visors, officially acknowledges and acclaims the East Los Angeles Health Task Force for the excellence with which it has performed and the spirit it has exemplified and may it further be

Resolved that in recognition and appreciation of the East Los Angeles Health Task Force for its noble endeavors the County Board of Supervisors officially proclaims Friday, September 15, 1972 as "the East Los Angeles Health Task Force Day" to be observed throughout the County of Los Angeles.

THE NEW PATRIOTS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. RARICK. Mr. Speaker, news has now reached us that the five terrorist guerrillas slain by German police following the Olympic kidnapping and murder of Israel athletes have been given a heroes' funeral in Libya.

We are reminded of a similar heroes' treatment given the American Communist Angela Davis on her exhibition tour of Moscow and East Germany.

Apparently the definition of hero and patriot, like that of peace, differs in Communist public opinion from the common understanding of those terms in the United States. We can only wonder how the term murder is interpreted in the Communist vernacular.

I ask that related news clippings follow:

[From the Evening Star and Daily News, Sept. 13, 1972]

LIBYA GIVES FIVE GUERRILLAS HEROES' FUNERAL IN TRIPOLI

BEIRUT.—Libya has given a heroes' funeral to five Palestinian guerillas killed by Munich police after they had slain 11 Israelis at the Olympic games.

The Middle East News Agency, in a dispatch from Tripoli, said yesterday's funeral was a "majestic spectacle."

The guerrillas were killed in a shootout at a military airfield near Munich on Sept. 6 as they were trying to escape with Israeli hostages.

Three other guerrillas were captured and are in separate German jails.

Large numbers of mourners marched behind a funeral cortege led by members of the ruling Libyan Revolution Command Council. The agency did not say whether Col. Mummar Kadafy, the council's chairman, took part.

Palestinian guerrillas and members of the Libyan "Popular Resistance" also took part in the procession, the agency said. It marched to "Martyrs' Square," where prayers were offered, the agency said.

The five bodies were flown in from Munich on Monday.

[From the Washington Post, Sept. 11, 1972]

EAST GERMANY GIVES ANGELA BIG WELCOME

BERLIN, September 11—Angela Davis, fresh from a two-week stay in the Soviet Union, was greeted by 50,000 youths when she arrived at East Berlin's Schoevefeld airport yesterday, the East German news agency ADN reported.

The U.S. Communist—acquitted in June of murder, kidnaping and conspiracy charges which stemmed from a California courthouse shootout—will remain in East Germany five days. While in the Soviet Union, she was the guest of the Soviet Women's Committee and toured several cities in a visit widely publicized by Soviet media.

[From the Christian Beacon, Sept. 7, 1972]

ANGELA DAVIS TOURS COMMUNIST COUNTRIES

Angela Davis, under the protection of American citizenship and a U.S.-issued visa, who has repeatedly declared herself "an avowed Communist," has now become a literal propaganda messenger for Communist Soviet Russia.

Wildly welcomed recently on her arrival in Moscow by a cheering throng headed by Valentina Tereshkova, the Communist woman astronaut, who greeted her with "to everyone in our country, you have become very close and very dear," the American Communist answered, "I bring solidarity from the black people of the United States." In further comment, she said that this "is rapidly achieving the consciousness which will eventually allow us in the U.S. to join the Soviet people in the ranks of socialism."

Soon after declaring that "it is an expressibly wonderful feeling to be here on the soil of the Soviet Union," the atheistic, anti-American advocate was given a Lenin Jubilee Medal. Receiving it from Yadgar Nasriddinova, chairman of the House of Nationalities of the Supreme Soviet which is the USSR's supreme legislative body, Communist Angela replied, "The USSR carries the banner of socialism all over the world. It shows an example to the countries of Asia and Africa fighting for their independence and socialism. We American Communists are struggling against the aggressive policy of U.S. imperialism."

After this declaration, the Soviet Embassy announced the following day that the American Communist woman would travel to the Communist countries of Cuba and Chile. Enroute to these countries, the embassy officials said that she would carry her Communistic views to East Berlin, Sofia, Bulgaria, and Prague in Czechoslovakia, before returning to the U.S. The Soviet embassy also quoted her as saying she had to be back in New York on October 1 so she could take part in the final weeks of the U.S. election campaign's Communist goals.

With the growing denouncement of Communist Davis' statements and actions against the United States as well as strong criticism of the State Department for issuing a passport to a person for such anti-American tactics in foreign countries, charges of "traitor," "treason," and "she should be arrested at her re-entry port and jailed" are being sounded.

SENATE—*Friday, September 15, 1972*

(Legislative day of Tuesday, September 12, 1972)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. EASTLAND).

PRAYER

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

God of our fathers and our God, we thank Thee for the vitality and strength of the Nation and for the durability of its institutions. We thank Thee for this body, for the rules which regulate its daily life, for the leadership which guides its processes, and for its achievements on behalf of the people. Undergird all who serve here giving them wisdom, strength, and courage to provide for the Nation's needs and to secure peace and justice for all mankind. In the end give them a good conscience, the satisfaction of work well done, and the gratitude of their fellow citizens.

We pray in the name of the one who is the truth and the way. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, September 14, 1972, be approved.

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

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Committee on Commerce; the Committee on Armed Services; the Committee on Public Works; the Subcommittee on Internal Security of the Committee on the Judiciary; the Subcommittee on Flood Control, Rivers and Harbors of the Committee on Public Works; the Committee on Labor and Public Welfare; and the Committee on Interior and Insular Affairs may be authorized to meet during the session of the Senate today.

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

EXECUTIVE SESSION

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

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

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

UNITED NATIONS REPRESENTATIVES

The second assistant legislative clerk proceeded to read sundry nominations in United Nations Representatives.

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

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be

immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, I want to reiterate a statement I made yesterday as it applies to future legislation being reported from committees.

For the information of the Senate, so that it will be in the RECORD again, I wish to announce that the Democratic Policy Committee—and I understand that the Republican Conference also, at lunch on Tuesday last—considered and unanimously agreed that, except for a matter of extraordinary importance, no legislative measure reported by a standing committee after September 15 will be scheduled for Senate action during this session, other than those items that can be disposed of by unanimous consent.

I want to emphasize that if there is legislation of extraordinary or significant importance, that fact will be taken into consideration by the joint leadership.

I also want to point out that private bills and other noncontroversial matters will be reported and acted on by the Senate on a Consent Calendar basis.

This is to serve notice of the joint action of the two parties on Tuesday last in this respect.

This was a Republican initiative in which the Democratic Policy Committee joined.

Mr. SCOTT. Mr. President, the necessity for disposing of such "must" legislation as had been agreed on originally by the majority compels the minority leader to conclude that if this "must" legislation is to be passed, there must be a point where we no longer report legislation from committees. This is not to say that we do not regret all the measures that we are not able to take up, or that we would not have wished to take up a great many more, but if a certain list is agreed on, obviously measures such as defense authorization, foreign aid, and other such measures are not going to be disposed of if all sorts of miscellaneous and perhaps less important legislation continues to be ground out by the committees.

Thus, since we are, I suppose, nearing the end of the legislative session, it would seem that this would be the proper thing to do, in accordance with what we have done in previous sessions of Congress.

There is a lot of legislation I would like to see acted on. I would like to see action on the welfare bill, Government reorganization, health bills, and pension bills. There is so much to be done; but some Senators are not here, some of the most vocal Senators are not here, and we do not have the benefit of their wisdom. Those who are here are working very hard to do their very best to dispose of this legislation.

Mr. MANSFIELD. One of the items that we hope will be reported by the Finance Committee and taken up in the Senate is H.R. 1, the Welfare Reform Act.

I believe that we owe the President that courtesy and that the Senate should have the opportunity to dispose of this measure one way or the other.

Mr. SCOTT. I agree. I should like to see it passed.

Mr. ALLEN. Mr. President, will the distinguished Republican leader yield?

Mr. SCOTT. I am glad to yield to the Senator from Alabama.

Mr. ALLEN. I know that the entire Senate is glad to get this report from the two leaders with respect to bills still in committee and with respect to their not getting on the calendar.

The Senator from Alabama is wondering whether any progress has been made by the two leaders with respect to reaching an agreement for bringing up for consideration in the Senate a bill which has been on the calendar for some days. I refer to H.R. 13915, on which we have had colloquies here for the past 8 days, I believe, this being the ninth day.

The distinguished Republican leader, to use an expression, has been getting off scot free with regard to these colloquies. So the Senator from Alabama is wondering whether the distinguished Republican leader might shed some light on the attitude of the lesser among equals of the joint leadership on this matter.

Mr. SCOTT. I am sure that the distinguished Senator from Alabama, who is an expert on the rules and customs of the Senate, is aware of the fact that the placing of legislation on the calendar is a function of the majority—a function in which the minority usually works very hard to coordinate and cooperate.

I believe such decisions are made by the majority caucus. I have no criticism of that whatever and no suggestions to make beyond whatever in the wisdom of the majority they feel it may be necessary to do.

However, we do have some very important legislation and I would not want the majority to bear the entire onus for not bringing up any particular bill. We have a great deal of important legislation to consider, as the Senator from Alabama well knows. What the Senator is referring to is also important, and there should be consideration given to it, but the order in which bills are taken up is not the function of the minority. Inasmuch as the Senator from Alabama has directed his question to me, I must say that the minority does not control the direction as to how bills come up for consideration. I would think that the majority would agree it is desirable this bill be given a hearing, and to that extent I am very glad to respond.

Mr. ALLEN. Mr. President, I thank the distinguished Senator. The position of the Senator then is that he has no objection, as Republican leader, to seeing a bill called up for consideration if that is the wish of the majority leadership.

Mr. SCOTT. If it is the wish and the decision of the majority that this legislation be brought up, that is a decision with which I would cooperate, because, in fairness, bills on the calendar ought to be brought up if we can do so. The timing is not the function of the minority leader except to say, in all fairness to the majority, that we do not want to jeopardize certain legislation and it might be wise not to insist on a given time at this time, although I am even now interfering with the function of the majority in saying that.

Mr. ALLEN. Mr. President, the Senator from Alabama notes that the unfinished business this morning is a bill having to do with the 1976 Winter Olympics. The suggestion has been made on the Senate floor that we not even hold the 1976 Olympics. This bill concerns further the adoption of a constitutional amendment in Colorado. If that measure passes, Colorado is not to contribute anything to the Olympics and this authorization becomes ineffective.

I was wondering why that bill was placed ahead of the antischool busing legislation which affects children this very morning, not in 1976.

Mr. SCOTT. Mr. President, I cannot speak as an expert on the calendaring of legislation because that has never been my responsibility. We have long been the minority here. We are permitted to ventures hopes, but it may be that someday that may change.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ROBERT C. BYRD. Mr. President, with all due respect to the Senator, and I know he will understand my saying this, I ask for the regular order. The Senator from Illinois is to be recognized at this time.

I know that the Senator from Alabama will understand. Perhaps the Senator from Illinois would be willing to yield for a moment to the Senator from Alabama.

Mr. PERCY. Mr. President, I would be very happy to do so. I have a very brief question that I would like to ask the majority leader.

ORDER OF BUSINESS

The PRESIDENT pro tempore. At this time, in accordance with the previous order, the Senator from Illinois is recognized for not to exceed 15 minutes.

Mr. PERCY. Mr. President, I would be happy to yield if my distinguished colleague, the Senator from Nebraska (Mr. HRUSKA) who has an order immediately following me would be willing to do so. We could yield up to 3 minutes to the Senator from Alabama.

Mr. ALLEN. Mr. President, the Senator from Alabama is thankful for the information that he has gleaned thus far with respect to this bill, and he will inquire further about the matter.

At this time I yield the floor.

THE PROSPECTS FOR PASSAGE OF THE PRESIDENT'S WELFARE REFORM LEGISLATION

Mr. PERCY. Mr. President, I would like to be recognized at this time for the purpose of addressing an inquiry to the majority leader.

Do I understand that if the Senate Finance Committee is able to report H.R. 1—that is, the welfare reform legisla-

tion—that legislation would then be placed on the calendar for consideration before we adjourn?

Mr. MANSFIELD. Yes, indeed. And I made that statement on the basis of the fact that the President has been requesting this legislation for the past 3½ years. The House has passed it twice. I believe that as a matter of courtesy, if for no other reason, if and when it is reported by the committee, it should be taken up on the Senate floor for whatever disposition the Senate wants to make of it.

Mr. PERCY. This is a very urgent matter. I commend the leadership for this decision. I trust, now that the revenue-sharing legislation is off the calendar, as far as the members of the Finance Committee are concerned, the welfare reform legislation can be handled.

I am particularly interested in emergency welfare relief involving more than half a billion dollars retroactive to July 1, 1971, that the administration said could be attached to H.R. 1. For 22 Governors, this money is urgently needed because of the fiscal crisis existing in many of these States.

This is a matter of great urgency, and I commend the leadership and thank the majority leader.

THE URGENT NEED FOR ENFORCEMENT OF LEGAL REGISTRATION AND VOTING

Mr. PERCY. Mr. President, I am honored indeed to be joined by my colleague, the ranking Republican member of the Judiciary Committee, the Senator from Nebraska (Mr. HRUSKA). I think it is also most opportune and fortunate that the President pro tempore of the Senate and the chairman of the Judiciary Committee, the Senator from Mississippi (Mr. EASTLAND), is presiding in the Senate this morning and that the majority leader and the assistant majority leader are in the Chamber.

Mr. President, the U.S. Constitution begins, "We the People." We the people form the basis of our representative form of government. We the people select those citizens who will speak for us in the councils of our Government. We the people exercise our powers through the most basic and fundamental of all our rights, the right to cast an effective ballot.

In Federalist No. 22, Hamilton said:

> The fabric of American empire ought to rest on the solid basis of the consent of the people. The streams of national power ought to flow immediately from that pure, original fountain of all legitimate authority.

Put in another way, this Government of ours is like a house built of bricks. The sturdiness of the house as a whole depends on the strength and durability of each brick. In this country, every vote of every citizen is a brick which provides the foundation for the Government to stand firm and unwavering. When any of those bricks are weakened, the entire structure suffers. If too much weakness develops, the entire structure falls apart. If the votes of our citizens are weakened, then our Government faces a grave crisis.

It is my sad duty this morning to report to the Senate that the right to vote has been seriously undermined in my own State of Illinois. For some time, there has been a saying in Chicago: "Vote early and vote often." The humor of this disappears before the fact that this is indeed what has been happening in Chicago for some years. In a series of articles in the Chicago Tribune, reporter William Mullen has disclosed how he was hired as a clerk in the office of the Chicago Board of Election Commissioners following the March primary. For 3 months, Mr. Mullen gathered and compiled evidence of massive fraud from public records. In these articles, case after case is documented where the power and the right of every citizen to cast an effective ballot has been callously disregarded.

Mr. President, I ask unanimous consent that the text of these revealing articles be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PERCY. Mr. President, as a result of these articles the office of the U.S. attorney in Chicago has expanded its investigations of voting irregularities, and on the basis of the facts which have already come to light, indictments are inevitable. It is vitally necessary that these investigations continue, for there is no crime more repugnant to the sacredness of the Constitution than one involving voter fraud. Should these allegations be proven, those responsible should bear the full brunt of the law. The Supreme Court in *Reynolds* v. *Sims*, 377 U.S. 533 (1964) said that—

> To the extent that a citizen's right to vote is debased, he is that much less a citizen.

The actions which election officials are charged with threaten to debase the citizenship of every citizen in Chicago, every citizen in Illinois, and indeed, every citizen in this Nation.

The Federal laws which deal with preserving and protecting the right to vote focus essentially on different problems than those which are presented by voter fraud. They were written with an eye toward preventing unlawful discrimination and in preventing fraud by partisans. So, though the law is clear that a person cannot be denied access to the polls because of his race or that it is illegal for votes to be bought, the law is less specific when it comes to situations where voter applications have been left blank and then later forged, where dead and sick people are recorded as voting, where blocks of people are listed as voting when no such block exists, where voting judges who are supposed to protect the interest of one party are actually members of the other party, and take part in acts of malfeasance.

It appears from these articles that much of the blame for this situation being allowed to persist is the fact that the Illinois State law is completely inadequate in providing checks against such malfeasance. The attorney general of Illinois has no standing to go into State court to remedy these acts of voter fraud. I compliment Governor Ogilvie's initiative in promising that this will be an issue of the highest priority in the next legislative session. The fact that the Illinois State government is virtually powerless to get at the roots of this problem is a failure of the State legislature.

However, there is concurrent jurisdiction over this matter which is shared by the State and the Federal Government. In *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Supreme Court held that Congress does have a role in the electoral process. Certainly that role should include insuring that every citizen is allowed to cast an effective and undiluted ballot. As the Court said in *Gray* v. *Sanders*, 372 U.S. 368 (1963):

> The concept of political equality from the Declaration of Independence, to Lincoln's Gettysburg address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can only mean one thing—one person, one vote.

Yet today we see evidence that the "right of all of the State's citizens to cast an effective and adequately weighted vote" has been denied—see Reynolds against Sims, supra.

Every Member of this body takes a solemn oath to support and defend the Constitution of the United States. Certainly, there is no more basic right in the Constitution than that of the right of the citizen to vote. It is inherent in every section of that great document. As Members who have thus pledged to protect that right, we should immediately begin the task of investigating this matter ourselves. In particular, the Constitutional Rights Subcommittee, chaired by one of the most honored and esteemed Members of this body, the Senator from North Carolina (Mr. ERVIN) could profitably study the allegations and determine what action on the part of the Congress would be appropriate. At the outset, I would suggest that Congress should endeavor to articulate some basic standards regarding the manner in which our citizens are allowed to exercise their franchise. These might include the right of every citizen to have access to all records of election machinery so that private citizens themselves can determine if irregularities are present, instead of having to have reporters secretly infiltrate the places where these records are kept.

Congress should guarantee that every citizen's vote is entitled to its integrity and that that vote will be protected from diminution or dilution.

Congress should guarantee that every citizen has access to the polls and that no subterfuge should be employed which would result in preventing such access.

In addition, there should be multiple responsibility for the enforcement of these rights so that no one person or bureau would have the dual responsibility of both administering and enforcing these guarantees. Simply stated, the principle of checks and balances should apply to the protection of the right to vote.

All of these standards should be just that, standards. It should be up to the States to pass and enforce effective laws which would effectively prevent anything like what has been charged in the Tribune. But the Congress should consider going on record as to what it believes should be the minimum standards necessary to protect this right.

For the information of my colleagues, I ask unanimous consent to have inserted in the RECORD at the conclusion of my remarks, an article which describes some 19th century legislation which dealt with the types of problems which we are discussing today.

The article describes how the Congress acted in a very forceful fashion in response to the vote fraud that the Tweed ring produced in New York in 1868 and 1871, the Congress passed a law which provided that Federal supervisors and deputy marshals would watch over Federal elections to make sure that vote fraud did not occur. This law was repealed in 1894 when it seemed that the necessity for it had faded with the years. I call it to the attention of my colleagues so that they might have some historical perspective as we look into these latest instances of vote fraud.

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

(See exhibit 2.)

Mr. PERCY. So that there is no implication that this is a partisan comment of any kind, I would like to say it is very common knowledge that certain sections of downstate Illinois should not report their election returns too early, because the implication is made that they have to determine the extent of vote fraud in Chicago, how much has been stolen, so that they might do likewise for the other party downstate.

When we call for studies and investigations, I do not mean of any one party or region of the State; it should be so wide that these practices should be stamped out wherever they are, and people, regardless of party affiliation, should be prosecuted if they are guilty, wherever they exist.

I certainly want to encourage my colleagues who are members of that subcommittee, and especially the Senator from Nebraska (Mr. HRUSKA), the ranking minority member of that subcommittee, to hold hearings at the appropriate time so that this matter can be fully explored. Whenever I have had the distinct honor of appearing before the Subcommittee on Constitutional Rights and its distinguished chairman, I have always been impressed by their solicitous concern for the rights guaranteed by the Constitution to all citizens and their practical insight as to how to effectively insure that these rights are not diluted, forgotten, or abrogated.

However, any direction which would be forthcoming from this subcommittee and the Congress would be only prospective in its application. We are still faced with the very serious fact that a pattern of fraud has existed for years in Chicago elections. In the past, corruption and fraud have come to light but little has been done.

For instance, on election day in 1966, poll watchers were arrested and prevented from performing their function when they asked to see the counting on the voting machines. In that instance, I tried to do what I could to insure fair and impartial voting procedures, but at every turn, fraud and mismanagement stood in the way, in 1966, just as it does today. Who can tell how many years one would have to go back before a truly fair election was held in Chicago?

I have been observing elections in Chicago and in Cook County for many, many years. I can well remember my own shock, and the almost cynical attitude I have adopted since then, when I ran for Governor in 1964 and went into the 24th Ward of Chicago. I was shocked by flagrant abuses. I saw people being advised by precinct captains that they would lose all of their welfare payments unless they voted the straight Democratic ticket. Not only that, but they had to insure that when they went in they certified they could neither read nor write, whether they could or not. Dozens of people in a row went in and did so, because when they so certified the precinct judges would permit assistance for the voter in the polling booth. There is supposed to be one judge from each party. But one judge will often declare his loyalty to his party by declaring himself to be a member of the opposing party. The result is that two members of the same party can then go in that booth to make sure that the lever is pulled for the straight party vote.

Indeed, the Tribune has not been the only paper which has exposed this type of electoral abuse. As early as the 1940's the Chicago Sun Times ran pictures of election fraud. In the 1960's the Chicago Daily News also carried articles which documented cases of abuse at the polls. Yet, still, little has been done.

Because of the serious charges that have been made and due to the documented evidence which supports these charges, there appears to be a definite possibility that thousands of the citizens of my State will be deprived of their right to cast an effective ballot in the next election. Consequently, there is a need for immediate action on the part of the Federal Government to insure that every voter's right to cast an effective ballot this November be protected.

I have, therefore, written to Attorney General Kleindienst, setting forth the history of these occurrences in Chicago and I have requested that he direct the Federal Bureau of Investigation to take the appropriate action for the November election in Chicago to insure that fair and honest conditions are maintained and that the right of every voter is protected. I ask unanimous consent that this letter be printed in the RECORD at this point.

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

(See exhibit 3.)

Mr. PERCY. Mr. President, asking the Attorney General to direct the FBI to investigate these charges and, if necessary, act to prevent voting fraud from occurring at the polling places in Chicago is a very drastic measure. However, as one who has sworn to uphold the Constitution and defend it, I cannot sit idly by while basic political rights guaranteed by the Constitution are eaten away through corruption.

In the past, Federal courts have acted to try to insure that elections are not debased through fraud and misrepresentation. At this point, I ask unanimous consent to have inserted in the RECORD a copy of a court order dated March 20, 1972, from the northern district of Illinois which illustrates how Federal courts have been forced to act in the recent past.

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

(See exhibit 4.)

Mr. PERCY. The evidence which we see today though, indicates that these court orders have had limited effect and may have been completely ignored. What is needed is an active participation on the part of the Federal Government to see to it that these coming elections are carried out properly. Unless these immediate actions are taken, I feel that all of our rhetoric and all of the future action by Congress and the Illinois State Legislature will be too late. The immediate concern is to preserve the purity of the electoral process this November.

Mr. President, I have been heartened by the response that has been forthcoming as a result of these Tribune articles. Officials of both parties have vowed to take appropriate action to clean up this mess. This is only proper, because this is not a partisan issue at all. What is involved here is not one party pitted against the other. Rather, it is a small group of people who are so insensitive to the rights of their fellow citizens that they have attempted to bastardize the electoral process. I hope that the public and responsible officials of both parties will continue to insist on effective reform and will join me in this request to the Attorney General to have the Federal Government take an active part in seeing to it that no citizen will be deprived of his right to vote.

Let me again state the sorrow that I feel that this despicable situation should come to light in my own State. It is however, a disservice to infer that this type of action is representative of the citizens of Chicago or of the citizens of Illinois. It is not. And that is why immediate and effective action must be taken to rid Illinois of this festering sore on the electoral process.

EXHIBIT 1

[From the Chicago Tribune, Sept. 11, 1972]

TRIBUNE DISCLOSURES HAILED

(By Ronald Yates and William Muller)

United States Attorney James R. Thompson said yesterday his office will widen its investigation of voting irregularities to include all wards and precincts where evidence compiled by The Chicago Tribune indicates fraud.

Thompson vowed to end the widespread vote fraud as revealed in the Tribune's investigation of the Chicago Board of Election Commissioners.

WOULD BE ASHAMED

"Evidence revealed in the Tribune is an indictment of the way elections are held in Cook County—if I ran my office the way [Stanley T.] Kusper runs his." Thompson said in a press conference, "I would be ashamed to hold office."

Documents and other evidence compiled by Tribune Task Force investigators after a four-month fraud investigation have been turned over to Thompson for presentation to a federal grand jury.

Thompson praised the Tribune's investigation of election fraud.

CAST ASIDE APATHY

"Bold investigation and reporting such as this are in the highest traditions of a free, zealous, and crusading press," he said.

"I hope the Tribune's disclosures will spur the citizens of Chicago to cast aside their traditional apathy to vote fraud and corruption," he continued.

"I hope Chicago's citizens will also demand that the election officials of this city redeem the constitutional right of all citizens not only to have their votes validly cast and counted, but to insure that their honest votes are not diluted by those false and fraudulent votes to which no candidate, Republican or Democratic, is entitled."

Thompson said that the Tribune's Task Force reporting team has been working closely with his office since a reporter was placed in the Election Board's office to work undercover.

"The Chicago Tribune, its investigative Task Force headed by George Bliss, and investigative reporter William Mullen are to be congratulated for the journalistic enterprise displayed in the examination and reporting of how the Chicago Board of Election Commissioners conducted the March, 1972, primary election," he said.

The Rev. Jesse Jackson, director of Operation PUSH, said yesterday his organization supports a widened federal investigation of the election commission.

KNOWN FOR LONG TIME

"We have known for a long time the inequities of the electoral system in Chicago," the Rev. Mr. Jackson said, "but The Tribune has provided us with documented proof of what is going on and has made the public aware."

He said the widened investigation should include seizing all records in the Election Board's office for close examination and the suspension of all board commissioners pending the investigation.

"Since the board is a creature of the court, we recommend that the entire board be put into some sort of receivership so that all records are impounded," he said.

SUGGESTS TEMPORARY BOARD

"We further recommend that a temporary board be established to better reflect the population of the city."

The Rev. Mr. Jackson said his group, which has been conducting voter registration drives in the city's predominantly black wards, also has compiled evidence of irregularities in the board's offices. He said he would reveal the evidence at a press conference soon.

EFFECT OF CROOKED ELECTIONS

Bernard Carey, Republican candidate for state's attorney in the November election, said The Tribune revelations illustrate how crooked elections affect not just Chicago, but the rest of the county and state.

"The [Tribune] series is recommended reading for suburbanites," Carey said. "You may feel that vote fraud in Chicago where there have always been scandals but never any reform is no concern to you. But you must realize that your vote in a county race is diluted by those stolen in Chicago where the motto is: 'Vote early and often,' and the Democratic Party has their votes counted before the polls open."

He said the polls in Chicago are officially open from 6 a.m. to 6 p.m. on election day," but the heaviest voting is from 4 a.m. to 6 a.m. when the machine's people vote."

[From the Chicago Tribune, Sept. 10, 1972]

REVEAL HUGE VOTE FRAUD

(By George Bliss and William Mullen)

Evidence of more than 1,000 cases of election fraud in the March 21 primary election has been discovered by a Tribune Task Force reporter who worked undercover for three months in the Chicago Board of Election Commissioner's City Hall offices.

This newspaper's investigation showed the election commission's staff has ignored wholesale evidence in its own record files of ballot forgeries, inflated vote tallies, phony election judges, ghost voters, and violations of state and federal election codes.

Information gathered by The Tribune has been turned over to the United States Atty. James R. Thompson, who has been conducting a grand jury investigation on vote frauds. Thompson assigned a team of three prosecutors to carry out the investigation. They are John Simon, chief of the civil division; Richard J. Ciecka, deputy chief of the special investigations division; and Tyrone Fahner, assigned to special investigations.

The evidence compiled during the unprecedented behind-the-scenes look at the city's Democratic-controlled election machinery shows that only a token effort is made to stop systematic theft of votes.

A PERFUNCTORY CHECK

The commission's considerable staff of investigators and clerks, headed by its chairman, Stanley T. Kusper Jr., spent thousands of man-hours after the primary election going thru a perfunctory examination of election records. The net result was the removal of a few dozen election judges who voted for candidates in the opposite party for which they worked.

At the same time, the lone reporter, examining the records of only a fraction of the city's 3,205 precincts while performing other duties as a $20-a-day clerk, found documented evidence of the following:

Forged ballot applications, often so crudely executed that they were impossible not to spot even under the most superficial examination. The forged applications were used in the primary election to ring up votes of dead, critically ill, unregistered, and nonexistent persons and of voters who had not gone near a polling place on March 21.

Blank ballot applications which had been used by crooked election judges to cast hundreds of votes for Democratic candidates.

Phony Republican judges who cast their votes twice, once as a Republican and once as a Democrat.

Democratic election judges who rang up multiple votes, either by simply voting more than once under their own name or by voting for members of their families who did not come to the polls on election day.

Bogus Republican judges who tried to hide their true party affiliation, either by altering official voting records or by not keeping records of their own votes.

Precinct polling places where Democrats took over all five election judge vacancies on election day, leaving nobody in the polling places to challenge the operation of the polls.

Democratic precinct captains who took uncontested control of their polling places, ordering judges about at will. The same Democratic ward bosses, in direct contradiction to all laws and regulations, appointed hundreds of Republican election judges.

The list of infractions, violations, and crimes discovered in the official records and through extensive interviewing of judges and voters covers virtually every state and federal election law on the books.

Precinct 5, Ward 24

One of the worst examples of Democratic-controlled precincts uncovered was the 5th Precinct of the 24th Ward.

During the March primary, the regular Democratic candidate for state's attorney, Raymond Berg, received 304 votes in this precinct, while the two independent candidates, Edward V. Hanrahan and Donald Page Moore, received five and six votes.

Among the ballot applications used to cast votes in this race, the undercover reporter found 63 blanks. They had no voter's name or signature on them, but they were used to ring up votes on Berg's behalf.

In addition, scores of ballot applications which had been filled out contained obvious forgeries of voters' names. After handwriting experts from the International Graphoanalysis Society of Chicago confirmed the forgeries, reporters interviewed numerous voters whose names had been forged.

"That's not even my name there," Mrs. Rosie Hanspard said when she saw her name misspelled on an application used to cast a vote in her name.

Mrs. Hanspard, 3619 W. Grenshaw Av., said she was at work during the day and became ill. She went to the doctor and never had the time to vote.

Fred Tims, 606 W. Grenshaw Av., said he has not been able to vote for two or three years because a severe heart ailment keeps him home. He said he was surprised to see his name on a ballot application.

Sheila Jones, 3715 W. Grenshaw Av., and her neighbor, Victoria Matthews, 3713 W. Grenshaw Av., also confirmed that they had not voted and that the signatures on ballots using their names were not theirs.

GHOSTS SHOW UP

Reporters also turned up numerous ghost voters in the precinct. One of the forged ballot applications bore the name of Eme Stryn, 3611 W. Grenshaw Av., but when reporters tried to find her, they found that there was no such address and that neighbors had never heard the name.

In other cases, reporters found on ballot applications names of people who had never lived in the precinct or had moved from it long ago.

Some of the "ghosts" included Dorothy Childs, 3613 W. Grenshaw Av.; Aaron Wade, 3601 W. Grenshaw Av.; Rosa Lotts, 3718 W. Grenshaw Av.; Jesse Stiff, 3713 W. Grenshaw Av.; and Irene Humphrey and Spencer Kirk, both at 3701 W. Grenshaw Av.

Such extensive use of ghost voters indicates that the precinct canvassers, who also serve as election judges, have failed to do their jobs. Before the election, the canvassers are supposed to go thru the precinct with the official poll lists and remove the names of voters who no longer live within their jurisdiction.

ONE JUDGE WAS NONRESIDENT

One of the Republican judges in this precinct whose sworn duty is to protect the Republican Party from such abuses, was herself a nonresident with a Democratic voting history a circumstance which should have barred her from serving.

She is Linda Alcorn, who listed her address as 3719 W. Grenshaw Av., even the residents in the building said she moved from the neighborhood several years ago.

Miss Alcorn not only served illegally but also voted illegally, voting both as a Republican and a Democrat, filling out ballot applications for both parties.

Miss Alcorn could not be contacted, but two other judges in the precinct, Delores and Mozell Shavers, used to share their apartment with her and continue to live there at 3719 W. Grenshaw Av.

The Shavers are sisters, Delores serving as a Democratic judge and Mozell as a Republican.

Reporters located Delores, who said she knew nothing about the fraudulent ballot applications filled out during the election.

"It was so crowded there," she said of the polling place, "that people got mixed up and started to vote without signing the forms."

She arranged an interview with her sister, Mozell, for later in the day, but when reporters returned to the apartment, they met Delores with a phone in her hand and her attorney on the other end of the line.

The attorney is Chester Blair, 431 S. Dearborn St., a former Democratic powerhouse in the 24th Ward. He instructed the Shavers sisters not to answer any questions.

Precinct 55, Ward 37

Republicans suffered a similar fate in the 55th Precinct of the 37th Ward, where all three Republican judges turned out to be Democrats. Again, reporters confirmed nu-

merous ballot application forgeries and found several blank ballot applications.

Two of the Republican judges, Mrs. Anna L. Cannon, 431 N. Central Av., and Mrs. Juanita Thompson, 4816 W. Harrison St., said they had been recruited to work as Republicans by the Democratic precinct captain, William Peppers.

Mrs. Thompson, whose sister was working as a Democratic judge in the same precinct, voted twice, once as a Republican and once as a Democrat.

She insisted that she had filled out and signed her Democratic ballot application "inadvertently" and that Peppers told her not to destroy it.

APPLICATION NOT VOIDED

"Mr. Peppers told me it would be confusing," she said. "I thought he canceled the ballot on the back." Records show that the ballot application had not been voided.

The third Republican judge, Alex Williams, 47 N. Central Av., said he signed up to be a judge thru a program at Malcolm X College conducted by a voter reform organization.

Williams claimed he did not vote that day, but when reporters produced a photographic copy of the Democratic ballot application he had signed, he admitted he had filled out the application.

"Oh, yeah," he said. "I did make that out, but the precinct captain said that I had better not vote because I was working as a Republican. So I never did use the application to vote, and I never had time after that to vote at all."

He said that Peppers took the ballot applications and told him that he would have another judge take care of it and void it.

HIS NAME ON ALL FORGERIES

Williams' signature appeared on all the forged and blank ballot applications used in the precinct, but he said he didn't know anything about them.

He recalled that he had signed ballot applications as the witnessing judge far in advance so voters wouldn't have to stand in line waiting for him. He said a poll watcher, whom he could not name came up to him and claimed he had been signing the applications incorrectly, so he put the applications aside.

"A little while later, the guy came back and picked up the applications and took them away," Williams said. "I don't know what happened to them after that."

Apparently the ballot applications were used to forge names of voters. A handwriting expert who examined applications from the precinct said the forgeries were made by one person and had been done badly.

"How the hell did they get my name and address?" asked Leo Jones, 61 N. Central Av., when he saw his name had been forged. "That ain't my signature. That ain't even my printing."

"Who'd I vote for?" asked Philip Washington, 5501 W. Washington Blvd., when he was told that his name had been forged on a Democratic ballot application. "As long as they vote Democrat, I don't mind."

He confirmed that the signature on the forged ballot application was not his, but said two votes must have been cast using his name because he had voted that day himself.

Earl Thomas, 39 N. Central Av., confirmed that he had not voted that day and that the signature on the ballot application was not his. Another ballot application contained the name and forged signature of Michael Thomas at the same address.

Earl Thomas said that he had rented the apartment last December after a Michael Thomas had moved out.

Two other applications contained the names of Otis Ashley, 123 N. Central Av., and Melvin Jones, 129 N. Central Av. According to the managers at both buildings, there is no record that Ashley or Jones ever lived at those addresses.

Precinct 7, Ward 24

Republican as well as Democratic ballot application forgeries turned up in the 7th Precinct of the 24th Ward.

Handwriting expert Donald Doud noted that the same person committed the forgeries on the Republican applications, apparently copying the names, as they appear in registration records—last name first.

One of the forgery victims, Mrs. Evelyn Madison, 1917 S. Hamlin Av., was used twice, once as a Democrat, the second time as a Republican. She said that she didn't vote on election day because she could not find a baby sitter.

Willie Madison of the same address said he voted Democratic in the primary, but his name, too, was used to cast a phony Republican vote.

NAMES MANGLED

Other forged applications contained badly misspelled names, such as Corrine spelled as Curold, Louden as Lucinden, Toliver as Tolver, and Hazel as Hazell.

Two forged applications contained the names of L. B. Williams, 1940 S. Ridgeway Av., and Lillie Jones, 1941 S. Hamlin Av. Both Mrs. Jones and Williams were in hospitals on election day after suffering strokes.

The forgeries on the Republican applications appeared to have been scrawled with broad-nibbed, felt-tipped pens.

"My handwriting isn't very good," said Mrs. Tanzy Watson, 4903 W. Ohio St., when she saw her forged signature, "but it's not that bad."

Nettie, Addie, and Melvin Dabbs, of 1907 S. Hamlin Av., all showed up on voting records as having voted on election day, tho none of them went to the polls.

GHOSTS HERE, TOO

Several ghosts apparently slipped into this precinct also. Those confirmed by reporters were S. L. Smith and Mourounce Polk, both of 1949 S. Hamlin Av., and a badly scribbled name which appeared to be Jerome Duell, at 1941 S. Hamlin Av.

Among the Republican judges protecting G.O.P. interests at the polls was Mrs. Gracie Curry, 1907 S. Springfield Av., who holds a Democratic patronage job as a records clerk in the traffic violations bureau of the office of the clerk of the Circuit Court.

Mrs. Curry said she did not want to discuss the irregularities.

Precinct 11, Ward 24

Mrs. Berdella Washington of 1542 S. Kedvale Av. is a tiny, feisty woman who, for the first time in 30 years, did not work as an election judge this year.

When she and her husband, Paul, went to the polling place for the 11th Precinct of the 24th Ward on election day, she knew something was wrong when the judges tried to get her to vote without signing ballot applications.

"I told them I had been a judge for 30 years," Mrs. Washington recalled. "I know what's going on here. The judge in charge of the binders said signing wasn't necessary, but I just grabbed them [applications] and said to my husband, 'Here Daddy, you sign this,' and we both signed them."

The reason no one wanted the Washingtons to sign the application was that their names had apparently been forged on other applications earlier in the day. The name of Mary H. Washington, the Washington's daughter, also had been forged.

WHOLE BLOCS FORGED

The forger's mistakes apparently came in trying to forge whole blocs of names off registration records, taking a series of names starting with "W" and "M."

A Tribune investigator found forgeries of such names as Wallace, Ware, Weston, Williams, and Wilton; and Marble, Mitchell, and Moore. Handwriting experts said the forgeries were all made by the same person.

Mrs. Rozetta Williams, 1505 S. Tripp Av., said neither she nor her husband was able to vote on election day because he was out of town and she could not get out of the house.

"I'm not surprised," she said when she saw the forged signatures on Democratic ballot applications.

"Somebody came by the house about a half hour before the polls closed and asked if I was going to vote."

She said the precinct worker seemed satisfied with her explanation of why neither she or her husband would be voting and left.

Leroy Williams, 4302 W. 16th St., was surprised to see his name on a Democratic ballot, and misspelled at that. He couldn't vote because he was under care in a Veterans Administration hospital on election day.

Among the ghost voters in this precinct were Johnnie Williams, 1551 S. Kildare Av. [a nonexistent address]; Altonia Wallace, 1521 S. Kildare Av.; Ernest and Henrene Mitchell, 1508 S. Kildare Av.; Wade Moore Jr., 1507 S. Keeler Av., and Annie L. Carter, 1513 S. Keeler Av.

Precinct 26, Ward 14

"How could do that?" asked an angry and incredulous Mrs. Delores Coluzzi when reporters showed how her name and the names of her husband, William, and their son, Richard, were forged in the 26th Precinct of the 14th Ward.

Mr. and Mrs. Coluzzi, 5211 S. Green St., were not amused at the way in which their last name had been misspelled on the three ballot applications, variously written as Calozzi, Colgy, and Coluzzio.

Neither she nor her husband voted in the primary election, Mrs. Coluzzi said, and her son's signature was a forgery.

The Coluzzis were not the only family in the precinct who fell victim to forgeries.

AFRAID TO VOTE

"I think it's terrible," said Mrs. Walter Gruenholz, 857 W. 53d St., when she saw the forged signatures of her and her husband. She said they had not voted because they were afraid to go to the polling place on election day.

Cecil Wood, 822 W. 53d Pl., couldn't get to the polls because he is severely paralyzed as a result of a stroke.

"What the hell," he told reporters, "I can't even get to the polling place. I couldn't get there unless someone carried me down the steps."

Nevertheless, his name and the name of his wife, Edith, and his daughter, Diane, neither of whom voted, were used on the Democratic ballot applications.

The forger used the names of four persons in one family that no longer lives in the precinct. Alice, Marianne, Mary, and Adrian Hajkowski moved from 5306 S. Emerald Av. two years ago.

The forger misspelled the last name on three of the Hajkowski applications, writing it as Majkowski, then tried to repair the damage by penciling in correct spellings over the signature.

Mrs. Lillie Martin, 5219 S. Emerald Av., was the only Republican judge working in the precinct, and she voted Democratic. She said she thought she was going to work as a Democratic judge, but when she arrived at the polling place, all the Democratic judge badges were being worn.

So, she said, the Democratic precinct captain told her to work as a Republican judge.

Mrs. Martin said she knew nothing about the forged applications. So did Mrs. Marie Simpson, 5206 S. Green St., a Democratic judge who was the witnessing judge on many of the forged documents.

Mrs. Simpson maintained to reporters that

every person who signed a ballot was a bona fide voter who showed up on election day.

"I only did what I was told to do," she said, and denied knowledge of any wrongdoing.

Precinct 9, Ward 29

Mrs. Lurena Jones, 4128 W. Gladys Av., died of cancer March 22, 1972, in County Hospital after she had been admitted to the hospital's intensive care ward on March 19.

The fact that she was on her deathbed did not deter someone in the 9th Precinct of the 29th Ward from using Mrs. Jones' name for a Democratic vote on election day.

Handwriting experts told The Tribune that Mrs. Jones' forged signature was written by the same person who signed at least four other ballot applications in the precinct.

The four other applications contained the names of Republican judges Mrs. Karole Jones, 4136 W. Jackson Blvd., and Mrs. Darlene Stewart, 4154 W. Van Buren St., and those of their husbands.

Mrs. Karole Jones has since moved from the precinct and could not be located for comment, but Mrs. Stewart admitted that she had signed the ballot application for her husband.

She denied knowledge of the ballot containing the name of Lurena Jones, however, and of the other signatures the handwriting experts say were forged.

Precinct 11, Ward 1

Oscar Schwartz and his sons, Sidney and Aaron, live on the far North Side, but their Democratic votes ended up in the 11th Precinct of the 1st Ward on the South Side.

Copies of three ballot applications bearing the Schwartz's names were shown to Sidney Schwartz, 6100 N. Caldwell Av., who insisted that the signatures were valid and that all three had voted in the 1st Ward.

Schwartz, who lives with his father, Oscar, said his father owns the building at 1308 S. Wabash Av., the address used on the ballot applications. The Schwartz family lived in the building several years ago, he said.

BROTHER DENIES SIGNATURE

Aaron Schwartz, who lives at 5860 N. Keating Av., told reporters he didn't vote in the March primary, the signature on the application using his name is not his, and he is registed to vote in the 73d Precinct of the 39th Ward.

"I haven't voted in the 1st Ward since 1966," he said.

Joyce Williams and Brenda Jarrell, both of 1517 S. Michigan Av., and Elaine Nesbitt, 1258 S. Michigan Av., three of the judges who worked in the precinct during the election, denied any knowledge of how the Schwartz votes had turned up.

Brenda Jarrell, the witnessing judge on Oscar Schwartz's ballot application, said she could not understand how the name could have been forged.

"If I knew they'd done it, I would tell you," she said. "I didn't want to do anything that was wrong. I don't believe in that."

[From the Chicago Tribune, Sept. 10, 1972]

ELECTION BOARD INFILTRATED BY TRIBUNE'S REPORTER

(By William Mullen)

Stanley T. Kusper, Jr. gathered his loyal staff of payrollers around him one day last May in the rear of the Board of Election Commissioners office and reminded them where their loyalties lay.

"Come November," he told them with rising anger in his voice, "there aren't going to be any cracks in the wall of this office. Nobody has cracked this office from the outside."

Kuper had spoken a bit prematurely, however, because I was standing only about 15 feet from him. In fact, I had already spent a month working undercover in his office and would spend two more months.

And, not being one of his loyal payrollers, I had to agree he certainly had reason to fear a stranger's "cracking" his office.

"HOTTEST SEAT IN THE CITY"

"This is the hottest seat in the city," Kusper went on to say at that meeting, occasionally slamming an emphatic fist on the table at which he was seated.

"The hottest in Cook County—in the country, for that matter. You had better believe there is a man in Washington right now who has got his eye on this office. You had better believe there are a lot of people who would like to tear this office apart from the inside out."

Kusper kept his people late that night because he wanted to impress upon them that there are people who would like to snoop and pry thru his office.

That's the last thing in the world he wants. He likes things the way they are now, thank you.

The way things are now is that he has a staff of 200 persons, 196 of them Democratic patronage workers. That means the City's electoral machinery—the registration of voters, the appointment of election judges, the records of past elections—are in the hands of Democrats.

DOESN'T WANT INSPECTION

Kusper does not want an outsider to see how his Democratic staff is handling this machinery.

He doesn't want anybody to see how many thousands of nonexistent voters are registered in his files—nonexistent voters who come from nowhere on election days to ring up Democratic votes and victories.

He doesn't want anybody to see how loyal Democrats are appointed as Republican judges of election year after year.

In short, he doesn't want anybody from the outside to see how vote fraud is fostered and protected in his office, Room 308 of City Hall.

But I saw it.

I saw it and worked with it from the inside for three months.

HAD KUCHARSKI BACKING

I was able to get on the inside thru Edmund J. Kucharski, chairman of the Cook County Republican Central Committee. Kucharski seized the opportunity of a vacancy for a Republican clerk in Kusper's office last April and sent me in with a letter of recommendation.

In applying for the job, I used my real name and address, educational and work history, failing only to mention my present employment. The application asked only for my past employment.

I was hired as a $20-a-day clerk over Kusper's objections and went to work in a department handling judges of election. At the time, only two of my editors, my coworkers on this paper's Task Force reporting team, and Kucharski knew what I was doing.

Any new employe in Kusper's office is regarded with suspicion at first, but I soon found out how closely a new Republican employee is watched.

VIEWED WITH SUSPICION

"When I first saw you around here," one payroller told me during a coffee break on my second day on the job, "I thought you were one of those bastards from the B. G. A. [Better Government Association] or the I. V. I. [Independent Voters of Illinois].

"But then I found out you are even worse. You are a Republican."

He was laughing, but he was serious. He liked to call me the "guy from the I. V. I." after that. And he and others liked to sidle up next to me as I took notes on my work, "just to see what you're doing."

In hindsight, I would guess now that I must have looked rather strange taking all those notes. I took so many notes that it got to be a crisis each night to discreetly stuff them into my pockets and steal them out of the office.

When I left work at night, I found myself being followed by Kusper's cronies. They followed me to Tribune Tower several times, I discovered later, but Kusper decided I was going to meet a girl friend.

"DATE" WAS TYPEWRITER

If only that had been the case. The only date I had each night, tho, was another eight to 10 hours of work transcribing my notes of fraud cases into readable form for my newspaper colleagues to work with.

The fraud cases I found came directly off the records handled day in and day out by Kusper's own staff. They were incredibly simple to find, considering I knew nothing about the office's filing system, yet I found them while Kusper's staff didn't seem to look.

The most graphic example I encountered of Kusper's staff skipping over obvious fraud cases came when I began examining ballot applications from the March 21 primary.

When I started looking thru the applications, Kusper's people had been thru them only a few days before.

WHAT'S REALLY BEHIND IT

They were stacked according to precinct in a storeroom. I pulled out several stacks of applications one day and seated myself next to the mound of cartons containing public relations pamphlets entitled "What's Behind Your Vote."

As I began to thumb thru the ballot applications, I began to see what is behind the vote in Chicago.

I came across hundreds of ballot applications that contained such obvious forgeries they almst jumped up and knocked me off my chair. I found scores of applications that had been left blank, but had been used to ring up Democratic votes anyhow.

It would have been impossible for anybody to miss seeing the fraud, but Kusper's people either missed them or saw them and never said a word.

AND DO NO MORE

In defense of the people who work for Kusper, I found many of them hardworking and conscientious as far as their jobs would allow them to be. The rule of the office, however, seems to be "Do what you are specifically told to do, and do no more."

"It's hard work," a woman in the office told me one day, "because it's so exacting. It's easy to make mistakes, but you can't make anybody understand that when all those newspapers start writing fraud stories about us."

Indeed, it was easy to find mistakes. But when I went thru the office files, I found patterns of such massive fraud and chicanery that they could not be passed off as mere clerical errors.

You can't pass off the Democratic voting records of hundreds of Republican election judges as simple oversight.

You can't dismiss the scores of altered voting records as the slip of somebody's pen.

You can't ignore the thousands of ghost voters who remain in registration files by calling it sloppy filing.

CHECKED ONLY A FRACTION

Those are some of the things I found, and I found them by looking in only a small fraction of the files in spare moments from my regular duties.

That fact is what scared me.

Looking thru a relatively small amount of records, I found more than 1,000 cases of fraud.

And when I left Kusper's office for the last time, I was not so much impressed with the numbers I found as with the numbers I must have left behind. The experience left me feeling I had grasped only a tip of an iceberg.

[From the Chicago Tribune, Sept. 11, 1972]

FORGERY RAMPANT IN SEVENTH PRECINCT, 24TH WARD

The numerous forgeries found in the 7th Precinct of the 24 Ward were so crudely done that in many cases names were misspelled on the ballot applications. Donald Doud, a handwriting expert, identified 17 ballot applications in this precinct as being executed by the same writer.

"It will be noted that all of the signatures in the last group described (7th Precinct 24th Ward) are written in reverse, with the second name first," said Doud. "This constitutes strong evidence that the names in question were copied from some polling list or other documents containing an alphabetical listing of the surnames."

Election experts said that it was evident that the forged names were copied from the election binders in the polling place, which list the voters with their last names first. Tribune investigators confirmed 15 forgeries among the many others in the 7th Precinct. The following are some of them:

The signature samples are not printed in the RECORD.

[From the Chicago Tribune, Sept. 11, 1972]

PROBE SHOWS PLIGHT OF GOP POLL JUDGES

(By George Bliss and William Currie)

No one denies there are more Democrats than Republicans on Chicago's South and West Sides, but that is not the only reason bona fide G.O.P. judges are hard to find there on election days.

The Tribune Task Force's investigation of election records in the March primary election has uncovered other reasons why many precinct election boards are manned only by Democrats.

Historically, Democratic officials have countered similar revelations by saying that Republican officials fail to provide the Board of Election Commissioners with enough G.O.P. judge applicants.

TWENTY-TWO REPORTERS ON LIST

This year, however, 22 Tribune reporters and Better Government Association investigators were among 528 applicants submitted by Republican Party bosses to serve as at-large judges in the South and West Side wards.

The applications were submitted to Edmund J. Kucharski, chairman of the county Republican Central Committee, who approved them and turned them over to Mrs. Barbara Watson, a secretary in his organization.

Mrs. Watson recalls taking all the applications personally to the office of the Election Board in City Hall where she handed them to a clerk.

But on March 3, Stanley Kusper, the board's chairman, said he had the names of the Republican applicants but no such applications. He disqualified 457 Republican applicants who the Republican Central Committee had hoped would be working the Democratic-controlled wards. These included The Tribune reporters and B.G.A. investigators.

Kucharski and several candidates tried to appeal Kusper's decision in all levels of the court system but failed.

CERTIFY THE MISSING

However, within two weeks of the election, Kucharski revealed that the Election Board had been certifying some of those judges whose applications were among the missing. Six Tribune reporters received certification cards in the mail. Most of the assignments were for the places that Republicans had asked to put them.

One of those reporters, Dan Egler, was assigned to the 23d Precinct of the 34th Ward as a certified Republican election judge. When he presented his credentials to the other judges they wouldn't believe him. Nor would they listen to downtown Election Board employes who said over the telephone that Egler was certified.

"I don't believe it," said one of the Democratic judges, Mrs. Annette Bitoy, 10512 S. Peoria St. "Too bad for you. You'll have to leave."

Egler was allowed to remain in the polling place as a poll watcher. He had the legal right to remain there after the poll closed to watch the vote count, but he was kicked out at 6:05 p.m.

BEEN NICE, GET OUT

"It's been nice working with you," said Grant E. Jackson, a local precinct captain. "Now get the hell out of here."

Records in the Election Board's offices show that two of the judges serving in that precinct had been swear-in judges, tho Egler saw no one sworn in that morning.

Since the March election, Tribune reporters have interviewed others who were barred from serving that day as certified Republican judges.

Douglas Tibble, 19, of 2103 N. Seminary Av., presented his certified credentials to the other judges in the 23d precinct of the 16th Ward and was immediately told to leave.

"I called the Election Board, but they said that I wasn't on the list and there was nothing to be done," Tibble said. "I didn't see anybody else sworn in, and it appeared to me that they just went to work without such formalities."

One of those Republican swear-in judges turned out to be the son of a Democratic judge and local party stalwart. The other G.O.P. swear-in told The Tribune later that she is a "Democrat by heart."

VOLUNTEERS TO BE WATCHER

Lee Rankin, 22, 3027 Sunnyside Av., Brookfield, was one of those whose application to be a judge had been lost. So he volunteered as a poll watcher in the 14th precinct of the 24th Ward.

Rankin said that for his civic efforts two men pulled him outside the polling place and started punching him. "Anything wrong?" the poll policeman asked. But the pair sped away in their Cadillac before anything was done about the incident.

Mrs. Colletta Randle, of 4030 W. Congress Pkwy., was turned away by the five other judges in the 10th Precinct of the 29th Ward. Apparently six judges had been certified to serve in that polling place.

RECRUITED BY DEMOCRAT

Meanwhile, in the 5th Precinct of the 29th Ward where Mrs. Randle lives, three judges had to be sworn in that morning—two of them Republicans and all recruited by the Democratic precinct captain.

Fabian Rice, 19, of 8026 S. Merrill Av., was one of the many Republican judges certified by the Board of Election but never assigned to a precinct.

"I'm walking around with a little card in my pocket that shows I was an election judge," Rice said. "But I never got the chance to serve and I'll never know why."

TWO-PARTY SYSTEM PARALYZED BY POLITICAL MACHINATIONS

(By George Bliss and William Mullen)

Democratic Party bosses have seized control over the appointments of Republican election judges in hundreds of key precincts and have destroyed the bipartisan election system in large areas of Chicago, a Tribune Task Force investigation has disclosed.

A one-party system has been created in at least 21 of the city's 50 wards with the laws covering the assignment of election judges being violated or bypassed in a systematic precinct-by-precinct effort.

The four-month investigation found 838 violations of the laws and regulations covering the assignment of election judges alone.

FRAUD CONTROL IMPOSSIBLE

Evidence of more than 1,000 fraud cases and election law violations in these precincts were amassed by a single Tribune reporter who worked undercover as a clerk in the offices of the Chicago Election Commissioners.

The Democratic Party stalwarts, without the slightest interference from the Board of Election Commissioners, have made fraud control in the polling places an impossibility. They have placed loyal Democratic followers in the key posts of official Republican election judges.

Legally appointed Republican judges have been locked out of their election day posts by intimidation, fear, "lost" applications, and other tricks. Without their presence in the polling places, frauds of almost every description have been committed without opposition.

VOTE ONE-SIDED

The Democratic machine has rolled up massive majorities for favored candidates in these precincts. In some of the precincts, Republican candidates haven't received a single vote, not even that of one of the Republican judges.

There are precincts in which pseudo-Republican judges are assigned where the vote count has produced such Democratic pluralities as 209 to 1, as 370 to 2, and 253 to 0.

In many of these solidly Democratic controlled precinct election boards, Tribune investigators discovered, numerous forgeries and other frauds were committed. Votes were cast and counted for people dying in hospitals, dead people, cripples who were unable to leave their homes, voters who had moved out of the state years ago, and in some cases voters registered from nonexistent addresses.

ONLY A SAMPLING

Each precinct is entitled to five election judges. In even-numbered precincts, there are to be three Democratic judges and two Republican judges. In odd-numbered precincts, the Republicans are to have three judges.

The extent of corruption in the precinct election boards is highlighted by the fact that The Tribune investigated 572 of the city's 3,205 precincts and found 833 violations of the laws and regulations governing appointment of judges.

In interviews, 83 per cent of the so-called Republican judges from sample precincts readily admitted they were recruited and appointed by Democratic ward bosses. More than 60 per cent said they were Democrats, and many others refused to comment on their party affiliation though they had solid Democratic voting histories.

JUDGES HOLD FULL POWER

Some of the judges said they had never voted Republican in their lives and had worked hard to get votes for Democratic candidates.

Democratic ward bosses interviewed by reporters boasted that they and they alone were responsible for naming the Republican judges while they knew they were violating the law by doing so.

The judges of election are in full power in their respective precinct polling places and are responsible for the proper conduct of the election and for detecting any fraud. The judges are, on election day, officers of the Circuit Court of Cook County and are liable in a proceeding for contempt for any misbehavior in office.

Judges usually are selected from lists of names submitted by either the Republican or Democratic County Central Committee. Over the years, the Democratic-controlled election board has complained that it never receives enough names of prospective judges from the Republicans. The Republicans contend that one of the reasons many of their "legitimate" judges are never able to serve

is because the election board "loses" their applications.

The following are case histories of just a few of the precincts in which The Tribune found corruption.

Precinct 5, Ward 29

Mrs. Phyllis Mason of 3112 W. Jackson Blvd., who lives in the 32d Precinct of the 27th Ward, admitted to Tribune investigators she is a Democrat and voted Democratic. She said she was recruited to be a Republican judge in the 5th Precinct of the 29th Ward by William Davis of 4007 W. Adams St., who is her stepfather and the Democratic precinct captain.

"Of course I voted Democratic," she said. "I'm a good Democrat."

Mrs. Mason was proud of the fact that Davis did an "outstanding job" in taking charge of the polling place while she helped supervise and count ballots. She said she was unaware that it is a violation of regulations to allow anyone but a judge to count and handle ballots.

HE NAMES JUDGES

Davis was exceptionally candid about the role he plays in personally naming the election judges, both Republican and Democrat.

"No, I never have any trouble getting my Republican judges," he said. "I've been appointing them for more years than I can remember. I need but one Republican judge for the big November election."

Davis replied that it was "no problem whatsoever" when he was questioned about the legality of selecting Republican judges. He then revealed that Lola Quince, one of the Democratic judges in his precinct, is his wife and that Carolyn Quince, Republican judge, is his stepdaughter.

Precinct 13, Ward 22

All three Republican judges in this precinct voted Democratic in the primary election, and two admitted they were recruited by the Democratic precinct captain.

Jessie Wilson, 4103 W. 16th St., who voted Democratic in 1972, '71, '70, '68, '67, and '66, said she signed up to be a certified Democratic judge long before the primary and went to judges' school.

"I only served because they asked me to serve," she said when asked how it came about that she served as a Republican judge after being certified to work as a Democrat.

SWITCHES PARTY LABEL

Cora Fair of 1636 S. Karlov Av. with a four-year Democratic voting history, said she became a Republican swear-in judge several days before the election after she was called by the Democratic precinct captain. Patricia Jenkins, 1655 S. Karlov Av., who also voted Democratic, could not be reached to find out how she became a Republican judge.

Miss Jenkins' name, however, appeared as the witnessing judge on ballot applications which had been forged in this precinct. The forgeries were identified by Donald Doud, internationally known handwriting expert.

