

I respectfully submit, therefore, that one of the greatest contributions we can make in this bill is to add the additional strength, additional integrity, additional capacity to the program in the manner proposed in the bill.

Mr. President, the President himself feels that the Legal Services Corporation is an excellent opportunity for all of us and that we should effectuate it and I urge that we do so.

I believe that we have effected the best meeting of the minds humanly possible on the mechanism by which the Corporation can be operated, and I hope very much that the Senate will retain it.

Mr. BROCK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. BROCK. I have great respect for the distinguished Senator from New York (Mr. JAVITS), for his ability, and for his sincerity in his quest. I do not believe that many will disagree with the objective of trying to give a voice to the disadvantaged people in this land and their right to counsel. The Senator from New York mentioned the poor man who could be bilked by a landlord or a merchant, or the poor man who has no access to the judicial process. Without adequate recourse to law, such a person does not have the full extent of freedom available to the rest of us in this country. I am in full agreement with the Senator on this point.

Where I raise my question is the incentive that exists in this bill to create a group of political ambulance chasers. In some cases a lawyer who joins the Legal Services Corporation may have a political objective in doing so. All he has to do in order to avoid the political activities restrictions in the bill is to seek out and solicit a client, and then he can involve himself in any kind of activity he wants to. That is the problem. We have so many examples of that activity right now. Currently, the OEO is trying to cope with that and they are making some progress. But, to pass this bill and remove the legal services programs from any accountability, when they are already in grave jeopardy of abusing the intent of Congress, that is something else entirely.

That is why I think we need some time for these reforms to be inculcated into the earlier legal services.

Mr. JAVITS. I thank the Senator from Tennessee for his frankness. My answer is as follows: In the first place, I believe we go a long way toward insuring what I could call the integrity of the program.

Champerty is an established violation of the code of ethics of practice by a lawyer, whether in private or public life. I am sure that the Senator knows that any lawyer is disciplinable, even if he has a job with the Corporation on legal services, or works with the Department of Justice. That does not save him. Unfortunately, I wish the bar were tougher on that than it is. They have the idea that if they work for the Government, as the district attorney, or as the U.S. attorney, that kind of gives them immunity. That is dead wrong.

Another thing that is very important is the way the Corporation is set up with a heavy balance of the profession in it.

I know they have the scrutiny which Senators like the Senator from Tennessee and myself will give to any nominees for directors of this Corporation. I really think we have a grip on it.

The last point I mention is explicit law. I mention it last because, like the Senator from Tennessee, I am pretty sophisticated myself. The written law is the last thing to mention. But it is a fact, and I mention it because the record needs to be complete in this regard.

The Senator will find a strong provision against solicitation on page 116, line 23, and I should like to read it into the RECORD, though I again repeat I am not trying to mislead the Senator into any idea that we have written it into the law and that is the end of that. It will erect something in the way of a standard. It should be the law anyhow. The basic professional ethic, as the Senator called it "ambulance chasers," I used the word "champerty." Many lawyers have been disbarred for exactly that practice. Just so that the record will be complete, we have written into the law the following:

> The Corporation shall insure that no attorneys or other persons employed by it or employed or engaged in programs funded by the Corporation shall, in any case, solicit . . . the client community or any member of the client community for professional employment; and no funds of the Corporation shall be expended in pursuance of any employment which results from any such solicitation.

There are also various provisions about advertising, and so forth. We have written it into the law so that any one of us who runs into a case of this kind has a strong statutory basis for raising the question.

Mr. BROCK. Mr. President, I appreciate that. When an attorney has been disbarred, I do not think there is any question about the matter. However, I do not think there is any question that they have engaged in such activities under the present program.

I cannot see how any law could be written that would safeguard us against that kind of problem at this very moment we have these lawyers working in various corporations in the field. I cite the Senator the Monterey Legal Society where they had a city counseling service. What happened was that they did not have to solicit clients. The agencies with whom they work go out and solicit clients within or out of the military. There is nothing we can do as the law is written now to prevent that kind of thing.

Mr. JAVITS. Mr. President, if I were a prosecuting attorney or in charge of grievances for a bar association, I think I could trace back the lawyers who fomented the idea on the alleged client group. The question becomes very tricky in those cases. However, we can get the truth.

The other aspect is that really this is going to be administered for the first time by the profession. The President is asked to appoint six lawyers. There is bound to be a very heavy majority of members of the profession. The bar associations will probably not recommend anyone other than a lawyer. We would have a minimum guaranteed, absolutely locked-in majority of the board, 11 out of 19.

Mr. BROCK. Mr. President, is there any possibility that with 19 votes on the executive board, we could have 11, a majority of which was not representative of that particular context, and they could name the executive committee?

Mr. JAVITS. Mr. President, there would be an amendment on the executive committee. I might tell the Senator the problem I had with that approach. If we try it generically and it does not work that way, we deal with it by sections.

I am very interested in the amendment of the executive committee. It seems to be organized very well now. However, I want to hear the views of Members of the Senate on that. The Senator from Texas (Mr. TOWER) has an amendment with respect to the basic areas of responsibilities with which he is concerned. I will try to work that matter out.

The Senator from Nebraska (Mr. HRUSKA) has a number of amendments.

I do not know whether the Senator from Wisconsin (Mr. NELSON) will join with me. However, if the Senate will listen with an attitude of reason—which I know the Senator from Wisconsin and his colleagues will have—we might work out the individual portions of the Tower amendment dealing with the generic approach so as to make the program better in the future and more satisfactory even to those who are so strongly opposed.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment.

Mr. BROCK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BUCKLEY. Mr. President, I rise in support of the amendment offered by the Senator from Tennessee (Mr. BROCK). I wish to emphasize that neither he nor I are attempting in any way to terminate the legal services program for the poor. Rather we are concerned they may be rendered to the poor in the most effective manner possible.

Mr. President, title IX of S 3010 would create a new National Legal Services Corporation to incorporate and to extend the legal services program now operating within the Office of Economic Opportunity.

I had hoped that the Committee on Labor and Public Welfare would have met more fully the objections which had been raised by Members of this body and by the President during the preceding months.

Unfortunately, on the basis of an examination of title IX, I must conclude that the bill not only does not resolve existing problems, but may also create new ones in the effort to provide legal services to the poor. Instead of a new Corporation, freed from the shadowed history of the preceding program, it appears in all likelihood that the new Corporation will not operate in any significant way differently from the preceding program. Furthermore, the defects are so numerous that they cannot readily be remedied through floor amendments.

For the benefit of my colleagues, some of whom may not yet have had an opportunity to examine the reported bill section by section, let me review some of the provisions of title IX:

Proposed section 902(b) of S. 3010 would confer, by legislative enactment, a tax-exempt status on the new Corporation.

It is unsound practice for the Corporation to be conferred such a tax-exempt status by the Congress, especially in light of some of the purely political activities which have been carried on under the existing program. All other nonprofit corporations—no matter how worthy their goals may be—must obtain such exemptions through the procedures set forth by the Code and by regulation.

It seems to me to be sound policy that all tax-exempt corporations—even those created by Act of Congress—should be required to meet the same objective standards as a condition to retaining their privileged status.

POTENTIAL CONFLICTS OF INTEREST

Let me move on to another point, involving potential conflicts of interest. In order to maintain its credibility with the public and in order to protect its mission of rendering legal services to the poor, the new Corporation must be protected from the traps which in the past have prevented so many antipoverty efforts from fully achieving their stated objectives. In too many cases there have been conflicts of interest which have given rise to the charge that funds intended to help the poor have been largely expended instead on what might be called a professional poverty industry.

One of the major problems in attempting to correct difficulties within the present OEO program has been that those who ought to be in a position to help correct its deficiencies—such as members of the National Advisory Committee on Legal Services—too frequently represent organizations which are recipients of financial assistance from the program, in prior capacities as grantees, contractors, that is. In addition, members of project attorney and client organizations—representing, respectively, employees of the program and beneficiaries of services of the program—are represented on the advisory board.

The new corporation should be free of such existing, or potential, conflicts. The only way to fully insure this is to write into the language of the bill clear and unambiguous language that such conflicts are violations of the title.

DIRECTORS AND OFFICERS

Let us now move on to section 904 which purports to be a compromise between the bill vetoed by the President last December and the language sought by the President as to the officers and directors of the Corporation. S. 3010, as reported, is more of a compromise of form, than one of substance. It does not meet the President's principal concern—that of accountability by the board and the Corporation to the public and to their elected representatives in Federal service.

Under section 904, there would be a nineteen man board of directors, appointed as follows: Ten members of the board would be chosen at the sole discretion of the President, of whom at least six must be members of the bar; and the remaining nine directors would be appointed by him from recommendations made by seven different groups associated in one way or another with the legal profession.

In his veto of last year's bill, the President said:

> The sole interest to which each board member must be beholden is the public interest. The sole constituency he must represent is the whole American people. The best way to insure this in this case is the constitutional way—to provide a free hand in the appointive process to the one official accountable to and answerable to, the whole American people—the President of the United States, and to trust to the Senate of the United States to exercise its advise and consent function.

The present bill does not meet this important Presidential objective—and objection. The language does not preclude the possible conflicts of interest which might arise by these potential grantees and contractors serving on the board of directors through a designee.

Under the provisions of section 905, and under the provisions of the District of Columbia Nonprofit Corporation Act, the executive committee of a corporation has full plenary powers. It can act on matters of policy and administration with full power, subject only to subsequent review by the board of directors. Such procedure puts those on the board who are dissatisfied with an executive committee decision in a posture of having to oppose an action already taken by the executive committee.

The language of section 905(d) is ambiguous. It provides that the board may establish an executive committee, to be composed of five to seven members of the board. While the chairman of the board is to serve on the executive committee, the bill does not require him to serve as the chairman of the executive committee; thus, we could have the situation arise where there are, in effect, two chief policy officers—the chairman of the board, and the chairman of the executive committee.

In light of the full plenary power the executive committee may exercise pursuant to the authority of the District of Columbia Act, the provisions of section 905 will need to be tightened.

REPRESENTATION OF THE NONPOOR AND THE VOLUNTARY POOR

By virtue of section 906(a)(8) of the bill, which appears on page 113 thereof, the Corporation is authorized to:

> Establish standards of eligibility for the provision of legal services to be rendered by any grantee or contractee of the Corporation with special provision for priority for members of the client community whose means are least adequate to obtain legal services.

The bill does not attempt to define the standards of eligibility, despite the overriding importance of such a definition. The standards to be set by the Corporation will determine who is, and who is not, eligible to receive assistance. Is it to be a person with an income of $3,000 per year? Or $6,000? Or $9,000? How about someone who is voluntarily poor, by whom I mean someone who refuses to take available employment? Is the program to be limited to individuals? Or will it be expanded to include organizations?

The legal services programs within OEO have, on more than a few occasions, provided legal representation to individuals outside of the poverty guidelines or outside the scope of what ought to be permissible representation. Examples of this may be found in the north Mississippi rural legal services program, in the New Orleans legal assistance program, in the legal services program in Dallas, and in the legal services program in Camden, N.J.

In each of these programs can be found representation of the nonpoor and of the voluntary poor.

The effect of all this, of course, is to diminish the services which are available to, and needed by, the poor. There is no reason to believe that these abuses will disappear merely because the program is shifted to a corporation. The only way to guard against repetition of such violations is to enact the necessary

protection as part of the Corporation's authority to establish standards of eligibility.

Another area in which title IX requires considerable tightening is in the area of the qualification of attorneys who are to represent the poor under the aegis of the program. In too many instances, neighborhood legal services programs within OEO have had staff "attorneys" who were not, in fact, admitted to the bar of the State in which services were being offered, or even to that of any State. Let me cite a few examples:

The Legal Aid Society of Alameda County, Calif., employed one James H. Rollins, formerly of St. Louis and a co-chairman of the National Conference on New Politics, as a staff attorney under an alias, Lee J. Evans. Rollins was not an attorney and had dropped out of law school after an arrest on a charge of dispensing marihuana. Rollins is now being sought on two counts of first degree murder by the California authorities and by the FBI.

An evaluation of the Appalachian Legal Research and Defense Fund, a project funded by OEO and known as "Appal Red," concluded that the clients receiving assistance through the program—which operates both in Kentucky and West Virginia—were receiving inadequate or limited legal assistance because the "attorneys," in a majority of instances, were not admitted to practice in the jurisdiction where the clients needed to be represented.

In another instance, a Reginald Heber Smith Fellow, funded by legal services within OEO, was providing legal services as a staff member of a project in California at a time when he had not yet been admitted to the bar of the State, and had, in fact, been denied admission at that time because of a record of prior arrests.

Finally, title IX has failed to come to grips with one of the major objections to the manner in which the current program has operated. Too many project attorneys and legal service fellows have been making use of the program, not to help the poor in the manner intended by the Congress, but to use the program as a springboard for launching attacks on our institutions, or to advance their own, often radical, objectives. For examples of these abuses, I refer you to the remarks made on the floor last Friday by the senior Senator from Kansas (Mr. DOLE), which were printed on pages 22250 and 22251 in the CONGRESSIONAL RECORD for that day.

I ask unanimous consent that his remarks be reprinted at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BUCKLEY. Mr. President, I have no objection to anyone in this country exercising his constitutional right to advance, within lawful limits, any political cause, however radical. But I do most strongly object to having the Federal Government subsidize attempts by lawyers on the public payroll to exploit the poor for purely political ends.

It seems to me that an explicit congressional mandate, which is now lacking in title 9, is required in order to prevent the employment of lawyers who cannot distinguish between providing professional legal services to the poor and engaging in political activism.

These, Mr. President, are some, but by no means all, the deficiencies of title IX as I see them. I doubt that they can be corrected by a patchwork of amendments offered on the floor. This is why I support the motion of the Senator from Tennessee.

EXHIBIT 1

STATEMENT OF SENATOR DOLE

ABUSES IN THE OEO LEGAL SERVICES PROGRAM

Mr. President, I have noted the concern that has been expressed over the Office of Economic Opportunity legal services program. I certainly share the belief of many in our Nation that the legal system should be accessible and that there is a valuable role the Federal Government can play in providing that accessibility, but the Federal role should be clearly defined, responsibly executed and adequately supervised. Unfortunately, the experience with OEO legal services to date indicates that not only have these criteria not been met, but they have been repeatedly and flagrantly violated.

Several Senators have called attention to many of the problems involved in the legal services program. Many of the problems that have been discussed are those which can be anticipated if the program is transferred to and expanded within the framework of a new national legal services corporation as contained in S. 3010, as reported.

However, often these general analyses have not dealt in detail with specific problems disclosed in the actual record of legal services programs, activities, and employees. While many in this body have had particular problems in home States brought to their attention, the general tendency has been to discuss these as isolated incidents, perhaps even as unique ones. But, rather than being a matter of occasional difficulties and scattered problems, an overview of the legal services program discloses a broad and consistent pattern of alarming abuses which should be taken into account as we consider the future of this program.

Perhaps the most appropriate approach would be to cite a number of examples which in their geographical distribution and variety give an indication of the scope of these abuses.

SCOPE OF ABUSES

A legal services program in Illinois has just announced the funding of a new draft counseling service, to be located in Evanston, the location of Northwestern University and a suburb of Chicago. The "service"—which will include "advice," the following of "each man's case until it is ultimately resolved," and "draft education sessions"—would amount to providing Federal funds for a very questionable activity which, in my view, dilutes aid to the poor and appears to respond largely to the antiwar priorities of the legal services attorneys involved. The conduit for funds in this case is the Cook County Legal Assistance Foundation, a local legal services project.

In the April 14, 1972, Wyoming State Tribune it was reported that Philip White, Jr., a staff attorney for Legal Services of Laramie County, Inc., had threatened to bring suit against Laramie County School District No. 1 in the event that a local high school principal took action on his promise to suspend any student who refused to stand for the flag during school assemblies or other ceremonies.

Barbara Rhine of the Youth Law Center, San Francisco, Calif., an OEO backup legal center funded through the San Francisco Neighborhood Legal Assistance Foundation, has been frequently mentioned in connection with legal actions against "the pigs" and "the repressive structure." Two newspaper articles show clearly the nature of this young women's involvement in disruptive radical activities in the San Francisco area.

Rhine, who is married to Robert Kass but uses her maiden name, has previously been arrested during a demonstration; she is a member of the National Lawyers Guild, a regarded by many as a Communist Party front organization; she was a radical activist at Berkeley; and she was a leader of a women's march in support of an incarcerated female Black Panther.

Stephen M. Bingham, an attorney, was a legal services fellow with the federally funded Berkeley Neighborhood Legal Services program. He was with the program from September 1969 to June 1971, but took a leave of absence beginning November 1, 1970, and never returned to work—although he remained on the payroll through the following June.

On August 21, 1971, a San Quentin inmate attempted to escape from that institution. He was awaiting trial, charged with killing a correctional officer at Soledad Prison. The attempted escape resulted in the death of three San Quention correctional officers and two inmates in addition to Jackson himself. The last visitor to see Jackson prior to the escape attempt was Stephen Bingham, together with an unidentified woman not otherwise identified. Bingham disappeared immediately afterward and has not been located. He is a fugitive from justice.

James H. Rollins, a nationally known militant figure, who was elected to serve as co-chairman with Dr. Benjamin Spock of the National Conference on New Politics, is now wanted on two counts of first-degree murder in California. He is also being sought by the FBI as a fugitive from justice.

Under the alias of Lee J. Evans, Rollins was hired by the Alameda County Legal Aid Society, California, as a project attorney, despite the fact that he was not a law school graduate or admitted to practice in any jurisdiction. He was able to work with the local project for 4 months under this false identity.

The Legal Aid Society of Alameda County, Calif., has not limited its questionable activities to the hiring of unqualified and falsely identified personnel. It has also engaged in substantial voter registration activity, including the maintenance of voter registration officials in its neighborhood office. This practice is a clear violation of the present statute which prohibits involvement in such political activities.

Kenneth Cloke was a legal services fellow with the Los Angeles Neighborhood Legal Services Society, Inc.—LANLSS—an OEO grantee organization. He was hired and retained on the staff of LANLSS despite the fact that he participated in planning the violent demonstrations at the 1968 national convention of the Democratic Party in Chicago; despite regular attendance at Communist Party U.S.A., recruiting meetings in Oakland and Berkeley; despite holding membership in and the presidency of State, a student organization that is reported to have played a dominant role in the campus rebellions at Berkeley; despite participation in the Communist-dominated Ninth World Youth Festival in Helsinki, Finland, and in the Komosol—Communist Youth Organization of the U.S.S.R.—sponsored trip to the Soviet Union and East Germany; and despite activity in Students for a Democratic Society.

Florida Rural Legal Services, Belle Glade, Fla., used Federal funds for publication of an underground newspaper, became deeply involved in local student protests, and one of its project attorneys assaulted a nurse during a staged police brutality demonstration.

The Dallas, Tex., legal service project, represented the publisher of an underground

newspaper who was ineligible for the receipt of such services, and it used program funds to transport protesters to Washington. Fortunately, the latter expenditure was disallowed.

Throughout the country, legal services attorneys have raised challenges to compulsory work requirements for the receipt of public assistance, have assisted in the formation of local chapters of the National Welfare Rights Organization, and have helped organize tenant unions.

The OEO Western Regional Legal Services director has been representing a Government employee in a suit against Action charging that the employee was discriminated against because of her Democratic Party activities. The point is that a Federal attorney, albeit on his own time, is representing another government employee in a suit against a Federal agency over matter arising from partisan political activities. This case is an example of the questionable outside practice of law undertaken by a large number of legal services attorneys.

Employees of the Northern Mississippi Rural Legal Services program have used program facilities to support candidates for public office and have represented ineligible clients of political matters.

Daniel Siegel, a former OEO legal services fellow, served during his fellowship as a campaign coordinator for the radical April Coalition in Berkeley. A self-described revolutionary, Siegel has been convicted for inciting to riot prior to receiving his fellowship. He is most recently reported to be working on a Maoist anti-military project in the Philippines.

Sheldon Otis, who served as an attorney for Angela Davis, has been charged with embezzling $10,000 from a legal services program he was supervising in Redwood City, Calif.

Staff members of the New Orleans Legal Assistance Corp. were found to be improperly representing members of a Black Panthers Party Front Organization—the National Committee to Combat Facism. This group has also received assistance from the OEO Juvenile Law Project in San Francisco.

David Kirkpatrick, an attorney with the California Rural Legal Services, has worked closely with peace and freedom party leader Fay Stender, who is also deeply involved in the National Lawyer's Guild's activities, to furnish prisoners with Communist and other revolutionary literature. This material is supplied by use of the mails, sending packages to inmates with covering notes stating that they contain legal materials needed by the prisoners to prepare their cases.

Attorneys with the Monterey, Calif., legal aid society handled at least 104 military-related cases, many resulting from association with the movement for a democratic military and the Pacific Counseling Service which provide assistance to conscientious objectors. At least one legal services fellow with the program was identified as an organizer of local antiwar activities and rallies. Staff members have also worked closely with Unity Now, an underground newspaper which urges soldiers to create disturbances and foment resistance within the Army.

An attorney with Colorado Rural Land Services admitted preparing articles for a local underground newspaper and soliciting, of CRLS stationery, a juvenile client to serve as a distributor for the newspaper. The paper advocated, among other things, draft evasion.

The Camden, N.Y., Regional Legal Service programs has acknowledged representing financially disqualified clients on grounds that such individuals were unable to obtain private counsel because of their unpopularity or the unpopularity of their causes. The director of CRLS has stated his opinion that legal services should act as a sort of ombudsmen to the poor as a class, to represent them with respect to political and economic repressions. CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

The director of a legal aid society in Illinois was a partisan candidate for State attorney of Marion County.

LIST HIGHLIGHTS PROBLEM AREAS

This list is not all inclusive. I only highlight some of the very serious problem areas associated with this program: violations of the program's statutory mandate, conflicts of interest, inciting litigation, fraud, involvement in disruptive and criminal activities, and contempt for the legal process and the standards of ethics and propriety which govern the practice of law.

These problems must be faced, and they must be resolved if a meaningful Federal role is to be played in providing a legal system that is accessable to all Americans, S. 3010, as reported, not only fails to deal with these problems while denying Congress and the executive any real authority to prevent even greater deterioration and distortion of the program.

I agree with the President, who said in his veto message of December 9, 1971, that—

It would be better to have no Legal Services Corporation than one so irresponsibly structured.

I endorse the President's suggestion that the Congress rewrite this bill to add strict safeguards against the kind of abuses certain to erode public support. Congress has so far failed to heed this suggestion, and the only responsible course is to wait until a sound and responsible program is formulated.

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

Mr. BUCKLEY. I yield.

Mr. BROCK. I would like to commend the Senator for his statement and to point out some of the areas in which we are in such profound agreement. The Senator mentioned the tax exemption granted automatically to the new corporation. I know of no other corporation which, by law, is granted tax exemption without review. I think it is unwise, and obviously inequitable, to enact legislation which confers the benefits of an exemption without requiring compliance with existing law.

Mr. BUCKLEY. If the Senator will yield, this is a very important point, because by having constantly to prepare to meet a tax challenge which might be offered by the district directors of the Internal Revenue Service, we increase the internal pressure for the absolute avoidance of any political activity.

Mr. BROCK. The point is that under this Legal Services Corporation, as written in the language of this bill, political activity is not only allowed, it is actively encouraged. An example is the exemptions granted to attorneys for the Legal Services Corporation who have a client who is engaged in political activity. The law purports to stop lobbying or political activities, but it goes on to say that if you have a client, you can do anything you want to, and that is what has actually happened. Let me cite several cases.

Legal Services attorneys have been encouraged to provide advice to welfare demonstrators and legal counsel during rent strikes.

In northern Mississippi, they have used program facilities to support candidates for public office, and have represented ineligible clients on political matters.

In Connecticut, Governor Meskill claims that the Tolland-Windham legal assistance program played a key role in the defeat of a local official who was critical of two welfare applicants.

Legal Services funds a program in Yakima, Wash., which is run indirectly by Cesar Chavez's United Farm Workers organizing committee. Among other things, the program is involved in "insuring that existing legal rights are enforced, for example, in the area of voter registration." That is a quotation from their own pamphlet.

The Legal Aid Society of Union City, Calif., until recently, was used as an official voter registration office.

In Colorado, an attorney with Colorado Rural Legal Services admitted preparing articles for a local underground newspaper and soliciting, on CRLS stationery, a juvenile client to serve as a distributor for the newspaper, which advocated, among other things, draft evasion.

The list goes on and on and on.

In Camden, the Camden Regional Legal Services program has acknowledged representing nonpoor clients on grounds that such clients were "unable to obtain private counsel because of their personal unpopularity or the unpopularity of their causes." The Director of CRLS believes that Legal Services should act "as a sort of ombudsman to the poor as a class, to represent them with respect to political and economic repressions." CRLS was also active in seeking support in the poverty community for the impeachment of a former mayor of Camden.

In Florida, Florida Rural Legal Services used Federal funds to publish an underground newspaper which provoked friction by referring to policemen as "pigs" and displaying cartoons with white policemen beating young blacks.

Mr. President, that is why, when I see the bar association coming in with a wire to the Senator from New York, saying that they support the Legal Services Corporation without amendment, I think that is utterly ridiculous on the part of the bar association, to take such a position. You cannot tell me that the members of the bar of America think the legislation is not subject to improvement. I cannot believe they are that blind. I cannot believe that Mr. Jaworski speaks for the lawyers of this country. I will guarantee him he does not speak for the lawyers of Tennessee.

Mr. BUCKLEY. Mr. President, if the Senator will permit me to make an observation, I think too often, with the enormous press of affairs that each group is subject to, we are ending up with legislation by slogan. If a slogan seems attractive, if it seems on the surface beneficial, it is very easy to secure the agreement of the representatives of this group or that group to the proposition that any change is bound to be deleterious. I think that is unfortunate. I certainly have the greatest respect for the American Bar Association, and I am sure the man who is presently its president is a most competent and conscientious practitioner. But the absolutely categorical statement contained in his telegram suggests to me that he has not had the opportunity to inquire into the

defects which I believe the Senator from Tennessee has pointed out with great eloquence, and which certainly the junior Senator from New York has attempted to point to.

Mr. BROCK. I think the bar association first got into the support of the program of the Legal Services Corporation. They undoubtedly felt a need to depoliticize an agency which was already involved in far too much chicanery, far too much political activity, and far too much lobbying activity, using the money that comes from the sweat of the taxpayers of this country to disrupt and destroy the fabric of the society in which those taxpayers exist.

The Bar Association, the President, and a great many other very sincere people decided that one of the objectives should be to depoliticize the agency. Yet, I cannot believe they have read this bill, because it does not do that. Moreover, it provides an exception from any political surveillance or any accountability for inequitable, unfair, or partisan political activity.

If the advocates of this measure were really sincere about depoliticalization, then they should cover the employees of this agency under the Hatch Act; and they very specifically have not done so. Why? If the advocates of the Legal Services Corporation want to claim there is not going to be any politics involved, why not put these employees under the same coverage that anyone else in the Federal Government is subject to, under the Civil Service Act and the Hatch Act? This would protect the American people against political abuse.

The fact of the matter is that they have no such protection. They have no such guarantee. You know, the Hatch Act was not written any more for the protection of the Americn people than for the protection of the employees themselves. A nongovernmental employee who works for someone else, and that someone says, "You have got to do certain political things," and he does not agree, can lose his job. The Hatch Act was designed to protect civil servants from that kind of abuse.

There is no such protection for employees of this new corporation. All it says is that attorneys hired by this program shall not engage in political activities during working hours unless they are representing a client. It does not even mention after working hours. So during the day, if they are representing a client, it means they can engage in any partisan activity they want to, and after working hours there is no prohibition at all, so the effect is to say, "Go ahead, get involved, do anything you want to; there is no limit."

Mr. BUCKLEY. Mr. President, there is another aspect about this whole program and the abuses which have crept into it which intrigues me, and they were certainly brought into highlight by the chronicle of political activities which the Senator recited, taking place throughout the United States.

The objective which the Senator from Tennessee believes strongly in, and which I believe strongly in, is to make sure that someone is not deprived of recourse to the law or of justice because of poverty.

It seems to me, however, that the effect of the legislation has gone beyond that. I cannot think of anyone who is not poor who has available to him the openhanded coffers of Uncle Sam to try to pursue any possible legal theory to the ultimate results in the courts. It is a kind of authorization for judicial fishing expeditions. It certainly goes beyond anything which I think is prudent. It certainly goes beyond my concept, at least, of providing a man who happens to be out on his luck with the opportunity to test whether or not he is being pushed around by this or that governmental official or by his landlord, or to see that his rights are protected in the manner in which others who can afford legal services are inclined to go after protection of their own rights.

Mr. BROCK. The Senator is certainly correct. We have a case in this regard. Staff members of the Lawyers Committee for Civil Right Under Law, which is an OEO grantee in Cairo, Ill., have been active in picketing and demonstrations conducted by the Black United Front, a militant civil rights organization, in a racially explosive community.

It is difficult for anyone to explain how those people were acting in the interests of poor clients who have some problem with a merchant who has bilked them out of a hundred dollars.

If they are going to engage in picketing, if they are going to engage in lobbying, if they are going to engage in political activities, if they are going to run around trying to pick up cases which will allow them to avow their own political viewpoint, they are not serving the poor people of this country. Quite the contrary they are serving their own self-interest, and they are using the money of the taxpayers of this country to promote causes with which the taxpayers do not happen to agree.

I think it is ridiculous for us to ask the people of this country to finance this kind of activity, which is inimical to the very system which supports it.

I fully agree with the Senator from New York, and I am very grateful for the remarks he has made in support of my amendment.

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

Mr. BUCKLEY. I yield the floor to the Senator from Arizona.

Mr. FANNIN. I thank the Senator from New York. I did not hear the entire colloquy, but I am very much in agreement with those statements I did hear. We have a common goal, which is to be fair and equitable with the poor people who are supposed to be involved in these programs.

I commend the distinguished Senator from Tennessee. I agree wholeheartedly with his efforts in the direction of doing what would be most beneficial for the people about whom we are talking.

I speak with some relevancy; in Arizona a vast amount of money is being spent sometimes just to advocate the personal views of individual attorneys as to what should be done on the Indian reservation. They have chosen to involve themselves inappropriately into school board elections and other activities that are in conformity with their intended work.

Mr. President, along with many of my colleagues, I have some deep concerns about the legal services program as it has been conducted. I particularly am troubled about the activities of legal services attorneys in the area of lobbying, or, as it is sometimes called, legislative advocacy. Before we take the steps provided in this legislation, should not we correct the many inequities now prevailing in the operations of the legal services program? I feel that the Senator is taking a very beneficial step.

The vision of lawyers sitting in a storefront office, providing legal assistance to poor people about problems with their landlord, or about marital difficulties, accords with the vision most of the Members of Congress had in supporting the legal services program. And there is, unquestionably, considerable authenticity in that vision, as has been expressed by both the Senator from New York and the Senator from Tennessee. But it is equally unquestionable that many of the legal services attorneys have engaged in lobbying, both at the Federal and State governmental level. This is a matter of policy within the program.

As I have stated, it has even happened within a county or within one Indian reservation. I know that other Indian reservations besides the Navaho's have experienced similar difficulties.

For example, the California Rural Legal Assistance program maintains on its staff, attorneys designated as legisative advocates, whose responsibility is to lobby the State legislature in Sacramento.

As a further example, I have a copy of a letter from the director of the Maricopa County Legal Aid Society of Arizona advocating participation in a political dispute involving the unionization of farm labor. This letter clearly demonstrates what kind of role the legal aid society conceives for itself. Even though the director disclaims any official participation by the Legal Aid Society, he asks that members of the legal services programs participate in this dispute to the extent of assisting in the recall of Arizona's Governor. That is how far it has gone. Notwithstanding the disclaimer of official support, the director has by his own letter involved the Legal Aid Society, since the letter is directed not to private individuals, but to members of the legal services programs over which he has supervision.

Mr. President, I find it hard to believe this disclaimer. A letter written by a private individual is one thing, but one which carries an officially designated title to the director of the Maricopa Legal Aid Society clearly implicates the society, notwithstanding his efforts to disclaim any official involvement. It is a serious matter when a federally supported organization is encouraged by its director to participate in a political controversy. Such encouragement is wrong and should be prohibited.

I should like to read this letter, because I think it is important to understand just how far the executive director, Mr. Bruce

N. Berwald, of the Maricopa County Legal Aid Society, in Phoenix, Ariz., has gone. This what he said:

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11, 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue. I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

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

Mr. FANNIN. I yield.

Mr. MONDALE. I want to ask a factual question.

Is the person who wrote this letter on the staff of the legal services program, or is he simply a lay member of the legal aid board in Maricopa County?

Mr. FANNIN. I say to the distinguished Senator from Minnesota that he is the executive director of the Maricopa County Legal Aid Society—the executive director.

Mr. MONDALE. So he is on the paid staff.

Mr. FANNIN. He is on the paid staff. He is the executive director.

I read further from the letter:

There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare, and various other legal problems.

Mr. President, before I read further from this letter, I want to explain that this is a gentleman who says that he is disassociating himself from the Maricopa County Legal Aid Society, as its executive director, and yet, in the letter he has sent out, he says: "To all Legal Services programs, from Bruce N. Berwald, executive director, Maricopa County Legal Aid Society." He also uses the address of the Legal Aid Society. That is absolutely absurd.

He goes on to say:

My purpose in writing is to ask that you encourage your family, friends, staff—

Note that he says "staff"—

client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona.

Now, Mr. President, I will read further from the letter but I wish to comment first, that here is a man taking part in a political action to recall the Governor of his State. Yet he represents himself as not being involved with the society, still he uses his title as executive director and then sends it out to all the legal services programs, and all the personnel involved.

Continuing to read from the letter:

I am certain that you and your staff receive numerous requests for moral and financial suport of various causes. It is my hope that this letter to you from me as a colleague—

Now he is becoming a colleague—

will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Of course, that is questionable.

Mr. President, how can a person say that this reflects his personal viewpoint and not that of the society when he addresses it to all the legal services programs and then has it coming from him stating right on the front of the release that he is the executive director?

Mr. President, furthermore, if we consider what is involved here, he is saying that they should recall the Governor because of this bill. Well, the bill was passed by the Arizona State Legislature. It was not done on the recommendation of the Governor. Sure, he signed it because it was something that was desired evidently by the people of Arizona, by their elected officials, and the Governor did sign the bill. It is a fair bill. It is designed very much in line with the National Labor Relations Act. It does have a procedure which can be followed, similar to what the National Labor Relations Board follows. It is fair and equitable to the worker. It gives some protection which, of course, is only right, to the farmer.

I do not believe that anyone who will look at this matter in a fairminded fashion would disagree that is is not a fair and equitable bill.

Mr. President, I ask unanimous consent that the letter be printed in full in the RECORD.

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

To: All Legal Services Programs

From: Bruce N. Berwald, Executive Director, Maricopa County Legal Aid Society, 132 South Central, Phoenix, Arizona 85004

Date: June 1, 1972

Migrant and seasonal farm workers in Arizona are presently engaged in a virtual life and death struggle. On May 11. 1972, the State Legislature passed and the Governor signed an Act which establishes an agricultural employment relations board and which effectively denies to farm workers the right to organize in the same manner as any other workers. Cesar Chavez, leader of the United Farm Workers, is entering into his third week of fasting in an effort to demonstrate the injustice of this issue I am writing to you not in my capacity as Executive Director of the Legal Aid Society but rather in my personal capacity as a concerned citizen and lawyer. I am asking that you make known to your staff, your client community, your board, friends, relatives, etc. the state of affairs facing farm workers in Arizona.

Since Arizona is one of the largest producers of lettuce in the country, and since this is the primary product of most of the large growers, the union has called for a nationwide boycott of non-union lettuce. As with the grape boycott a few years ago, the economic pressures which could be exerted upon large growers by a national boycott of lettuce, might be sufficient to force them to enter into good faith negotiations with the union concerning improved working conditions, wages, etc. There should be no need to elaborate upon the incredible conditions under which many migrant and seasonal farm workers must work when they do not have the protection of the union. The problems locally are no less shocking and indirectly contribute to educational, consumer, housing, welfare and various other legal problems.

My purpose in writing is to ask that you encourage your family, friends, staff, client community, etc. to refrain from purchasing or eating lettuce until this dispute has been settled. Further, I would urge you to provide whatever moral or financial support you can to the efforts of farm workers in challenging this incredibly unfair legislation in the courts and pursuing the current drive to obtain sufficient signatures on petitions to recall the Governor of Arizona. I am certain that you and your staff receive numerous requests for moral and financial support of various causes. It is my hope that this letter to you from me as a colleague will be something to which you will give greater attention than that which you can give to the various other matters coming before you. Again, I reiterate that this was done on my time, was prepared at my expense and reflects only my personal viewpoint, not that of the Society.

Mr. FANNIN. Now, Mr. President, I feel sure that every Member of this body supports the concept of equal access to the system of justice, for the poor as well as for the rich. But that is not to say that legal services attorneys should be assigned to engage in lobbying activities.

Mr. President, they have been engaged in lobbying activities and the primary example of this has been their attempt to kill the Arizona farm bill. These lobbyists were in fact, attorneys in the employ of the Legal Services program. This, of course, was something that should be beyond their regular work.

There is a very fundamental principle involved here, and that is that the Federal Government should not be in the business of subsidizing one particular point of view. So many of our most important constitutional rights, Mr. President, are based on the premise that Government ought not to limit freedom of thought, freedom of expression, yet here we have a program whereby the Federal Government is using tax revenues to pay the salaries and expenses of lobbyists, seeking to influence the passage of legislation reflecting their own political agenda. I think this is wrong, Mr. President, and I think it should stop.

Now, Mr. President, they are not only entering into this matter from the standpoint of the legality, from the standpoint of what is fair and equitable, but they are also taking it on themselves to assume the responsibility, even in the circulation, as I understand it, of petitions, of doing the work that is certainly up to the people of Arizona and not up to attorneys involved in working in the Legal Services program. They have taken it upon themselves to carry their activities far beyond what is intended and I think, intended by the laws en-

acted which approved the legal aid concept.

The Government has long denied tax-exempt status to organizations engaging in lobbying activities. As long ago as 1929, in the case of Slee against Commissioner of Internal Revenue, Judge Learned Hand wrote:

Political agitation as such is outside the statute, however, innocent the aim, . . . controversies of that sort must be conducted with public subvention; the Treasury stands aside from them.

But in the case of Legal Services, Mr. President, we have been providing Federal funds directly for this kind of activity. I think the Treasury should stand aside from lobbying by legal services lawyers, too.

There may be those who argue that, without pressure from legal services attorneys, the Congress and the State legislatures will not have sufficient regard for the needs of the poor. It seems to me that it is an insult to the Members of Congress and the State legislatures to make such a suggestion. It would be a good deal more accurate to say that the legislatures do not have the same political agenda as the legal services attorneys.

I believe, Mr. President, that there ought to be a flat prohibition on lobbying activities by legal services attorneys. In this respect, the proposed title IX of S. 3010 is deficient, and should not pass.

I give my full support to the distinguished Senator from Tennessee in trying to correct what is a great inequity.

Mr. BROCK. Mr. President, will the distinguished Senator from Arizona yield?

Mr. FANNIN. I am very happy to yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator from Arizona for his comments and his support. I cannot adequately express my agreement with his statement, insofar as the responsibilities of the Government are concerned, in the area of lobbying.

One of the basic principles which has guided our free society over the years holds that is wrong and a threat to civil liberties for the Government to subsidize the private advocacy of particular ideas. This has governed our views on separation of church and State and has strengthened the freedom of speech which is the birthright of every American.

Let me read what has actually happened as opposed to this very fine objective.

The Director of the legal services-funded Center on Social Welfare Policy and Law recently stated:

The maintenance and expansion of rights cannot be long assured unless the recipients themselves are united in a strong and self-reliant organization. We have seen in the last five years the development of a national welfare rights organization which, together with its hundreds of local affiliates, has been able to work effectively with lawyers and, with them, formulate priorities and strategy.

In the same column, the project director said:

We have mastered the federal and state welfare laws understood by only a handful of people less than five years ago . . . we have worked together with recipients who have learned their rights and organized to secure and expand them . . . we are beginning to learn to respond to planned and systematic repression in an effective and organized manner.

A recent article by the director and deputy director of a legal services grantee in Oregon stated:

Lobbying efforts pose excellent opportunities to involve citizens in the lawmaking process . . . we assisted in the formation of a coalition of groups, both rich and poor . . . Two lobbying seminars were held aimed at teaching those who had no influence in government how to make their voices heard.

Legal services involvement in group representation is, furthermore, not limited to lobbying as it has been known in the traditional sense. The lawyers have also been encouraged to assist those engaged in such direct action activities as welfare demonstrations, rent strikes, boycotts, and the like.

All of this raises the question as to whether legal services grantees should be specifically granted tax-exempt status, as would be provided in the legislation. To grant such preferred status to legal services activists, while denying it to other organizations not publicly funded would, as elsewhere, tend to violate our traditional inhibition against providing Government support to some groups engaged in influencing public policy, while denying it to others.

I think that is a very fundamental question about the legal services corporation as it presents itself in this very bill. I think it is a legal reason why, with my amendment, there is some logic to action which would give us another year or so in which to reform the existing agency under OEO, to structure it to the purpose of servicing the poor people of the country and not abusing the taxpayers and the citizenry who have labored so long and hard to provide the funds that the Government is making available to this agency.

There are so many examples of their ongoing lobbying activities. In case after case they have joined not only in the demonstrations, rent strikes, and boycotts, but also in writing legislation and appearing before various groups to teach them how to organize for political purposes.

Mr. FANNIN. Mr. President, I agree with the Senator from Tennessee.

The Senator can imagine what could happen to our Government if we continued to sponsor programs that would result in the recall of publicly elected officials such as the Governor of Arizona.

Mr. BROCK. What we have is the taxpayers of America, without any voice in the process at all, being required to send funds to Washington which are then used to remove the Governor of a State. Without any voice of either party, we have the weight of the Federal Government behind an action such as this. It is incredible.

Mr. FANNIN. I agree with the Senator. It is incredible.

I will say to the Senator from Tennessee that we can imagine the tremendous amount of work involved and the cost to the State if the recall election is brought about. It would require 103,000 signatures to petition an election. Then, we have to have the vote and carry it through to an election. I am very confident that the Governor would have an overwhelming victory. However, it is so unnecessary to take up the matter and to take up the legal process of our State to accomplish something that is so unnecessary.

It seems to me that when the legal services attorneys decide that they are going to go beyond the people of that State and make a decision such as this, it is absolutely ludicrous.

Mr. BROCK. Mr. President, during this debate we have been made aware constantly of a wire received by the Senator from New York and the Senator from Wisconsin from Mr. Jaworski endorsing this bill categorically and urging that the Senate approve it without amendment. The sending of such a wire is utterly ridiculous. It could not be reflective of the mood of the attorneys of this country to make the argument that no such legislation should be amended.

I am confident that the Bar Association of Arizona or at least a great many of the attorneys of that State would be surprised to find that they were put in a position of categorically endorsing this kind of corporation which has no accountability.

Mr. FANNIN. Mr. President, I am very sure that the Senator from Tennessee is correct, that the lawyers would be very surprised. Furthermore, I know that leading members of the Democratic Party and even the minority leader of the State senate have stated publicly that they are not in agreement with what these attorneys are trying to accomplish. They have almost instigated this matter. They are supporting a man from outside of the State of Arizona, a man who should not be involved or connected with a matter involving the Governor.

I cannot imagine a man from outside of the State taking it upon himself to use the Legal Aid Society to recall the Governor of that State, a matter in which he does not have a voice or a vote. It is most absurd, but it is happening. And that is why I say that we do need some time to consider the matter. I know that the distinguished Senator from Tennessee realizes that we have made some progress since the last time we discussed this matter. I can recall when we were discussing the Indian people of our State and how they were very dissatisfied, the junior Senator from Arizona (Mr. GOLDWATER) said, and it is in the RECORD, that the elected representatives of the Navajos do not want this society handling the program. They are opposed to the OEO going around and establishing on the reservation a legal services program over which the Government agency has no control. He said that in essence this is the whole thing.

This has changed to some extent. They have corrected some of the inequities in that regard. However, we still have a great deal more to do. And I hope that we do have time to formulate a program that will have the support of the people.

Mr. BROCK. The question is how do we do it? Do we take action today which sets up this totally nonaccountable, uncontrollable Legal Services Corporation

which builds in all of the inequities, all of the inefficiencies, and all of the problems which have been brought to our attention today.

It seems to me that the only way to arrive at a program that is responsive to all of the people of this country to all of the taxpayers who are paying the bill would be to adopt an amendment continuing the legal services program under the OEO where we are achieving a greater degree of reform today. It can ultimately resolve itself into an organization that is of benefit to all parties. However, if we take action today to separate from legal control the legal corporations with all of the problems now existing, that will not be so.

Mr. FANNIN. It would be wholly impracticable to try to accomplish that at this time, to try to make a complete change when we have so much to do in regard to the correcting of the inequities that now exist.

The Senator from Tennessee has made an extremely good case for this change. I commend the Senator for what he has done.

Mr. BROCK. Mr. President, I thank the Senator very much.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15585) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1973, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEED, Mr. ADDABBO, Mr. ROYBAL, Mr. STOKES, Mr. BEVILL, Mr. MAHON, Mr. ROBISON of New York, Mr. EDWARDS of Alabama, Mr. RIEGLE, Mr. MYERS, and Mr. Bow were appointed managers on the part of the House at the conference.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 26, 1972, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 72) consenting to an extension and renewal of the interstate compact to conserve oil and gas.

ECONOMIC OPPORTUNITY AMENDMENTS OF 1972

The Senate continued with the consideration of the bill (S. 3010) to provide for the continuation of programs authorized under the Economic Opportunity Act of 1964, and for other purposes.

Mr. ALLEN. Mr. President, I rise in support of the motion of the distinguished Senator from Tennessee (Mr. BROCK) to strike title IX of S. 3010. The only way I believe that this motion could be improved upon would be to move to table the entire bill, but the removal of title IX from the bill will constitute a great improvement in the bill.

Listening to the argument in the Senate earlier this afternoon I was impressed by the fact that the proponents of the bill (S. 3010) pointed out to the distinguished Senator from Tennessee (Mr. BROCK) that if his motion to strike title IX should prevail that it would leave the provisions of law with respect to the legal services program exactly like they are, and the statement was made that the opposition of title IX was based upon the abuses and the weaknesses of the present program. A considerable point was made of that argument.

Well, just the reverse of that argument can be made from the very same fact because obviously someone must have thought that the present program was not working well enough and it became necessary to come forward with a Legal Services Corporation. Obviously the proponents of the Legal Services Corporation concept feel that the present legal service program can be improved upon and that it needs to be improved upon.

Somewhere during the course of debate, and I anticipate there will be considerable debate upon this motion to strike, I would like to be advised by the proponents of the measure why it is necessary on page 75 of the bill, subsection (f)(2) to authorize the appropriation of $100 million for the next fiscal year for this Legal Services Corporation, when I am advised that the present appropriation for the legal services program being carried on by OEO is only $61 million for the current fiscal year.

That is not all, Mr. President. On page 71 there is provided—and if my construction of these figures is not correct I feel sure the proponents of the measure will hasten to point out the error of my analysis—in subsection (2) it is provided that for the fiscal year ending June 30, 1973, and that is the fiscal year that starts in just a few days, and for the succeeding fiscal year, and that would be a 2-year authorization:

> The Director of the Office of Economic Opportunity shall have for each such fiscal year reserve and make available not less than $328,900,000 for programs under section 221 of the Economic Opportunity Act of 1964 not less than $71.5 million for Legal Services programs under section 222(a)(3) and title IX of Act.

Obviously they are talking two bites out of the public purse in this bill for the Legal Services Corporation: $100 million on page 75, subsection (f)(2) and $71.5 million on page 71. I am sure that after I have concluded my remarks the error of my analysis will be pointed out if the wording of this bill does not correctly reflect the intention of the proponents of the measure.

This title IX is intended to expand, institutionalize, and fatten with increased authorizations the legal services programs now administered by the Office of Economic Opportunity. In doing so, I find no fault with the idea of providing the poor with "equal access to our system of justice."

Mr. President, were this the sole purpose of the bill, we could invoke the familiar observation that where the ends are agreed upon the only remaining questions concern a choice of the best possible means of achieving the end.

But I contend that the ideal of "equal access to our system of justice" is not and has never been the guiding principle underlying the legal services program.

This work is being carried on now under the OEO, and there is some little control by the OEO, and through the OEO by the President himself, of the work of the legal services program. But set up this corporation and it will be absolutely without rudder. It will be able to go wherever it is tossed by the efforts and the thoughts and the ideas of activists who will unquestionably carry out the program.

There is ample evidence to support the conclusion that the purpose of legal services is to exploit the revolutionary concept of class actions against State and local governments and to otherwise exploit the concept of class warfare both in our courts of law and in appropriate economic areas.

Nevertheless, if we were to assume for the purpose of argument that legal services programs are designed merely to provide equal access of the poor to our system of justice, we would have to conclude that the means chosen to provide this service have been demonstratively disruptive, inefficient, and inappropriate. If Congress is insistent on providing legal services for the poor, why in the name of commonsense isn't the money provided for administration of the program by the States? Why is it necessary or even desirable that the program be administered by the Federal bureaucracy?

This certainly would be a bureau to end all bureaus. If it were set up without any control whatsoever, to carry on such functions in the legal services field as it saw fit to carry on, we would have a bureaucracy to end all bureaucracies, and pretty soon we will find the tail wagging the whole dog of the Federal Establishment and Federal bureaucracy.