Among the names used on the forged applications were those of Sell Jones' and his daughter, Cardie Jones, 1609 S. Karlov Av., and of Ollie Jones, 1851 S. Komensky Av.

Sell Jones said neither he nor his daughter had voted in the primary and the signatures were forgeries. The owner of the building at 1851 S. Komensky Av. said she had never heard of an Ollie Jones in the 18 years she had lived in the building.

At 1843 S. Komensky Av., a resident said her mother's name was Ollie Jones, but she had died in 1957. The precinct's poll list shows a Mrs. Ollie Jones living at 1851 S. Komensky Av., but Mrs. James moved to 1850 S. Karlov Av., many years ago. Mrs. James said she did not vote in the primary.

Precinct 43, Ward 27

Joseph Romano, 71, of 1633 W. Madison St., said he "suddenly became a Republican" after 50 years as a loyal and avid Democrat. He said shortly before the election, a Mr. Costa, the Democratic precinct captain, "told me I had to work as a Republican election judge.

"Whatever Mr. Costa says I should do, I'll do," said Romano, who lives in a Chicago Housing Authority high rise for the elderly.

Romano, with the credentials of a certified Democratic judge, said he was notified by the election commissioner's office after the election that he had been removed from the list of eligible judges "for voting the wrong way."

"But Costa told me not to worry, he would see to it that I can go back as a judge," Romano said. "Costa said he's going to square it for me at the City Hall, and he can do it."

Precinct 17, Ward 7

In some instances, The Tribune found, Republican judges recruited by the Democrats travel as much as 40 miles to serve.

Mrs. Zoila Lugo, of 4229 W. Potomac Av., on the far West Side of the city, said she worked in the 17th Precinct of the 7th Ward, which is at the southeast end of Chicago. She said she worked as a Republican judge at the request of her aunt, Mrs. Shirley Melendez, of 8939 S. Commercial Av., who, she said, is the "senior judge," a Democratic judge in the precinct.

Mrs. Lugo said she filled out a Republican judge application at the Board of Election Commissioners' office, where her voting record is on file and reflects she voted Democratic in the 1971 primary.

Precinct 45, Ward 16

Antoinette Baynes, of 6748 S. May St., was quick to admit that she is a Democrat and had served as a Republican judge in the primary because she was told to do so by Ozzie Thomas, her Democratic precinct captain in the 45th Precinct of the 16th Ward.

She said she knew so little about her job as a judge that Marilyn Freeman, another judge, had to show her how to vote.

"Miss Freeman took a Democratic ballot and had me sign it and took me to the voting machines," she recalled. "She pulled all the levers for me."

Miss Baynes said she knew she had already voted once as a Republican and decided to vote for the second time anyway after she informed Miss Freeman of her first vote.

Miss Freeman of 6752 S. Aberdeen St., an admitted Democrat, also named Ozzie Thomas as the man who appointed her a Republican judge.

"I wanted to ask Thomas how it was possible to be a Republican judge when I'm a Democrat," she said. "That didn't seem fair. I feel kind of funny about it, because I'm always a Democrat, even now."

She said her father, Coy Freeman, is an assistant Democratic precinct captain. Miss Freeman verified her signature on the two ballot applications cast by Miss Baynes, but insisted she didn't know that Miss Baynes had voted twice.

James White, 6756 S. Elizabeth St., said he had been working as a Democratic poll watcher for Ozzie Thomas when a judge failed to show up and Thomas "appointed me a Republican." He said he voted Democratic in the primary and five other elections.

Precinct 15, Ward 28

Eddie Hopkins, 3534 W. Lexington St., voted Democratic in 1971 and before, but nevertheless served as a Republican judge in the 15th Precinct of the 28th Ward.

"My father said he needed a Republican judge, so that's what I was," Hopkins said.

Hopkins said his father is Charles Hopkins of 3528 W. Flournoy St., a Democratic precinct captain, and his mother, Mrs. Fannie Hopkins, is a Democratic judge.

The other two Republican judges in this precinct are also admitted Democrats. Their voting histories, which should have made them ineligible to serve as Republican judges, are recorded at the election commissioners' office. The Republican alternate judge in the precinct also has a long Democratic history.

Geraldine Luckies, 3500 W. Flournoy St., said she became a Democratic judge in 1971 and a Republican judge this year at the direction of her precinct captain, Hopkins.

"I'm a Democrat," she concluded.

Mrs. Wessi Hawthorne, 3532 W. Lexington St., a certified Republican judge who voted Democratic in the primary election, said she had never received a letter from the board disqualifying her because of the vote. She said she is a Democrat.

Precinct 44, Ward 34

Wilhelmina House, 11404 S. Elizabeth St., has an exceptionally impressive Democratic voting history in the records at the election commissioners' office in City Hall. The same records were available at the polling place on election day when she served as a Republican judge in the 44th Precinct, of the 34th Ward. She voted Democratic in 1972, '71, '68, '67, '66, '64, '63, and '62.

"Of course I'm a Democrat," she said in explaining how she became a Republican judge.

She said that Emil Jones, executive secretary to Democratic Ald. Wilson Frost, asked her to be a Republican judge six weeks to two months before the primary election because "they would have a vacancy for me." Jones was once her precinct captain, and she worked for the Democratic ward organization for years, she added.

Precinct 17, Ward 5

Judge Harry G. Comerford, presiding judge of the county division of Circuit Court, has instructed election judges that the precinct board must fill the vacancy of a judge if it occurs on election day. He also has ruled that a substitute must be of the same political party affiliation as the absent member.

But it was six weeks before the March 21 primary when Maury Kolinsky, the Democratic precinct captain in the 17th Precinct of the 5th Ward, told Mrs. Etta Robinson of 5210 S. Woodlawn Av. that she would be a last-minute, swear-in Republican judge.

Mrs. Robinson claims she voted Republican, but records state she didn't vote at all. She said she has been a faithful Democrat of long standing.

Julian Williams of 5338 S. Woodlawn Av. said he, too, is a Democrat and became a swear-in Republican judge thru the grace of Kolinsky the day before election. He said Kolinsky advised him that "it wouldn't make any difference" if he voted Democratic while serving as a Republican judge.

Another admitted Democrat in the precinct who worked as a Republican judge was Frances Woolridge, of 9258 S. Burnside Av. She said she became a judge thru her job as a laboratory technician at the University of Chicago.

Precinct 61, Ward 7

Jerome Posy, the Democratic precinct captain of the 61st Precinct of the 7th Ward, with an eye to the future began rounding up Republican election judges at least four months before the March 21 primary election. This was long before the County Republican Central Committee had selected its Republican judges for the election.

Alberta Gilliam of 2671 E. 78th St., who said she was recruited by Posy to be a certified Republican judge, claims she is an independent who frequently splits her tickets.

Mrs. Alice Wilson of 7806 S. Kingston Av., who said she was signed up by Posy, was surprised to hear that she is listed as a G. O. P. swear-in at the election commissioners' office. She voted Democratic in 1972, '71, and '68.

"You're kidding," she said. "I worked as a Democratic judge, and I was asked by Posy to fill a vacancy the night before election."

STATE SETS PROBE OF VOTE FRAUD

(By George Bliss)

A special Illinois legislative committee was named yesterday to probe disclosures of widespread vote fraud in Chicago and to introduce sweeping new legislation aimed at curbing "the massive vote stealing here."

House Speaker W. Robert Blair (R., Park Forest) said he has ordered an investigation by the House Election committee into the Chicago Tribune Task Force disclosures of vote fraud in the March primary election.

Blair appointed Rep. Philip Collins (R., Calumet City) chairman of the House Election committee, to head the special investigative subcommittee. Collins said the first hearing of the subcommittee will be held Friday in the State of Illinois Building, 160 N. LaSalle St.

"IT'S HIGH TIME"

"It's high time Chicago rid itself of one of the worst reputations in the nation for ballot juggling," Blair said. "The disclosures by The Tribune Task Force demand a full public airing and prompt legislative action in the next session of the General Assembly to prevent such abuses in the future."

At the same time Blair indicated the possibility of a federally supervised election in certain Chicago wards in the November Presidential election. He said such an election will be needed unless there are quick steps taken to clean-up the present Chicago election processes.

Mayor Daley, questioned briefly in an impromptu press conference, said, "No one is in favor of vote fraud."

He told reporters he continues to have confidence in Stanley T. Kusper, Jr., chairman of the Board of Election Commissioners, and Kusper's conduct of his office.

"We always have these charges about this time of year," he said. "There's a lot of difference between proof and accusation. If anyone is guilty, they should be punished."

THIRTY-ONE WITNESSES CALLED

Collins said he is sending telegrams to 34 people named in the Tribune Task Force to appear as witnesses at the hearings. He said if they do not respond to the telegrams they could be subpenaed to appear. Collins added that he will "invite" Stanley T. Kusper Jr., chairman of the Chicago Board of Election commissioners, to testify.

The aim of the committee, Blair and Collins said, is to pass legislation creating a strong and bi-partisan State Board of Elections, which could closely supervise local election boards where there are no checks and balances and only perfunctory attempts by political prosecutors to halt election frauds.

Collins said several measures, in the legislature because of the "stubborn refusal of support by the Chicago Democratic machine," also will be introduced when the General Assembly convenes in November. He said among the bills systematically beaten back by the Democrats over the past three sessions of the General Assembly are:

Registration files open to public inspection.

Restriction of methods of assistance to voters in the voting booth.

Prevention of the arbitrary replacement of election judges by election authorities.

A state election board, Collins said, would place election processes under one body and not broken up thruout the state. If there are accusations of corruption in a local office, the state board would be able to step in and conduct a bipartisan probe and take any action necessary, he added.

SUIT SEEKS U.S. COURT CONTROL OF ELECTION BOARD

(By William Currie)

Directors of Operation Leap, an independent election watchdog group, yesterday sued in United States District Court seeking federal court control of the Chicago Board of Election Commissioners.

The suit seeks an injunction barring Stanley T. Kusper, Jr., board chairman, and board members from continuing "unlawful and pernicious practices which have helped to give elections in the City of Chicago a nationwide, if not worldwide, reputation for fraud, chicanery, and unfairness."

At a press conference later in the Dirksen Building, Forbes Shepherd, director of Leap, called for the ouster of Kusper, who, he said, runs the commission as "an agency for the Democratic machine rather than as a government agency."

Shepherd said it is "necessary for the federal courts to take over the election to the extent of having at least one honest election judge in every precinct."

The 14-page brief, scheduled to be heard tomorrow by Judge Hubert Will, comes in the midst of the current Tribune Task Force series revealing thousands of election rules violations overlooked in Kusper's office and documenting scores of uninvestigated cases of vote fraud.

LEAP EVIDENCE

The suit is based on similar evidence gathered by several hundred LEAP volunteer election judges and poll watchers who have worked in polls during the last year.

Commenting on the current series, Sheldon Gardner, chairman of LEAP said, "this Tribune information acts to collaborate what we already knew."

Once the election is over, Gardner said, "like a thief in the night," evidence of election fraud disappears, locked up in the office of the city election board.

"No one goes in to see what happened, that is what is so important about the Tribune articles," he said.

ALLEGATIONS LISTED

Charges alleged in the suit include "discriminatory administration of elections" that permit unlawful voters; persons voting more than once; unlawful assistance; electioneering near or at the polls: intimidation and harassment of voters, legal watchers and challengers; and vote buying.

The brief also accuses Kusper and the board of permitting all of the election judges to be controlled by the Democratic Party, and permitting Democratic party officials to dominate election judges in the polling places or to perform the duties of the judges on election day.

Other plaintiffs in the suit are Donald Page Moore, defeated independent candidate for state's attorney in the March primary, and Donald L. Shakman, chairman of the Independent Voters of Illinois.

OUST 175 FAKE POLL JUDGES, GOP URGES

(By Pamela Zekman)

The Cook County Republican Party Committee asked the Chicago Board of Election Commissioners to prevent 175 allegedly fake G.O.P. election judges who served in the March primary from serving again in November.

A G.O.P. spokesman said he had been assured the judges' names would not be submitted for certification.

Meanwhile a federal grand jury investigation of vote fraud disclosed by The Tribune continued under the direction of U.S. Attorney James R. Thompson. Ten witnesses testified yesterday and indictments are expected this week.

FOLLOWS TRIBUNE REPORTS

The announcement of action by the Republican Committee follows Tribune Task Force reports that scores of judges with long Democratic voting records, many of whom were recruited by Democratic precinct captains, served in the March primary as republican representatives. They served in precincts where reporters uncovered dozens of cases of voting irregularities, including forged ballot applications.

* * * security, said the judges to be removed served in the primary by "special appointment" of the Chicago Board of Election Commissioners without court certification. They filled vacancies in 175 precincts in 17 city wards.

"They were among the people who worked in precincts where our files showed many irregularities in the primary. On that basis we want them removed," Kinkade said.

ASSURED BY CLERK

Kinkade said he received assurance from the board's chief clerk, Dennis Galvin, that the names of these judges would not be presented for court certification as previously planned. He said he has submitted a new list of 75 substitutes and that the party will need an additional 100 legitimate Republican volunteers to fill the remaining vacancies.

"We want desperately to fill them with people we are sure of," he said. "Our objective is to get at least one judge of ours in each of these precincts so we have assurances that our interests in an honest election will be safeguarded."

The judges to be removed were among some 400 would-be Republicans who were appointed by the board after the mysterious disappearance of 457 applications for judges submitted by the Republican Party to serve in the primary. Because of the 11th hour nature of their appointment, they were not court certified before the primary.

Kinkade's action was taken to abort board plans to have these 175 judges court certified as planned on Sept. 29.

THE OFFICE IS CRACKED

Chicagoans have long looked upon the cheating, corruption, and crookedness of the city's election machinery with a cynical tolerance. The time for that tolerance is at an end.

When John F. Kennedy won Illinois, and consequently the Presidency, with votes mysteriously produced in Chicago's river wards, little was said or done because little could be proved. The same is true of Republican Bernard Carey's narrow and mysterious loss to the Democrats in 1970 sheriff's race.

The same has been true of every election in which West Side precincts regularly turned in Democratic votes in ratios approaching 300 to 0.

Now there is evidence. William Mullen, a reporter for The Tribune Task Force, spent three months working as a clerk in the Democratic machine-controlled Chicago Board of Election Commissioners. He uncovered enough evidence of wholesale vote fraud to sicken the most cynical and startle the most apathetic—more than 1,000 cases of ballot forgeries, inflated vote tallies, phony election judges, ghost voters, and flagrant violations of just about every state and federal election law on the books. The files were crammed full of this evidence. No employe of the election board—least of all its chairman, Stanley T. Kusper—could honestly pretend not to know about it.

United States Atty. James Thompson has promised swift and sweeping action, and we may expect many of those who perpetrated the fraud and committed the forgeries to be indicted and stand trial.

While there is no evidence that Mr. Kusper or his lieutenants committed any crime or broke any law, there is plenty of evidence that they were negligent in their duties. They failed to enforce the law and they failed to protect the honest voter. Mr. Kusper has lost what public confidence he had, and therefore can no longer perform his job satisfactorily. He has even lost the confidence of his political masters. As his predecessor, the late Sidney Holzman would have said, he com-

mitted the worst possible crime. He got caught—and after one assuring his patronage workers that "nobody has cracked this office from the outside."

But all the indictments and ousters in the world must be changed, immediately and thoroly. The election board can no longer serve the political purposes of Mayor Daley's Democratic machine or of any party.

This will require legislative action. The new state constitution requires that a state Board of Elections, dominated by neither major party, be established to supervise the administration of all federal and state election laws in Illinois. The legislature has the discretionary power to make this a very strong board, with total authority over the Chicago Board of Election Commissioners and every local election board in the state, or a weak one, with little authority at all.

We propose that legislation be introduced providing for a board with the strongest possible powers. Every lawmaker who knows what is good for him should commit himself to the passage of this legislation. Every citizen who values his right to vote should demand this of those who would seek his support in November.

When election reform measures have been proposed before, Democratic attempts to kill them have been accompanied by charges that there is vote fraud in downstate Republican counties, too. That may be [and it should be eliminated], but it is no excuse. There is no longer any excuse for delay.

POLL JUDGE VIOLATIONS CONDONED IN ELECTION OFFICE

(By William Mullen and George Bliss)

Flagrant violations of a key regulation governing the appointment of election judges has allowed hundreds of Democratic-sponsored election judges to absorb the jobs of Republican judges at polling places thruout the city, a Tribune Task Force investigation has disclosed.

Abuses of the regulation are committed or condoned inside the Chicago Board of Election Commissioners' City Hall offices. They are carried out in the precinct polling places where solidly partisan boards of Democratic election judges swing thousands of votes at the direction of ward bosses.

The result is that bipartisan elections have been virtually destroyed in hundreds of precincts in nearly half of the city's 50 wards.

PROOF IN FILES

Thousands of records reflecting the partisanship and vote histories of phony Republican election judges are neatly filed in the commission office.

It takes only moments to determine whether a Republican judge applicant has voted in the opposite party for 23 months. If he has, he cannot legally be appointed.

But a Tribune investigation of voting irregularities uncovered scores of persons who served in the March primary election as certified Republican judges tho they had solidly Democratic voting histories.

For example, three persons were certified by the commission earlier this year to work as Republican judges in the 21st Precinct of the 27th Ward.

VOTING RECORDS IGNORED

In certifying them to protect Republican interests in the precinct on election day, the commission completely ignored their voting habits.

The judges and their voting histories were:

Olivia Brown, 2051 W. Lake St., who voted Democratic in 1971, '70, '67, '66, '64, and '63.

Elizabeth Essex, 2029 W. Lake St., who voted Democratic in 1971, '70, '67, '64, and '63.

Lonnie Jones, 2029 W. Lake St., who voted Democratic in 1971.

None of the three had a record of voting Republican even once in their lives before serving as Republican judges, yet the commission, which is responsible for maintaining such records, okayed their appointments.

Mrs. Essex told the Tribune she couldn't remember what kind of a judge she was, only that a ward worker had asked her to serve and had given her an application to fill out.

"I think I was a Democratic judge," she said. "Anyway, I'm a Democrat, and that's what I always vote as."

Precinct 39, Ward 24

The 23-month ruling is circumvented in a number of ways.

In the 39th Precinct of the 24th Ward, the three Republican judges all voted as Democrats in the primary election, but altered their official voting records to make it look as if they had voted Republican.

These records are maintained in large loose-leaf notebooks called "binders" which contain the registration records for each voter in every one of the city's 3,205 precincts. On the back of each voter's registration record are printed boxes to record how he declares himself in primary elections.

According to the binder in the 39th Precinct, all three Republican judges voted Republican in this year's primary thus making themselves eligible to serve as Republican judges again this November.

FINDS DIFFERENT STORY

However, a Tribune reporter who worked undercover in the election commission offices for three months earlier this year examined the ballot applications used in this precinct during the March election. He found the Republican judges actually had voted Democratic.

One of the judges, Josephine Jackson of 1509 S. Komensky Av., admitted she had voted Democratic in 1972, '71, and '70. She said she wanted to be a Democratic judge, but her precinct captain told her "some of us would have to be Republicans."

"It was all so confusing," she said. "I was afraid I was going to jail.'

Regina Hardman, 1525 S. Komensky Av., also said she was a Democrat who had ended up serving as a Republican judge. She insisted that she had voted Republican until she was shown a copy of her Democratic ballot application.

"I made a mistake," she said. "I might have goofed up, but Ray, our precinct captain, was there giving us instructions."

Linda Davis of 1516 S. Komensky Av., the third Republican judge, insisted she had never been told it was a violation for her to vote Democratic while serving as a Republican.

Precinct 24, Ward 20

Judges also try to avoid declaring their true partisanship by simply leaving their voting record blank on their registration cards, to make it appear as tho they have not voted at all.

Such was the case in the 24th Precinct of the 20th Ward, where Mrs. Marie Horton, 6126 S. Woodlawn Av., and Mrs. Thelma Riperton, 6124 S. Woodlawn Av., worked as Republican judges.

The undercover reporter found, thru ballot applications, that both had voted—as Democrats.

"I'm not going to tell no lie," Mrs. Horton said. "I'm a Democrat. I worked the Republican Party because they didn't have enough judges."

Precinct 48, Ward 5

A third way judges attempt to hide their party affiliation is by placing an "X" on their voting record for primary elections, rather than declaring themselves, as required by law.

This is the way the two Republican judges took in the 48th Precinct of the 5th Ward, and the reporter found their Democratic ballot applications.

Mrs. Willie A. Hayes, 1419 E. 62d St., said nobody had told her she could not vote Democratic, even tho she was a Republican judge.

"I thought you could pick your parties," she said.

Mrs. Dora Jones, 1417 E. 63d St., was vehement in insisting that she could vote any way she wanted to, despite the fact she had served as a Republican judge.

"People can cast their vote whichever way they want to," she said.

Apparently she likes to cast her vote in one direction only. She has no record of ever having voted Republican.

Precinct 43, Ward 7

While phony Republican judges with falsified voting records remain on election boards year after year, legitimate Republicans trying to serve as judges often cannot get the jobs.

Mrs. Maxine Morrison, 8739 S. Manistee Av., wanted to serve as a Republican this year in the 43d Precinct of the 7th Ward, and she has a legitimate Republican background.

She made out an application to become a Republican judge, but the election commission never sent her the proper credentials.

Shortly before the primary election, her Republican ward committeeman, hearing Mrs. Morrison hadn't received her credentials, asked her to work in another precinct as a last-minute, swear-in judge.

Mrs. Morrison said she showed up at the other precinct, but the door was slammed in her face because she had no credentials.

"They looked at me like I was crazy," she said.

Meanwhile, in the precinct where she had wanted to serve in the first place, her vacancy was being filled by Mrs. Elida Q. Jiminez of 8843 S. Exchange Av., a certified Democratic judge.

Mrs. Jiminez, who voted Democratic in 1972, '71, '70, '68, and '64, said she knew it was wrong for her to serve as a Republican.

"I told them at the polling place it was against the rules," she said, "but they said they were short of help. So what could I do?"

The precinct had a second last-minute swear-in, Mrs. Alice M. Soltysinski of 8757 S. Muskegon Ave., who showed up at the polling place on election day to be a Democratic poll watcher.

Mrs. Soltysinski, whose voting history is identical to Mrs. Jiminez's, said that she was told by the Democratic precinct captain it would be all right for her to work as a Republican.

Precinct 21, Ward 42

Geneva Hull, 941 N. Cambridge Ave., was also certified to work as a Democratic judge, but ended up working as a Republican in the 21st Precinct of the 42d Ward.

"I'm a Democrat," she said, "but Norman [the Democratic precinct captain] told me I was supposed to be a Republican."

Mrs. Hull took the place of a Republican judge who hadn't shown up to work on election day. That judge was Mrs. Theresa Potts of 940 N. Mohawk St., who was certified to serve as a Republican by the election commission, even tho she had voted Democratic in 1971, '70, '68, '66, and '63.

Precinct 1, Ward 22

Mrs. Phyllis Brown, 2357 S. Kenneth Ave., was yet another certified Democratic judge who worked as a Republican. She voted Democratic.

She worked in the 1st Precinct of the 22d Ward, where three Republican judges should have been working, but only two turned up on election day.

The second Republican judge was William Easley of 4343 W. Cermak Rd.

Easley was sworn in as a judge at the last minute, in 1971, '68, '67, '64, and '63.

Working as a judge, he voted twice, once as a Republican to satisfy the law, and a second time as a Democrat.

Two persons had been certified to work

as Republicans in this precinct, but did not show up on election day. They also had solid Democratic voting records.

Precinct 24, Ward 34

Even when judges with proper credentials show up at the polls, they sometimes have trouble getting inside to serve.

Peter Lisicich, a 19-year-old college student who lives at 7349 W. Higgins Rd., drove almost 25 miles to work as a Republican judge in the far South Side 24th Precinct, 34th Ward polling place.

When he arrived at 5:40 a.m., he and an official Republican poll watcher were locked out of the polling place by other election judges.

They did not get inside until election officials at City Hall ordered the other judges to let them in.

BAFFLED BY HOSTILITY

Once inside, Lisicich said, he was surprised to receive the most hostility from a fellow Republican judge, Mrs. Linda C. Bradberry of 1081 W. 108th St.

He didn't know it at the time, but Mrs. Bradberry was serving the Republican Party in name only. She holds a Democratic sponsored patronage job as court bailiff. Furthermore, since the primary election, she has become the Democratic precinct captain of an adjoining precinct.

Lisicich charged that Mrs. Bradberry was so hostile that at one point she pulled a pearl-handled revolver and threatened a poll watcher.

She denied the incident and said there had been some trouble during the election, but insisted she had only had a watcher removed by a policeman.

Mrs. Bradberry was suspended from her bailiff's job several weeks after the election because of another incident involving her and a gun.

In that incident, a woman complained to the sheriff's department, Mrs. Bradberry pulled a gun and threatened her after a minor traffic accident at Stony Island Avenue and Marquette Road on June 28.

SUSPENDED FOR MONTH

She was suspended for a month for failing to make an official report about the incident.

What the trouble was in the polling place on election day is not clear, but Mrs. Bradberry's initials appear on several blank ballot applications used to cast Democratic votes illegally.

Lisicich said that the blank applications could have been slipped in as votes while he was locked out of the polling place.

Mrs. Bradberry admitted the applications had her initials on them as a witnessing judge, but said she remembers several ballots were spoiled and voided. An examination of the blanks showed they had not been voided, as required by law.

[From the Chicago Tribune, Sept. 13, 1972]

LOOSE CONTROLS PERMIT VOTE JUDGES TO SWITCH PARTIES

(By William Mullen)

Control of Chicago election judges has been so loose in past elections that the judges take turns switching parties for each election, an investigation by The Tribune Task Force has disclosed.

Additional evidence of election fraud and complete Democratic control of precinct election boards has been compiled by The Tribune since its revelations of election irregularities began last weekend.

The new disclosures add to the mounting evidence of the destruction of the bipartisan election system by systematic vote stealing in nearly half the city's 50 wards.

SWITCH BACK AND FORTH

Conduct of elections is monitored by the Chicago Board of Election Commissioners that reporters found dozens of judges of election who said they switched back and forth between Republicans and Democrats from election to election.

In one precinct, the 35th of the 24th Ward, reporters found a mother-daughter "switch-hitting" team.

Miss Beverly Reeves, 1219 S. Lawndale Av., said she served as a Democratic judge in this year's primary election while her mother, Mrs. Alla Reeves, served as a Republican. Last year, she said, they served in reverse roles.

Though Mrs. Reeves served as a Republican judge this year, her voting record shows she not only voted Democratic in the primary election, but she also voted Democratic in 1971, '70 and '67.

"We're both Democrats," her daughter said, adding they were both recruited by their Democratic precinct captain, Moses Brown.

Precinct 25, Ward 2

Agnes Hartman, 533 E. 33d Pl., made a similar switch this year to work as a Republican judge in the 25th Precinct of the 2d Ward after working as a Democratic judge in other precincts for several years.

Mrs. Hartman said she was not aware, despite her years of experience as a judge, that it was illegal to vote as a Democrat while serving as a Republican judge. That is what she did in the primary.

All three Republican judges in the precinct came from other precincts, a direct violation of the state election code.

It is possible under the law to appoint judges of election in precincts other than their own when there are insufficient applicants within the precinct. Only one from each party may be appointed from outside the precinct in each precinct. [On Being a Judge of Election in 1972–73, published by Chicago Board of Election Commissioners.]

COMES FROM 25TH

Mrs. Hartman came from the adjoining 25th Precinct of the 2d Ward.

The other two Republican judges were Delores W. Dade, 2727n S. Indiana Av., from the 20th precinct, 2d Ward, who voted Democratic in 1970, '68, and '62, and Herman Wallace, 7428 S. Chappel Av., from the 40th precinct of the 7th Ward, who voted Democratic in 1972.

In its investigation, The Tribune found 54 precincts with similar violations.

Precinct 23, Ward 16

Douglas C. Tibble, 19, of 2103 N. Seminary Av., was a legitimate Republican judge who traveled out of his home precinct only to have his right to work turned down.

Tibble was certified by the Election Board to work in the 23d Precinct of the 16th Ward on the South Side as a Republican.

When he arrived at the polling place well before 6 a.m. on election day, however, he was told he was not on the judges' list and could not work, altho he showed his credentials to the other judges.

BOARD REBUFFS QUESTION

"I called the Election Board," Tibble said, "but they said I wasn't on the list and there was nothing they could do about it. I didn't see anybody else sworn in and it appeared that they just went to work without such a formality."

Tibble never served, the Election Commission records show two Republican judges were paid as last minute swear-ins.

One of them was Ronald J. Denson, 7037 S. Laflin Av., the son of Mrs. Willa Mae Brady, a Democratic judge in the precinct.

Mrs. Brady was described by another Republican judge, Mrs. Gertie Johnson, 7040 S. Justine Av., as the "boss" at the polls, who used Democratic precinct workers to help direct the polls and tally votes.

SERVES AT LAST MINUTE

A third Republican judge, Juanita Rivers, 6937 S. Laflin Av. said she found herself working as a last-minute swear-in tho she has worked the last 25 years as a Democratic judge.

"I'm a Democrat at heart," she said, "but I vote Republican when I'm a Republican judge."

Under the law the county chairman of each political party certifies the names of those to be appointed as judges of election. [On Being a Judge of Election in 1972–73, published by the Chicago Board of Election Commissioners.]

Precinct 11, Ward 28

Rose Lee Sloan, 3148 W. Huron St. told The Tribune she got her start as a judge of elections working for John D'Arco when he was alderman and Democratic committeeman in the 1st Ward.

She always had served as a Democratic judge since then, she said, even after she moved to the 11th Precinct of the 28th Ward.

This year, she said, she was informed by her precinct captain, Carl Griffith, that she would be working as a Republican.

"I served as a Republican because the precinct captain said there weren't enough Republicans," she said.

One of her fellow Republican judges, Eliza Burton, 718 N. Sawyer Av., found herself in the same predicament altho she said she, too, is a Democrat.

SHE IS UNHAPPY

Mrs. Burton minced no words expressing her displeasure with the way things are run in her precinct, tho she serves the Democratic machine faithfully.

"The only time we see the city people is right before the election," she said, complaining bitterly of littered streets and dimly-lighted alleys.

The third Republican judge in the precinct, Miss Rebecca Taylor, listed her address as 724 N. Spaulding Av., which turned out to be the precinct captain's address.

Griffith's wife explained that Miss Taylor is her sister and that she had moved from the precinct after the primary. Miss Taylor's voting history indicates she has voted only Democratic in past elections.

Precinct 43, Ward 11

The influence of Democratic precinct captains on selection of Republican judges was illustrated dramatically in the 43d Precinct of Mayor Daley's home ward, the 11th.

Mrs. Elizabeth Alyinovich, 2901 S. Parnell Av., said she recently moved into the precinct when she found out appointments of judges, including Republicans, do not go thru until cleared by the Democratic precinct captain.

"I was asked by Rose Bonomo [another Republican judge] if I wanted to serve as a judge," she said.

Mrs. Bonomo instructed her to call the precinct captain, she said, and when she did, she was told she would have to serve as a Republican.

"I don't like to call myself anything," Mrs. Alyinovich said, in explaining her acceptance of the Republican judgeship despite her Democratic voting record which made it illegal for her to serve. She had voted as Democrat in 1971, '70, '68, '67, and '66.

Precinct 38, Ward 16

Harriet Knowles' story of how she and her sister became Republican swear-in judges in the 38th Precinct of the 16th Ward shows the danger of letting Democratic ward bosses handpick judges from both parties.

Miss Knowles, 19, of 6353 S. Parnell Av., told reporters she and her sister, Carol, 22, were asked to work as Republican judges by James Taylor, the Democratic ward committeeman.

Their mother, Josephine, a patronage employe of the Englewood Urban Progress Center, worked as a Democratic judge.

Miss Knowles said that when the polls closed, Walter Jefferson, the assistant Democratic precinct captain, began counting the

ballots, altho election laws specifically state that only judges can handle election materials and tally votes.

Precinct 20, Ward 29

The same thing happened in the 20th Precinct of the 29th Ward, where Rebby Patton, 3849 W. Flournoy Av., worked as a Republican swear-in judge.

Mrs. Patton said she was recruited to work by Leonard Gibbs, the Democratic precinct captain, who handpicked the judges.

Gibbs' judges, Mrs. Patton said, allowed Gibbs to read off the vote tallies from the back of the voting machine at the end of election day in order to record the results in the tally sheets.

In earlier stories, The Tribune outlined what can happen in precincts where such election judges work.

Two of the worst precincts were the 5th and 11th Precincts in the 24th Ward, which were rife with forged ballots, ghost voters, and inflated vote tallies because of questionable judging.

Since irregularities in these precincts were documented by stories earlier in this newspaper, reporters have returned to both precincts and found more confirmed forgeries of ballot applications.

In the 5th Precinct, Democratic votes were cast by use of fictitious names and names of persons who long since had moved from the neighborhood.

A vote was cast in the name of E. L. Brown, 3708 W. Grenshaw Av., tho no such name appears in the precinct's list of registered voters.

A Brown family lives at that address, but they are Chester Brown and his wife Annabelle.

LIVES THERE 15 YEARS

Brown said he has lived in the two-flat building for 15 years and never has heard of an E. L. Brown living there. He said the signature on the ballot application using that names does not resemble his or his wife's.

Another ballot application used the name of Delores Johnson, 1117 S. Independence Blvd.

The owner and resident of the home at that address, Mrs. Omelia Young, said she has lived in the house for four years and never has heard of Delores Johnson, tho the name remains on poll lists maintained by the election board.

FORGERY SURPRISES HER

A third ballot in the precinct used the name of Rutha Collins, of 3713 W. Grenshaw Av., but Mrs. Collins told The Tribune she had not voted in the primary election and the signature on the ballot application was not hers.

In the 11th Precinct, Mrs. Bonnie Winfrey, 1516 S. Kedvale Av., was surprised to see her name forged on a Democratic ballot application because she had not voted on election day. The signature on the application definitely was not hers, she said.

Jerome J. Wardlow, 1511 S. Keeler, said the same thing when he saw his name on another Democratic ballot application.

He said he had not received his registration card in time to vote in the primary.

"My handwriting is better than that," he sniffed.

TWENTY THOUSAND TO PETITION UNITED STATES TO SUPERVISE ELECTION

(By George Bliss and William Currie)

The signatures of 20,000 Chicago voters demanding federal marshals for the city's polling places will be presented at the White House Friday, leaders of a West Side coalition group announced yesterday at a press conference.

Despite a pressure campaign against independent volunteers, they said, petitions were spread thru black wards calling for a bipartisan election in the precincts.

Wesley Spraggins, spokesman for Power, which represents 21 community groups, charged that the workers were "threatened, beaten, harassed, and intimidated," by "organized groups in the community, some of which may be political."

The conference in Power headquarters, 802 S. Pulaski Rd., came in the midst of a Tribune Task Force series documenting the demise of bipartisan elections in Chicago's black wards, and presenting evidence of blatant vote fraud.

"The Tribune has a fantastic amount of evidence," Spraggins said. "We can attest to this because we are in the black community.

"Vote fraud is a way of life on the West Side. I'm sure that every black person in Chicago has had money offered for his vote at one time."

Leaders of other politically independent organizations in Chicago expressed similar hopes for some sort of federal support during the November Presidential election. The organizations are:

Independent Voters of Illinois: Michael Shakman, state chairman of the voters' group said, "if we can't get adequate protection thru prosecutions or thru court suits, we'll have to try and get a federally supervised election. It's worth the effort if we have to."

Operation Push: Thomas Todd, executive vice president said, "If a federally supervised election will do the job, then we should have that. We should have federal watchers and administrators to watch the election day activities."

Chicago Urban League: James W. Compton, president, said, "I would say that based on the apparent evidence, there is a basis to have federal supervision of the upcoming election. I think it would be greatly helpful because of one of the most often noted reasons for apathy we find among unregistered voters is that votes are so often miscounted or uncounted."

NAACP: Andrew Barett, executive director, said, "The fraud that has been exposed is almost frightening. We always knew it happened, but I never knew the extent of it was so great. I think the only way to get a fair and honest election is with federal supervision."

Better Government Association: J. Terrence Brunner, executive director, said, "we think it would be a fine thing [federal intervention in the election], but we don't know how it can be done under existing law. We need an election code which would allow such action to be taken, at least by a state board."

Spraggins, and Dorothy Baker, a Power leader, said that the original 60 volunteers gathering signatures in the black community had dwindled to 15 in the last year after all had been threatened and pressured while working in the community.

She said she received several threatening phone calls yesterday morning suggesting that the group stop its efforts in the wards.

In another development, Forbes Shepherd, director of Project LEAP [Legal Elections in All Precincts], blamed shortages of precinct judges in yesterday's 7th Ward aldermanic runoff election on the "entirely political system" of the Chicago Board of Election Commissioners.

The official of the watchdog group charged some precinct polling places opened late because no judges were on hand at the outset, a number had fewer than the normal complement of five judges, and some operated into the afternoon with no Republican judges.

Seeking election were Robert S. Wilinski, 57, who has Democratic organization backing, and the Rev. Richard A. Lawrence, 35, an independent and pastor at Woodlawn Methodist Church.

KUSPER PROBERS "BLIND" TO FRAUD

The Chicago Board of Election Commissioners pays $84,000 a year for eight full-time investigators who apparently do nothing much more than administrative work.

The board offices in the City Hall are an investigator's dream, as revealed by Tribune Reporter William Mullen, who worked under cover there for three months and by himself discovered more than a thousand election irregularities.

Mullen found that the evidence is obvious to anyone with access to the records.

TOO MANY FILES

But Stanley T. Kusper, chairman of the board, told The Tribune in a recent interview that there are too many files.

"It would be an impossible job," he said, because his investigative team, as well as the rest of the office, is undermanned.

Kusper said his investigators are kept busy checking city demolition lists with the poll sheets, serving notices, and notifying recently-convicted criminals that they no longer will be able to vote.

"They have to check the names to make sure the person convicted is the same one on the poll sheet," he said.

NO ROUTINE QUIZZES

The investigators have been working recently on the charges leveled in the special aldermanic election in the 7th and 2d Wards. But that is because someone leveled charges. There is no time to make a routine investigation, Kusper said.

Another commissioner put it another way: "If one of our investigators should make the mistake of showing any initiative and develop a fraud case on his own, he would get knocked down so fast that he wouldn't know what happened.

"Our approach to an investigation is first to assure the accused, 'We don't believe you did anything wrong—not intentionally, anyway.'"

Kusper brushed aside allegations that some judges and poll watchers had been mistreated during election day.

WHAT DOES IT MEAN?

"Mistreated?," Kusper said. "I don't know what that means. We don't make an investigation just because someone says, 'Hey you son of a b . . .'"

On May 16, Kusper released a six-page statement detailing "any and all charges of voting irregularities" in the March 21 primary. He concluded that the election was exceptionally clean and free of fraud.

Kusper also lectured that it was difficult "to avoid suggesting that unjustified charges inevitably add to disrespect for election laws," and reasoned that LEAP representatives and other certified judges were ousted on election day because they failed to appear on time. LEAP, which stands for Legal Elections in All Precincts, is a watchdog group.

NO ONE CHECKED

The rejected judges, including some Tribune reporters, claim they were there on time, and assert no investigator from the Election Board ever asked their side of the story.

Kusper admitted that before he made the statement he did not make sure his investigators had interviewed the judges who were summarily dismissed.

"Do we go out and root to find it? [election violations]" Kusper asked. "No, we do not."

VOTING LAW REFORM URGED BY OGILVIE

(By John Elmer)

SPRINGFIELD, ILL., September 12.—Gov. Ogilvie today renewed his demand for full scale election law reform, including a state board of elections to supervise local boards and prevent vote fraud.

Ogilvie also called for "prosecution to be leveled on a broad front against all persons

responsible" for widespread vote fraud in Chicago which has been documented by the Chicago Tribune's Task Force.

The Republican governor criticized Democratic legislators for holding up major election reform bills, including his own, during the last session. He urged voters to remember when they go to the polls on Nov. 7 to elect senators and representatives that election reform will be a major subject of the 1973 legislative session.

APPLAUDS BLAIR'S ACTION

Ogilvie pledged that he will make election reform a "must" part of his legislative program for next year if reelected in November.

The governor applauded House Speaker W. Robert Blair [R. Park Forest] for naming a special legislative committee to probe vote fraud, saying its hearings will lay the groundwork for corrective legislation.

Since the fall legislative session is expected to be a brief one and will not convene until after the November election, little legislation is expected on the election reform issue until next year.

Ogilvie challenged Democrats to join him in a "top to bottom restructuring of the state's election laws."

PRESSES FOR OWN PROPOSAL

He called for passage of his own election reform plan which was introduced in the legislature almost a year ago.

That proposal would implement the 1970 Illinois constitution's mandate that a state board of elections be established to supervise administration of the state's registration and election laws. The legislature has yet to act on that constitutional provision, altho it has been on the books since July 1, 1971.

Ogilvie's plan calls for a state elections board consisting of the governor, secretary of state, attorney general, treasurer, and Republican and Democratic party state chairmen. If that alignment gave one party a majority, the governor would appoint enough members from names suggested by the minority party to balance the board.

To prevent a political deadlock and assure representation for independents, the governor then would appoint an additional member—someone who had not voted in a party primary for the preceding six years.

Because a new board has not yet been established, the state electoral board established under the old constitution is still functioning as the official agency on election issues. Because some members of that group are candidates themselves, the validity of that board's decisions are being challenged in court.

Several other proposals to establish a state elections board still are pending, including a compromise Senate measure which would also streamline the state's election code.

Ogilvie praised the vote fraud probe conducted by The Tribune Task Force, saying it was "a public service, not only to Illinois politicians, but to the voters whose votes have been cancelled by vote stealing.

KUSPER BARS PRESS FROM VOTER FILES

(By Pamela Zekman)

Stanley T. Kusper Jr., chairman of the Chicago Election Board, who previously boasted that his office records always are open to press and public scrutiny, shut the door yesterday on reporters' requests to examine office documents.

It was his first face-to-face confrontation with William Mullen, Tribune Task Force reporter, who worked undercover in Kusper's office for three months obtaining evidence used in an investigation of voting irregularities in the March primary.

"Hello, Mr. Mullen," Kusper said in a rather surprised greeting.

ASKS ABOUT FATHER

"How is your father?" he asked with a smile. He was referring to the ruse used by Mullen when he departed from the board's employment as a $20-a-day office clerk, claiming his father had fallen ill.

Board employes lingered at the door of Kusper's private office gawking at the confrontation between their boss and two reporters who explained they were there to pick up public information they previously had been promised.

In a letter, Aug. 2, to the editor of The Tribune after Kusper's discovery of Mullen's true identity, Kusper said:

"It is my opinion, and I have continually so conducted myself, that reasonable access to material information or documentation, except as to that specifically excluded by law, is available to members of the press and the communications media in the proper exercise of their professional responsibilities to the public."

SUPPORTER OF RIGHTS

He described himself in the letter as a "staunch supporter" of the constitutional right of freedom of the press, and claimed it was unnecessary to work under cover in his office to obtain information.

"The public has the right to know, and in this I fully concur," he wrote.

Yesterday, he was telling a different story.

He referred to detailed disclosures of vote fraud running in The Tribune since Sunday, and said he was being "bludgeoned from behind."

The reporters went to the office after they were promised lists of election judges and tally sheets for the 7th and 2d Wards, and asked to also examine ballot applications in a precinct reportedly containing voter forgeries.

WE'RE USING RECORDS

"Those records are being used by this office now to prepare a response to charges in your articles," Kusper said. The requested information concerned precincts which have not been mentioned in the articles.

"After our office has completed its investigation, you may have them, but only those things that are of public record," the reporters were told.

Kusper repeated his refrain that he would answer no qeustions until he holds a press conference in response to charges in The Tribune.

He ignored proof printed in the newspaper that his office repeatedly had violated its own rules in appointing election judges, and passed over evidence of fraud contained in its own files.

[From the Chicago Tribune, Sept. 14, 1972]

SEVENTH WARD VOTE FRAUD CHARGED

The special runoff election in which Robert Wilinski, 57, defeated the Rev. Richard Lawrence, 35, for 7th Ward alderman "was a usual election for Chicago but it probably would have drawn wild charges of fraud in any other jurisdiction," Forbes Shepherd, director of LEAP [Legal Elections in All Precincts] said yesterday.

Shepherd said the violations of election laws observed by Lawrence poll watchers included electioneering at the doors of several polling places, vote buying by a Democratic precinct captain, and the aiding of inebriated voters in the voting booth by Democratic precinct captains.

REPORT IS PROMISED

Shepherd said the violations observed would be reported to the Board of Election Commissioners.

The board met yesterday to conduct the official canvass of election results. The unofficial tally in Tuesday's special runoff gave Wilinski 9,072 votes to 5,800 for Lawrence. The results of the official canvass are to be announced today.

Sherwin Swartz, a staff member of Independent Voters of Illinois and Lawrence supporter who attended the canvass, said, "The official figures for each precinct were exactly the same as ours."

Swartz said his figures showed 9,117 for Wilinski and 5,804 for Lawrence. "But we might have made a mistake in the confusion of election night when we added the precinct totals," he said.

LOSER FLAYS OPPONENT

Following the election, Lawrence, a program officer for Cummins Engine Foundation and pastor of the Woodlawn United Methodist Church, lashed out at his opponent, saying, "He won by dredging up fears of racial differences."

Lawrence, refusing to congratulate Wilinski, the Democratic organization candidate, said, "He stole it by getting the people to forget about the qualifications of the candidates."

The runoff in the racially changing ward was made necessary when no one of the 14 candidates in the Aug. 15 special election received a majority. The election was called to fill the seat of Nicholas Bohling, who resigned as alderman last December to become a Circuit Court judge.

Lawrence, a black, garnered a host of liberal endorsements in his race against Wilinski, a white Democrat precinct captain of Polish extraction.

THREE ARE INDICTED IN VOTE FRAUD

(By George Bliss and Pamela Zekman)

A 46th Ward Democratic precinct captain, his wife, and his assistant precinct captain were indicted by the county grand jury yesterday for voting from a precinct where they did not live during the March primary.

Disclosure of the illegal votes cast by the three were first made by The Tribune on March 29 as part of the Task Force investigation of the vote fraud. The 3 were among 16 persons falsely registered to vote from an apartment building at 4707 09 N. Beacon St. in the 42d Precinct of the 46th Ward.

LIVED OUTSIDE PRECINCT

Those indicted were Jesse English, captain of the 42d Precinct, and his wife Barbara, now residing at the Beacon St. address, and Lois F. Green, wife of assistant captain Thomas T. Green, now residing at 4722 N. Malden St.

At the time of the election, all three lived outside the precinct. The Englishes lived at 1535 W. Barry Av., and the Greens lived at 3230 N. Wilton Av.

If convicted of the felony charges, the three could be sentenced to a maximum of three years in prison or fined $1,000. English was fired as a garbage collection trainee for the Department of Streets and Sanitation after the March disclosures. Green is an operating engineer for the Department of Water and Sewers.

The Tribune had reported earlier that the three were apparently part of a scheme in which more than a dozen persons were to cast illegal votes from the Beacon Street address. Before the final registration day, a pile of registration applications was accepted from a mailman by the building owner, a former city employe, in behalf of persons who did not live there. As a result, their names appeared on the final precinct registry.

TWENTY-ONE HAVE BEEN INDICTED

State's Atty. Edward V. Hanrahan said the action means 21 persons have been indicted since Aug. 30 in connection with his continuing investigation of vote fraud. He said his investigation has been conducted with the cooperation of the Chicago Board of Election Commissioners, which has assisted in finding records and developing evidence.

In Federal District Court, attorneys for a voter watchdog group, Project LEAP, and

the Independent Voters of Illinois, promised yesterday to deliver to city election officials today specific details of voting irregularities witnessed by their watchers and judges in more than 600 precincts during the March primary. The promise was made in an effort to expedite trial on their suit against the Election Board so that hearings on the complaint can be held before the November election.

INJUNCTION IS SOUGHT

The complaint seeks an injunction ordering the board to cease permitting vote fraud and other irregularities which allegedly favor Democratic Party candidates. Federal Judge Hubert L. Will critized the complaint for failure to contain detailed information of the alleged violations.

Judge Will said he would not consider setting the case for trial before the election, as attorney Robert Plotkin requested, until the board was given the information and adequate time to prepare its defense. He said he favored accelerating pretrial preparation of the case, but would not allow the matter to be handled hastily.

DEMOCRATIC CALL FOR "MEANINGFUL" VOTE REFORMS

(By John Elmer)

SPRINGFIELD, ILL., September 13.—The Democratic State Convention today approved a 1972 platform calling for meaningful reform in Illinois election laws, including a bipartisan state board of elections to supervise election and voter registration laws thruout the state.

Altho election reform was a major plank in the platform, Chicago's Mayor Daley and other Democratic leaders on hand for the meeting made little mention of widespread vote fraud in Chicago recently uncovered by the Chicago Tribune's Task Force.

PLEA FOR UNIFORMITY

The Democrats' election reform plank also called for:

Mandatory reregistration of all Illinois voters.

Voting machines in all Illinois counties, with state financial help to provide them if necessary.

Uniform state registration and election laws and "increased opportunity for registration without arbitrary local requirements."

Standard registration forms and records statewide to simplify transfers of registration for voters who move within the state.

Consolidation of elections [so that local elections are held at the same time as state and national balloting] to "save millions of dollars each year for the property tax payers and to promote participation in all elections by all people."

GOP CALLED HURDLE

In the document, Democrats blamed Republicans for blocking legislative action this year on creation of a new state board of elections.

Yesterday, Gov. Ogilvie accused Democrats of preventing passage of such legislation.

In a speech to about 500 delegates and alternates attending the convention, Daley predicted a sweeping victory for Democrats on Nov. 7.

"We don't have to worry about the newspapers, television, and radio," Daley said. "If the people are with us, I'm confident we will have a tremendous victory for all Democrats."

Walker, who had attacked Daley's political machine before his March primary win over Lt. Paul Simon, noted that a recent magazine article stated that Ogilvie spent only 19 per cent of his time on management of state government.

MAYOR A MODEL

"Nobody ever would say that Mayor Daley spent only 19 per cent of his time managing the city of Chicago," Walker said. "And Neil Hartigan [Walker's running mate] and I will work just as hard for a great Illinois as Mayor Daley has worked for the city of Chicago."

The platform, entitled "Priorities for People," called for:

Action by Congress to prohibit ownership and possession of handguns, except by police, and mandatory jail sentences for any crime committed with a gun. It did not mention Walker's stand for repeal of Illinois' stop and frisk law.

Elimination of the sales tax on food and medicine and repeal of the constitutional provision which locked in the present state income tax ratio on individuals and corporations.

State aid to private and parochial schools and elimination of the property tax as a base for funding of public schools.

State subsidies for mass transportation.

Limits on campaign contributions and spending, but no mention of campaign fund disclosure.

Ratification of the equal rights for women amendment.

The convention also approved a slate of 26 Presidential and Vice Presidential electors.

In a speech to the convention, Rep. Clyde Choate [Anna], House minority leader, referred to The Tribune as "a Republican paper" and asserted that its vote fraud documentation was "just something that comes along every two years."

VOTE FRAUD PRODUCT OF PATRONAGE

(By William Mullen and William Currie)

It is not just loyalty to the Democratic Party which has spawned partisan election boards in many of Chicago's wards.

More often than not, it is a matter of survival for the local Democratic precinct captains and patronage employees.

The Tribune Task Force uncovered hundreds of election judges who violated election rules. Many did so out of ignorance; others, in order to survive in the competitive patronage system.

In many cases their reasons may have been a combination of both. Two of the election judges in the 39th Precinct of the 28th Ward—one certified as a Republican, the other as a Democrat—were illegal judges.

MOVES TO SUBURBS

One of them, Mrs. Vera M. Rawlinson, had moved to suburban Hoffman Estates years ago, but was registered in the precinct on Chicago's West Side where she once lived.

Mrs. Rawlinson works in the Democratic controlled office of State's Atty. Edward V. Hanrahan where employees recently charged that patronage controls their jobs.

Mrs. Rawlinson admits that her husband and children live at 106 Auburn St., Hoffman Estates. And her Illinois driver's license was changed in 1970 to show that address.

In an interview, Mrs. Rawlinson insisted that she still was registered during the March election at 643 N. Harding Ave. because she had been living there "part time" while caring for her ailing mother.

If Mrs. Rawlinson worked illegally as a judge last March because she was worried about her position in the state's attorney's office, she has good reason to worry.

Reuben Robinson, the new Democratic precinct captain in her old neighborhood, wants her job or at least one like it.

Robinson moved to North Avers Avenue when fellow blacks began moving there and whites were moving out.

He had been a precinct captain in the 42d Ward and for his loyalty was rewarded with a job in the Bureau of Streets and Sanitation.

Robinson lost that job after he moved to the West Side, and nobody has offered him another patronage job which he wants.

"They want me to mop floors," he said. "I'm not going to take a job like that."

HE IS BITTER

Robinson is bitter about persons like Mrs. Rawlinson.

"They put me in here to front for the white precinct workers who used to be here," he said. "I do the work and they get all the jobs."

Like so many Democratic precinct captains on the South and West Sides, Robinson looked to home when he needed help in the March primary. He arranged for his sister, Edna Bourn, to work with Mrs. Rawlinson as a Republican judge. In fact, he took her the proper Republican forms to fill out.

Mrs. Bourn, 49, of 644 N. Avers Av., has been a Democrat most of her life, but for her brother, the princinct captain, she vowed allegiance to the Republican Party.

Mrs. Bourn said she was confused in the polling place on election day—so confused that she voted twice, once as a Democrat and once as a Republican.

"They told me I could vote both ways," she said, refering to Robinson, Mrs. Rawlinson, and the other judges in the polling place.

Later, she said that she thought her Republican ballot application had been voided. The records show, however, that it had not been voided and she could not explain why a Republican judge would want her Republican ballot application voided in favor of a Democratic one.

Robinson defended her confusion:

"We knew it was a mistake, Edna didn't know. This happened because of ignorance."

Precinct 24, Ward 4

The Tribune investigation found at least one precinct captain who believed he had such complete control of his polling place that he summarily "fired" one of the election judges who would not follow his orders on election day.

Mrs. Hazel Smith, 7421 S. Ellis Av., worked as a Republican judge in the 24th Precinct of the 4th Ward in the primary.

Several weeks afterwards, she called the Board of Election Commissioners to complain that she had not received her check for working.

Mrs. Smith told a clerk in the commission offices that she had exchanged angry words with the Democratic precinct captain, Joseph Hart, while working the polls. In retaliation, Hart crossed off her name from a pay voucher that each judge signs after his work at the polls is done.

REFUSES TO OBEY

"I told Hart that I wasn't going to do what he ordered because the other judges should have been doing their own work," she said.

"They [the other judges] were sitting around doing nothing. Two of them were so old they couldn't read, and were misplacing things. The other two were doing something they had no business doing; they were drinking and causing confusion in the polling place."

After doing some checking, the clerk in the commission office found out Hart had, indeed, crossed off Mrs. Smith's name from the voucher.

Mrs. Smith received her $30 belatedly.

Precinct 61, Ward 18

Even when the Republican Central Committee rejects persons it does not want to serve for them as election judges, the same persons often show up working for the G. O. P. on election day.

Mrs. Annie Mae Shaw, 8213 S. Green St., applied to become a Republican judge but was turned down by the Republicans because she had voted Democrat in 1971.

Mrs. Shaw said that a precinct worker for the Democratic precinct captain told her not to worry, that if a vacancy on the board turned up on election day she would have the job.

"Somebody on the board couldn't make it," she said, "so I was called in as a swear-in

Republican at the last minute. I was a Democrat before, but I switched parties."

Precinct 34, Ward 29

Mrs. Sophie E. Corvino, 1140 S. Mayfield Av., said she was surprised when she heard from a Tribune reporter that she was a certified Republican judge despite her long Democratic voting record.

Her records in the election commission offices show that she voted Democratic in 1972, '71, '70, '68, '67, '66, '63, and '62.

She said she had wanted to become a Democratic judge and filled out judge applications forms, but was unable to serve because of illness on election day.

"I voted Democratic," she said. "But I had been asked by the Democratic precinct captain to be a Democratic judge, and I can't figure out how I'm now on the list for Republican judges.

Precinct 9, Ward 2

Coretta B. Greer, 4020 S. Calumet Av., said she knew why she became a Republican judge despite her Democratic voting history.

Her Democratic precinct captain, Mrs. Lorraine Crawford, told her to be a Republican, she said.

"I never voted Republican before in my life," Mrs. Greer said. "I've never been a Republican in my life until the precinct captain said I was a Republican judge."

Precinct 39, Ward 17

The same thing happened to Mrs. Marie Ferdinand, 227 E. 60th St., who said she had served as a Democratic judge in the previous two elections but was told to be a Republican by Democratic precinct captain Neal Stevens this year.

"It seemed unfair," Mrs. Ferdinand said of her Republican service in the 39th Precinct in the 17th Ward.

"I don't feel right," she said. "I figured I was a Democrat, and it didn't seem right."

EXHIBIT 2

FEDERAL REGULATION OF CONGRESSIONAL ELECTIONS IN NORTHERN CITIES, 1871–94

(By Albie Burke) *

I

On February 28, 1871, President Grant signed into law a measure that made possible the appointment of federal supervisors and deputy marshals at the polls at which congressional elections were being held.[1] In effect for a total of eleven congressional elections before being repealed in 1894 under Cleveland, the Federal Elections Law represents the most major undertaking of election regulations the national government has assumed to date.

The law was unique in a number of respects. First of all, it applied only to cities—specifically those having a population of 20,000 or more. Secondly, except for New Orleans and St. Louis, it was hardly used at all in the South. Throughout the twenty-three years that the law was in effect, the use of federal supervisors was concentrated in eight northern cities: Boston, New York, Brooklyn, Jersey City, Baltimore, Philadelphia, Chicago and San Francisco.[2] The undertaking was not trivial. In 1890, the number of federal officers at the polls in New York City alone was over 10,000, nearly half the number of federal troops remaining in the South when reconstruction ended in 1877.[3]

Thirdly, the law was not a civil rights measure. Perversion, not suppression, of the ballot was the focus. Instead of correcting those conditions where persons were prevented from voting, the concern was over situations where persons voted too often, where they voted when they were ineligible to vote or where votes were cast in the names of persons who did not exist. Thus, the Federal Elections Law was distinguishable from other legislation passed by Congress on the subject of elections—the Enforcement Act of 1870 and the Ku Klux Klan Act of 1871—directed toward safeguarding the privilege of voting itself and preventing the denial of the Negro vote. Those acts, which relied upon a broad reading of the Fourteenth and Fifteenth Amendments for their validity, were declared unconstitutional by the Supreme Court following the close of reconstruction.[4] The Federal Elections Law, however, was upheld as constitutional under the elections clause of Article One.[5]

Finally, the law was unusual in the way it was administered. Instead of a branch of the national executive, responsibility for executing the law was placed with the nine federal circuit courts scattered across the country. Their authority was not complete, however, for the decision on whether to use supervisors in the first place lay with the residents in the area concerned. If no request for supervisors were made, none could be appointed.

The shift to centralism in this instance occurred because a default of responsibility at the state level had taken place. State and local election laws were inadequate and those which were in effect were inadequately enforced. Admittedly the difficulties were overwhelming. Determining who were eligible voters in a newly enlarged electorate under conditions of high immigration and rapid population movement to an open frontier called for sophisticated registration and ballot laws. They were not there. Such basic prerequisites to a fair count as the presence of bipartisan election judges were not provided in many cities until the mid-eighties. The Federal Elections Law was a partial response to the crisis that was resulting from this deficiency. It was in effect an urban reform measure instituted on a national level. The fact of this law having existed at all has been completely overlooked by historians. That has been unfortunate. As a result an important aspect of post Civil War urban politics as well as constitutional history has been neglected.

II

Bringing the law into operation was simple once the decision to use federal officers had been reached. All that was needed was a petition signed by two or more persons alleging a fear that fraud would occur in either registration or at the polls in a forthcoming congressional election. A challenge to the reasonableness of the apprehension expressed or to the reality of the threat present was out of order. The court was bound, under the law, upon receiving such a petition, to appoint two supervisors for each polling place—one a Democrat, the other a Republican. The margin of discretion that the court had was small. It was free to reject those applicants for federal service it deemed unfit and it could also decide whether the entire city or just an individual ward would be covered. If the distance was considered too great, the court could delegate the function of hearing the original petition for supervisors and of selecting those who were to serve to the district court located near the city requesting the application of the federal law.