Mr. President, section IX of the bill before us is in one sense an admission of failure of the past program, as I pointed out in my introductory remarks.

It is true that the failure is blamed on what proponents refer to as "political interference," which means that State and local governments have strenuously objected to some of the activities funded by the program. In recognition of the past failures, it is now proposed that there be created an independent Legal Services Corporation with substantially increased funding and independent of any kind of interference, and, I might add parenthetically, any direction or control.

I will have more to say about the proposed new corporation in just a moment. In the meantime, I want to give an example of the truly revolutionary type of

class actions which can reasonably be expected to be funded and directed by the Corporation, and I have ample examples to point out if the occasion arises.

I want to bring this a little closer to my home State and what we might possibly envision from actions taken by such a Legal Services Corporation or a similar legal services program.

Recently, a class action was instituted in a U.S. District Court against the State of Alabama as a defendant, together with all State officials having any responsibility, directly or indirectly, with the operation and management of Alabama's system of mental hospitals.

I hasten to say this was not an action brought by the legal services program, but it is actions of this sort that may be brought and that it is contemplated will be brought by the Legal Services Corporation or under the legal services program as it now exists.

I might say that when I oppose the concept of a Legal Services Corporation, that does not mean I favor the concept of the legal services program as now being administered by the OEO. The present legal services program administered by the OEO is bad. It ought to be abolished, or substantially amended. But the concept envisioned by setting up a separate corporation, with no helmsman under the control of the Federal Government, under the control of the Government's spending the taxpayers' dollars, with no control over this Corporation, is what I strongly object to. It is self-controlled—self-contained, so to speak.

So when I say I oppose the concept of the Legal Services Corporation, I oppose that even more than I oppose the concept of the legal services program now being operated by the OEO, because there is some measure of control. It can be held within half-way reasonable bounds. If you turn them loose as a separate, independent corporation, fattened by authorizations of $150 million, as contained in the bill before us, you watch then what it is going to do. I fear for every State government, for every local government, for every worthwhile program of the National Government. All of these programs would be subject to attack as a result of a whim or caprice on the part of the Legal Services Corporation.

So I oppose the Corporation. I oppose the legal services program. All the motion or amendment would do is to strike out the Corporation concept. It would leave us with a bad program. It might save us $100 million—that is not to be lightly regarded—if it were knocked out, because over on page 75 is an authorization of $100 million. Starting the first day of July of this year, there would be an authorization of $100 million a year for the Corporation set up by title IX Obviously, if no corporation is set up under title IX, then this authorization would in effect become null and void. So if we adopt the motion or adopt the Brock amendment, we would at least save the American taxpayer $100 million. I do not believe anybody would be hurt by that except some of these attorneys, these moonlighting attorneys, I might say, who put in part of a day's work, in many cases, with the legal services program and then proceed to do outside work.

A great to-do was made some minutes ago when it was said, "Why, we have doctored this bill up. We have removed some of the President's objections. We have removed Senator Cook's objections, who objected to their doing criminal practice in addition to working for the legal services program."

We are going to prevent that. But I did not hear anything about removing them from carrying on a civil practice, and that is where most of this practice would be. It would not be criminal practice, as I see it. I may be wrong, but I do not believe that they are prohibited from carrying on lobbying activity, and in fact legal services might be a pretty good springboard or entree to carrying on that type of activity.

Suppose I am an attorney with the Legal Services Corporation. I do not read anything in the bill—perhaps it is there—which says that such moonlighting activity would be forbidden to the people carrying out the provisions of the section setting up this Legal Services Corporation.

But I have digressed from my remarks. I was talking about the action that was brought in the State of Alabama, in a U.S. district court, with the State of Alabama as the defendant, together with all of the State officials having any responsibility, directly or indirectly, for the operation and management of Alabama's system of mental hospitals.

The facts in the case were not in dispute. Alabama unfortunately does not have the most modern institutional facilities for care of the mentally ill nor is its system of hospitals adequately funded to provide all of the services to be desired either by way of professional staff or physical facilities. In this regard, the State of Alabama is not alone. I think it is reasonable to suggest that all States recognize that there is room for vast improvement in the respective States. However, the problem in Alabama was dramatically highlighted by the late Gov. Lurleen Wallace, who marshaled public sentiment in support of legislative efforts—and a large bond issue, I might say—to help correct the admitted deficiencies, and it is unquestioned that some progress has been made—not as much as we would like to see, but some progress has been made, and public opinion supports major additional changes for the better in our care for the mentally ill.

But to get to the point, the U.S. District Court judge who presided over this class action—the type of class action which is contemplated under the Legal Services Corporation—established what he referred to as constitutionally required minimum standards of care and treatment of mental patients in State-operated institutions. These standards are listed in a 13 page appendix to the court order and cover every significant detail in the operation and management of the hospitals, including everything from bathrooms to diets, recreation, clothing, haircuts, and qualifications of employees and staff, as well as physical and medical therapy and procedures. These standards were ordered to be implemented by way of mandatory injunction.

Mr. President, I have no argument with the desirability of the standards. They were fine. My objection is that such standards are not required by the Constitution of the United States. It was obvious to the plaintiffs and to the judge that implementation of the court-ordered standards would require a very substantial initial appropriation by the Alabama Legislature and substantially increased appropriations in future years. There is the rub.

Mr. President, I wonder if any Member of the Senate will subscribe to the proposition that Federal courts, under authority of the U.S. Constitution, can order a State legislature to levy taxes, determine priorities in the allocation of tax revenues, and order appropriations in such amounts as a Federal judge may determine?

If that is the law, what is the need of having a State government? What is the need of having a State legislature to make these decisions? What is the need of having a Governor to see to it that the laws passed by the legislature are put into effect?

If the "due process" clause of the Constitution authorizes a Federal judge to dictate to State legislatures in the matter of levying taxes and appropriating revenue, we would have to admit that Federal courts have the same power over Congress by virtue of the "due process" clause.

If a Federal court can order a State legislature to levy a tax or to make an appropriation, why could it not also order Congress to levy a tax or to make appropriations, or determine for Congress the priorities? Or for the President. That is going to be one of the big issues in the presidential election, the priorities for expenditure of the taxpayers' funds. That is going to be possibly the biggest issue in the presidential election. But if we follow the reasoning of the Federal judge in this case, in which he takes unto himself the power to order the legislature to act, out to its necessary conclusion, we are going to reach the conclusion that the Federal courts, headed by the U.S. Supreme Court, can issue similar orders to Congress. And I do not believe we in the Senate are prepared yet to take that position.

It is interesting, I think, to note the cavalier manner in which the judge treated this particular problem. On this point, I want to read from the judge's order:

> in the event—that the State Legislature fails to satisfy its—constitutional obligation and the mental health board, because of lack of funding—fails to implement fully the standards herein ordered, it will be necessary for the Court to take affirmative steps—to insure that proper funding is realized.

Mr. President, in a footnote the judge states:

> If the Legislature does not act promptly to appropriate the necessary funding for mental health, the Court will be compelled to grant plaintiffs motion to add various state officials and agencies as additional parties in this litigation, and to utilize other avenues of fund raising.

I reiterate, if the Federal courts in the State of Alabama can order our legislature to levy taxes and make appropria-

tions, it is not going to be many years before they take the same attitude with respect to the national Congress.

Mr. President, in the judge's opinion, it appears that the additional parties to the suit which he contemplates adding include all members of the Alabama Legislature, the State treasurer, and the comptroller, among many others. In other words, this particular U.S. district judge asserts the power to compel the Alabama Legislature to appropriate funds for such purposes and in such amount as the judge may deem fit and proper. In addition, when the judge speaks of utilizing other avenues of funding, he is referring to what he conceives to be his power to compel the State of Alabama to sell certain of its real property and to order the State to allocate the proceeds of the sale to the implementation of court-ordered standards for the operation of mental institutions.

Mr. President, I insist that this is one type of action which is contemplated by the proposed Legal Services Corporation.

We can only ask if Senators have contemplated the serious implications of funding lawyers to bring actions against States and municipalities in Federal courts presided over by judges who conceive themselves empowered to order members of State legislatures to levy taxes and appropriate funds as the judge may see fit. There is not a single State nor municipality in the United States which cannot be made a party defendant to a class action such as this one involving every conceivable type of public service afforded by the States or local governments.

Mr. President, this is one type of class action which we can continue to expect if we authorize the establishment of the Legal Services Corporation with near unlimited powers as contemplated by this bill.

All of us are more familiar with the disruptive activities of Legal Services lawyers who have occupied their time in helping organize groups and coalitions for welfare rights, tenants unions, and in organizing boycotts, demonstrations, and lobbying activities.

It was these and other serious problems with the program that prompted a Presidential veto in December 1971. There has been some change in rhetoric and appearance of the bill but its deficiencies stand out like a sore thumb.

Mr. President, it is not my intention to explore all of the reasons cited by the President for his veto. However, there is one point in particular on which I do want to comment. I refer to the general subject of "accountability." Let us analyze that and see to whom and to what extent this Corporation, set up by title IX, is accountable.

In the President's message of December 9, 1971, he said that "the quintessential principle of accountability has been lost." In this connection, there are two aspects of accountability. I am more concerned about accountability of the Legal Services Corporation to the public than I am about the esoteric arguments relating to accountability in the limited context of the attorney-client relationship.

To whom are these people accountable?

It is one thing for a legal services attorney, once engaged with his client, to be immune from outside pressures. That is all well and good. I respect, I endorse, and I approve of the confidential relationship that exists, and that should exist, between a lawyer and his client; and I would take the position that a lawyer-client relationship is created in the case of a person for whom a legal services attorney is doing legal work contemplated by the act. So it is one thing for a legal services attorney, once engaged by his client, to be immune from outside pressures, at least to the extent that he would be immune, if he were in private practice and representing that client. There is no difference between the confidential relationship of an attorney in private practice dealing with a client who is paying him a fee and a person for whom a legal services attorney is rendering a legal service, not with compensation from the client but as part of his duties as an attorney with the legal services program. I say "program" because that is what it is now, rather than "legal services corporation," which is contemplated by title IX. It is quite another, however, for a corporation which they are seeking to set up under title IX, funded with taxpayers' dollars and authorized by their representatives in Congress, to enjoy immunity from oversight and review.

What other department in the executive branch of Government or in the legislative branch of Government is not subject to review by somebody? Even in the judiciary there is some little measure of control by the Supreme Court of the lower courts. Apparently, there has been very little control of the Supreme Court by anybody—the legislative branch, the executive branch, or the Court itself. I do not know of any agency set up by the Federal Government and paid for with taxpayers' dollars that is not subject to some measure of review. This corporation is to be set apart as sacrosanct so far as any control by Congress is concerned, or by the President, except for his power of appointment of the directors of the corporation.

But it is quite another thing, as I say, for a corporation funded by taxpayers' dollars and authorized by their representatives in Congress to enjoy immunity from oversight and review. Obviously, it should not be. The principle that the Corporation must protect the attorney-client relationship of its project attorneys and members of the client community, on the 1-to-1 basis protected by the Canons and the Code, is not the same as the Corporation having immunity itself from the establishment of policy and administrative directions and emphases. Actually, the Corporation, as a consumer of taxpayers' dollars—and I say that it is going to have a voracious appetite, to consume some $178 million a year—and as a vehicle for meeting the needs of a problem recognized by Congress, must be subject to the long-range scrutiny that other federally funded entities are.

I say again: Why should not this Corporation be subject to some review by Congress and the executive branch, or by Congress or the executive branch? Why make it a law unto itself? That is what would seem to be one of the major thrusts of title IX: Set up this corporation, give it independence, along with $178 million to spread out all over this country, bringing harassing lawsuits against States, local governments, and worthwhile programs of the Federal Government.

The question can be well put, therefore: Does S. 3010 as reported by the Senate Committee, strike an acceptable balance between these differing—yet not necessarily conflicting—means of accountability? I think the answer is a negative one. This is true in many instances.

The appointment of members of the board of directors of the Corporation from lists recommended by grantees and potential grantees of the Corporation jeopardizes accountability to the public. The public is entitled to a little consideration in this matter, not people bringing lawsuits, not people whose aim it is to harass. Let us consider the public once in awhile, not just toss $178 million of the taxpayers' money into this program.

The appointment of at least two of the members of the board from among those recommended by the project attorneys council and the clients council—one each—jeopardizes accountability by placing policymaking control in the hands of those who benefit directly from the program. That is interesting. At least two members of the board are to be appointed from among those represented by project attorneys council and clients council—one each.

Should the Corporation ever be taken to task by the beneficiaries of the program, maybe if they were not benefiting enough, they might complain, but that hardly seems to provide true accountability. It hardly seems to demand real accountability from this Corporation.

A private corporation is accountable to its stockholders. In a sense, it would seem to the junior Senator from Alabama that the taxpayers of America might well be considered to be stockholders in this Corporation, except that they do not have any voice. Stockholders in a private corporation like General Motors, General Electric, the Ford Motor Co., have some say. If one has only one share of stock in a corporation, and he feels that the affairs of the corporation are being mismanaged, he can file suit against the corporation and against the board of directors of that corporation, to hold that corporation, its officers and its board of directors, accountable to the trust that has been placed in them when they were made officers and directors of that corporation. A person does not have to have much stock in a corporation—one share would suffice. That will entitle him to a suit.

Why is it that a poor, downtrodden taxpayer is not given the right to call the Legal Services Corporation to account for the actions of its officers and directors? Why should they not be regarded as acting in a fiduciary capacity, accountable to the taxpayers?

Since we do not have a true democracy in America—not like the true democracy

back in the days of the Greek city-state—but we do have a republic or a representative democracy, certainly, then, it would seem that the people's duly elected representatives in Congress or in the executive branch—those who are elected—should have some way to hold this corporation accountable for its actions.

But there is no accountability outside of the corporation itself. That does not seem to be acting in the best interests of the people of this country. It is not acting in the best interests of the taxpayers of this country.

The absolute prohibition, embodied in proposed section 913, against Federal oversight would totally destroy the principle of accountability of the corporation to the public and their elected representatives, not to mention the requisite accountability desired as to such Federal agencies as the Office of Management and Budget—every other agency I know of in the executive branch is accountable to the Office of Management and Budget but not the Legal Services Corporation—the Civil Service Commission, the Department of Justice—all of these departments and agencies of Government are accountable. If we appropriate all the money to this corporation and have no control over the purse strings, we will see this money tossed to the winds. We will see a Federal boondoggle that wil exceed anything we have seen in a long time, in the judgment of the junior Senator from Alabama.

Placement throughout the legislation of authority to make determinations into the hands of the board of the corporation, when such determinations—like the eligibility of clients, the scope of representation, et cetera—ought to rest in the hands of the Congress. Turn this money over to them and let them go outside—in effect, I would say—I would not say that they would be going out to drum up business, which is certainly an unethical act on the part of attorneys in private practice. I would hope it would be so regarded in this corporation.

Mr. President, my analysis of the legislation pending before the other body convinces me that the President's criticism of the lack of accountability has not been met, and neither has it been met in S. 3010.

Mr. President, I should like to go into this matter of a potential veto a little further. It has been said that all the President's objections have been removed. Possibly that is true. I am not in touch with the President as regards his views.

In his veto message of December 9, the President said:

> In re-writing our original proposal, the door has been left wide open to those abuses which have cost one anti-poverty program after another its public enthusiasm and public support.

Mr. President, I submit that this authorization bill is going to still have within its borders provisions that are not going to be pleasing to the taxpayers of this country and to those who want to see accountability for the expenditure of public funds. I do not believe that the criterion is being met by this bill.

Many of the areas susceptible to abuses remain in this bill.

First, there are the areas susceptible of abuse by virtue of political activity. Sections 906(e) and 907(d) (1)-(2) would permit many kinds of political activity among employees of the corporation and programs assisted by the corporation, and would, for the first time in the history of this program, specifically authorize lobbying activities—political, by definition.

Mr. President, perhaps other Members of the Senate might welcome lobbying activities to further the interest of this program and to further the interest of any Federal program, to advance the interest of any legislation, or any public figure, for that matter, as that public figure might be affected by legislation or an appointment pending before the legislation. However, for the first time in the history of this program there is specifically authorized lobbying activities, political by definition.

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for non-profit, tax-exempt organizations.

So here, Mr. President, we are going to have a corporation enjoying tax-exempt status, not controlled by the Government except that it has to ante up millions of dollars every year to see that the program is carried on.

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

Mr. ALLEN. I yield for a question.

Mr. COOK. Does not the Senator find it very interesting that there is a debate going on throughout the United States today about tax loopholes and in one section of this bill it provides an absolute tax-exempt status and in another section they are given the opportunity of lobbying. Yet they have a tax-exempt status. Under the present Internal Revenue regulations one of the things that one cannot do under any circumstances is to lobby. Yet, because we are allowing this corporation to accept gifts, we have opened up the door for every major foundation in the United States to break the law by subterfuge. Every foundation that can make a grant to this corporation cannot lobby now. However, they can give it to this corporation that can lobby, and rather than work for their tax-exempt status, they are automatically given one.

Mr. ALLEN. Mr. President, I certainly agree with the Senator from Kentucky. He has put his finger on one of the major defects in the bill, and certainly one that sets this corporation apart for special treatment in many areas—although it is certainly not a tax foundation—and allows it to accept contributions from individuals, corporations, and foundations which other corporations engaged in political activity are not allowed to accept. It is another vicious instance of setting apart this corporation for special discriminatory treatment and partial treatment.

Mr. COOK. Mr. President, this is a tax loophole that would no longer jeopardize any major foundation in the United States as long as they could have another corporation to give it to by reason of which they give tax exempt funds to an organization that had the right to lobby but did not have to fight for its exemption under the Internal Revenue. However, for the first time conceivably in the history of the legislative process we automatically legislate a tax exempt status for a corporation and then allow it to lobby.

Mr. ALLEN. That is certainly true. It is a very vicious defect in the opinion of the junior Senator from Alabama.

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

Mr. COOK. I yield.

Mr. JAVITS. Mr. President, the Senator has an amendment, does he not?

Mr. COOK. I have an amendment if I have the opportunity to present it, yes. I have one on which I will ask for the yeas and nays. However, at this stage of the game, I have no idea whether I will be successful.

Mr. JAVITS. I understand that. However, the point I am making is that the argument of the Senator from Alabama is designed to strike the entire title. I believe that the Senator from Kentucky and I can deal with that most constructively and affirmatively. His amendment does point to the right thing to do. We can submit it to the scrutiny of every Senator.

Mr. COOK. I cannot disagree with the Senator. I raise the point with the Senator from Alabama that, as the bill is presently written, this could happen.

Mr. JAVITS. That is legitimate. However, it is also legitimate for the defenders to point out that this is an aspect which can be dealt with by amendment. However, the Senator from Tennessee (Mr. BROCK) and the Senator from Alabama (Mr. ALLEN) seek to strike out the whole thing.

Mr. COOK. Mr. President, to at least set the record straight—and I apologize to the Senator from Alabama—I can only say that many other sections will also need amendments.

Mr. JAVITS. There are other amendments and we can deal with those in the most constructive and affirmative spirit.

Mr. COOK. Mr. President, the point I was trying to make to the Senator from Alabama is that the way the bill is presently written and before us, it authorizes lobbying and a tax exempt status which under the present Internal Revenue Code could be a tremendous loophole for gifts, contributions, and direct contributions of funds from organizations throughout the United States who are now tax exempt and are prohibited from lobbying, but would be allowed to give to this corporation which would be allowed to lobby.

Mr. ALLEN. Mr. President, I express my appreciation to the distinguished Senator from Kentucky for his contribution to this discussion and say to him that I feel that he has made a valid point. I also have to express the hope, however, that it will not be necessary to consider the amendment that is hoped to be offered by the Senator from Kentucky because I hope that the amendment offered by the Senator from Tennessee (Mr. BROCK) is agreed to.

I might say that this bill does not need a surgeon's scalpel. It needs a meat axe approach. It does not need to be operated on with a fine instrument. It needs to be knocked completely out of the bill. There is no need to change the title as far as the junior Senator from Alabama is concerned.

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

Mr. ALLEN. I yield to the Senator from Tennessee.

Mr. BROCK. I am very grateful to the Senator for his support and I agree with the Senator's statement.

I wish to point out that it is almost impossible to remedy the defects in the existing proposal by amendment. For example, on the matter of lobbying, the Senator from Kentucky has an excellent amendment which would do some good, but there is no way all of these faults can be corrected. For example, if we prohibit other organizations from giving to the Corporation, there is still no prohibition against employees of the Corporation from engaging in political activities on their own. As I stated earlier, the Hatch Act was not passed simply to protect the American people against that, but also Government employees from undue influence from their supervisors or managers to assure them of continuing employment.

There are thousands of examples of this sort in abuses which took place time after time in State after State which are not subject to control or remedy in the context of the law as proposed in this legislation.

If we are going to respond to the need, I see no alternative than to agree to the amendment. To do otherwise, would freeze into law the existing pattern without accountability.

Again, I thank the Senator for his support.

Mr. ALLEN. I thank the Senator from Tennessee for his remarks, for offering the pending amendment, and for his excellent presentation in his introductory remarks, the colloquy in which he has engaged, the questions he has asked, and the colloquy he has had with me on this subject.

I appreciate very much the distinguished Senator from Kentucky pointing out still another defect in title IX and in the concept of this bill.

Repeating, for the purpose of continuity:

Second, proposed section 902(b) would grant a tax-exempt status to the corporation, despite its ability to engage in political activity and other activities proscribed by Internal Revenue Service rulings and guidelines for nonprofit, tax-exempt organizations.

The distinguished Senator from Kentucky pointed out that this section can be abused, how it would be a great loophole in our tax laws and could easily be evaded.

I might express this confidence to the distinguished Senator from Kentucky. There are in this body a number of Senators who are running for the high office of President of the United States, and all of them are interested in closing the loopholes in our tax laws or, at any rate, they have expressed that opinion throughout the length and breadth of this land. I am hopeful that when the amendment offered by the distinguished Senator from Tennessee—and, if it becomes necessary, the amendment of the Senator from Kentucky—is voted upon that these senatorial presidents will be on hand to cast their votes in favor of closing loopholes actual and potential in our tax structure.

Third, the advisory councils which would be created by virtue of section 903 are comprised of those parties with direct interests in the programs, grants, and funding—the clients and the project attorneys—admitting thereby of publicly visible conflicts—in short, a further extension of the poverty-bureaucracy complex.

I am pointing out here some of the abuses of the bill that could very well lead to a Presidential veto of the entire bill, even in the face of the statement made on the floor that the objections of the President have been met. Whether he raised these objections or not is not known.

I note that while he may have expressed a desire to see a Legal Services Corporation set up, I would hazard the guess that he would not be suggesting that a tax-exempt corporation be set up, one that would permit lobbying activities on the part of this corporation and the acceptance without tax, either to the donor or donee, of money for lobbying purposes. I would seriously doubt if the President of the United States would support such a concept as that.

Fourth, section 904(c) would permit the chief executive officer—the executive director—of the corporation to serve at the pleasure of the board, not at the pleasure of the elected representatives of the people. He is appointed and serves at the pleasure of the board of directors of the corporation, with no consent from the Senate required and with no appointment by the President mandated. Whereas the directors may have to be approved by the Senate, as suggested by the distinguished Senator from Wisconsin in his remarks, I do not believe it will be found that the executive director has to be approved by the Senate. Possibly it does and if so I did not notice that requirement.

Fifth, section 904(e) permits meetings of the board to be closed—not subject to public scrutiny.

Sixth, section 906(a)(8) permits an establishment of standards of eligibility without any guidelines from the Congress and does not require conformity with antipoverty guidelines, indices, and criteria for other programs of the Federal Government. Here again I say they would be out in a stormy sea without a rudder. That is the situation of this corporation as regards any congressional oversight.

Seventh, while section 908(a) permits public disclosure of all information and documents relevant to grants and contracts, section 908(b) does not permit full disclosure of evaluation, inspection, and monitoring reports.

Mr. President, the ultimate slam at public accountability is section 913, which reads as follows:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation or any of its grantees or contractees or employees, or over the charter or bylaws of the Corporation, or over the attorneys providing legal services pursuant to this title, or over the members of the client community receiving legal services pursuant to this title.

That is a shocking provision that is suggested as the law of the land. It seems to have two authorizations in the bill, one for $100 million and another for $78 million and it is provided:

> Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employer of the United States to exercise any direction, supervision, or control over the corporation.

Would that mean, Mr. President, that the General Accounting Office would not be able to come in from time to time, as required by law for other Federal public agencies, and check the books and records of this Corporation? That is what it says. I guess it means what it says, because it is not going to authorize any department, agency, officer, or employee of the United States. I assume the General Accounting Office comes within that general language. They are not going to authorize anybody to exercise any direction, supervision, or control over the Corporation.

What about a Federal grand jury? What if they steal the Corporation blind? Are you going to allow a Federal grand jury to check into the affairs of the Corporation? I doubt it. The bill provides:

> "Nothing contained in this title shall be deemed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the Corporation . . ."

That is a pretty shocking provision.

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

Mr. ALLEN. I yield for a question.

Mr. JAVITS. I asked the Senator to yield to correct the facts, because they will appear in the RECORD. I call attention to the Senator to the provision of section 910(b)(1), on page 121 of the bill, which reads:

> The accounts and operations of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office . . .

And so forth.

That is one.

I wish to point out to the Senator that the report of such audit is to be made to the Congress and that it is to be kept available here within the Congress, and so forth.

Also, I wish to point out to the Senator that, in my judgment—the Senator naturally is entitled to his own opinion on that—the words "direction, supervision, or control" would not include even an indictment of the Corporation—and this refers only to the Corporation, not those who work for the Corporation, or any individual—and that the Corporation, in my judgment, could be indicted by a grand jury. Notwithstanding those words, I do not believe the words cover any immunity for criminal prosecution.

The final fact is that, if the Senator will refer to section 308 of the public broadcasting law, he will find a similar provision.

I wish to state to the Senator once again, simply as a fact, that the reason for the adoption of this amendment was that it was strictly an amendment which deals with the confidentiality and the integrity of the professional relations between lawyers and their clients.

Again, if the Senator would have in mind, or any other Senator would have in mind, an amendment which would make that precise and clear, I personally would be very anxious to have them take a constructive and positive role in making what I have just said clear.

Mr. ALLEN. I appreciate that.

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

Mr. JAVITS. I yield.

Mr. NELSON. Yesterday we accepted an amendment by the Senator from Texas (Mr. TOWER) to make all of the information, except matters of confidential relationship between lawyer and client, available for the inspection of any Member of Congress, also.

Mr. JAVITS. I thank the Senator.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished Senator from New York in clarifying some of the language of this section. I would hope that, if title IX survives a motion to strike it, he would make it clear that the prohibition against the exercise of any direction, supervision, or control over the Corporation would not prohibit an investigation by the General Accounting Office, because it would seem that these sections are in conflict. I hope that that change would be made. I hope it will not be necessary to make the change, because I hope the whole title will be stricken.

It is readily apparent, upon the enactment of this legislation, that there is to be no accountability to the public through their elected officials, despite the Federal creation and Federal funding of the Corporation.

This absolute prohibition against "Federal control" would, in my opinion, limit the authority of the Office of Management and Budget to suspend assistance if the program were acting outside the scope of its authority. It would limit the authority of the Department of Justice to investigate and pursue actions with respect to misappropriations of funds. It would limit the authority of the Civil Service Commission with respect to anything within its jurisdiction as to the operation of the staff and personnel of the corporation.

Mr. President, the specific question might arise as to how the Federal financing of the proposed corporation acts as a subsidization of political activity. It can be answered convincingly. By assuring persons who engage in politicking and radical activities of a continuing salary through the program—salaries made possible through Federal taxpayers' dollars—these persons are able to engage in free-time political activities and organization of persons into radical activities and associations.

Sometimes the employees work for a legal services program for a while, until something comes to the front burner. Then they drop out of the program, undertake their own self-imposed missions, after which some drop back into the legal services program. Others are able to get positions in the program by virtue of having engaged in radical activities. But the most common case is the one where a person, heavily involved in political activity, carries on such activities during varying sorts of free time—annual leave, compensatory leave, "afternoon leave," and so forth. This is possible because the legal services attorneys are not covered by the restrictions of the Hatch Act which apply to Federal employees.

Here is another example of failure to hold this corporation and its employees to the same degree of accountability as is required of other Federal agencies. They are not required to be held under the restrictions of the Hatch Act, which applies to all other Federal employees. Nor are such employees prohibited from the outside practice of law. It was pointed out that they are prevented from practicing criminal law, I believe, but it does not cover civil law. This divergence of treatment is true, even though the dollars come from the same source—the Federal treasury. By paying a person to work for the program for a certain number of hours each week, the person is assured of an income, irrespective of what he does in his off-duty hours. We are, in reality, subsidizing through this program a mammoth number of employees and project attorneys who are engaged in carrying out their own ideological, philosophical, political, or partisan agendas.

Mr. President, the point is clear. We are subsidizing through this program a plethora of political activists who work for OEO, and who, because of the assurance of that paycheck, are able to carry out their own loaded agendas in pursuit of ideological and partisan goals. This must be stopped.

I believe a step in the right direction would be the adoption of the amendment of the distinguished Senator from Tennessee (Mr. BROCK), and I urge that the Senate agree to the amendment.

Mr. President, the day is past when "you can't sue city hall." Suits against Federal, State, and local agencies are proper if they arise from the specific legal needs of particular clients, rather than from private or partisan objectives of legal services attorneys. Such suits may be appropriate responses to the needs of poor people seeking relief.

In keeping with the consistency of professional quality rendered by the legal profession in our Nation, the approach to the question as to whether or not a suit should be initiated on behalf of one's client against a public agency should be no different for a legal services attorney than it is for an attorney in private practice. Specifically, such suits should not be frivolous; they should be born out of the genuine needs of the client to obtain judicial relief. Additionally, such suits should not be filed for the purpose of harassing public agencies and officials. Finally, such suits should not be brought if the administrative remedies available to the client, or the class of persons that client represents, have not been fully exhausted by the client and the project attorney. If another remedy is more appropriate to the client's situation, it should be used. As a matter of procedure, legal services attorneys ought to explore every possible solution to a legal problem and exhaust their administrative remedies before initiation of legal action. This is expected of attorneys in private practice; no less should be expected of attorneys in legal services programs.

Unfortunately, since legal services programs are largely funded by tax dollars, there are insufficient negative incentives imposed—either through the project board and project directors or through self-discipline—on the project attorneys. Thus, the tendency is to rush to court, frequently resulting in the filing of unmeritorious suits against public agencies. At a minimum, such actions frequently result in the filing of suits where other remedies were available and appropriate.

An examination of the record indicates that with each passing year there are more and more suits being initiated, through legal services programs, against public agencies on all levels—Federal, State, and local. The increase in such suits is demonstrable.

The Clearinghouse Review is published monthly by the National Clearinghouse for Legal Services, an operation funded pursuant to a contract between Northwestern University and OEO. One of the purposes underlying its publication is the communication of summaries of legal action cases of interest to legal services attorneys across the Nation. I have recently examined volume V of Clearinghouse Review, which covers the period from May 1971 through April 1972—12 months. I have extracted from this one volume the names of public agencies against which suits were brought by parties represented by legal services programs. Since many suits were brought against officials of those public agencies in their individual names, the list below is probably not all inclusive. The list of public agencies sued is as follows. Some were sued more than once; some often:

Department of Health, Education, and Welfare, U.S.
Springfield School Committee, Massachusetts.
Board of Education, Peoria, Illinois.
New York City Board of Education.
Emeryville City Officials, California.
Florida Department of Commerce.
West Springfield Housing Authority, Massachusetts.
Newport Housing Authority, Rhode Island.
Union City, California.
National Capital Housing Authority, Washington, D.C.
United States Government.
District of Columbia Government.
Peekskill Housing Authority.
Department of Housing and Urban Development, U.S.
Los Angeles Housing Authority, California.
Housing Authority, Long Beach, California.
State of Maine.
Wayne County Board of Commissioners, Michigan.
California Public Utilities Commission.
Regional HEW Commissioner, Illinois.
South Bend School Corp., Indiana.
Attorney General of the United States.

Equal Employment Opportunity Commission, U.S.
Secretary of Defense.
Illinois Department of Public Aid.
City of Wilmington, Delaware.
Secretary of the Army.
Administrator, Unemployment Compensation Act, Hartford, Conn.
Wisconsin Department of Health and Social Services.
Governor of California.
Department of Social Welfare, California.
Department of Public Welfare, District of Columbia.
San Francisco Unified School District, California.
San Jose Unified School District, California.
Chicago Board of Education, Illinois.
Dade County School Board, Florida.
Board of Education, Bergen County, N.J.
Minneapolis Fire Department and Minneapolis Civil Service Department, Minnesota.
New York City Department of Parks and Recreation.
State of Oklahoma.
Secretary of the Interior, U.S.
Director, Selective Service System.
Secretary of Health, Education, and Welfare, U.S.
County of Madera, California.
Commonwealth of Massachusetts.
Attorney General, State of Florida.
School Board of the District of Columbia.
State Department of Public Safety, Utah.
Oxford School District, Calif.
Little Rock School District, Arkansas.
Milwaukee Board of School Directors, Wisconsin.
Board of Education, Cleveland, Ohio.
Board of School Directors, Portland, Me.
Alaska Board of Education.
Texas Employment Commission.
United States Postal Service.
Secretary of Transportation, U.S.
State of Mississippi.
Clark County School District, Nevada.
Massachusetts Department of Public Welfare.
Pima County Board of Supervisors, Arizona.
Governor, New York.
Wisconsin Department of Health and Social Services.
Mount Laurel Township, N.J.
Norwalk Housing Authority, Conn.
Port Chester Housing Authority, New York.
City of Helena, Montana.
Board of Education, Arizona.
Bureau of Indian Affairs, U.S.
Berkeley Police Department, California.
Denver Juvenile Court, Colorado.
Wayne County General Hospital, Michigan.
San Francisco Planning Commission, California.
Secretary of Labor, U.S.
Los Angeles City Council, California.
Commonwealth of Pennsylvania.
Public Utilities Commission, California.
Arkansas Public Service Commission.
City of St. Paul, Minnesota.
Ohio Bureau of Employment.
State of Alaska.
Commonwealth of Virginia.
Mayor, New York City.
Cook County Junior College Board, Illinois.
City of Minneapolis, Minnesota.
City of Flint, Michigan.
Secretary of the Treasury, U.S.
Secretary of the Navy, U.S.
New York Department of Social Services.
Rochester Board of Education, New York.
Chicago Board of Education, Illinois.
New York State Education Department.
Swartz Creek Community Schools, Michigan.
Milan Public Schools, Michigan.
Tempe School District No. 3, Arizona.
Alameda County Board of Supervisors, California.
New Rochelle Municipal Housing Authority, New York.
Yonkers Municipal Housing Authority, New York.
Lake County Board of Supervisors, California.
County of Riverside, California.
Michigan Employment Security Commission.
Board of Water Commissioners of St. Paul, Minnesota.
Melrose Park Village, Illinois.
Delaware Board of Education.
Okolona Municipal Separate School District, Mississippi.
Kentucky Program Development Office.
Indianapolis Housing Authority, Indiana.
The President of the United States.
Boston Police Department, Massachusetts.
South Bend School Corp., Indiana.
Board of Examiners (of New York City School System).
Nassau County Civil Service Commission, New York.
Health and Hospital Commission, Chicago, Ill.
Mamaroneck Village Board of Trustees, New York.
State of Hawaii.
Department of Agriculture, U.S.
Tarrytown Urban Renewal Agency, New York.
State of Washington.
Baltimore Detention Center, Maryland.
Michigan Employment Security Commission.
New York Department of Labor.
New York City.
Detroit Public School System, Michigan.
Spokane School District, Washington.
Metropolitan Dade County, Florida.
Secretary of Agriculture, U.S.
Board of Review, Department of Labor, Illinois.
Department of Social and Rehabilitative Services, Rhode Island.
Trinity Area School District, Pennsylvania.
Austin Housing Authority, Texas.
City of Philadelphia, Pennsylvania.
Paintsville Housing Authority, Kentucky.
Newark Housing Authority, New Jersey.
West Virginia Department of Highways.
Federal Home Loan Bank Board.
Milwaukee Housing Authority, Wisconsin.
Virginia Board of Bar Examiners.
Virginia Industrial Commission.
New York Division of Human Rights.
Wisconsin Department of Transportation.
Los Angeles County Civil Service Commission, Calif.
Florida Department of Health and Rehabilitative Services.
Department of Human Resources, District of Columbia.
White Plains Housing Authority, New York.
City of Hamtramck, Michigan.
District of Columbia Public Service Commission.
Department of Human Resources Development, California.
Maryland Department of Social Services.
Minnesota Department of Public Welfare.

I remind my colleagues that only a small number of cases brought by legal services attorneys are highlighted in this publication. Undoubtedly, there are hundreds more.

It is the responsibility of the Congress, as we consider the creation of a "new home" for the legal services program, to insure against repetition in that new home of the misemphases which have characterized the existing program within OEO. We could rely upon the board of the proposed corporation, or its executive director, or its staff to promulgate guidelines which would place sufficient policy directions before the individual project attorneys so as to curtail actions against public agencies not yet ripe for suit. I cannot help but feel, for myself, that the program which would be transferred by the provisions of this legislation would not manifest itself in any means significantly different from its existing approach and emphases, unless the Congress specifically mandated it through provisions of the legislation.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Have the yeas and nays been ordered?

The PRESIDING OFFICER. No; they have not been ordered.

Mr. JAVITS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. BROCK. Mr. President, the existence of the OEO legal services program is, without a doubt, the most controversial aspect of the very controversial OEO program to which Congress gave birth only a few years ago.

Many have defended the idea of free legal services when necessary for those unable to pay for them, so as to put them on an equal basis with our citizens who, one way or another, can pay for lawyers. This idea has been justified on the same basis as medicare and medicaid.

However, when the idea has been reduced to endeavors to create a viable system compatible with basic doctrines of fairness and the proper role of government, the legal services programs as they have functioned under OEO so far have usually been found to be on the lighter side of the scale.

Now, we find ourselves faced with a piece of legislation which would make this OEO program a full-time, permanent, ongoing part of American life but not as a Government agency, like almost every other congressionally spawned program but, instead, as an independent entity—except for providing the money to make it go—and, what do we find as justification?

First. The OEO program as presently constituted has not worked well.

Second. The OEO program has been involved in too much controversy.

Third. Congress has had too much to say about the program with "injurious" results.

Fourth. It has been cumbersome and embarrassing to Members of Congress to have to respond to constituent objections.

Fifth. Therefore, the legal service program should be made a permanent fixture, independent of all governmental "control and interference," in the words of the bill.

Mr. President, I cannot accept the reasoning which supports this addition to

our American institutions. I also cannot accept the language which has been chosen to effect this proposal.

There is something very, very fundamental to the matter of providing free legal services which has not received proper attention. This title, when it provides free attorneys, necessarily is going to be involved in litigation in our courts but, unfortunately, this title constitutes a mandate for this entity to devote its activities primarily to litigation. Litigation first requires a "dispute." Lawsuits are adversary proceedings. At least two people, two groups, two interests, and two beliefs are involved and when somebody wins, somebody else loses. Judges rarely call a case "a draw."

Rich or poor, black or white, "southerner" or "northerner," no matter who it is, all people have "gripes," complaints, and grievances but most people do not go to court to seek redress or a remedy of their "grievance." A citizen may be madder than hops that the "Senators" are leaving Washington, that he did not get a raise he thought he had been promised, that the car dealer took 2 weeks to make a repair he thinks should only have required 2 days, that the trash handlers will not pick up limbs longer than 3 feet, that a signal light has not been installed, that his income tax is too high, that his child is being bused to school, that the neighbor's dog barks at night, that the landlord has never installed what he promised, and so on. But the average citizen does not go out and file a lawsuit, even if he never "gets justice," contrary to the basic reasoning for this title. He may go to a city council meeting or sign a petition for the traffic light; he may ask his neighbor to keep his dog in at night, or buy ear plugs; he may write a letter of complaint to the car dealer and switch his business elsewhere, and take other action short of lawsuits.

There are a number of reasons that the average guy does not file a lawsuit every time he has a "grievance." Let us examine some of them:

First. Inertia—he thinks he should do it but never brings himself to the point of actual decision. It is an unknown which he avoids if possible and the "grievance" just is not that pressing.

Second. Peacefulness—he thinks he is right and the other party is wrong but he has an aversion for situations where there is conflict.

Third. Possible expense—in most cases he believes, or his lawyer tells him, it will cost him money in court fees, attorney's fees, and other related expenses and in some cases the relief he desires will not produce money which would offset that expense—for example, the barking dog, the traffic light, or school busing—and even if it could produce offsetting money, there is no guarantee that he would win—the role of judge and jury presupposes they have a choice. Also, if he wins a judgment for money it might not be collectible.

Those are some reasons I think we all can appreciate which govern the average person when we talk about filing a lawsuit.

What I want to emphasize, so that no one in this Chamber misses it, is the result: Contrary to what supporters of this provision say, the result is that the average man does not file lawsuits unless he has an extremely serious problem which absolutely must be cured and the only way to do it is to hire an attorney and engage in a court battle.

Now, I ask that all of you examine with me the previous instances and considerations where everything is the same except the income of the individual is below whatever level is set by the corporation as its criteria—or his credit is not good enough for him to obtain a loan to pay the attorney.

First. The matter of inertia. With this legal service corporation and its grantees working in every community for the sole purpose of providing legal representation, one of their declared activities will be the same as has been advocated under OEO, seeking out and encouraging people to make the decision to file a lawsuit. They will overcome this "inertia control" so we can discount it.

Second. The matter of peacefulness. Experience with the OEO legal service program, even under the "interference and control," which this title seeks to avoid, has been that the lawyers and the program itself, through personal contact, seminars, community action meetings, happenings, and so on, has been to preach a theory. That theory is that the peacemaker is not blessed, as the Bible tells us. Instead, they say to these people, peacefulness is an avoidance of a civic and moral duty. They teach that a person who attempts to accept the instance which has caused him concern, to compromise, to accommodate, is a weak-spined, lily-livered individual. They point out that our Nation has a judicial system for resolving differences and that it should be used. Thus, they say, it is the person's duty as a citizen to present his problem to a court and let that court make the decision. By so doing he not only gets his problem resolved, if he wins, he also, they advise, has a service for others with similar problems by setting a judicial precedent. This, they go on to recommend, is worth any inconvenience, loss of work, and so forth, which the person suffers as a result of being involved in litigation.

With this sort of encouragement, we can discount the effectiveness of the control of "peacefulness."

Third. The matter of possible expense. Let us face it, Mr. President, no average person wants to stand the expense of litigation just to get "satisfaction." This is the main "control." The fervor and hot blood of the average guy palls and cools when resolving his complaint gets down to the question of how much he is willing to spend to obtain, or attempt to obtain, satisfaction.

Over the years this one consideration has been the primary one which has protected our judicial system from being overcome by efforts to use it as a forum for "airing gripes." It has meant that when there is a case which absolutely must be resolved by a court, the injured person can expect to receive reasonably prompt attention from the courts, although we already have overcrowded dockets.

It has meant that you, your friends, your neighbors, your constituents consider it a rarity to find themselves being summoned to appear before a court regarding someone's "grievance" against them.

How does this title affect this control? Under the bill, S. 3010, the Corporation and its grantees, throughout the entire Nation, will be on hand to provide free legal services—not to everybody, but only to those who are poor enough or whose credit is bad enough.

Nowhere in this title is there any limitation on when and where, or under what circumstances, these lawyers who get paid for providing the legal services can provide them. In fact, the filing of even unfounded and unwarranted cases is not specifically limited or prohibited. But even if John Doe does have a "grievance" based upon fact against his neighbor and his barking dog, regarding where his child sits on the schoolbus, the traffic light, his hoped-for raise, or a slightly dented fender, there still are no restrictions or guidelines in this bill which in any way serves to replace the control which comes from having to pay the expenses of litigation.

In conclusion, I believe I have demonstrated that this title will irretrievably result in a complete upheaval of a built-in system of checks and balances in our judicial system; will not place poor people on an equal status with the nonpoor; and, in fact, will put the average citizen at a clear disadvantage with which he will not be able to cope.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Legislative Advocacy," written by Mickey Kantor, and an article entitled "Legislative Advocacy at CRLA," written by James F. Smith, both published in Clearinghouse Review, the publication of the Legal Services Division of OEO, of February 1972. Both are perfect examples of what we have been talking about today.

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

LEGISLATIVE ADVOCACY

(By Mickey Kantor, Executive Director, Action for Legal Rights, Incorporated)

Legislative advocacy is the stepchild of the Legal Services Program.[1] This important forum for protecting the poor has been largely ignored in the past by Legal Services lawyers. However, this area of involvement is an emerging concern. Because of its importance and the developing attitude of the Supreme Court over "legislating in the courts"[2] a re-evaluation of the role and emphasis of the Legal Services attorney and overall program priorities has become critical. In addition, the role of the effective legislative advocate must be explored—especially with regard to present OEO regulations.

There has been little doubt—in fact it is mandated—that a lawyer is obligated to utilize every legitimate forum possible in order to redress his client's grievances.[3] Litigation was initially viewed as the most relevant and productive forum for the poor. Indeed the most dramatic and far-reaching decisions on behalf of the poor have been the result of litigation.[4] With all of its benefits, litigation remains expensive, time-consuming, often frustrating, and it nearly always results in less for the client than was pleaded

Footnotes at end of article.

for or anticipated. Similarly, litigation can be dysfunctional in terms of building organizational strength among the poor.

Yet it was litigation which created the credibility of the Legal Services lawyer with his client and sensitized the bar and the public to the most glaring and outstanding abuses which were, and continue to be, visited upon the poor. For these reasons, litigation was a valuable strategy for the Legal Services Program in its first six years of existence. Use of litigation as an advocacy tool remains important today. However, because times change, so must strategies, and other advocacy alternatives must be nurtured and developed. For example, there are some who argue that in the area of welfare reform litigation is no longer viable.

Legal Service lawyers have not been completely unaware of other avenues of potential redress. Administrative procedures and informal negotiations with agencies have been used with great success. Programs have responded to city councils and state legislatures, as well as the Congress, with their views on various issues affecting the client population. But it would be an overstatement to consider these activities equal to litigation in terms of the commitment of resources and manpower.

One of the inhibitions that characterized this reluctance to move into the area of legislative advocacy was a misinterpretation of OEO regulations. Legislative advocacy has always been encouraged by OEO. There has never been a ruling that Legal Services lawyers must be invited to appear before a legislative committee as a pre-condition to participation. However, many programs and attorneys felt this to be the case and therefore hesitated before engaging in these activities.

The American Bar Association's Code of Professional Responsibility makes it an affirmative responsibility of the lawyer to advocate for appropriate changes in the law and to propose and support legislation in the public interest:

"By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system." [5]

This professional duty was in no way limited by the congressional intent relating to Section 222(a)(3) of the Economic Opportunity Act of 1954.[6] That section's directive, "To further the cause of justice . . . by legal counselling" is obviously broad enough to encompass representation in all types of forums.

The original guidelines for Legal Services Program stated:

"Advocacy of appropriate reforms in statutes, regulations and administrative practices is a part of the traditional role of the lawyer and should be among the services afforded by the program. This may include judicial challenge to particular practices and regulations, research into conflicting or discriminating applications of laws or administrative rules, and proposals for administrative and legislative changes." [7]

Specific OEO directives encouraged utilization of the legislative arena for change:

"Grantee and delegate agencies may, of course, undertake activities dealing with issues related to their basic program responsibilities. In carrying out the basic mission and goals of community action, grantee and delegate agencies may actively engage in campaigns connected with constitutional amendments, referenda, municipal ordinances, law reform and lawful attempts to influence government officials to respond to the grievances of the poor. Grantee and delegate agencies need not avoid such activities merely because partisan officials or candidates for public office may take or have taken positions with respect to the issue.[8]

Footnotes at end of article.

The National Legal Services Corporation Act,[9] as proposed by the Senate and House conferees, clearly authorizes legislative advocacy by Legal Services attorneys on behalf of their clients. The only limitations are that (1) the lawyer must represent a client or client group, or (2) he is invited by a legislator or committee to make representations. There are other prohibitions but they do not limit attorneys in pursuit of legitimate representation.[10]

The Administration bill would have prohibited such advocacy; that bill only allowed legislative advocacy in the event attorneys were asked to make representations to a committee. However, Frank Carlucci, then Director of OEO, in response to questioning by Senator Walter F. Mondale said that:

"We would interpret the administration proposal as permitting it on behalf of a client. Let me stress that our intent was to prohibit self-generating or self-initiated lobbying activities not on behalf of clients. We would recognize that the attorney ought to pursue all possible remedies on behalf of an individual client." [11]

Other witnesses appearing before the House and Senate Committees specifically endorsed the necessity for legislative reform as a permissible activity for Legal Services programs.[12]

Legal Services lawyers have a grave responsibility with regard to the impact of legislation on their client community. The poor remain disenfranchised and powerless because they lack input in the political arena. There are very few state legislators and congressmen who are directly responsible to the poor or minorities in a political sense. Thus their legislative priorities do not reflect the needs of the poor. When "tradeoffs" are made or bills are drafted, labor, management, and vested interests are represented at every stage—either directly or through legislators particularly sensitive to their needs. The interests of the poor are taken into account only indirectly in most cases—and virtually never by reason of constituent demands. Therefore the job of a Legal Services advocate is crucially necessary and extremely difficult.

The Legal Services program must first of all be alert to legislation which would affect the interests of their clients. Clients must be informed of the meaning of pending bills and the ways they affect their interests. The chances of passage must be assessed. Finally, the clients' judgment as to the posture of the lawyer should be scrupulously observed.