If conditions warranted it, the United States Marshal under the statute, with or without the benefit of local citizens so petitioning him, could appoint any number of deputy marshals he deemed necessary to ensure that supervisors would be able to carry out their functions unhampered. The marshal was not required to appoint deputy marshals, if a request were made for them, unless in his professional judgment he concluded they were essential. In addition, he was not obligated to seek a bipartisan balance in selecting his deputies to watch the polls—a weakness in the law which proved to be a great source of conflict as deputies were used over the years. Compensation at a rate of five dollars a day was provided for supervisors and deputy marshals alike up to a maximum of ten days' service. Once the ballots had been counted, the federal appointments expired and the election process reverted to the hands of the state.

Federal officers, it should be noted, did not take command of election machinery nor assume the initiative in scheduling elections. That remained as before with state and local officials. Although the responsibility for conducting elections resided with state officials, the authority of federal officers was paramount in every way. Supervisors were empowered to examine registration lists before election day, check the qualification of voters at the polls, scrutinize the count and participate in making up the returns for the precinct involved. To that end, supervisors were given the power of arrest and had the backing of deputy marshals appointed by the United States Marshal. All violations detected, whether violations of state or federal election law, were regarded as federal offenses and were under the jurisdiction of the federal courts.

Under the statute each circuit court was authorized to appoint as chief supervisor a United States Commissioner of its own choosing for every judicial district. This was the only permanent year-round office created and it was this supervisor who proved to be the real administrator of the Federal Elections Law. He received all applications for the position of supervisor and designated to the court those whom he deemed qualified. Once appointed, the supervisors were thereafter completely under his command and direction.

The chief supervisor and the United States Marshal were the two men responsible for the administration of the law in a given district. Each was accountable to superiors in different branches of the national government: the chief supervisor to the district or circuit court; the marshal, as a result of the Department of Justice Act of 1870,[6] to the United States Attorney General. Nothing in the statute provided for a coordinated effort on the part of these two men. That lay at their discretion. In New York they worked together; in other cities they were at odds. The lines of authority were blurred by a further factor. The marshal was the budget officer for the judicial district to which he was attached. In that capacity, he passed on all requisitions from the district including requisitions for supervisors' fees.[7]

The character of federal regulation was determined and given shape by the chief supervisor. Depending on the temperament and the motivations of the man involved, the way in which the law operated could vary greatly from city to city. In Boston, as in most cities, it was used primarily to provide an orderly election process and secure an honest count of the vote cast. Only a cursory examination of the accuracy of the registration list was made. Discrepancies found were turned over to local authorities before election day to do with as they wished. Persons whose registration was suspect were permitted to vote. Although their ballots were marked for future challenge, no follow-up action was taken. The appointments of supervisors and deputy marshals expired after the count was completed and the staff facilities of local United States Attorneys' offices usually did not permit extensive investigation of the leads established. Deference to local authorities was complete. Supervisors were essentially peace officers and poll watchers.

In New York, federal regulation had an entirely different face. There, in addition to the purpose to which it was put elsewhere, the elections law was used to construct an independent registry in which were listed all the qualified voters of the city. Accordingly the guide followed on election day on the question of who were eligible to vote was

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Footnotes at end of article.

the "federal registry" and not the city's. Those not on the registry were denied the opportunity of voting and were arrested if they tried. The names of persons found to have defective registrations were entered in the press before election with the advice to either correct the defect or stay away from the polls. Deference to local officials was nonexistent.[8]

Thus it was clear that, if the chief supervisor were sympathetic, the Federal Elections Law could be used to aid a minority party in issuing a challenge to an entrenched organization—no mean accomplishment if the local administration was a corrupt one. Therein lay the real force of the federal law. Therein lay, as well, the source of its enactment.

The event that led to the passage of the Federal Elections Law was the record vote fraud the Tweed Ring produced in the New York election of 1868. Under its auspices more than 50,000 ineligible aliens acquired suffrage status through highly improper judicial proceedings and brazen under-the-counter distribution in the months preceding election. The Ring's effort had made a difference. When the presidential returns were in, New York state had gone Democratic by ten thousand votes. Grant had won well and the Republicans had not needed New York for victory, but the fraud effort had placed a Democrat, John T. Hoffman, in the state house illegally and shocked the nation at large.

Naturalization is a judicial proceeding conducted on an individual basis and is therefore a slow process. The average number of persons who were naturalized each year in all the New York municipal courts in the twelve preceding years was 9200. Court records from 1688, however, revealed that more than 41,000 persons had gone through naturalization—in one court at a rate of 1800 to 2100 daily. Countless other people had been given papers without a hearing of any kind.[9]

As the stunned city tried to piece together what had happened, outraged Grant supporters, led by the Union League Club of New York, demanded action on a national level. Congress was receptive and responded by appointing a special committee to investigate.

The Lawrence Committee, as it was called, immediately went to New York. It held hearings in the city and throughout the state during December and January, rushing through a lengthy report for publication in February 1869. In this undertaking, the committee received extensive assistance from the Union League Club which had launched its own private investigation when news of the fraud broke. The evidence produced at the hearings—witnesses, records and documents—was in reality a presentation of the case the League had worked up and prepared against Tammany Hall. In this respect the hearings took on the character of an *ex parte* proceeding with the League acting for the prosecution. Tammany officials made no reply to the committee and cooperated as little as possible. Access to certain records was refused and witnesses scheduled to go before the committee were sometimes arrested on phoney charges and removed from circulation. Instead, it appointed a grand jury of its own to investigate, headed by Judge Barnard, the very judge whose court it developed had violated judicial propriety the most where naturalization was concerned. Like the committee, the grand jury produced its findings in February 1869 as well. Characteristically, it found no wrong doing in the election of 1868.

The fact that an unprecedented fraud had taken place was fully established, but opinion on the number of persons who had acquired papers either illegally or inappropriately varied. The committee set the figure at 68,000. The *Nation* regarded this as an exaggeration and placed it at 50,000. Of all estimates, theirs was the most objective and probably the most accurate.[10]

At the conclusion of its report, the Lawrence Committee recommended the naturalization laws be reformed and that the New York municipal courts be disqualified from issuing certificates of citizenship to aliens. No proposal to man the nation's elections was made, however.

Although the nation had been aroused by the facts made public, Congress did not move immediately toward enacting an elections law. Indeed, its initial steps in that direction were quite tentative. More than a year passed before any action was taken and when it took place it occurred more as an afterthought than as a product of deliberate design.

Legislation came in two stages: When the Enforcement Act of 1870 was before the Senate, two sections, introduced by John Sherman of Ohio, were added making certain abuses associated with the ballot—such as multiple voting, voter impersonation and ballot box stuffing—federal offenses.[11] The amendment was out of character with the rest of the bill, for the Enforcement Act dealt largely with enforcing those provisions of the Fourteenth and Fifteenth Amendments that applied to the Negro, not with electoral reform in general. Sherman prevailed, however, over the protests waged.

Several months later in July, when Congress was revising the laws governing naturalization, an amendment was added—again in the Senate under the sponsorship of Roscoe Conkling—giving the United States Circuit Courts and the United States marshals authority to appoint supervisors and deputy marshals in congressional elections if a request were made for them.[12] When pulled out and placed together, the amendments to both bills comprised the sketch of an elections law—the forerunner to the 1871 Act. The 1870 version was sorely inadequate, however, for supervisors were in reality, under this law, poll watchers. They lacked the power of arrest and had no clearly defined role or authority. In addition they were ineligible for compensation for none had been provided.

New Yorkers were not put off by its imperfections, however. Fearing a repeat of the 1868 performance (Tweed did not begin to fall from power until July 1871), the Republican party, under the leadership of the Union League, petitioned the Second Circuit Court for supervisors to cover the fall elections. The action had the full approval of President Grant, who, in order that there might be reliable men to serve as the Republican contingent of the federal supervisors (Tammany Hall provided the Democratic quota), granted ten-day leaves of absence at the end of October to all federal employees in the New York area. Grant also placed military weapons from a nearby armory at the disposal of the deputy marshals who had been appointed to assist the supervisors.[13]

Upon learning federal officers would be attending the polls, Tammany Hall enlarged the city's police force and ran daily notices in the press advising the public to come armed to the polls in order to assure themselves the opportunity of voting. Bloodshed seemed imminent and, as a precaution, Grant ordered 1200 troops to the outskirts of the city. For a time he even considered, but in the end rejected, the suggestion that he nationalize the state militia unit in order to keep it from being used by state authorities. Violence was narrowly averted, however, just hours before the polls were to open. At the behest of Grant's personal emissary, Caleb Cushing, both sides agreed to let the other perform its duties uninterrupted.

The election proved to be another victory for the Democrats, but great satisfaction was taken in the fact that despite an increase of population and a larger turnout, the 1870 return counted was considerably less than that of 1868. In addition two Tammany lieutenants, as a result of the surveillance, had been arrested and convicted for violating the state registration laws and given the maximum sentence.

The appropriateness of national legislation had been demonstrated, but the law, to be effective for regular and permanent use, was in need of drastic revision. Another day might not find a president so generous with national resources. The authority and power of supervisors had to be increased and more clearly defined. Above all compensation had to be available to those who served. Accordingly, when Congress convened in December of 1870, it had before it a bill, introduced by Representative John C. Churchill of New York, designed to strengthen and make more effective national supervision of congressional elections.[14] Churchill's measure spelled out in detail and made real what the 1870 law had merely suggested. No changes were made in its provisions and the bill passed both houses—the Republicans so confident of success they made little effort to defend its provisions. The bill was signed into law on February 28, 1871.[15]

Thus began the longest run to date of national supervision of elections. Federal officers were requested for the election of 1872 and used thereafter on a regular basis in New York, Brooklyn, Jersey City, Baltimore, Philadelphia and San Francisco. Chicago and Boston joined the group in 1876. More than four and one-half million dollars was appropriated to pay the fees of federal elections officers for this period. One-half of this amount went to New York state alone, where, like Massachusetts, nearly every town meeting the population minimum of 20,000 used supervisors on a regular basis.[16]

As the years passed a curious development took place. The use of supervisors and deputy marshals increased from one election to another, reaching a high point in 1892. At the same time, however, the principle of national regulation as a permanent program fell into disfavor. The New York practice, while lauded at first, gradually was looked upon with disapproval. The use of supervisors in the nation's emerging cities was dubbed "Dovenportism"—a derogatory reference to the chief supervisor in charge of the New York operation. Moreover, in the appointment of special deputies, marshals were revealed to be heavily partisan in their selection. The provision for bipartisan officers in choosing supervisors—a progressive feature of the law, for at this time most cities did not provide bipartisan election judges—was never extended to deputy marshals. In the long run the political questions proved insurmountable. The constitutional problems inherent in the law, though complicated, were relatively simple to resolve.

IV

In the two decades that followed the close of the Civil War, the United States Supreme Court was confronted by new and difficult problems as it was called upon to decide the constitutionality of the Civil Rights Acts of 1866 and 1875, the Enforcement Acts of 1870–71, and the meaning of the Fourteenth and Fifteenth Amendments in general. In the opinion of many, the Court did not rise to the challenge of advancing human rights. Beginning with the Slaughter-House case in 1873 and ending with the Civil Rights and Harris cases ten years later, the Supreme Court made short work, one by one, of the new legislation and the new amendments.[16] By 1883 the constitutional revolution that had been put through in the years 1866–70, particularly as it applied to civil rights, was at a standstill.

Footnotes at end of article.

TABLE 1.[1]—ANNUAL COST OF THE FEDERAL ELECTIONS LAW

Year	Chief supervisors	Supervisors	Deputy marshals	Estimate total
1871	$835.45	$2,575.00	$4,440.70	$7,851.23
1872	29,853.31	91,660.00	100,830.00	222,343.31
1873	1,409.75			1,409.75
1874	33,327.28	105,628.00	50,850.00	189,805.28
1875		5,195.00	2,230.00	7,425.00
1876	59,610.77	117,454.00	114,397.00	291,461.77
1877				
1878	49,981.34	106,870.00	70,078.01	226,929.35
1879		15,705.00	7,545.00	23,250.00
1880	79,517.29	158,122.61	100,942.25	338,582.15
1881	6,381.14	11,615.00	2,250.00	20,246.14
1882	68,309.88	148,914.00	76,865.00	294,088.88
1883				
1884	$64,340.58	$180,970.00	$121,987.00	$367,297.58
1885				
1886	[2] 50,000.00	131,271.75	65,190.00	246,461.75
1887				
1888	[2] 100,000.00	258,365.88	148,860.00	407,225.88
1889				
1890	[2] 100,000.00	143,927.65	190,470.00	434,397.65
1891				
1892	127,185.23	80,587.10	282,995.50	490,767.83
1893		431,260.76		431,260.76
1894		14,786.79		14,786.79
Total	[2] 770,752.02	2,506,000.52	1,339,930.46	4,616,683.00

[1] Figures given in odd years should be read as recording costs incurred in the previous even year. There were some off-year elections supervised, but not many. Payments are recorded late due to fiscal year book-keeping. Data for chief supervisors, supervisors, and deputy marshals for the years 1871–84 are given in: U.S. Congress, House of Representatives, Expenditures for Supervisors and Deputy Marshals at Elections, 1870–84, 48th Cong., 2d Ex., Doc. 247. Data for chief supervisors for the years 1886–90 are estimated; for 1892: U.S. Congressional Record, 53d Cong., 2d sess., XXVI, pt. 2, 1870. Data for supervisors for 1886: Letter from the First Comptroller to Attorney General Garland, June 4, 1888, Letters Received, Box 257; for 1888; from Annual Report of the Attorney General for 1889 (Washington: U.S. Government Printing Office, 1884), p. 184; for 1890–92: from U.S. Congressional Record, 53d Cong., 1st sess.; XXV, 2024. Data for deputy marshals for the years 1886–92: ibid., p. 1901.

[2] Estimated.

The elections law did not have to run the same legal gauntlet. And that was because a constitutional development of a different and far more significant kind was taking place. As states were relieved of the anxiety of having their powers curbed by the Fourteenth and Fifteenth Amendments, the Court at the same time was providing the basis for larger claims of national power by the national government from a different direction—the original Constitution. The extension of federal jurisdiction under the Judiciary Act of 1875 and the use of its power to regulate interstate commerce in making land grants to railroads, setting up the Interstate Commerce Commission and administering the Sherman Act are examples. For the first time since the Washington Administration, the national government laid claim to the powers under the 1787 Constitution which the Marshall Court had repeatedly said that it had. The growth of national power from this source proved to be far more significant in terms of state and federal relations than did the adding of the Civil War amendments to the Constitution. The Elections Law was an expression of this new nationalism.

The Federal Elections Law came before the Court for the first time in the 1879–80 term, when it decided the cases of *Ex parte Clarke and Ex parte Siebold*.[17] In both cases the defendants were state election officials appealing federal convictions for violating state law. The specific offenses cited had been committed during the fall elections of 1878. Clarke, an election judge working in one of the wards of Cincinnati, was charged with failure to deliver the sealed ballot box to the clerk of the county court in accordance with Ohio law. Siebold, also an election judge functioning in the fifteenth ward of Baltimore, was charged with violating the 1871 act by resisting the interference of federal supervisors who attempted to prevent him from stuffing a ballot box—a violation of the Maryland elections laws. In each instance the essential issue was the same: the relevance of state law to federal judicial power.

Two questions were raised in their appeal. One: Did the elections clause permit the appointment of federal officers to attend the polls at which congressional elections were held? Two: If it did, could Congress, in drafting the rules the officers were to enforce, commandeer all existing state law governing the security of the ballot and make it, by a simple declaration, a part of the federal law as well? Could that appropriation be so complete that all future law passed by the states (the Maryland law applicable in the *Siebold* case had been passed in 1874 and 1876) would automatically become a part of the federal law too? If so, the result was somewhat curious. Since election laws varied from one state to another, it meant that Congress was providing a different federal election law for every state in the union. A law, moreover, that could differ from year to year as new state laws were passed.

The Court found no difficulty in giving affirmative replies to all questions. Speaking for the majority, Justice Bradley said the language of section 4 in article 1 of the Constitution was unique in that the states' power to control congressional elections was concurrent with the national government's except that the latter's power was primary.

"The State may make regulations on the subject: Congress may make regulations on the same subject, or may alter or add to those already made. The paramount character of those made by Congress has the effect to supersede those made by the State, so far as the two are inconsistent, and no farther. There is no such conflict between them as to prevent their forming a harmonious system perfectly capable of being administered and carried out as such." [18]

On the question of Congress adopting state law as its own, the court said:

"The state laws which Congress sees no occasion to alter, but which it allows to stand, are in effect adopted by Congress. It simply demands their fulfilment. Content to leave the laws as they are, it is not content with the means provided for their enforcement. It provides additional means for that purpose; and we think it is entirely within its constitutional power to do so." [19]

A state election officer then owed a duty to two sovereigns and "either may call him to account." The question of whether punishment by the court of one sovereign (a federal court) would be a bar to punishment for the same offense by the court of the other sovereign (a state court), the Court said, "need not now be decided." It hinted, however, that it would not.

The deciding factor for the Court was that there was nothing in the Constitution to forbid the cooperative effort which had been established. Justice Field was not so easily persuaded. Writing for himself and Justice Clifford, Field vigorously dissented from the holding in the cases. Under no circumstances could federal jurisdiction be extended to offenses that were violations of state law. Such an assertion, he said, was a contradiction in terms. For one, it made the national government dependent on the states—the principal defect of the confederation period which the framers had tried to avoid when they met in Philadelphia. Using Marshall's words from the *McCulloch* case, he said "no trace is to be found in the Constitution of an intention to create a dependence of the federal government on the governments of the states for the execution of the great powers assigned to it." [20] Moreover, it created consolidation and destroyed the interdependence of the states. The states have a right to control their own officers and enforce their own law, he said. The convictions should be set aside.

In saying this Field was not giving a brief for states' rights. In his view federal authority on the matter of congressional elections went far enough to place supervisors at the polls and a complete code on election regulation for them to follow as well. To that end there was nothing to prevent Congress from copying the terms of a state law (drawing on the wisdom of state legislators) and writing them into the federal statutes. However, a "cooperative scheme . . . by which the general government may create one condition and the states another, and each make up for and supplement the defects in legislation of the other, touching the same subject, with its separate penalties for the same offense, and thus produce a harmonious mosaic of Statutory regulation . . . [has not been] a feature of our system of government." [21] Congress must do the whole job itself (spelling out in detail in the federal statute books the offenses that federal courts could hear) or not do it at all. As it stood, the elections law did not regulate the manner of conducting elections—Congress was still, despite its legislation, relying on the states to do that. Federal supervisors did not introduce (when they came to supervise a precinct) a new set of procedures in place of the state's regulations already in existence. What they did was ensure that state election procedures were followed and that the few federal rules governing congressional elections were not violated.

The rulings in *Siebold* and *Clarke* meant that an old doctrine set down in 1842 in *Prigg* v. *Pennsylvania* [22] was being set aside. In that case, which involved a matter of capturing a runaway slave, the question had been what the duties of state officers were under the 1793 Fugitive Slave Law. Were they charged with an obligation to assist federal officers enforcing the federal statute? The Court held that they were not. Federal officers alone were responsible for the task of enforcing national laws. Here was Field's strongest point. Relying on what had been stated in *Prigg*, Field asked: if state officers cannot be charged with enforcing federal law, how can the federal government come in and impose a duty upon a state officer to enforce state law and make it a federal offense if he fails to do?

The Court was prepared to depart from its rule in *Prigg* primarily because it did not read the elections clause in article I as being subject to a federal principle. "If the two governments had an entire equality of jurisdiction, there might be an intrinsic difficulty in such cooperation. . . . But no such equality exists." [23]

The propriety of Congress adopting state law for its own purpose had therefore been settled.[24] A sticky question on federalism remained, however. It was agreed that Congress might scrutinize the method by which ballots were cast in the election of its own members, but what of the ballots cast the

Footnotes at end of article.

same day for the election of state and local government officials? Was it not necessary, in charging persons with misconduct, to show that the offense related solely to congressional ballots and to those ballots cast for state officers? For that matter, could supervisors concern themselves at all unless it was clear that a congressional ballot was involved? If no distinction were made was not Congress exercising a power it did not have under the elections clause of article 1; a power which would require a defense of the Federal Elections Law on constitutional grounds other than those used, such as the authority to protect, through legislation, those civil rights associated with the franchise as guaranteed in the Fourteenth and Fifteenth Amendments, for example?

The difficulties in establishing such a distinction would be considerable, and if enforced it would limit the authority of supervisors and reduce appreciably the effectiveness of the law. The Supreme Court said it was not necessary, however, when it decided the case of *In re Coy* in 1888.[25]

Simon Coy and others had conspired to induce Indiana election judges to permit them access to the poll lists of voters and the certification of the tally papers before the returns were delivered to the Board of Canvassers for a count. Under the Indiana statute election judges were charged with a duty of safekeeping of these papers, a duty which Coy had obviously failed to perform. The Court held the prosecution need not show that the defendant intended to influence the election of congressmen as well as state officials. The mere danger of falsification as a possibility was sufficient to justify action and give the federal court jurisdiction.

"The authority of Congress to protect the poll books which contain the vote for a member of congress, from the danger which might arise from the exposure of these papers to the chance of falsification or other tampering, is beyond question, and this danger is not removed because the purpose of the conspirators was to falsify the returns as to state officers found in the same poll books and certificates, and not those of the member of Congress." [26]

Field again dissented, repeating substantially the position he had taken in *Siebold*. Field's view that the federal government and the aggregate states should occupy separate and exclusive spheres of power was one that gained favor after the Civil War.[27] The idea was not new. It had been inherent in the Judiciary Act of 1889 where state courts were given concurrent jurisdiction with federal courts. The post-war period, however, saw a bloom of what has been described as "dual federalism" with the reciprocal tax immunity cases and the increased use of the intrastate principle as a prohibition against the development of a broad definition of national powers to regulate interstate commerce. Field's dissents were in accordance with this development. On numerous issues he had the satisfaction of seeing his dissents grow in acceptance and become the views of the majority of the Court. It did not prove true with the Elections Law. In all instances the federal courts—lower and higher—read the statute broadly in favor of the national government and its officers. Supervisors were presumed to be an integral part of the election machinery vested with authority to act and assured of being upheld against interference by agents of a state.[28]

V

With these three cases the Elections Law was given full scope. The only time its provisions came before the Court again was with respect to the construction of its terms, not its constitutionality.

Despite the complete endorsement by the Court, the life of the Federal Elections Law had by 1890 run out. What had once appeared as a crisis in democracy now seemed a remote threat. The Australian ballot system was sweeping the country, having been introduced for the first time in Louisville, Kentucky, and in Massachusetts in 1889. Tweed had long been disposed of, and the Democratic Party in New York had undergone thorough reform under Tilden and Cleveland. Stirrings of a nation-wide urban reform movement offered the promise of new and better election procedures. The need for a federal law seemed no longer there.

In addition, the Elections Law had serious defects. Placing the administration of the law in the courts had merged an executive with a judicial function and thereby thrust the judiciary unnecessarily into the political life of the nation. The noticeable presence of partisanship in the selection of deputy marshals was another complaint.[29]

The one remaining reason for retaining national authority in the area of elections—to prevent the disfranchisement of the black man in the South—was being abandoned. The Lodge force bill of 1890, intended to counter this very threat, contemplated an extension of the 1871 law to all congressional districts in full force. If passed, it surely would have been upheld as constitutional, for it did not apply to state elections and hence could be supported on the elections clause alone.[30] Efforts to aid the Negro were by then out of fashion, however.

When the Lodge bill failed, the principle of federal regulation stood repudiated. The response of the nation to repeal, curiously, was one of relief.[31]

The Federal Elections Law constitutes a unique event in the history of American federalism. For one, it is important to realize that federal control over elections has not always been associated with reconstruction. For another, its history can offer assurance to those who look with concern in the growth of centralism which has taken place in recent years. Much of that has come about because state governments have defaulted on their responsibility. They have not chosen to recognize the needs in education, housing and transportation nor have they heeded the calls for social justice. As a result, the service of these needs has been assumed by the national government.

In 1871 there was a default by the state in producting adequate election laws. The national government responded with one of its own. When the defect had been remedied, however, the nation saw fit to remove it.

FOOTNOTES

*Assistant Professor of History, California State College at Long Beach. The author wishes to express thanks to Professor John Hope Franklin, Chairman of the Department of History, The University of Chicago, who supervised a dissertation on the subject on which this article is based.

[1] 16 stat., 433–440.

[2] In 1870 there were sixty-eight cities in the United States which had a population of 20,000 or more—fifty-eight in the North and ten in the South. The ten southern cities were New Orleans, Louisville, Richmond, Charleston, Memphis, St. Louis, Mobile, Nashville, Covington, and Savannah. See *Congressional Globe*, 41st Cong., 3rd Sess., 1871, 125, for a copy of a census report specially prepared and entered in the *Globe* during the debates on the bill.

[3] National Archives, Record Group 60, Department of Justice, Attorney General Papers, *Letters Received from the Southern District, New York*, Box 69, U.S. Marshal J. Jacobus to Attorney General W. Miller, January 21, 1893.

[4] *United States* v. *Reese*, 92 U.S. 214 (1876); *United States* v. *Harris*, 106 U.S. 629 (1883).

[5] *Ex parte*, Clarke, 100 U.S. 399 (1880); *Ex parte Siebold*, 100 U.S. 871 (1880); *In re Coy*, 127 U.S. 731 (1888); The language of the elections clause reads as follows: "The times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such regulations, except as to the Places of choosing Senators." (U.S. Const. art. I, sec. 4, cl. 1.) Before the passage of the 1871 law, the authority created in this clause had been used by Congress to set the dates on which presidential and vice-presidential electors were appointed, and to define congressional districts. There is today a large body of law, most of it passed within the past seventy-five years, referred to as corrupt practice legislation, governing the conduct and expenditures in national campaigns based on this section of the Constitution. See Earl R. Sikes, *State and Federal Corrupt Practice Legislation* (Durham, 1928).

[6] Homer Cummings and Carl McFarland, *Federal Justice* (New York, 1937), p. 225.

[7] Efforts were made by the Hayes, Cleveland and Harrison Administrations to limit the use of supervisors and deputy marshals by restricting the length of service for which compensation could be received to five days. Since the Statute permitted compensation for a maximum of ten days service, the legality of this action was highly questionable. It was accordingly criticized severely in Congress and challenged in the federal courts. The practice was finally discontinued in 1890 under Harrison. *Berry v. United States*, 35 *Fed. Rep.* 260 (1887): *Stockdale v. United States*, 39 *Fed. Rep.* 62 (1889); *Williams v. United States*, 34 *Fed. Rep.* 25 (1888), Albie Burke, "Federal Regulation of Congressional Elections in Northern Cities, 1871–94" (unpublished Ph.D. dissortation, The University of Chicago, 1968), pp. 108–125.

[8] Burke, *op. cit, supra* note 7, at pp. 167-204.

[9] U.S. Congress, House of Representatives, Select Committee on Alleged New York Election Frauds, *Alleged New York Election Frauds*, Report No. 31, 40th Coug., 3d Sess., 1869, pp. 7-12.

[10] *Nation*, November 12, 1868. The Lawrence Committee report constitutes the most complete study that was ever made of the Tweed election frauds of 1868. Because of its partiality, however, the Committee's conclusions leave much to be desired. The frauds of 1868 were never in themselves a subject of a judicial hearing. Therefore, there exists no official legal judgment which states that a given number of certificates issued in 1868 were illegal. Accordingly, the various allegations that were made were never subjected to cross examination nor was the testimony put to the test of the common law rules of evidence. While the Democrats denied the fraud charges in 1868, in later years they did not; and the Lawrence report came to be regarded by both parties as the official statement on the subject. The Cox Committee (Democratic) investigation (1876) of the use of the Federal Elections Law in northern cities, for example, cited the Lawrence report as representative of conditions in New York City in 1868. It did not dispute the estimates of illegal certificates that the Lawrence Committee said the Tweed Ring had issued. See U.S. Congress, House of Representatives, *Elections in Northern Cities*, Report No. 218, 44th Cong., 2d Sess., 1877, pp. 5–7. In addition, the New York State Assembly used the findings of the Lawrence report in settling a disputed election in 1878. Official notice was taken that a number of naturalization papers issued in 1868 were bogus and on that conclusion it declared invalid the majority vote which one of the contestants had received. See U.S. Congress, Senate, *Alleged Frauds in the Late Elections*, Report No. 916, 46th Cong., 3d Sess., 1880, p. 692.

[11] 16 Stat., 144–145; *Globe*, 41st Cong., 2d Sess., 3663–5.

[12] 16 Stat. 254–56; *Globe*, 41st Cong., 2d Sess. 43366–68.

[13] National Archives, Record Group 60,

Department of Justice, Attorney General Papers, *Instructions to United States Attorneys and Marshalls,* Book A Attorney General Amos T. Akerman to U.S. Marshall George Sharpe, October 19 and 20, 1870.

[14] House Bill No. 2634, 41st Cong., 3rd Sess. (1870).

[15] A year later, in June 1872, the Federal Elections Law was extended to rural congressional districts as well, but the extension proved illusory. For example, instead of having two citizens make the petition to the courts for supervisors, ten citizens were required. Supervisors received no pay, had no power of arrest and in order to qualify for appointment had to be qualified voters in the precinct where they were to serve. They were reduced to being observers, with authority only "to be in the immediate presence of the officers holding the elections, and to witness all their proceedings, including the counting of the votes and the making of the return thereof." This was even less than what had been given in the July act of 1870 where supervisors had the right to challenge voters and affix their signatures to the register for subsequent investigation. The requirement that federal officers must come from the district in which they would serve severely compromised the application of the national elections laws. A political party that is so dominant at the polls that it provokes a request for federal intervention is usually strong enough to resist the intercession of all persons coming from within the district, even though they wear the temporary label of a federal officer. 17 *Stat.*, 348-349.

[16] It was in New York City where the elections law was used most aggressively. Under the leadership of John I. Davenport serving as chief supervisor, the law was used to impose a check so thorough that in 1874, Tammany Hall purchased for its own use a copy of the Federal Registry of voters that had been compiled. Over the years Davenport also succeeded through questionable legal means in confiscating over 12,000 of the bogus certificates of naturalization which had been issued out of court by the Tweed organization in 1868. U.S. Congress, House, Committee on the Judiciary, *Charges Against John I. Davenport,* 45th Cong., 3rd Sess., 1879 Report No. 135, p. 237.

[17] *Ex parte Siebold,* 100 U.S. 371 1880), *Ex parte Clark,* 100 U.S. 399 (1880). In each instance, appellants were seeking a writ of *habeas corpus.* Their allegation said in effect that since the actions complained of were violations of state law, the charges made, if any, ought to be brought not by federal authorities in federal courts, but by state authorities in a state court. If granted, their request would result in extinguishing the federal indictment against them. Supposedly, an indictment could be reinstated against Siebold since he was charged with resisting a federal supervisor as well—an offense specifically prohibited in the 1871 statute.

[18] *Ex parte Siebold,* 100 U.S. 371, 386 (1880).

[19] *Ex parte Siebold,* 100 U.S. 371, 388 (1880).

[20] *Ex parte Clarke,* 100 U.S. 399, 413 (1880).

[21] *Ex parte Clarke,* 100 U.S. 399, 413 (1880).

[22] *Prigg v. Pennsylvania,* 10 Peters 539 (1842).

[23] *Ex parte Siebold,* 100 U.S. 371, 392 (1880).

[24] The same principle was applied in the Webb-Kenyon Act of 1913 and in the "Hot Oil" Section of the National Industrial Recovery Act of 1933. In both instances Congress was, in exercising its power to regulate interstate commerce, accommodating state efforts to regulate intrastate matters. Such cooperative arrangements have not always been accepted. In 1836, a bill was introduced in the Senate which would have forbade federal postal officers from distributing certain items of mail—in this case abolitionist literature—in those states where the distribution of such mail was prohibited. It was voted down on the grounds that it would make federal law dependent on state law. Alfred H. Kelly and Winfred A. Harbison, *The American Constitution* (New York, 1963), pp. 356-7.

[25] *In re Coy,* 127 U.S. 731 (1888).

[26] *In re Coy,* 127 U.S. 731 (1888).

[27] Edward Corwin, "The Passing of Dual Federalism." 36 *Va. L. Rev.* 1 (1950).

[28] Thus it was held that supervision of registration of voters was included in the 1871 act: *In re appointment of Supervisors of Elections in the State of Delaware,* 1 Fed. 1 (1880); that prohibitions against registering under fictitious names included registering in the name of a real person—*United States v. O'Connor,* 31 Fed. Rep. 449 (1887); that when the count was made, supervisors could hold the ballot in their hands—*United States v. Clark,* 22 Fed. Rep. 387 (1884); that federal deputy marshals had higher authority than did the local police if a conflict between them ensued—*United States v. Conway,* 6 Fed. Rep. 49 (1881); that abusive language could constitute unlawful interference with federal election officers—*Ex parte Geisler* 4 Fed. Rep. 118 (1888); and that a grand jury indictment was necessary for a prosecution under the elections law to be constitutional—*United States* v. *Macklin,* 117 U.S. 909 (1885).

[29] The office of United States Marshal was a patronage position belonging to the party winning the presidency. In most years therefore the party that had the advantage where deputy marshals were concerned was the Republican party. Bipartisan support for national control never developed during the twenty-three years that the elections law was in force. The law remained wholly a Republican undertaking. Cummings and McFarland, *op. cit. supra* note 6, at p. 230.

[30] Lodge's bill ran over eighty pages. In all of its particulars it constituted a stronger 1871 law. The optional feature of permitting local residents the final decision on whether supervision would be applied was retained. Administration was placed with the United States Treasury Office, however, and a canvassing board could be appointed by the circuit court to prepare the return if one was requested. U.S. *Congressional Record* 81st Cong., 1st Sess., p. 855.

[31] 10 Stat., 321. For comment on the repeal see *Nation,* February 9, 1804 and *New York Times,* February 9, 1804.

EXHIBIT 3

U. S. SENATE,
Washington, D.C., September 14, 1972.

Hon. RICHARD G. KLEINDIENST,
Attorney General,
U.S. Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: This letter concerns the very serious allegations which have been reported in the *Chicago Tribune* and other Chicago newspapers. In these reports evidence has been presented which indicates that wide-spread and insidious vote fraud has occurred throughout the Chicago area. These reports show that thousands of Chicago citizens have been systematically deprived of their right to cast an effective ballot.

I am enclosing copies of these articles which allege, among other things, that dead people have been listed as voting, non-existent addresses have been used, and signatures have been forged on ballot applications. I have personally witnessed through the years flagrant and wide-spread voting fraud in our elections in Illinois. We all know it exists. We all know it must be stopped if we are to restore faith in the democratic process.

The right to vote is the most fundamental right which any citizen can possess. Without it, the institutions of our government are mere shams. If a citizen's vote is diluted because of actions such as those which have been reported, that vote has been rendered useless, and that voter has been denied a most basic right. The facts which have come to light through the *Tribune's* investigations present convincing evidence that such flagrant depriviations have occurred regularly in the past and are likely to continue in the future unless something is done. It would seem to me that the thorough and careful investigation that has already been made should provide enough hard evidence for indictments to be laid down in the immediate future.

I can think of no greater deterent to local election judges who have enjoyed such a close relationship with the Board of Elections and the local courts than for them to recognize that vote fraud in a general election is a federal crime punishable by a fine and/or a prison term, and also that election judges have already been indicted by the Federal government prior to the coming election.

I will be calling upon the Congress to investigate this entire sordid matter with a view to developing corrective legislation. However, any action that the Congress takes could not take effect in time to protect the rights of the thousands of voters who will go to the polls in Chicago in November. In order that the rights of these voters are fully protected, I believe that Federal intervention will be necessary.

I am therefore requesting that, pursuant to Section 533 of Title 28 of the United States Code, you direct the Federal Bureau of Investigation to take the appropriate action to ensure that the right of every voter to cast an effective ballot will be safeguarded and preserved in the upcoming federal election.

The evidence which has come to light so far has indicated that violations of the federal code may occur, specifically violations of 18 USC 594 and 18 USC 595. Thus, prompt action is necessary in order to prevent these and other violations which would result in irreparable harm not only to the rights of the individual voters, but also to the rights of every citizen to have a representative form of government.

Because of the wide-spread character of this problem in Chicago, you may want to consider working with the Illinois state police and members of the bar so that sufficient personnel will be available to ensure that the right of every citizen to vote is protected.

I will be happy to render any help to you or the Department that you feel would be appropriate.

Sincerely,

CHARLES H. PERCY,
U.S. Senator.

EXHIBIT 4

[In the U.S. District Court for the Northern District of Illinois, Eastern Division, No. 72 C 704]

ELLIOTT EPSTEIN, PLAINTIFF v. STANLEY T. KUSPER, JR., MARIE H. SUTHERS AND FRANCIS P. CANARY, AS THE CHICAGO BOARD OF ELECTION COMMISSIONERS, DEFENDANTS.

INJUNCTION WRIT

The President of the United States of America,

To: Stanley T. Kusper, Jr., Marie H. Suthers, Francis P. Canary as the Chicago Board of Election Commissioners, and to all agents, employees, attorneys and all judges of election under the jurisdiction of the Chicago Board of Election Commisioners

Greetings:

Whereas, at the March, 1972 term of said Court, held at Chicago, in said District and Division, to wit, on March 20, 1972, the Court entered its judgment in the above-entitled cause directing among other things that you and each of you be enjoined and restrained as prayed for in the Complaint filed in said cause against you.

Now this is to command that you, your agents, employees, associates, servants and

those in active concert and participation with you and each of you do absolutely desist and refrain from

1. Acting in accordance with the letter of instructions in blue print from the Chicago Board of Election Commissioners to the Judges of Election dated March 21, 1972, relating in substantial part to challengers and watchers and containing among other matters six rules, each of which is introduced "DO NOT" by:

(a) Refusing after challenge to allow any challenger to examine applications for ballot, precinct binders or other forms which he desires to examine for the purpose of determining the question of the exercise of the right to vote.

(b) Refusing after challenge to allow any challenger to compare the signatures on the application for ballot and the binder cards for the purpose of determining the question of the exercise of the right to vote.

2. Acting in any manner inconsistent with Section 7-34 of the Election Code (Ill. Rev. Stat., Ch. 46, § 7-34) which provides:

"§ 7-34. The candidate or candidates of each party may appoint, in writing over his or their signature, two party agents or representatives who shall act as challengers or watchers for such respective candidate or candidates in each precinct.

"The challengers or watchers shall be protected in the discharge of their duties by the primary judges and peace officers and shall be permitted to remain within the polling place in such position as will enable them to see each person as he offers his vote, and the challengers or watchers may remain within the polling place throughout the canvass of the vote in such position as will enable them to see the canvass and until the returns are signed. All challengers shall be qualified primary electors within their respective precincts or wards and shall have the same powers as challengers at general elections. Watchers may serve in any precinct or ward in the county in which they reside and shall have the same powers as watchers at general elections; provided however that where any candidate has two watchers one of the watchers shall reside in the precinct or ward.

It is further ordered that this injunction writ is binding upon the defendants to this action and their officers, agents, servants, employees and attorneys, and upon all judges of election and other persons in active concert or participation with the defendants or said judges of election who receive actual notice of the order by personal service or

It is further ordered that the defendants shall deliver forthwith a copy of this writ of injunction to the judges of election at each of the polling places under the jurisdiction of the Chicago Board of Election Commissioners.

It is further ordered that attorneys for plaintiff may cause this writ to be served by other persons, including watchers and challengers in any precinct.

The PRESIDENT pro tempore. Under the previous order, the Senator from Nebraska (Mr. HRUSKA) is recognized for not to exceed 15 minutes.

Mr. HRUSKA. Mr. President, the Senator from Illinois (Mr. PERCY) deserves high praise for bringing to the attention of the Senate the series of articles from the Chicago Tribune regarding election fraud. And, in turn, the Tribune and its staff should be commended for the innovation and initiative that were used in compiling the evidence of massive voting irregularities that occurred in Chicago during the March 21 primary election.

It is because of fraud such as has been brought to our attention this morning that responsible election officials have always maintained that there had to be sufficient safeguards in effect at polling places to insure that each man who was entitled to vote was given that opportunity and that those who were not eligible were denied access to the ballot. This is the ultimate expression of the principle of one man, one vote. If some of our citizens are denied the chance to vote while others are voting twice or more times, we make a mockery of our pledge to guarantee suffrage equally for all citizens.

Recently the Senate had before it for consideration a bill to provide for a system of Federal voter registration by postcard. When word of this bill was received in my State of Nebraka, I heard from a number of election officials concerning the possible abuses that would flow therefrom. And I was also given detailed information concerning the very stringent voter safeguards that are in effect in Nebraska; I have every reason to believe that siimilar provisions exist in most other American jurisdictions. In Nebraska not only does the prospective voter have to prove to the satisfaction of the registration officials that he meets the requirements for voting—such as residence and age—but he must do so in person so that the official can identify him and the veracity of his statements physically. Similar procedures are utilized at the time he presents himself to vote.

There were a number of reasons why the postcard registration bill was defeated, but one of the major ones was the increased opportunity it provided for voting fraud. The catalog of abuses brought to our attention by Senator PERCY reaffirms the Senate's wisdom in defeating that proposal.

In 1970 the Voting Rights Act of 1965 came up for renewal. At that time the President proposed a complex and comprehensive bill to extend the benefits of the 1965 act to all the States of the Union. One of the provisions of that proposal was to grant the Attorney General nationwide authority to enforce the voting rights of citizens either through the use of voting registrars and examiners or by way of Federal voting rights lawsuits. Unfortunately, the Congress did not adopt the President's suggestions and instead extended the 1965 act, as originally approved, for an additional 5 years. I regret that the authority sought by the Attorney General was not approved for I feel that it would have provided numerous additional safeguards which might have been useful in preventing the type of incidents which took place in Cook County last March.

All people who have been in public life for some time are familiar with colorful yet depressing tales of voting fraud. Most recently, I recall our colleague from North Carolina detailing an incident he had heard about. I believe he said:

I had a man tell me on one occasion many years ago that he was in the city of Chicago in destitute circumstances. He said that on election day he went to a party headquarters in a certain section of the city of Chicago to seek a little economic sustenance so that he might keep body and soul together a few more days. They made him a proposition that they would give him a dollar for each vote that he cast in the election.

That man gave me his solemn assurance that he was taken to 17 different precincts and voted 17 different times under 17 different names and that he received $17 for so doing.

This Senator recalls hearing of incidents in some of our other large cities which bear a similar flavor. I also recall that in the 1950's an investigation was undertaken, again in Chicago, of the techniques used by political bosses to insure that his position and his candidates prevailed at the polls. Investigative newspapers alert the public to these practices by running pictures showing vacant lots, warehouses, docks, and other nonresidential areas with the caption: "You cannot see it but 155 people live here according to the voting rolls" or "You may not know it but 105 voters listed this empty lot as their residence." And we all know of the many miraculous resurrections which take place every election day to permit so many deceased citizens to cast one—or two—last ballots for favored candidates.

Some of these incidents, Mr. President, appear in the abstract to be somehow amusing. But, they are not. Instead, they are tragic because they represent a failure of our system to keep faith with the people on one of the most fundamental rights of our citizens: the right of everyone to be able to vote in a fair election in which the result is an accurate reflection of the will of the people.

Again, I indicate our debt to Senator PERCY for bringing this matter once more to our attention. If officials and citizens alike are continually aware of the opportunities for and the occurences of election fraud, they will be more vigilant in their efforts to prevent them.

Let us hope that the election which will take place in every precinct in this country on November 7 will be the most honest in our history; that every citizen who is entitled under the law will be given the opportunity to vote and that he will do so; and that no one will have a chance to perpetrate voting irregularities on the electoral process. I know that our allegiance to this principle will not be 100 percent, but let us try to make it as close to that mark as possible.

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

Mr. HRUSKA. I yield.

Mr. PERCY. I very much appreciate my distinguished colleague's being on the floor this morning. There is no Senator from outside our State who has more respect in the Chicago community and Illinois than he, not only because of the long, affectionate relationship between our late colleague Senator DIRKSEN and Senator HRUSKA, but also because the distinguished Senator from Nebraska has been in Chicago many, many times. I repeat that it is going to mean a great deal to our people that whatever influence and power he has will be brought to bear in this matter.

I previously mentioned running for Governor. I was rather shocked when in November 1964 I woke up and, on the front page of the Chicago Today newspaper was a statement by a former Chairman of the Chicago Board of Elec-

tion Commissioners—he is now deceased—in which he said:

Any precinct captain who doesn't buy votes isn't worth his salt. I know. I was one myself once.

That was an open invitation, on the day of election—a charge, really—that this was the policy that should be followed by the thousands of precinct captains. That is just an example of the callous disregard exercised and expressed by a former chairman of the election board that had the responsibility for supervising and insuring the integrity of an election.

How hypocritical it is that we in this country presumed that we would go to South Vietnam to supervise the elections there. I had to remind my distinguished colleague, the junior Senator from Illinois, when he proposed such a solution, that it was a rather daring thing for a politician from Cook County to propose that we would be able to give advice on how to run a fair and honest election. Why not rebuild and remake our own institutions here at home and see that those institutions then are preserved and protected?

That is why, in my letter to the Attorney General yesterday, I said I felt there could be no greater deterrent to our local election judges engaging in vote fraud and participating in it and planning it and plotting it and conspiring in it for the next Federal election than if we took the body of evidence which we now have, which is quite substantial, and indicted those judges who, in the judgment of the available evidence, appear to be guilty of fraud, so that those election judges, who have enjoyed such a close relationship with the board of elections, and really with the local courts, would recognize now that the Federal Government will say that the integrity of a Federal election must be preserved, because, after all, the names of candidates for the office of the United States President are on the ballot.

Candidates for Federal office have their names on the ballot also. This is not just a job of harmless hanky-panky that has been standard in Cook County and possibly other places in Illinois under the control of whichever party may have the majority. Certainly the action we are proposing be taken is prudent and wise and goes to the very heart of protecting our institutions in this country.

I thank my colleague.

Mr. HRUSKA. Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). At this time the Chair recognizes the Senator from Mississippi.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—CONFERENCE REPORT

Mr. STENNIS. Mr. President, I submit a report of the committee of conference on H.R. 15495, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of September 11, 1972, at pp. H8180–8188.)

Mr. STENNIS. Mr. President, let me say, in brief summary that, with respect to this conference report, on all the direct military items, certainly, the Senate's position was well sustained. The points were met, by compromise and otherwise, but the major points with reference to the military part of the bill made by the Senate were sustained in the conference.

There are two amendments, however, voted by the Senate that were not maintained. One was the Cranston-Brooke amendment, the so-called end-the-war amendment, that had been voted by the Senate by an appreciable margin. Although a real effort was made on the part of the conferees of the Senate to sustain that, we were not able to get the Senate's language adopted. The position of the House was supported by the fact that part of the amendment was covered by recent law. As a practical matter, they were also standing on the vote they had, a 50-vote margin, in favor of rejecting such an amendment. By the way, since this conference report has been filed, that vote was repeated, by substantially the same majority, in the House yesterday, I believe.

I point out, Mr. President, that this report is signed by all the conferees of the House of Representatives and the Senate, which indicates that the conferees were satisfied that the purposes were carried out as much as could be.

The conference report together with the joint statement of the managers is House Document No. 92–1388 and has been available since being printed in the CONGRESSIONAL RECORD on September 11, 1972. The decisions resulting from the conference have been known for a number of days on various aspects of this legislation. The joint statement of the managers contains an explanation of the adjustment of differences. The House agreed to the conference report on September 13. The pending Senate action is, therefore, the final step before Presidential signature.

I would hope that the Senate would move expeditiously in agreeing to this report. This legislation has been under consideration in some form since February; all issues have been exhaustively debated. Moreover, the passage of this bill is necessary in order that the Congress can move on with the Defense appropriations bill.

Mr. President, the conference report and the statement of the managers sets forth in detail the differences and the resulting adjustments on this legislation. I shall at this point, however, summarize the major results of the conference and be prepared to answer any questions on this entire legislation.

FUNDING DIFFERENCES—PROCUREMENT

In summary, the total funds which the conferees recommend for authorization is $20.9 billion. This is $2.3 billion less than the amended administration request of $23.2 billion.

The various differences have been discussed from time to time and I will not dwell on them further at this point but will be glad to answer any questions. I would, however, like to note several of the principal funding adjustments in procurement.

SAFEGUARD

With respect to Safeguard, the House receded to the Senate which resulted in total funding of $555.5 million as recommended by the Senate which was $245.0 million below the total of $800.5 million as approved by the House.

AIRBORNE COMMAND POST

With respect to the Airborne Command Post, the House receded to the Senate position under which we recommended only four of these aircraft as contrasted with six recommended by the House. The final figure agreed upon is $127 million as compared to $224.8 million recommended by the House.

HARRIER

Another example of a funding difference was the Marine Corps close air support aircraft, the Harrier, which had been deleted altogether by the Senate. We receded to the House and restored these 30 aircraft at a cost of $133.1 million.

There are other differences which I shall be glad to discuss at the request of any Member.

FUNDING DIFFERENCES—R. & D.

In summary, Mr. President, with respect to the R. & D. funds, the House receded on all of the across-the-board percentage reductions approved by the House. They also agreed to most of the line item cuts made by the Senate. The final R. & D. authorization is $8.5 billion which is $255 million less than the budget request, representing a reduction of 2.9 percent below the administration request.

I would like to speak to several items of special interest with regard to the R. & D. funds.

ATTACK HELICOPTER PROGRAM

With respect to this program, it may be recalled that the Senate deleted all funds for the Cheyenne helicopter which were contained in the House version. During the period of the conference, the Department of the Army advised the conferees that the Cheyenne program was being terminated and recommended that funds

in the amount of $40 million be authorized for a new attack helicopter program and to pay for termination costs for the Cheyenne.

The conferees agreed to the sum of $33.5 million in order to initiate this program.

R. & D. ADD-ONS

Another group of R. & D. items which has been a matter of special interest, Mr. President, relates to the so-called SALT-related R. & D. add-ons. In summary, there was a total of $110 million covering four programs: First, $60 million for the site defense program; second, $20 million for development effort on the submarine launched cruise missile; third, $20 million for ABRES program related to an improved reentry vehicle; and fourth, $10 million for communications, command and control capabilities. These items were received too late from Defense to be considered by the committee prior to final Senate action on the bill. For that reason the items were deleted by the Senate without prejudice.

Our committee conducted an exhaustive review of these items which served as the basis for discussion in conference with the House. The House had included the entire $110 million in their bill but as a result of the hearings conducted by the Senate, the conferees agreed to deny the $20 million requested for the new reentry vehicle, and approved $60 million for the remaining items as follows: $40 million for the site defense program; $10 million for the Navy's submarine launched cruise missile program; and $10 million for improving military communications, command and control capabilities.

LANGUAGE ADJUSTMENTS

Mr. President, there were 22 language differences between the House and the Senate. There was no attempt to evenly divide these differences, however, the end result was that the Senate prevailed 11 times and the House prevailed 11 times.

F–14

Mr. President, it will be recalled that the Senate committee felt very strongly that the integrity of the present F–14 contract should be maintained as a matter of law and language to this effect was adopted as a condition precedent to obligating the funds.

Language to this effect has been retained with the exception that the exercising of the Lot V option may be on any date prior to December 31, 1972, rather than at any time before October 1, 1972, as contained in the Senate version. This modification was adopted in order to permit the Navy more flexibility in meeting the current situation.

SAFEGUARD

The Senate language on Safeguard limiting the use of the funds for this program to the one site at Grand Forks, N. Dak., was not revised by the conferees and will become law.

ADVANCED AIRBORNE NATIONAL COMMAND POST

There was extensive discussion on the matter of the authority for the National Command Authority site which was permitted under the House version. I think it was made clear that if the administration again recommends National Command Authority for the next budget, it will receive appropriate consideration. However, for the current fiscal year 1973 program, the matter was deleted although it is fair to say it was deleted without prejudice.

C–5A

The Senate for the last 3 years has adopted language regarding the C–5 which restricts the use of these funds to the direct cost of completing the C–5A program. There are four elements to these restrictions: First, direct costs of any other contract or activity of the prime contractor; second, profit on inter-company transfers of materials, supplies, or services; third, bid and proposal costs, independent R. & D. costs, and similar unsponsored technical effort; and fourth, depreciation and amortization costs in property, plant, or equipment.

The House receded on the first three of these items and these will remain blanket restrictions on the use of these funds.

With respect to the fourth item, however, regarding depreciation, the House would not agree to a disallowance of this element. After extensive discussion the Senate reluctantly receded to permit not more than $4.4 million as an element of cost out of the fiscal year 1973 funds for this purpose.

Mr. President, the various other language matters relating to procurement are fully explained in the statement.

PERSONNEL

Mr. President, the Senate did agree to the House recommended change that the annual authorizations be based on end strength rather than average strength which was the law heretofore.

Moreover, I should note that there was a compromise in terms of the total number of authorized personnel under which the conferees agreed to the revised budget end strength figure for the Department of Defense with the added stipulation that the Secretary of Defense should allocate a further total cut of 16,000 from the Army, Navy, and Air Force in such a manner as he might determine.

LAOS

The Senate language adopting a $360 million expenditure ceiling on U.S. efforts in Laos was adopted with the change that the ceiling was increased to $375 million and furthermore, combat air operations by the South Vietnamese Air Force were excluded along with U.S. air combat operations which had also been excluded in the Senate version.

I might add that the overall authorization for Southeast Asia was agreed to at $2.5 billion as passed by the House rather than $2.1 billion as passed by the Senate.

WITHDRAWAL OF U.S. FORCES FROM INDOCHINA

Mr. President, I now turn to the conference item relating to the withdrawal of U.S. forces from Indochina which is known as the Brooke amendment. As the Senate may recall, this language provides for the withdrawal of all U.S. forces from Vietnam, Laos, and Cambodia within 4 months of enactment of the provision provided that American prisoners of war were released within that time and an accounting for U.S. servicemen missing in action had been provided by the Government of North Vietnam or any government allied therewith.

The House version contained no such provision.

Let me emphasize that this provision along with possible compromises were discussed at great length by the conferees. Full discussion of this is contained on pages 26, 27, and 28 of the joint statement of the managers. Both Senator CRANSTON and Senator BROOKE appeared in person before the conference and argued in a most admirable way for the Senate position. I can also say that all Senate conferees representing the Senate made every effort to seek to have the House agree to either the Brooke amendment or some other meaningful provision along the same lines.

Our efforts were unsuccessful. The House basically stood on three grounds. First, the amendment procedurially would have been nongermane which meant the House would have had to seek approval from the Rules Committee of any new language that might be accepted. Second, the House, as a body, on August 10, 1972, rejected a so-called end-the-war amendment by a vote of 228 to 178. Third, it was pointed out that there is already in the form of permanent law two provisions relating to termination of hostilities in Indochina.

One of these provisions is contained in the Selective Service Act enacted last year which set forth a sense of the Congress resolution and the other was set forth as title VI of the procurement authorization of last year which made it the policy of the United States to terminate operations at a date certain following the release of all prisoners and the negotiation of the cease-fire by all parties to the hostilities. This entire provision is set forth on page 27 of the conference report.

Mr. President, I regret that the conferees were not able to bring back to the Senate a meaningful amendment along these lines but legislation is the art of the practical. The House was adamant in its position and in the interest of sending this bill forward, there was no alternative but to reluctantly recede on the part of the Senate.

ONE-TIME RECOMPUTATION PROVISION

Mr. President, I now turn to the Hartke recomputation amendment which, as we know, was adopted on the Senate floor by an overwhelming vote. This amendment provided for one-time recomputation in that those retired prior to January 1, 1972, could recompute at age 60 their retired pay based on the January 1, 1972 pay scales which are the current ones. In addition, those retired for at least 30 percent disability could have their retired pay recomputed immediately regardless of age.

All the Senate conferees fought hard to sustain the Senate position and achieve adoption of this provision especially in view of the overwhelming Senate vote. After much discussion, however, the Senate was compelled to recede.

Let me emphasize that the House conferees made no attempt to reject this amendment in the sense of making a judgment on its merits.

The House pointed out no hearings were held in either body on the measure. Moreover, the total lifetime cost carried from $10 to $19 billion. Also, there were certain ambiguities and drafting questions.

It was also agreed that this entire recomputation matter as well as the entire matter of retirement reform must be addressed and let me say that Chairman HÉBERT has not only promised hearings, he has announced the appointment of a special subcommittee to be chaired by Congressman STRATTON.

During floor discussion in the House on the conference report, it was indicated that the House subcommittee will commence hearings within the next 2 weeks.

I can also say, Mr. President, that it is my intention that the Senate Armed Services Committee will also address this question as well as the other complex problems now facing the military retirement system including cost, early retirement, and various other issues. I do not want to imply that legislation will be reported during this session of Congress, however, we do intend to make a start with background hearings so that we can proceed as expeditiously as possible next year with respect to overall legislation on this matter.

Mr. President, there are a number of other minor provisions I have made no attempt to discuss.

I see that the Senator from California (Mr. CRANSTON) is in the Chamber. He is the author of one of the amendments we did not get accepted. I want to assure him again that we did everything we could. That provision was ably espoused by the conferees, as he knows, since he was there a part of the time, and we are glad that he was.

I ask unanimous consent that I may yield to the Senator from California without losing the floor, if he wishes to respond.

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

Mr. CRANSTON. Mr. President, I thank the distinguished chairman of the committee for yielding to me. I also thank him for the strong effort he made on behalf of the end-the-war amendment. I know that was not an easy assignment for him, because he did not support that amendment when it was before the Senate.

The will of the Senate was established in a recordmaking series of 12 rollcalls. The Senator from Mississippi and the conferees, I know, made a real effort to persuade the House conferees to accept something along the lines of the Senate position. I regret very much that they were unsuccessful. I regret that they finally felt it necessary to yield.

I recognized, however, that their position was not very strong. The amendment prevailed by a rather slim margin on this side, and a similar move to cut off the funds for the war was deleted by at least 50 votes in the House of Representatives.

I note that just yesterday another effort along those lines was defeated in the House, and I know that this made the position of the Senate conferees rather difficult.

I was originally dismayed, and I am still somewhat disappointed, that the conferees did not reflect the policy position adopted by the Democratic conference earlier this year. That position urged that on major issues the conferees be appointed, insofar as it was possible, to reflect the Senate's will. I discussed this matter with the distinguished chairman of the committee. However, I discussed it with him when it was too late, after he had chosen the conferees. That was my fault; I was so deeply involved in the Senate floor battle that I simply neglected to bring up that matter as early as I should have.

The distinguished chairman of the committee made an effort to make some adjustments, when that proved difficult, he then invited Senator BROOKE and me to attend the conference, and I deeply appreciate that.

I do hope that that Democratic policy conference recommendation will be followed more closely in the future, not only by this committee but by other committees. And if we once again get into this sort of situation over the Vietnam war, I hope that at that time the conferees can be appointed with a greater eye to the Senate's will on this subject, that was really the principal issue that held up this bill for some time on the Senate floor, and for a long time that has also been a burning issue in the Senate and the House of Representatives and in the country as well.

I have considered opposing the conference report because it does not contain any provision representing an effort to oppose the Vietnam war or to cut off funds. However, I recognize the weakness of the Senate position in view of both the close vote in the Senate and the House position. I recognize also that the issue of dealing with Vietnam is passing for the moment from the congressional arena to the arena of presidential politics. The choice between the two principal contenders for the Presidency made by the electorate of our country will go a long way toward determining what will transpire in terms of the Indochina war. Were a strong effort made to force a position by Congress on this matter now, it could not take effect until after the election is over. For that reason I shall not oppose the conference report.

I do want to say that I am deeply disturbed by the present situation in Indochina. When President Nixon announced the mining of the harbors in May, he stated that he had undertaken "decisive" military action to end the war.