This is basically a negative or reaction kind of strategy to legislation. However, it is highly effective and crucial. The identification of a potentially harmful amendment or act, the sensitization of legislators to its impediments, and the advocacy of its defeat can save the poor from immediate adversity and from thousands of dollars in litigation costs.

Further, the coordination and implementation of a positive legislative program on behalf of clients is important. There are obvious areas to be addressed including:

(a) the enforcement of judicially recognized rights through legislation;

(b) the recognition and implementation of the changing relationships between landlord and tenant:

(c) the implementation of programs for child care, housing, health and other programs which are necessary for the benefit and protection of client groups;

(d) the amendments of various laws which have excluded certain classes from protection—such as child labor laws as they relate to farm workers;

(e) the recognition of the inequality and ineffectiveness of our present public school financing system and the fostering of legislation to readdress these imbalances;

(f) the adoption of laws and regulations which would more effectively address the problems of consumer abuse and juvenile delinquency.

In each of these particular expertise is required. It is extremely difficult to advocate in a legislative forum for the poor. They are virtually powerless. Your weapon is not political reprisal but preparation, facts, sensitization and ultimately the development of a coalition of concern and interest. Each step must be accompanied by complete and real client participation in the decision-making, professional preparation of arguments, and development of an overwhelming factual base for the presentation.

In order to avoid the consequences of an ill-prepared position, a Legal Services attorney should be careful to:

(a) truly reflect the interests of his client or client group;

(b) have a firm working knowledge of the legislative process;

(c) develop convincing expertise in the particular substantive area he is addressing;

(e) examine applicable lobbying laws and follow them scrupulously;

(f) constantly consult with friendly legislators and their staff as to drafting problems, strategy and similar problems;

(g) be aware of the ABA *Code of Professional Responsibility* which states:

Whenever a lawyer seeks legislative or administrative changes, he should identify the capacity in which he appears, whether on behalf of himself, a client, or the public. A lawyer may advocate such changes on behalf of a client even though he does not agree with them. But when a lawyer purports to act on behalf of the public, he should espouse only those changes which he conscientiously believes to be in the public interest.[13]

There are many considerations in developing a program for legislative advocacy. Certainly the major concern is one of client priorities. Once issues have been defined by the client groups (or individual clients) priorities must be established. All these plans are considered with the knowledge that during a legislative session, issues will arise which will momentarily assume a priority status. In addition, in attempting to advocate positive legislation, a campaign may, of necessity, have to be planned over numerous legislative sessions because of the difficulty in developing and passing new, sophisticated or controversial pieces of legislation.

Drafting a piece of legislation involves much more than technical knowledge or ability. In fact, because many legislatures and the Congress have their own technicians, it may become relatively unimportant. A thorough understanding of what the client wants to accomplish and a realization of attendant problems is crucial. A good example is the development of legislation to transfer the Legal Services Program to an independent entity. The clients' problem could have been simply stated—*i.e.*, a desire to free the Program from debilitating political influences. Implementation of the desire, however, involved many considerations. What were the alternatives? How do you legitimize the idea? What were the positions of the bar, the clients, the lawyers, the White House, and various key members of Congress? What parts of the Economic Opportunity Act dealt with Legal Services? What other acts needed to be considered? Would the Executive Branch adopt your position and advocate it as well?

After these questions were answered, a first draft had to be prepared, a sponsor had to be found. Who is best suited to introduce the bill? What about bi-partisan support? [14] Co-sponsors? Do you make trade-offs prior to introduction in order to gain the support of key congressmen? To what committee will it be assigned?

The most crucial initial issue (I consider initial issues those decisions which must be made prior to introduction) involved a complete understanding of the minimum package the client would accept. In drafting all legislation, the drafter must contemplate the various compromises and trade-offs which may be made. He must create a piece of legislation

which can be flexibly considered to allow for changes and compromises. However, there are issues which are so fundamental to the entire effort that they cannot be compromised. This is not to say particular strategies will not change. New alternatives will present themselves. But certain fundamental considerations—if eroded—will render any particular piece of legislation meaningless or potentially harmful. These issues must be identified and decisions made before introduction.

A legislative strategy must be developed prior to introduction or immediately thereafter. Is it an issue which should be publicly debated—and thus a subject for a media campaign—or is it better left to a quiet consideration without a public ventilation of the issue? Are there natural allies for the bill among groups or individuals? What kinds of groups are these and how would their support help or hinder the legislation? Is a "grass roots" effort required to develop support among the legislators? If so, how is it to be organized? Who does the organizing? How can the hearing process be used to publicize the issue or to create special interest or public support?

Whether or not your campaign involves a public battle or quiet consideration, it is essential that your sponsors create the issue and its parameters. The person who defines the issue creates the rules of the game and the elements of the debate. If during the struggle over the second Murphy Amendment, the forces supporting the amendment had been able to define the issue as decentralized government or the need for a governor to determine the resources operative in his state and therefore had been able to enlist the aid of credible governors, the result might have been different. However, the bar and Legal Services advocates in the Congress were able to show clearly that the issue was really the independence of the lawyer in his attempts to serve the poor.

Another major concern is the ability to be completely aware, at all times, of the status of each bill. Many crises and potentially harmful actions can be averted by an alert advocate who is in touch with those most particularly concerned with the bill. The advocates must be available for research, consultation and review at any time.

There are a myriad of issues in addition to those that have been mentioned. One caution should be in the forefront of the legislative advocate's mind at all times. The advocate cannot become so personally identified and involved with the bill that he becomes the issue. Legislators have the responsibility and the position to advocate your cause in the proper arena. Others can assert their positions on behalf of your clients' concerns from outside the arena—at public hearings or in private conversations. The advocate's role is to inform and provide information, persuade and be a constant source of information and ideas for the client, the legislator or his staff, and interested groups.

There is always the danger that the advocate will become so identified with an individual legislator or party that his effectiveness becomes limited. There are, of course, situations in which this is impossible to avoid. However, the advocate should attempt to develop continuing relationships and support from persons who are members of both political parties. This enables him to proceed more flexibly and effectively in pursuing an issue and having an influence over the legislative decision-making process.

The state "back-up" centers in Massachusetts, Michigan and Ohio have been invaluable resources in the area of legislative advocacy and reform. They have proved themselves to be incomparable resources—able to concentrate on legislative advocacy and coordinate state resources in this regard. Recent moves in California and Oregon[15] indicate that individual programs are moving swiftly to fill the role in states without these centers. The national back-up centers also have, in varying degrees, been advocates for their particular interests at both national and state levels.

Glaring deficiencies, however, are apparent in terms of resources available in Legal Services for the purpose of legislative advocacy. There is no reporter with the resources to compile legislation which may affect the interests of the poor and which indicates through articles and presentations, opportunities for advocacy in this regard. The *Clearinghouse Review* is making valiant attempts[16] to provide such a service—but its resources are inadequate. Individual projects, such as the Migrant Legal Action Program, are developing an ability to report on federal legislation which may affect farm workers—but in that regard, as well, their resources are limited.

The second area of need is for a legislative advocacy service in Washington, D.C. It could be a vital part of the proposed, but heretofore unimplemented, Administrative Counsel for the Poor.

It is gratifying to note that the National Training Program at Catholic University is moving to establish training programs in legislative advocacy. Similarly, the Director of Legal Services has noted the importance of legislative advocacy.[17] The first priority of the Office of Legal Services, with or without the new corporate structure, would be to utilize any available funds provided to reflect the growing need for activity in this area.

Even without additional resources, certain steps can be taken to increase participation in the legislative process. The various back-up centers should produce a resume of important federal and state legislative proposals in their particular area of concern as well as suggestions for needed legislation. The Reggie Program could add a session on legislation to its already fine orientation effort. Programs in the larger states could combine resources to staff a small office in the state capitol as part of their new reform effort. Private groups such as NLADA and the Lawyers Committee for Civil Rights Under Law should combine or coordinate resources to develop a continuing legislative program analogous to the structure of the effort of the ACLU in this regard. Law school clinical efforts should be expanded to include an emphasis on legislative advocacy for the poor.

There are, of course, concerns about the tax status of programs which engage in extensive legislative advocacy. These concerns have been addressed in a memorandum prepared by Mitchell Rogovin of Arnold and Porter, available from the Clearinghouse, Clearinghouse No. 6928. The proposed National Legal Corporation Act specifically exempted the Corporation under § 501(c)(4) of the Internal Revenue Code and does not require a local share to be contributed by each program.

Legislative advocacy, the stepchild of the Legal Services Program, must soon achieve full kinship status with litigation as an advocacy tool or Legal Services will not be providing a comprehensive attack on the problems of the poor.

MODEL LEASE AVAILABLE

Legal Services attorneys usually come into landlord-tenant problems too late. They see the tenant only after the dispute has arisen. In trying to resolve it, they are faced with a deck stacked in the landlord's favor: eviction laws enabling the landlord to remove the tenant quickly with few defenses allowed, and a form lease imposing obligations only on the tenant.

Together with Legal Services attorneys, we have done a lot of work attacking eviction laws, both in court and in the legislature. Now we have tried to do something on the other problem too, the lease.

We have prepared a Model Lease and Model Month-to-Month Rental Agreement for California tenants. Unlike the forms prepared by landlord's organizations and real estate associations, these forms try to present a fair allocation of responsibilities between landlord and tenant. They are printed to appear as "standard forms," looking very "legal," similar to those landlords use.

Although these models were drafted for the California tenant, most provisions could apply in every state, and the task of adapting them for use in other states should be fairly easy. Copies of these model forms are available from the Clearinghouse, Clearinghouse No. 7064 (4 pp.).

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FOOTNOTES

[1] Gross, "The Legislative Struggle," at 153–4: "The existence of choice, of course, is a relative matter; it shifts from one situation to another. For many contestants in the social struggle, there is no choice whatsoever. The battleground is picked for them by the action of opponents and competitors. For stronger groups, the area of choice is far broader than for a weaker people faced with identical problems. The ability to make choices is itself a good measure of power. For all groups, strong and weak, the availability of alternatives is limited by habit; many of the obstacles to the use of one process as opposed to another flow entirely from an inability to break with customary methods of operation." Others have argued, in the past, that so-called "law reform" efforts are better left to the legislatures. *See Hazard, Social Justice Through Civil Justice,* 36 U. CHI. L. REV. 699 (1969). The author feels this is an overly simplistic view of the role of the courts in our society as related to the rights of the poor.

[2] Address by Chief Justice Warren E. Burger before the ABA Convention in London, England, July 1971.

[3] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 7–1 (1970): "In our government of laws and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law, to seek any lawful objective through legally permissible means, and to present for adjudication any lawful claim issue or defense."

[4] *See* Boddie v. Connecticut, 401 U.S. 371 (1971); Serrano v. Priest, 96 Cal. Rptr. 601 (Cal. Sup. Ct. 1971); Tate v. Shere, 401 U.S. 395 (1971); Goldberg v. Kelly, 397 U.S. 254 (1970); Shapiro v. Thompson, 394 U.S. 618 (1969); Smith v. King, 392 U.S. 309 (1968).

[5] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–1 (1970).

[6] Economic Opportunity Act of 1964 as amended, 42 U.S.C. § 2701 (1964).

[7] Office of Economic Opportunity, Community Action Program, *Guidelines for Legal Services Programs.*

[8] Restrictions on Political Activities, OEO Instruction 6907–1.

[9] S. 2007, 92d Cong., 1st Sess. (1971).

[10] *Id.* at § 906(e).

[11] *Hearings on S. 1305 and S. 2007 Before the Subcommittee on Employment, Manpower and Poverty of the Senate Committee on Labor and Public Welfare,* 92d Cong., 1st Sess., pt. 5 at 1621 (1971).

[12] *Id.* at 1679.

[13] ABA Code of Professional Responsibility and Canons of Judicial Ethics, No. EC 8–4 (1970).

[14] 177 Congressional Record (daily ed. Mar. 18–19, 1971). One hundred Congressmen and Senators initially co-sponsored the legislation including leaders from both parties. This support tended to provide (1) momentum

(2) legitimacy (3) initially defined a base from which all would proceed and (4) gained the support of a number of Republican legislators who were crucial for its safe passage on the House floor.

[15] Williamson, *Legislative Law Reform: A New Challenge*, 5 Clearinghouse Rev. 380, 402 (November 1971). California Rural Legal Assistance and the Portland Program have begun to pay serious attention to legislative advocacy.

[16] *See* 5 Clearinghouse Rev. 142, 215, 295, 446 (1971).

[17] *See* 5 Clearinghouse Rev. 434 (December 1971).

LEGISLATIVE ADVOCACY AT CRLA

(By James F. Smith, Staff Attorney and Legislative Advocate, California Rural Legal Assistance)

California Rural Legal Assistance (CRLA) has maintained a legislative office in the state capital at Sacramento since the beginning of the 1969 legislative session. This article will discuss the techniques we have utilized in sensitizing other Legal Services attorneys to the legislative process, cooperating with other legislative advocates who are our natural allies, selecting priority issues of law reform in the legislature, and implementing these priorities with specific examples of successes and failures. In addition to the bills used as examples herein, an Appendix attached to this article describes the fate of all other bills in the 1971 CRLA legislative package.

OBTAINING LEGISLATIVE SUGGESTIONS FROM OTHER LEGAL SERVICES ATTORNEYS

Our legislative office does not see clients on a regular basis. Accordingly, we are not directly involved with the legal problems faced by our clients but must rely on the information provided us from other Legal Services attorneys as to what issues capable of resolution by the legislature are of critical importance to our clients. In order to establish and maintain a viable communication with those attorneys we found that it was extremely important to sensitize them to the use of the legislature as a forum for bringing about law reform for the benefit of their clients. This has been by no means an easy task.

Attorneys are trained to look to the courts for redress of an individual client's grievances as well as law reform. The fact that state legislatures are a more suitable forum for law reform, both because of constitutional separation of powers, and because of the more lasting implications of enacted statutes, has not been seriously considered by most attorneys. They are not familiar with the legislative forum and they do not think of it as a practicable arena in which to represent their clients.

Within CRLA our efforts to induce attorneys to suggest and draft legislation of benefit to their clients have been reasonably successful. Most of our regional offices (7 of 9) in the past year have submitted legislative proposals in behalf of their clients to our office.

THE LEGISLATURE ITSELF

There are literally hundreds of legislative advocates at the California Legislature. This fact alone, plus the fact that over 7,000 bills are now introduced on an annual basis, requires us to make very careful determinations of our priorities. In terms of defense work, that is, stopping bad legislation, we have found it most useful to maintain close contact with other legislative advocates who are our natural allies. We attempt to determine if they will take action to stop that legislation, or more specifically, if any of those lobbyists who, because of their personal relationships with legislators, committee staff, etc., are in a position to evaluate such legislation's chances of passage.

The underlying axiom in defense work is that it is much easier to stop a bad bill than to achieve passage of a good bill because a bill has to pass through several committees, the floor votes of two houses, and the governor's desk. We have found the following groups to be most helpful to us in this regard: The American Friends Service Committee, NAACP, ACLU, organized labor, social welfare workers, teachers associations, church groups (Council of Churches), League of Women Voters and other similar groups.

SELECTION OF LEGISLATIVE PROGRAMS

Having developed procedures and relationships for defensive work on behalf of our clients, we then determine what input by our office is likely to be productive in offensive programs. If other legislative advocates are heavily involved in a given issue (*e.g.*, welfare rights organizations on welfare), or if the likelihood of success in a given poverty law are (*e.g.*, the creation of thousands of public works jobs) is totally unlikely, those issues are not considered priorities. If, on the other hand, major law reform efforts have been stymied in the past because of ignorance of state legislators or misinformation supplied them by other legislative advocates, then we consider those areas for sponsoring or cosponsoring significant law reform legislation.

We apply an analysis similar to that used in major test case litigation:

1. What law reform measures would affect most of our clients in a meaningful sense or a significant number of clients in a profound sense, and

2. are those issues susceptible of administrative reform by the defendant private industry or govermental entity?

The latter question is probably the most important practical one, because major test litigation as well as major law reform efforts are usually resolved in a less than complete victory.

After determining that the issue is one possible of resolution at the legislature and one that will significantly affect our clients, the next step is to develop the most effective means of introducing the legislation. In some instances a coalition with other community groups or other legislative advocates is essential. The selection of a legislative author is, by far, the most important decision. The three criteria most germane to selecting the best author are:

1. that he is generally viewed as a conservative or moderate by his colleagues, and that the legislation he carries will not be viewed as a radical departure;

2. that he is viewed as an expert in the field affected by the legislation and has credibility in the field; and

3. he believes in the legislation and will push hard for it.

Most legislation is not carefully considered by legislators but is voted on by reason of the members' feeling toward the author and thus the importance of the moderate and credible author. These criteria are not always possible to achieve—legislators might not be interested in offering major law reform legislation—but there is no harm in asking. If that legislator will not introduce the desired legislation, then a close second should be obtained.

MAJOR LAW REFORM EFFORT VERSUS THE MORE MODEST LEGISLATION

The most useful and exciting work in the legislature on behalf of our clients is the major law reform effort in which legislation is sponsored by Legal Services attorneys on behalf of their clients. We have sponsored major law reform efforts in the areas of random selection of jury reform (SB 1420, Clearinghouse No. 7150), health and safety protection for field workers handling or exposed to pesticides (SB 432, Clearinghouse No. 7151), and the use of isolation and segregation cells in state prisons (AB 2904, Clearinghouse No. 7152). Because each of these bills presented a major departure from the past and a significant law reform, a great deal of educating committee members who would pass on the bills was necessary. The mere introduction of major legislation can have this effect. It will probably take two to three years to secure passage of any such bills and maybe longer. But it is interesting to contrast this period with that of major law litigation which often takes as long and the results of which are usually more fragile than the enactment of a chapter in the codes to deal with the problem.

The Pesticide Safety Bill was originally introduced in the 1970 session and rapidly killed. This year it had passed the California Senate, the more conservative house. Actually, two CRLA-sponsored bills were introduced in the 1971 session dealing with the problem of farm worker exposure to deadly pesticides. AB 2399 (Arnett, R.–San Mateo) provided that a county could, upon the request of the county medical officer, obtain the technical assistance of the state to conduct an epidemiologic study after a pesticide poisoning incident occurred. SB 432, Clearinghouse No. 7151 (Petris, D.–Oak) was directed at preventing pesticide poisoning by requiring handwashing facilities, protective garments, and complete disclosure to the farm worker of the pesticides that he was coming into contact with, including first aid instruction.

The major opposition to the bills was that of the Department of Agriculture and the California Farm Bureau Federation, both of whom argued that the Department of Agriculture was doing a fine job in protecting the farm worker, and that these bills, which involved the Department of Public Health in the issue, were unnecessary. Eventually, the opposition decided on the strategy of endorsing AB 2399 so as to argue that SB 432 was not necessary. This argument would have presumably been used by the Governors' Office to justify the vote of SB 432. In fact, the strategy was unnecessary, as AB 2399 was signed into law and SB 432 failed to pass the assembly floor on the last day of the legislative session. Time simply ran out, as there were ample votes to pass the bill, but not enough time to gather them. Of course, of equal significance was the concerted and sustained opposition of the Farm Bureau and its members to SB 432. Unquestionably, they still carry considerable political clout. As a by-product of this activity, the pertinent administrative agencies have been influenced to enact numerous administrative regulations dealing with the problem and unquestionably our clients are the beneficiaries of better enforcement practices because of this legislation.

A bill introduced for the first time this year to require random selection of members of the grand jury (SB 1420, Clearinghouse No. 7150) passed the California Senate and seemed likely to pass the California Assembly. The numerous challenges to the composition of indictment grand juries across the country, particularly in California in recent years, provided the groundwork for this bill. It was the right bill introduced at the right time. However, the comprehensive package died on the vine during the all-night session December 2. The vote came well after midnight and 36 "aye" votes were cast, 41 were needed.

One of the most active areas of prison reform litigation is that involving solitary confinement for extended periods on the basis of a perfunctory hearing which in most states, including California, has no pretense of even rudimentary due process. Placing a prisoner in solitary confinement usually means additional years of confinement since he loses his "good time" credit or the paroling agency is disinclined to grant paroles to one so confined. AB 2904, Clearing-

house No. 152, provides for due process protection appropriate to prison disciplinary procedures. The bill passed the lower House, but faced considerable opposition in the Senate. The bill was taken up in the Senate after the San Quentin massacre of August 21st. After six weeks of maneuvering, the bill finally surfaced from the Senate Judiciary. More than the usual amount of difficulty was encountered in setting the bill for hearing before the Senate Finance Committee. It was eventually set for November 29, the last hearing of that Committee.

The Senate Finance Committee is chaired by Randolph Collier (D–Yreka), a member of the California Senate since 1938. The Committee is composed of older, more conservative members, who see their task as stopping progressive legislation. The Committee has the opportunity to pass on legislation having any fiscal impact whatever. Any legislation which involves a state agency eventually has a fiscal impact. As a consequence, that Committee has been the traditional graveyard of progressive legislation.

It appeared that the seven necessary votes were likely for passage of AB 2904 but, as so often happens, two members who had indicated "aye" votes were not in attendance when the bill was heard. It was, however, a very thorough and educational hearing. Testimony before the Committee demonstrated that most of the prisoners in the solitary confinement adjustment centers (80%) were placed in 6' x 9' cages for 23½ to 24 hours a day—not because of any disciplinary infractions, but in the Department's words, "as part of our regular prison assignments." The Department representative went on to testify that prisoners so confined would be released to the general population after they showed significant improvement. One puzzled Senator asked the Department representative: "If these men are held in cells virtually all of the time, how do you tell if they are improving—by looking in on them to see if they smile a lot?"

The defeat of the adjustment center bill was not completely discouraging, because the legislation had traveled further through the legislature for the first year of introduction than most observers expected, and certainly it added increased pressure to the Department to modify their barbaric practices.

NEGOTIATIONS WITH OPPONENTS OF LEGISLATION BENEFICIAL TO OUR CLIENTS

We have found that after introduction of a major law reform bill that opponents of that legislation are likely to be influenced to sit down with us and to negotiate possible legislative resolution of the problem. By sponsoring the bill, we are in a far better negotiating position because of our ability to work through the legislator carrying the bill and because the opponents are somewhat on the defensive. By a process of "Christmas treeing" the bill—that is by putting in all possible benefits to our clients, and dealing with the opponents in a give and take negotiation, *e.g.*, "I will accept this amendment if you will withdraw your opposition to the bill," an eventual cooption of the opposition is possible.

COALITION ON MAJOR BUDGETARY PROBLEMS

Decision by the Executive branch involving major budgetary problems such as the allocation of state funds to welfare or education can be influenced by broad coalitions. In these situations, the legislative advocacy of the Legal Services attorney alone is usually in and of itself quite impotent because of the major political ramifications of the issues. For that reason, it seems far more useful to become part of a welfare or education coalition with community, client, church, minority and teacher or social welfare worker groups so as to maintain and define a policy position that is rational and distinct from those who wish to reduce the cost of state government whatever the consequences. Following is an *Appendix* which chronicles the fate of other 1971 legislative efforts.

Mr. NELSON. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COOPER. Mr. President, may I ask, is a vote expected on the pending amendment to strike?

Mr. JAVITS. Yes. However, there is no reason why the Senator cannot speak.

Mr. COOPER. May I have the floor?

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. COOPER. Mr. President, I have studied the new title IX which would establish a new National Legal Services Corporation. I support and have supported the OEO since its inception. It has been active in my State, and has been helpful. I have maintained an interest in its activity and on the whole, it has been beneficial. There have been problems connected with its operations as with all government programs. I believe it has built up too large a bureaucracy, and sometimes I have the concern that some in the bureaucracy seem to be more interested in maintaining the poor as a constituency rather than helping them escape the awful cycle of poverty.

Some programs in my State have not been well coordinated, and I am sure that millions of dollars of the total which have been appropriated, have not always gone for the benefit of the poor. It has been wasted because of lack of coordination, duplication of other programs and sometimes corruption.

The problem before us is one which causes me concern, and I am sure has caused all of us concern. A vote for this motion to strike title IX from this bill, of course, will be characterized by some as a vote to deny legal services to the poor, or to those who are beneficiaries under class actions. I do not consider it a correct characterization.

In the first place, we are not abolishing legal services. We are considering whether the program which has been submitted by the committee, or at least a majority of the committee, shall be adopted, or whether the present program shall be maintained and, if necessary, amended to make it a more effective program.

I have asked for information about the existing program, which is rather simple in its authorization, compared to the bulky provisions of title IX.

Legal services for the poor have been and are now being made available. I understand there are about 5,000 employees in this section, with hundreds of lawyers employed throughout the country and amply funded—$61 million last year. In my State they have given legal help to the poor in many fields.

My concern is, why is it necessary to establish such a structure of many lawyers, very formidable in its description? In my view, it will become a great new bureaucracy run almost exclusively by the executive committee of the board of directors, and by its chairman, with the authority to enter into contracts, to employ lawyers, and to make regulations for the services that they perform.