But this so-called decisive action was accompanied by a bankrupt policy—more bombing. As David Broder wrote recently in the Washington Post:

> Between January and June of this year, the tonnage of American bombs dropped on Laos, Cambodia, North and South Vietnam—with none of which we are at war—increased 100 per cent from 56,000 tons to 112,000 tons.
>
> We cannot comprehend what that means in human terms, what it would feel like if one were living under such an assault. We can only guess what the peasant or villager would think of our efforts to justify such deliberate destruction as a step to preserve a remote government in Saigon, now systematically denying even the vestiges of democratic freedom to its own people.

We now see that that policy is not ending the war. The current reports from Vietnam are deeply disturbing. Recently, an article in the New York Times, published on the first day of this month, quoted high-ranking American officials in Saigon as now:

> Talking privately not of a breakthrough in the peace talks, but, rather of the possibility of unending the war.

More recently, a report appearing in the same newspaper on the 13th of this month, just 2 days ago, quotes the country's two principal intelligence agencies as having submitted to the White House reports that Hanoi can sustain the fighting in South Vietnam "at the present rate" for the next 2 years, despite the heavy bombing of North Vietnam.

We have heard these reports that maybe the end will come within 2 years so often before. The fact is that the end is not really in sight in any way, shape, or manner, at the present time.

If GEORGE MCGOVERN is elected President of the United States, I believe that American involvement in this war will end within 90 days. I hope, believe, and trust that he will be elected, despite present indications that his campaign faces an uphill fight. I believe the tide is turning.

If, on the other hand—and I am conceding nothing on this subject—President Nixon should be elected, I think that is a prescription for an everlasting war. I say this because his policies are not succeeding in winding down the war. To be sure, he has reduced American ground strength in Vietnam, and he has substantially cut down the number of American casualties. All of us applaud those steps. But the fact is that we have more airmen and more seamen involved in the war now than we had at the beginning of this year. I am especially disturbed at a recent report attributed to high-level U.S. Air Force officials suggesting that American bombing of North Vietnam—which is a prescription for more Asian deaths, more American deaths, more POW's captured, and more Americans missing in action—may go on for 2 or 3 more years at the present rate.

We have heard this before. In the past we have been told to wait just a little longer, and yet the bombing goes on and on and on.

At a press conference on August 29, the President branded as "quite ridiculous" the possibility of extending American bombing for 2 or 3 more years. Nobody managed to ask him why, in his judgment, it was "quite ridiculous." I ask that now: Why is it "quite ridiculous" that the bombing might go on for 2 or 3 more years? American officials have recently been widely quoted that Hanoi can sustain the fighting in South Vietnam at the present rate for at least 2 years. The President has not come up with any new evidence that he can totally wind down that war and end our involvement. Why, then, is it "quite

ridiculous"? What evidence is there that American Air Force officials are being ridiculous when they make these statements?

Mr. President, if the unfortunate result of this election is that President Nixon is reelected, I believe the war will still be going on when this same bill is before us again next year. If that is so, and if the Senate position remains the same, I and others will be determined to see that that position is sustained in Congress. If after the election the responsibility is passed from the people back to us, then we must measure up to that responsibility.

Let me close by emphasizing that I hope and believe that will not need be the case. By the time next year's bill comes to us, I believe that President GEORGE MCGOVERN will have ended the war.

I thank the distinguished chairman for yielding to me. I thank him once again for what he has done.

Mr. STENNIS. Mr. President, I am grateful to the Senator from California for the remarks he has made. I appreciate very much the sincerity of his position and his efforts.

Mr. HARTKE. Mr. President, will the Senator yield? I should like to comment upon the matter about which the Senator from California has been speaking.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. STENNIS. Yes; I yield briefly.

Does the Senator wish to comment on the amendment?

Mr. HARTKE. Yes. I should like to comment upon the end-the-war amendment.

Mr. STENNIS. I yield to the Senator for a comment.

Mr. HARTKE. I thank the distinguished Senator from Mississippi. I know that he is pressed for time. The point is that the American people are pressed for an end to this war.

One of the remarkable situations in this country today is that every poll—if polls can be believed—indicates that the American people want this war over. The President says he wants this war over. The Senate has voted a number of times that it wants this war over. Yet, the war does not come to an end.

The tragedy of Vietnam is not just a question of the war itself, but the way it is cauterizing the minds of the American people. For generations, we are going to be faced with the fact that the moral condition of this country has been brought to its knees by the fact that we are in Vietnam. It has taken from us the type of moral leadership which is expected from a nation which bases itself upon a Judeo-Christian philosophy.

We are the most powerful nation in the world, and the real question, I suppose, for the American people is how we are going to use that power. At the present time we are using that power in a method which indicates that we believe in the old theory that might makes right. Everyone has to agree that if somebody else is mightier than we are, they would prevail. What we have been saying is that might means might and power means power. The real question is how you are going to use power.

I hope the United States someday can again return to the idea that we are the great apostles of peace, that we really believe in peace. As long as we hold ourselves out verbally, in favor of peace, and continue to wage war, no one is going to believe us. Our children are not going to believe us. And the hope of this Nation is that somehow we can give them some inspiration.

The conference report on military procurement dashes the hopes of most of our young people. When we see violence in America, let us remember that we have sown those seeds in Vietnam.

The Senator from California, who is on the Veterans' Affairs Committee with me, knows that we are bringing thousands of American soldiers home every year. We do not give them just benefits. Most of all, we give them no hope, no inspiration, and we leave this Nation prostrate.

One thing can be said: If anything destroys America, it will be the war in Vietnam. These people who are looking for answers to our social ills at home have to look to this conference report as contributing, unfortunately, in my opinion, to the possible destruction of America as we know it today.

I have seven children myself. I do not look upon this very lightly. The tragedy of the young today, no matter what they do, is that they may be feeling the sins of their parents visited upon them.

It is a rather severe indictment of every man and woman in the Senate and in the House, and it is a severe indictment of this President and the one who preceded him and the one who preceded him. I am tired of hearing about how many Presidents have put their stamp of approval upon dashing the hopes of so many Americans.

Mr. CRANSTON. That is a beautiful expression of the hopes and dreams and dismay of many millions of American citizens.

Mr. STENNIS. Mr. President, continuing our discussion of the conference report as a whole, I refer now to the amendment offered by the distinguished Senator from Indiana, the so-called one-time recomputation provision. I have discussed it and explained the situation with respect to the conference on it, in the remarks I have already made for the RECORD.

Mr. President, the House Members were not out of sympathy with the amendment at all. They could not agree to it, from their position. They stood fast but they did agree to appoint a subcommittee of their committee to proceed immediately, we might say, to active consideration of this matter.

Representative HÉBERT, chairman of the House Armed Services Committee, already has appointed that subcommittee, to be chaired by Representative SAMUEL S. STRATTON, of New York. Serving with him will be Representative BYRNE of Pennsylvania, Representative LENNON of North Carolina, Representative O'KONSKI of Wisconsin, and Representative PIRNIE of New York. I have here a copy of Representative HÉBERT's announcement, and I ask unanimous consent to have it printed in the RECORD.

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

HÉBERT ANNOUNCES SPECIAL SUBCOMMITTEE TO STUDY MILITARY RETIRED-PAY RECOMPUTATION

House Armed Services Committee Chairman F. Edward Hébert today announced the appointment of a special subcommittee to study recomputation of military retired pay.

Chairman of the subcommittee will be Rep. Samuel S. Stratton (D-N.Y.). Serving with him will be Democrats James A. Byrne (Pa.) and Alton Lennon (N.C.) and Republicans Alvin E. O'Konski (Wis.) and Alexander Pirnie (N.Y.).

Officially titled the "Subcommittee on Retired-Pay Revisions," the group will have authority to recommend other changes in retirement laws in addition to reviewing recomputation proposals.

In appointing the subcommittee, Hébert was fulfilling a pledge he made to retired groups earlier in the year to give recomputation to a study in depth.

Recomputation—that is, letting military retirees recompute their retired pay on the latest active-duty pay scales—has been the subject of numerous bills introduced in the House.

Hébert said the subcommittee will review all of the various recomputation bills introduced.

Mr. STENNIS. Mr. President, on September 13, Representative GUBSER of California spoke on the floor of the House of Representatives with reference to the fact that Representative STRATTON, as chairman of the subcommittee, has already announced that hearings will commence within 2 weeks. So there is no question that a committal has been made in good faith and is being carried out. I have already announced on the floor that we will also have a subcommittee and will proceed with hearings. But I have pointed out that the matter is so deeply complex—so much has to be developed—that we could not, with reality, suggest that this all could be done in this calendar year. It would be started and would be considered, I hope and expect, early in 1973.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the pending conference report occur today at 12:30 p.m.; that at 12:20 p.m. the conference report again be laid before the Senate if it has been set aside prior to that time, and that there be a 10-minute limitation on further debate on the conference report, the time to be equally divided between the distinguished Senator from Mississippi (Mr. STENNIS) and the distinguished Senator from Massachusetts (Mr. BROOKE), with the vote to occur at 12:30 p.m.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Post Office and Civil Service.

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

UNANIMOUS-CONSENT AGREEMENT ON OMNIBUS CRIME CONTROL ACT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, notwithstanding the order on H.R. 8389, that it be in order for the distinguished majority leader and the distinguished Senator from Arkansas (Mr. MCCLELLAN) to offer a multiple-parts amendment dealing with crime and crime victims.

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

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on H.R. 15495, to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard anti-ballistic-missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the distinguished Senator from Mississippi wishes to set the conference report aside, the Senate then proceed to the consideration of S. 3531, the 1976 Winter Olympic games bill.

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

Mr. STENNIS. I yield now to the Senator from Indiana, who has worked diligently and effectively on this amendment.

RECOMPUTATION OF RETIREMENT PAY OF RETIRED MILITARY PERSONNEL IS LONG OVERDUE

Mr. HARTKE. Mr. President, the Hartke amendment, passed by the Senate by a vote of 82 to 4 is a strong indication that the Senate recognizes the need for recomputation. The Hartke recomputation amendment would have taken a big step toward correcting the long-standing inequity in the treatment of retired military personnel. Thousands upon thousands of retired officers and enlisted men made sacrifices to enter their country's service. In return for lower pay and the frequent disruption of careers, the military services promised a "recomputation" system of retirement pay.

For 100 years, retired military pay depended solely upon rank and years of service. Upon retirement, the officer or enlisted man received a certain percentage of his base pay as a retirement benefit. When base pay was increased for the active duty military, the retired military personnel could compute their retirement pay using the new base rates. The system of recomputation was a basic recognition that you treat retired military personnel as human beings and not as antiquated tanks.

Recomputation was rudely suspended in 1958. In 1963, the Senate permitted a one-time recomputation using 1958 base rates of pay. At the same time, the Senate substituted a cost-of-livng adjustment factor for the recomputation provision. As a result thousands of retired military men and women were left with the bitter taste of forgotten promises.

The Hartke amendment broke a logjam that has kept the issue of recomputation from reaching the Senate floor. Under the Hartke plan, retired military personnel would be allowed a one-time recomputation of their benefits using January 1, 1972, base rates. Disabled retirees and retirees 60 years of age or older, could recompute their pay at once. All other retirees could recompute their benefits upon reaching age 60. The Hartke plan would retain the cost-of-living feature to assure the retiree of future increases along with the expected rise in the cost of providing food, shelter, and clothing.

It is well recognized that the Hartke plan does not fulfill all the broken promises, but at least it was a step in the right direction.

The fact is, we had a campaign pledge from President Nixon that he would restore recomputation. He made that pledge in 1968 in a telegram sent to Maj. Gen. Preston Corderman, president of the Retired Officers Association, on September 13, 1968, in which he said:

> Because of the concern of your organization with the issue of equalization of retired military pay I want to take this opportunity to share with you my views on this important subject.
>
> For the past several years, our retired military personnel have been unjustly treated because of the failure of the administration and the Democratic-controlled Congress to remedy the growing disparity between active duty and retired military pay. This unfair discrimination is wholly contrary to the long established principle of equalizing retired pay with existing active duty pay for the same grade or rank. It is a breach of faith for those hundreds of thousands of American patriots, who have devoted a career of service to their country and who, when they entered the service, relied upon the laws insuring equal retirement benefits.
>
> The retired pay of some of our older retirees has slipped more than 30-percent behind that of their younger comrades. In a period of skyrocketing cost of living increases, it is an intolerable and unfair burden for our retired military.
>
> I intend to urge the Congress to remedy this injustice at the earliest possible time by passing legislation along the lines of that introduced by Senator Tower of Texas, chairman of my Key Issues Committee. General Eisenhower and I worked vigorously to seek legislative relief in 1960. Now, after prolonged inaction by an administration of which Vice President Humphrey has been a part, the time is at hand to do simple justice and to recognize the great contribution to our Nation by those who have served their country with honor and distinction.

Mr. President, the statement of the President is certainly one which would indicate that the President is going to move forward immediately to deal with this matter. However, no such measure was ever presented to the Senate. And never was there an indication from the White House that the measure introduced by the Senator from Texas (Mr. TOWER), of which I am a cosponsor, should be adopted by Congress.

In spite of the fact that the telegram was sent and in spite of the fact that we had almost overwhelming support on both sides of the aisle, there was a hesitancy to bring the measure to the floor. Despite the assurances of the chairman of the Senate Armed Services Committee that there would be timely hearings, the Senate voted 83 to 4 in support of the amendment. Yet we dropped this measure in conference, a measure that would affect hundreds and thousands of military retirees.

Justice, equity, and fairplay demand that we restore the promised benefits to men and women who have served their country so faithfully. By breaking the recomputation system, retirement pay no longer depends solely on rank and years of service. The manipulation of favorable retirement dates will surely become a sad but necessary part of a military career.

The assurances that the House and Senate Armed Services Committees will vote on the military recomputation measure in the near future is certainly a welcome change from past inactivity.

I wish that some legislation could yet be passed before adjournment. No one can honestly expect that now, however.

Mr. President, I think it takes no expert in military affairs to know that these retired military personnel cannot eat hearings, conference reports, and broken promises. It is frequently said that man cannot live on bread alone. Yet, it is certainly true that man cannot live without bread. For many retired military individuals, the failure to restore the promised right of recomputation means that they will not have the wherewithal to keep going.

One of the Members of this body who has toiled with me to restore the recomputation system is my distinguished friend, the distinguished Senator from South Carolina (Mr. THURMOND).

His support of the activity in this field on behalf of these retired military personnel should certainly receive support and commendation. His work in this respect was outstanding. Typically his concern was for these individuals. It was for that reason that he took a position, which under normal circumstances he would prefer not to have taken. I refer to his opposing the chairman of the committee on which he serves, the Armed Services Committee. I congratulate him for having done so and for his work on behalf of retired military personnel.

I should like to ask the chairman of the Armed Services Committee, what is it that we can expect on the Senate side in regard to the ultimate reporting of a bill. Will it be in line with the recommendations of the President, the recommendations of the distinguished Senator from Texas (Mr. TOWER), the Hartke position

or will this bill take some other form? What I am asking is that the Senate be given a clear understanding as to when the issue will have an opportunity to be considered on the Senate floor?

Mr. STENNIS. With a chance to be on the Senate floor?

Mr. HARTKE. Yes. I am certain that if we can get any kind of fair bill on the Senate floor, we can pass it here. After all, the Senator knows that we do not vote in the other Chamber and we cannot guarantee what they will do, but at least we should be able now to have some definite understanding as to what can happen in the Senate.

Mr. STENNIS. Here is what I have already promised in earlier debate on this subject, and what I have in mind now. I am now in the process of arranging for someone to be chairman of an Armed Services Subcommittee which will hold hearings on this matter. The staff is already working on the subject. I expect to appoint that subcommittee within the next 2 weeks at most. It does take some time to make arrangements. The staff will continue to work. The matter will rest in the control of the subcommittee.

My recommendation would be, if it is at all reasonably possible, to begin hearings during this calendar year. If not, then hold them when Congress is reorganized in January. The Senator knows all this. Assuming continuity, the hearings will be pushed with dispatch and recommendations will be made to the full committee as soon as practicable. I can assure the Senator that, as chairman—if I am the chairman then—I will push for the consideration of this measure. It will be reported by the full committee in some form and to the Senate floor. When it goes on the calendar, of course, it will be in the hands of the leadership. I would favor taking it up.

Mr. HARTKE. Can the Senator from Mississippi give me any kind of time reference whatsoever—can we anticipate such a bill coming to the Senate floor by March 1, 1973?

Mr. STENNIS. In view of the fact that the month of January is usually largely consumed with inaugural matters, I would think perhaps the first of March would be a little premature. I would say 30 days after that—April 1—that would be a reasonable time—in that neighborhood.

Mr. HARTKE. I appreciate that information. At least before taxpaying time, April 15.

Mr. STENNIS. That is a very reasonable modification. We would try to make that our goal, to get the bill reported——

Mr. HARTKE. By April 1.

Mr. STENNIS. April 1 to 15—let us put it that way.

Mr. HARTKE. I appreciate that information very much, because I believe that this is a measure which the Senate would want to act on favorably and the House as well. I know that the Senator is well aware of the telegram by President Nixon, which was severely critical of a previous, Democratically controlled Congress. I must say, however, that to me the President made little or no effort to carry out his own pledge.

I hope that whoever the person is in the White House in 1973, he will give us more than telegrams and would give us support on the Senate floor and on the House floor toward solving this most important problem.

Mr. STENNIS. Mr. President, I appreciate the remarks of the distinguished Senator. In keeping with the arguments—the sentiments expressed and the debate in the conference—when these hearings start, on either side there will doubtless be other matters with reference to the retirement plans that will be brought up and brought into the hearings.

This is no promise concerning this bill. I cannot make promises about the content of the bill anyway. But this subject matter is related to retirement and inevitably questions will come up that will have to be decided.

Also with reference to what I said about a bill coming to the floor, the committee itself will have to take action in saying whether or not the bill will come to the floor. But that will be on the merits. And we trust the committees, I am sure.

Mr. HARTKE. Mr. President, I am fully appreciative of the fact that the Senator from Mississippi cannot at this time give us a statement on the contents of the bill. However, we have assurances that the hearings will be commenced as early as possible and that the subcommittee will be appointed within the next 2 weeks and that, following the appointment of a subcommittee, the chairman will urge them to consider this matter and report a bill not later than April 15. That is now the intention of the chairman.

Mr. STENNIS. I will certainly advise him of the matter, and that is my intention.

Mr. HARTKE. Mr. President, I yield at this time to my distinguished friend, the Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, I thank my friend, the distinguished Senator from Indiana.

Mr. President, I rise in support of the conference report accompanying H.R. 15495, the 1973 fiscal year military authorization bill.

As the membership knows, the Senate conferees began work on the Senate- and House-passed military authorization bills August 8 and continued meeting almost daily until adjournment for the Republican National Convention. The conference then resumed in early September and was completed September 11.

Mr. President, the length of the conference amply demonstrates the efforts expended by the Senate conferees in behalf of the provisions in our bill. However, for any conference to succeed, it is necessary for both sides to give and take.

As one of the conferees, it was especially disappointing to me that the recomputation amendment approved in the Senate by an 82-to-4 vote was dropped. I deeply regret the conference did not accept this amendment, but feel encouraged by the agreement between the respective committee chairmen to hold hearings this year and next on recomputation.

Mr. President, I predict that next year there will be a recomputation bill passed. It is my intention to follow through on the efforts begun this year to bring the recomputation issue to a just conclusion. Military retired pay inequities must be corrected.

Mr. President, I urge my colleagues to give their approval to this important bill which is designed to provide for our Nation's national security.

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

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

Mr. MANSFIELD. Mr. President, what is the pending business?

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 OLYMPIC GAMES

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate S. 3531, which the clerk will read by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreational facilities in connection with the 1976 winter Olympic games.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will report the first committee amendment.

The assistant legislative clerk read as follows:

On page 1, line 7, after the word "in," where it appears the second time, strike out "1976" and insert "1976, as a part of the American Revolution Bicentennial Celebration.":

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, first of all, I ask unanimous consent that during the session of the Senate today I be permitted to have my legislative assistant, Mr. Jim Sanderson, present in the Chamber at all times except during rollcalls.

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

Mr. ALLOTT. Mr. President, we are all deeply saddened by the recent tragedy in Munich. I think I can say personally I have literally been made ill. This monstrous crime was an act of barbarism and a crime against humanity itself. While we grieve the loss of life, we must also grieve the effect this act has had on one of the world's finest examples of competitive cooperation. The spirit of the Olympians has been broken and the enthusiasm of the world has changed to despair, frustration, and in some places hatred.

Though the Olympics have continued, the ideal has been marred.

The ideal of the Olympics has been aptly described by my colleagues in their statements of late regarding the tragic sequence of events in Munich.

The distinguished senior Senator from Pennsylvania (Mr. SCOTT), in his remarks which were joined by the distinguished Senator from Montana (Mr. MANSFIELD), said that the "Olympics present an opportunity for nations to put their differences aside and bring us closer to lasting peace."

My distinguished colleagues from Connecticut and New York (Mr. RIBICOFF and Mr. JAVITS), spoke of the concept of brotherhood which characterizes the Olympic games.

The senior Senator from Delaware (Mr. BOGGS) described the Olympics as "one of man's greatest cooperative ventures."

The distinguished Senator from Maryland (Mr. BEALL) commended the Olympics for "the contribution they have made to increasing international understanding and the cause of world peace."

The distinguished Senator from Massachusetts (Mr. BROOKE) also praised the games as a "symbol of peace and cooperation among nations," and the distinguished Senator from Oregon (Mr. PACKWOOD) called the World Olympics the "finest amateur athletic competition in the world" and noted the "new spirit which has been sweeping the globe" as a result of the games.

Other distinguished Senators who expressed their enthusiasm for the Olympic ideal include: Mr. PERCY, Mr. ROTH, Mr. ROBERT C. BYRD, and Mr. TALMADGE. And, finally, the distinguished Senator from Virginia (Mr. SPONG) described the effect of this tragic event when he said:

> The act is a blemish upon an ideal that is a symbol to the world—an ideal of nations coming together every four years to compete in fairness and good sportsmanship. The proud history of the Olympic Games has been tarnished by a monstrous act against all those who compete and all those who observe.

Mr. President, it is our opportunity in the United States to renew the spirit and ideals of the Olympics when the Olympiad next meets in 1976 in Colorado. With the passage of S. 3531, the United States has the opportunity to host the athletes of all nations. As Mr. Avery Brundage, the outgoing president of the International Olympic Committee, said:

> We cannot allow a handful of terrorists to destroy this nucleus of international cooperation and goodwill we have in the Olympic movement.

And West German President Gustav Heinemann, in a similar vein, avowed:

> The Olympic idea is not destroyed. We are duty bound to preserve this idea more than ever before.

An editorial appearing in the September 7 edition of the Christian Science Monitor I believe aptly places the Olympic games in context, and I ask unanimous consent that this editorial be printed in the RECORD at this point.

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

THE GAMES SHOULD GO ON

Of course the games should go on; at Munich now, and in other places in other years. The fact that the Olympic truce has been violated by bigotry and violence is no reason to give up one of the few things in this world that keep alive the ideal of a better world in which narrow and selfish nationalisms are put aside and all men come together in peace and in trust.

The brutal and stupid violence which interrupted the current games in Munich this week actually underlines the importance of such institutions. The Hague Court, the United Nations, and the Olympic Games are the most important though not the only international institutions which provide in our times what the original games did among the Greek city states of classic antiquity. They pull mankind together and counteract to some extent the baser motives and urges which drive them apart. More than ever, we need the games.

Mr. ALLOTT. Coming in the wake of the recent tragic events at Munich, it is my hope that the 1976 winter Olympics can help rekindle the flame of brotherhood between nations and that the celebration of the birth of our Nation can also symbolize the rebirth of friendly competition between athletes of all races, creeds, and colors and further, that the spirit can be restored to one of the world's greatest symbols of peace and understanding—the Olympics.

Mr. President, S. 3531 is a simple bill. It authorizes Federal participation in the 1976 winter Olympics which are scheduled to be held in the host city of Denver, Colo. It authorizes a Federal grant to cities or counties of $15.5 million to be administered by the Department of Interior to be utilized for the construction of necessary facilities to be used in connection with the games. These permanent facilities will then be dedicated for public use thereafter, thus enhancing the Nation's legacy of winter parks.

On February 3, 1970, by Public Law 91–191, the U.S. Government asked the International Olympic Committee to hold the games in the United States in 1976, the year of our bicentennial. The winter games have been designated as an official bicentennial event by the American Revolution Bicentennial Commission. And, most recently, on January 31, 1972, the Senate and the House of Representatives by resolution affirmed their support for the continuing designation of Denver as the host city for the XII winter Olympic games, by Senate Resolution 246 and House Resolution 787.

S. 3531, which has the support of the administration, authorizes an expenditure commensurate with previous expenditures for international events. Mr. President, I ask unanimous consent that a table which I have prepared be printed in the RECORD at this point.

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

Summary of Federal participation funds, international events

Year	event, and total Federal funds:	
1876	Philadelphia Centennial	$2,044,350
1884	Cotton Centennial, New Orleans	635,000
1884	Cincinnati Industrial	10,000
1884	Southern Exposition (Louisville)	10,000
1888	Ohio Valley Centennial	147,000
1893	Chicago World's Fair	4,788,339
1895	Cotton States (Atlanta)	200,000
1897	Tennessee Centennial	130,000
1898	Trans-Mississippi (Omaha)	240,000
1899	Philadelphia Exposition	350,000
1901	Pan American Exposition (Buffalo)	1,015,000
1902	South Carolina Interstate	250,000
1903	Ohio Centennial and Northwest Territory Exposition (Toledo)	500,000
1904	Louisiana Purchase Exposition (St. Louis)	1,486,609
1905	Lewis & Clark Centennial (Portland)	475,000
1907	Jamestown Tercentennial	1,650,000
1909	Alaska - Yukon - Pacific Exposition (Seattle)	637,500
1914	Exposition of Forest Products (Chicago and New York)	10,000
1915	Panama Pacific International Exposition (San Francisco)	1,374,004
1915	50th Anniversary Emancipation (Richmond)	55,000
1917	Mississippi Centennial (Gulfport)	73,000
1925	International Trade Exhibition (New Orleans)	150,000
1926	Philadelphia Sesquicentennial	2,186,500
1930	International Petroleum Exposition (Tulsa)	
1933	Century of Progress (Chicago)	1,175,000
1935	Arkansas Centennial Celebration (Little Rock, Ark.)	75,000
1935	California Pacific International Exposition (San Diego)	425,000
1935	Texas Centennial	3,011,500
1936	Great Lakes Exposition (Cleveland)	450,000
1937	Pan American and Texas Exposition	
1937–38	Northwest Territory Sesquicentennial celebration	$115,000
1939	Pan American Exposition (Tampa)	100,000
1939	Golden Gate International Exposition	1,700,000
1940	American Negro Exposition	75,000
1940	Galipolis, Ohio Sesquicentennial Celebration	10,000
1959	Hudson-Champlain Celebration	75,000
1960	Squaw Valley Winter Olympics	3,500,000
1962	Century-21 Exhibition (Seattle)	9,900,000
1962	West Virginia Centennial	10,000
1964–65	New York World's Fair	17,000,000
1967	Alaska Purchase Centennial	4,600,000
1967	Montreal Expo	9,000,000
1968	HemisFair '68 (San Antonio)	6,750,000
1968	Miami Interama	6,030,000

Mr. ALLOTT. Mr. President, if you review the table, one sees that since 1960, we have supported seven events of an international scope ranging in a financial commitment from $3.5 million to $17 million; thus, in this recent light, the $15.5 million authorized by this bill is most appropriate.

Mr. President, 1976 has a special significance for those of us from Colorado; 1976 is the centennial of our Statehood as well as the bicentennial of our Nation. The winter Olympics are planned to be held in February of 1976; they will be the first major event of the bicentennial year and promise a festive kickoff for our bicentennial celebration.

In the President's July 4, 1972, remarks concerning America's bicentennial era he spoke of a major bicentennial program known as "Festival U.S.A.," he said:

Let America be known throughout the world as the "land of the open door." In the near future, I will be sending, in the name of all the people of the United States, formal and official invitations to the government of nations around the globe, extending a welcome to the people of those nations to visit the United States . . . during the Bicentennial era—and especially during the year 1976.

The President's policy of the "open door" promises to start a reversal of our current "international tourism gap."

Mr. President, I ask unanimous consent that a letter signed by the Acting Assistant Secretary for Tourism be inserted in the RECORD at this point.

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

THE ASSISTANT SECRETARY
OF COMMERCE,
Washington, D.C., June 8, 1972.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: It is our belief that the Denver Winter Olympics represents one of the key factors in increasing foreign travel to the U.S. in 1976.

As we are all aware, the U.S. is suffering from a heavy deficit in the balance of payments ledger and the travel account has represented over 50% of that imbalance in all but three of the last ten years.

In terms of background data, in 1971, for the second year in a row, our travel-dollar deficit equaled a record high of $2.5 billion. This figure is more than double the 1960 travel deficit of $1.282 billion. In addition, since 1960 the "gap" in our travel account has grown at an average annual rate of almost 7%.

The international travel market represents a $20 billion industry, of which last year the United States contributed 27.9% in the form of American expenditures abroad (estimated at $5.5 billion) but received only 15.4% in the form of foreign visitor receipts (estimated at $3.0 billion). In addition, while we supplied 13.0% of the 181 million international trips taken in 1971, we captured only 7.6% of the world travelers. Thus, we not only have a dollar deficit but a "traveler" deficit of 9.7 million visitors.

The potential, however, for increased travel to this country is tremendous—estimated to range between 70 million and 80 million people—and such events as the Winter Olympics in Denver make this country increasingly promotable abroad in that we would have a comparative advantage over other countries' promotions for 1976.

C. Langhorne Washburn, in his statement before the Senate Appropriations Subcommittee in April of this year indicated the following:

"We can look forward to having in 1976 the American Revolution Bicentennial Celebration, the Winter Olympics in Denver, and the Summer Olympics in Montreal, just across the border. Anyone of these events, if properly promoted, would produce a substantial influx of foreign visitors."

According to the Denver Winter Olympics Committee, foreign visitor attendance at the Olympics in 1976 is estimated at a minimum of 8,000. Based on our dollar receipt data, this means that between $1.6 million and $3.0 million could be generated by these 8,000 foreign visitors. If 10,000 foreign visitors actually attended, the dollars generated could range between $2.0 million and $4.0 million.

By way of comparison, Japan indicates that approximately 4,500 foreign visitors attended the 1970 Winter Olympics in Sapporo and spent about $1.4 million. Unofficial estimates by the Japanese Embassy indicated that total spectators at the games reached 900,000 with ticket sales alone equaling $2.6 million.

Another indication of the potential of such events as the Denver Winter Olympics as dollar earners may be seen in the impact that the 1967 Canadian Exposition had on the Canadian economy. Not only did travel receipts increase tremendously, up 57% over the previous year, totaling $1.3 billion, but also expenditures by Canadians traveling abroad, actually declined by over $11 million.

With respect to Americans alone, more than 1 million Americans visited EXPO '67, spending over $2 million. In that year, American travelers spent more than $1 billion in Canada—representing a 58% increase over 1966, increasing our travel deficit with Canada to $495 million—more than five times the 1966 U.S./Canadian deficit of $92 million.

Hence, such attractions help a country's travel deficit in two ways: (1) by increasing the dollars earned from foreign tourists and (2) by decreasing the flow of dollars spent abroad by the residents of the country.

In addition it is our feeling that the Winter Olympics in Denver will help "establish" the Colorado ski area as one of the finest in the world. Last year, in conjunction with United Air Lines and Pan American Airways, USTS sponsored a Colorado Ski Seminar which brought together executives of the U.S. and foreign travel industries in Colorado to discuss methods for marketing its various ski areas abroad.

Programs such as these in conjunction with the Olympics will have lasting favorable effects generating economic benefits to Colorado long after the Olympics are over. This was the case in both Shapiro and Montreal and we have every reason to believe it will also be true for Denver.

There is no doubt in my mind that the Denver Olympics represents a major U.S. "tourist attraction", one which gives this country a comparative advantage over other countries in 1976, one which can be heavily promoted abroad and one which can help the U.S. increase its share of the vast and growing $20 million international travel market.

I hope this information is helpful to you. Please let us know if we can be of further assistance.

Cordially,
JAMES L. HAMILTON III,
Acting Assistant Secretary for Tourism.

Mr. ALLOTT. Mr. President, having an event such as the winter Olympics early in 1976 will attract the attention of the world and provide greater impetus for citizens of other nations to travel to the United States.

The organization charged with staging the games is the Denver Olympic Organizing Committee—DOOC. The progress they have made thus far appears to have been more than adequate. The General Accounting Office has made an indepth study of the organization and operations of the DOOC, and the results of this study are available in a report dated August 18, 1972, entitled "Plans for Staging the 1976 Winter Olympic Games in Colorado." An audit of the Committee's expenditures reveals that the DOOC has incurred expenses which appear reasonable and proper upon examination. In addition, a review of the GAO report convinces me that the cost estimates prepared by the DOOC are as accurate as they can be at this point in time. Through membership on the DOOC's planning board, the Regional Administrator of the Environmental Protection Agency has advised me that a minimum of 14 environmental impact statements will be required in connection with the staging of the winter games to assure the protection of the environment. I ask unanimous consent that a letter from the Deputy Regional Administrator be printed in the RECORD at this point.

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

ENVIRONMENTAL PROTECTION AGENCY,
Denver, Colo., June 8, 1972.

Hon. GORDON ALLOTT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ALLOTT: This is in response to your request for our comments on steps which have been taken by the Environmental Protection Agency to assure that environmental considerations are taken into account in the preparation for the 1976 Winter Olympic Games.

The Environmental Protection Agency, Region VIII, has monitored the progress of the Olympic Games planning process through frequent contact with the Denver Organizing Committee. We were appointed as ad hoc member to DOC's Planning Board in March 1972, and since that date we have participated on a regular basis in Planning Board meetings. We have also offered our full cooperation to Governor Love to assist the State in environmental protection programs. Further, we are planning our internal activities for future years to provide maximum assistance in connection with the Olympics.

We foresee our future role with respect to the Olympics as involving a number of activities. First, we shall continue our liaison with, and assistance to, the DOC, the State of Colorado, the City of Denver, and the many other agencies and institutions involved with the Olympics. Second, we shall participate in planning studies to ensure that necessary environmental protection factors are built into the Olympic program. Our concerns in this area include protection of air and water quality, ensuring proper solid waste management, providing high quality water supplies, and related matters both during the conduct of the Olympics and following the Olympics. Third, we expect that a minimum of fourteen Environmental Impact Statements under the National Environmental Policy Act will be generated in connection with the Olympics program. We shall lend assistance in preparing these statements and will perform a thorough review of the draft and final statements. Fourth, we shall assist to the extent possible with demonstration and construction projects for waste management facilities to be used in conjunction with the Olympics. We feel that it is of utmost importance that waste management and other facilities be located and constructed in accordance with sound environmental plans which take into account both short-term and long-term impacts. We also feel that the occasion of the Winter Olympics and the special setting of the games affords a unique opportunity to demonstrate new and advanced methods of waste management and treatment.

In summary, we are giving priority attention to the 1976 Winter Olympic Program and will do all we can within legislative and resource constraints to be of assistance in this endeavor. The scope and unique nature of the Olympics will pose problems of applying our traditional program authorities while carrying out our ongoing activities. We shall, however, direct our programs to the full extent possible toward the end of preventing and minimizing any environmental problems posed by the Olympic program.

Sincerely yours,

DONALD P. DUBOIS,
Deputy Regional Administrator.

Mr. ALLOTT. Finally, there is a provision in the committee bill that I do want to touch upon. The staging of the Olympic games in Colorado has been subject to some controversy, locally, and the question of continued use of State funds in support of the games has been placed on the ballot for the November election. The Senate Interior and Insular Affairs Committee accepted my amendment which would make any Federal support for the Olympics contingent upon the favorable outcome of this November vote. The committee believed that if the State constitutional amendment were adopted, thereby prohibiting any further expenditure of State funds in support of the winter Olympics, the Federal Government should not participate. This, I believe, is the situation at this time.

I had contemplated asking the committee to delay its consideration of the bill until after the November vote; however, this would not have been a wise course to follow. In order for the facilities to be completed in time for the staging of the games, construction must begin in the very near future. To delay congressional consideration of this authorization measure until next year would make it impossible to complete the facilities in time for the games. Under the committee bill, valuable needed time will not have been lost if continued State support is approved by the Colorado voters. At this point, I should like to note that proponents of the Olympics anticipate that the Olympics will be approved. The most recent analysis of public opinion done by Bickert, Brown, Coddington & Associates, Inc., reveals that the proponents of the games are in the majority in Colorado by a margin of 60 percent to 40 percent.

The committee has taken a prudent course of action. I urge the Senate to adopt this measure.

Mr. President, to say that there has not been a difference of opinion in Colorado would not be expressing the truth. At the hearings we held in the Senate Committee on Interior and Insular Affairs, the hearings were advertised widely in Colorado; and there are two—particularly two—young legislators, at least younger than I am, who have taken a very active part in opposition to the Olympics in Colorado. They were very active in circulating the petitions which placed the constitutional amendment on the ballot for the November 7 election which would forbid the expenditure of any State funds for the 1976 Olympics. In order that these people not be overlooked, I simply want to invite attention to the fact that I wrote personal letters to several of these people; and two of them, the two chiefly in opposition in the State legislature, did accept my invitation to appear. They testified against the Olympics and also expressed their appreciation at having been invited especially to attend the committee hearing.

Finally, it seems to me that what we are doing here is simply deciding whether we want the winter Olympics as a part of the bicentennial in the United States. A further delay in this matter into next year probably would make it almost impossible to do the construction that needs to be done and to put the Olympics on in a way which would be a creditable part of the bicentennial celebration. Such a delay, I believe, would be very unfortunate; and I sincerely hope that the Senate will pass S. 3531.

Mr. HARRIS. Mr. President, will the Senator yield for a question?

Mr. ALLOTT. I am happy to yield for a question.

Mr. HARRIS. Has a bill like this one been passed by the House of Representatives?

Mr. ALLOTT. The answer is "no."

Mr. HARRIS. If the Senator will yield further, does the Senator feel, with regard to the time element he discussed, that it is possible in this session to get an authorization bill passed by the House of Representatives and an appropriation made?

Mr. ALLOTT. I would have serious doubts about appropriations. It depends upon the kind of schedule, when the Senate and the House adjourn. We usually pass a first supplemental at the very end of our sessions here. Whether or not the portion that would be necessary immediately would be put in the first supplemental, I do not know. The second supplemental is usually sent up when we reconvene in January; and, depending upon the situation, it is usually 2 or 3 months, sometimes 4 months, before that is passed.

Mr. HARRIS. Does the Senator feel that it is realistic to hope the House of Representatives might pass this bill or a similar bill in this session?

Mr. ALLOTT. I am not quite sure about that. I know that Representative ASPINALL, chairman of the Interior Committee in the House, made an announcement some little time ago in Denver that he was asking the Subcommittee on Parks and Recreation to hold hearings on this immediately after we returned in session. I do not know what his exact intentions are. I have not attempted to poll the committee. The way I feel about it, the Olympics are not the private property of any one person. Certainly if the people of the United States, including Congress, do not want the Olympics in Colorado or in the United States—and that is where it will be, in Colorado, if anywhere in the United States—they would have the opportunity to say so.

Mr. HARRIS. Neither the bill nor the committee report details by time the purposes of the expenditures to be authorized in the amount of $15.5 million. I wonder whether the Senator could, for the RECORD, and for the benefit of other Senators, give the items that make up the full authorization.

Mr. ALLOTT. First of all, I ask unanimous consent that the papers I hold in my hand be printed in the RECORD.

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

Estimated expenditures under S. 3531

Enclosed speed skating rink	$6,800,000
Refrigerated luge course (bobsled, not approved by committee)	3,000,000
Ski jumping complex	2,600,000
Nordic skiing	800,000
Biathlon	200,000
Environmental studies and project review	300,000
Land acquisition for arena (construction costs of the arena to be borne by the city of Denver)	1,400,000
Lighting for color TV in the coliseum	75,000
New coliseum ice floor	360,000
Total of above items	15,535,000

Compilation of Olympic and Olympic-related costs

[In millions]

Federal (construction of specific facilities)	$15.5
State (for planning)	6.1
City and county of Denver (for administrative and other related expenditures)	1.0
Steamboat Springs college housing (normal HUD loan program)	2.2
Denver housing plans (normal HUD programs)[1]	15.5
Currigan Convention Center (modifications) (from revenue—TV rights)	1.2
Sports arena (city bond issue)	10.0
Improvements to Mile-Hi Stadium (city appropriations and bond issue)	7.5
Concert hall-cultural center:	
Bond issue	6.0
Private donations	5.0
Operations—fiscal years 1973 to 1976	[2] 15.0

Mr. ALLOTT. Mr. President, what I hold in my hand, I say to the Senator from Oklahoma, is my own estimate of the expenditures based on the figures of the DOOC. Some of them are slightly modified and, of course, until we get to the time when we are assured that the Olympics will actually go forward, we cannot get the final engineering figures and estimates.

Item 1 is the enclosed speed skating course, $6.8 million.

The refrigerated luge course, $3 million.

The ski-jumping complex, $2.6 million.

Nordic skiing, $800,000.

The biathlon, $200,000.

The environmental studies and project review, $300,000.

Land acquisition——

Mr. HARRIS. Would the Senator back up? The Nordic skiing was $800,000?

Mr. ALLOTT. Yes, sir.

Mr. HARRIS. Then after that—will the Senator proceed again?

Mr. ALLOTT. The biathlon——

Mr. HARRIS. Yes, sir—how much?

Mr. ALLOTT. $200,000.

Mr. HARRIS. Yes.

[1] So-called press housing (Urban renewal—normal housing assistance allocations).

[2] Revenue of $10.3 million; State funds, $4.7 million.

Mr. ALLOTT. Environmental studies and project review, $300,000. Land acquisition for the arena, $1,400,000.

Construction costs of the arena, by the way, are to be borne by the city of Denver.

I might add here that on Tuesday of this week, there was a primary election in Colorado, at which time there were eight bond issues on the ballot in the city and county of Denver. One of the items was a bond issue for a sports arena and that is the item I just referred to, for a city bond issue of $10 million. It carried in Denver by a vote of 55,000 to 46,000.

The next item is lighting for color television in the coliseum, $75,000.

The final item, new coliseum ice floor, $360,000. Making a total of $15,535,000.

Mr. HARRIS. What was the figure for lighting for color television?

Mr. ALLOTT. $75,000.

Mr. HARRIS. If I understood the Senator correctly, he said that these estimates he has just read are his personal estimates. Are there no official estimates of cost other than the Senator's personal estimates that he is now giving to the Senate?

Mr. ALLOTT. Let me make it clear that I have made no personal estimates of the cost myself——

Mr. HARRIS. I thought that is what the Senator said.

Mr. ALLOTT. There is a fine distinction. I want to make it clear that these are my figures based on the testimony produced in the hearings. I might say that they follow closely the DOOC testimony also.

Mr. HARRIS. Could the Senator give us the source of those estimates that he has related to the Senate?

Mr. ALLOTT. I will get it for you. It is in the hearings.

The testimony at the hearing was for $17,900,000, but the bobsled has been taken out and the temporary buildings at the mountain sites have been taken out.

May I call the Senator's attention particularly to page 3 of the report, if he has it available there.

Page 3, under the subhead "Sports Facilities and Support," states:

> This bill authorizes the appropriation of funds to plan, design, and construct facilities and sites for winter Olympic events such as speed skating, figure skating, hockey, ski jumping, cross-country skiing, and luge; in addition, funds would also be provided for modification of existing facilities to Olympic standards as well as for land acquisition costs for an Olympic arena, the construction costs of which are to be borne by the city and county of Denver.
>
> The testimony indicated a need of up to $19.9 million. The committee has reduced this amount to $15.5 million because of information to the effect that the bobsled event will be held at Lake Placid, N.Y., thus eliminating the need for the construction of the bobsled run.

That event has been eliminated from the Olympics so that that particular sentence is not applicable now.

Continuing reading:

> The committee believes that with this saving, plus the foregoing of planned winterization of Denver's Mile-High Stadium, coupled with other economy measures, the $15.5 million will allow for sufficient funding to construct the necessary facilities.

Thus, based on the testimony, I reconstructed these figures which are modified slightly, but in substance they are the same as the DOOC testimony, but reduced to these figures.

I might say that the original figure that was mentioned here at the hearings, if the Senator wishes, I will read into the RECORD the actual request of the DOC.

A closed speed skating rink, $6.8 million; combined bobsled luge, $4,000,000; ski jumps, $2.7 million; Nordic skiing, $800,000; and $200,000 for biathlon.

I am rounding off these figures.

Environmental studies and project, $314,000; temporary building at the mountainside, $605,000; land acquisition, $1.5 million; lighting for color television, $75,000; $360,000 for skating floor in coliseum; and $500,000 for Mile-High Stadium.

The total of the figures as testified to in the committee hearings is $17,934,965, plus an escalation of $2 million to take care of possible inflation.

Mr. HARRIS. Mr. President, if the Senator will yield further, I have before me the report of the General Accounting Office under date of August 18, 1972. They undertook to look into this matter, as I understand it, and make some computations of the costs. Appended to the GAO report was cost estimates which apparently conformed to the request of the Denver Olympic Committee and to the figures that the committee had under consideration.

It showed the bobsled-luge——

Mr. ALLOTT. Mr. President, will the Senator tell me where he is reading from?

Mr. HARRIS. The GAO report, appendix 2, dated August 18, 1972.

Mr. ALLOTT. I have it.

Mr. HARRIS. Mr. President, those figures seem at variance with the Senator's figures. For example, the cost of the bobsled-luge run is estimated at $4 million. I understand your estimate was $3 million.

Mr. ALLOTT. I would like to go back to that item. The committee itself did not approve the bobsled, and it was not contemplated in the authorization of the committee.

Mr. HARRIS. I believe the Senator speaks of the four-man bobsled contest.

Mr. ALLOTT. That is the four-man bobsled.

Mr. HARRIS. The two-man bobsled luge is still in it, I believe.

Mr. ALLOTT. I am also informed that the two-man bobsled combined was not approved by the committee, either.

Mr. HARRIS. If the Senator is correct, then the total figure in the bill ought to be reduced by $3 million, I would think, because the luge, for example, is listed on page 3 of the report. And it is my understanding from the committee report—and that is all we have to go by here—that only the four-man bobsled luge was eliminated from the bill, either because it might be that contest could be held at Lake Placid or that the event might be dropped altogether by the Olympic Committee for the winter games in 1976.

It is my understanding from the bill that the committee approved funds for the bobsled-luge. And I believe that that is just what the Senator said a moment ago.

The second item the Senator read was the bobsled-luge run, $3 million. Is that correct?

Mr. ALLOTT. No; the figures I read had only the luge in it. What I read was luge, $3 million.

Mr. HARRIS. Even though the bobsled may be dropped altogether, we would still need $3 million for the luge runs alone?

Mr. ALLOTT. The Senator is correct. The main difference of cost is the length of the course.

Mr. HARRIS. Is the luge not a two-man bobsled?

Mr. ALLOTT. No. It is not. The luge alone would be $3 million. The luge is a sled, but it is a one-man sled. And it is not a bobsled, neither two-man nor four-man bobsled.

Mr. HARRIS. That comes to $3 million. Is there any afteruse for that? Do a lot of people normally do that?

Mr. ALLOTT. It has a conceivable afteruse. The use of a luge does not constitute a sport that has been participated in actively in this country among winter sportsmen. It constitutes one sled, and a very short one, in fact. However, the sport is very popular in Europe. And the luge is used very widely in Europe during the winter.

The Senator asked if there were an afteruse. I cannot possibly in my own mind try to project what would appeal to American sportsmen. I would say there is a great possibility of an afteruse. After all, it is a very thrilling sport for sportsmen. And in the investment that has to be made, we want to confine the facilities to the point where we will allow people to participate in many of our winter sports. It is a relatively cheap sport to participate in for the individual.

Mr. HARRIS. Mr. President, let me ask the Senator a further question concerning the report. In GAO report costs for temporary facilities were estimated at $1 million. I believe that the Senator's figures raise that to $1,400,000.

Mr. ALLOTT. Which item is that?

Mr. HARRIS. I believe it is the sixth item the Senator read today—$1,400,000 for temporary facilities. What is the difference and why is there a variance between the Senator's figure and the estimated cost by GAO?

Mr. ALLOTT. Would the Senator mind if I give him a copy of this so that he would actually have my figures before him.

Mr. HARRIS. All right. I jotted them down as the Senator read them.

The Senator said that the cost of the land acquisition for the arena would be $1,400,000. As I understand it, when that bond issue passed for the construction of the arena, the city of Denver, the bond issue was sold to the people on the basis of getting a national hockey team and, also, I believe, a national basketball team. Is that not so?

Mr. ALLOTT. Mr. President, let me preface my remarks by saying first of all that everything in there has been designed for a public afteruse. And the DOC started to do this from the very first. I was not aware that any particular

selling job was done. It may be that people did say this. I know that there is a considerable interest in Denver. There, of course, has been a basketball team, as the Senator well knows—professional basketball.

There is also a very great interest in Denver in procuring, if possible, an ice hockey franchise in the National Hockey League. As the Senator knows we have had two schools in Colorado that especially have been very active in ice hockey for many, many years, Denver University and Colorado College. Although I do not minimize the participation of other colleges, these two schools have been participating in ice hockey and there is a great deal of interest in ice hockey in Colorado.

Mr. HARRIS. Can the Senator explain why in the figures that GAO was given, there was a request for $1 million for temporary facilities? That does not appear to be in the Senator's present figures today.

Mr. ALLOTT. I am informed by Mr. Sanderson, who has worked on this matter for a long time on behalf of the staff that the $1 million which I have located in appendix 2 for temporary facilities is not in the figures I gave the Senator because this was, in effect, a rental proposition for a temporary building, and it was my feeling, as well as the feeling of others, that this rental and use of these buildings could be obtained by donation. Therefore, it was eliminated.

Mr. HARRIS. The Senator today estimates that $360,000 is the cost for a new coliseum. In August that was estimated to be $400,000. The Senator estimated $1.4 million today for land acquisition for an arena; back in August that was $1.5 million. On whose authority are these estimates being changed?

Mr. ALLOTT. The Senator has the GAO report before him.

Mr. HARRIS. As I understand it, those are the figures.

Mr. ALLOTT. If the Senator will let me answer the question, I believe the $1.4 million is the figure referred to by GAO.

Mr. HARRIS. GAO reports that land for purposes of an arena will cost $1.5 million, but the Senator's figures reduced that by $100,000. Is that just to round things off, or does the Senator have information not available in August that would indicate the land is cheaper?

Mr. ALLOTT. I would like to read from page 15 of the GAO report:

LAND ACQUISITION FOR PROPOSED ARENA ($1.5 MILLION)

The city of Denver proposed to construct an all-purpose arena to be used as the primary site for ice hockey and skating events other than speed skating during the games. (See p. 19 for proposed arena construction funding.) The city requested Federal funds needed to acquire approximately 23 acres of land as the site for the arena which would be located adjacent to Mile High Stadium in Denver.

The funding request showed the land for the arena as a minimum essential item, although it classified the arena not as minimum essential but as highly desirable. The administrative assistant to the mayor told us that the land for the arena was considered a minimum essential item because, if the land were made available through Federal funds, the proposed city bond issue for financing construction of the arena was almost certain to be accepted by the voters.

We found that the $1,500,000 requested for the land was overstated by $100,000 because of an error when land prices were taken from the city's feasibility study for the arena. We brought this matter to the attention of city of Denver officials who agreed that the funds requested for land acquisition should be reduced to $1,400,000.

Therefore, that is the figure that appears in appendix 2 of the GAO report.

Mr. HARRIS. I thank the Senator for that clarification.

I wish to ask about the $75,000 that is being asked for lighting for color television. I understand that lighting would not be required for the game themselves, but that it is required for color television. Is that correct?

Mr. ALLOTT. The lighting is not sufficient in the stadium for television. It would not be particularly sufficient for color television. The Senator's surmise is exactly correct.

Mr. HARRIS. Does the network or the television outlet that plans to televise games in that coliseum intend to do so commercially for profit?

Mr. ALLOTT. I might say I am sure they do, but it is also the intention of Denver officials to grant these rights for profit and to get some of it back. The responsibility for the provision of the lighting, however, is deemed to be that of the committee for if it is not provided there would be no television rights to sell to any broadcaster for television.

Mr. HARRIS. My understanding is that television revenues are estimated to be a total for the winter games of between $5 million and $8 million, and that color television will be commercially sponsored for profit.

Therefore, does it not seem strange to ask the taxpayers, rather than the television people, to pay the extra costs for color television?

Mr. ALLOTT. I do not think this is actually how it occurs. For lighting in this particular facility it would be necessary to have a greater amount of lighting and different kinds of lighting than presently exists. The city of Denver or any other city would have to provide basic facilities.

The Senator is also correct that no matter what broadcasting or television system would broadcast the games, they would do it for a profit. They could not afford the winter Olympics otherwise. The Olympics that were broadcast from Munich sold time to help reimburse costs, which are quite considerable. In turn, it sort of comes out of the same pocket because the city would be negotiating with the various TV systems to try to get the highest amount of revenue to help lower the net cost of the winter Olympics. So it really comes out one way or the other, but the basic responsibility of any city, whether it is Grenoble, France, Denver, or Squaw Valley, or any other place, would be to provide lighting for television facilities.

Mr. HARRIS. Mr. President, if the Senator will yield further, as I understand it, and I ask the Senator if this is correct, GAO says there is no way to evaluate these cost estimates at this time. Further architectural and engineering studies have to be done. Is that correct?

Mr. ALLOTT. Well, in part. I do not know the statement the Senator is referring to. What page is the Senator referring to?

Mr. HARRIS. I call the attention of the Senator to the suggestion which the General Accounting Office made to the committee. This is chapter 8, page 35, that the committee restrict and limit its initial authorization to an amount for financing,

(1) the architectural and engineering services necessary to reasonably determine the estimated costs of the proposed facilities,

(2) the studies needed to determine more specifically the environmental impact of these facilities.

Then it says in that report:

DOC has referred to some of the estimates as preliminary and to others as conceptual. DOC stated that better cost estimates were not available because of the lack of funds for A&E . . .

Why did the committee go ahead and decide to authorize expenditures on figures which were preliminary and others that were conceptual and reject the GAO suggestion for providing initial funds only until we knew more about what we were doing?

Mr. ALLOTT. Well, there are two or three answers to that.

Mr. HARRIS. Is it not true that the report I have just quoted was done for the House committee, and was prepared before the Senate committee acted?

Mr. ALLOTT. In detail, that is correct.

Mr. HARRIS. Let me ask the Senator——

Mr. ALLOTT. Let me answer one question at a time. We did not have this report because, at a meeting of the entire Colorado delegation, it was decided to ask the GAO to take a survey of this entire situation, and that request was made by the senior member of the Colorado delegation, Mr. ASPINALL, chairman of the Interior and Insular Affairs Committee in the House.

As the Senator well knows, while a report of the GAO has to be made available to any Member of Congress who asks for it, the report, as a matter of courtesy, always goes first to the Member of Congress who requested it, and Mr. ASPINALL requested it. We did not have this report at the time of the hearing. We had personally—my staff and the Denver people—discussed it informally. We understood that the report was in general favorable, but we had no details of the report at the time the committee had acted. But I want to add further that we felt it was very important to move ahead because time is of the essence, and the time is now to decide whether or not the United States is going to continue to hold up its end in the support of amateur athletics or not.

Second, the $15.5 million, I might say to the Senator from Oklahoma, was placed in the bill after numerous—and I do mean several—consultations with the Office of Management and Budget, and after numerous meetings with members of the Department of the Interior, in-

cluding the Secretary and Assistant Secretary Larson, whom Secretary Morton designated as being primarily responsible for this matter.

After discussion with the OMB, the Department of the Interior was selected because of the financial and fiscal controls they felt the Department had available to it, and it was at the suggestion of the OMB—and I do say suggestion, not mandate—that we put the whole cost in an authorization bill.

Not all these funds will be needed this year or next year, but rather than go back for an authorization and appropriation each year, we have put the whole authorization in one bill and leave the supervision of the appropriation subsequent to that up to the Appropriations Committee, which is headed, by the way, by the distinguished Senator from Nevada (Mr. BIBLE).

Mr. HARRIS. Does the Senator know at this time what the costs would be of the architectural and engineering studies the GAO suggests are necessary to make proper cost estimates?

Mr. ALLOTT. I will get that for the Senator in a moment. I have them here, but I will get them for him.

Mr. HARRIS. We will come back to that. I want to ask the Senator another question.

The original cost estimates included $2 million for inflation, and, as I understand it, the committee decided not to put that limit of $2 million in the authorization, but, instead, it just added a phrase "plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes as applicable to the types of construction involved herein."

Is that not correct? The original figure had a limit of what we would be eligible for—"we" being the taxpayers—for inflation. That limit has been taken off in the bill reported by the committee. Is that correct?

Mr. ALLOTT. That is entirely correct, the reason being that in the consideration of this matter before the committee, the Interior and Insular Affairs Committee for several years now, with respect to construction costs for parks, such as accrue in the Senator's State, and other States, and other projects of like manner, has put a stock clause in all those bills similar to this language. I believe it is the same language. We attempted to take the same language and put it in this bill, which provides for an escalation due to inflation. That is the reason why the $2 million limit was taken out and the standard clause was put in.

This is the same thing we would do, for example, in an engineering project in the Senator's State, or in a reclamation project, or in a park or any kind of recreational area, a national monument, or anything of that sort. That is the policy the committee has adopted and now uses.

Mr. HARRIS. Is it not correct that the committee was unable to determine what the costs of administration under this authorization would be on the part of the Department of the Interior, and that, even without those costs, the committee rather reluctantly went ahead and made it an open-ended authorization?

Mr. ALLOTT. The Senator will also notice that we put some very admonishing words in the report as to administration. There is absolutely no way I know of or that the committee could determine—and the chairman (Mr. BIBLE) was very frank in this, too—what the administrative costs would be. We do not anticipate that they are going to be very significant, but they are doing something they have not done before, and there was just no way of determining what the actual costs would be. The Secretary of the Interior was unable to supply us with any accurate costs. The only thing we could do in such a situation was to take a good guess at it.

Mr. HARRIS. Is it correct that it is not possible at this time—or at least it has not been done—to make a detailed assessment and evaluation of the afteruse benefits, if any, that will accrue as a result of this authorization?

Mr. ALLOTT. Well, as I have stated before, it has been the ideal and the goal that everything that is constructed under this Federal money will have a public afteruse. Not a private afteruse, a public afteruse.

Mr. HARRIS. Has any assessment been made of what kind of afteruse there would be with respect to each of these facilities to be constructed with public funds, what numbers of people would make use of them? Is there some detailed report on that?

Mr. ALLOTT. I do not know that there is a detailed report on it. I have in my hand, for example—we have already discussed the consideration of the legislation, and I think I have been frank and honest about this, because we do not know exactly.

Mr. DeTemple, the President of the DOC, testified, as shown on pages 79 and 80:

> The luge course will have a viable afteruse in the United States. It is the only one in North America. It will be approximately like the ones in Germany now that have extended use of over 150 days per year. The cost to the participant is minimal.
>
> It involves a sled which is something around $100 which can be purchased for $100 or rented. Held near metropolitan areas such as Denver, we can have a viable exciting program for the youngsters in years to come in this particular event.

As far as estimating is concerned, I do not know that it is necessary. I do not know how you can estimate in dollars the value of participation in winter sports to the public at large, but when we see 40,000 and more participating on weekends in the Vail area generally and throughout the Aspen area, it is not hard to see that the value of the public is immense, because it is not exactly a cheap thing to buy ski clothes, ski boots, ski poles, et cetera.

Mr. HARRIS. If the Senator will yield further, could the Senator say what other Federal funds will be used in connection with these winter games?

For example, I understand that housing funds have been approved, eventually to be used for low-income and moderate-income housing, but designed in such a way as first to be used in connection with these games. Could the Senator tell us what that is, and how much money is involved, separate from this bill?

Mr. ALLOTT. First of all, I would like to make it clear that the housing plans do not require any special legislation. They are under existing legislation and existing appropriations. It involves $15.5 million from the normal HUD urban renewal programs and housing assistance allocations to the Colorado region.

Mr. HARRIS. Where will that housing be built?

Mr. ALLOTT. Well, I cannot put a map in the RECORD.

Mr. HARRIS. Is it within the city limits of Denver?

Mr. ALLOTT. There are two contemplated areas.

To try to do the next best thing to putting a map in the RECORD, one area is on the southwest side of Cherry Creek and south of Colfax, in a predominantly Mexican-American, Spanish-American area. The other is north of 20th Avenue at 23d Avenue and Washington Street, and just about splits that area in half. This is a predominently black area in Denver.

Mr. HARRIS. Is it correct that this housing is being built, first, for use for the press in connection with the games, and then, later on, will become, after they are through with it, low-income housing?

Mr. ALLOTT. This is in essence true. It is anticipated that the press would occupy it temporarily, but I understand that they would have to pay a rental to the housing authority, and then it would become immediately available to low-income families.

I might say that as far as I know, this has the support of the Spanish-name people and organizations in Denver as well as the black people, because they realize how important this low-income housing will be. We have used the Olympics as a catalyst for it, and I hope we will be able to go through with it.

Mr. HARRIS. Some information has been given me to the contrary. I ask the Senator, specifically, is it not correct that the Housing Relocation Subcommittee of the Community Advisory Group which was required to be set up under these HUD programs, recently voted 7 to 1 against approving the plans for low-income housing?

Mr. ALLOTT. I did not understand the Senator's question, but I would like to complete my answer on the other one. Of the 932 housing units, there will be a little more than 200 which will be conventionally financed, and a net gain of 900 housing units for Denver, low-cost housing units.

Mr. President, I yield temporarily to the distinguished chairman of the committee, the Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, I thank the Senator from Colorado for yielding. I am delighted to have up for Senate consideration this bill, reported unanimously by the Committee on Interior and Insular Affairs, on the 1976 Denver winter Olympics. I sense there are some problems with it, which I should like to dis-

cuss a little further later in the day, but I rise now, not for the purpose of speaking on the 1976 Denver winter Olympics, but on another matter.

ESTABLISHMENT OF THE FOSSIL BUTTE NATIONAL MONUMENT, WYO.

Mr. BIBLE. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 141.

The PRESIDING OFFICER (Mr. RIBICOFF) laid before the Senate the amendment of the House of Representatives to the bill (S. 141) to establish the Fossil Butte National Monument in the State of Wyoming, and for other purposes, which was to strike out all after the enacting clause, and insert:

That, in order to preserve for the benefit and enjoyment of present and future generations outstanding paleontological sites and related geological phenomena, and to provide for the display and interpretation of scientific specimens, the Fossil Butte National Monument (hereinafter referred to as the "monument") is hereby established, to consist of lands, waters, and interests therein within the boundaries as generally depicted on the drawing entitled "A Proposed Fossil Butte National Monument, Wyoming," Numbered FBNM-7200, dated April 1963, revised July 1964, and totaling approximately eight thousand one hundred and eighty acres. The Secretary of the Interior (hereinafter referred to as the "Secretary") may revise the boundaries of the monument from time to time by publication of a notice to that effect in the Federal Register, except that at no time shall the boundaries encompass more than eight thousand two hundred acres.

SEC. 2. The Secretary shall administer the monument pursuant to the Act approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented.

SEC. 3. Within the boundaries of the monument the Secretary may acquire lands and interests in lands by donation, purchase or exchange, except that lands or interests therein owned by the State of Wyoming or a political subdivision thereof may be acquired only by donation.

SEC. 4. (a) During the period ending ten years from the effective date of this Act, the Secretary shall permit the continuation of existing uses of Federal lands and waters within the monument for grazing, and stock watering, at such periods and places where such uses will not conflict with public use, interpretation, or administration of the monument: Provided, That the use of lands within the monument for stock driveways shall continue in perpetuity at such places where this use will not conflict with administration of the monument.

(b) Upon termination of the uses set forth in subsection (a) of this section, the Secretary of the Interior is authorized to provide for the disposition of water surplus to the needs of the monument, to a point or points outside the boundaries of the monument for the purpose of watering stock.

SEC. 5. There are hereby authorized to be appropriated $378,000 for land acquisition and not to exceed $4,469,000 (June 1971 prices) for development, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved herein.

Mr. BIBLE. Mr. President, I move that the Senate disagree to the House amendment and ask for a conference on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

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

REMOVAL OF INJUNCTION OF SECRECY FROM THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal, September 23, 1971—Executive T., 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the convention with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

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

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a copy of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on September 23, 1971. The report of the Department of State with respect to the Convention is also transmitted for the information of the Senate.

The problem of sabotage, armed terrorist attacks, and other criminal acts against aircraft and air travelers poses an increasingly grave threat to civil aviation around the world. Events have shown that no country or area is exempt from the human tragedy and immense costs which result from such criminal acts.

At the International Conference on Air Law at The Hague in December of 1970, the Hijacking Convention was adopted. It contains provisions to ensure that all hijackers, wherever found, would be subject to severe punishment. The United States and 39 other countries have now ratified that Convention. It is hoped that all States will join in this major step to deter the peril of air piracy.

The work of applying similar provisions to other acts directed against the safety of civil aviation was completed by the Diplomatic Conference at Montreal in September 1971. The Convention which that Conference produced and which I am transmitting today covers sabotage and other criminal acts. Like the Hijacking Convention, it requires States to extradite offenders or prosecute them where they are found. It is designed to ensure the prosecution of saboteurs and other terrorists who attack aircraft, and it can help serve to quell this increasingly serious problem for civil aviation worldwide.

This Convention and the Hijacking Convention are vitally important to achieve safe and orderly air transportation for all people of the world. I hope all States will become Parties to these Conventions, and that they will be applied universally. I recommend, therefore, that the Senate give early and favorable consideration to this Convention.

RICHARD NIXON.

THE WHITE HOUSE, *September 15, 1972.*

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The Senate continued with the consideration of the bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 winter Olympic games.

Mr. HARRIS. If the Senator will yield further, the question I just asked is this: It is my understanding—and I should like to know if this is the Senator's understanding—that the Housing and Relocation Subcommittee of the Community Advisory Council, set up by HUD in this instance, recently voted 7 to 1 against approving the plans for low-income housing.

Mr. ALLOTT. I am not able to state whether or not this is true. It has not been communicated to me.

Mr. HARRIS. I think there is some question about the plans for the housing and the involvement of the community; $15.5 million in addition to this bill is involved in the housing we have discussed. Is it not also a fact that the Department of Defense will have to make expenditures in connection with these winter games—outside this bill's authorization and in addition to it?

Mr. ALLOTT. It is not required by the bill.

Mr. HARRIS. I understand that; but is it not true that the Department of Defense will be expected to provide military personnel to help with the games, costing approximately $4.6 million?

Mr. ALLOTT. That would be entirely up to the Armed Services Committee.

Mr. HARRIS. I invite the Senator's attention to the GAO report——

Mr. ALLOTT. I will read what the GAO said about it on page 31:

Although DOC had not yet requested the services of military personnel from the Department of Defense, the latter had included the 1976 winter Olympic games in its planning of military personnel needs for the American Revolution Bicentennial celebration. DOC estimated that about 155,000 man-days of military personnel would be needed during the games. At a standard cost of $30 a day, which the Department of Defense estimates would apply to military personnel in fiscal year 1976, the value of these services at the games would be about $4.6 million. No estimates were available for equipment costs.

Mr. HARRIS. So, my statement is correct. And is it not correct, as the Senator just said in the closing part of his statement, that the Department of Defense will be requested to provide equip-

ment and that no cost estimates are now available for that?

Mr. ALLOTT. No request has been made of the Armed Services Committee.

I might say to the Senator from Oklahoma that I do not know of any national event that has been put on in which the Department of Defense, particularly the Corps of Engineers, has not participated. It is an active part of their training program. They would be, in effect, breaking rocks if they were not engaged in a positive and productive effort. This has been true with respect to the New York fair, the Seattle fair, the Houston fair. It has been true in every fair or exposition that has been put on in this country. I might say, also, that it was quite true in the Squaw Valley winter Olympics.

Mr. HARRIS. So, we could expect those additional costs for military equipment as stated in the GAO report.

The report also points out, does it not, that the Department of Agriculture will incur costs in regard to this event, over and above what is authorized by this bill?

Mr. ALLOTT. I did not understand the first part of the Senator's question.

Mr. HARRIS. Is it not correct that the GAO report, on page 3, says that the Department of Agriculture would incur costs of about $140,000 to issue and administer special use permits for the private development of Forest Service land on which certain skiing events would be held, and that those costs are over and above what is authorized in this bill?

Mr. ALLOTT. May I say to the Senator that this really is not applicable to this situation. They say that the Department of Agriculture would incur costs of $144,000; but those costs would be incurred and will occur whether or not the Olympics are held in Colorado because it is related to the extension of present ski facilities of the Vail Associates, and the Department of Agriculture will have to incur these costs under any consideration.

Mr. HARRIS. For the private gain of Vail Associates?

Mr. ALLOTT. Not for the private gain of Vail Associates. For the termination of the propriety interests and the issuance of use permits to Vail Associates in Colorado.

This, incidentally, is one of those things people do not stop to think about; but every time you have a use permit in the forest areas, it does involve a cost to the Forest Service for investigation along environmental lines, feasibility lines, and everything else, and sometimes it puts a considerable strain upon the personnel of the Forest Service and the RECORD should reflect that the Forest Service will receive a percentage of receipts at the ski area, thus yielding a net profit to the taxpayer.

Mr. HARRIS. Does the Senator not have the information I asked for earlier in regard to architectural and engineering costs that will be necessary to arrive at firm cost estimates?

Mr. ALLOTT. For the speed skating rink, the environmental inventory and impact statement would be $50,000. Planning maps, architecture and engineering, $175,612.

On the luge, the environmental inventory and impact statement would be $50,000. Planning, maps, design, layout model, architecture and engineering, $250,000.

Biathlon, environmental inventory, and so forth, $20,000. Planning, maps, profiles, and so forth, $6,600.

That is it.

Mr. HARRIS. Could the Senator give me a total, if he has it?

Mr. ALLOTT. I have not added it.

Mr. HARRIS. We will add it in a moment, if the Senator will let me have his figures.

Mr. ALLOTT. I will have them added for the Senator in a moment. They approximate $1.1 million.

Mr. HARRIS. Last, in regard to outside costs, it is my understanding that the General Accounting Office says that there will be special highway costs and airport costs to improve the highways and the airport facilities in connection with the games, but that that will not require additional money to be appropriated for the Department of Transportation. Is that correct?

Mr. ALLOTT. Let me look at the statement. I know this area very well.

Mr. HARRIS. It is on page 3, under "Other Possible Federal Assistance."

Mr. ALLOTT. On page 32, they say:

> The Rocky Mountain Region Planning Officer of the Federal Aviation Administration told us that the Administration had not identified any funding demands because of the Olympics. He said, however, that the games might cause an adjustment of priorities within the region, although improvements to the Steamboat Springs and Vail airports were already considered high-priority needs.

Above that, under "Federal Highway Administration," I had better read that:

> The Chief Engineer, Colorado State Highway Department, informed us that a new bridge, estimated to cost about $100,000, might be needed across the Eagle River between Interstate 70 and U.S. Highway 6 in Eagle County to provide better access to the alpine ski site. He said that this bridge, if made part of the State highway system, would be eligible for about $56,000 in Federal funding. We were advised by the Chief Engineer, Colorado Division of the Federal Highway Administration, that the games would not result in increased Federal funding demands and that Colorado would merely restructure its highway construction priorities.

So as a matter of personal knowledge, it is a matter of time until that bridge has to go in, anyway.

Mr. HARRIS. The GAO says that these costs, extra costs necessary to complete improvements in highway and airport facilities for the games would be financed by rearranging priorities. That means that some communities in Colorado and in other States would have to wait longer for their facilities so these projects could go to the head of the list. Is that correct?

Mr. ALLOTT. That would have nothing to do with the other States at all. It involves only Colorado.

Mr. HARRIS. So, that is incorrect, then, in respect of Colorado, is it?

Mr. ALLOTT. I do not know how the State government will rearrange its priorities. Certainly, if they put that at the top of the list, it would be a rearranging of priorities in Colorado, which is done constantly and continually in the highway department.

Mr. HARRIS. GAO specifically recommended language requiring the regular auditing of the Denver Olympic Committee—which is now responsible only to the city of Denver, as the GAO points out—by both the Secretary of the Interior and the Comptroller General. They suggested that proper authority be added to the legislation so that the Interior Department and the GAO would regularly examine and audit. Why did the committee decide not to accede to that suggestion?

Mr. ALLOTT. Because we did not have the report at that time. There is no trouble at all as the Senator would suggest. We will be happy to put it in the bill, if it will make the Senator any happier.

Mr. HARRIS. I think it would make the taxpayers a little happier. Would not the Senator agree?

Mr. ALLOTT. I do not know. I know that this is one reason the matter was placed in the Department of the Interior because they do have the facilities in the Department for auditing and handling this. They do it routinely in the Bureau of Outdoor Recreation. This particular suggestion of the GAO which of course, as the Senator knows, was not available to us until after the bill was referred, certainly causes the Senator from Colorado no trouble. The last thing I want to see are any funds wasted or mismanaged either in this or any other project.

Mr. HARRIS. I thank the Senator. Would the Senator be similarly agreeable to adding a provision to this bill, as we have done in others, requiring compliance with the environmental laws, in accordance with the suggestion by the Department of the Interior, a suggestion which was available to the committee but which, for some reason, was rejected?

Mr. ALLOTT. I do not know of any suggestion of the Secretary of the Interior relating to the environment. We have as you know Public Law 91–190, the National Environmental Policy Act. The senior Senator from Colorado is a cosponsor of that bill which created the Council on Environmental Quality. In NEPA, section 102, subparagraph 2(c) which requires environmental impact statements, that is the law and I know of no way to avoid it, even if there were a desire to do so. I have already, in my chief statement, commented at length about the 14 environmental impact statements which will have to be filed.

Mr. HARRIS. That suggestion was in the Department's letter to the committee and is printed in the committee report. I thank the Senator. I have no further questions at this time.

The PRESIDING OFFICER (Mr. RIBICOFF). The question is on agreeing to the first committee amendment.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the amendments may be considered en bloc.

Mr. HARRIS. Mr. President, reserving the right to object. I would not object if it were added to the request that the bill then be considered as original text subject to further amendment as such.

Mr. ALLOTT. That is perfectly all right.

The PRESIDING OFFICER. The objection comes too late.

Mr. ALLOTT. I withdraw my objection. Let us proceed in the regular manner.

I withdraw my request. Let us proceed in the regular manner.

The PRESIDING OFFICER. The question is on agreeing to the first committee amendment.

Mr. HARRIS. Mr. President, I should like to be heard generally on the bill, as was its principal proponent, the distinguished Senator from Colorado.

Mr. President, this bill is premature, as I think has been clearly revealed by the colloquy which earlier occurred between myself and the author of the bill.

First of all, as was just pointed out, the Senate Interior Committee did not even have available to it the lengthy and detailed report and recommendations of the General Accounting Office in regard to the bill at the time it acted. There is no reason why the Senate should compound that error in hasty consideration of this bill, because it is unlikely, based on the statements made here and the knowledge that Senators have on the lateness of this session.

If this bill is going to be passed by Congress during this session—and I think even the distinguished Senator from Colorado pretty well admits that if it were to pass—it is not overwhelmingly likely that appropriations could be made in this session under the authorization.

So, we have plenty of time here and we ought to go into greater detail, and so should the committee, during the next session of Congress concerning the serious matter of the costs involved.

First of all, it is highly unusual, to say the least, that the Senate should be asked to authorize appropriations for specific items despite the fact that it is put squarely on notice today that the money expenditures are projected purely on preliminary estimates, as the General Accounting Office says, and that some are simply conceptual, whatever that means. The Senator from Colorado agrees that is the fact. We do not know what any of the actual costs are going to be, and the details involve a considerable series of items and expenses in which architectural and engineering studies will first be necessary and on which environmental impact studies will be necessary before we, or anyone else can have any real idea of what the actual costs will be.

That is a matter of genuine concern, it seems to me, for all of us, given what has been the situation in the past in regard to the Olympic games that have been held.

The hearings record of the committee in regard to this provision on page 55 has an exhibit A entitled "Cost Underestimates of Previous Olympics."

In the Squaw Valley, Calif., Olympics in 1960, the original estimate was $1 million. The actual cost, according to the Rocky Mountain News of April 5, 1971, was more than 13 times that original estimate—$13.5 million.

In Grenoble, France, in 1968, the original estimate was $50 million. The final cost, according to the New York Times of October 13, 1968, was five times the original estimate—$250 million.

In the Sapporo, Japan Olympics in 1972, the original estimate is not known. However, the final cost, according to official publication 14 of the Sapporo Olympic Committee, was $1.3 billion. I underline the billion. That is not million, but $1.3 billion.

For the Munich, West Germany Olympics of 1972, this year, the original cost estimate was $136 million. The actual cost, according to Business Week of September 11, 1971, was $600 million—or more than three times the original estimate.

It seems to me to be folly in the extreme for the Senate, representing the taxpayers of the country to authorize appropriations on estimates which everyone agrees are totally preliminary and many of which are conceptual in nature. We do not know what the eventual costs will be. As we all know from past experience and from the facts I have stated, the costs will continue to go up and up and up.

We have heard something about overruns in the Defense Department. Yet, we are asked to send good money after bad.

I propose that we not get into the kind of mess that we have gotten into so many times and concerning which so many Senators are sick and tired. There is plenty of time. At the very least, the committee should come back to us with a suggestion that, if we are going to spend any money at all on the winter games in Colorado, the figure should be limited. We could act in accordance with one of the avenues of approach suggested by the General Accounting Office in regard to the architectural and engineering costs and environmental study costs. And only then would we know what we might eventually be asked to pay.

We are not just talking about $15.5 million. That is what is authorized by the bill. The people of Colorado and Denver are being asked to pay a lot of additional money. And they are going to vote on it in Colorado, as to whether Colorado will put up any money. They will vote this November 1972.

Since we are not in a hurry, there is no reason why the Senate of the United States should not wait until we find out what people of Denver have to say about this matter.

I want to call the Senate's attention to that. The distinguished Senator from Colorado has sent around to all Senators a letter in which he cites the results of a poll taken by a private firm. I do not know for whom the poll was taken. The Senator's letter does not reflect that. As far as I can tell, someone authorized a poll to be taken by a private firm in Denver. And the Senator's letter said that this firm found the proponents of the games were in the majority in Colorado, by a margin of 60 to 40 percent.

Information conveyed to me is directly at variance with that. Representative JAMES MCKEVITT, U.S. Representative from Colorado, whose district is the First District, Denver, announced that 54.2 percent of the 35,000 respondents who answered to his questionnaire answered "No" when asked the question, "Will the 1976 Winter Olympics be good for Denver?"

Further, Mr. President, a poll conducted by State Representative John Carroll in his district showed, as he announced, that 80.5 percent of his 154 respondents were against Olympic spending. And the poll in the Rocky Mountain News, a major Denver newspaper, showed that 62.4 percent of the 14,606 respondents opposed holding the 1976 winter Olympics in Denver.

As I say, there is some disagreement in opinion about what Colorado wants.

I am persuaded by the evidence I have just cited. But the Senate does not have to take anyone's word for this, as there will be a vote by the people of Colorado. Interested citizens gathered enough signatures to put this matter on the ballot, and the people of Colorado will vote on the question of whether State money should be spent for this purpose. They will vote in November.

It is true that the bill says that our money, the Federal money, will be contingent upon their putting up their money. However, why should we not wait and see? Why should we get involved? That is the same old game that so many, and particularly conservative Senators in this Senate, have complained about and opposed for a long time. That is the old carrot approach of subsidization and grant-in-aid programs.

So many conservative Senators and I think, with a great deal of reason, have said that, when the Federal Government passes these grant-in-aid programs, saying to the States and communities, "If you put up some money, we will put up some money," we thereby distort what the States or local governments might otherwise do. They might want to put money in a hospital. They may want to put money in schools. They might want to put money in law enforcement or in transportation, or something else. However, if they can get a better deal out of their funds through Federal grant-in-aid, that sometimes causes a State or local government to distort or change their plans, to do something they might otherwise not do. A counter-argument for this bill, as of this time, is certainly liable to.

There is no reason why this bill ought to come up at all in the Senate or in the Congress before the vote of the people of Colorado. We can decide, afterwards, whether to put in Federal money. There are other very serious questions about this bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed a bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 16593) making appropriations for the Department of Defense for the fiscal year ending June 30, 1973, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

MILITARY PROCUREMENT AUTHORIZATIONS, 1973—CONFERENCE REPORT

The PRESIDING OFFICER. The hour of 12:30 p.m. having arrived, under the previous order the pending business will be temporarily laid aside and the Senate will proceed to the further consideration of the conference report on H.R. 15495, the military procurement authorization bill, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 15495) to authorize appropriations during the fiscal year 1973 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to authorize construction at certain installations in connection with the Safeguard antiballistic missile system, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Debate on the report is limited to 10 minutes, to be equally divided between the Senator from Mississippi (Mr. STENNIS) and the Senator from Massachusetts (Mr. BROOKE).

Who yields time?

Mr. BROOKE. Mr. President, in rising to speak on the conference report on H.R. 15495, the Military Procurement Authorization bill, I wish to address myself primarily to two items which are no longer contained in the bill.

First is an item which was the subject of some discussion in the Senate yesterday: funding for a hard target warhead. As passed by the House, the military procurement authorization contained funds for research and development of an improved accuracy MIRV warhead, a warhead which would have the capability of striking a hardened silo and thus destroying an enemy missile in the ground. Such a warhead could give the United States the potential for launching a preemptive first strike. And this potential could undermine the climate for negotiation which has been generated at the SALT talks, leading us not forward into a new generation of peace, but backward into a continuing and ever more terrible arms race.

The amendment which I introduced to Senate Joint Resolution 241, and which the Senate adopted yesterday, reinforces previously stated administration policy that this country is not seeking, and will not seek, a first strike capability.

But even prior to the Senate's action yesterday, I am pleased to say, the conferees for the Senate had succeeded in having funds for this dangerous program deleted from the military procurement bill. What is more, it is my understanding that full hearings will be held on this program in the committee, with the overwhelming burden of proof resting with the Department of Defense to demonstrate any need for this advanced technology. I wish to commend the distinguished and able chairman of the committee (Mr. STENNIS) and the chairman of the Research and Development Subcommittee (Mr. MCINTYRE)—who was a cosponsor of my amendment yesterday—for their prompt and effective action on this point.

Second, Mr. President, I wish to comment on my Vietnam amendment, which was contained in the bill as it passed the Senate, but which was deleted in conference after the most full and lengthy consideration. This amendment, as my colleagues know, provided for the complete withdrawal of all American forces from Indochina within four months of the date of enactment, conditional only upon the release of our prisoners of war and an accounting of our missing in action.

Mr. President, only one of the Senate conferees on the military procurement bill voted in favor of this amendment when it passed the Senate by a vote of 49 to 47. But, Mr. President, no sponsor of an amendment could have asked for fuller and fairer consideration than was given to the amendment by the chairman of the committee and the other conferees. Contrary to all precedent, the distinguished Senator from California (Mr. CRANSTON) and I were invited to present our views before the conference committee. The conferees weighed our considerations with the utmost care, to the extent that it is my understanding that this was the last measure to be resolved.

I wish to express my sincere gratitude to the chairman of the committee for the consideration which he extended in this regard. And I wish to assure my colleagues in the Senate that though the amendment may have been deleted from this bill, it has not thereby been deleted from further Senate consideration.

I have reintroduced my amendment as an amendment to H.R. 16029, the new Foreign Military Aid bill now under consideration by the Foreign Relations Committee. And I have received assurances from the chairman of that committee (Mr. FULBRIGHT) that he would support a move to include the amendment in the foreign aid bill.

Mr. President, in view of the chances for passage of my amendment in the future, and in view of the commendable committee action on the hard target warhead, I intend to support the conference report.

Mr. STENNIS. Mr. President, I yield myself such amount of the 5 minutes as I may use. I want to, first, especially thank the Senator from Massachusetts for his very generous words about the Senate conferees in discussing his efforts to get his amendment, or at least some substantial part of his ideas, adopted in this bill. It was our duty, and anything less than that would have been neglectful, but we appreciate his commendation of our efforts. We thank him for coming before the conference and in his usual forceful way explaining the amendment and the purposes to the conference. There was an impression made that was favorable, but for reasons that were outlined this morning, the amendment was rejected by the House conferees.

Mr. President, I note with interest the Senator's remarks about the reentry vehicle. I recall his long years of interest and effort, and fight, one might say, in connection with that type of weaponry; and no one knows better than I the contribution he has made, and I think it is a contribution in that field.

The Senator is correct that the matter was deferred and that it requires in-depth consideration. It would take in-depth consideration on the matter. How it might come out is a matter of judgment for individual Senators.

I thank him again for his attitude about his amendment, which is another evidence of his broad understanding, not only of the subject matter, but the problems and complications which they were legislating.

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the conference report.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, this bill now contains what I think is a very balanced program—if I may now revert to the remainder of the conference report—in weaponry and research and development for the fiscal year. In my opinion no essential items are left out; no essential items in our weaponry, present and future, are left out of the bill. This has been, I believe, one of the most thoroughly considered military procurement bills that has ever come before the Senate. We have had longer debates, but we did have considerable debate this time, and participation, I believe, by more Senators and more capable staff members, and Representatives, than any other bill I know about. This conference report does not represent everything that every conferee favored, but it was unanimously brought before the two bodies and it is here today with a unanimous report of the Senate conferees. I hope it will receive overwhelming support here at our hands.

I thank everyone who contributed to moving this bill along. As a consequence, we were able to announce the money figures in this conference report to our Appropriations Committees before the recess.

They were given time to mark up the bill's appropriations, as evidenced by the fact that the House appropriations bill is already before the House and the Appropriations Committee of this body has almost completed its consideration of its bill. That is a major point with me, and with all our committees, and with every Member of the Senate.

I yield the floor.

Mr. HUMPHREY. Mr. President, while I intend to vote for the conference report on Military Procurement Authorization, I want, nevertheless, to make known my strong objection to the deletion of the anti-Vietnam amendment which the Senate version of the procurement bill contained. I joined in the debate of this amendment, and made every effort to secure its passage because I thought it provided a constructive guideline for American withdrawal, while emphasizing

the critical concern of American public opinion over present policies of this administration in Indochina.

There are other sections of this report which are not entirely satisfactory, particularly with respect to individual weapons systems which may in fact serve to fuel the arms race. I am speaking of the stepped-up funding of the Trident submarine, and the authorization of funds for an additional nuclear aircraft carrier.

Balanced against these negative aspects are several positive points in the report. I would, at this time, like to single out one very important one, although in monetary terms it would appear to be relatively insignificant. A $20 million item for a hard-target warhead which was originally rejected by the Senate Armed Services Committee almost was slipped into this bill, but through the efforts of the Senate conferees and pressure from individual Senators, this item was deleted. When it appeared that the Senate deletion of funds were endangered in conference, I wrote to the chairman of the Senate Armed Services Committee, Senator STENNIS, expressing my concern and urging him to impress upon all conferees to support the Senate position. I know that he did so, and want to express my appreciation for his efforts.

Mr. President, I ask unanimous consent that my letter to the chairman, and an article in the Washington Post on this crucial question be inserted at this point in the RECORD.

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

AUGUST 10, 1972.

The Honorable JOHN C. STENNIS,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The Senate Armed Services Committee has in the past supported and helped to structure a defense program in keeping with our traditional second-strike nuclear strategy. The Committee seemed to have scrupulously avoided a counterforce capability when it denied R&D funds for modest accuracy improvement programs in earlier budget requests. This year I noted that the Committee deleted $20 million requested for the ABRES program on the basis that the request had been submitted too late for the Committee's consideration. As a result, this item was never brought up for discussion during the debate on the Military Procurement bill.

Since the Senate vote, a number of reports have been circulating which raise doubts as to the purposes of this particular line item in terms of our overall strategic posture. This, in turn, raises another set of questions as to the impact that a new, more accurate and powerful warhead would have on future arms control talks.

I am aware that Senator Brooke, who played a key role during the initial debate on ABRES, and Senator Proxmire have expressed their concern publicly on this matter. I would like to join them in this effort, and impress upon you the importance of deleting the funds in conference for the ABRES program as approved in the Senate version of H.R. 15495 and as approved by your own distinguished Committee.

If we are to approve of the ABRES option, the Senate must have a chance to explore its full significance. A study must be undertaken of the strategic implications, as well as the exact nature of the program itself. Surely, something along this scale can only be undertaken in Committee hearings.

I, therefore, urge you to press in conference for the retention of the Senate deletion of the ABRES program, and to schedule at the earliest possible data hearings on this question in the context of a review United States nuclear strategy, both present and future.

Your assistance in this regard will be most appreciated.

Sincerely,

HUBERT H. HUMPHREY.

[From the Washington Post, Aug. 29, 1972]

HALF-TOLD TALE—OF SENATORS AND "SILO-KILLERS"

(By Alton Frye)

There has been a proper commotion over reports that the Defense Department wants to develop a new type of counterforce technology. By enabling U.S. missiles to destroy hardened targets, including missile silos, the modernized re-entry vehicle (RV) planned by the Department would significantly erode mutual deterrence on which the strategic arms agreements rest. The program would directly contradict this country's assurances that it did develop capabilities which the Soviet Union could construe as having first-strike potential. To launch so provocative an endeavor at the very moment Congress was considering the Moscow agreements seemed a reckless departure from the prudence and restraint which has marked the administration's approach to strategic matters.

Now comes the good news that Senate-House conferees on the defense procurement bill have declined to authorize funds for development of a hard-target RV. How this occurred is a tale worth relating. It affords some encouraging glimpses of legislative scrutiny of military programs, and it suggests some important ways in which members of Congress can help the president control dubious bureaucratic impulses.

The origins of this particular plan to develop a hard-target capability are obscure. It appears that in executive deliberations on the SALT agreements, the President agreed to support some expanded research and development activity. One infers that Mr. Nixon's guidance to the Pentagon was quite general, consisting principally of a willingness to endorse hedges against a possible failure to reach permanent limits on offensive forces. There is no evidence that he decided to reverse the guidelines against pursuing counterforce weapons which would jeopardize Moscow's deterrent.

In consulting its wish list, the department found relatively little to add to the $8 billion R & D program already moving through Congress. Beyond accelerating the Trident submarine and B–1 bomber, it recommended another $110 million for several technologies; $20 million was intended to start development of the hard-target killer. In the haste with which these proposals advanced, the President probably did not realize that the technology violated his own prohibitions against destabilizing counterforce systems. A few days after Mr. Nixon's return from the Kremlin, the Department sent its proposals to Congress. House and Senate Armed Services Committees were completing the fiscal 1973 DOD budget authorization, and the House approved the SALT "add-ons" with little study.

In the Senate, however, the hard-target program and other elements of the SALT package aroused concern in the subcommittee R & D Chairman Thomas McIntyre, a shrewd and conscientious legislator, was skeptical. The New Hampshire Democrat has grown increasingly wary of the ill-considered department rationalles. To Dr. John Foster, director of Defense Research and Engineering, the chairman expressed his doubts that the department had made the case for the additional programs.

McIntyre's doubts gained strength from inquiries by staff assistant Hyman Fine. A quarter century of service in the executive and legislative branches has given Fine a sophisticated insight into bureaucratic operations. He well understood that bureaucratic, rather than strategic, considerations could be decisive in spurring the hard-target system. Departmental officials would later acknowledge that the salient reason for proposing the effort was the fact that, unlike previous years, there was currently no large-scale project to occupy those with relevant skills.

The hard-target proposal troubled Fine and Larry Smith, McIntyre's administrative assistant who had played a crucial role in Senate debates on the ABM. They recognized that development of the system contravened not only executive but legislative declarations. Two years ago the Armed Services Committee cut funding of missile re-entry systems, specifically linking the reduction to "any future hard-target kill capability." A committee report noted U.S. commitment to an exclusively second-strike posture. It emphasized that the objective of maintaining ample retaliatory forces to insure deterrence "can be met with substantially less accuracy and more modest yields than needed for the counterforce mission." Now the Pentagon proposed to abandon that standard.

McIntyre and his associates were perplexed that such an undertaking would be suggested after agreements governing both defensive and offensive deployments had ratified the basic principles of mutual deterrence. Though pressed to add the funds to the authorization then reported to the Senate in early July, the R & D subcommittee thought the issues warranted close analysis and deferred action on them. By early August McIntyre had examined the hard-target proposal in detail and concluded that no adequate rationale had been offered to justify so drastic a shift in U.S. policy.

As it emerged in DOD comment to the press, the purported justification for the re-entry vehicle was the possibility that the Soviet air defenses might become effective against missiles. Officials did not explain why they urged such a program against this hypothetical and improbable contingency when they had not done so against the former and more substantial danger of an ABM deployment. The truth is that the proposed RV has little value for the stated contingency; if the Soviets improve their defenses in violation of the treaty, the new payload would itself be vulnerable.

On other points the Department's protestations were unconvincing. It described the system not as a silo-killer but as an optional capability against command centers and weapon storage facilities. Yet no one, American or Soviet, could believe that in the event of war the United States would expend hard-target weapons against stored warheads that could not threaten this country for hours or days, instead of against ready missiles able to destroy American cities in minutes.

The Department contended that it planned only to develop, not to deploy, the system. But it is obvious that perfecting a payload for missiles already deployed invites the presumption that existing launchers will be fitted out with them. If the Soviet Union tests a hard-target system on the giant SS–9 missile, American planners will thereafter credit the entire SS–9 force with that payload. To develop such systems is to deny diplomacy a chance to erect workable barriers against their deployment. It would be ludicrous for the United States to warn the Soviets against threatening our deterrent, as the administration has done, and simultaneously to move toward a capability to threaten theirs.

The press disclosures prompted Senator Edward Brooke to seek a presidential restatement of the ban on hard-target weapons

and to urge the Armed Services Committee to disapprove the "ambiguous technology" contemplated by DOD. To Chairman John Stennis, Brooke pointed out the ominous implications of any "suggestion that the United States had won a ceiling on the Soviet missile force only to simplify the task of attacking it by some evolving hard-target capability." Stennis, whose innovations and constructive leadership have energized the Committee, assured Brooke that there would be no precipitate action. In the conference between House and Senate, Stennis joined McIntyre in a successful effort to omit the funds for the program.

For the present at least, the alert efforts of these senators have saved the President and the country from the folly of this badly-conceived and counterproductive technology. It is clear that any attempt to press the proposal will face formidable obstacles in Congress. The proponents of silo-killers will have to produce far more persuasive arguments than any heard to date. And they will have to disprove the sensible axiom voiced some years ago by a congressman from Wisconsin who said: "Obviously, if the only capability we are serious about is a second strike capability there seems to be no logical research for spending vast sums of money for first strike weapons." His name was Melvin Laird.

Mr. SCHWEIKER. Mr. President, the prospects for a successful and smooth transition to an all-volunteer military force look excellent. President Nixon has reaffirmed his strong commitment to end the draft. Furthermore, on August 28, he announced that he would not ask for standby authority, thereby returning to the Congress an important measure of control over American military and foreign policy.

This should make extremely clear to all concerned with implementation of the volunteer military force that there is no excuse left for failure to achieve the President's stated goal.

We in Congress, however, cannot expect a successful volunteer program if we continue to tie the hands of the Department of Defense by preventing them from recruiting the best people possible. Last year's Defense Appropriations conference report contained a hidden provision which did just that, by prohibiting the Army from purchasing broadcast advertising time for recruiting purposes.

This provision was not in the appropriation bill of either the House or the Sen- report language of the conference. It was report language of the conference. It was not advocated by either body but was put in by report writers and has had the effect of law. It was a most unusual procedure hidden in the wording of the report itself.

Not only does such a prohibition unfairly discriminate against an important sector of the media, but it precludes entirely the use of the most effective recruiting medium, since it has been repeatedly made clear that public service time is not sufficiently available and cannot be intelligently managed to meet recruiting needs. The case for the use of purchased broadcast advertising time has been made repeatedly and thoroughly. The weight of the evidence is overwhelming.

This conference report language prohibition prompted me to introduce an amendment to the Defense Procurement bill which was unanimously agreed to by the Senate Armed Services Committee and supported on the floor by a number of other Senators. I ask unanimous consent that the text of my amendment, section 604 of the Senate bill, be included in the RECORD at this point in my remarks.

This measure was adamantly opposed by the House conferees and its deletion was reluctantly agreed to by the Senate conferees.

Although I will vote for the conference bill, I am very disappointed with such unwise action, which does nothing but hinder the executive branch in its commendable pursuit of an all-volunteer army.

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

PROPOSED COMMITTEE AMENDMENT TO H.R. 3108 BY MR. SCHWEIKER

SEC. 604. In order that all appropriate means may be available to the Department of Defense in furthering its efforts to achieve an all volunteer military force at the earliest practicable date, nothing in this or any other Act shall be construed as prohibiting any branch of the Armed Forces of the United States from expending funds for the purchase of advertising in any type of news media if the purpose of such advertising is to attract eligible persons to enlist or accept commissions in such Armed Forces and the funds used to pay for such advertising were appropriated for recruiting or advertising purposes.

The PRESIDING OFFICER. All time on the conference report has expired. The question is on agreeing to the report of the committee of conference. The yeas and nays have been ordered.

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

The PRESIDING OFFICER. The clerk will please 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 report of the committee of conference. 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 Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from New Hampshire (Mr. MCINTYRE) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Nebraska (Mr. CURTIS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

On this vote, the Senator from Delaware (Mr. BOGGS) is paired with the Senator from Oregon (Mr. HATFIELD). If present and voting, the Senator from Delaware would vote "yea" and the Senator from Oregon would vote "nay."

The result was announced—yeas 73, nays 5, as follows:

[No. 433 Leg.]

YEAS—73

Aiken	Edwards	Pastore
Allen	Ervin	Pearson
Allott	Fannin	Percy
Anderson	Fong	Proxmire
Bayh	Gambrell	Randolph
Beall	Gurney	Ribicoff
Bennett	Hart	Roth
Bentsen	Hartke	Saxbe
Bible	Hollings	Schweiker
Brooke	Hruska	Scott
Buckley	Humphrey	Smith
Burdick	Inouye	Spong
Byrd, Harry F., Jr.	Jackson	Stafford
Byrd, Robert C.	Javits	Stennis
Cannon	Jordan, N.C.	Stevens
Case	Jordan, Idaho	Stevenson
Chiles	Long	Symington
Church	Magnuson	Taft
Cook	Mathias	Talmadge
Cooper	McClellan	Thurmond
Cranston	Metcalf	Tunney
Dole	Montoya	Weicker
Eagleton	Moss	Williams
Eastland	Nelson	Young
	Packwood	

NAYS—5

Fulbright	Harris	Mansfield
Gravel	Hughes	

NOT VOTING—22

Baker	Griffin	Mondale
Bellmon	Hansen	Mundt
Boggs	Hatfield	Muskie
Brock	Kennedy	Pell
Cotton	McGee	Sparkman
Curtis	McGovern	Tower
Dominick	McIntyre	
Goldwater	Miller	

So the conference report was agreed to.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, the Chair lays before the Senate the pending business, which the clerk will state.

The assistant legislative clerk read as follows:

The bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of out-

door recreation facilities, in connection with the 1976 Winter Olympic Games.

Mr. HARRIS. Mr. President, I send to the desk a motion and ask that it be stated.

The PRESIDING OFFICER. The motion will be stated.

The assistant legislative clerk read as follows:

I move that S. 3531 be recommitted to the Committee on Interior and Insular Affairs for further study and hearings particularly in regard to the following:

1. Detailed and reliable cost estimates;
2. Detailed and reliable assessment of environmental impact;
3. Detailed auditing procedures;
4. Detailed and reliable assessments of after-use, if any;
5. Detailed and reliable estimates on additional Federal funds, other than authorized by this bill;
6. International Olympics management operations; and
7. Detailed and reliable studies of alternate U.S. cities which may be available at less cost and with less environmental damage.

Mr. HARRIS. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, I have already discussed two or three points that are involved in this motion.

First, the enormous costs involved include not only the $15.5 million provided in this bill, but also housing and urban development funds which will be spent for housing and facilities for the press in connection with the winter Olympic games, housing later to be converted into low-income housing. As I have pointed out to the Senate, there is considerable controversy about the way those funds are being handled, whether or not the communities involved are being best served by this expenditure of Federal housing and urban development funds.

Further, included in the costs of these Olympics, in addition to the sum involved in this bill, is an expenditure by the Department of Defense estimated at $4.6 million for the use of military personnel, and an additional expenditure by the Department of Defense for equipment.

As the GAO report has pointed out, we do not know what that latter amount will be, because no cost estimates are available.

Furthermore, it is estimated that the Department of Agriculture will have to spend $140,000 in connection with the issuance and administration of special use permits on public lands, for the skiing in connection with these games, and that the Department of Transportation will change its priorities on improvements in highways and airports in Colorado—in other words, making some communities wait longer for needed facilities in order to put these facilities at the head of the list.

Not only that, Mr. President, there is also the fact that in this bill, unlike the original estimate of $2 million for inflation in construction costs, an open-end authorization. The figure authorized is "plus or minus" what inflationary rates may be. And no cost estimates are available in regard to the costs of administration of this act by the Department of the Interior; that authorization for administrative costs is made open ended.

Worst of all in regard to these costs to the Federal taxpayer is the fact that the estimates in this bill are totally unreliable, everybody agrees. They are not based on any specific facts. As the GAO report says, part of them are based upon purely preliminary estimates and part of them are conceptual in nature.

The GAO suggested that the authorizations in the bill might be limited to the costs of architectural and engineering studies and environmental impact studies. Then, we would not be in the dark about what the eventual costs may be. That, it seems to me, is a very serious objection to this bill; because, as we have seen in regard to other Olympic events held around the world and in this country, initial cost estimates have grossly underestimated the actual costs.

Second, Mr. President, this bill ought to go back to committee for further study because, as has been admitted on the floor, when the Committee on Interior and Insular Affairs reported the bill, it did not at that time have the benefit of the detailed report by the General Accounting Office.

That, it seems to me, ought to be considered by the committee before we are asked to act upon its recommendations. This vote ought to be put off in the Senate and the bill ought to go back for study, pending the people of Colorado making up their own minds about whether they want to spend this money at all and whether they want to have these games there at all. I have cited evidence that a majority of the people of Colorado do not want to spend State funds for this purpose. There is some conflict about that.

It seems to me that the fair thing to do is not to hold out this carrot, as we have done in many other grant-in-aid programs, thereby tending to distort what might otherwise be done by local and State people with their money. Instead, we ought to wait until after the vote which is going to occur in Colorado in November and let the people of Colorado first decide whether they want these games at all.

In addition, as the motion to recommit suggests, several other very serious questions are not settled and are not capable of being settled at this time, until we have further study and consideration in some detail by the committee. I have alluded to the fact that the GAO report asked for a requirement in this bill that there be regularly conducted audits and examinations of the people who receive the grants under this bill, both by the Department of the Interior and the General Accounting Office. And the distinguished Senator from Colorado has agreed to that. It is now an obvious flaw in this bill, and the committee ought to have time to consider the matter; and that ought to be one of the serious questions it considers before this bill is brought back to the Senate, if it is brought back at all.

Moreover, I think most people would agree that very serious questions concerning the management and procedures of the International Olympics Committee have been raised in connection with the games just held in Munich.

Obviously, the committee did not have time to consider those matters, despite the fact that they are very closely intertwined with the whole question of whether or not Federal taxpayers should have to pay money into these winter games at all.

The games in Munich, of course, were held after the committee had reported concerning this bill, and that is a very serious change in circumstances which ought to be considered by the committee in some detail, it seems to me, before we are asked, as Federal taxpayers, to put up money for these winter games.

Next, Mr. President, there is a serious flaw in this bill in that it does not require environmental impact studies prior to the expenditure of these funds. Even the Department of the Interior, as the committee's report details, wrote to the committee and suggested that that was an addition which ought to be made to the bill. The Secretary of the Interior, through his Assistant Secretary Mr. John W. Larson wrote to the chairman of the committee on June 9, 1972, with respect to the bill and said:

We therefore recommend that there be added at the end of section 3 as already amended "The design and construction of these facilities is to be undertaken in a way that insures appropriate consideration and protection of environmental values."

Mr. President, the committee rejected that request by the Secretary of the Interior. There is no such provision in the bill. As a matter of fact, that provision recommended by the Department of the Interior, is far too weak. What we should have, as the Senator from Wisconsin (Mr. NELSON) and other Senators propose, is a statement in the bill that strict compliance with environmental laws be required at all stages. Nothing in that respect is now provided.

Mr. President, Colorado is a neighboring State to mine. As have many Senators, I have spent considerable time in that great State, of great beauty and great natural resources. We are all citizens of the whole country; we are not just citizens of one State within the country. We are a highly mobile people. We travel all over the United States. Colorado is one of the States many of us enjoy visiting very much. But today, because of the kind of boosterism and chamber of commerce philosophy which has afflicted so many of our States like California, Oklahoma, Colorado, and many others, the kind of philosophy that says, "Watch Denver grow." Or "Let us build Tulsa" or "Watch Los Angeles grow," we have been brought in many of the States in this country to a day of serious environmental problems.

Denver, like many other cities, has a tremendous problem of air pollution. I was appalled lately, when I was there, to find that that was true. It has one of the worst cases of automobile exhaust pollution in any city in the country, out there where we think of it as the untouched, wide open West, open country. It is also true of my State.

When I first ran for the Senate eight years ago, one could fly around Okla-

homa and most of the time the air was clear. Today, it is impossible anywhere in Oklahoma to see the horizon, primarily because of automobile exhausts in my State. There is no clearly defined horizon when one flies over it. That is true in Colorado as well as elsewhere.

Many people have awakened to the fact that in many States, Colorado being one, the old idea of trying to get as many people crowded into a State or a city as possible is not a very good idea. That philosophy has brought us, in many places, to the edge of disaster. Colorado's beautiful mountains are being ripped off by real estate developers at an incredible rate. Automobiles already are a tremendous problem there. The influx of people presents tremendous ecological and other kinds of problems for State and local governments. Yet, civic leaders in Denver got together with the idea of bringing in more automobiles, more airplanes, more people, ruining more land for parking lots, ruining more land for ski jumps, ruining more land for ice skating arenas and luge runs, building places where people can park to attend the ice skating arenas—bringing in more developers in a State which has already begun to realize that development is not an unmixed blessing.

Who will benefit, Mr. President?

There is no protection in the bill for taxpayers; not just the people in Colorado but people in Oklahoma and elsewhere in the country.

Who will benefit?

Who knows who owns Vail Associates? Who knows to what degree there is overlapping between the membership of the Denver Olympic Committee and others in the real estate and development business that might stand to gain personally by this Federal expenditure of taxpayers' money?

Those are serious questions, Mr. President, to which the Senate is entitled to have answers before it is asked to act on the bill.

There is no provision in the bill that the Davis-Bacon law will apply.

What sort of wages will be paid to those who construct the facilities?

What sort of wages will be paid to those temporary employees during the winter games that will be employed for a short time in connection with the games themselves?

There is no provision about that specifically in the bill.

There is no provision in the bill, either for requiring strict compliance with the civil rights laws in connection with the construction required by the bill or in connection with employment in regard to the games themselves.

Who will benefit?

The people who buy the land to speculate will benefit, because land prices will go up with the prospect of the games being held there.

How much is it, Mr. President?

We do not know.

How much has land in the area gone up in value already because of the hope that the Federal Government will spend all this money to build the facilities and bring in these new tourists?

We do not know.

How much of that gain, Mr. President, taxed at a much better rate than most working class people pay on incomes earned from working, rather than on incomes earned from investing—how much of that gain in real estate values goes to whom?

A few people, Mr. President, are involved in some of these real estate developments and in the tourism groups such as Vail Associates. A few people are involved.

What is their gain?

How much are they being subsidized by the Federal taxpayers?

Again, these are serious questions to which we do not know the answers.

What about the concessionnaires? Who will they be? How few will be involved?

What we are asked to do here is spend the Federal taxpayers' money, not for games that a great many people engage in, but for winter games that a very small percentage of Americans or the rest of the people in the world, for that matter, engage in, sports which, when not associated with Olympic games, require a considerable personal expenditure by those who can engage in them, skiing, for example. That is a costly individual sport and one, therefore, not available to the great mass of the American taxpayers who are going to be asked to pay for the games.

How many people will actually be able to see the games?

Well, a rather small percentage of people will be able to get in to see the games in person. There are too many people in any event that the roads and airport facilities and parking lots and other facilities for spectators will cause irreparable and enormous environmental damage, the extent of which, it is admitted, we do not yet even know.

In addition to that, we should ask: Who will be able to see the games on television?

My understanding is that those in the area of the games will not be able to see them on television.

Why, Mr. President?

Talking again about who benefits from the use of the taxpayers' money, we are asked in the bill to spend public money for lighting in one arena so that the games can be televised in color.

It is admitted that the games will be commercially televised for the profit of the networks or the television outlet involved; yet the taxpayers are asked to pay for the extra cost so that television can take place.

Who benefits?

A very few people will benefit. The great mass of the American people will pay for it.

What this amounts to, Mr. President, is the most gross example of taxing working class people to pay for rich men's games and profit. And it ought not to be done by the Senate of the United States, particularly in the dark or on the basis of the facts which we now know.

Next, Madam President, it is admitted that certainly most of the afteruse of these facilities will not be for many people. Not very many people are going to use, as we have heard, the huge course that is to be built under the bill.

There has been no detailed assessments and no attempt to find out what benefits will be available to the taxpayers after these games of short duration are over. That is a matter of record. It seems to me that the possible afteruse, if any, should be explained to the Senate in some detail. The committee cannot do that, as of now. It does not have the facts, nor does anyone else. Therefore, the bill should not be acted upon at this time.

Moreover, we ought to know, before we act upon this bill, about the alternate sites which are available. There is no record in the committee report about the consideration of alternate sites. If these winter games are to be held at all, and if they are to be held in the United States, it would seem logical that one would first look at the existing facilities where such games have been previously held. Those facilities might be recycled at less cost to the taxpayers and with less environmental damage.

We can take Lake Placid as an example. The committee said that for the four-man bobsled competition that was to be put on, the Lake Placid facility might be used. There are already facilities there for that event. As far as I know, and I am informed by people from Lake Placid, no contact was made with them as to whether other facilities there already in existence might be recycled.

If the United States is to sponsor the 1976 Winter Olympics, it might be held at Lake Placid. That would involve much less cost and damage. The same is true in regard to Squaw Valley in California. Similar events have been held there in the past. Why can they not be held there again?

If they were held at Squaw Valley or Lake Placid, there would be less cost to the taxpayers and less environmental damage, since such games have been held in the past at those sites.

These are serious questions involved in this bill, and they are unanswered questions.

Mr. WILLIAMS. Madam President, will the Senator yield?

Mr. HARRIS. I yield.

Mr. WILLIAMS. Madam President, the Senator mentioned a bobsled run. Will there be any bobsled run event created by the Olympics Committee in 1976?

Mr. HARRIS. They were originally planned. However, I am informed by the Senator from Colorado that the International Olympics Committee agreed to drop, at least at this site, the four- and two-man bobsled events. But at a cost of $3 million to the American taxpayers we will have the 1-man sled event. That is called the luge. I am informed it is a 1-man sled event. Not very many people that I know of will engage in that. However, it would cost us $3 million under the bill.

Mr. WILLIAMS. Madam President, the bobsledding has not been eliminated from the competition, has it?

Mr. HARRIS. I do not know whether that is true. There is a question about those events. I would be glad to yield to

the Senator from Colorado, who might respond to that.

Mr. ALLOTT. Madam President, I would be happy to answer the question if the question is addressed to me. I do not want this time charged to me under the bill. However, the bobsledding has been eliminated as a competitive event.

Mr. WILLIAMS. Madam President, might I ask one further question?

Mr. HARRIS. Madam President, I yield to the Senator from New Jersey.

Mr. WILLIAMS. Madam President, why has this decision been arrived at? Does the Senator know? Is it because of the lack of facilities we have?

Mr. ALLOTT. While those who engage in the bobsledding are as avid as any sportsmen I have seen, and I know because a lot of them have talked to me, it is not a sport which is engaged in widely. There is, as the Senator knows, only one bobsled run in the United States. That is at Lake Placid, N.Y. It is an expensive sport. And the cost of building a new bobsled run for each Olympics is prohibitive. I think that all of these things and probably other things about which I do not know figure in the IOC decision.

Mr. WILLIAMS. Madam President, I certainly appreciate that it is an expensive facility to build. We in this country only have one facility, and that is at Lake Placid. However, it is certainly there and is in existence. And it was in use until it was shut down for a period this past winter because the State of New York found that it did not want to maintain it. I believe that has been reversed and that facility is available. However, it has been eliminated as competition in the Winter Olympics?

Mr. ALLOTT. The Senator is correct.

Mr. WILLIAMS. Madam President, I thank both Senators.

Mr. HARRIS. Madam President, in regard to that question of who benefits; it has to do with after-use and it has to do with the cost of this whole proposal.

I refer, Madam President, to an issue of the Straight Creek Journal published August 24, 1972. It is the first information I have seen about who owns and who is involved in some of these facilities and who might stand to benefit by the use of the money of working-class people.

It is an article written by Ron Wolf, copyrighted in the Straight Creek Journal.

This article contains the kind of information that we in Congress ought to know. It contains the answers to questions which we do not have answers to from the record or the report of the committee. I think that the Senate is entitled to know.

The article says:

A survey by Straight Creek Journal of the hierarchy of committees associated with the Olympics effort reveals that these groups are dominated by a business and financial elite which comprise a virtual Who's Who of wealth, power and influence in Colorado. The Olympics committee membership could just as easily be the guest list for a $1000-a-plate dinner.

At least sixty of the Olympics bigshots are in the millionaire category. Sixty-nine of the 139 people included, or nearly one-half, are presidents or board chairmen of corporations. Of these 69, no less than 16 are bank presidents, the single most frequent occupational group.

Madam President, I would like to call attention to the information contained in the article concerning a conflict of interest. It is a matter of serious concern, it seems to me, for the Senate. It is a matter which ought to be seriously delved into by those concerned.

The article states:

F. George Robinson, who sits on the DOC, is an investor in the Aspen Ski Corporation and a member of the Board of Directors for the company. Aspen Ski Corp. owns the Aspen Highlands, Buttermilk, Snowmass, and Breckenridge ski areas.

Richard H. Olson, Chairman of the Colorado Olympic Commission, is also Chairman of the Board and a major investor in Outdoor Sports Industries, Inc.

The article states:

The company manufactures sports equipment, including such items as the line of Gerry ski parkas. D. U. Chancellor Maurice Mitchell, a DOC member, is also on the Board of Outdoor Sports Industries.

Thayer Tutt, a member of the COC and the Committee of 76, owns the Broadmoor Hotel in Colorado Springs, including the Broadmoor ski area.

Edward Carlson, President of the United Air Lines, and Robert Six, President of Continental Airlines, both sit on the National Advisory Committee. The two companies are the largest carriers of air passengers into Denver and stand to benefit from any additional air traffic.

John D. Murchison is also among the members of the National Advisory Committee for Denver Olympics. His name appears on the list with the word "Dallas" and no other identification. As a matter of fact, he is one of the wealthiest people of the entire group. The article states:

In fact, Murchison is one of the wealthiest people of the entire group and is the principal investor behind the development of Vail, Colorado. Murchison sits on the Board of Vail Associates, and has a major financial interest in the company.

The article points out that Vail is one of the sites for several events which the taxpayers of America are asked to invest in.

Continuing:

Similarly Archie K. Davis is identified by the DOC as "Chairman of the board, Wachovia Bank and Trust Company." What they didn't say was that Archie Davis is a member of the Board of Directors of the giant American Telephone and Telegraph Company and half-a-dozen smaller corporations.

This list of rich people and big corporations whose officials and private stockholders are involved in trying to get the Federal Government to spend taxpayers' money to build and promote the Denver Olympics in 1976 is a long list.

Apparently from what we can tell from the committee report and its hearings, this was not a matter the committee looked into. I believe it should have done so.

Madam President, I ask unanimous consent that a copy of the article that I have referred to be printed in the RECORD at this time.

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

WHO OWNS THE OLYMPICS?: COLORADO'S FINANCIAL ELITE PLAN 1976 SNOW JOB FOR PUBLIC

(By Ron Wolf)

If you want a voice in the staging of the 1976 Winter Olympics, you had better be a millionaire and a corporation president, preferably the president of a bank. It also helps if you're not a Chicano, not Black, not a woman and not a member of a labor union.

A survey by Straight Creek Journal of the hierarchy of committees associated with the Olympics effort reveals that these groups are dominated by a business and financial elite which comprise a virtual Who's Who of wealth, power and influence in Colorado. The Olympics committee membership could just as easily be the guest list for a $1,000-a-plate dinner.

At least 60 of the Olympics bigshots are in the millionaire category. Sixty-nine of the 139 people included, or nearly one-half, are presidents or board chairmen of corporations. Of these 69, no less than 16 are bank presidents, the single most frequent occupational group.

The Committees investigated were the Denver Organizing Committee (DOC), the Colorado Olympic Commission (COC), the Committee of 76, and the National Advisory Committee.

Also uncovered in the investigation were numerous instances of substantial conflict-of-interest and possible conflict among the Olympics backers. In fact, most of the people associated with these groups stand to gain some financial benefit, either personally or for the companies they represent, by holding the games in Colorado.

One local politician looked at the list and said, "Just about everybody who profits from a crowd is on there."

CONFLICTS BY THE DOZEN

The conflicts of interest come in all varieties: large and small, direct and indirect, open and concealed.

One example of ethical insensitivity among the Olympics decision makers involves Clarence (Arch) Decker, former State Senate Minority Leader and current contender for the Democratic nomination for Congress. Decker is a member of the state-appointed Colorado Olympic Commission. At the same time, Arch is a major land holder and subdivider in the Steamboat Springs area, one of the primary locations for Olympics events.

Through the Decker-Bishop partnership, Arch has a half interest in the Bluetail Mountain Estates subdivision. The project involves several hundred acres of land in Routt County about 12 miles south of Steamboat Springs. Any major influx of people into the Steamboat area which drives up real-estate prices means a major influx of profits for Arch Decker.

Another land deal involves DOC-member Richard M. Davis. The DOC is negotiating for a ski-jump site with Genesee Associates, a land-development outfit holding about 2,000 acres in the Genesee area. Approximately one-third interest in Genesee Associates is owned by George B. Beardsley, who is married to Davis' daughter.

Beardsley has stated numerous times his personal opposition to holding the Olympics here, but that does not erase a possibly compromising situation for his father-in-law, Davis, on the DOC.

Many other conflicts of interest are much more obvious. F. George Robinson, who sits on the DOC, is an investor in the Aspen Ski Corporation and a member of the Board of Directors for the company. Aspen Ski Corp. owns the Aspen Highlands, Buttermilk, Snowmass, and Breckenridge ski areas.

Richard H. Olson, Chairman of the Colorado Olympic Commission, is also Chairman

of the Board and a major investor in Outdoor Sports Industries, Inc. The company manufactures sports equipment including such items as the line of Gerry ski parkas. D.U. Chancellor Maurice Mitchell, a DOC member, is also on the Board of Outdoor Sports Industries.

Thayer Tutt, a member of the COC and the Committee of 76, owns the Broadmoor Hotel in Colorado Springs, including the Broadmoor ski area.

Edward Carlson, President of United Air Lines, and Robert Six, President of Continental Airlines, both sit on the National Advisory Committee. The two companies are the largest carriers of air passengers into Denver and stand to benefit from any additional air traffic.

GROSSLY UNREPRESENTATIVE OF TAXPAYERS

The elitist nature of the Olympics personnel is illustrated by the drastic under-representation of non-WASP elements in their ranks. Of the 139 people on these committees only nine are women (about 6½ percent).

There are only three Blacks on the various groups which represents about two percent of the total. Also there are only six Chicanos included representing 4½ percent of the total.

Even these figures are deceptively high because among the minority members chosen for Olympics participation, some are considered "safe" for the establishment, not truly representative of minority community interests.