I understand that a chief argument is that it is necessary to erect this very formidable structure to remove the legal services from political activity. Of course, there has been political activity under the present system, as there has been political activity in the OEO. I do not know how we will ever prevent some political activity in these organizations, whatever rules we write. But the establishment of a new corporation, designed to insulate it from outside communication, providing in section 913 that its lawyers, grantees or employees, shall not be subject to direction, supervision, or control by any agency or department of the Federal Government, it seems to me, would so surely give it such power, that if it desired to conduct its activities in a political way, it could do so without let or hindrance, or any inhibition, and there would be no control whatsoever upon its political activities.

Also, I know that there has been complaint because some Governors have exercised a temporary veto upon the activities of OEO's legal services. That can happen. But if the Director or the Administrator of the OEO believes that the Governor is wrong—and I would say in almost every instance he would have to find the Governor is wrong unless the legal services have suddenly become so political and so corrupt that one could not tolerate their existence—of course, the Director or administrator of OEO would overrule the Governor.

On the other hand, why should not this Corporation, or any legal services agency, if it is not behaving correctly, come under the critical observation of the Governor, other officials, and the people of a State, and bar associations, as any other organization? I think it is a very democratic process.

I wanted to make my own position clear in this short statement. I have supported the OEO. I support the legal services. If there is something wrong with the present administration of the legal services it should be corrected. But I do not see the reason for establishing this overstructured organization, with all its layers of officials, placing it above the supervision of the Congress which must continue to subsidize it, attempting to protect it from criticism, even if it deserves criticism by Congress, and from criticism by the officials of a State if it deserves their criticism?

Why should these worthy programs which are capable of doing great good, be constantly burdened with additional layers and layers of officials and regulations, removing them farther and farther from the people?

I have been familiar with the OEO program perhaps longer than some members of the committee and have watched its operation in my own State. I do not

think it will be helped by establishing this new, formidable, structured system in an attempt to take the legal service out of the life of the Congress, the States and the people of the States, and their approval or criticism. I have said earlier that one of the sad things I have noticed in my observation of some of the OEO work in my State—I think I know a good deal about it; I know the area; I live in it; I have known this program from the inception—is that there are times, unfortunately, when some of the people directing the program seem to me to be more interested in keeping these people in the class of the poor, a permanent constituency of the poor, instead of helping in moving them out into larger opportunities of life.

I shall vote for this amendment. If it is rejected, I hope that amendments can be added to title IX which will make it better. But in studying it I found it hard to see how any amendments could help it very much.

Mr. BROCK. Mr. President, I congratulate the Senator from Kentucky. I do not know of another Member of this body who, over a distinguished career, has devoted greater effort to the impoverished people, not only of Kentucky but of the entire United States, than the Senator from Kentucky. I know of his concern and the quality of his efforts on their behalf.

I think he brought to focus the point at issue today. The amendment offered by the Senator from Tennessee does not strike the legal services program. It continues it. It continues it at an increased funding level, from $61 million to $71 million. But it does say that this Corporation deserves further review and scrutiny before we freeze into law the inequites and the problems which have not been dealt with to date and which are inadequately remedied by the proposed legislation.

The legal services program has been plagued with problems that have resulted from attorneys using the program as a base for promotion of their own political objectives, unrelated to assuring the poor access to justice. Thus, the choice before us at this point is between a corporation legislatively required to concentrate on serving the poor or a permissive corporation through which federally funded attorneys would be free to advance their personal sociopolitical objectives in a largely unrestricted and unaccountable way. I think the choice is clear.

I hope the Senate will adopt the amendment. I am prepared to yield back the remainder of my time.

Mr. JAVITS. There is no time limit.

Mr. President, I shall not detain the Senate.

I think it is a fine matter of Senate procedure that we are going to face this issue and vote it up or down. The Senate should express its view on this very important question.

Whether the Senator from Kentucky was supported by 1 or 98, I would always wish—because of my deep affection and admiration for him—to respond. He and I have differed before. I am always very unhappy about it. I know he is. But that is the way of life and our duty here.

Incidentally, each Senator has on his desk, both on this side of the aisle and on the other side of the aisle, a letter seeking to set forth in concise terms why we feel this is a proper provision in the bill. Our letter on the Republican side is signed by me, together with Senators TAFT, STAFFORD, and SCHWEIKER.

To answer the question why—as Senator COOPER so eloquently put it—a new, formidable, structured system?

The reason is the very effort to close off the legal services program, expressly in response to the complaint which has been made that it was too much involved in the political process. So we thought that by giving a heavy quotient of lawyers, professional handling of the situation through this structure—which would be dominated and controlled by lawyers—we were creating, as closely as we could, the legal aid society setup on a national basis.

We have had our problems with those who are appointed by the OEO Administrator as heads of the legal services program, and inevitably it had to be officials with some kind of political complexion. This caused us great difficulty on both sides. Some said they were not doing what they ought to do in defense of the poor. Others felt very strongly—as my colleagues who are backing the amendment of Senator BROCK—that they were going much too far and were perpetuating or trying to carry out their own social philosophy. So, for the first time, we tried to put the program more completely under the control of lawyers.

As to public control, there are two vital factors: First, the Corporation must live on appropriations. As Senator BROCK has said, $71.5 million this year, and next, and it could be nothing in the following year, or more. That is in the control of Congress. Second, we have legislative oversight over this Corporation, as we have over many other corporations. It is by no means escaping from the public scrutiny; and the control of the President and the Senate over appointees to its board—if the mere fact of legislative oversight did not adequately cover that—demonstrates that fact. No officer, no member of the board, no attorney will be immune from being called before an appropriate congressional committee of the House or the Senate to account for himself.

All of this is in addition to every other aspect of the bill and the professional responsibility of the lawyer, which becomes more important now in this setup, because it will be controlled by lawyers.

I make the point that what we are trying to do is to establish a legal aid society setup, which will be on the national level.

Mr. President, there is no provision of S. 3010, the Economic Opportunity Act Amendments of 1972, more crucial to the future of the poor and the Nation than section 18, which establishes a new National Legal Services Corporation.

As Members know, the Corporation would be run by a 19-member board appointed by the President, by and with the advice and consent of the Senate.

It would take over responsibility for the current legal services program conducted under the authority of section 222 (a) (3) of the Economic Opportunity Act of 1964.

It has become a highly controversial element of this bill although in justice it represents the most basic expression of everything that we hold dear in this country.

Mr. President, there is really only one central issue before us in this matter: Are the executive and legislative branches of the Congress willing to make it possible for the poor to seek redress for their grievances in the courts?

Stated more bluntly, are we prepared to say "hands off" to the legal rights of the poor?

Since this legislation was first proposed, we have been quibbling and bargaining with those rights.

Some urge that we drop the idea of an independent corporation and merely continue legal services in its present form under the basic poverty program.

Mr. President, the Legal Services Corporation idea has now gone too far, if we drop this title from the bill now we will drop the heart right out of the poverty program and the poor.

Others are willing to relinquish some control through the creation of the Corporation, but would then attempt to get it back in the form of political control of the board.

And still others seek to put a measure of restraint on the legal services attorney by telling him what kind of suits he may or may not bring on behalf of his client or even the subject matter areas in which he shall advise his client.

Mr. President, the result has been 1½ years of disputes between the executive and the legislative branches over the basic elements of the Corporation and its activities.

Indeed, it must be shocking to the poor that the Congress and the executive are able to release their grip on patronage and establish an independent Postal Corporation to deliver the mail but tremble when it comes to insuring the basic access of the poor to our system of justice under law.

We now need some basic domestic statesmanship on the part of the administration and the Congress, to accept this committee bill and to give the poor that to which they are basically entitled.

For, as I shall outline, I believe this bill provides a proper balance between accountability and the need to keep the Corporation from political control.

Mr. President, I comment now in summary on three basic aspects of this legislation: the establishment of the Corporation, the composition of the board of directors, and the necessity of insuring the freedom of the legal services attorney to do what is in the best interest of his client the poor.

The success of legal services as an element of the antipoverty program can be measured both in quantitative and qualitative terms.

Legal Services began as a small experimental program within the Office of Economic Opportunity 6 years ago; it has grown to an independent office within the agency and now encompasses 265 projects with over 2,000 attorneys serv-

ing in more than 900 neighborhood offices.

More than a million cases are handled by these attorneys each year.

The program includes the provision of legal advice, counseling and representation, preventive legal education to inform the poor of their legal rights and responsibilities, and training and educating law students, lawyers and others in the legal needs of the poor. Importantly, it also encourages the entry of minority group members into law schools and the legal profession and aids poor people who are starting to operate businesses.

Legal services lawyers have compiled an impressive record of landmark cases establishing the rights of the poor.

For example, legal service initiated actions have prompted the Supreme Court to hold that the prejudgment garnishment of a debtor's wages without a prior hearing violated the constitutional requirement of due process.

In a suit brought on behalf of clients defrauded in a retail sales contract, the California Supreme Court upheld the right of the poor to file class action suits against consumer frauds.

These accomplishments in these so-called law-reform cases are substantial.

But because of their value and the great attention that is given to them, there exists a myth that legal services lawyers spend most of their time on actions of this kind.

In fact, a recent sampling of 32 representative legal service programs indicated that one-tenth of 1 percent of the legal matters handled by operating programs were class actions of the so-called law reform category.

The great majority of legal matters are in the representation of individuals in housing, domestic relations and consumer frauds.

Mr. President, it is also true that the actions of the law-reform nature are extremely cost effective. For example, suits brought in California in regard to the medicaid program and welfare residency increased the money and services to the poor by $340 million, or five times the annual appropriation for the legal services program.

Another myth exists with respect to the legal service lawyer.

It is quite generally assumed by those who oppose the program that the legal services attorney is inclined to bring factions designed only to confront the establishment.

But a 1969 study showed that of litigated cases, legal services attorneys won favorable decisions for their clients in approximately 70 percent of the cases and negotiated settlements in an additional 15 percent.

Mr. President, such a program with 85 percent success must be deemed a success.

The poor value dignity even more than they value improvement of their economic condition and it lifts the spirit of poor to know that they have lawyers, too, and have available to them access to the judicial system and process.

And this fact has a great multiplier effect in terms of the attitude of the poor toward society and "the establishment" generally. As a representative of the client community said in testimony before the Subcommittee on Employment, Manpower, and Poverty on October 9, 1970:

> The clients have come to trust this program because the lawyers in it fight for us; the program staff fights to protect its integrity; and the organized bar fights to ensure that the highest standards of professional conduct are maintained. We know at least so far, that the attorney in this program owes his full loyalty to his client and only to his client—not to some politician. If the poor lose faith in this program, in the possibility of equal justice through law, then all of us know the alternatives that remain.

Mr. President, with these successes one might ask why it is necessary to transfer the program from OEO to a new Corporation.

President Nixon answered this question quite well, in his message to the Congress of May 5, 1971, to which I referred earlier.

He said:

> The Nation has learned many lessons in these 6 short years. This program has not been without travail. Much of the litigation initiated by legal services has placed it in direct conflict with local and State governments. The program is concerned with social issues and is thus subject to unusually strong political pressures.

We have seen these pressures exert themselves, most dramatically perhaps in 1969 with the so-called Murphy amendment which would have given each Governor an absolute veto over any legal services program in his State.

It is a mark of our acceptance of these programs that neither the administration's original proposal for a Corporation, S. 1769, introduced by Senator COOK, nor any other proposal has contained that element.

Mr. President, there is another reason why a Corporation will be meaningful and that is that it would provide the poor with a viable symbol of a national purpose to insure their civil rights.

Finally, it will provide a framework in which we can expand the provision of legal services to a greater number of the poor in the Nation.

At the current time, the program is reaching less than 20 percent of the low-income persons who should use its services.

Twenty-three States have fewer than four legal services programs, and these are States which include some of the heaviest concentrations of the rural poor.

Seventeen metropolitan areas with populations each exceeding 100,000 are without organized comprehensive legal services programs.

Two groups with the highest incidence of poverty, Indians and migrant workers are largely without legal services to deal with their unique problems.

The elderly—a steadily increasing percentage of the poor—need but do not receive legal services designed to meet their needs.

Mr. President, in my own city of New York, on a number of occasions in the past 4 years, local legal services offices have been forced to suspend their activities due to lack of funds.

The committee bill would reserve for each of the next 2 fiscal years $71.5 million for the legal services programs, the amount requested by the administration for the coming fiscal year. Incidentally, this represents an increase of $10.4 million over fiscal 1972.

In addition, it authorizes, as an add-on $100 million for the program for each of the fiscal years 1973 and 1974.

THE COMPOSITION OF THE BOARD AND OTHER ELEMENTS OF THE ORGANIZATIONAL STRUCTURE

Mr. President, despite the general agreement on the need to establish a legal services corporation, we have witnessed a frustrating series of roadblocks to its fruition.

The key impediment has been the failure to reach agreement on the composition of the board of directors.

The failure to reach agreement on this element was a substantial contributing factor to the President's veto of the previous measure, S. 2007.

The President said in his veto message of December 9, 1971:

> The restrictions which the Congress has imposed upon the President in the selection of directors of the Corporation is also an affront to the principle of accountability to the American people as a whole. Under congressional revisions the President has full descretion to appoint only six of the seventeen directors; the balance must be chosen from lists provided by various professional, client and special interest groups, some of which are actual or potential grantees of the Corporation.

The committee was very responsive to this objection and worked out a compromise, which I believe should meet the administration's objections.

As a result of an amendment which I offered with Senator TAFT, the ranking minority member of the Subcommittee on Employment, Manpower and Poverty, and Senators SCHWEIKER and STAFFORD, section 904 of the new legal services title established under the committee bill now provides for a 19-member board consisting of 10 public members appointed by the President; the remainder of nine members are to be appointed by the President from recommendations made by various national bar, client, and project attorney groups.

We chose in respect to the nine to use the language contained in the Railroad Retirement Board Act, which provides that—

> One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers.

We did so to make it very clear that we were abandoning the arbitrary list procedure of the vetoed bill and that we anticipate an informal give and take between the recommending groups and the President.

This in fact is the situation in the Railroad Retirement Board.

Mr. President, I submit that this formulation provides the accountability which the President urged, while continuing the element of involvement of the organized bar and other groups which have contributed so much to the legal services program.

It should be further noted, in connection with the reference made by the President to possible conflicts of inter-

est, that section 904(f) of the legal services title of the committee bill specifically states that no member of the Board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

Mr. President, the President's other principal objection to the legal services provisions of the vetoed bill was the fact that the incorporating trusteeship—the entity to be responsible for taking the initial steps in regard to the establishment of the corporation—was to consist of a number of leaders of the organized bar.

We have dealt also with this objection by designating the Director of the Office of Economic Opportunity as the sale incorporating trustee, thus again providing the element of accountability.

Therefore, I believe that it is quite proper to view the organization aspects of the corporation as both appropriate in terms of the purposes of the legislation and as responsive to the President's objections.

INDEPENDENCE OF THE LEGAL SERVICES ATTORNEY

Mr. President, just as there must be accountability of the corporation to the entire American people, it is true on another level that the legal services attorney should be accountable principally to his client, to the organized bar, and to our system of justice.

As President Nixon said in his May 5, 1971 message to the Congress:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this way can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Former Director of the Office of Economic Opportunity, Donald Rumsfeld, also made this clear in testimony before the Subcommittee on Employment, Manpower, and Poverty on November 14, 1969:

> I think it would be a very undesirable thing to permit someone to control, anyone, frankly the kind of activities that legal services program attorneys are involved in.

Mr. President, I believe this is very sound policy and accordingly I find completely unacceptable—if not repugnant—any attempt to limit the kind of case or controversy which the legal services attorney may handle.

We have in this legislation, as the administration has requested, included a complete prohibition against representation in criminal matters, based upon our sense of the priorities and the fact that criminal representation may be available more readily from other sources.

But there is a difference between this kind of judgment and using a bill designed to insure the exercise of the rights of the poor as a vehicle for the specific denial of those rights in particular areas.

Mr. President, we need to realize that while this is a poverty bill we are dealing with something even more delicate than poverty itself.

We are dealing with the most basic rights and sensitivities of the poor.

There are some who hold that the poverty program has only kindled frustration by making promises that Government cannot keep.

Mr. President, the legal services program makes no new promise.

It is designed to implement an old promise.

And that old promise having its basis in the constitution not merely the poverty law.

It is the promise of equal justice under law.

Let us not tamper with that promise, let us provide for its fulfillment.

Mr. KENNEDY. Mr. President, I rise to oppose the amendment offered to delete the Legal Services Corporation from the OEO extension.

Over the past 7 years, Legal Services programs across this land have been vital to the protection of the rights of the poor.

For the first time, the concept of equality before the law for the Nation's poor has been buttressed by access to legal counsel.

But over the years, we have found a growing threat to legal services programs in political attacks, Governor Reagan's attack against California rural legal assistance is only the most widely publicized. Thus, the President of the American Bar Association, Edward Wright, testified a year ago, in favor of creating an Independent National Legal Services Corporation: "Only through assuring the professional independence of the lawyer can the trust and confidence of the clients be obtained," He said:

> The association recommends that all effective steps be taken to insulate the corporation and its lawyers from political influences that might in any way jeopardize the independent professional judgment required of all lawyers. In this regard, we would hope that no political clearances would be applied in the staffing of the corporation.

For that reason, we have sought to establish a corporation independent of both the executive and legislative branches. However, the President argued that there should be public accountability and therefore we have given him the power to appoint all 19 of the board members, 10 of those without any restrictions on who he may appoint.

And in the effort to assure some independence we have provided that the President shall name the other nine persons from recommendations proposed by the American Bar Association, the Association of American Law Schools, the National Bar Association, the National Legal Aid and Defender Association, the American Trial Lawyers Association, the Clients Advisory Council, and the Project Attorneys Advisory Council.

Clearly, the intent of providing for a board independent of political influence should be satisfied in this way.

The record over the past 7 years of the success of the Legal Services program is unquestioned. It has won the most commendations from the public as a whole for its efforts to provide the poor with access to the legal system.

Even the Vice President has acknowledged that 98 percent of the law suits brought by OEO Legal Services lawyers could not be criticized.

And his criticism of the remaining 2 percent was aptly discussed by the American Bar Association Journal in its April 1972 publication.

The Bar Association editorial states:

> The Vice President seems to be raising again the shopworn and discarded idea that Legal Services lawyers must in some way be controlled: particularly in commencing or participating in litigation involving governmental agencies. . . .
>
> This idea has been rejected by the organized bar from the beginning of the national legal services program; indeed the program would not have the support of the organized bar if it were otherwise.
>
> Congress has defeated attempts to give government officials power to veto the type of suits that legal services lawyers may file. A major benefit from the establishment of the national legal services corporation would be to enhance the freedom of the program from political pressures.

And so the editorial goes on to quote the May 5, 1971, message of President Nixon:

> The legal problems of the poor are of sufficient scope that we should not restrict the right of their attorneys to bring any type of civil suit. Only in this manner can we maintain the integrity of the adversary process and fully protect the attorney-client relationship so central to our judicial process.

Thus, even the President urged creation of an independent national legal services corporation.

The bill now before us establishes that corporation. It provides for public accountability. It also provides for independence from political pressure in its operation.

Simply stated, this bill is an effort to provide the means whereby poor Americans can acquire legal counsel that they have been denied over time because of their economic conditions. Equal justice is meaningless if the tools to obtain that justice are available only to those able to pay for them. The legal tools of professional, competent counsel must be available to the poor. This bill seeks to make these tools available.

Any effort now to separate legal service from this bill represents both an unjustified delay and a direct attack on the concept that we bear a responsibility to see that poor Americans have access to legal redress of their grievances.

And if we take that point of view, then we are telling the poor, the courts of America are not for you. And when we do that, we must not be surprised at their response.

I would strongly urge the Senate to reject this amendment and to stand behind a strong independent National Legal Services Corporation.

The PRESIDING OFFICER (Mr. COOK). The question is on agreeing to the amendment of the Senator from Tennessee (Mr. BROCK).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Georgia (Mr. GAMBRELL), the Senator Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator

from Montana (Mr. MANSFIELD), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Florida (Mr. CHILES), are necessarily absent.

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from from Alaska (Mr. GRAVEL).

If present and voting, the Senator from Mississippi would vote "yea" and the Senator from Alaska would vote "nay."

I further announce that, if present and voting, the Senator from Georgia (Mr. GAMBRELL), would vote "nay."

Mr. SCOTT. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. TAFT), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Michigan (Mr. GRIFFIN) is paired with the Senator from Ohio (Mr. TAFT). If present and voting, the Senator from Michigan would vote "yea" and the Senator from Ohio would vote "nay."

The result was announced—yeas 37, nays 46, as follows:

[No. 247 Leg.]

YEAS—37

Aiken	Cooper	Jordan, N.C.
Allen	Cotton	Jordan, Idaho
Allott	Curtis	Long
Beall	Dole	Miller
Bellmon	Dominick	Packwood
Bennett	Ellender	Roth
Boggs	Ervin	Smith
Brock	Fannin	Sparkman
Buckley	Fong	Stennis
Byrd, Harry F., Jr.	Goldwater	Talmadge
	Gurney	Thurmond
Byrd, Robert C.	Hansen	Tower
Cook	Hruska	

NAYS—46

Bayh	Humphrey	Proxmire
Bentsen	Inouye	Randolph
Bible	Jackson	Ribicoff
Brooke	Javits	Saxbe
Burdick	Kennedy	Schweiker
Cannon	Magnuson	Scott
Case	Mathias	Spong
Church	McClellan	Stafford
Cranston	McIntyre	Stevens
Eagleton	Metcalf	Stevenson
Fulbright	Mondale	Symington
Hart	Montoya	Tunney
Hartke	Moss	Weicker
Hatfield	Nelson	Williams
Hollings	Pastore	
Hughes	Percy	

NOT VOTING—17

Anderson	Griffin	Muskie
Baker	Harris	Pearson
Chiles	Mansfield	Pell
Eastland	McGee	Taft
Gambrell	McGovern	Young
Gravel	Mundt	

So Mr. BROCK's amendment was rejected.

Mr. NELSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KENNEDY. Mr. President, I rise to urge support for S. 3010, the OEO Amendments of 1972, which I cosponsored, as the minimum act possible by this body if we are to maintain faith with the 26 million Americans who continue to live in poverty.

When I say that the present bill represents a minimal effort, I do so with two thoughts in mind. First, I say that because for the first time in a decade, the pattern of annual declines in the number of persons living in poverty has been broken, with an actual increase in the number of poor.

Second, I say that because this bill, even though it is some $1 billion more than the administration budget request is a far cry from what was conceived at the inception of OEO.

In 1965, OEO set forth a 5-year projection of where the program should be by 1970. That projection was one of the first victims of Vietnam. For the funds that were earmarked to meet the needs of poor Americans went instead to the war in Vietnam.

By 1970, instead of the budget of $3.3 billion proposed in this bill—including programs delegated to other agencies—there would have been a $16.8 billion budget.

There would have been $5.5 billion being spent on providing public service jobs: today there is barely $1.5 billion.

There would have been $2.5 billion for Headstart: today there is under $500 million.

There would have been $561 million for neighborhood health centers: today there is less than $150 million.

There would have been $98 million for legal services: today, even under the independent board, we are only recommending $71 million.

There would have been $78 million for Vista: today we are recommending only $44.5 million.

These are only a few of the indications of how limited has been our effort to eradicate poverty. The projections I have quoted would have been the levels of support for fiscal year 1970, which is really 3 years ago. So, the comparison to what is being planned today shows how little we actually are attempting.

Mr. President, I would like to have placed in the RECORD at the conclusion of my remarks the statistical summary of the 5-year plan of OEO, prepared in the fall of 1965.

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

(See exhibit 1).

Mr. KENNEDY. Mr. President, I would like to discuss briefly the legislative history behind this measure. For the history behind this measure and the reason why we are forced to once again conduct this debate are almost sordid in their exhibition of the lack of concern by this administration for the Nation's poor.

The Senate passed this measure 49 to 12 on September 9, 1971. Then again on December 2, 1971, the Senate voted 63 to 17 to accept the conference report. But the administration, in what I can only consider to be a continuing callous regard for the Nation's poor—a regard also shown by its recent decision to turn $699 million back to the treasury rather than spend it on additional food programs for the Nation's poor—vetoed the OEO bill. The veto message was almost hysterical in its creation of imaginary motives and purposes behind the child care provisions of that bill and its objections to an independent national legal services board meant one thing only, that it was opposed to permitting even legal means of redress to be available when the contest was between the established order and the poor. It was perfectly all right to have legal services attorneys representing a poor client in a divorce case. But the idea that the poor might have representation in a case against involving constitutional rights, such as challenging certain States' residency requirements for welfare, was unacceptable.

And so we started again this year. The result is a bipartisan compromise, a compromise which seeks to meet even the phantom arguments raised by this administration, a compromise which surely represents the good faith of the members of this committee. The distinguished chairman, Senator NELSON, and the distinguished minority leader, Senator JAVITS, deserve particular commendation for their efforts to produce this compromise.