For example, State Senator Roger Cisneros lists assets in excess of $2 million and is president of a land company, credentials which are hardly a reflection of the plight of the average Chicano in Colorado. Two others, Dr. Daniel Valdez and attorney Donald Cordova, usually refuse to consider themselves "Chicanos," but stress instead their "Hispano" backgrounds.

DOC-member Paco Sanchez, another one of the six, is the token Chicano of the Colorado G.O.P. Sanchez made a seconding speech for Gordon Allott at the state Republican convention, has a wide reputation in the barrios as a "tio Taco" the Chicano equivalent of an Uncle Tom.

One Chicano community leader, an elected official not connected with the Olympics, said, "With the exception of Father Torres, the Chicanos aren't represented on there."

Fr. Torres got on the DOC as a result of community pressure last year. When local Chicanos and Blacks publicly objected to the composition of the DOC, Mayor McNichols agreed to additional minority representation. Applications were submitted to the mayor by a number of people in the Chicano community but Fr. Torres was the only one appointed.

Also conspicuously missing from the Olympics list are working people who belong to labor unions. Among the entire 139, Straight Creek could not find one person with a proven union membership.

WHAT BILL DIDN'T TELL

Another disturbing aspect of the investigation is that many of the most important and questionable affiliations were not included in press releases from the Olympics organization identifying the various committee members.

For example, the DOC announcement of the National Advisory Committee lists John D. Murchison among the original 18 members, and the only identification to appear after his name is "Dallas." In fact, Murchison is one of the wealthiest people of the entire group and is the principal investor behind the development of Vail, Colorado. Murchison sits on the Board of Vail Associates and has a major financial interest in the company. Vail, of course, is one of the sites for several events.

Similarly Archie K. Davis is identified by the DOC as "Chairman of the board, Wachovia Bank and Trust Company." What they didn't say was that Archie Davis is a member of the Board of Directors of the giant American Telephone and Telegraph Company and half-a-dozen smaller corporations.

Probably the most flagrant case of omitted information concerns Gustave L. Levy, identified by the DOC as "general partner, Goldman Sachs & Co." What they didn't say was that Levy sits on the boards of 20 corporations including some of the largest in the country.

In addition, Levy is an old crony of multimillionaire Murchison. Back in 1961 and 62 Murchison was waging a proxy battle, eventually successful, for control of Alleghany Corporation, an outfit worth about $122 million at the time. The guy in charge of discreetly buying up Alleghany stock for Murchison was Gus Levy.

After winning the battle and installing himself as President of Alleghany, Murchison boasted to a Fortune reporter, "With the organization we had, we could have taken over Cuba."

Another member of the Murchison organization now circulating in Olympic circles is Bud Wilkinson, Chairman of the National Advisory Committee. Wilkinson is a Vice President of Silco, Inc., a Dallas holding company headed by Murchison.

BUSINESS INTERESTS FOREMOST

One of the best indications of the extent of business domination of Olympic affairs is the fact that 16 people among the Olympic hierarchy hold positions on the Board of Directors of the Colorado Association of Commerce and Industry (CACI). The Association is the principal business lobbyist in the state. Formed through a merger of the State Chamber of Commerce and the State Chapter of the National Association of Manufacturers, CACI represents more than a thousand corporations doing business in Colorado.

The organization maintains a full-time staff of legislative lobbyists to watch out for business interests. Carl DeTemple, President and General Secretary of the DOC, worked for a while as one of CACI's "legislative representatives," before joining the DOC.

Another organization heavily into the Olympics hierarchy is the Denver Chamber of Commerce. Four people who have served as president of the business group and four more from the Board of Directors are now involved in Olympics affairs.

Still another major connection for the Olympics group is the overlap of personnel with the United Bank of Denver. There are six people sitting on the board of United Bank who also hold positions on the various Olympics committees.

In addition to the 16 bank presidents who hold Olympics positions, there are 30 other people who hold bank directorships around the state. In fact, 39 banks and four bank holding companies are represented among the committee members. These banks account for more than half the bank deposits in the state, something in excess of two-and-a-half billion dollars.

PRIVATE FUNDING POSSIBLE

The incredible wealth of many of the committee members raises the possibility that private funding of the Olympics would be possible. Mayor McNichols has been claiming publicly that Colorado voters won't cut off his funds. He has been saying privately that if they do, the games can be staged with money from ohter sources.

John Paar, Co-ordinator of Citizens for Colorado's Future, asked why McNichols was turning to the taxpayers for money if the Mayor feels that private sources can be tapped. Said Paar, "He's playing into our hands. By his own admission it isn't necessary for the taxpayers to pick up the tab."

The specter of a privately-funded Olympics raises additional questions about the whole project. Pat Schroeder, candidate for the Democratic nomination for Congress, points out that as long as the '76 games are staged by the government there is the potential for adequate environmental controls. She says that if the games are produced privately the little governmental control that there is would be lost.

The possibility of private funding also creates worries about use of the facilities after the games. Says Schroeder, "It's a question of whether we get another Winter Park or another Vail."

Mr. HARRIS. Madam President, I call the attention of Senators to the remarks by Colorado State Representative Charles Lindley, who appeared before the Committee on Interior and Insular Affairs. He stated that the Denver Olympics Committee has had from the first an unrealistic and extravagant approach; that their cost estimates have proved almost totally unreliable. That is the effect of his statement. He pointed out that the committee originally said it would spend around $2.2 or $2.5 million on speed skating, for example. Now they have increased it 300 percent, so that their present estimate is $6.7 million. The same thing happened with respect to other original estimates. Ski jumping facilities were originally estimated last year, in 1971, to cost $400,000 to $600,000, but by 1972, 1 year later, that estimate had gone up to $2.4 million, an increase of 400 percent over last year's estimate. The same thing happened with most of the other estimates.

For this ski jump there is not sufficient snow. So, the committee budgeted $200,000 for snowmaking at Vail, Colo., and that is very much involved with the whole question here, if we are going to have Americans pay this bill. Afterwards, it is said, others will go there and ski on those slopes. Will we have to continue to pay, as I guess, for snowmaking?

DOC is estimating they will spend $500,000, as a minimum, for parking at Vail, Colo., according to Mr. Lindley. After spending $1,249,208 the Olympic Committee has only conceptual plans on which it can base budget estimates, and nothing concrete, he says.

We are talking about a State with only 2 million people, a small tax base. It is not an industrial State, as Representative Lindley pointed out to the Committee on Interior and Insular Affairs. And, yet, we are asked to spend all this money, and they are asked to spend their money, to bring in a tremendous influx of visitors, when they already have tremendous problems in taking care of the visitors who now go to Colorado.

State Representative Lamm, who is assistant minority leader in the House, also testified before the Committee on Interior and Insular Affairs of the Senate against this proposal. He pointed out that organized labor in Colorado at their last convention in September came out against local and State spending for this purpose and that the State Democratic Party has gone on record against the expenditure of any public funds for this project.

I call attention, as I have earlier, to the vote which the citizens of Colorado have scheduled in November this

year to decide whether they want to spend any money for this particular project.

This is an ill-considered project by the admission of, I think, everybody concerned, so far as their ability to detail what the cost will be and to detail what the environmental impact will be.

If this bill is to be taken up at this time and considered by the Senate, I and others will offer several amendments. I think the bill ought to go back to the committee, in view of the facts which are not now available. I hope that is what the Senate will decide to do. As I just said, if the Senate decides it wants to go ahead with the consideration of this bill at this time, it seems to me there are a number of amendments that should be offered—the first of which will be an amendment by the distinguished Senator from Wisconsin, and of which I am cosponsor, that would make present environmental requirements a specific part of the bill.

There will be others as well, in regard to auditing, and in regard to other safeguards that ought to be in this bill, if the bill is to be passed at all. I think that if the bill is passed this year, funds ought to be limited to architectural and engineering studies and environmental studies, in accordance with one of the suggestions of the General Accounting Office.

I hope Senators will recognize the fact that this is not the time to bring the bill up. It is premature. We are not prepared to vote on it, because we do not have sufficient facts to do so.

The PRESIDING OFFICER. The question is on the motion of the Senator from Oklahoma.

Mr. BIBLE. Madam President, I would like to address myself to the distinguished Senator's motion to recommit the Winter Olympics bill to the Committee on Interior and Insular Affairs for further study.

I have before me the grounds which he has given, eight in number, directed to his reasons for recommitting it to the committee.

I was privileged to chair these hearings on June 9 of this year. I was of the impression that we went rather thoroughly into this problem. It was long and involved. I think it was a full day's hearing, from something like 10 in the morning until whatever time we adjourned, and it was in the range of 6 o'clock. The hearing record would speak on that point.

I believe, and have been so advised, that the distinguished senior Senator from Colorado has directed his attention, in an earlier colloquy between Senator HARRIS and himself, to many of the points that were raised in the reasons for the recommittal.

The Senator from Oklahoma, if my memory serves me correctly, was listed as one of our witnesses. I do not believe he actually appeared before the committee——

Mr. HARRIS. Madam President, will the Senator yield?

Mr. BIBLE. I yield.

Mr. HARRIS. I was ill that morning and, therefore, had to be excused, but I did file a statement.

Mr. BIBLE. I knew a statement was filed.

Mr. HARRIS. Several times I wrote to each member of the committee.

Mr. BIBLE. Oh, yes. I have a rather voluminous file from the Senator from Oklahoma on this subject. I knew he had filed a statement, but I had no distinct recollection of seeing his handsome face in front of us on the witness stand testifying on this particular bill. I thought my memory was correct, but, you know, the aging process takes place here and there, and you forget. I knew he had filed a statement on it.

In any event, I thought we had a fair hearing. I think we heard those that were for it and those that were against it. I know that my own personal mail is voluminous on this subject, and it continues to come in, on both sides, both the pros and the cons.

I think we have well considered the case. As the Senator knows, there is a condition in that bill that if the people of Colorado do vote in the State election—and I have been advised the question is slated to go on the ballot under a referendum or initiative which operates in Colorado to get it on the ballot—that the State cannot participate in this, then there will be no Federal participation. It seems to me that is an adequate escape clause in that particular respect.

I thought we did as good a job as was possible in determining the construction costs. We could not reduce them to an exact determination. In any event, whatever the costs, the ultimate participation of the Federal Government is $15.5 million. That is the real issue, as I see it, in this particular legislation.

If this bill were to go back to the committee, no useful purpose would be served that I see. The question is, do you favor the winter Olympics in Denver, Colo., and if you do favor them, do you favor a Federal participation to the extent of $15.5 million? It seems to me those are the questions that must be resolved.

I think the suggestion of an audit being required that came from the GAO, frankly, is a good one, and if this bill should move forward, I would assume the main sponsor of the legislation, the senior Senator from Colorado (Mr. ALLOTT), would have no objection to an amendment requiring an audit by the GAO. That question was not before us at the time. We may have made an error in not providing for an audit in there, and if so, it is the committee's fault, and perhaps my fault. I think it is one that is easily remedied by an amendment while we are considering the present legislation.

The next point is one of environmental impact, and I think the testimony was very clear that every environmental impact requirement in the laws of the land will be met.

The question of after use I think has been adequately covered by the distinguished senior Senator from Colorado. There will be after use of these facilities.

I know nothing whatsoever about the sixth point, that we look into the question raised by the management of the Munich games. I regret that I did not hear the Senator's statements on that point. I have been in and out of the Chamber. At the time I was in the Chamber he was not talking to that particular point.

That the taxpayers' benefits are minimal is an arguable question. The last winter Olympics held in this country took place at Squaw Valley. Squaw Valley is actually physically located in the State of California. It is just a few miles from Lake Tahoe, which is two-thirds in California and one-third in my State. They are arguing even now whether it was a plus or a minus. Personally I think it was a plus. It focused attention not only on the winter Olympics but on what we consider one of the greatest outdoor skiing areas in the world, at least equal to those in Colorado, Utah, upper New York, and other places in the continental United States, but of equal quality.

The last question of ultimate sites I think was explored thoroughly when we considered the bill. Frankly, there are many areas in this country, and many wonderful areas, that would be adaptable to the winter Olympics. I do not think they would be any better. I do not remember the exact statistics—I do not remember whether the record reflected that—but, of our own knowledge, we know of the great attractions they have in Colorado in winter sports. Utah has them. My own State of Nevada has them. California, on the Sierra side, has them. New York State has them. There are many, many other areas that could be mentioned on that one point. and the staff has called my attention to the fact that I should mention that the International Olympics Committee has already selected Denver, and I am sure they are not about to change that designation.

It is for these reasons, Madam President, that, in my considered judgment, there is nothing in the world to be gained by recommitting the bill, and particularly at this late day in the session, when our leadership assures us that, come Saturday night, September 30, we are going to be homeward bound to our respective cities and States. I hope they are right in that prediction. We have a great leadership, and if we are to do that we must move forward.

I see one of the distinguished leaders (Mr. ROBERT C. BYRD) standing right here before me, and this gives me the opportunity to say, before God and everybody, and before the whole country, how proud we are of the work he does and how he moves legislation. All he can do now is tell me to sit down so we can vote.

But I do want to pay him a tribute, because I need him. With that, I rest my case, and hope that the motion to recommit the Olympic bill will be defeated.

Madam President, I yield the floor.

Mr. ALLOTT. Madam President, first of all, I want to thank the distinguished chairman of the subcommittee, the acting chairman of the full committee at the time when we had hearings on the Denver Olympics, for his statement and also for his very great support of this measure. As he has stated, and I think it is important to emphasize that we had a full day of hearings. If any criticism could be directed toward the hearings, perhaps it would be that they went into

too much detail, rather than not going into enough.

I would like to touch on just three or four questions.

A question has been raised here about estimates. Madam President, we cannot get detailed planning estimates until we get Federal money to get this started. There is no point in spending the money for detailed estimates on it until we know whether it is going to go or not.

There have been, and I would not deny it, certain people in Colorado who are opposed to this project. But I want to say that the best proof of the pudding is what the city of Denver did on Tuesday of this week when they passed a $10 million bond authorization for the sports arena, which is one of the integral parts of the 1976 Olympics. This we ought to keep in mind.

We have been chastised a little bit because we did not provide for the GAO audit of these funds. Actually, that is not the primary function of the GAO except upon request by Congress, because GAO is the arm of Congress and not the arm of the executive.

Second, that GAO report, as has been stated over and over here, was not available until after the bill was reported. Personally, I have no objection to having the GAO audit this matter. The last thing I want to be connected with is anything which is a financial disaster, and particularly anything where proper accounting procedures would not be taken into total consideration. But we have taken the precaution, months ago, to discuss with the Office of Management and Budget and with the Department of the Interior, what department of Government should be considered to handle this matter and supervise it, so we had gone to that extent, and we know that if the Interior Department handles it, the funds will, of course, have to be audited; they will have to be strictly accounted for, and I want it that way. I do not want it any other way.

So if the mover of this motion feels that he wants that amendment in the bill, I personally have no objection to it, although I do think we are probably adequately covered the way we are.

With respect to the support of this project, I would like to say this: The State has already put in approximately $1.5 million. The legislature this year appropriated over $800,000 for the Olympics for advance funding; the city has advanced, I believe, $500,000 so far to support the DOC; and certainly there is no question about the position of the Governor. The Governor is entirely in support of it. The mayor of the city of Denver is in support of it, and every city councilman is in support of it.

So it is difficult to understand why or how the opposition reaches such proportions, but we have to recognize the facts for what they are.

The positions of the official leaders of Colorado, as evidenced by the appropriation by the State legislature and as evidenced by the official positions on file here from the city council of Denver and the mayor of the city of Denver, I think, are pretty adequate as to what the actual situation is.

The Senator from Oklahoma raised the question about TV, and said that it would not be available in that area. I do not know what the source of that statement is, because the DOC has stated over and over again, and made its position perfectly clear, that TV for covering the Olympics will be available in the local area as well in other areas. In other words, there will not be a blackout of TV in Colorado when it occurs.

A question has been raised as to other cities holding the games. On page 167 of the hearings, we were having as a witness Mr. Buck, who is president of the U.S. Olympic Committee. In response to a question from me about the possibility of the games going anywhere else if this legislation did not become effective, he stated as follows:

> The answer to such a question, Senator, of course would lie with the U.S. Olympic Committee Board of Directors. Obviously, it would be presumptuous for me to make an unequivocable statement as to what decision the board would make on such a question.
>
> However, it is my considered opinion that, based on the knowledge of the board members' views, that the USOC will not approve any U.S. city other than Denver to stage the 1976 winter games.

So the question we have before us, Madam President, is simply this: Are we going to have them, or not? Is the United States going to have the 1976 winter Olympics as the first big event in its bicentennial, or is it not? The question is very simple: Do we want to support it to the extent of $15.5 million, or such part of that as the Appropriations Committee finds appropriate, or do we not? It is not a complicated question at all.

I would just like to say in response to the rather emotional appeal made about this being a rich mans game that if anyone ever lived in Colorado and saw the young people of our State and of Oklahoma, Missouri, Kansas, Texas, and the surrounding States traipsing in there in jalopies on Friday afternoon and going back home late Sunday afternoon by the thousands, he would hardly consider it a rich mans game. So many people participate in skiing and winter sports in Colorado, and in particularly skiing, that I do not think the thought that it is a rich persons game would occur to anyone. But there is a young man on the Denver City Council who certainly does not represent anybody but the average person—a young black by the name of William Roberts, who constitutes one of the unanimous votes on the City Council of the City of Denver in their support of the Olympics.

I ask unanimous consent that his statement, which appears in the hearing report starting on page 180 and continues to page 181, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. ALLOTT. I shall read some excerpts from this statement, because it is by a young man, a black man, who would be considered, I suppose, one of the minority people, the people who have not had every opportunity in this world.

He said:

> I would like to make four points. The first one is that the United States spends several billion dollars annually to promote American goodwill overseas. While the list of federally funded organizations and programs in charge of our public relations abroad is inexhaustible, I'd like to quote the budgets of three of our most influential programs.

He refers to the USIA, a cultural exchange, people to people. Then he says this:

> We cannot imagine a more worthwhile campaign than the winter games playing host to the world. We believe the games, for what they can offer in generating goodwill, is deserving of Federal support.
>
> We cannot emphasize enough the cultural, philosophical, and educational advantages that an international sports event like the winter Olympics offers to our Nation's young people.
>
> Miraculously, young people are beginning to abandon the parochial identity which plagues our older citizens and are beginning to think of themselves as citizens of the world.

I do not know how anyone could express the whole thought and concept behind the Olympics better than those words.

Then he says:

> The last thing I would like to say for the record is that it is very easy to tell a government or to tell an effort what is wrong with it. It is much harder to get in there and make it a great event.
>
> There are those of us who do not worry about the task of making it a great event. We are going to do that. We would encourage those who take the easy route and who criticize to join with us.

Madam President, I hope the motion is rejected.

EXHIBIT 1

STATEMENT OF HON. WILLIAM ROBERTS, DENVER CITY COUNCIL, DENVER, COLO.

Mr. ROBERTS. Thank you. I am glad to have the opportunity to speak to the committee. As you probably know, being a representative from Denver, it is very difficult many times to pass things in the Colorado Legislature and consequently there is quite a bit of frustration.

I am glad to see two members representing Denver here today joining in something even if I think it is the wrong cause.

The other observation I would like to make is that this team of L and L as I call them, there is another team called LAM that is not supposed to melt in your hand but I think this team will melt as we move towards holding the Olympics.

I would like to make four points. The first one is that the United States spends several billion dollars annually to promote American goodwill overseas. While the list of federally funded organizations and programs in charge of our public relations abroad is inexhaustible, I'd like to quote the budgets of three of our most influential programs.

The U.S. Information Agency spends more than $20 million annually to promote American goodwill.

The representational allowance, travel, and subsistence funds for congressional ambassadors of goodwill averages about $1 million per year.

The educational exchange program, a student exchange program, had a 1971 budget of $37 million. In 1972, the program expects to spend $42 million; $52 million in 1973.

The Olympics, while classified technically as international athletic competition is, in a larger sense, a goodwill campaign, one which will receive worldwide attention.

We cannot imagine a more worthwhile campaign than the winter games playing host to the world. We believe the games, for

what they can offer in generating goodwill, is deserving of Federal support.

We cannot emphasize enough the cultural, philosophical, and educational advantages that an international sports event like the winter Olympics offers to our Nation's young people.

Miraculously, young people are beginning to abandon the parochial identity which plagues our older citizens and are beginning to think of themselves as citizens of the world.

Because they are extremely eager to meet, compare, and share ideas with their peers overseas, we feel it is crucially important to provide young people with opportunities for increased international fellowship, and we are convinced that the atmosphere generated by worldwide athletic competition is certainly one of the best opportunities we can offer.

What our young people can accomplish in cementing friendships between people of different nations, languages, religions, races, and political philosophies must surely be the foundation for tomorrow's approach to human relations, foreign or domestic.

Colorado's terrain and climate make our State the skiing capital of the world. The 1976 Denver Olympics promises to be the truest test of winter Olympic competition ever held.

We suggest, however, that the United States, not Denver, is hosting the 1976 winter games and that this Nation simply designated Colorado as the ground on which the most challenging competition in the history of the games would be held.

We are convinced that the pride we feel in being awarded an event of such international magnitude is shared by the rest of the Nation, and we hope that you, as representatives of a national constituency, will permit all Americans to contribute to the success of the games.

I have had the distinct pleasure to work with the Olympics for some time. I have discovered that there are many advantages that the winter Olympics will offer to the minority community in Denver.

Among these are development, operation, and maintenance of transportation. Development and operation of restaurants and catering services. Development and operation of novelty shops, fashion boutiques, arts and crafts centers, beauty salons, child care facilities. Construction of housing, resort, sport and spectator facilities. Translation and interpreting services, and entertainment.

In line with the Federal Government's stated policy to encourage minority entrepreneurs, we ask that Federal funds be allocated to assist minority contractors in meeting the bond ceiling on the various construction projects; to finance the minority-conceived business ventures; to subsidize the creation of management advisory groups to counsel minority businessmen in administrative procedures.

I would also like to add that it has been my observation that the DOC has encouraged any persons who want to speak before the DOC to come. The meetings are open. They are open now and to my knowledge no one has been denied the opportunity to come and address the board.

Personally, groups in the community where I live have asked if they could come and address the board. I have conveyed that message and they have been allowed to do so. I think the record should show that the observation and experience that I have had as a DOC member is that all persons are encouraged to come to the DOC if they have something they would like to contribute.

The last thing I would like to say for the record is that it is very easy to tell a government or to tell an effort what is wrong with it. It is much harder to get in there and make it a great event.

There are those of us who do not worry about the task of making it a great event. We are going to do that. We would encourage those who take the easy route and who criticize to join with us.

Mr. HARRIS. Madam President, I want to take 2 or 3 minutes to reiterate one or two key points.

First, the question is not whether we are going to hold these games in 1976 in Denver. The question is whether or not the Senate is going to vote in the dark. Everybody admits we do not know what this project is going to cost. As I said earlier, it is foolish in the extreme to ask the Senate to start voting money for this purpose, in addition to the other enormous sums that will be necessary for it, without knowing what the total costs are. That is the main question, insofar as procedure is concerned.

Second—this, it seems to me, is the main question philosophically—if a lot of people are going to get rich out of this, why should they not bear the cost? Why should working class people put up the money for these events of very short duration and of very short employment for a lot of people to get rich? I charge that that is exactly what will result if this bill is passed. I say that this is a very serious matter of government philosophy and policy that ought to be considered and reported on by the Committee on Interior and Insular Affairs.

I am not persuaded by the fact that the American Revolution Bicentennial Commission likes this event. Their record is not very good. Some of their top management is in virtual disgrace. Their practices have proved to be highly questionable, at the very least, and they have been shown to be a Commission—not the Commission itself, because it has not really been involved, but the Commission as an entity—dominated by the philosophy that they will spend the taxpayers' money and celebrate the bicentennial of America's Revolution by making a few big corporations bigger and richer.

That is exactly what is involved with this proposed Federal expenditure as well. If people like John D. Murchison are going to get richer in Vail Associates, if the value of their real estate is going to go up, if the money they make increases because of this bill—and I charge that that is what will happen—then let men like John D. Murchison put up the money. Do not ask the working class people of Oklahoma to do so. That is the main question involved here.

This bill ought to be sent back to the committee. There are a hundred unanswered questions. The Senate of the United States ought not be asked, and the taxpayers of the United States ought not be asked, to pay for these rich men's games—and I mean rich men such as John D. Murchison and others, the real estate, and the rich banking interests of Denver and elsewhere.

Madam President, if the Senate decides it wants to go ahead with this bill now, there are very serious environmental and other matters which have to be considered. Why are we afraid to let the people of Denver and the people of Colorado vote first? They are going to vote in November. We ought to send this bill back and let the committee hold it until the people of Colorado decide whether they are going to be run over by this continuing boosterism, chamber of commerce, "let's help a few bankers and real estate people at the expense of the rest of us" philosophy. I think it is time to stop that, and this bill is a good place.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma to recommit S. 3531 with instructions. 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. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withdraw my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from North Carolina (Mr. ERVIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Connecticut (Mr. WEICKER) is detained on official business.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The pair of the Senator from Colorado (Mr. DOMINICK) has been previously announced.

The result was announced—yeas 7, nays 64, as follows:

[No. 434 Leg.]

YEAS—7

Fulbright	Hughes	Tunney
Harris	Nelson	
Hart	Ribicoff	

NAYS—64

Aiken	Eastland	Pastore
Allen	Edwards	Pearson
Allott	Fannin	Percy
Anderson	Fong	Proxmire
Bayh	Gambrell	Randolph
Beall	Gurney	Roth
Bennett	Hartke	Saxbe
Bentsen	Hollings	Schweiker
Bible	Hruska	Scott
Brooke	Humphrey	Smith
Buckley	Inouye	Spong
Burdick	Jackson	Stafford
Byrd, Harry F., Jr.	Javits	Stennis
Byrd, Robert C.	Jordan, N.C.	Stevens
Case	Jordan, Idaho	Stevenson
Church	Magnuson	Symington
Cook	Mathias	Taft
Cooper	McClellan	Talmadge
Cranston	Metcalf	Thurmond
Dole	Montoya	Williams
Eagleton	Moss	Young
	Packwood	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, for.

NOT VOTING—28

Baker	Goldwater	Miller
Bellmon	Gravel	Mondale
Boggs	Griffin	Mundt
Brock	Hansen	Muskie
Cannon	Hatfield	Pell
Chiles	Kennedy	Sparkman
Cotton	Long	Tower
Curtis	McGee	Weicker
Dominick	McGovern	
Ervin	McIntyre	

So Mr. HARRIS' motion to recommit was rejected.

Mr. ALLOTT. Madam President, I move to reconsider the vote by which the motion was rejected.

Mr. BIBLE. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME LIMITATION ON REMAINING VOTES ON PENDING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, would it be agreeable to the distinguished Senator from Oklahoma (Mr. HARRIS) and the distinguished Senator from Wisconsin (Mr. NELSON) if further rollcall votes this afternoon be of 10-minute duration?

Mr. HARRIS. I have no objection.

Mr. NELSON. I have no objection.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the remaining votes this afternoon be of 10-minute duration.

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

RESCISSION OF ORDER FOR SENATE TO MEET TOMORROW, SATURDAY

Mr. MANSFIELD. Mr. President, I rise in some embarrassment—and a good deal more than some. Since Tuesday, last, the Senate has been on notice that there would be a Saturday session this week, at which time we would take up four or five crime bills on which there would be rollcall votes. I know that some Members of the Senate, both Republican and Democrat, have canceled engagements in order to be here tomorrow. It is because of that that I am most embarrassed and personally embarrassed. However, in order to get out of the situation which is somewhat sticky, I ask unanimous consent that the order calling the Senate into session tomorrow at 9 o'clock be vacated.

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

ORDER FOR ADJOURNMENT TO MONDAY, SEPTEMBER 18, 1972, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it meet on Monday morning next at the hour of 9 o'clock, and that immediately after the special orders are disposed of the Senate move to the consideration of the four crime bills on the calendar which were to be considered on tomorrow.

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

Mr. MANSFIELD. Mr. President, if any Senator is embarrassed, I want to apologize to him. However, these things happen. I want to express my deep appreciation to the distinguished chairman of the subcommittee handling these bills, the Senator from Arkansas (Mr. MCCLELLAN), and to the distinguished Senator from Nebraska (Mr. HRUSKA), both of whom have shown the utmost cooperation in helping out the leadership in a situation about which it knew nothing until about 45 minutes ago.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. Mr. President, the embarrassment here is certainly mutual because we have been saying on both sides of the aisle that we hoped to dispose of these matters on Saturday. And we have been discussing it since Tuesday. The majority leader made it clear that on subsequent Saturdays there will be sessions and it is expected that there will be votes and that it is important that we be here. There are many situations which require Senators to be away, some on official business and some necessarily absent, this Saturday. The number of such absentees creates a situation which would, it seems, make it more advisable to dispose of these matters on Monday, particularly since some of the matters may well be controversial.

I wish that it had been possible to learn and also to advise the distinguished majority leader exactly what the situation was.

I think there are absentees on both sides of the aisle. I have to admit that we have a number on this side.

It is important that we get on with the legislation. I am glad we will be able to do it on Monday.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I would like to ask the distinguished majority leader if he could give us the program for the balance of the day.

Mr. MANSFIELD. Mr. President, it would be the intention of the leadership to approach the distinguished Senator from Oklahoma later in the afternoon to see if it is possible to reach a time limitation. I will not do that now, but will do so later.

The Senate will stay on this bill until it is disposed of today or this evening.

On Monday there will be five rollcall votes, because we will take up the treaty at that time as well which was reported out of the Foreign Relations Committee by the chairman of the committee, the distinguished Senator from Arkansas (Mr. FULBRIGHT) which is now in its final reading.

That is about all I can say at this time.

Mr. SCOTT. Mr. President, I thank the distinguished majority leader and the distinguished assistant majority leader for their cooperation in a very difficult situation in which the necessity for obtaining the largest possible attendance of Senators was to a degree thwarted as it will be on Saturday.

I also thank the distinguished chairman of the subcommittee and the distinguished ranking member of the subcommittee for their cooperation in this matter. It is appreciated.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. ROBERT C. BYRD. Mr. President, I wish to express my appreciation and understanding of the situation that has confronted the distinguished minority leader this afternoon, the information having come to him only a little while ago, which necessitates canceling of the work tomorrow, and in turn, the information having come to the attention of the majority leader and myself in only the last 30 minutes.

I want to express apologies to all Members on this side of the aisle for any inconveniences that may have been caused them, because day after day after day I have assured Members on this side of the aisle that we were going to have a session on Saturday, because if we really mean what we say when we say we are going to get out by September 30 or thereabouts, we are going to have to do this work sometime and we may have to fall back on some Saturday sessions. No complaints were heard; Senators canceled some of their meetings on Saturdays, and others made other arrangements.

So I apologize to them for the inconvenience that has been caused them. I sometimes do not blame them for saying that the leadership just says "wolf, wolf," and nothing ever happens. The leadership says we are going to come in on Saturday and we do not come in, and then when something really necessitates our coming in on Saturdays, they do not believe the leadership. I do not want to inconvenience our Members. At the same time, I recognize exigencies occur which cannot be foreseen and in this instance, at least, as far as the distinguished Republican leader and the distinguished majority leader and I are concerned, the exigency has arisen and it was unforeseen.

We have a good many very troublesome bills left to confront us. If we do not have a session tomorrow I hope that all Senators will subordinate their own personal problems, and if they cannot be here on votes, that is their choice, and if they cannot be here to offer amendments, let someone else offer the amendments, and let the Senate work its will,

and they can do whatever they wish about their own arrangements out of town.

I send out a whip notice several times each week. I like that whip notice to have integrity, and if it loses its integrity I might as well stop sending it. When it indicates a Saturday session, Members should be able to place confidence in it.

I hope all Members on both sides of the aisle from here on out will make their plans in conformity with the very real possibility that the Senate will have sessions on Saturday, and I hope that if we do have to schedule sessions on Saturdays we will be here to do business and that some Senator will not come in and put in live quorum just because a number of their colleagues are going to be away for some reason, as has been threatened in this instance.

Mr. President, I close by expressing appreciation to Senators on both sides of the aisle who, for the most part, cooperate daily, and I want to express appreciation to the distinguished Republican leader for the understanding we customarily get from him. But let me not close without saying this final word.

The leadership does not schedule bills and votes for Saturday just to go through the motions, and make a show of working Saturdays. The bills scheduled for this Saturday, at least one or two of them, are somewhat controversial. There is going to be opposition to them, and we had hoped to get other work done in addition to those measures. But last of all would the leadership knowingly schedule its program in such a way as to deliberately inconvenience the Members on either side of the aisle, just to have votes on minor bills and nothing more.

I thank the majority leader.

Mr. MOSS. Mr. President, I wanted to ask the majority leader if the order for rollcall votes on all of these four crime bills has been vacated. I want to explain that it does not appear to me that some of them are controversial. If they are and rollcalls are asked for at the time they come up, at least there would have to be a rollcall vote.

My personal situation is that I changed my Saturday plans to be here and I cannot be here on Monday. With four rollcall votes then it puts me in a bad situation. It seems to me that at least two or three or maybe even four of those bills could go through without a rollcall vote.

Mr. MANSFIELD. As part of the leadership on this side of the aisle the Senator is well aware of the difficulties that confront the leadership. I want to express to the Senator my personal apologies for the inconvenience caused him, and others will be in the same boat. But I hope he and others, and the Senate as a whole understand the situation, and let the order stand as is.

Mr. MOSS. Why do we have to order the yeas and nays now, this far in advance, when it is not apparent whether they will be requested?

Mr. MANSFIELD. There will be requests because people are interested in those bills, just as the Senator from Utah indicated he is. He is going to be called upon to make a sacrifice, which is uncalled for, but which is the result of trying to bring about an accommodation which would be beneficial to the greatest number in the Senate. I understand at least two of those bills will be controversial. Even if the order were vacated it is my strong feeling that another Senator or other Senators might take it upon themselves to ask for a rollcall vote.

Mr. MOSS. Indeed, they might, and that is their privilege when the matter comes on but if they do not, at least we have not already foreclosed the other possibility.

Mr. MANSFIELD. If the Senator will yield, I will be glad to give him a live pair on every one of those bills on Monday next, and I will do so willingly.

Mr. MOSS. I thank the leadership for that. I understand the situation which changed this all around, but up until 1 hour ago we were going to be in on Saturday and that is the reason for all the change.

Mr. MANSFIELD. The Senator is correct. It is only in the past hour that the situation came to the attention of the majority leader.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield further?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I do not want him to bear a burden that is not his. I would prefer not to say this, but it is only candid to say I am the one who did bring up the problem with the distinguished majority leader. In complete fairness, it is likely we have a number of Senators who cannot be present on both sides of the aisle, but I assume responsibility for having brought up the matter. I know the absence of a number of Senators is for a good cause, but I am responsible for bringing it up.

Mr. MANSFIELD. I thank the Senator.

The unanimous-consent requests follow:

S. 750, VICTIMS OF CRIME COMPENSATION BILL

Ordered, That during the consideration of S. 750, the Victims of Crime Compensation Bill, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and that time on any amendment to an amendment or in the second degree, debatable motion, or appeal be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment and the mover of the amendment in the first degree, in the case of amendments in the second degree; and that in the case of any debatable motion or appeal, the time in opposition thereto be under the control of the manager of the bill, Mr. McClellan: *Provided*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1½ hours, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

H.R. 8389, AMENDMENT OF OMNIBUS CRIME CONTROL ACT

Ordered, That during the consideration of H.R. 8389, an act to amend the Omnibus Crime Control and Safe Streets Act of 1968, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. McClellan: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received, except a multiple parts amendment dealing with crime and crime victims which may be offered by the Senator from Montana, Mr. Mansfield, and the Senator from Arkansas, Mr. McClellan.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

S. 33, GROUP LIFE INSURANCE PROGRAM FOR LAW ENFORCEMENT OFFICERS

Ordered, That during the consideration of S. 33, a bill to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. McClellan: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided*, That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

H.R. 15883, PROTECTION OF FOREIGN OFFICIALS

Ordered, That during the consideration of H.R. 15883, an act to amend title 18, United States Code, to provide for expanded protection of foreign officials, debate on any amendment in the first degree shall be limited to 30 minutes, to be equally divided and controlled by the mover of any such amendment and the manager of the bill, Mr. McClellan, and debate on any amendment in the second degree, debatable motion or appeal shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, Mr. McClellan: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the Majority Leader or his designee: *Provided further*, That no amendment that is not germane to

the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the manager of the bill, Mr. McClellan, and the Senator from Nebraska, Mr. Hruska: *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion or appeal.

STATEMENT OF SUPPORT FOR LEGISLATION PENDING BEFORE THE SENATE

Mr. HUMPHREY. Mr. President, I want to announce my strong support for a series of law enforcement bills which the Senate will consider.

Senate bill 33 authorizes the Attorney General to purchase group life insurance contracts for law enforcement officers. I have long support the idea of providing life insurance for police and firemen. I have introduced legislation that embodies this very idea. I am convinced that there is a definite need for this legislation, and I am proud to support it.

Senate bill 750 establishes a program of compensation for the victims of violent crime. This legislation also is long overdue. I have been a strong proponent and sponsor of aid to the victims of violent crime. Several of our States such as Maryland have programs of this nature. Establishing a Federal program with Federal funding is to my mind a reasonable way to help, in a small manner, to relieve part of the suffering these innocent victims of crime endure.

I also support two other bills—H.R. 15883, to provide protection of foreign officials in Washington and H.R. 8389 which make certain adjustments in the treatment program for addicts.

Finally, Mr. President, I wish to add my support for H.R. 13025 which would transfer certain property for wildlife protection. I was an original sponsor of wildlife protection legislation, and I plan to continue my interest in and dedication to the conservation of nature and animals.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The Senate continued with the consideration of the bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic Games.

Mr. NELSON. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The committee amendments have not been disposed of and the Senator's amendment would only be in order by unanimous consent at this time.

Mr. NELSON. Mr. President, I have a minor amendment which I think will probably be acceptable to the distinguished Senator from Colorado, and it only provides that prior to the expenditure of any funds the 102 section under the environmental impact statement be filed.

A preliminary statement has already been filed, and I assume it would be pro forma.

If there is no objection——

Mr. ALLOTT. Mr. President, will the Senator yield to me?

Mr. NELSON. I yield.

Mr. ALLOTT. I do not think the Senator was on the floor this morning when I discussed this particular amendment. The Senator's amendment does what the present law provides. The number of the law, as signed by the President is Public Law 91–190, and the bill which was cosponsored by the Senator from Washington (Mr. JACKSON) and myself; section 102(2)(c) of the act has to be complied with.

I made a statement this morning that the assistant regional administrator of EPA stated that environmental statements would have to be filed. I personally can see no objection to this amendment.

I believe it would be better to adopt the committee amendments first, unless the Senator wants to ask unanimous consent to waive that. I would like to get the committee amendments adopted first, if we could provide that the bill would be treated as original text for the purpose of amendments.

Mr. NELSON. Mr. President, I may say to the Senator that I have a couple of other commitments.

Mr. ALLOTT. If the Senator wishes to do it by unanimous-consent request, I shall not object.

Mr. NELSON. Mr. President, I ask unanimous consent that it be in order to call up the amendment I have sent to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the clerk will read the amendment.

The assistant legislative clerk read the amendment, as follows:

On page 3, line 8, strike out the period and insert the following: "and an environmental impact statement pursuant to Section 102 of the National Environmental Policy Act of 1969 is filed with respect to the actions authorized in this Act. The provisions of this Section shall not apply to the expenditure of funds for environmental studies."

Mr. NELSON. Mr. President, as a matter of policy, I have, over the past few years or so, offered amendments to authorizing legislation attempting to make certain that section 102 of the National Environmental Policy Act is complied with. We have had a number of instances where it has not been complied with, and it seems to me that when Congress does authorize a piece of legislation, we have to be certain that the act is not being circumvented.

The Interior Department has already filed the preliminary environmental impact statement. I assume it is now available to the various other agencies for their comment. I assume the final impact statement will be filed in due course. So this amendment may very well not have any impact.

If it is acceptable to the distinguished Senator from Colorado, I have no interest in a rollcall vote on the amendment.

Mr. ALLOTT. Mr. President, has the Senator concluded?

Mr. NELSON. Yes.

Mr. ALLOTT. I would like to enter into a small colloquy with him, then, just so we are certain about this. I have no quarrel with the purpose of the amendment. However, I would like to make this legislative history.

It is my understanding that the environmental impact statements would not apply to moneys expended for engineering and planning. In other words, we would have to complete the engineering and planning before we would really know what we are doing, and, therefore, I would like to have the clear understanding that this amendment does not have in its purview limitations of such funds.

Mr. NELSON. I agree with the Senator that that is not intended, and if he desires to add, after the words "for environmental studies," the words "engineering and planning," to the amendment, that would be acceptable to me.

Mr. ALLOTT. Will the Senator offer that language?

Mr. NELSON. Mr. President, I modify my amendment to that effect, after the word "studies" on the last line, add a comma and the words "engineering and planning."

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

Mr. NELSON. I yield.

Mr. HARRIS. Mr. President, I am pleased to be joined as a sponsor of this amendment. I believe it is a necessary one. I commend the distinguished Senator from Wisconsin for offering it.

There is a serious fault in this bill, now, in regard to environmental impact. The Department of the Interior recommended to the committee that the bill have a provision in it in regard to the environment. I support this amendment, but, may I say, Senators should be on notice that it will not necessarily cure—and probably will not cure—environmental issues here, and that serious and irreparable damage will be done. I think this is an important improvement if the bill is to be passed.

Mr. NELSON. Mr. President, I ask unanimous consent that the distinguished Senator from Oklahoma be added as a cosponsor of the amendment.

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

The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. ALLOTT. Mr. President, I ask unanimous consent at this time that the committee amendments be considered and adopted en bloc.

The PRESIDING OFFICER. Without objection——

Mr. HARRIS. Just a moment, Mr. President. I want to object.

The PRESIDING OFFICER. Is there objection?

Mr. HARRIS. There is.

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. The bill would not be subject to amendment, then, except by unanimous consent, until the committee amendments have been disposed of. Is that correct?

The PRESIDING OFFICER. Floor amendments are not in order until the committee amendments are accepted, except to the extent that floor amendments are offered as amendments to a committee amendment.

Mr. ALLOTT. Mr. President, I renew my request.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be considered as original text?

Mr. ALLOTT. And that the bill, according to my understanding, be subject to amendment as original text.

The PRESIDING OFFICER. That is correct.

Mr. HARRIS. Mr. President, as I said earlier today, I have no objection, so long as the bill, as amended, is considered original text for the purpose of further amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none, and the committee amendments are considered and agreed to en bloc, and the bill will be considered as original text, subject to amendment.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add a new Section 5 to read as follows:

SEC. 5. Each recipient of assistance under this Act shall keep such records as the Secretary (of the Interior) shall prescribe, including records which fully disclose the amount and the 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 and nature 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.

The Secretary (of the Interior) 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 the recipient that are pertinent to assistance received under this Act.

Mr. HARRIS. Mr. President, this amendment is the exact language which the General Accounting Office recommended be included in this bill. At the present time, the Denver Olympics Committee is not responsible to the people, other than to those in Denver, yet we are asked, here, to spend Federal taxpayers' money in considerable amounts.

The Denver Olympics Committee has already spent $126,000 on advertising, public relations, and promotion. For example, they sent 54 people from Colorado to the Saporo games in Japan, compared to fewer than 10 by both Munich and Montreal, which were also interested in sponsoring future games. So, at the very least, it seems to me that, if this bill is to be passed, the General Accounting Office and the Department of the Interior ought to have the power to regularly audit the expenditure of these public funds. I hope that the distinguished Senator from Colorado, in line with our earlier colloquy, may be able to accept this amendment.

Mr. ALLOTT. Mr. President, I address this question to the Senator: I do not have a copy of the amendment but, as I understand it, this is the same language as is contained on pages 37 and 38 of the GAO report, is that correct?

Mr. HARRIS. Yes, the Senator is correct. In order to be careful that the language was identical to that recommended by the General Accounting Office, I simply tore that sheet out and set it down as the language of the amendment.

Mr. ALLOTT. Mr. President, I shall speak very briefly. I am not in opposition to this proposal. I have no objection to the amendment.

As I pointed out this morning, the GAO is the arm of Congress, and at the request of Congress investigates such various matters as Congress calls to its attention. I would just like to say for the record that this does impose another layer of audit, even though the GAO recommended it. I have no objection to it, but I think the record should be clear that the books and records and the other items mentioned in the amendment are already subject to scrutiny, inspection, and audit by the city and county of Denver, by the Colorado State Legislature, and by the Department of the Interior. But, as I say, I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

Mr. HARRIS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

On page 3, between lines 8 and 9, insert the following new section:

SEC. 4. The provisions of title VII of the Civil Rights Act of 1964 shall apply with respect to the employment of individuals in any construction project assisted pursuant to this Act and to the employment of individuals in connection with the XII International Winter Olympic Games.

On page 3, line 9, strike out "SEC. 4" and insert in lieu thereof "SEC. 5".

Mr. HARRIS. Mr. President, this amendment would require that there be strict enforcement of the civil rights laws with regard to employment, both in regard to the construction of the facilities that taxpayers' money would go into, and also in actual employment in the games and events and in related jobs in connection with the winter games themselves.

Mr. President, I daresay that no black person or no Chicano person will be among the contestants in these games. Among other things, the economic threshold for entry into these winter game sports is a tremendous barrier, and I think there may have been, in the past, other kinds of barriers against members of minority groups being involved.

At any rate, whether or not any minority people will be contestants is not a thing over which we have any control. We do, Mr. President, have some control over the question of whether or not the jobs that are to be created because of the expenditure of public funds will be freely available to members of minority groups.

There is a very large Chicano population in Colorado and in the city of Denver. There is also a large number of black people and American Indians there. With all three minority groups, a considerable percentage of the members of those communities are experiencing very high rates of unemployment, and consequently very low amounts of family income.

At the very least, it seem to me that if we are going take from all the taxpayers of this country amounts of money and spend them on these games, it ought not to be just the hotel people or the real estate owners and speculators or those who own outfits like Vail Associates who will benefit from these taxpayer funds, but that a lot of minority people who are unemployed should have the full opportunity to be employed in connection with the construction and the games themselves; and therefore my amendment, which I hope may be acceptable to the manager of the bill, would require strict enforcement of the civil rights laws in regard to such employment.

Mr. ALLOTT. Mr. President, it has been called to my attention that if this amendment is agreed to, there would be two sections 5 in the bill. So I ask unanimous consent that the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossment of S. 3531.

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

Mr. ALLOTT. Mr. President, I have just examined this amendment, and it is in the same category as the amendment offered by the Senator from Wisconsin (Mr. NELSON).

Frankly, I do not know how the DOOC of the city of Denver and the State of Colorado could avoid, even if they wished, and they have no desire to do so, the provisions of title VII of the Civil Rights Act of 1964.

I want to say this, Mr. President, for the benefit of the Senator from Oklahoma: I think I have sponsored or cosponsored as much civil rights legislation as any man in the Senate, barring, perhaps, the senior Senator from New York (Mr. JAVITS).

I think I should say, also, that Colorado has had a civil rights statute on its books since 1895 which provided not only civil relief to people who were deprived of equal accommodations but also provided a criminal penalty. There were two separate statutes on it.

I think I should make it clear for the RECORD, in the event someone might misinterpret this, that as a district attorney in Colorado between the years 1946, when

I returned from the South Pacific and up through 1948, when I did not run again, I, so far as I know, am the only district attorney I have ever heard of who enforced those sections on civil rights in the State of Colorado.

The people of my own State know my record in this respect, but I think it might be well to state it here in the event that some innuendo might occur with respect to this matter.

As for the amendment, I am wholeheartedly in accord with the spirit and intent of the amendment. I would not think of doing anything that would avoid in any way the right of people under the Civil Rights Act of 1964, so I have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARRIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The legislative clerk read as follows:

On page 3, between lines 8 and 9, insert the following new section:

SEC. 4. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

On page 3, line 9, strike out "Sec. 4" and insert in lieu thereof "Sec. 5".

Mr. HARRIS. Mr. President, this amendment is very simple. It makes the Davis-Bacon Act applicable to the construction jobs that are involved here. We are going to be spending, if this bill passes, a large amount of Federal money for construction; and it seems to me only right that we ought to be sure that the jobs that will be created by these expenditures should be jobs that pay the prevailing rate, in accordance with the Davis-Bacon Act.

I hope the amendment is acceptable to the manager of the bill.

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

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

Mr. ALLOTT. Mr. President, with respect to the pending amendment which has to do with the application of the Davis-Bacon Act and the prevailing wages on similar construction in the localities determined by the Secretary of Labor, I wanted to be sure that I understood what the situation was on this. I was certain in my mind that the Davis-Bacon Act applies to this anyway. However, I have checked this through two sources, the legislative counsel and counsel to the Labor Committee in the House, and I am assured that the Davis-Bacon Act does apply in any instance.

Thus, it seems to me this is a sort of moot question. I cannot see any objection to taking in the amendment, although, like the environmental amendment, it is not necessary, but I have no objection to putting it in.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read the amendment, as follows:

S. 3531 be amended to add a new section at the end thereof, numbered appropriately, to read as follows:

SEC. —. All jobs connected with the events staged in or on facilities for which funds under this act have been expended shall be subject to the provisions of all Federal laws pertaining to minimum wages and hours of work.

Mr. HARRIS. Mr. President, the amendment which we have just agreed to had to do with Federal laws pertaining to the construction jobs. The pending amendment has to do with jobs in connection with the games themselves, with respect to the events and the games which would be held in or on facilities that would be built with funds authorized to be appropriated by this act so that those people who might get jobs at these places, if they were built, would be fully protected by the minimum wage laws and by the hours-of-work provisions of the Federal statutes, I think it is only right, if we are going to spend public funds for these purposes—and these jobs will be of awfully short duration in any event—that we should require the minimum wage standards and that the hours of work be governed by Federal laws. That is the effect of the amendment.

Mr. ALLOTT. 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. ALLOTT. 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. ALLOTT. Mr. President, while I have no quarrel with the basic philosophy of this amendment, I would like to address 2 or 3 questions to the author of the amendment in order to be certain that I know what he has in mind. Naturally in an undertaking to do this, whether it be in the United States or elsewhere, it is anticipated that a lot of jobs will be required in the actual operation of the Olympics. I refer to such jobs as translators. Many of those will be volunteer workers.

I would like to ask the Senator first whether he believes or whether it is his intention that this would apply to volunteer workers?

Mr. HARRIS. Mr. President, it would be my impression that any people who work in or around these facilities and buildings on which a portion of these funds are to be spent—such as ushers, ticket takers, guards, parking lot attendants, concession workers, groundkeepers, sanitation workers and those who were involved in that kind of work, and other kinds as well, if they were paid anything at all, would have to be paid for their hours of work according to the Federal minimum wage laws and hours of work laws.

Mr. ALLOTT. Mr. President, I would like to ask the Senator a further question. Let us assume a situation of a student or a person in Colorado or elsewhere, for that matter, who wishes to offer his services as a translator or as a courier or for any one of the thousand different jobs that go along with any event of this sort. If the Olympic Committee offered to take care of their board and lodging while they were doing this work, would those people fall under the restrictions of the Senator's amendment?

Mr. HARRIS. Yes, I think the couriers and translators who are paid anything should be paid the minimum wage.

What we had in mind is that these jobs will be created with Federal funds, and they ought to be jobs that pay a decent amount of money on which to live. If anything at all is paid, the Federal law ought to apply. Payment in kind, in my view, would be payment that would be subject to Federal law. If there is no payment of any kind, then the law should not apply.

Mr. ALLOTT. Mr. President, if the Senator would modify his amendment to not include those people I have mentioned, I would have no quarrel with it. As to the people actually working and engaged in housekeeping activities in a hotel or motel for the Olympic staff, people engaged in that manner of work, I would take it for granted that the Federal minimum wage laws would apply. But according to the Senator's interpretation, no person who had even a portion of his expenses taken care of and who wanted to volunteer his services would be exempt from this provision. Thousands of college students will want to volunteer their services. If any of their expenses are reimbursed, they would have to be paid under the minimum wage law.

I see the chairman of the Committee on Labor and Public Welfare on the floor, the Senator from New Jersey. I would like to ask him if he has had a chance to examine the amendment.

Mr. WILLIAMS. The answer briefly is no. I was in a policy committee meeting. I am not familiar with the amendment.

Mr. ALLOTT. I would appreciate it if the Senator would examine the amendment. The Senator from Oklahoma has offered an amendment. His interpretation of the amendment is that any volunteer who is paid a part of his expenses—which would even include transportation to the site—would have to be paid under the provisions of the minimum wage law.

The only practical effect of this would be to double or perhaps triple the actual operating costs of the Olympics.

While I am all for paying a minimum wage for anything that is a steady job, I cannot understand how we can operate the Olympics or anything else of this kind if anyone who receives any food, board, lodging or transportation would have to be subject to the minimum wage law.

A lot of people are anxious and willing to help in every affair of this kind. A lot of the services are gratuitous. The services are offered by the people out of a spirit of community action.

Now that the Senator from New Jersey has had the opportunity to look at the amendment, I would like to have the opinion of the Senator on this amendment. I would have to resist the amendment as it is now proposed.

Mr. AIKEN. Mr. President, may I ask the Senator a question?

Mr. ALLOTT. I yield to the Senator from Vermont.

Mr. AIKEN. Mr. President, assuming that a group of people, say 100 people, contribute their services to make the winter Olympics a success, and assuming further that their services would normally be valued at $30 a day, we will say, would they then be authorized, assuming they pay income taxes, to deduct the value of their services in the amount which they would have cost had they been paid for?

If they work 14 hours a day, as many of them do, could they then deduct the overtime value for the excess time put in, assuming that the value would be the same as if it had been paid in wages or salaries? I realize that is a rather complicated question, but we ought to have an answer to it. Does not the Senator from Colorado think so?

Mr. ALLOTT. I would like to have the answer.

Mr. HARRIS. I do not know the answer to that question, but if the Senate will put off consideration of this bill until November 10, I will promise to get a response from the Internal Revenue Service.

Mr. ALLOTT. That is very generous.

Mr. AIKEN. Apparently I will not get an answer today.

Mr. ALLOTT. I do not know whether the Senator from New Jersey has had an opportunity to examine this or whether he has any comment on it at this time or not, or whether it is in his area of expertise.

Mr. WILLIAMS. I have not heard all the debate involving the amendment. I understand it would provide the Federal minimum wage where people were employed in Olympics activities, and the activity was an activity where Federal money was the source of their compensation. As I understand it, it does not deal with a volunteer. I do understand it would cover areas where compensation might not be money, but money in kind, perhaps free skiing, perhaps board and lodging.

Right off the top, at this point I could see an exception for compensation which is not to be earned income but would cover the fringes such as board and lodging and a free ride on the ski slopes.

But if they are being paid money I would not like to see this area as an area of substandard wages, where the money paid is to be a living wage.

Mr. ALLOTT. I agree with the Senator in that respect, if we could eliminate the reimbursement in kind, describing the minimum wages for these people then we would be in a different boat entirely. But if the interpretation of the Senator from Oklahoma is applied to the amendment, that a person is provided transportation, for example, to the area of events, or room and board, or if he is provided transportation or room and board, but where they are donating their services, I do not see why the minimum wage should apply to those people. They may be working 14 or 15 hours a day and sometimes longer, and it would be quickly computed at time and a half and may be double time, and you are doubling or tripling the operating expenses of the Olympics and would increase the burden on the taxpayer. Then, the women, for example, who contribute their services to serving church or school lunches; this would put them under this proscription.

Mr. MANSFIELD. Mr. President, is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending.

Mr. HARRIS. I do expect a rollcall vote on the amendment.

Mr. ALLOTT. We might as well have the rollcall vote now, if the Senator will yield to me to request the yeas and nays.

Mr. MANSFIELD. We do not have a sufficient number of Senators in the Chamber at this time. 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. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLOTT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRIS. Mr. President, this amendment provides that all jobs that are compensated for in money or in kind and are connected with the events at the winter Olympics, in or on facilities for which taxpayer funds have been disbursed, must be subject to the minimum wage laws and the rest of the laws under the Federal statutes. That means it would apply to translators, couriers, groundkeepers, ushers, ticket takers, guards, parking lot attendants, maids, janitors, cooks, waiters, waitresses. The idea is to respond to what the Winter Olympics Committee has been saying, that there will be a lot of jobs for local people there. Now, from the debate there seems to be some doubt about whether the people in Colorado, will actually get these jobs, or whether they will bring in students and give them the right to ski for nothing, the right to lodge for nothing, and so forth, and that they will take those jobs.

There are unemployed people in Colorado; there are some chicanos, some blacks; some American Indians, some working class people of this community, some working class white people who need jobs. If we are going to take taxpayer money for these winter games, then let us be sure there are some jobs available, and that not just a few real estate operators and others will make money, the concessionaires and hotel people. Let us make jobs. Jobs are in as short supply there as anywhere else. Let us give the local people a chance at the jobs and let us see to it that the jobs pay a decent wage. That is what this amendment would do.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ALLOTT. Mr. President, I wish to say a word or two about the amendment. If the amendment were limited to what the Senator just said, I would be wholeheartedly in favor of it. But the amendment, as he interprets it himself, would require that anyone who offered or donated services for the operation of the Olympics—I am talking about people who hold the crowds back, the guides, the officials of the Olympics and the advisory board members the Senator mentioned earlier themselves—if they receive any kind of reimbursement in kind, whether it is rooms, a bed, transportation, then the minimum wage law would have to apply to every one of them.

I must very seriously resist this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

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 Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. EDWARDS) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr.

MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER) and the Senator from Texas (Mr. TOWER) would vote "nay."

The result was announced—yeas 14, nays 55, as follows:

[No. 435 Leg.]

YEAS—14

Bayh	Hartke	Pastore
Brooke	Hughes	Ribicoff
Case	Mansfield	Schweiker
Church	Metcalf	Williams
Harris	Nelson	

NAYS—55

Aiken	Ervin	Pearson
Allen	Fannin	Percy
Allott	Fong	Proxmire
Anderson	Gambrell	Randolph
Beall	Gurney	Roth
Bennett	Hollings	Saxbe
Bentsen	Hruska	Scott
Bible	Humphrey	Smith
Buckley	Inouye	Stafford
Burdick	Jackson	Stevens
Byrd, Harry F., Jr.	Jordan, N.C.	Stevenson
	Jordan, Idaho	Symington
Byrd, Robert C.	Long	Taft
Chiles	Magnuson	Talmadge
Cook	Mathias	Thurmond
Cooper	McClellan	Tunney
Cranston	Montoya	Weicker
Dole	Moss	Young
Eastland	Packwood	

NOT VOTING—31

Baker	Goldwater	Miller
Bellmon	Gravel	Mondale
Boggs	Griffin	Mundt
Brock	Hansen	Muskie
Cannon	Hart	Pell
Cotton	Hatfield	Sparkman
Curtis	Javits	Spong
Dominick	Kennedy	Stennis
Eagleton	McGee	Tower
Edwards	McGovern	
Fulbright	McIntyre	

So Mr. HARRIS' amendment was rejected.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. COOK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PASTORE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

LEGISLATIVE PROGRAM—JOINT MEMORANDUM OF UNDERSTANDING BETWEEN SENATOR MANSFIELD AND SENATOR SCOTT

Mr. MANSFIELD. Mr. President, relative to H.R. 13915, the so-called antibusing bill, the distinguished Republican leader and I have conducted discussions to see if something in the way of an agreement or an accommodation could be reached. Finally, we took the bit in our own teeth and prepared a joint memorandum of understanding between the two leaders. This afternoon I met with the Democratic Policy Committee, read the memorandum of understanding to them, and secured their approval; and on that basis, and in conjunction with the distinguished Republican leader, I shall announce to the Senate what that memorandum contains.

JOINT MEMORANDUM OF UNDERSTANDING BETWEEN SENATOR MANSFIELD AND SENATOR SCOTT

The schedule of business for the remainder of this Congress will require the full cooperation of the entire Senate. It has been agreed that only measures ordered reported from standing committees by September 15, 1972—and that would include this weekend as well—except measures of an extraordinary nature that must pass this session—will be considered for scheduling on the floor. Any measure reported thereafter will be considered on Consent Calendar basis only.

H.R. 13915, the so-called antibusing bill—and I am delighted to see that the distinguished Senator from Alabama (Mr. ALLEN) is in the room—was not permitted to be referred to a standing committee. This bill is, however, on the Senate Calendar and is eligible for floor consideration. There are many Senators who wish the Senate to consider this bill. There are many Senators who insist that this measure should not be considered since the Senate has previously worked its will on this issue earlier in this session. The joint leadership intends to permit the full Senate to work its will on this measure by scheduling this measure prior to the adjournment of this session.

In view of the agreement of the joint leadership to assure that the dispute surrounding H.R. 13915 will be brought before the full Senate prior to adjournment, it will intend to protect the orderly consideration of business in the Senate by making a joint motion to table any motions to consider measures on the Senate Calendar if made to bypass the intended schedule of business agreed upon by the joint leadership and in the order determined by the joint leadership.

When H.R. 13915 is scheduled by the leadership, and it will be scheduled this session, the leadership anticipates and in fact has been promised that the measure will be subjected to extended debate. At the very least the leadership intends to keep all its options open in an effort to bring this matter to a resolution.

The question of timing was also considered in the policy committee, and the policy committee unanimously agreed to allow the Senator from Montana, in his capacity as majority leader, to make that determination on the basis of the facts which exist at the time.

Mr. SCOTT. Mr. President, I agree that this is a statement of the joint leadership. It is a declaration of policy by the majority policy committee, and it is the only resolution available to us, it seems to me, in view of the fact that we have tried, in numerous meetings, with a number of Senators of varying views, to arrive at a satisfactory solution other than this one. But if we are going to get the business of the Senate and the business of the Nation concluded, we must do it in an orderly fashion and we must do it in such fashion as to be entirely fair to those Senators who wish to see favorable action on this bill and those Senators who prefer no action on the bill as it will presently come before the Senate. So that we believe that we have acted fairly and prudently here, and we have not prejudiced the merits of the bill in coming to certain procedural decisions. I am in agreement that this is the best way to handle the matter.

I congratulate the distinguished majority leader for his patience and fairness, as always, in working out this matter.

Mr. ALLEN. Mr. President, will the Senator yield, in order that I might get him to clarify—if clarification is needed—the joint memorandum?

Mr. MANSFIELD. I yield.

Mr. ALLEN. It would seem to the junior Senator from Alabama that, under the joint memorandum, if this bill were scheduled for consideration by the Senate on the very day that the leadership determines would be the day of sine die adjournment, that would comply with the memorandum issued by the joint leadership.

Mr. MANSFIELD. There was no such intention in the minds of the joint leadership. It would be our intention to give the Senate at least 24 hours' notice, and the Senator may rest assured that there is no hanky-panky connected with this.

Mr. ALLEN. The Senator from Alabama certainly is not suggesting that. He is just trying to explore——

Mr. MANSFIELD. It would be hanky-panky if we attempted to do that on the last day of the session, with no other business behind it.

Mr. ALLEN. Would the Senator be willing to disclose at what stage of the proceedings, when what bills are passed, he would bring up this matter?

Mr. MANSFIELD. No. I would prefer to remain flexible. The question of timing was raised in the policy committee, and various suggestions were made. But, in the end, the policy committee unanimously gave me the authority to use my own judgment, such as it is, and to remain flexible.

I assure the distinguished Senator that if anything does happen, he will be one of the first, if not the first, to be informed.

Mr. ALLEN. I am sure that that is the case. I am not charging that the leadership would do anything other than keep the Senator from Alabama advised.

The distinguished majority leader knows full well that, in all likelihood, there will have to be a conference committee to resolve possible differences between the two Houses with respect to this legislation, and the bill should be brought up several weeks before the anticipated sine die adjournment. So the Senator from Alabama would submit that this memorandum—submitted, of course, in good faith by the leadership—still does not disclose a great deal about the leadership's plans for bringing up the measure in order that the Senate will have an opportunity to work its will on the bill, and then for an opportunity to resolve differences between the Senate version and the House version—realizing full well that the conference committee report, when it is finally agreed upon, would also be debatable. If it got back here the last day of the session, there would be no chance of it passing.

Mr. MANSFIELD. The Senator from Montana would ask the Senator from Alabama to allow him some flexibility to use his own judgment, as the policy committee has unanimously agreed to in this matter. This is a delicate matter. This is a situation in which the feelings run high on both sides; and I would expect, without question, that the Senator from Alabama would be in accord with what the policy committee has done.

Mr. ALLEN. Does the Senator think that the action of the policy committee would be pleasing to the Senator from Alabama?

Mr. MANSFIELD. Yes.

Mr. ALLEN. That sounds very interesting, and I think it well that we close this colloquy, so far as the Senator from Alabama is concerned, on that note.

Mr. SCOTT. I want to thank the distinguished majority leader, because I think what we are saying here is that we are allowing reasonable time for the Senate either to work its will or to work its "won't" in this matter.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, may I be recognized on my own time for 5 minutes?

The PRESIDING OFFICER. The Senator is recognized.

A REPORTED STATEMENT DEALING WITH A LIMITATION ON WAGES

Mr. SCOTT. Mr. President, the candidate or protege of the distinguished senior Senator from Massachusetts—and I believe the candidate of some other people as well—is reported on the news in the last 5 minutes as having made a prodigiously absurd and unwarranted statement to the effect that the President intends next year—I am glad he recognizes that President Nixon will be President next year—to impose a 3.5-percent lid on increases in the wages of the working man.

There is not a word of truth in any suggestion that this is the intention of the President or of this administration. Such a suggestion is woven out of the whole cloth. It is born of desperation. The suggestion is no better than some of the remarks we hear on redistribution of wealth—the kind of crackpottery that is being broken faster than Aristotle Onassis can break dishes. And that redistribution of wealth crackpottery has been condemned even by some of the candidate's own supporters, but not, I believe, by his primary sponsor or by the brother-in-law of the primary sponsor.

CONSTRUCTION OF OUTDOOR RECREATIONAL FACILITIES, 1976 WINTER OLYMPIC GAMES

The Senate continued with the consideration of the bill (S. 3531) to authorize the Secretary of the Interior to participate in the planning, design, and construction of outdoor recreation facilities, in connection with the 1976 Winter Olympic games.

Mr. MANSFIELD. Mr. President, I ask unanimous consent—this, I think, has been cleared all around—that there be a time limitation of 30 minutes on the remaining amendments—there will be two, possibly three—and that there be a time limitation of 30 minutes on the bill, with the time to be equally divided between the sponsors of the amendment and the distinguished Senator from Colorado (Mr. ALLOTT), the manager of the bill.

The PRESIDING OFFICER (Mr. ROTH). Is that 30 minutes on all amendments or on each amendment?

Mr. MANSFIELD. Thirty minutes on each amendment and 30 minutes on the bill, with the time to be equally divided, and with time on the bill itself to be under the control of the Senator from Colorado (Mr. ALLOTT), and the Senator from Oklahoma (Mr. HARRIS).

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, I use this method of making one further inquiry, if the distinguished majority leader will indulge me on the memorandum, when he says that the measure will be brought up prior to adjournment this session, would that cover a situation where there is a recess of the Senate? Would that mean that the measure would come up prior to the recess, if there is a recess for some weeks?

Mr. MANSFIELD. A recess did not even enter into our minds, so it is in line with adjournment sine die.

Mr. ALLEN. In other words, if there is a recess, there is no promise that it would come up before the recess, then, the promise is prior to adjournment?

Mr. MANSFIELD. Prior to adjournment. We expect, anticipate and hope—and I emphasize the word hope—that adjournment will come well before Election Day.

Mr. ALLEN. I thank the distinguished majority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. HARRIS. Mr. President, would it be in order to ask for the yeas and nays on final passage on the bill at this time?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. It would be in order.

Mr. HARRIS. I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, if the Senator will yield, does he anticipate that there will be yea and nay votes on his amendments to be offered?

Mr. HARRIS. I do.

The PRESIDING OFFICER. Time is now under control. Who yields time?

Mr. TUNNEY. Mr. President, I seek recognition. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read as follows:

On page 3, following line 12, add the following title:

TITLE II—NATIONAL COMMISSION ON THE OLYMPIC GAMES

FINDINGS

SEC. 201. The Congress hereby finds and declares—

(1) the United States Olympic Committee was created as a Federal corporation by Act of Congress which gives that Committee responsibility for the participation by the United States in the Olympic games and which requires the Committee to submit annual reports to Congress;

(2) the Federal charter granted by Congress to the United States Olympic Committee grants to that Committee exclusive jurisdiction over all matters pertaining to the participation of the United States in the Olympic games;

(3) serious problems have arisen in the conduct of Olympic games, both summer and winter, which have led to widespread criticism of certain aspects of the games and of the manner in which the United States administers its preparation for and participation in the games;

(4) an evaluation is required of the form of organization and the means by which the United States can participate most effectively in the Olympic Games and provide leadership in accomplishing appropriate action which will assure that future Games will be organized and conducted in a manner which will contribute to the high ideals of the Games; and

(5) a National Commission on the Olympic Games would provide a means of determining constructive action toward accomplishing these goals and preparing specific legislative proposals which would command broad public support.

ESTABLISHMENT

SEC. 202. There is hereby established a National Commission on the Olympic Games (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 203. The Commission shall be composed of seven public members who shall be appointed by the President. Such members shall be selected with the purpose of assuring objective consideration of all viewpoints and no member shall be an officer or director, past or present, of the United States Olympic Committee or any national athletic association or federation.

ADMINISTRATIVE

SEC. 204. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 205. (a) The Commission shall review the participation by the United States in the Olympic Games and, if it recommends that such participation should be continued, shall also recommend the form of organization by means of which the United States should participate in the Olympic movement and shall present specific proposals for the legislative action required to carry out that recommendation.

(b) In formulating its specific legislative proposals the Commission shall take into account:

(1) the objectives of the modern Olympic movement and the extent to which those objectives are being met;

(2) the manner in which Olympic Games are administered, with particular attention to the views of those who participate in those games as athletes, coaches, officials, or otherwise or who have attended such Games in any other capacity;

(3) the role which the United States Olympic Games Committee has played in international sports and the manner in which United States participation in the Olympic Games has been organized and administered by the Committee;

(4) the policies which would assure the selection on a fair and equitable basis of the best qualified athletes, coaches, managers,

trainers and other officials and which would provide the maximum opportunity for persons to develop their athletic skills and participate in international athletic competition; and

(5) the arrangements which will best protect the interests of the individual athletes during the period of their training, travel, and participation in the Games.

(c) The Commission shall submit to the President and to the Congress an interim report with respect to its findings and recommendations not later than February 1, 1973. A final report of its findings and recommendations shall be submitted to the President and the Congress not later than July 31, 1973.

POWERS

SEC. 206 (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(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; and

(3) hold such hearings, sit and act at such times and places, and administer such oaths, as the Commission or any subcommittee or member thereof may deem advisable.

(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, such data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Commission is further authorized to request from any public or private organization or agency and to obtain from the United States Olympic Committee any information deemed necessary to carry out its functions.

(c) Four members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION

SEC. 207. Members of the Commission shall receive $125 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

TERMINATION

SEC. 209. The Commission shall cease to exist 30 days after the submission of its final report.

Mr. TUNNEY. Mr. President, I ask unanimous consent that the names of the Senator from Colorado (Mr. ALLOTT), the Senator from Oklahoma (Mr. HARRIS), and the Senator from Kentucky (Mr. COOK) be added as cosponsors of the amendment.

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

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the distinguished Senator from Oklahoma (Mr. HARRIS) definitely wants yea-and-nay votes on his two remaining amendments. I ask unanimous consent, therefore, that it be in order to order the yeas and nays on both of the amendments by Mr. HARRIS with one show of seconds at this time.

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

Mr. ROBERT C. BYRD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TUNNEY. Mr. President, this amendment would add a new title II to the bill to create a National Commission on the Olympic Games.

The XX Olympic games in Munich, Germany, have ended, leaving behind an atmosphere of bitterness, frustration, and despair. The finest amateur athletes of the world came together to test themselves in friendly competition, yet found their efforts hindered and overshadowed by petty bickerings, partisan judging, outrageous blunders and, finally, unparalleled barbarism.

Californian Rick Demont, a 16-year-old swimmer, set a world record in winning the 400-meter free style only to be disqualified and stripped of his medal, because team physicians failed to realize that a drug which Rick had used routinely for treatment of an asthmatic condition was on the list of medications proscribed by the IOC.

Two of America's finest sprinters, Eddie Hart and Reynaldo Brown, were deprived of the chance to compete in their specialty, the 100-meter dash, by the failure of their coach to inform them of the proper starting time for their qualifying heats.

The U.S. basketball team, apparently having won its final game against the Soviet Union in a thrilling 50 to 49 finish, found itself suddenly defeated when a Bulgarian official gave the Russians a second chance by ordering the clock set back after the final horn had sounded. Reggie Jones, a member of the U.S. boxing team, was eliminated from the boxing competition by a decision so outrageous that at least one of the officials rendering it was subsequently dropped from the list of judges; numerous other boxers, wrestlers, and divers, some American and some not, were victimized by similarly unconscionable partisan judging.

But the most telling image of all lies in the juxtaposition of the two most memorable events of the games. On Monday, September 4, Swimmer Mark Spitz stood in triumph, having firmly established his place in Olympic history with an astounding seven gold medals and seven world records; within less than 24 hours came an attack on the Israeli Olympic quarters by Arab terrorists which resulted in the death of 11 Israel team members and left a shocked world wondering whether the Olympic ideal had been irreparably damaged. What might easily have been the supreme moment of the games was dwarfed by bloody tragedy.

It is clear that substantial changes must be made by the IOC if the 1976 games are to have any hope of realizing the atmosphere of peace and brotherhood which they are intended to promote. Meanwhile, there is much that must be done to revitalize the American Olympic program.

Reform in the United States must begin with a reevaluation of the role of the U.S. Olympic Committee, which, since 1950, has been entrusted by Congress with exclusive jurisdiction over the selection and organization of our Olympic teams. The committee can properly fulfill its role as coordinator of the U.S. Olympic effort only if its membership is representative of the total spectrum of those Americans who are deeply engaged at all levels in the quest for athletic excellence.

A second area of investigation must be the selection process through which the members of the U.S. Olympic team are chosen. All too often the selection of athletes has been overshadowed by organizational infighting, with various independent federations and associations engaging in a competition for institutional prestige and influence which takes place at the expense of the individual athletes. For similar reasons, the selection of coaches, officials, and other personnel has too frequently become a matter of political or personal patronage. We must take steps to insure that the best possible athletes are chosen to represent the United States, and we must then insure that these athletes are supported by the best possible group of coaches, officials, physicians, and other support personnel.

A third area of inquiry should be the manner in which the resources available to the U.S. Olympic Committee are allocated to programs for the development and training of U.S. athletes. We must be certain that opportunities for athletic participation and instruction are made available to as much of our population as possible; we must also be certain that once our athletes have reached the peak of their development and have been selected to the Olympic team, they will have the benefit of the most effective training programs and the most careful management which we can possibly provide.

With these goals in mind, I place before the Senate a proposal to establish a National Commission on the Olympic games. This commission will be charged with a thorough reassessment of the American Olympic effort. It will begin with an evaluation of the goals and administration of the Olympic games themselves. Within this framework, it will proceed to investigate the role of the USOC, with particular attention to the procedures used in selection of team members, the management of their training and preparation for actual Olympic competition, and the programs used for development of amateur athletes at all levels. Based on these findings, the commission will submit a body of recommendations setting forth the manner in which the American Olympic effort may be continued most effectively.

The members of the commission shall be free of ties to any of the organizations whose policies and practices may come under review; thus the hearings should be free from the overtones of

organizational rivalry which have characterized past disputes in this area.

The commission shall make every effort to insure that witnesses will represent a wide range of viewpoints and expertise, In particular, it will be expected to draw on the experiences of those who have participated in past Olympic games as other capacity.

An interim report on the findings and recommendations of the commission will be made by February 1, 1973, prior to the next scheduled meeting of the International Olympic Committee; a final report will be due by July 31, 1973, in order that our action on these recommendations may still leave the revised U.S. Olympic effort with adequate time to prepare for 1976.

Mr. President, we are faced with serious questions about the future of the Olympic games. The high hopes and ideals which have always accompanied the games have been bruised and battered by recent events. I, for one, am not yet ready to abandon the idea that understanding and good will may be promoted through athletic competition; but if this goal is to be realized in the context of the 1970's, we must take a long, hard look at the Olympic ideals and the manner in which we are attempting to follow them, on both a national and an international level.

A National Commission on the Olympic Games would be particularly appropriate mechanism and I urge the Senate to adopt it.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, the hour is late. I want to say as a cosponsor of the amendment offered by the junior Senator from California that I agree wholeheartedly with him. I think it represents a very excellent amendment. Unless someone wants to speak in opposition to the amendment, I am prepared to yield back my time.

Mr. TUNNEY. Mr. President, I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from California. (Putting the question.)

The amendment was agreed to.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

On page 2, line 11, strike the figure $15,500,000 and substitute in its place $1,500,000.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. HARRIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 10 minutes.

Mr. HARRIS. Mr. President, the purpose of this amendment is to conform the bill to one of the suggestions made by the General Accounting Office in its consideration of this matter. It would limit the amount of funds that will be authorized under the bill to the architectural and engineering services that need to be performed if we are to have any kind of reliable estimates of the ultimate costs and to the total studies which are needed if we are to know, as we do not now know, the environmental impact of these facilities.

The General Accounting Office made this suggestion as one of its suggestions. And earlier today in a colloquy with the distinguished Senator from Colorado, I elicited the information that the environmental studies which are proposed at the present time and the architectural and engineering services which are proposed to be contracted for, together, add up in the various amounts to a total of $1.1 million. So, Mr. President, to be on the safe side and to be sure that we can provide for those services and studies, I have raised that amount of $1.1 to $1.5 million in this amendment.

I call the attention of the Senate again to the fact that we do not have the slightest idea what the ultimate cost of these facilities will be. We are therefore authorizing or are being asked to authorize funds in the blind.

As the General Accounting Office pointed out, the cost estimates for the construction of the proposed facilities which were included in the request of the Denver Olympic Committee for direct Federal funds are far from firm or determinable. The Denver Olympic Committee itself has called some of its own estimates preliminary. And, as a matter of fact, it has called others of those estimates conceptual.

The Denver Olympics Committee itself has stated that better cost estimates will not be available and cannot be available, because of the lack of architectural and engineering services which have to come first in regard to the design. We do not even know the design of many of these facilities.

Mr. President, therefore, it seems to me that we ought not to authorize, now, the full presently estimated costs of these facilities involved. We ought to wait until the money can be spent that would be provided under my amendment to learn more about what the costs will actually be.

The same is true in regard to the environment. The Department of Interior's Bureau of Outdoor Recreation back in June prepared a draft statement in regard to the environmental impact. Basically, what it said was that there would be environmental impact as a result of building these facilities and holding these games that would be much broader in scope and importance than the relatively small acreage on which the events themselves would be held. However, until more detailed studies have been made, according to the General Accounting Office, the specific environmental impact of these facilities proposed for Federal funding will not be known.

Again, as to the final costs, I say in regard to the environmental impact that we ought to limit what is authorized to be appropriated under this act to those architectural and engineering studies and environmental studies alone.

My amendment would be very generous in that regard. Once we know more about the environmental impact and actual costs, the Senate could at that time consider what funds it wanted to authorize, if any.

That is the sense of my amendment and a statement of its purpose.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLOTT. 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. ALLOTT. Mr. President, I am very strongly disappointed in the amendment. The whole concept gives no opportunity for future planning whatever.

It leaves the matter entirely in limbo and does not permit the State of Colorado or the city of Denver or even the Federal Government to plan intelligently on the future. The point has been raised that there are no definite cost figures. That is true, although I must say that these figures have been gone over by one of the most prominent engineering firms in the United States, Stearns-Roger of Denver, and they think those are reasonably accurate.

The committee discussed this matter and went into it thoroughly. The committee was satisfied that the figure should be $15.5 million and not $1.5 million.

The third point I make and I make it very strongly is that the Office of Management and Budget, as well as the Committee on Interior and Insular Affairs, feels that the matter should be handled in full at this time, and that the full authorization be made. We are trying to comply with the department of Government, no one of which will have to administer all these funds.

We have already provided for their supervision and audit. That is taken care of.

Last, I would like to say that we are following the precedent entirely in doing this. Since 1960 all of these matters have been funded or authorized in full in one authorization. It was true in connection with Squaw Valley. The Century-21 Exhibition in Seattle, the West Virginia Centennial, the New York World's Fair, the Alaska Purchase Centennial, the Montreal Expo, HemisFair 1968 in San Antonio, and the Miami Interama.

Therefore, I think there is ample precedent; there is good precedent.

Mr. President, I would like to say that the Nelson amendment, which I have accepted on behalf of the committee, provides no money can be spent until these environmental studies are made, so I think the amendment should be rejected.

I am ready to yield back the remainder of my time.

Mr. HARRIS. I yield back my time.

Mr. ALLOTT. I yield back my time.

The PRESIDING OFFICER. All time

is yielded back. The question is on agreeing to the amendment. 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 Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Louisiana (Mrs. EDWARDS) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Michigan (Mr. GRIFFIN), the Senator from Arizona (Mr. GOLDWATER), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Also, the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 4, nays 61, as follows:

[No. 436 Leg.]

YEAS—4

Fulbright	Proxmire	Ribicoff
Harris		

NAYS—61

Aiken	Byrd,	Ervin
Allen	Harry F., Jr.	Fong
Allott	Byrd, Robert C.	Gambrell
Anderson	Case	Gurney
Bayh	Chiles	Hart
Beall	Church	Hartke
Bennett	Cook	Hollings
Bentsen	Cooper	Hruska
Bible	Cranston	Hughes
Brooke	Dole	Inouye
Burdick	Eastland	Jackson
Jordan, N.C.	Nelson	Smith
Jordan, Idaho	Packwood	Stafford
Long	Pastore	Stevens
Magnuson	Pearson	Stevenson
Mansfield	Percy	Symington
Mathias	Randolph	Talmadge
McClellan	Roth	Thurmond
Metcalf	Saxbe	Tunney
Montoya	Schweiker	Williams
Moss	Scott	

NOT VOTING—35

Baker	Goldwater	Mondale
Bellmon	Gravel	Mundt
Boggs	Griffin	Muskie
Brock	Hansen	Pell
Buckley	Hatfield	Sparkman
Cannon	Humphrey	Spong
Cotton	Javits	Stennis
Curtis	Kennedy	Taft
Dominick	McGee	Tower
Eagleton	McGovern	Weicker
Edwards	McIntyre	Young
Fannin	Miller	

So Mr. HARRIS' amendment was rejected.

Mr. ROBERT C. BYRD. Mr. President, I would hope that the hot lines in the respective cloakrooms will put out the word that the yea and nay votes for the remainder of the day will continue to take 10 minutes. On this last one, one of the hot lines was not working, and that is the reason why we went beyond the time a little.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the last amendment was rejected.

Mr. BIBLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated by the clerk.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read the amendment, as follows:

At the end of the bill add a new section numbered appropriately, to read as follows:

"Section —: The funds authorized by this Act shall constitute the entire federal contribution to the 1976 Winter Olympic Games, except as may be expressly authorized hereafter by the Congress."

Mr. HARRIS. Mr. President, the distinguished Senator from Colorado several times, in argument on this bill, has said this is the full authorization of funds for the winter Olympics of 1976. I refer to the Federal funds of $15.5 million contained in the bill. This amendment would hold us to that. No other funds could be used as a contribution of the Federal Government to the winter Olympics of 1976 except the $15.5 million actually authorized in this bill or as might be hereafter expressly authorized by the Congress.

That is the plain statement and intent of the amendment. I hope it may be adopted.

Mr. ALLOTT. Mr. President, the yeas and nays have been ordered on this amendment.

I yield myself such time as I may need.

I deeply feel this amendment is not necessary at all, Mr. President. It just adds words to the bill, because what this amendment does, as several other amendments have done, is state what the law is. This Congress cannot bind the next one.

I oppose it, as a matter of principle, on the ground that it garbles the legislation. That is all it does. I would suggest that we reject the amendment.

Mr. HARRIS. Mr. President, I yield myself such time as I may need.

With reference to what the Senator from Colorado has said about this amendment, it is not intended to bind the next Congress. The intent is to bind this Congress and this administration so that it cannot take money out of the housing budget, it cannot take money out of the transportation budget, it cannot take money out of the Department of Defense budget, it cannot take money out of the agricultural budget, except as would be spent anyway in connection with these games, and spend it as an additional Federal contribution to these games over and above what is expressly authorized in this act.

That is what the intent of this amendment is. I want to put a lid on Federal expenditures by providing that there is no intention to make a contribution to these games, over and above what would otherwise be spent, from the existing budgets in the other agencies.

Mr. ALLOTT. Mr. President, I am prepared to yield back the remainder of my time.

Mr. HARRIS. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. ROTH). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Oklahoma (Mr. HARRIS). 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 Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting the Senator from Louisiana (Mrs. EDWARDS) would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD),

the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Also, the Senator from New York (Mr. BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "nay."

The result was announced—yeas 11, nays 52, as follows:

[No. 437 Leg.]

YEAS—11

Bayh	Cook	Mansfield
Byrd, Harry F., Jr.	Harris	Nelson
Church	Hart	Proxmire
	Hughes	Ribicoff

NAYS—52

Aiken	Fong	Pastore
Allen	Gambrell	Pearson
Allott	Gurney	Randolph
Anderson	Hartke	Roth
Beall	Hollings	Saxbe
Bennett	Hruska	Schweiker
Bentsen	Inouye	Scott
Bible	Jackson	Smith
Brooke	Jordan, N.C.	Stafford
Burdick	Jordan, Idaho	Stevens
Byrd, Robert C.	Long	Stevenson
Case	Magnuson	Symington
Chiles	Mathias	Talmadge
Cooper	McClellan	Thurmond
Cranston	Metcalf	Tunney
Dole	Montoya	Williams
Eastland	Moss	
Ervin	Packwood	

NOT VOTING—37

Baker	Goldwater	Mundt
Bellmon	Gravel	Muskie
Boggs	Griffin	Pell
Brock	Hansen	Percy
Buckley	Hatfield	Sparkman
Cannon	Humphrey	Spong
Cotton	Javits	Stennis
Curtis	Kennedy	Taft
Dominick	McGee	Tower
Eagleton	McGovern	Weicker
Edwards	McIntyre	Young
Fannin	Miller	
Fulbright	Mondale	

So Mr. HARRIS' amendment was rejected.

Mr. ALLOTT. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BIBLE. 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. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I have two unanimous-consent requests. I ask unanimous consent to have printed in the RECORD a letter from Bickert, Browne, Coddington & Associates, Inc.

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

BICKERT, BROWNE, CODDINGTON & ASSOCIATES, INC.,
Denver, Colo., May 22, 1972.

Mr. CARL DETEMPLE,
President, Denver Olympic Committee, Denver, Colo.

DEAR CARL: Within the past 15 months there have been numerous efforts directed at gauging public opinion regarding the 1976 Winter Olympic Games. Some of those efforts were valid surveys of opinion; some were not. Some were conducted statewide; others were limited in geographical scope.

Unfortunately, there exists no current, valid measure of reactions to the Games. However, this letter will attempt to review and synthesize the existing data and make an informed estimate of current opinion. The various studies are reviewed in chronological order of data collection and not in order of perceived validity.

COLORADO STATE REPUBLICAN CENTRAL COMMITTEE—JUNE 1971

This survey covered 807 registered voters in Colorado aged 18 and older. Two questions pertaining to the Olympics were asked:

1. "Do you agree that the 1976 Winter Olympics are basically good for Colorado and should be held here?"

2. "Do you agree or disagree that the state should provide some of the necessary funds?"

The first question is heavily biased in the direction of a favorable reply, leading one to anticipate a more favorable response than was actually obtained. On that question 66 percent agreed, 27 percent disagreed, and eight percent had no opinion. Generally, Republicans (74 percent) were more supportive of the Games than were Democrats (64 percent). Independents were least supportive of the Games (52 percent). Support was strongest on Colorado's Western Slope and weakest in the Denver suburbs. Individuals aged 60 and older were more negative toward the Games than any other age group.

The overall response to the second question is more difficult to determine, since the results were reported only for those individuals who supported the Olympics. Of that 66 percent, 84 percent favored spending some state money to prepare for the Games.

WHEAT RIDGE HIGH SCHOOL OLYMPIC SURVEY—JANUARY 1972

The Distributive Education Club of Wheat Ridge High School distributed 1,300 questionnaires in 17 Colorado communities. The study, although an excellent high school demonstration project, had serious methodological flaws when judged by professional standards for public opinion research. Those drawbacks ranged from a favorably biased wording of the main question (i.e., "Are you in favor of having the '76 Olympics in Colorado?") to a non-scientific procedure for selecting respondents (e.g., students were permitted to choose their own "random" respondents from a quota which called for at least 25 of every 100 interviews in an area to be conducted with high school seniors in that area, and the remainder of the 100 to be equally divided between businesses and homeowners).

Of the 921 persons who answered the above question, 64 percent favored the 1976 Winter Games and 36 percent opposed them. As was found in the earlier noted survey, Republicans were more supportive than either Democrats or Independents. The majority of the under-21 age group (39 percent of the sample) opposed the Games, principally for ecological reasons. Pro-Olympic attitudes were most heavily concentrated in the over-45 group, roughly 20 percent of the sample).

Eight other questions related to the Olympics were also asked. Generally, the responses were favorable to the Olympic effort by a margin of six to four.

ROCKY MOUNTAIN NEWS OLYMPIC BALLOT—FEBRUARY 1972

The Sunday, February 27 edition of the *Rocky Mountain News* contained a ten question ballot to determine the attitudes of its readership regarding the 1976 Winter Olympics. Although the ballot was not advertised prior to its publication, the *News* recognized that the procedure was not a valid indicator of public opinion due to the tendency for individuals with strongly held opinions to respond to such a ballot. For that reason the telephone survey described below was conducted concurrently. However, the format of the questions in the ballot was unbiased (e.g., "How do you personally feel about the following aspects of the 1976 Winter Olympic Games: Holding the 1976 Winter Olympics in Colorado? — Favor — Oppose").

The results were nearly opposite those found in the two earlier studies reported: 62 percent opposed the Games, while 37 percent favored them. Economics rather than environmental issues appeared to account for the negative response. Opposition was greatest in the lowest income bracket and decreased among the upper income categories. Negative reactions to the Games were strongest among registered voters in the 18–20 and over-50 age groups.

TELEPHONE SURVEY CONDUCTED BY BICKERT, BROWNE, CODDINGTON & ASSOCIATES (BBC)—MARCH 1972

Due to the recognition of the potential bias in the ballot by the Rocky Mountain News, that organization commissioned BBC to conduct a telephone survey of registered voters in the five county metropolitan area. Three of the unbiased ballot questions were used. However, the survey was limited in scope to the Denver Metropolitan Area.

Of the 393 individuals interviewed, 57 percent favored the Winter Games, 32 percent opposed them, and 11 percent had no opinion. The disparity between the two sets of results can be accounted for by the fact that opponents of the Games seem to react to the issues more intensely than do proponents. Therefore, they tend to be more vocal and better organized. However, the telephone survery confirmed the News finding that a majority of registered voters supported a statewide referendum on the 1976 Winter Olympic Games.

SUMMARY

The following conclusions regarding the current state of opinion appear to be warranted:

1. Proponents of Games are in the majority in Colorado, probably by a margin of 60–40,

2. Opposition to the Games is greatest among Democrats and thus tends to be high in Denver County, where registered Democrats have a large plurality.

3. Support of the Games is highest in the 30–49 age group. Opposition in the lower age categories centers around environmental reasons, whereas the elderly are more likely to oppose the Games for economic reasons.

4. There has been a public attrition of support for the Games in the past year. However, opposition may have peaked several months ago.

5. There is general support for a statewide referendum on the issue. However, with the information at hand there is no reliable way of predicting the outcome of a referendum which has as its focus the continued spending of state funds.

I hope that the preceding analysis is of assistance.

Sincerely,

CARL VON E. BICKERT,
Senior Vice President.

Mr. ALLOTT. Mr. President, I ask unanimous consent that a statement by my colleague from Colorado (Mr. DOMINICK), be printed in the RECORD.

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

STATEMENT BY SENATOR DOMINICK

As a co-sponsor of S. 3531 with my colleague from Colorado, Senator Gordon Allott, I urge favorable action regarding this bill.

The purpose of the bill is to authorize federal funds not to exceed $15½ million for the construction of necessary facilities to be used in connection with the 12th International Winter Olympic Games, which are scheduled to be held in Colorado in 1976. The 1976 Winter Olympic Games have been designated as an official bicentennial event by the American Revolution Bicentennial Commission and are scheduled to be held in February 1976. The games will provide one of the early events in our nation's 200th birthday celebration and the bill authorizes the appropriation of funds to plan, design and construct facilities and sites for Winter Olympic events such as speed skating, figure skating, hockey, ski jumping, cross country skiing and luge.

Mr. President, one proviso of the bill deserves particular mention. At the time of the general election on November 7, 1972, there will be on the ballot in Colorado an initiated amendment to the Constitution of the State of Colorado which if adopted would prohibit appropriation or loaning of state funds for the purpose of aiding or furthering the 1976 Winter Olympics.

S. 3531 provides that none of the federal monies appropriated shall be expended if the initiated amendment is adopted by the electorate in Colorado on November 7, 1972. Adoption of this bill will allow the Denver Olympic Organizing Committee and International Olympic Committee to continue their plans for a successful 1976 Winter Olympic Games. With the spotlight on our nation and my State of Colorado every effort should be made to bring together in 1976 the olympic athletes of the world in a peaceful setting in furtherance of the goals and ideals under which the Olympics should continue. Testimony at the hearings before the Senate Interior and Insular Affairs Committee indicated a need of up to 19.9 million dollars in federal funds. This amount was reduced by the Interior Committee for $15½ million on the basis of information to the effect that the Bobsled event will be held at Lake Placid, New York, thus eliminating the need for the construction of the bobsled run.

Mr. President, I urge the adoption of S. 3531.

Mr. HARRIS. I yield myself 3 minutes.

Mr. President, I intend to vote against this wasteful and ill-considered bill—first of all, because the people of Colorado, in a statewide referendum in November, are going to decide whether they want to put any money in it, whether they want it in their State at all, and there are indications that the majority do not. We ought to wait.

Second, the real costs have not been determined. We are voting on estimates which the sponsors agree are purely preliminary and in some cases conceptual, not based on design or anything except conjecture in many instances.

Third, there has been no real assessment and report concerning any afteruse of these facilities. They are mostly going to be a one-time thing for a very few people, causing enormous environmental damage, spending the taxpayers' money, and of not much benefit thereafter for anybody else.

Fourth, I believe that, as the distinguished Senator from California (Mr. TUNNEY) said, that the games in Munich raised very grave and serious questions about the management of the International Olympics Committee; and I believe the Senate ought to know more about that before we proceed to put Federal money into other Olympics games.

Fifth, the taxpayers' benefit will be very minimal. We are being asked to tax working-class people, who are already taxed far too much in this country, while a lot of rich people are not paying their fair share, for rich men's games, so that people like John D. Murchison of Vail Associates can become richer, so that the land speculators in Colorado can do better. Working-class people are asked to foot the bill. I think that an unjustified expenditure of their funds.

Last, Mr. President, we do not know about alternative sites that could be used for these games, if they are to be held at all. Sites such as Lake Placid and Squaw Valley are already in existence and could be recycled, with little environmental damage and at much less cost to the taxpayers, in the view of many people.

I intend to vote against this wasteful bill.

Mr. BIBLE. Mr. President, I think that all the points just made by the Senator from Oklahoma have been made during the debate today. I have nothing further to add. All those points have been completely laid at rest. The bill was reported unanimously by the Committee on Interior and Insular Affairs. I highly recommend that it pass.

I yield back the remainder of my time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and the nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. On this vote I have a pair with the Senator from Colorado (Mr. DOMINICK). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. ROBERT C. BYRD. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Louisiana (Mrs. EDWARDS), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), and the Senator from Mississippi (Mr. STENNIS), are necessarily absent.

I further announce that the Senator from Wyoming (Mr. MCGEE) is absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL), and the Senator from Minnesota (Mr. HUMPHREY) would vote yea."

On this vote, the Senator from Louisiana (Mrs. EDWARDS) is paired with the Senator from Nevada (Mr. CANNON).

If present and voting, the Senator from Lousiana would vote "yea" and the Senator from Nevada would vote "nay."

Mr. SCOTT. I announce that the Senator from Colorado (Mr. DOMINICK), the Senators from Tennessee (Mr. BAKER and Mr. BROCK), the Senator from Oklahoma (Mr. BELLMON), the Senator from Delaware (Mr. BOGGS), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), the Senator in Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from New York (Mr. JAVITS), the Senator from Wyoming (Mr. HANSEN), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Also, the Senator from New York (Mr. (BUCKLEY), the Senator from Arizona (Mr. FANNIN), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), the Senator from Connecticut (Mr. WEICKER), and the Senator from North Dakota (Mr. YOUNG) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Delaware (Mr. BOGGS), the Senator from Nebraska (Mr. CURTIS), the Senator from Oregon (Mr. HATFIELD), the Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The pair of the Senator from Colorado (Mr. DOMINICK) has been previously announced.

The result was announced—yeas 60, nays 3, as follows:

[No. 438 Leg.]

YEAS—60

Aiken	Eastland	Nelson
Allen	Ervin	Packwood
Allott	Fong	Pastore
Anderson	Gambrell	Pearson
Bayh	Gurney	Proxmire
Beall	Hart	Randolph
Bennett	Hartke	Roth
Bentsen	Hollings	Saxbe
Bible	Hruska	Schweiker
Brooke	Hughes	Scott
Burdick	Inouye	Smith
Byrd, Harry F., Jr.	Jackson	Stafford
Byrd, Robert C.	Jordan, N.C.	Stevens
Case	Jordan, Idaho	Stevenson
Chiles	Long	Symington
Church	Magnuson	Talmadge
Cook	Mathias	Thurmond
Cooper	McClellan	Tunney
Cranston	Metcalf	Williams
Dole	Montoya	
	Moss	

NAYS—3

Fulbright	Harris	Ribicoff

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against

NOT VOTING—36

Baker	Goldwater	Mondale
Bellmon	Gravel	Mundt
Boggs	Griffin	Muskie
Brock	Hansen	Pell
Buckley	Hatfield	Percy
Cannon	Humphrey	Sparkman
Cotton	Javits	Spong
Curtis	Kennedy	Stennis
Dominick	McGee	Taft
Eagleton	McGovern	Tower
Edwards	McIntyre	Weicker
Fannin	Miller	Young

So the bill (S. 3531) was passed, as follows:

S. 3531

An act to authorize the Secretary of the Interior to disburse funds appropriated by Congress for the planning, design, and construction of recreational facilities in connection with the 1976 Winter Olympic Games

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress has declared it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources; and declares that the XII International Winter Olympic Games which are to be held in the United States in 1976, as a part of the American Revolution Bicentennial Celebration, are in furtherance of stimulating an awareness of outdoor recreation activities.

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior a sum not to exceed $15,500,000 (December 1971 prices), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuation in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein, to advance and pay as he deems appropriate, to cities or counties, or both, in the State of Colorado to be used to plan, design, and construct necessary facilities in connection with XII Winter Olympic Games, such funds to remain available until expended: *Provided, however,* That none of the funds appropriated pursuant to this section shall be expended upon the adoption of an initiated amendment to the constitution of the State of Colorado at the November 7, 1972, election, the purpose of which is to prohibit appropriating or loaning State funds for the purpose of aiding or furthering the 1976 Winter Olympic Games.

SEC. 3. Prior to paying any funds authorized under section 2 of this Act, the Secretary of the Interior shall be satisfied that the facilities will be designed and constructed in a manner which will assure maximum continued public use and benefit consistent with the primary purpose of the bill which is to secure the construction at reasonable cost of necessary facilities for the XII International Winter Olympic Games and an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 is filed with respect to the actions authorized in this Act. The provisions of this section shall not apply to the expenditure of funds for environmental studies, engineering and planning.

SEC. 4. The provisions of title VII of the Civil Rights Act of 1964 shall apply with respect to the employment of individuals in any construction project assisted pursuant to this Act and to the employment of individuals in connection with the XII International Winter Olympic Games.

SEC. 5. (a) Each recipient of assistance under this Act shall keep such records as the Secretary of the Interior shall prescribe, including records which fully disclose the amount and the 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 and nature 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.

(b) The Secretary of the Interior 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 the recipient that are pertinent to assistance received under this Act.

SEC. 6. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

SEC. 7. There is also authorized to be appropriated to the Secretary of the Interior such sums as may be necessary for administration of this Act, such funds to remain available until expended.

TITLE II—NATIONAL COMMISSION ON THE OLYMPIC GAMES

FINDINGS

SEC. 201. The Congress hereby finds and declares—

(a) the United States Olympic Committee was created as a Federal corporation by Act of Congress which gives that Committee responsibility for the participation by the United States in the Olympic Games and which requires the Committee to submit annual reports to Congress;

(b) the Federal charter granted by Congress to the United States Olympic Committee grants to that Committee exclusive jurisdiction over all matters pertaining to the participation of the United States in the Olympic Games;

(c) serious problems have arisen in the conduct of Olympic Games, both Summer and Winter, which have led to widespread criticism of certain aspects of the Games and of the manner in which the United States administers its preparation for and participation in the Games;

(d) an evaluation is required of the form of organization and the means by which the United States can participate most effectively in the Olympic Games and provide leadership in accomplishing appropriate action which will assure that future Games will be organized and conducted in a manner which will contribute to the high ideals of the Games; and

(e) a National Commission on the Olympic Games would provide a means of determining constructive action toward accomplishing these goals and preparing specific legislative proposals which would command broad public powers.

ESTABLISHMENT

SEC. 202. There is hereby established a National Commission on the Olympic Games (hereinafter referred to as the "Commission").

MEMBERSHIP

SEC. 203. The Commission shall be composed of seven public members who shall be appointed by the President. Such members shall be selected with the purpose of assuring objective consideration of all viewpoints and no member shall be an officer or director, past or present, of the United States Olympic Committee or any national athletic association or federation.

ADMINISTRATIVE

SEC. 204. The President of the United States shall designate a Chairman from among the members of the Commission. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

DUTIES

SEC. 205. (a) The Commission shall review the participation by the United States in the Olympic Games and, if it recommends that such participation should be continued, shall also recommend the form of organization by means of which the United States should participate in the Olympic movement and shall present specific proposals for the legislative action required to carry out that recommendation.

(b) In formulating its specific legislative proposals the Commission shall take into account:

(1) the objectives of the modern Olympic movement and the extent to which those objectives are being met;

(2) the manner in which Olympic Games are administered, with particular attention to the views of those who participate in those games as athletes, coaches, officials, or otherwise or who have attended such Games in any other capacity;

(3) the role which the United States Olympic Games Committee has played in international sports and the manner in which United States participation in the Olympic Games has been organized and administered by the Committee;

(4) the policies which would assure the selection on a fair and equitable basis of the best qualified athletes, coaches, managers, trainers and other officials and which would provide the maximum opportunity for persons to develop their athletic skills and participate in international athletic competition; and

(5) the arrangements which will best protect the interests of the individual athletes during the period of their training, travel, and participation in the Games.

(c) The Commission shall submit to the President and to the Congress an interim report with respect to its findings and recommendations not later than February 1, 1973. A final report of its findings and recommendations shall be submitted to the President and the Congress not later than July 31, 1973.

POWERS

SEC. 206. (a) Subject to such rules and regulations as may be adopted by the Commission, the Chairman shall have the power to—

(1) appoint and fix the compensation of an Executive Director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title;

(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; and

(3) hold such hearings, sit and act at such times and places, and administer such oaths, as the Commission or any subcommittee or member thereof may deem advisable.

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agen-

cies, is authorized and directed to furnish to the Commission, upon request made by the Chairman, such data, reports, and other information as the Commission deems necessary to carry out its functions under this title. The Commission is further authorized to request from any public or private organization or agency and to obtain from the United States Olympic Committee any information deemed necessary to carry out its functions.

(c) Four members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

COMPENSATION

SEC. 207. Members of the Commission shall receive $125 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 208. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this title.

TERMINATION

SEC. 209. The Commission shall cease to exist thirty days after the submission of its final report.

The title was amended, so as to read: "A bill to authorize the Secretary of the Interior to disburse funds appropriated by Congress for the planning, design, and construction of recreational facilities in connection with the 1976 Winter Olympic Games."

Mr. ALLOTT. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title will be appropriately amended.

WINTER OLYMPICS

Mr. MANSFIELD. Mr. President, I simply wish to commend the distinguished Senator from Oklahoma (Mr. HARRIS) for undertaking the task he felt compelled to perform in opposition to this Winter Olympics proposal. With the memory of Munich still fresh in our minds, it is easy to understand his deep concern for such a proposal. May I say that however unsuccessful it may have been in convincing Members of the merit of his position, the advocacy and deep feeling he brought to the debate could not have been more forceful or sincere. He is to be commended.

Deserving similar commendation is the distinguished Senator from Colorado (Mr. ALLOTT) who, as the ranking minority committee member, managed the proposal. It was done so with characteristic skill and ability. Its wide acceptance by the Senate speaks abundantly for his effectiveness.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON FINAL DETERMINATION OF CLAIM OF CERTAIN INDIANS

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination in respect to Docket No. 22–D, the San Carlos Apache Tribe of Arizona; the White Mountain Apache Tribe of the Fort Apache Indian Reservation; the White Mountain Apache Tribe or Group, the San Carlos Apache Tribe or Group, the Cibecue Apache Tribe or Group, the Northern Tonto Apache Tribe or Group, the Southern Tonto Apache Tribe or Group, and the several bands of each of them, plaintiffs, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

STATISTICAL SUPPLEMENT, STOCKPILE REPORT

A letter from the Director, Office of Emergency Preparedness, Executive Office of the President, transmitting, pursuant to law, a statistical supplement, stockpile report, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

REPORT ON AIR FORCE MILITARY CONSTRUCTION CONTRACTS AWARDED WITHOUT FORMAL ADVERTISEMENT

A letter from the Secretary of the Air Force, transmitting, pursuant to law, a report on Air Force military construction contracts awarded without formal advertisement, for the 6-month period ended June 30, 1972 (with an accompanying report); to the Committee on Armed Services.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of the General Assembly of the State of Maryland; to the Committee on Veterans' Affairs:

"SENATE JOINT RESOLUTION No. 64

"Senate Joint Resolution requesting the Department of Defense to acquire additional land within the State for use as a National Cemetery.

"Whereas, Many citizens of Maryland are veterans or relatives of veterans and hereby entitled to burial in a National cemetery; and

"Whereas, National cemeteries are rapidly becoming overcrowded, thereby necessitating a curtailment of the honor of being laid to rest on government property; and

"Whereas, It is unfortunate that many qualified persons within this state will be denied their privilege to be buried in a National cemetery by reason of a shortage of available space set aside for use as a National cemetery; and

"Whereas, There are several veterans' organizations which would probably be willing to donate land for this use if requested; now, therefore, be it

"Resolved by the General Assembly of Maryland, That the Department of Defense be requested to acquire additional land in Maryland for use as a National cemetery; and be it further

"Resolved, That the Secretary of State send copies of this Resolution to the United States Department of Defense, President Richard M. Nixon, Vice-President Spiro T. Agnew, the Maryland Congressional Delegation and the Maryland Veterans Commission."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 9032. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Havasupai Tribe of Indians in Indian Claims Commission docket numbered 91, and for other purposes (Rept. No. 92–1128).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2185. An act to declare that certain federally owned land is held by the United States in trust for the Lac du Flambeau Band of Lake Superior Chippewa Indians (Rept. No. 92–1129).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 10436. An act to provide with respect to the inheritance of interests in restricted or trust land within the Nez Perce Indian Reservation, and for other purposes (Rept. No. 92–1130).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3256. A bill to designate the Aldo Leopold Wilderness, Gila National Forest, N. Mex. (Rept. No. 92–1132).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with amendments:

H.R. 15376. An act to amend the Service Contract Act of 1965 to revise the method of computing wage rates under such act, and for other purposes (Rept. No. 92–1131).

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with an amendment:

S. 555. A bill to authorize the establishment of an older worker community service program (Rept. No. 92–1133), together with supplemental views.

By Mr. EAGLETON, from the Committee on Labor and Public Welfare, with amendments:

S. 887. A bill to amend the Public Health Service Act to provide for the establishment of a National Institute of Gerontology (Rept. No. 92–1134).

By Mr. CRANSTON, from the Committee on Labor and Public Welfare, with amendments:

S. 3987. A bill to replace the Vocational Rehabilitation Act, to extend and revise the authorization of grants to States for vocational and comprehensive rehabilitation services, to authorize supplementary funds for vocational and comprehensive rehabilitation services to severely handicapped individuals, to expand special Federal responsibilities and research and training with respect to handicapped individuals, to establish an Office for the Handicapped within the Department of Health, Education, and Welfare, and for other purposes (Rept. No. 92–1135).

By Mr. SPONG, from the Committee on Commerce, with an amendment:

S. 3818. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes (Rept. No. 92–1136).

By Mr. LONG, from the Committee on Commerce, with amendments:

H.R. 9756. An act to amend the Merchant Marine Act, 1936, as amended (Rept. No. 92–1137).

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

H.R. 2589. An act to amend section 1869 of title 28, United States Code, with respect to the information required by a juror qualification form (Rept. No. 92–1144).

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

H.R. 14974. An act to amend certain provisions of law relating to the compensation of the Federal representative on the Southern and Western Interstate Nuclear Boards (Rept. No. 92–1146).

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

S. 3483. A bill for the relief of Cass County, N. Dak. (Rept. No. 92–1143).

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

S. 2373. A bill to authorize the merger of two or more professional basketball leagues, and for other purposes (Rept. No. 92–1151).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

S. 2762. A bill to authorize and direct the Secretary of Agriculture to acquire certain lands and interests therein within the boundaries of the Cache National Forest in the State of Utah (Rept. No. 92–1138).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1144. A bill to authorize and direct the acquisition of certain lands within the boundaries of the Wasatch National Forest in the State of Utah by the Secretary of Agriculture (Rept. No. 92–1139).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 2901. A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Colorado River in the State of Utah as a component of the national wild and scenic rivers system (Rept. No. 92–1140); and

S. 3466. A bill to establish the Lone Peak Wilderness Area in the State of Utah (Rept. No. 92–1142).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 3113. A bill to declare that the United States holds in trust for the Bridgeport Indian Colony certain lands in Mono County, Calif. (Rept. No. 92–1141).

By Mr. RANDOLPH, from the Committee on Public Works, with amendments:

S. 3943. A bill to amend the Public Buildings Act of 1959, as amended, to provide for the construction of a civic center in the District of Columbia, and for other purposes (Rept. No. 92–1145).

By Mr. ROBERT C. BYRD (for Mr. McCLELLAN) from the Committee on the Judiciary, with an amendment:

S. 3452. A bill to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees (Rept. No. 92–1149).

By Mr. ROBERT C. BYRD (for Mr. McCLELLAN) from the Committee on the Judiciary, without amendment:

H.R. 6204. An act for the relief of John S. Attinello (Rept. No. 92–1148); and

S. 2501. A bill for the relief of Daniel H. Robbins (Rept. No. 92–1147).

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare, with an amendment:

S. 3598. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans (Rept. No. 92–1150).

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON) from the Committee on Commerce, with an amendment:

S. 1911. A bill to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers (Rept. No. 92–1152).

By Mr. ROBERT C. BYRD (for Mr. MAGNUSON) from the Committee on Commerce, with amendments:

S. 2952. A bill to authorize a Federal payment for the construction of a transit line in the median of the Dulles Airport Road (Rept. No. 92–1153);

S. 3843. A bill to authorize the Secretary of Transportation to make loans to certain railroads in order to restore or replace essential facilities and equipment damaged or destroyed as a result of natural disasters during the month of June 1972 (Rept. No. 92–1154).

By Mr. HARTKE, from the Committee on Commerce, with amendments:

S. 2362. A bill to restore and maintain a healthy transportation system, to provide financial assistance to encourage investment, to improve competitive equity among surface transportation modes, to improve the process of Government regulation, and for other purposes (Rept. No. 92–1155, together with additional views).

By Mr. SPONG, from the Committee on Commerce, without amendment:

S. 3994. An original bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes (Rept. No. 92–1156, together with supplemental views); and

H.R. 14731. An act to amend the Fish and Wildlife Act of 1956 in order to provide for the effective enforcement of the provisions therein prohibiting the shooting at birds, fish, and other animals from aircraft (Rept. No. 92–1157).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3995. An original bill to provide Federal loan guarantee assistance for certain common carriers (Rept. No. 92–1158, together with minority views).

By Mr. ROBERT C. BYRD (for Mr. SPONG) from the Committee on Commerce, with amendments:

H.R. 12186. An act to strengthen the penalties imposed for violations of the Bald Eagle Protection Act, and for other purposes (Rept. No. 92–1159).

AUTHORITY FOR THE COMMITTEE ON PUBLIC WORKS TO FILE ITS REPORT ON S. 3342 BY MIDNIGHT TUESDAY, SEPTEMBER 19, 1972.

Mr. RANDOLPH. Mr. President, on Thursday, September 14, the Committee on Public Works ordered reported S. 3342, the Environmental Noise Control Act of 1972. This is a major piece of environmental legislation which promises to substantially reduce the growing problem of noise. This bill is the product of hearings, in Washington and in the field, and extensive discussion in executive sessions of the Committee on Public Works and its Subcommittee on Air and Water Pollution.

Mr. President, members of the committee have given notice of their intention to file individual views on this bill and have asked for 3 legislative days in which to do so. In view of this, I ask unanimous consent that the Committee on Public Works be allowed to file its report on S. 3342, together with individual views, by midnight, Tuesday, September 19, 1972.

The PRESIDING OFFICER. Is there objection?

Mr. MAGNUSON. Mr. President, reserving the right to object—and I shall not object—the original House bill was subject to referral to the Committee on Commerce for its consideration. The bill reported yesterday by the Committee on Public Works technically would not be referred to the Committee on Commerce; but I am sure that if we found out that we needed to have just one meeting or a brief period, the Senator from West Virginia and the committee would agree to it.

Pursuant to that, after the Committee on Public Works files its final report, we are going to have a meeting on Wednesday morning in which we will discuss this matter as it affects the aviation part of the bill; and it may be that after that discussion the committee may not want to have a referral, or they may.

I just wanted to announce this to the Senate, that that is part of the procedure under the bill.

Mr. RANDOLPH. Mr. President, the able chairman of the Committee on Commerce, of course, speaks of the interests of his fellow members in the measure. That is why the unanimous-consent request was made for filing the report by midnight Tuesday, knowing that such a meeting was to be held on Wednesday. We did order the bill reported yesterday.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE A REPORT ON H.R. 15376 BY MIDNIGHT TONIGHT

Mr. WILLIAMS. Mr. President, the Committee on Labor and Public Welfare has ordered reported H.R. 15376, the Service Contract Act Amendments of 1972.

I therefore report the bill (H.R. 15376) ask unanimous consent to file the report by midnight tonight.

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

EXTENSION OF TIME TO FILE BASKETBALL MERGER BILL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary have until midnight tonight to file the so-called basketball merger bill, the report thereon to be filed not later than Monday night.

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

AUTHORIZATION TO FILE REPORT ON S. 3598 BY MIDNIGHT MONDAY, SEPTEMBER 18, 1972

Mr. WILLIAMS. Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 3598, the Retirement Income Security for Employees Act. I ask unanimous consent to report the bill, S. 3598, and ask permission to file

the report by midnight, Monday, September 18, 1972.

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

ORDER THAT COMMITTEE REPORT ON SENATE RESOLUTION 296 NOT APPEAR ON THE CALENDAR UNTIL TUESDAY, SEPTEMBER 19, 1972

Mr. ROBERT C. BYRD. Mr. President, on yesterday the Committee on Rules and Administration ordered reported Senate Resolution 296. I ask unanimous consent that that committee report not appear on the calendar until Tuesday next.

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

AUTHORIZATION TO FILE REPORT ON S. 3818 BY THURSDAY, SEPTEMBER 21, 1972

Mr. ROBERT C. BYRD. Mr. President, on behalf of the distinguished Senator from Virginia (Mr. SPONG), I ask unanimous consent that the Committee on Commerce have until midnight to file the bill S. 3818 with accompanying report, to be filed no later than Thursday, September 21, 1972.

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

AUTHORIZATION TO FILE REPORTS ON S. 2952 AND S. 1911 BY MIDNIGHT TONIGHT AND TO FILE REPORTS BY SEPTEMBER 21, 1972

Mr. ROBERT C. BYRD. Mr. President, on behalf of the senior Senator from Washington (Mr. MAGNUSON), I ask unanimous consent to file S. 2952, planning of transit line to Dulles Airport, and S. 1911, to amend the Interstate Commerce Act to expedite the making of amendments to the uniform standards for evidencing the lawfulness of interstate operations of motor carriers, by midnight tonight and to file the report by September 21, 1972.

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

AUTHORIZATION FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE A REPORT ON S. 3987 BY MIDNIGHT WEDNESDAY, SEPTEMBER 20, 1972

Mr. CRANSTON. Mr. President, the Committee on Labor and Public Welfare has ordered reported S. 3987, the Rehabilitation Act of 1972.

Mr. President, I ask unanimous consent to report the bill, S. 3987, and also ask unanimous consent to file the report by midnight Wednesday, September 20, 1972.

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

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. MAGNUSON (by request):

S. 3989. A bill to deduct from gross tonage in determining net tonnage those spaces on board vessels used for waste materials;

S. 3990. A bill to amend the Fish and Wildlife Act of 1956, and for other purposes;

S. 3991. A bill to authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy; and

S. 3992. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures. Referred to the Committee on Commerce.

By Mr. BURDICK:

S. 3993. A bill to establish the Parole Commission, and for other purposes. Referred to the Committee on the Judiciary.

By Mr. SPONG, from the Committee on Commerce:

S. 3994. An original bill to assure that the public is provided with an adequate quantity of safe drinking water, and for other purposes. Ordered to be placed on the calendar.

By Mr. MAGNUSON, from the Committee on Commerce:

S. 3995. A bill to provide Federal loan guarantee assistance for certain common carriers. Ordered to be placed on the calendar.

By Mr. ROBERT C. BYRD (for Mr. McCLELLAN):

S.J. Res. 268. A joint resolution authorizing the President to designate the first week in May of each year as "One Nation Under God Week." Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MAGNUSON (by request):

S. 3989. A bill to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

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

SECRETARY OF TRANSPORTATION,
Washington, D.C., August 25, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill,

"To deduct from gross tonnage in determining net tonnage those spaces on board vessels used for waste materials."

The proposed bill would amend section 77 of Title 46, United States Code, to permit the deduction from gross tonnage of a vessel, in determining net tonnage, of certain spaces used for carriage of slop oil mixture or other waste materials, including sewage, and machinery used exclusively to separate, clarify or purify slop oil mixture or sewage.

In May and June of 1967, certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, came into effect. These amendments greatly increased the number of areas and zones in which the discharge of oil and oily mixture is prohibited. Thus, shipowners now find it necessary to retain slop oil on board vessels in spaces which would otherwise be available for the carriage of cargo. In similar vein, recent and anticipated anti-pollution statutes and regulations indicate a growing trend for vessel holding tanks for the retention of sewage and other liquid wastes. The provisions of the proposed bill would afford an additional incentive for, and encourage cooperative efforts on the part of, shipowners and operators in behalf of the program for prevention of pollution of the seas by omitting from the taxable net tonnage spaces which would not be revenue producing because they would be reserved for the carriage of slop oil and other wastes.

A similar bill, H.R. 11533, but not including the sewage aspect, was introduced in the 89th Congress, First Session. It was subsequently decided, however, that since the entire problem of tonnage measurement was under consideration by the Intergovernmental Maritime Consultative Organization (IMCO) on an international basis, the proposal in H.R. 11533 should not be dealt with on a unilateral basis by the United States but should be referred to IMCO for consideration and action.