As an example of the compromises which the committee adopted, let me mention the following:

First, the committee dropped its previous prohibition against the delegation of any programs away from OEO to other agencies. Instead, it limited that provision only to the local initiative and community economic development programs, which is the minimum necessary if OEO is to remain at the point of the Nation's effort to remove poverty.

Second, on child care, the committee agreed to separate the child care provisions and that bill was considered by the Senate and adopted a week ago.

Third, there was an objection to the earmarking of funds contained in last year's measure. This year, instead of the 15 programs containing earmarking, we now have limited that requirement to only four programs.

Finally, there were objections raised to the specific provisions establishing the Legal Services Corporation, the concept which even the President approved. Therefore, the committee changed the number of directors appointed by the President without any strings attached, from six to 10, giving him a clear majority of the Legal Services Board. He also names the entire 19-member Board, thus providing a veto over every member.

Also, the President objected to the incorporating trusteeship during the temporary period while the new Corporation was being established. Again the committee compromised, naming the Director of OEO as the person who runs the shop until the Board members of the new Corporation are selected.

Thus, there has been substantial compromise by the committee in response to the administration's objections, objections which I continue to believe were unfounded. However, in the pursuit of a bill that would permit the poverty program to continue, we have agreed to these changes.

The result, I believe, is the maintenance of OEO as a continuing voice for the needs of the Nation's poor.

Let me say what the bill does include:

First, it would expand the special impact program into a major drive toward urban and rural community economic development;

Second, it would establish a new legal services corporation to assure the separate identity and independence of legal services for the poor;

Third, it would provide a fivefold increase in Neighborhood Youth Corps programs to cope with the effects of massive unemployment among poverty area youngsters; and

Fourth, it would make permanent several successful pilot programs in recreation, rural housing and community design programs.

I was particularly pleased that the committee accepted legislation I introduced with Senator Javits to create a separate community economic development title within the act, a title that reflects the belief that the major demonstration project within OEO should be the promotion of economic development in the poverty areas of the Nation.

To those who say the answer to the plight of the inner cities is dispersal to the suburbs and to those who say the answer to the plight of rural America is dispersal to the cities, I say you are deluding yourselves and the Nation.

We cannot turn away from the Harlems, the Bedford-Stuyvesants, the Watts, the Roxbury's, the East Los Angeles, or the rural reaches of West Texas or northeast Oklahoma. We must find ways to strengthen those communities and promote economic development so that these Americans have a place to shop, a place to work, a place to live.

Six years ago, Robert Kennedy walked through the streets of Bedford-Stuyvesant and was stunned by the unfulfilled potential that he saw. It was not only the broken windows, the deteriorating housing and the other marks of poverty that depressed him. It was the failure of a Nation to harness the energies and abilities of the human resources of this community which was appalling.

Robert Kennedy came away convinced that the human resources of the community had to be mobilized and linked to the technical skills and to the capital of the business world and government. The answer that he devised along with Senator JAVITS was the Community Development Corporation. Their design was contained in the title I–D Special Impact Amendment to the Economic Development Act adopted in 1967.

Under that title, Bedford-Stuyvesant has been receiving Federal assistance since 1967. And for each dollar of Federal money that has been granted to the community-controlled corporation of Bedford-Stuyvesant, $2 in private capital have been attracted.

The result that the Poverty Subcommittee saw in hearings I chaired in New York a year ago included a $100 million mortgage pool, a 240-man IBM plant, a $2 million assistance program, 48 local businesses, construction of a modern neighborhood and community center, 1,450 renovated homes in a program employing 900 formerly unemployed and unskilled youth, and planning for a new modular housing factory. But beyond those physical testaments, we listened to residents who expressed pride in their community and hope in their future.

Lloyd Doyle, a 30-year Bedford-Stuyvesant resident, told the committee:

> We have seen houses . . . in this community become vacant lots, garbage uncollected, broken-up cars . . . so this causes our hopelessness . . . Now in (this) community you have an organization (Bedford-Stuyvesant Restoration Corporation) that can help you renovate your home, give you a decent place to live, and it gives hundreds of thousands of people hope.

And not only in Bedford-Stuyvestant are these results taking place, but in 37 communities, Federal grants have been extended to sponsor community development corporations. But the need for additional Federal support goes far beyond what is now provided. Since November 1970, 100 proposals have been received. OEO has been able to fund only five.

There is simply no adequate jusification on the part of the administration for its decision to cut funding back to $25 million this year for CDC's. Last year some $36 million was appropriated, still below the authorization. This bill brings that authorization for fiscal year 1972 to $60 million and proposed doubling it to $120 million for fiscal year 1973.

The most recent evaluation of the Special Impact Program, a 6-month inquiry by the Twentieth Century Fund, was overwhelming in its endorsement of the CDC as "the most promising economic structure presently operating in the ghettos."

For all of these reasons, I introduced legislation, along with Senator JAVITS, to reemphasize and improve Federal support for community economic development.

First, this legislation seeks to continue and expand the urban community economic development program, the present ID program and to extend its benefits to rural areas.

Second, the legislation would continue the rural loan program which the administration proposed to phase out.

Third, the legislation established an expanded program of technical assistance, including a development loan program for both urban and rural CIC's and rural cooperatives.

Finally, the legislation removes a barrier to full Federal cooperation with community development corporations by directing the Small Business Administration, the Economic Development Administration and the Department of Housing and Urban Development to take all steps necessary to insure that CDC's have full access to their programs.

In this way, we hope to make clear the commitment of the Federal Government to the concept that communities have the right to control and direct their own social, economic and political development.

LEGAL SERVICES

The second major area of change within the OEO Extension Bill is the establishment of a private, non-profit corporation to administer the present legal services program. As an independent, self-governing corporation, the National Legal Services Corporation will be authorized to make grants and contracts to provide comprehensive legal services and assistance to low income persons.

The 19-member board will include representatives of the public, representatives of the poverty community, representatives of the Legal Services attorneys, and the presidents of the American Bar Association, the National Bar Association, the American Trial Lawyers Association, the Association of American Law Schools and the National Legal Aid and Defender Association.

And the amendment I proposed in committee provides that at least one member of the board shall represent the non-English speaking population.

More than 15 percent of the Legal Services clients are Spanish speaking. The least that we can do is insure that they are represented on the board. In addition, an amendment I joined others in introducing provides that special emphasis programs for migrant or seasonal farmworkers, Indians and the elderly poor will be authorized. These programs have been critically important in protecting the legal rights of those who traditionally have been excluded from the system.

The continuing threat of political interference has necessitated the establishment of this independent corporation.

The legislation introduced by Senator MONDALE, which I cosponsored and which has been incorporated into S. 3010, had the endorsement of State bar associations as well as the American Bar Association. The ABA president, testified:

> These recurring attacks on the Legal Services Program have helped shape our view that the Legal Services Program should be provided a new and independent home.

I believe that in its new home it will be in a strong position to continue the remarkable record achieved since its inception in 1965.

The poor have every right to expect the same treatment before the courts of our land as the wealthy and I believe this program will insure that lack of knowledge of the law and lack of funds to hire the services of a lawyer will no longer deny justice to any American.

At a time when the indicators of youth unemployment have been rising to alarming heights, the Nation's efforts to provide employment opportunities have been on the decline. In 1966, the number of 16 to 19 year-old youths unemployed was 836,000 while the number of Neighborhood Youth Corps out-of-school job slots has dropped to 36,800.

With that intention, there is an increase of $500 million proposed for the NYC program, an increase that will fund 100,000 new jobs.

PILOT PROGRAMS

There are several additional programs that I would call to the attention of the Senate. I joined with Senator CRANSTON and Senator TUNNEY in introducing the youth recreation and sports program which will establish on a permanent basis the pilot national summer youth sports program that has operated for the past two summers. Under this program, some

124,500 youngsters from around the country participated in summer sports and recreation programs at area colleges and universities.

In my own State at Boston College, Boston University, Springfield College and Boston State College these programs have been operating successfully for the past several years. The intent of the administration to end this program flies in the face of the positive evaluations that have been received.

The committee also included permanent funding for design and planning assistance centers to give low income persons the tools to participate in the planning and development of their communities.

Just as legal services offers long-denied legal rights to citizens, so too do the design and planning centers offer the poverty community the chance to be represented in city, county and State planning and redevelopment councils.

Since 1967, we have seen the pilot planning organizations spring up in Harlem, in San Francisco and in Boston. These OEO-funded programs have convinced the committee of the need to provide permanent status for them in the Economic Opportunity Act.

Also, we have seen the great need for the proposed rural housing program which will be a new experiment to repair and rehabilitate existing substandard housing in rural areas.

I believe these new programs add to the weapons available to OEO in meeting the challenge of reducing poverty in this Nation. The measures we adopt in the Economic Development Act are the most visible expression of a continued Federal commitment to eradicate poverty. I believe we have furthered that commitment by this legislation and I urge its passage.

OFFICE OF ECONOMIC OPPORTUNITY—NATIONAL ANTIPOVERTY PLAN

[Units in thousands—dollars in millions]

Program	Unit type	Fiscal year 1966		Fiscal year 1967		Fiscal year 1968		Fiscal year 1969		Fiscal year 1970	
		Units	Amount	Units	Amount	Units	Amount	Units	Amount	Units	Amount
I. Jobs:											
Public employment	Jobs			200	$840	500	$2,022	700	$2,750	800	$3,095
Neighborhood Youth Corps	Enrollees	280	$255	650	688	1,050	920	1,540	1,184	1,775	1,291
In-school		100	70	250	175	450	310	700	477	825	562
Out-of-school		120	140	150	390	150	390	140	364	125	325
Summer		60	45	250	123	450	220	700	343	825	404
Job Corps	Enrollee cap	50	235	50	350	100	560	100	650	125	755
Work experience	Hardcore unemployed adults	109	150	196	300	208	324	219	344	230	365
Mobility:											
Moves	Number of moves			120	39	120	39	120	39	120	39
Searches	Number of searches			480	29	480	29	480	29	480	29
Subtotal, jobs			640		2,246		3,894		4,996		5,574
II. Social programs:											
VISTA	Volunteers	4	18	7	36	10	52	13	65	15	78
Head start	Students										
Full		200		300		600		1,000		2,000	
Summer		300	150	350	410	600	755	1,000	1,260	2,000	2,500
Follow				400		350		600		1,000	
Upward Bound	Students	27	27	85	85	125	125	125	125	125	125
Remedial/tutorial education	do	905	82	1,800	154	1,800	144	1,800	144	1,800	144
Adult basic education	Participants	105	30	605	173	888	253	888	253	888	253
Legal assistance	Family heads and unrelated independent	1,400	10	3,000	20	6,000	46	9,000	69	12,000	98
Family planning	Women contacted		4	1,500	12	1,728	20	2,097	30	1,638	30
Health:											
Centers	Centers (cumulative)	[1]10	18	[1]30	49	[1]130	203	[1]330	437	[1]530	561
Health aides	Beneficiaries	1,000	31	3,000	38	7,000	49	10,000	57	17,000	76
Foster grandparents	Adults		10	25	50	25	50	25	50	25	50
Rural employment programs	Beneficiaries	105	16	145	21	150	23	150	23	150	23
Loan programs:											
Rural	Number of loans	16	35		36		38		40		45
SBDC (to SBA in fiscal year 1967)	Number of centers	[1]35	2	[1]70	4	[1]70	4	[1]70	4	[1]70	4
SBA	Number of loans		(25)		35		35		35		35
Housing program subsidy	None				345		727		1,188		1,756
Multipurpose center	Number of families		167	1,940	245	3,940	497	5,340	650	6,730	846
Other C&A demonstrations and research	None		95		200		200		150		150
Training of poverty workers	Number trained	117	21	131	48	292	67	285	67	295	79
Migrants	Beneficiaries	673	40	1,000	245	1,600	300	1,600	300	2,000	300
Program development (204)			9		10		10		10		10
Technical assistant/CAA (205)			8		15		17		19		20
Technical assistant/State (2095)			8		9		10		12		15
CAP program direction			7		12		16		10		22
Subtotal, social programs			788		2,252		3,641		5,008		7,220
III. Transfer payments:											
Negative income tax					4,700		4,500		4,300		4,100
OASDI					(5,300)		(5,600)		(5,800)		(6,000)
Total			1,428		9,198		12,035		14,304		16,894
Recap by organization:											
Public Employment Service (CAP)					840		2,022		2,750		3,095
Neighborhood Youth Corps			255		688		920		1,184		1,291
Job Corps			235		350		560		550		755
Work experience			150		300		324		344		365
Mobility					68		68		68		68
VISTA			18		36		52		65		78
Adult basic—OE			30		100		150		150		150
Rural loans			35		36		38		40		45
SEA			(25)		39		39		39		39
Housing					345		727		1,188		1,756
CAP (including migrants)			705		1,614		2,484		3,274		4,652
OE-preschool/rem. and tut					82		151		252		500
Transfer payments					4,700		4,500		4,300		4,100
Total			1,428		9,198		12,035		14,304		16,894
OEO O'vd			12		30		30		30		30
Total			[2]1,440		9,228		12,065		14,334		16,924
OEO portion of program			(1,440)		(3,994)		(6,580)		(8,487)		(10,461)

[1] Number of centers not in thousands.

[2] Fiscal year 1966 work study program for $60,000,000 excluded: Assumes passage of Higher Education Act.

CONTINUING THE STRUGGLE AGAINST POVERTY

Mr. MOSS. Mr. President, let us join together and move quickly to extend the life of the Office of Economic Opportunity. We all know the lengthy struggle that has occurred over the passage of an authorization bill for the poverty program and its various components. I believe the Senate Labor and Public Wel-

fare Committee has placed before us a very workable compromise, designed to satisfy the objections raised by the President in his veto of the poverty bill last December. In working out this compromise, the committee has still retained many of the innovative measures contained in the original bill and should be complimented for the long hours of hard work and careful legislative activity that have gone into S. 3010.

The Legal Services Corporation, though modified, remains a part of the new OEO bill. Lawyers working for those who seldom can afford to pay legal fees have participated in over 1 million cases. In many of these cases, justice would have been denied the poor without the intervention and advice of legal counsel. In the committee's bill, the President would retain control of this new Corporation through the appointment of 10 of the 19 Directors of the Corporation. The appointment of the nine remaining Directors would be from a list submitted to him by a panel of experts. Lawyers working for the Corporation would not be allowed to lobby, to engage in direct political activity, or to be involved in criminal cases.

Jobs for the adolescent poor will be increased under the Neighborhood Youth Corps program included in this bill. It seems so obvious that poverty ought to be fought through employment and through the subsequent payrolls that accompany job creation, yet all too often we fail to remember this point. Forty percent of those 16 to 17 years old are unemployed in major urban areas. In spite of this, the number of jobs in the neighborhood youth program declined from 98,000 in 1966 to 36,000 in 1972. This bill would increase the Neighborhood Youth Corps program and start a renewed expansion of this vital program. We must employ our youth if we expect them to enter the mainstream of American life, and that, after all, is the ultimate objective of the poverty program.

The bill also contains new programs dealing with rural housing and environmental action. It seems entirely appropriate that we involve the poor in programs designed to create a better total environment for all of society. Numerous studies have shown that pollution covers every neighborhood of the land, rich or poor. The rural housing section is designed to create modest experimentation in programs for rehabilitation and repair in rural America. This is particularly applicable in rural areas where there is a great deal of owner-occupied housing, as opposed to the urban situation where renting dominates. These two programs are in the best tradition of the OEO philosophy: new ideas for bringing the poor into the mainstream of America must be tried, and when they are successful, they can then be expanded into major programs.

The new community development program brought forth in this bill will provide for the growth of small cooperatives through technical systems, long term loans, special impact programs, and innovative management ideas. Though this will still be an experimental program, it is important to note that it is based on pilot projects that have been done in areas such as Bedford-Stuyvesant in Brooklyn, N.Y. Such a program will create economic development and allow communities to develop in such a way as to move out of the ranks of the poor.

In summary, this is a bill for all to support. It maintains the momentum of the essential core of OEO programs, and adds a manageable variety of new innovative ideas. Its programs are geared to offering the hand of help to those who choose to better their lot. I urge the passage of this bill.

ECONOMIC OPPORTUNITY FOR PUERTO RICO

Mr. BROOKE. Mr. President, the bill now before us, S. 3010, the Economic Opportunity Amendments of 1972, contains a vitally important and progressive provision for the people of Puerto Rico. Under this bill as reported from committee, the Commonwealth of Puerto Rico is regarded as a State for the purposes of funding OEO programs.

The 2.7-million people of Puerto Rico are in a very anomolous position. They are citizens, they pay Federal income taxes, and they are drafted to fight in our wars. Yet they cannot vote for President, and they do not currently participate fully in the distribution of Federal revenues.

The United States assumed responsibility for Puerto Rico and its people as a result of the Spanish-American War, in 1898. We will not have met our responsibilities, however, until the people of Puerto Rico enjoy the same standard of living as other American citizens.

The Puerto Ricans have done much to help themselves. Per capita income on the island has increased from a bare $297 per year in 1950 to nearly $1,500 per year today. Puerto Rico's gross annual product has increased in the same time period from $755 million to $4.6 billion. Under the administration of Gov. Luis Ferre, health care has been improved and extended, and thousands of classrooms have been constructed for the education of the children of the Commonwealth.

But even with all these efforts, Puerto Rico's needs are great.

Puerto Rico has a greater percentage of its people living in poverty, and a greater percentage of its adults unemployed, than any of the 50 States of the Union. Unemployment on the island is now an unconscionable 11.8 percent.

Nearly 20 percent of the children in this country living in families with less than $1,000 in income, live in Puerto Rico. Clearly, if these children are to be given the opportunity they deserve as American citizens, Puerto Rico must receive a greater percentage of Federal aid.

The legislation presently before us would provide this long-needed opportunity. Instead of allocating 4 percent of funds available under OEO title II to Puerto Rico, the Virgin Islands, Samoa, and the Pacific Trust Territories, this bill would treat Puerto Rico as a State for the purposes of computing its share of the funds, and would reserve 2 percent of the total appropriation to the other territories. Puerto Rico's share of the funds would thus be computed on the basis of: number of public assistance recipients as compared with the other States; average number of unemployed persons as compared with the other States; and the number of related children living with families with income of less than $1,000 as compared with the other States. This system is already being followed with regard to numerous other Federal programs; it should certainly be done with regard to the vitally needed educational and job-training opportunities.

When we consider Puerto Rico's unique position within our system of government, and its extraordinary needs which are directly related to our national policy, I believe we have no choice but to accord Puerto Rico "statehood status" for the purpose of computing its benefits under this bill.

QUORUM CALL

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Senators will please take their seats and refrain from conversation.

The Senator from West Virginia may proceed.

TIME LIMITATION AGREEMENT ON DEPARTMENT OF INTERIOR APPROPRIATION (H.R. 15418)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the bill making appropriations for the Department of Interior, H.R. 15418, is called up and made the pending business before the Senate, there be a time limitation thereon of 2 hours, the time to be equally divided between the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), with time on any amendment thereto limited to 30 minutes, the time to be equally divided between the mover of such amendment and the manager of the bill (Mr. BIBLE); that time on any amendment to an amendment, debatable motion, or appeal in relation thereto be limited to 20 minutes, to be equally divided between the mover of such and the manager of the bill; and provided that Senators in control of time may yield therefrom to any Senator on any amendment, debatable motion, or appeal.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. SCOTT. Presently from Pennsylvania, and for the last many years.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. Would the distinguished acting majority leader advise me whether this matter has been cleared with the Senator from North Dakota (Mr. YOUNG)?

Mr. ROBERT C. BYRD. This matter has been cleared with the distinguished Senator from Alaska (Mr. STEVENS) and the distinguished Senator from Nevada (Mr. BIBLE), and I think it has been cleared with the distinguished Senator from North Dakota (Mr. YOUNG). The reason I say "I think so" is that I presented this request one day last week after having cleared it and it was objected to at that time by the able Senator from Florida (Mr. CHILES), who objected only because the committee report was not then available.

Mr. SCOTT. I understand from the Senator from Alaska that the matter has been cleared with the Senator from North Dakota (Mr. YOUNG).

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

ORDER FOR ADJOURNMENT FROM TOMORROW TO 9 A.M., WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday it stand in adjournment until 9 o'clock a.m. on Wednesday.

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

ORDER FOR ROUTINE MORNING BUSINESS ON WEDNESDAY, JUNE 28, AND FOR H.R. 15418 TO BE LAID BEFORE THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday after the two leaders, or their designees, have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 15 minutes with statements limited therein to 3 minutes, at the conclusion of which the Chair lay before the Senate H.R. 15418, the bill making appropriations for the Department of the Interior.

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

ORDER FOR FOREIGN ASSISTANCE ACT (S. 3390) TO BE LAID ASIDE TEMPORARILY ON WEDNESDAY, JUNE 28, 1972

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday the unfinished business, the Foreign Assistance Act (S. 3390), be laid aside temporarily at the conclusion of morning business, and that it remain in a temporarily laid aside status until the disposition of H.R. 15418, the bill making appropriations for the Department of Interior.

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

UNANIMOUS-CONSENT AGREEMENT ON SPARKMAN-SCOTT AMENDMENT TO FOREIGN ASSISTANCE ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the unfinished business is laid before the Senate on Wednesday, an amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Republican leader, the Senator from Pennsylvania (Mr. SCOTT) be made the pending question and that time on that amendment be limited to 1½ hours, the time to be divided and controlled by the Senator from New Jersey (Mr. CASE) and the distinguished manager of the bill (Mr. SPARKMAN).

Mr. PASTORE. Will the Senator tell us what that is all about?

Mr. ROBERT C. BYRD. I shall ask the Senator from Alabama to respond.

Mr. SPARKMAN. Senators will remember that the other day I offered an amendment relating to the Azores and Bahrain. On Wednesday the Senator from Pennsylvania, the minority leader, and I will jointly sponsor an amendment that will pertain to Bahrain only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time on any amendment to the so-called Bahrain amendment be limited to 20 minutes, to be equally divided between the mover of such and the Senator from Alabama (Mr. SPARKMAN), and that an equal amount of time be similarly allotted to any debatable motion, or appeal in relation thereto.

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

UNANIMOUS-CONSENT REQUEST ON OEO BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to the pending second track item, the so-called OEO bill, there be a time limitation on further debate thereon of 4 hours, the time to be equally divided between the distinguished Senator from New York (Mr. JAVITS) and the distinguished manager of the bill (Mr. NELSON); that time on any amendment thereto be limited to 1 hour, to be equally divided between the mover of such amendment and the distinguished manager of the bill (Mr. NELSON); that time on any amendment to an amendment, debatable motion or appeal in relation thereto be limited to 20 minutes, equally divided between the mover of such and the manager of the bill; provided that Senators in control of time on the bill may yield therefrom to any Senator on any amendment, debatable motion, or appeal; and provided finally that if the distinguished manager of the bill is in favor of such amendment, debatable motion, or appeal the time in opposition thereto then be under the control of the distinguished Republican leader or his designee.

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

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I wish to state as to time on the bill which I control, I will be glad to yield as much time as necessary to opponents.

Mr. COOK. I object.

The PRESIDING OFFICER (Mr. HARTKE). Objection is heard.

NAVIGABLE WATERS SAFETY AND ENVIRONMENTAL QUALITY ACT OF 1972—CONFERENCE REPORT

Mr. MAGNUSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and the navigable waters of the United States.

I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. HARTKE). Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8140) to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 14, 18, and 21, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "Ports and Waterways Safety Act of 1972".; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 7 of the House engrossed bill, immediately after line 12, insert the following:

TITLE II—VESSELS CARRYING CERTAIN CARGOES IN BULK

SEC. 201. Section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a) is hereby amended to read as follows:

"SEC. 4417a. (1) STATEMENT OF POLICY.—The Congress hereby finds and declares—

"That the carriage by vessels of certain cargoes in bulk creates substantial hazards to life, property, the navigable waters of the United States (including the quality thereof) and the resources contained therein and of the adjoining land, including but not limited to fish, shellfish, and wildlife, marine and coastal ecosystems and recreational and scenic values, which waters and resources are hereafter in this section referred to as the 'marine environment'.

"That existing standards for the design, construction, alteration, repair, maintenance and operation of such vessels must be improved for the adequate protection of the marine environment.

"That it is necessary that there be established for all such vessels documented un-

der the laws of the United States or entering the navigable waters of the United States comprehensive minimum standards of design, construction, alteration, repair, maintenance, and operation to prevent or mitigate the hazards to life, property, and the marine environment.

"(2) VESSELS INCLUDED.—All vessels, regardless of tonnage, size, or manner of propulsion, and whether self-propelled or not, and whether carrying freight or passengers for hire or not, which are documented under the laws of the United States or enter the navigable waters of the United States, except public vessels other than those engaged in commercial service, that shall have on board liquid cargo in bulk which is—

"(A) inflammable or combustible, or

"(B) oil, of any kind or in any form, including but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil, or

"(C) designated as a hazardous polluting substance under section 12(a) of the Federal Water Pollution Control Act (33 U.S.C. 1162);

shall be considered steam vessels for the purposes of title 52 of the Revised Statutes of the United States and shall be subject to the provisions thereof: *Provided,* That this section shall not apply to vessels having on board the substances set forth in (A), (B), or (C) above only for use as fuel or stores or to vessels carrying such cargo only in drums, barrels, or other packages: *And provided further,* That nothing contained herein shall be deemed to amend or modify the provisions of section 4 of Public Law 90-397 with respect to certain vessels of not more than five hundred gross tons: *And provided further,* That this section shall not apply to vessels of not more than five hundred gross tons documented in the service of oil exploitation which are not tank vessels and which would be subject to this section only because of the transfer of fuel from the vessels' own fuel supply tanks to offshore drilling or production facilities.

"(3) RULES AND REGULATIONS.—In order to secure effective provision (A) for vessel safety, and (B) for protection of the marine environment, the Secretary of the department in which the Coast Guard is operating (hereafter referred to in this section as the 'Secretary') shall establish for the vessels to which this section applies such additional rules and regulations as may be necessary with respect to the design and construction, alteration, repair, and maintenance of such vessels, including, but not limited to, the superstructures, hulls, places for stowing and carrying such cargo, fittings, equipment, appliances, propulsive machinery, auxiliary machinery, and boilers thereof; and with respect to all materials used in such construction, alteration, or repair; and with respect to the handling and stowage of such cargo, the manner of such handling or stowage, and the machinery and appliances used in such handling and stowage; and with respect to equipment and appliances for life saving, fire protection, and the prevention and mitigation of damage to the marine environment; and with respect to the operation of such vessels; and with respect to the requirements of the manning of such vessels and the duties and qualifications of the officers and crew thereof; and with respect to the inspection of all the foregoing. In establishing such rules and regulations the Secretary may, after hearing as provided in subsection (4), adopt rules of the American Bureau of Shipping or similar American classification society for classed vessels insofar as such rules pertain to the efficiency of hulls and the reliability of machinery of vessels to which this section applies. In establishing such rules and regulations, the Secretary shall give due consideration to the kinds and grades of such cargo permitted to be on board such vessel. In establishing such rules and regulations the Secretary shall, after consultation with the Secretary of Commerce and the Administrator of the Environmental Protection Agency, identify those established for protection of the marine environment and those established for vessel safety.

(4) ADOPTION OF RULES AND REGULATIONS.—Before any rules or regulations, or any alteration, amendment, or repeal thereof, are approved by the Secretary under the provisions of this section, except in an emergency, the Secretary shall (A) consult with other appropriate Federal departments and agencies, and particularly with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, with regard to all rules and regulations for the protection of the marine environment, (B) publish proposed rules and regulations, and (C) permit interested persons an opportunity for hearing. In prescribing rules or regulations, the Secretary shall consider, among other things, (i) the need for such rules or regulations, (ii) the extent to which such rules or regulations will contribute to safety or protection of the marine environment, and (iii) the practicability of compliance therewith, including cost and technical feasibility.

"(5) RULES AND REGULATIONS FOR SAFETY; INSPECTION; PERMITS; FOREIGN VESSELS.—No vessel subject to the provisions of this section shall, after the effective date of the rules and regulations for vessel safety established hereunder, have on board such cargo, until a certificate of inspection has been issued to such vessel in accordance with the provisions of title 52 of the Revised Statutes of the United States and until a permit has been endorsed on such certificate of inspection by the Secretary, indicating that such vessel is in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder, and showing the kinds and grades of such cargo that such vessel may have on board or transport. Such permit shall not be endorsed by the Secretary on such certificate of inspection until such vessel has been inspected by the Secretary and found to be in compliance with the provisions of this section and the rules and regulations for vessel safety established hereunder. For the purpose of such inspection, approved plans and certificates of class of the American Bureau of Shipping or other recognized classification society for classed vessels may be accepted as evidence of the structural efficiency of the hull and the reliability of the machinery of such classed vessels except as far as existing law places definite responsibility on the Coast Guard. A certificate issued under the provisions of this section shall be valid for a period of time not to exceed the duration of the certificate of inspection on which such permit is endorsed, and shall be subject to revocation by the Secretary whenever he shall find that the vessel concerned does not comply with the conditions upon which such permit was issued: *Provided,* That rules and regulations for vessel safety established hereunder and the provisions of this subsection shall not apply to vessels of a foreign nation having on board a valid certificate of inspection recognized under law or treaty by the United States: *And provided further,* That no permit shall be issued under the provisions of this section authorizing the presence on board any vessel of any of the materials expressly prohibited from being thereon by subsection (3) of section 4472 of this title.

"(6) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT; INSPECTION; CERTIFICATION.—No vessel subject to the provisions of this section shall, after the effective date of rules and regulations for protection of the marine environment have on board such cargo, until a certificate of compliance, or an endorsement on the certificate of inspection for domestic vessels, has been issued by the Secretary indicating that such vessel is in compliance with such rules and regulations. Such certificate of compliance or endorsement shall not be issued by the Secretary until such vessel has been inspected by the Secretary and found to be in compliance with the rules and regulations for protection of the marine environment established hereunder. A certificate of compliance or an endorsement issued under this subsection shall be valid for a period specified therein by the Secretary and shall be subject to revocation whenever the Secretary finds that the vessel concerned does not comply with the conditions upon which such certificate or endorsement was issued.

"(7) RULES AND REGULATIONS FOR PROTECTION OF THE MARINE ENVIRONMENT RELATING TO VESSEL DESIGN AND CONSTRUCTION, ALTERATION, AND REPAIR; INTERNATIONAL AGREEMENT.—(A) The Secretary shall begin publication as soon as practicable of proposed rules and regulations setting forth minimum standards of design, construction, alteration, and repair of the vessels to which this section applies for the purpose of protecting the marine environment. Such rules and regulations shall, to the extent possible, include but not be limited to standards to improve vessel maneuvering and stopping ability and otherwise reduce the possibility of collision, grounding, or other accident, to reduce cargo loss following collision, grounding, or other accident, and to reduce damage to the marine environment by normal vessel operations such as ballasting and deballasting, cargo handling, and other activities.

"(B) The Secretary shall cause proposed rules and regulations published by him pursuant to subsection (7)(A) to be transmitted to appropriate international forums for consideration as international standards.

"(C) Rules and regulations published pursuant to subsection (7)(A) shall be effective not earlier than January 1, 1974, unless the Secretary shall earlier establish rules and regulations consonant with international treaty, convention, or agreement, which generally address the regulation of similar topics for the protection of the marine environment. In the absence of the promulgation of such rules and regulations consonant with international treaty, convention, or agreement, the Secretary shall establish an effective date not later than January 1, 1976, for rules and regulations previously published pursuant to this subsection (7) which he then deems appropriate.

"(D) Any rule or regulation for protection of the marine environment promulgated pursuant to this subsection (7) shall be equally applicable to foreign vessels and United States-flag vessels operating in the foreign trade. If a treaty, convention, or agreement provides for reciprocity of recognition of certificates or other documents to be issued to vessels by countries party thereto, which evidence compliance with rules and regulations issued pursuant to such treaty, convention, or agreement, the Secretary, in his discretion, may accept such certificates or documents as evidence of compliance with such rules and regulations in lieu of the certificate of compliance otherwise required by subsection (6) of this section.

"(8) SHIPPING DOCUMENTS.—Vessels subject to the provisions of this section shall have on board such shipping documents as may be prescribed by the Secretary indicating the kinds, grades, and approximate quantities of such cargo on board such vessel, the shippers and consignees thereof, and the location of the shipping and destination points.

"(9) OFFICERS; TANKERMEN; CERTIFICATION.—(A) In all cases where the certificate of inspection does not require at least two licensed officers, the Secretary shall enter in the permit issued to any vessel under the provisions of this section the number of the crew required to be certified as tankermen.

"(B) The Secretary shall issue to applicants certificates as tankermen, stating the

kinds of cargo the holder of such certificate is, in the judgment of the Secretary, qualified to handle aboard vessels with safety, upon satisfactory proof and examination, in form and manner prescribed by the Secretary, that the applicant is in good physical condition, that such applicant is trained in and capable efficiently to perform the necessary operations aboard vessels having such cargo on board, and that the applicant fulfills the qualifications of tankerman as prescribed by the Secretary under the provisions of this section. Such certificates shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of this title.

"(10) EFFECTIVE DATE OF RULES AND REGULATIONS.—Except as otherwise provided herein, the rules and regulations to be established pursuant to this section shall become effective ninety days after their promulgation unless the Secretary shall for good cause fix a different time. If the Secretary shall fix an effective date later than ninety days after such promulgation, his determination to fix such a later date shall be accompanied by an explanation of such determination which he shall publish and transmit to the Congress.

"(11) PENALTIES.—(A) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall violate the provisions of this section, or the rules and regulations established hereunder, shall be liable to a civil penalty of not more than $10,000.

"(B) The owner, master, or person in charge of any vessel subject to the provisions of this section, or any or all of them, who shall knowingly and willfully violate the provisions of this section or the rules and regulations established hereunder, shall be subject to a fine of not less than $5,000 or more than $50,000, or imprisonment for not more than five years, or both.

"(C) Any vessel subject to the provisions of this section, which shall be in violation of this section or the rules and regulations established hereunder, shall be liable in rem and may be proceeded against in the United States district court for any district in which the vessel may be found.

"(12) INJUNCTIVE PROCEDURES.—The United States district courts shall have jurisdiction for cause shown to restrain violations of this section or the rules and regulations promulgated hereunder.

"(13) DENIAL OF ENTRY.—The Secretary may, subject to recognized principles of international law, deny entry into the navigable waters of the United States to any vessel not in compliance with the provisions of this section or the regulations promulgated thereunder."

"SEC. 202. Regulations previously issued under statutory provisions repealed, modified, or amended by this title shall continue in effect as though promulgated under the authority of section 4417a of the Revised Statutes of the United States (46 U.S.C. 391a), as amended by this title, until expressly abrogated, modified, or amended by the Secretary of the Department in which the Coast Guard is operating under the regulatory authority of such section 4417a as so amended. Any proceeding under such section 4417a for a violation which occurred before the effective date of this title may be initiated or continued to conclusion as though such section 4417a had not been amended hereby.

"SEC. 203. The Secretary of the Department in which the Coast Guard is operating shall, for a period of ten years following the enactment of this title, make a report to the Congress at the beginning of each regular session, regarding his activities under this title. Such report shall include but not be limited to (A) a description of the rules and regulations prescribed by the Secretary (i) to improve vessel maneuvering and stopping ability and otherwise reduce the risks of collisions, groundings, and other accidents, (ii) to reduce cargo loss in the event of collisions, groundings, and other accidents, and (iii) to reduce damage to the marine environment from the normal operation of the vessels to which this title applies, (B) the progress made with respect to the adoption of international standards for the design, construction, alteration, and repair of vessels to which this title applies for protection of the marine environment, and (C) to the extent that the Secretary finds standards with respect to the design, construction, alteration, and repair of vessels for the purposes set forth in (A) (i), (ii), or (iii) above not possible, an explanation of the reasons therefor."

And the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

On page 13, line 23, of the Senate engrossed amendments, strike out "Title II" and insert the following: "Title I"; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "101."; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "(including the substances described in section 4417a(2)(A), (B), and (C) of the Revised Statutes of the United States (46 U.S.C. 391a(2)(A), (B), and (C))", and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 14, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 3, line 16, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 8: That the House reced from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "102."; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 6, of the House engrossed bill strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 11, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 12, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 4, line 17, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(d) This title shall not be applicable to the Panama Canal. The authority granted to the Secretary under section 101 of this title shall not be delegated with respect to the Saint Lawrence Seaway to any agency other than the Saint Lawrence Seaway Development Corporation. Any other authority granted the Secretary under this title shall be delegated to the Saint Lawrence Seaway Development Corporation to the extent that the Secretary determines such delegation is necessary for the proper operation of the Seaway."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 4, line 21, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "103."; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment and on page 5, lines 20 and 23, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "104."; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 6, line 8, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the

following: "105."; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "106."; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

Omit the matter proposed to be inserted by the Senate amendment, and on page 6, lines 23 and 25, of the House engrossed bill, strike out "Act" and insert the following "title", and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$10,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 6, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "107."; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: Omit the matter proposed to be inserted by the Senate amendment, and on page 7, line 10, of the House engrossed bill, strike out "Act" and insert the following: "title"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with amendments, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "$50,000."

On page 7, line 10, of the House engrossed bill, strike out "$1,000" and insert the following: "$5,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "five years,"; and the Senate agree to the same.

That the Senate recede from its amendment to the title of the act.

WARREN G. MAGNUSON,
RUSSELL B. LONG,
PHILIP A. HART,
ROBERT P. GRIFFIN,
TED STEVENS,
Managers on the Part of the Senate.

EDWARD A. GARMATZ,
FRANK M. CLARK,
ALTON LENNON,
THOMAS M. PELLY,
HASTINGS KEITH,
Managers on the Part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

UNIFORMED SERVICE HEALTH PROFESSIONS REVITALIZATION ACT OF 1972

Mr. STENNIS. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 2) to establish a Uniformed Services University of the Health Sciences and to provide scholarships to selected persons for education in medicine, dentistry, and other health professions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. STENNIS. Mr. President, I move that the Senate insist upon its amendments and agree to the request of the House for a conference 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. HARRY F. BYRD, JR., Mr. JACKSON, Mr. BENTSEN, Mr. STENNIS, Mr. DOMINICK, Mr. SAXBE, and Mrs. SMITH conferees on the part of the Senate.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, for the information of the Senate, there will be no more rollcall votes tonight. I do not know what the chances are, but it is possible that a request may again be offered, and consent granted thereto, in connection with a time limitation on the economic opportunity bill. I am not sure what may develop, but, at any event, there will be no more rollcall votes tonight.

The order entered last week provides for a recess of the Senate today until 9 o'clock tomorrow morning. In the event an agreement can be reached yet today with respect to the Economic Opportunity amendments, that recess order will be vacated and, instead of coming in at 9 o'clock tomorrow morning, the Senate will adjourn today at the close of business and will come in at 10 o'clock, and after morning business the Senate will proceed to take up the Labor-HEW appropriation bill under the agreement previously entered.

Mr. MAGNUSON. Mr. President, if the Senator will yield to me, I am hopeful that we may start discussion of the Labor-HEW appropriation bill at about 10:30 tomorrow. There are many items in that bill. There are about 105 line items, to begin with. It involves not only HEW, but the Labor Department. I am hopeful that Senators who have an interest in the bill will be present. There are some amendments to the bill. It is a $29 billion bill. The Senator from New Hampshire and I heard almost 500 witnesses. We hope it is the culmination of a long effort. The bill has items of interest to many Senators. I do hope that tomorrow Senators who have an interest in those items will be here to express their opinions.

There will be some amendments on which there will be some rollcalls. The amendments will be to increase, not to cut anything out of the bill. We will discuss those when the time comes, but I wanted Senators to know about it. This is one of the big bills. We hope to get it out of the way tomorrow and get to a conference on it as soon as possible.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Washington.

Mr. President, for the time being, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR HARRY F. BYRD, JR., ON FRIDAY NEXT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Friday, following the recognition of the two leaders or their designees, the distinguished Senator from Virginia, Mr. HARRY F. BYRD, Jr., be recognized for not to exceed 15 minutes.

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

Mr. ROBERT C. BYRD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ORDER FOR CONSIDERATION OF THE UNFINISHED BUSINESS AND THE LABOR-HEW APPROPRIATION BILL TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that tomorrow immediately following the recognition of the two leaders or their designees under the standing order the Senate return to the consideration of the unfinished business; that at the hour of 10:30 a.m. the unfinished business be temporarily laid aside and the Senate proceed to the consideration of the Labor-HEW appropriation bill; and that the unfinished business remain in a temporarily laid aside status until the disposition of the Labor-HEW appropriation bill, or until the close of business tomorrow, whichever is the earlier.

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

ORDER FOR CONSIDERATION OF THE ECONOMIC OPPORTUNITY AMENDMENTS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Labor-HEW appropriation bill tomorrow, the Senate return to the consideration of the economic

opportunity amendments, and that the unfinished business remain in a temporarily laid aside status until the disposition of the so-called Economic Opportunity Amendments Act, or until the close of business tomorrow, whichever is the earlier.

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

PROGRAM

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

The Senate will convene at 9 a.m. following the recess.

After the two leaders or their designees have been recognized, the Senate will proceed to the consideration of the unfinished business.

Mr. DOLE. Mr. President, if the Senator will yield, is the unfinished business foreign aid or OEO?

Mr. ROBERT C. BYRD. S. 3390, the Foreign Assistance Act.

At 10:30 am, the Chair will lay aside the unfinished business and the Senate will proceed to consider the bill making appropriations for the Departments of Labor and HEW, H.R. 15417.

The unfinished business will remain in a temporarily aside status, and upon the disposition of H.R. 15417 the Senate will return to the consideration of the so-called second track item, the economic opportunity amendments, and the unfinished business will continue to remain in a temporarily laid-aside status until the dispositon of the second track item, the Economic Assistance Act, or until the close of business tomorrow, whichever is the earlier.

Mr. COOK. Mr. President, will the Senator explain that to me again? It sounds to me as though what we have to do is conclude the OEO bill tomorrow night; is that right?

Mr. ROBERT C. BYRD. No; the unfinished business, the Foreign Assistance Act, will remain in a temporarily laid-aside status until the Economic Opportunity Act is disposed of tomorrow, or until the close of business, whichever is the earlier.

Mr. NELSON. May I ask the Senator a question? There is no time-limitation agreement on either the bill or the amendments; is there?

Mr. ROBERT C. BYRD. There is none.

Mr. NELSON. At what time are we likely to get to the Economic Opportunity Act, could the Senator say?

Mr. ROBERT C. BYRD. I cannot answer that question. The HEW appropriation bill will be laid before the Senate at 10:30 tomorrow morning. There is a time limitation on that bill which was entered into last week, as I recall of 5 hours on the bill and a limitation on amendments thereto which I do not exactly recall.

Mr. NELSON. For HEW?

Mr. ROBERT C. BYRD. For the HEW appropriation bill.

Mr. NELSON. And if it was all used, that would bring us to about 3 o'clock in the afternoon or thereabouts?

Mr. ROBERT C. BYRD. Well, if all the time on the bill were used, yes, but normally all the time is not used. There may, however, be some amendments thereto, which would require some time.

Mr. NELSON. Is it the intent of the leadership to continue on the OEO bill tomorrow until it is finished?

Mr. ROBERT C. BYRD. Depending on developments between now and then. Depending also upon what time the Senate completes the HEW appropriation bill tomorrow.

Mr. COOK. Do I correctly understand that, therefore, if the OEO bill is not finished tomorrow night, it will automatically become the pending order of business on Wednesday morning?

Mr. ROBERT C. BYRD. Not automatically.

Mr. NELSON. I am trying to get an understanding as to where I will stand in respect to time.

Mr. ROBERT C. BYRD. Yes.

Mr. NELSON. Is it the intention, if it is not finished tomorrow, that we go to that bill, if we can get unanimous consent to do so, on Wednesday morning?

Mr. ROBERT C. BYRD. On Wednesday morning, under the order previously entered, the first thing will be the Department of the Interior appropriation bill. There is a time limitation agreement thereon.

Upon the disposition of that bill, the Senate will return to the consideration of the unfinished business, which is the Foreign Assistance Act. The pending question at that time will be on the adoption of the amendment to be offered by the distinguished Senator from Alabama (Mr. SPARKMAN) and the distinguished Senator from Pennsylvania (Mr. SCOTT). There is a time limitation on that amendment.

Upon the disposition of that amendment, it would be the intention of the leadership to return to the Economic Opportunity Act Amendments, if in the meantime that measure has not yet been disposed of.

Does the Senator from Kentucky have a further question?

Mr. COOK. No.

Mr. ROBERT C. BYRD. Mr. President, there will undoubtedly be yea-and-nay votes on tomorrow, especially in connection with the HEW appropriation bill, and I would expect a reasonably long day tomorrow.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS TO 9 A.M.

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 recess until 9 a.m. tomorrow.

The motion was agreed to; and at 6 p.m. the Senate recessed until tomorrow, Tuesday, June 27, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 1972:

DEPARTMENT OF TRANSPORTATION

John E. Hirten, of California, to be an Assistant Secretary of Transportation, vice Herbert F. DeSimone, resigned.

IN THE AIR FORCE

The following-named officers for promotion in the Air Force Reserve, under the appropriate provisions of chapter 837, Title 10, United States Code, as amended, and Public Law 92–129.

Lieutenant colonel to colonel

NURSE CORPS

Hamlin, Katherine E., [redacted]

Major to lieutenant colonel

LINE OF THE AIR FORCE

Adair, Malcom H., [redacted]
Adam, George F., [redacted]
Adams, William P., [redacted]
Adler, Philip, Jr., [redacted]
Alexander, Charles, [redacted]
Alexander, James D., [redacted]
Alford, Donald E., [redacted]
Allen, Preston H., [redacted]
Allen, Robert D., [redacted]
Allen, Russell E., [redacted]
Anderson, Charles S., [redacted]
Anderson, Dan E., [redacted]
Anderson, James B., [redacted]
Anderson, Robert S., [redacted]
Anderson, Ted Jr., [redacted]
Anderson, William M., [redacted]
Angell, Lloyd E. Jr., [redacted]
Ankeny, Robert H., [redacted]
Annan, James C., [redacted]
Apel, Elmer C., [redacted]
Aten, Donald, [redacted]
Aulds, Lonnie D., [redacted]
Babcock, John B. G., Jr., [redacted]
Badeaux, Nolan J., [redacted]
Badenhoop, Richard L., [redacted]
Bain, Richard A., [redacted]
Baker, Beryl A., [redacted]
Baldwin, Arthur L., Jr., [redacted]
Baldwin, Donald R., [redacted]
Baldwin, William K., [redacted]
Bales, James T., Jr., [redacted]
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The following officers for appointment in the Reserve of the Air Force, in grade of Lieutenant Colonel, under the provisions of Sections 593 and 1211, Title 10, United States Code and Public Law 92–129.

French, Kenard J., xxx-xx-xxxx
Stevens, Gene L., xxx-xx-xxxx

The following officers for appointment in the Reserve of the Air Force (Medical Corps), in the grade of Lieutenant Colonel, under the provisions of Section 593, Title 10, United States Code and Public Law 92–129, with a view to designation as Medical Officers under the provisions of Section 8067, Title 10, United States Code, with effective dates to be determined by the Secretary of the Air Force.

Costanzi, John J., xxx-xx-xxxx
Jones, Frank L., xxx-xx-xxxx
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Sisson, Charles A., Jr., xxx-xx-xxxx
Warren, Glen C., xxx-xx-xxxx

The following person for appointment in the Reserve of the Air Force in the grade indicated, under the provisions of Section 593, Title 10, United States Code, and Public Law 92–129.

To be Lieutenant Colonel

Malberg, Philip O., XXXX

DEPARTMENT OF THE TREASURY

Jack Franklin Bennett, of Connecticut, to be a Deputy Under Secretary of the Treasury (new position).

Warren F. Brecht, of Connecticut, to be an Assistant Secretary of the Treasury (new position).

DEPARTMENT OF JUSTICE

Robert E. J. Curran, of Pennsylvania, to be U.S. attorney for the eastern district of Pennsylvania for the term of 4 years vice Louis C. Bechtle, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 26, 1972:

MISSISSIPPI RIVER COMMISSION

Subject to qualifications provided by law, the following for appointment as a member of the Mississippi River Commission:

Rear Adm. Allen L. Powell, Director, National Ocean Survey, National Oceanic and Atmospheric Administration.

DIPLOMATIC AND FOREIGN SERVICE

Clinton L. Olson, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sierra Leone.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Terence A. Todman, of the Virgin Islands, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guinea.

Edwin M. Cronk, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

W. Beverly Carter, Jr., of Pennsylvania, a Foreign Service information officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Republic of Tanzania.

C. Robert Moore, of Washington, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Cameroon.

Miss Jean M. Wilkowski, of Florida, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zambia.

INTERNATIONAL MONETARY FUND, INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

George P. Shultz, of Illinois, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years;

A Governor of the Inter-American Development Bank for a term of 5 years; and

U.S. Governor of the Asian Development Bank.

HOUSE OF REPRESENTATIVES—*Monday, June 26, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

My meat is to do the will of Him who sent me and to finish His work.—John 4: 34.

Almighty God, our Heavenly Father, we pray that Thy spirit may come to new life in the lives of these Representatives of our Nation, giving them strength for arduous tasks, wisdom to make right decisions, and courage to lead our Republic in the ways of truth and justice. Direct them in the work of this day that what is done may minister to the welfare of our citizens and increase the spirit of good will in our world.

Kindle in the hearts of all men a true love for peace, a real concern for justice, and a genuine desire for goodness that Thy kingdom may go forward and Thy will be done on earth. To the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.