The United States presented a proposal containing the provisions of H.R. 11533 to IMCO in September 1966. This proposal was approved by the IMCO Subcommittees on Tonnage Measurement and Oil Pollution and Maritime Safety Committee and finally by the IMCO Assembly at its Fifth Session in October 1967. Accordingly, it was determined appropriate to proceed with domestic legislation and this Department proposed it in the 91st Congress. H.R. 6970 and S. 1239 were introduced but were not subject to Congressional action. The current proposal has been changed to include sewage or other waste materials spaces as within the admeasurement deduction, to provide for consultation with the Administrator of the Environmental Protection Agency in the issuance of regulations, and to clarify the regulatory authority.

It would be appreciated if you would lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

S. 3989

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4153 of the Revised Statutes (46 U.S.C. 77) is amended by inserting following subsection (d) the following new paragraph:

"(e) Space occupied by machinery used exclusively to separate, clarify, or purify a ship's own slop oil mixture or tank-cleaning residue or other waste materials, including sewage, and space occupied by any tank or tanks used exclusively for the carriage of such slop oil mixture, tank-cleaning residue or other waste materials, but not to exceed a maximum space deduction established by regulation hereunder. The Secretary of the Department in which the Coast Guard is operating, in consultation with the Administrator of the Environmental Protection Agency, shall issue regulations to define the slop oil mixtures, cleaning residue, and waste materials, establish the maximum deductions which may be made, define the manner in which the spaces shall be used and marked, and as necessary otherwise to carry out the provisions of this subsection."

SEC. 2. Section 4153 of the Revised Statutes (46 U.S.C. 77) is further amended by redesignating existing subsections (e) through (i) as (f) through (j).

By Mr. MAGNUSON (by request):

S. 3990. A bill to amend the Fish and Wildlife Act of 1956, and for other purposes. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce for appropriate reference, at the request of the administration, an administrative housecleaning measure to simplify the organization of the fisheries and wildlife section of the Interior Department. I ask unanimous consent that the bill and an explanatory statement from the Department be included in the RECORD at this point.

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

S. 3990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Fish and Wildlife Act of 1956 (70 Stat. 1120), as amended (16 U.S.C. 742b), is further amended by striking all after the second sentence of subsection (a) thereof, and by substituting therefor the following:

"(b) There is established within the Department of the Interior a United States Fish and Wildlife Service. The Commissioner of Fish and Wildlife shall be appointed by the President by and with the advice and consent of the Senate.

"(c) Except as prescribed by Reorganization Plan No. 4 of 1970, the United States Fish and Wildlife Service shall succeed to and replace the United States Fish and Wildlife Service as constituted on the date of enactment and the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, and except as affected by said Reorganization Plan, all laws and regulations now in effect relating to matters heretofore administered by the Department of the Interior through the United States Fish and Wildlife Service as constituted on the date of enactment and the Bureau of Sport Fisheries and Wildlife shall remain in effect. The functions of the United States Fish and Wildlife Service hereby established shall be administered under the supervision of the Commissioner, who shall be subject to the supervision of an Assistant Secretary.

"(d) All functions and responsibilities placed in the Department of the Interior or any official thereof by this Act shall be included among the functions and responsibilities of the Secretary of the Interior, as the head of the Department, and shall be carried out under his direction pursuant to such procedures or delegations of authority as he may deem advisable and in the public interest."

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., July 11, 1972.

Hon. SPIRO T. AGNEW,
President of the U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To amend the Fish and Wildlife Act of 1956, and for other purposes."

We recommend that the bill be referred to the appropriate Committee for consideration, and that it be enacted.

Section 3 of the Fish and Wildlife Act of 1956 (70 Stat. 1120; 16 U.S.C. 742b) provides an administrative framework for the exercise of Departmental responsibility in the area of fish and wildlife resources. There was established by that Act the position of an additional Assistant Secretary, to be known as the Assistant Secretary for Fish and Wildlife, and a United States Fish and Wildlife Service, comprised of a Bureau of Sport Fisheries and Wildlife and a Bureau of Commercial Fisheries. The functions of these separate bureaus, each administered by a Director, were to be supervised by the Commissioner of Fish and Wildlife who was, in turn, subject to supervision by the Assistant Secretary for Fish and Wildlife. The Directors were to be appointed by the Secretary and paid a salary equivalent to the grade of GS-17, while the Commissioner held office as a Presidential appointee, subject to confirmation by the Senate, at a salary level of GS-18. Except that salary levels were later increased to GS-18 and level V of the Executive Schedule for both Directors and the Commissioner, respectively, this plan remained effective until the adoption of Reorganization Plan No. 4 of 1970.

Reorganization Plan No. 4 of 1970 provided for transfer to the Secretary of Commerce of "all functions vested by laws in the Bureau of Commercial Fisheries . . . together with all functions vested by law in the Secretary of the Interior or the Department of the Interior which are administered through that Bureau or are primarily related to the Bureau . . ." and the marine sport fish program of the Bureau of Sport Fisheries and Wildlife. Section 6 of the Reorganization Plan abolished the Bureau of Commercial Fisheries and the office of its Director. Thus, the United States Fish and Wildlife Service now consists only of the Bureau of Sport Fisheries and Wildlife. Though technically unaffected by the Reorganization Plan, the position of Commissioner of Fish and Wildlife now entails the exercise of no responsibility not also assigned to the Director, Buerau of Sport Fisheries and Wildlife. The office of Commissioner has remained vacant since the resignation of the incumbent, shortly after implementation of the Reorganization Plan.

Our proposed amendment to section 3 of the Fish and Wildlife Act of 1956 would conform that Act to the realignment of responsibilities effected by Reorganization Plan No. 4 of 1970, while placing increased emphasis on the protection, preservation and enhancement of the Nation's sport fish and wildlife resources. We propose that (1) the Bureau of Sport Fisheries and Wildlife and the Office of its Director be abolished, (2) responsibilities for sport fish and wildlife resources vested by law, including the Fish and Wildlife Act of 1956, in the Secretary of the Interior be exercised through a newly constituted United States Fish and Wildlife Service, and (3) the responsibilities now assigned to the Director, Bureau of Sport Fisheries and Wildlife, be exercised by the Commisisoner of Fish and Wildlife. The position of Assistant Secretary for Fish and Wildlife would be unaffected by our amendment.

We believe that the realignment of programs resulting from Reorganization Plan No. 4 provides a timely opportunity to modify our internal organization for fish and wildlife programs as herein proposed. By providing for Presidential appointment of the Commissioner, and by providing that the Commissioner succeed to the direct program responsibilities now exercised by the Director, Bureau of Sport Fisheries and Wildlife, the Congress would lend added stature to this important position, and place the appointee at a level now occupied by most other heads of bureaus within the Department. It is appropriate that the person who occupies this position, and who administers programs which relate directly to our quest for environmental quality, be nominated by the President and confirmed by the Senate. A newly established United States Fish and Wildlife Service, which would succeed to the responsibilities and authorities of the United States Fish and Wildlife Service as now constituted and the Bureau of Sport Fisheries and Wildlife except as prescribed by Reorganization Plan No. 4 of 1970, could address with new spirit the tasks assigned to its predecessor agencies. It is anticipated that enactment of this draft legislation would result in no additional expenditure of Federal funds. Paragraph (42), section 5316, title 5, United States Code would continue to provide for compensation to the Commissioner of Fish and Wildlife at the rate of Level V, Executive Schedule.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

RICHARD S. BODMAN,
Assistant Secretary of the Interior.

By Mr. MAGNUSON (by request):

S. 3991. A bill to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to authorize the Secretary of Commerce to permit not more than 30 persons at a time from foreign countries to receive instructions at the U.S. Merchant Marine Academy, and ask unanimous consent that the letter of transmittal, and statement of purpose and need be printed in the RECORD with the text of the bill.

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

SECRETARY OF COMMERCE,
Washington, D.C., Sept 5, 1972.

HON. SPIRO T. AGNEW,
President of the Senate,
U.S. Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed are four copies of a draft bill—"To authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instructions at the United States Merchant Marine Academy," together with a statement of purpose and need in support thereof.

The Office of Management and Budget advises that there is no objection to the submission of this proposed legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

PETER G. PETERSON,
Secretary of Commerce.

STATEMENT OF PURPOSE AND NEED

The draft bill would authorize the Secretary of Commerce to permit not more than thirty persons at a time from foreign countries to receive instruction at the United States Merchant Marine Academy at Kings Point. Such students would be sponsored by other United States Government Agencies which would pay the costs of such instruction. Upon the successful completion of the four year course of instruction such student would receive a Bachelor of Science degree.

In the past Kings Point has included special programs for small numbers of foreign students. These have been under the sponsorship of other Government agencies and at their expense. These programs have lasted for not more than 3 years and have not led to the Bachelor of Science degree.

The purpose of the draft bill is to admit foreign students to the full 4 year program at Kings Point and to grant such students the Bachelor of Science degree if they qualify for it. This program will fit the general operation of the Academy. It will provide these students with a better merchant marine education than would be available under special programs. Since the sponsoring agencies will pay the cost, the draft bill will not reduce the enrollment of United States citizens at Kings Point.

S. 3991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce is authorized to permit, upon designation by sponsoring United States Government Agencies, not more than thirty persons at a time from foreign countries, to receive instruction at the United States Merchant Marine Academy at Kings Point, New York. Funds for such instruction shall be provided by or through the sponsoring United States Government Agencies. The persons receiving instruction under the authority of this Act shall receive the same pay, allowances and emoluments and, subject to such exceptions as the Secretary of Commerce determines, shall be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal and graduation as midshipmen at the Merchant Marine Academy appointed from the United States; but such persons shall not be entitled to appointment to any office or position in the Armed Forces of the United States or in the United States Merchant Marine by reason of their graduation from the Merchant Marine Academy.

By Mr. MAGNUSON (by request):

S. 3992. A bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures. Referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I introduce, by request, for appropriate reference, a bill to amend the Communications Act of 1934, as amended, with respect to penalties and forfeitures, and ask unanimous consent that the letter of transmittal be printed in the RECORD with the text of the bill.

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

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: The Commission has adopted as part of its legislative program a proposal to amend the Communications Act of 1934, as amended, with respect to forfeitures.

The proposal, which bears the reference FCC 72-519, would unify and simplify the forfeiture provisions as well as enlarge their scope to cover persons subject to the Act, but not subject to forfeitures, such as community antenna (CATV) systems.

The proposal would also provide for more effective enforcement of the forfeiture provisions. The limitation period for issuance of a notice of apparent liability would be extended from ninety days to three years for non-broadcast licensees and from one year for broadcast stations licensees to one year or the remainder of the current license term, whichever is greater. All other persons would be subject to a three year statute of limitations. The maximum amount of forfeiture that could be imposed for a single offense would be $2,000, and the maximum for multiple offenses would be $20,000 for broadcast licensees, permittees and common carriers, and, CATV systems. The maximum forfeiture for all other persons would be $5,000.

The Commission's draft bill to accomplish these revisions and the explanation of the draft bill have been submitted to the Office of Management and Budget for their consideration. We have now been advised that from the standpoint of the Administration's program, there is no objection to our submitting the draft bill to Congress for its consideration.

The Commission would appreciate consideration of the proposed amendments to the Communications Act of 1934 by the Senate. If the Senate or the Committee to which this bill may be referred would like any further information on it, the Commission will be glad to provide it upon request.

Sincerely,

DEAN BURCH, *Chairman.*

EXPLANATION OF PROPOSED AMENDMENTS TO THE COMMUNICATIONS ACT OF 1934 TO UNIFY AND STRENGTHEN CERTAIN PROVISIONS FOR THE USE OF FORFEITURES AND PENALTIES

The Federal Communications Commission recommends the amendment of the Communications Act of 1934, as amended, to unify, simplify and make more effective the forfeiture provisions of sections 503(b) and 510. Section 503 provides for forfeitures where a broadcast licensee or permittee violates the terms of his license, the Communications Act, a Commission regulation, a cease and desist order issued by the Commission, or specified provisions of title 18 of the United States Code. Section 510 provides separately for forfeitures applicable to non-broadcast radio stations where any one of twelve specified offenses occurs. It also provides for the imposition of a forfeiture upon the operator of the station in particular cases. It is proposed to amend section 503(b) and repeal section 510 to place all of these classes of forfeiture under section 503(b), which would be expanded to apply to all persons (other than where ship or common carrier forfeitures are otherwise provided for) who violate the Communications Act, a Commission rule or order prescribed under the Communications Act or a treaty, the terms of a license permit, certificate, or other instrument of authorization, or the obscenity, lottery, or fraud provisions of title 18 of the United States Code.

The principal objective of the proposed legislation is to unify and simplify the forfeiture provisions; to enlarge their scope to cover persons subject to the Act but not now under the forfeiture provisions—such as cable systems (CATV), users of Part 15 or Part 18 devices, communications equipment manufacturers, and others also subject to Commission regulations who do not hold licenses issued by the Commission; and to provide for more effective enforcement.

Prior to 1960 the Commission was empowered to revoke station licenses or station construction permits and to issue cease and desist orders to any person violating the Communications Act or a Commission rule (see section 312 of the Act) and to suspend operator licenses (see section 303(m) of the Act). There was no provision for a penalty of lesser magnitude than revocation or denial of renewal of station licenses. Because a penalty affecting the license was not warranted for all violations, the Commission needed an alternative for dealing with those who should continue to hold licenses.

Therefore, in 1960 section 503(b), 74 Stat. 889, was enacted to give the Commission the enforcement alternative of imposing forfeitures in the case of broadcast licensees or permittees; and in 1962, section 510, 76 Stat. 68, was added to permit the Commission to impose forfeitures on non-broadcast radio licensees for twelve specific kinds of misconduct. These forfeitures have proved to be useful enforcement tools.

However, after nine years of experience and reevaluation under this enforcement scheme, the Commission has concluded that common procedures with uniform sanctions for common carriers, broadcast entities, and other electronic communications businesses subject to our jurisdiction are required to deal effectively with the many forms of misconduct that impede the policy and purposes of the Communications Act. Moreover, there is a need in addition to make forfeitures applicable to the many forms of non-broadcast radio licensee misconduct that are not now covered by the twelve categories in section 510. In light of these problems, the Commission recommends that non-broadcast radio licensees no longer be governed by section 510, which should be repealed, and that they be governed instead according to the provisions of section 503(b), which should be expanded. This comprehensive and uniform treatment would mean that the misconduct which is now subject to forfeiture under section 510 would become subject to forfeiture under the proposed section 503(b).

The proposed amendments would make three additional material alterations in the Communications Act's existing forfeiture provisions. First, the forfeiture sanction would be made available against all persons who have engaged in proscribed conduct. Therefore, the amended section 503(b) would reach not only the broadcast station licensees and permittees now covered by section 503(b) and the other station licensees and operators now covered by section 510, but also any person subject to any provisions of the Communications Act[1] or the Commission's rules as well as those persons operating without a valid station or operator's license, those operators not required to have a license, and those licensed radio operators who are now subject only to suspension under section 303(m).

Second, the limitations period for the issuance of notices of apparent liability would be extended for broadcast station licensees from the present one year to one year or the current license term, whichever is greater, and for non-broadcast radio station licensees subject to forfeiture under the proposal, the limitations period would be three years.

Third, the maximum amount of forfeiture that could be imposed for the acts or omissions set forth in any single notice of apparent liability would be modified as follows: (1) the maximum forfeiture that could be imposed for a single offense would be $2,000; and (2) the maximum forfeiture that could be imposed for multiple offenses would be (a) $20,000 in the case of a common carrier a broadcast station licensee or permittee, or a person engaged in distributing to the public broadcast signals by wire or engaged in distributing to the public other program services by wire if such activity is the subject of Commission regulation, and (b) $5,000 in the case of all other persons. Existing section 503(b) provides for a maximum of only $1,000 for single offenses by a broadcast station and $10,000 for multiple offenses. Those persons subject to existing section 510(a) are liable only for $100 for single offenses and a maximum of $500 for multiple offenses.

The proposed amendments to broaden the Commission's forfeiture authority would alleviate the difficulties caused by the lack of forfeiture authority against CATV systems (or other communications businesses that may become subject to our jurisdiction), users of incidental and restricted radiation devices, users of devices which contain radio frequency oscillators,[2] communications

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[1] A person subject to a forfeiture under title II or parts II or III of title III or section 507 of the Act would not, however, be subject to a forfeiture under the proposed section 503(b) for the same violation. This provision in the proposal is similar to a provision now in section 510.

[2] Part 15 of the Commission's rules governs the use of devices which only incidentally emit radio frequency energy and restricted radio devices such as radio receivers. Part 18 of the Commission's rules governs the use of industrial, scientific and medical equipment, such as industrial heating equipment, all of which incorporate radio frequency oscillators. Such devices are permitted to operate without issuance of an individual

equipment manufacturers, persons operating without holding a required license, and others subject to Commission regulations. Except for the Commission's cease and desist authority, which is not an effective deterrent to misconduct, enforcement of the Act or Commission rules or orders against such persons now must be by judicial action under section 401 or criminal prosecution under sections 501 and 502.

In extending the forfeiture procedures to licensed operators, the proposed amendment would provide an administrative alternative to the sometimes unduly harsh penalty of license suspension now authorized in section 303(m). License suspension may be unduly harsh if it denies the offender his customary means of livelihood for the suspension period. License suspension may also cost the offender permanent loss of his job, or of his customers if he operates a mobile radio service maintenance business. The proposed extension of the section 503(b) forfeiture provisions to licensed operators would afford the Commission an effective medium for obtaining compliance by operators, but would not cause the secondary detriments which often stem from license suspension. The administrative penalty of forfeiture would also provide a more feasible alternative to cease and desist orders or judicial enforcement under sections 401, 501 or 502, against operators who are not required to hold a license and against whom, therefore, a license suspension is not an available penalty.

Under the proposal, forfeiture liability would arise only after (1) a person has been served personally with or been sent by certified or registered mail to his last known address a notice of apparent liability; (2) he has been given an opportunity to show in writing why he should not be held liable; and (3) if he has submitted a written response, the Commission has considered his response and issued an order of forfeiture liability.

In addition to these procedural protections applicable to all persons subject to our jurisdiction, we have provided special procedural protection for a limited group of individual members of the public at large who may be presumed to be unaware of the Commission's regulation of equipment they may be operating. For example, there may be concern that an individual would be subject to foreiture for willful maloperation of an electronic device such as a garage door opener, an electronic water heater, or electronic oven, when he may be unaware of the applicability of the Communications Act or the Commission's rules and regulations.[3]

For this limited group, no forfeiture could attach unless prior to the notice of apparent liability the Commission has sent him a notice of the violation and has provided him an opportunity for a personal interview and the individual has thereafter engaged in the conduct for which notice of the violation was sent. The Commission's obligation would be limited first of all to a sole natural person, that is an "individual" as distinct from the more general term "person" as used in section 3(1) of the Communications Act. Moreover, that individual would not be within the special protection provisions if he was engaged in an activity that required the holding of a license, permit, certificate, or other authorization from the Commission or was providing any service by wire subject to the Commission's jurisdiction.

It should be noted that this special procedure would not have to be accorded a second time to an individual who subsequently engaged in the same conduct; and the individual may be liable to a forfeiture not only for the conduct occurring subsequently but also for the conduct for which notice of a violation was sent and opportunity for a personal interview given.

Under existing provisions of the statute, which would not be changed, any person against whom a forfeiture order runs may challenge the order by refusing to pay. If the United States institutes a collection action, the issue of forfeiture liability would be reheard in a trial *de novo* in a U.S. District Court.

The second major modification in the Commission's proposal, the extension of the present time limitations for the issuance of notices of apparent liability is necessary if the Commission's forfeiture authority is to be an effective sanction. Because of increasing workloads and personnel shortages the ninety-day limitation in the non-broadcast services and the one-year limitation in the broadcast services are often substantial impediments to the use of the forfeiture sanction in appropriate cases. The Commission proposes that the statute of limitations for all persons holding broadcast radio station licenses under title III be extended to one year or the current license term, whichever is greater; for all other persons, the statute of limitations would be three years.

With over 25,000 authorizations in the broadcast services, more than 15,000 authorizations in the common carrier services, and almost 2,000,000 authorizations in the safety and special services, it is impossible for Commission field office personnel to make regular inspections in all these services. Violations of the Communications Act or of the Commission's rules in the non-broadcast services are sometimes detected by station inspection but more generally through our field office monitoring. Monitoring usually requires transcription of tapes which in itself is a time-consuming process. Thereafter, as a matter of practice, the field office issues a notice of violation to the licensee and offers an opportunity to him to comment on or explain the alleged misconduct. In the overwhelming majority of cases, the nature and extent of the violation or the licensee's explanation thereof are such as to require no further action and the matter is closed. However, these notices of violation are also checked through the Commission's office in Washington and against licensee records, and in those instances where the licensee has a history of repeated misconduct or where the instant misconduct is willful and sufficiently serious, it may be determined that the imposition of a forefeiture is called for as an appropriate deterrent against future violations.

Our experience since the enactment of the Commission's forfeiture authority in the non-broadcast services demonstrates that with the imbalance between the number of violation cases and the number of staff personnel to review them, it is often impossible to issue the notice of apparent liability for forfeitures within the ninety-day period provided in the present statute. Considering the very great number of authorizations in the non-broadcast services, plus the great number of persons who are permitted to operate radio frequency equipment in accordance with our regulations but without holding an instrument of authorization, we believe a three-year statute of limitations for notices of apparent liability is entirely reasonable and necessary to enable the Commission to invoke more frequently the forfeiture provisions Congress has provided and thus to secure greater compliance with the Act.

Similarly, a longer statute of limitations is necessary in the broadcast field in order to enable the Commission to reach violations of the Act. The existing one-year limitations period is usually sufficient in cases arising from regular station inspection by field office personnel. However, personnel shortages do not permit more than one inspection during a three-year license term. Although violations may be disclosed and considered by the Commission during its review of license renewal applications, the comparatively minor character of such violations does not warrant denial of renewal and often the one-year period has elapsed before a notice of apparent liability can be issued. Further, in many instances, misconduct by broadcast licensees is not uncovered in regular station inspections by field office personnel, but comes to light as the result of complaints and other information received by the Commission staff in Washington. These complaints and other information may require detailed and time-consuming investigation of station operations before a determination can be made that there may have been misconduct. Subsequent to the investigation the licensee has an opportunity to comment on or explain the alleged misconduct. Thus, it is often impossible for the Commission to consider questions as to apparent culpability and appropriateness of a forfeiture sanction and then to issue the required notice of apparent liability within the one-year limitation period now provided in section 503(b). Here again the legislative objective in vesting forfeiture authority in the Commission is often frustrated by the present time limitations.

Further, the one-year limitation for the issuance of notices of apparent liability in the broadcast field sometimes produces results which are self-defeating. Thus, in one instance the Commission received information that a radio station broadcast an allegedly rigged contest. Field investigation of the station initiating the program was begun as promptly as possible. The intricacies of the alleged misconduct require a time-consuming inquiry. During the course of the inquiry Commission investigators unearthed information revealing an earlier broadcast of another rigged contest concerning which there was extensive and conclusive evidence. However, upon completion of the field investigation, the Commission was able to impose a forfeiture for only the most recent misconduct because the earlier violation had occurred more than one year before. In such a case it is still possible of course to designate the license renewal application for hearing. We stress, nevertheless, that because refusal to renew the license was the only sanction available because of the short statute of limitations, the legislative purpose of section 503(b) of the Act could not be fully implemented. The Commission needs to be able to exercise its forfeiture authority during the entire span of a broadcast license term for minor violations occurring during that license term.

The Commission is therefore proposing for broadcast licensees a statute of limitations of one year or its current license term, whichever is greater. The proposal would permit the Commission to issue notices of apparent liability to broadcast station licensees (1) for any misconduct which occurs during a current license term and (2) for any misconduct which occurs during the last part of the prior license term if the notice of apparent liability is issued within a year of the time of the alleged misconduct.

The third major amendment the Commission is proposing is an increase in the maximum forfeitures. The currently available forfeitures are unrealistic and inadequate. In many situations the maximums are too low to permit the Commission to fashion an effective deterrent against large communications businesses. For example, the current maximum forfeiture available against a multimillion dollar broadcast licensee is $1,000 for a single violation up to a maximum of $10,000 for multiple violations. The proposal would provide more realistic forfeiture

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license provided that they are operated in accordance with the provisions in the rules designed to minimize interference to regular radio communications services.

[3] Should the maloperation of any such device create hazards to life or property, the Commission would still have authority under section 312 to issue a cease and desist order.

maximums for large broadcast interests, large common carriers, and other large communications businesses. Other persons would be subject to lower maximums. With the proposed maximums, the Commission would still retain the discretion to impose smaller forfeitures for offenses of lesser gravity. The Commission fully recognizes the necessity of tailoring forfeitures to the nature of the offense and the offender and has done so within the present statutory authority. Furthermore, the Commission would still have the authority to mitigate or remit forfeitures after considering a request for such relief.

One relatively minor amendment is also being proposed. By deleting section 510 as proposed, the Commission would be relieved of the obligation to provide a personal interview at the request of a non-broadcast station licensee or operator who receives a notice of apparent liability. Proposed section 503(b)(2), which incorporates much of the substance of section 510, does not include the interview provision. The Commission's experience is that only ten to fifteen percent of the persons to whom a notice of apparent liability has been issued avail themselves of the interview opportunity. Furthermore, seldom does an interview elicit any data which the licensee has not already furnished to the Commission, either in response to the notice of a violation or to the notice of apparent liability.

On the other hand, interviews in only ten to fifteen percent of these instances impose substantial burdens upon field offices. Critical engineering personnel must be diverted from regular pressing duties to interview the suspected violator and must then submit detailed reports to the Commission's main office in Washington, D.C. Commission personnel at the Washington, D.C. office then must coordinate all of the documents relevant to a given notice of apparent liability that may have been accumulated in several field offices and transmit the documents to the field office where the interview is scheduled. On balance, the Commission believes that the public, and the non-broadcast licensees and operators themselves, would best be served by the deletion of the field office interview provision from the forfeiture section.

Furthermore, it would be impossible for the Commission to continue interviews with non-broadcast licensees and at the same time provide personal interviews to members of that group of individuals who would now be subject to forfeitures for the first time and for whom special procedural protections are being proposed in section 503(b)(3). As between the two groups the Commission believes the public interest would be better served by the interviews that would be required under proposed section 503(b)(3).

Lastly, the Commission is seeking authority to mitigate or remit forfeitures imposed under title II of the Communications Act concerning common carriers. The Commission now has no express authority to remit, mitigate, or otherwise reduce a forfeiture imposed under these common carrier provisions, although section 504(b) provides express authority to mitigate or remit forfeitures under parts II and III of title III, and sections 504(b), 507 and 510. Since the Commission has this authority with respect to all other forfeitures which it can summarily impose, there is no reason not to include within this authority the common carrier forfeitures in title II. Moreover, it is reasonable to permit the Commission to exercise its authority to mitigate or remit on its own motion rather than awaiting an application for action. The Commission should be able to exercise its judgment before imposing a fine if the circumstances warrant a reduction or cancellation of a forfeiture.

In conclusion, the more uniform, comprehensive, and higher forfeiture provisions and the related modifications which the Commission now seeks should contribute substantially to greater compliance with the law and better administrative enforcement of the law.

Adopted: June 14, 1972.

Commissioners Bartley and Johnson concurring in the result; Commissioner H. Rex Lee absent; Commissioner Wiley not participating.

S. 3992

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

SECTION 1. Section 503(b) of the Communications Act of 1934 as amended (47 U.S.C. § 503(b)), is amended to read as follows:

"(b)(1) Any person who—

"(A) willfully or repeatedly fails to operate a radio station substantially as set forth in a license, permit or other instrument or authorization;

"(B) willfully or repeatedly fails to observe any of the provisions of this Act or of any certificate, rule, regulation, or order of the Commission prescribed under authority of this Act or under authority of any agreement, treaty or convention binding on the United States;

"(C) violates section 317(c) or section 509(a)(4) of this Act; or

"(D) violates sections 1304, 1343, or 1464 of title 18 of the United States Code;

shall forfeit to the United States a sum not to exceed $2,000. Each act or omission constituting a violation shall be a separate offense for each day during which such act or omission occurs. Such forfeiture shall be in addition to any other penalty provided by this Act: *Provided, however,* That such forfeiture shall not apply to conduct which is subject to forfeiture under title II of this Act: *and provided further,* That such forfeiture shall not apply to conduct which is subject to forfeiture under part II or part III of title III or section 507 of this Act.

"(2) No forfeiture liability under paragraph (1) of this subsection (b) shall attach to any person unless a written notice of apparent liability shall have been issued by the Commission, and such notice has been received by such person or the Commission shall have sent such notice by registered or certified mail to the last known address of such person. A notice issued under this paragraph shall not be valid unless it sets forth the date, facts and nature of the act or omission with which the person is charged, and specifically identifies the particular provision or provisions of the law, rule, regulation, agreement, treaty, convention, license, permit, certificate, other authorization, or order involved. Any person so notified shall be granted an opportunity to show in writing, within such reasonable period as the Commission shall by rule or regulation prescribe, why he should not be held liable.

"(3) No forfeiture liability under paragraph (1) of this subsection (b) shall attach to any individual who does not hold a license, permit, certificate, or other authorization from the Commission unless prior to the written notice of apparent liability required by paragraph (2) above, the individual has been sent a notice of the violation, has been given reasonable opportunity for a personal interview with an official of the Commission at the field office of the Commission nearest to the individual's place of residence and thereafter has engaged in the conduct for which notice of the violation was sent; *Provided, however,* That the requirement of this subsection for a notice of the violation and opportunity for a personal interview shall not apply if the individual is engaging in activities for which a license, permit, certificate, or other authorization is required or is providing any service by wire subject to the Commission's jurisdiction; *and provided further,* That any individual who has been sent a notice of the violation, has been given a reasonable opportunity for a personal interview and thereafter engages in the conduct for which the notice was sent shall not be entitled to a further notice for the same conduct and may be subject to forfeiture for the initial and all subsequent violations.

"(4) No forfeiture liability under paragraph (1) of this subsection (b) shall attach for any violation—

"(A) by any person holding a broadcast station license under title III of this Act if the violation occurred (i) more than one year prior to the date of the issuance of the notice of apparent liability or (ii) prior to the date beginning the current license term, whichever date is earlier, or

"(B) by any other person if the violation occurred more than three years prior to the date of issuance of the notice of apparent liability.

"(5) In no event shall the total forfeiture imposed for the acts or omissions set forth in any notice of apparent liability issued hereunder exceed—

"(A) in the case of (i) a common carrier subject to this Act, (ii) a broadcast station licensee or permittee, or (iii) a person engaged in distributing to the public broadcast signals by wire or engaged in distributing to the public other program services by wire if such activity is the subject of Commission regulation, $20,000;

"(B) in the case of any other person, $5,000."

SEC. 2. Section 510 of the Communications Act of 1934, as amended (17 USC § 510), is hereby repealed.

SEC. 3. Section 504(b) of the Communications Act of 1934, as amended (47 USC § 504(b)), is amended by deleting the words "parts II and III of title III and section 503(b), section 507, and section 510" and substituting the words "title II and parts II and I of title II and sections 503(b) and 507", and by deleting the phrase ", upon application therefor,".

SEC. 4. Any act or omission which occurs prior to the effective date of this Act and which incurs liability under the provisions of sections 503(b) or 510 as then in effect will continue to be subject to forfeiture under the provisions of sections 503(b) and 510 as then in effect.

SEC. 5. The amendments made by this Act shall take effect on the thirtieth day after the date of its enactment.

By Mr. BURDICK:

S. 3993. A bill to establish the Parole Commission, and for other purposes. Referred to the Committee on the Judiciary.

Mr. BURDICK. Mr. President, I introduce today legislation which would, when enacted, replace the present U.S. Board of Parole with a Parole Commission equipped to meet the needs of the Federal criminal justice system for the 1970's, and for the foreseeable future decades.

The drafting of this legislation has been a difficult task, because it is an attempt to reduce to statutory language some concepts of the correction of criminal offenders which are themselves very complex.

The concept of parole is, in a very real sense, an extension of the process of sentencing. The practitioners of parole speak of the need to be sure that each offender appearing before them has properly accounted to society for his offense. In other words, "Has he done enough time?"

Because there is no provision for appellate review of sentences imposed in

the Federal system, the balancing of sentencing inequities has become an acknowledged function of parole.

Accountability and balancing of inequities are legal questions, however, and parole should not be a completely legalistic system. The basic reason why we should have parole has to do with the treatment and correction of offenders, and the whole process is different. The decision as to whether or not to grant parole to any inmate becomes a prediction as to what his future behavior may be.

The vast majority of criminal offenses are not offenses against the person, but against property. The majority of offenders will some day be returned to society, but the question is, "When?" This is a difficult and complex question.

From the standpoint of society, the correctional process should operate so as to assure that only those who will never again offend the law are the only ones released. As a practical matter, we do not have, and will not in the foreseeable future have, the tools to accomplish this.

We are stuck with a system that must improve the chances that sentenced offenders will commit no new offenses. It is our job to provide the system that will be wrong the smallest possible part of the time. That is what this bill is about—providing some things which I believe will sharpen the tools needed to do a better job.

This legislation makes four major changes in the Federal parole system:

First. The Federal parole system would be divided into geographic regions, so that the parole decisionmakers can better know what rehabilitative resources are available in the institutions and the communities of the area they serve, and so that they can better understand the records of the offenders who come before them seeking parole.

Second. Sentenced offenders will be better able to make responsible plans for their own future, and make them realistically, by knowing where they stand in the parole system, and by knowing how others evaluate what they need to achieve to live in a lawful manner.

Third. The parole decisionmakers would be better able to evaluate an offender's chances for success by seeing their family, friends, or future employers in the role of advocate.

Fourth. A modest increase in the number of people responsible for the overwhelming caseload would permit decisionmakers to be better informed, and increase the chance of making a good decison.

I must again repeat the warning I have given this body before—there is no legislative act which will be a panacea for the correction of criminal offenders. But I think there is legislation which will permit us to do a better job.

Rehabilitation is not the only purpose of the correctional system. It provides for punishment and deterrence, as well as the protection of society.

This legislation is a request to improve the methods for separating violent, dangerous, and recidivistic offenders for the protection of society; and also improving the system we have for selecting offenders who can safely be returned to society. This will also contribute to the protection of society.

I ask that the bill and analysis be included at this point in the RECORD.

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

S. 3993

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Parole Commission Act of 1972".

(b) Section 4201 of title 18, United States Code, is amended to read as follows:

"§ 4201. Parole Commission

"(a) There is hereby created as an agency of the Department of Justice a United States Parole Commission (hereinafter referred to in this chapter as the 'Commission'), the members of which shall be appointed by the President, by and with the advice and consent of the Senate, and which shall exercise the powers granted in the manner prescribed by this chapter. The term of office of a member (hereinafter referred to in this chapter as 'Commissioner') shall be six years, except that the term of a person appointed as a Commissioner to fill a vacancy shall expire six years from the date upon which such person was appointed and qualified. Upon the expiration of a term of office of any member, such member shall continue to act until a successor has been appointed and qualified. The President shall from time to time designate from among the Commissioners one to serve as Chairman, five to serve as National Parole Commissioners, and such others as may be necessary to serve as Regional Parole Commissioners.

"(b) The Chairman shall—

"(1) preside at meetings of the National Parole Commissioners;

"(2) in the absence of any Commissioner from any meeting, any vacancy on the Commision, or in the event of a tie vote, vote on any matter pending;

"(3) at least twice annually convene and preside at a meeting of the Commissioners, for the purpose of considering, promulgating, and overseeing a national parole policy; and

"(4) perform such administrative and other duties and responsibilities as are necessary to carry out the provisions of this chapter.

"(c) The National Parole Commissioners, by majority vote, shall—

"(1) promulgate such regulations, adopted in accordance with the provisions of section 553 of title 5, United States Code, as are necessary to carry out the provisions of this chapter;

"(2) have authority to accept, reject, or modify any decision of any Regional Parole Commissioner upon motion of any National Parole Commissioner;

"(3) give reasons in detail for their decisions in any appropriate case, including the review of any decision of any region;

"(4) transfer to themselves the authority to grant, modify, or revoke an order paroling any eligible person when the national well-being so requires;

"(5) create such regions as are necessary to carry out the provisions of this chapter, but in no event less than five;

"(6) provide that there be reasonable balance in the workload of each region;

"(7) appoint, fix the compensation of, and assign, parole examiners, who are empowered to conduct appearances, make recommendations, act upon parole applications as provided in subsection (d) of this section, and perform such other duties as will aid the Commission in carrying out the provisions of this chapter;

"(8) provide for research which shall include:

"(A) the systematic collection of the data obtained from studies, research, and the empirical experience of public and private agencies concerning the parole process and parolees;

"(B) the dissemination of pertinent data and studies to individuals, agencies, and organizations concerned with the parole process and parolees;

"(C) the publishing of data concerning parole process and parolees; and

"(9) appoint and fix the compensation of such other employees, obtain materials and services, and exercise such other powers, as are necessary to carry out the provisions of this chapter.

"(d) A Regional Parole Commissioner, with the concurrence of two examiners assigned to such region and subject to subsection (c) of this section, shall be authorized to—

"(1) grant or deny any application or recommendation to parole or reparole any eligible person;

"(2) specify reasonable conditions of any order granting parole;

"(3) modify or revoke any order paroling any eligible person;

"(4) establish the maximum length of time which any person whose parole has been revoked shall be required to serve, but in no case shall such time, together with such time as he previously served in connection with the offense for which he was paroled, be longer than the maximum term for which he was sentenced in connection with such offense;

"(5) re-parole any person whose parole has been revoked and who is not otherwise ineligible for parole;

("6) discharge any parolee from supervision or release him from one or more of the conditions of parole at any time after the expiration of one year after release on parole, if warranted by the conduct of the parolee and the ends of justice; except, in those cases in which the time remaining to be served is less than one year, in which case, such actions may be taken at anytime;

"(7) apply, to the court which imposed sentence on a person who is not, at the time of application, eligible for parole, for a modification of such sentence in order to make him so eligible, when it appears that there is a reasonable probability that such person will live and remain at liberty without violating any criminal law, and that release would not be incompatible with the welfare of society; and

"(8) exercise such other powers as are necessary to carry out the provisions of this chapter.

"(e) The Commission shall have the power to issue subpoenas to require the attendance and testimony of witnesses and the production of any evidence that relates to any matter with respect to which the Commision is empowered to make a determination under this chapter. Witnesses summoned before the Commision shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Such attendance of witnesses, and the production of evidence, may be required from any place in the United States, at any designated place of parole appearance.

In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such parole proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of evidence. Such court may issue an order requiring such person to appear before the Commission or member or officer designated by the Commission, there to produce evidence, if so ordered, or to give testimony

touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant, or wherever he may be found or may be doing business.

The subpoena of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

"(f) Upon the effective date of this subsection, each person holding office as a member of the Board of Parole on the date immediately preceding such effective date shall be deemed to be a Commissioner and shall be entitled to serve as such for the remainder of the term for which such person was appointed as a member of such Board of Parole. All powers, duties, and functions of the aforementioned Board of Parole shall, on such effective date, be deemed to be vested in the Commission, and shall, on and after such date, be carried out by the Commission in accordance with the provisions of this chapter.".

SEC. 2. Section 4202 of title 18, United States Code, is amended to read as follows:

§ 4202. Persons eligible

"(a) A person committed pursuant to this title, other than a juvenile delinquent or a committed youth offender, wherever confined and serving a definite term or terms of over one hundred and eighty days, may be released on parole after serving one-third of such term or terms or after serving fifteen years of a life sentence or of a sentence of over more than forty-five years, except to the extent otherwise provided in Section 4208 of this title. Once a person becomes eligible for parole he must be given a parole appearance and such additional parole appearances as are deemed necessary, but in no case shall there be less than one additional parole appearance every two years.

"(b) If it appears from a report and recommendation by the proper institutional officers and upon application by a person eligible for release on parole, that such person has observed the rules of the institution to which he is confined, that there is a reasonable probability that such person will live and remain at liberty without violating the law, and if in the opinion of the Commission such release is not incompatible with the welfare of society, the Commission may authorize release of such person on parole.

"Such person shall remain, while on parole, in the legal custody and under the control of the Attorney General, until the expiration of the maximum term or terms for which he was sentenced.

"(c) In imposing conditions of parole, the Commission shall consider the following—

"(1) there should be a reasonable relationship between the condition imposed and the person's conduct and present situation;

"(2) the conditions should provide for only such deprivations of liberty as are necessary for the protection of the public welfare; and

"(3) the conditions should be sufficiently specific to serve as a guide to supervision and conduct.

Upon release on parole, a person shall be given a certificate setting forth the conditions of such parole.

"(d) An order of parole or release may require a parolee or a person released pursuant to section 4164 of this title as conditions of parole or release to reside in or participate in the program of a residential community treatment center, or both, for all or part of the period of such parole or release: *Provided*, That the Attorney General certifies that adequate treatment facilities, personnel, and programs are available. If the Attorney General determines that the person's residence in the center or participation in its program, or both, should be terminated, because the person can derive no further significant benefits from such residence or participation, or both, or because such residence or participation adversely affects the rehabilitation of other residents or participants, the Attorney General shall so notify the Regional Parole Commissioner who shall thereupon make such other provision with respect to the person as deemed appropriate.

"A person residing in a residential community treatment center may be required to pay such costs incident to residence as the Attorney General deems appropriate."

SEC. 3. Section 4203 of title 18, United States Code, is amended to read as follows:

"§ 4203. Parole appearance procedures

"(a) Any appearance by an eligible person before an appropriate Commissioner or an examiner in connection with the consideration of an application of parole shall be conducted in accordance with the following procedures—

"(1) an eligible person shall be given written notice of the time and place of such appearance; and

"(2) an eligible person shall be allowed to select an advocate to aid him in such appearance. The advocate may be a member of the institutional staff, or any other person who qualifies under the rules promulgated by the Commission pursuant to subsection 4201 (c) of this chapter.

"(b) Following notification that a parole appearance is pending, an eligible person and his advocate shall have reasonable access to progress reports and such other materials as are prepared by the prison administration for the use of any Commissioner or examiner in making any determination, except that the following materials may be excluded from inspection—

"(1) diagnostic opinions which, if made known to the eligible person, would, in the opinion of the prison administration, lead to a serious disruption of an institutional program of rehabilitation;

"(2) any document which contains information which was obtained by a pledge of confidentiality; or

"(3) any part of any presentence report, except upon agreement of the court having jurisdiction to impose sentence.

If any document is deemed by the prison administration to fall within the exclusionary provisions of this section, then it shall become the duty of the prison administration to summarize the basic contents of the material withheld bearing in mind the need for confidentiality or the impact on the inmate or both, and furnish such summary to the inmate and his advocate, in no case less than four days prior to the parole appearance.

"(c) Any Commissioner or examiner conducting an appearance shall prepare a summary of such appearance.

"(d) An eligible person denied parole shall be given a written list of the reasons for such; and, if possible, a personal conference shall be held between the eligible person and the Commissioner or examiner conducting the appearance. In the case of a grant of parole on other than general conditions (as promulgated pursuant to subsection 4201 (c) of this chapter), the eligible person shall be given a statement of reasons for each such additional condition.

"(e) A decision by the Commission to grant or deny parole must be decided and the eligible person notified of the result within 15 days of the appearance."

SEC. 4. Section 4204 of title 18, United States Code, is amended to read as follows:

§ 4204. Aliens

"When an alien prisoner subject to deportation becomes eligible for parole, the Parole Commission may authorize the release of such person on condition that such person be deported and remain outside the United States.

"Such person when his parole becomes effective, shall be delivered to the duly authorized immigration official for deportation."

SEC. 5. Section 4205 of title 18, United States Code, is amended to read as follows:

"§ 4205. Retaking parole violator under warrant

"A warrant for the retaking of any person who is alleged to have violated his parole may be issued by any Commissioner within the maximum term or terms for which such prisoner was sentenced."

SEC. 6. Section 4206 of title 18, United States Code, is amended to read as follows:

§ 4206. Officer executing warrant to retake parole violator

"Any officer of any Federal penal or correctional institution, or any Federal officer authorized to serve criminal process within the United States, to whom a warrant for the retaking of a parole violator is delivered, shall execute such warrant by taking such parolee and returning him to the custody of the Attorney General.

SEC. 7. Section 4207 of title 18, United States Code, is amended to read as follows:

§ 4207. Parole modification and revocation

"(a) A person retaken upon a warrant issued by any Commissioner shall be given a hearing before a United States magistrate as soon as possible subsequent to his being retaken pursuant to such a warrant. At the hearing before the magistrate, the alleged violator may be represented by retained counsel; if he is unable to retain counsel, counsel may be provided pursuant to section 3006A of title 18, United States Code. The alleged violator shall be allowed to present witnesses on his behalf and cross-examine adverse witnesses. At the conclusion of the hearing, the magistrate shall prepare a summary and make a recommendation to the Commission based on the facts presented at the hearing.

"(b) The United States magistrate may release a parolee retaken pursuant to a warrant issued for an alleged violation to bail or other recognizance pursuant to section 3146 of title 15, United States Code. Such bail may be continued until a determination has been reached by the Commission. If the magistrate makes a recommendation which is adverse to the alleged violator, such magistrate may terminate bail at such time if in his opinion continued release will not reasonably assure the appearance of such person in the event an order of parole is revoked by the Commission.

"(c) Within 30 days following the hearing before the magistrate a determination shall be made with respect to each alleged violation in the manner prescribed by Section 4201 (d) of this chapter. Such determination may include—

"(1) dismissal of revocation proceedings;

"(2) a reprimand;

"(3) an alteration of parole conditions;

"(4) referral to a residential community treatment center for all or part of the remainder of the original sentence;

"(5) formal revocation proceedings pursuant to section 4201 (d) of this chapter; or

"(6) any other action deemed necessary for successful rehabilitation of the violator, and which promotes ends of justice.

SEC. 8. Section 4208 of title 18, United States Code, is amended to read as follows:

"§ 4208. Fixing eligibility for parole at time of sentencing

"(a) Upon entering a judgment of conviction, the court having jurisdiction to impose sentence, when in its opinion the ends of justice and best interests of the public require that the defendant be sentenced to imprisonment for a term exceeding one year, may (1) designate in the sentence of impris-

onment imposed a minimum term at the expiration of which the person shall become eligible for parole, which term may be less than but shall not be more than one-third of the maximum sentence imposed by the court, or (2) the court may fix the maximum sentence of imprisonment to be served in which event the court may specify that the person may become eligible for parole at such time as the Commission may determine.

"(b) If the court desires more detailed information as a basis for determining the sentence to be imposed, the court may commit the defendant to the custody of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the court within three months unless the court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the court may in its discretion—

"(1) place the person on probation as authorized by section 3651 of this title, or

"(2) affirm the sentence of imprisonment originally imposed, or reduce the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section.

"(c) Upon commitment of any person sentenced to imprisonment under any law of the United States for a definite term or terms of over one hundred and eighty days, the Director of the Bureau of Prisons, under such regulations as the Attorney General may prescribe, shall cause a complete study to be made of the person and shall furnish to the Commission a summary report, together with any recommendations which in the Director's opinion would be helpful in determining the suitability of the prisoner for parole. Such report may include, but shall not be limited to, data regarding the prisoner's previous delinquency or criminal experience, pertinent circumstances of his social background, his capabilities, his mental and physical health, and such other factors as may be considered pertinent. The Commission may make such other investigation as it may deem necessary. In any case involving a person with respect to whom the court has designated a minimum term in accordance with subsection (a) of this section, such report and recommendations shall be made not less than ninety days prior to the expiration of such minimum term.

"It shall be the duty of the various probation officers and government bureaus and agencies to furnish the Commission information concerning the person, and, whenever not incompatible with the public interest, their views and recommendations with respect to the parole disposition of his case.

SEC. 9. Section 5002 of title 18, United States Code, is amended to read as follows:

"§ 5002. Advisory Corrections Council

"(a) There is hereby created an Advisory Corrections Council composed of two United States judges designated by the Chief Justice of the United States and ex officio, the Chairman of the Parole Commission, the Director of the Bureau of Prisons, the Chief of Probation of the Administrative Office of the United States Courts, the Administrator of Law Enforcement Assistance Administration or his designee at a policy level, the Secretary of Health, Education, and Welfare or his designee at a policy level, the Secretary of Labor or his designee at a policy level, the Commissioner of the Civil Service Commission or his designee at a policy level, the Secretary of Housing and Urban Development or his designee at a policy level, the Director of the Office of Economic Opportunity or his designee at a policy level, and the Secretary of Defense or his designee at a policy level. The judges first appointed to the Council shall continue in office for terms of three years from the date of appointment. Their successors shall likewise be appointed for a term of three years, except that any judge appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the unexpired term of such predecessor. The Chairman shall be designated annually by the Attorney General.

"(b) The Council shall meet quarterly and special sessions may be held from time to time upon the call of the Chairman.

"(c) The Council shall consider problems of treatment and correction of all offenders against the United States and shall make such recommendations to the Congress, the President, the Judicial Conference of the United States, and other appropriate officials as may improve the administration of criminal justice and assure the coordination and integration of policies of the Federal agencies, private industry, labor, and local jurisdictions respecting the disposition, treatment, and correction of all persons convicted of crime. It shall also consider measures to promote the prevention of crime and delinquency and suggest appropriate studies in this connection to be undertaken by agencies both public and private. The members of the Council shall serve with compensation but necessary travel and subsistence expenses as authorized by law shall be paid from available appropriations of the Department of Justice.

"(d)(1) The Council shall appoint an Executive Secretary or an Administrative Assistant and such other personnel as may be necessary to carry out its functions. The Executive Secretary or Administrative Assistant shall supervise the activities of persons employed by the Council and shall perform such other duties as the Council may direct.

"(2) The Council may obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed $100 per day.

"(e) The Council is authorized to request from any department, agency, or independent instrumentality of the Government any information or records it deems necessary to carry out its functions, and each such department, agency, and instrumentality is authorized to cooperate with the Council and, to the extent permitted by law, to furnish such information and records to the Council, upon request made by the Chairman or by any member when acting as Chairman.

"(f) The first meeting of the Council shall occur not later than thirty days after the enactment of this legislation.

SEC. 10. Section 5005 of title 18, United States Code, is amended to read as follows:

"§ 5005. Youth correction decisions

"The Commission may, in accordance with the provisions of chapter 311 of this title, grant or deny any application or recommendation for parole, modify, or revoke any order of parole, of any person sentenced pursuant to this chapter, and perform such other duties and responsibilities as may be required by law. The Attorney General shall from time to time designate one Commissioner to serve as Youth Corrections Commissioner. It shall be the responsibility of the Youth Corrections Commissioner to oversee the policies pertaining to offenders sentenced under this chapter, and to serve as vice chairman of the Commission."

SEC. 11. Section 5006 of title 18, United States Code, is amended to read as follows:

"§ 5006. Definitions

"As used in this chapter—

"(a) 'Bureau' means the Bureau of Prisons;

"(b) 'Director' means the Director of the Bureau;

"(c) 'Youth offender' means a person under the age of twenty-two years at the time of conviction;

"(d) 'Committed youth offender' is one committed for treatment hereunder to the custody of the Attorney General pursuant to section 5010(b) and 5010(c) of this chapter.

"(e) 'Treatment' means corrective and preventive guidance and training designed to protect the public by correcting the antisocial tendencies of youth offenders;

"(f) 'Conviction' means the judgment on a verdict or finding of guilty, a plea of guilty, or a plea of nolo contendere."

SEC. 12. Section 5010 of title 18, United States Code, is amended to read as follows:

"§ 5010. Sentence

"(a) If the court is of the opinion that the opinion that the youth offender does not need commitment, it may suspend the imposition or execution of sentence and place the youth offender on probation.

"(b) If the court shall find that a convicted person is a youth offender, and the offense is punishable by imprisonment under applicable provisions of law other than this subsection, the court may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter until discharged by the Commission as provided in section 5017(c) of this chapter.

"(c) If the court shall find that the youth offender may not be able to derive maximum benefit from treatment prior to the expiration of six years from the date of conviction it may, in lieu of the penalty of imprisonment otherwise provided by law, sentence the youth offender to the custody of the Attorney General for treatment and supervision pursuant to this chapter for any further period that may be authorized by law for the offense or offenses of which he stands convicted or until discharged by the Commission as provided in section 5017(d) of this chapter.

"(d) If the court shall find that the youth offender will not derive benefit from treatment under subsection (b) or (c), then the court may sentence the youth offender under any other applicable penalty provision.

"(e) If the court desires additional information as to whether a youth offender will derive benefit from treatment under subsection (b) or (c) it may order that he be committed to the custody of the Attorney General for observation and study at an appropriate classification center or agency. Within sixty days from the date of the order, or such additional period as the court may grant, the Commission shall report to the court its findings."

SEC. 13. Section 5014 of title 18, United States Code, is amended to read as follows:

"§ 5014. Classification studies and reports

"The Director shall provide classification centers and agencies. Every committed youth offender shall first be sent to a classification center or agency. The classification center or agency shall make a complete study of each committed youth offender, including a mental and physical examination, to ascertain his personal traits, his capabilities, pertinent circumstances of his school, family life, any previous delinquency or criminal experience, and any mental or physical defect or other factor contributing to his delinquency. In the absence of exceptional circumstances, such study shall be completed within a period of thirty days. The agency shall promptly forward to the Director and to the Commission a report of its findings with respect to

the youth offender and its recommendations as to his treatment. At least one Commissioner or examiner shall, as soon as practicable after commitment, interview the youth offender, review all reports concerning him, and make such recommendations to the Director and to the Commission as may be indicated."

SEC. 14. Section 5015 of title 18, United States Code, is amended to read as follows:

"§ 5015. Powers of Director as to placement of youth offenders

"(a) On receipt of the report and recommendations from the classification agency the Director may—

"(1) recommend to the Comimssion that the committed youth offender be released conditionally under supervision;

"(2) allocate and direct the transfer of the committed youth offender to an agency or institution for treatment; or

"(3) order the committed youth offender confined and afforded treatment under such conditions as he believes best designed for the protection of the public.

"(b) The Director may transfer at any time a committed youth offender from one agency or institution to any other agency or institution."

SEC. 15. Section 5016 of title 18, United States Code, is amended to read as follows:

"§ 5016. Reports concerning offenders

"The Director shall cause periodic examinations and reexaminations to be made of all committed youth offenders and shall report to the Commission as to each such offender as the Commission may require. United States probation officers and supervisory agents shall likewise report to the Commission respecting youth offenders under their supervision as the Parole Commission may direct."

SEC. 16. Section 5017 of title 18, United States Code, is amended to read as follows:

"§ 5017. Release of youth offenders

"(a) The Commission may at any time after reasonable notice to the Director release conditionally under supervision a committed youth offender. When, in the judgment of the Director, a committed youth offender should be released conditionally under supervision, he shall so report and recommend to the Commission.

"(b) The Commission may discharge a committed youth offender unconditionally at the expiration of one year from the date of conditional release.

"(c) A youth offender committed under section 5010(b) of this chapter shall be released conditionally under supervision on or before the expiration of four years from the date of his conviction and shall be discharged unconditionally on or before six years from the date of his conviction.

"(d) A youth offender committed under section 5010(c) of this chapter shall be released conditionally under supervision not later than two years before the expiration of the term imposed by the court. He may be discharged unconditionally at the expiration of not less than one year from the date of his conditional release. He shall be discharged unconditionally on or before the expiration of the maximum sentence imposed, computed uninterruptedly from the date of conviction.

"(e) Commutation of sentence authorized by any Act of Congress shall not be granted at a matter of right to commmitted youth offenders but only in accordance with rules prescribed by the Director with the approval of the Commission."

SEC. 17. Section 5018 of title 18, United State Code, is amended to read as follows:

"§ 5018. Revocation of Parole Commission orders

"The Commission may revote or modify any of its previous orders respecting a committed youth offender except an order of unconditional discharge."

SEC. 18. Section 5019 of title 18, United States Code, is amended to read as follows:

"§ 5019. Supervision of released youth offenders

"Committed youth offenders permitted to remain at liberty under supervision or conditionally released shall be under the supervision of United States probation officers, supervisory agents appointed by the Attorney General, and voluntary supervisory agents approved by the Commission. The Commission is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors."

SEC. 19. Section 5020 of title 18, United States Code, is amended to read as follows:

"§ 5020. Apprehension of released offenders

"If, at any time before the unconditional discharge of a committed youth offender, the Commission is of the opinion that such youth offender will be benefited by further treatment in an institution or other facility, any member of the Commission may direct his return to custody or if necessary may issue a warrant for the apprehension and return to custody of such youth offender and cause such warrant to be executed by a United States probation officer, an appointed supervisory agent, a United States marshal, or any officer of a Federal penal or correctional institution. The Commission may revoke parole, dismiss or otherwise modify such warrant as provided in section 4207 of this title."

SEC. 20. Section 5021 of title 18, United States Code, is amended to read as follows:

"§ 5021. Certificate setting aside conviction

"(a) Upon the unconditional discharge by the Commission of a committed youth offender before the expiration of the maximum sentence imposed upon him, the conviction shall be automatically set aside and the Commission shall issue to the youth offender a certificate to that effect.

"(b) Where a youth offender has been placed on probation by the court, the court may thereafter, in its discretion, unconditionally discharge such youth offender from probation prior to the expiration of the maximum period of probation theretofore fixed by the court, which discharge shall automatically set aside the conviction, and the court shall issue to the youth offender a certificate to that effect."

SEC. 21. Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Parole

"A juvenile delinquent who has been committed and who, by his conduct, has given sufficient evidence that he has reformed, may be released on parole at any time under such conditions and regulations as the Commission deems proper if it shall appear to the satisfaction of such Commission that there is reasonable probability that the juvenile will remain at liberty without violating the law."

SEC. 22. (a) The amendments made by this Act shall not be construed as affecting or otherwise altering the provisions of sections 401 and 405 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 relating to special parole terms.

(b) The amendment made by section 2 of this Act shall not apply to any offense for which there is provided a mandatory penalty.

(c) The parole of any person sentenced before June 29, 1932, shall be for the remainder of the term or terms specified in his sentence, less good time allowances provided by law.

SEC. 23. Sections 5007, 5008, and 5009 of title 18, United States Code, are repealed.

SEC. 24. There is hereby authorized to be appropriated such sums as are necessary to carry out the purposes of these amendments.

SEC. 25. The foregoing amendments made by this Act shall take effect upon the expiration of the ninety-day period following the date of the enactment of this Act.

SEC. 26. The table of sections for chapter 311 of title 18, United States Code, is amended to read as follows:

"Sec.
"4201. Parole Commission.
"4202. Persons eligible.
"4203. Parole appearance procedures.
"4204. Aliens.
"4205. Retaking parole violator under warrant.
"4206. Officer executing warrant to retake parole violator.
"4207. Parole modification and revocation.
"4208. Fixing eligibility for parole at time of sentencing.
"4209. Young adult offenders.
"4210. Warrants to retake Canal Zone parole violators."

SEC. 27. The table of sections for chapter 402 of title 18, United States Code, is amended to read as follows:

"Sec.
"5005. Youth correction decisions.
"5006. Definitions.
"5010. Sentence.
"5011. Treatment.
"5012. Certificate as to availability of facilities.
"5013. Provision of facilities.
"5014. Classification studies and reports.
"5015. Powers of Director as to placement of youth offenders.
"5016. Reports concerning offenders.
"5017. Release of youth offenders.
"5018. Revocation of Commission orders.
"5019. Supervision of released youth offenders.
"5020. Apprehension of released offenders.
"5021. Certificate setting aside conviction.
"5022. Applicable date.
"5023. Relationship to Probation and Juvenile Delinquency Acts.
"5024. Where applicable.
"5025. Applicability to the District of Columbia.
"5026. Parole of other offenders not affected."

SECTION BY SECTION OF THE PAROLE COMMISSION ACT OF 1972

Sec. 1. (a) This section replaces the present eight-member Board of Parole with a paroling agency consisting of a chairman who is the administrative head of the agency, regional parole commissioners who would have original jurisdiction over the grant, denial or revocation of parole of any Federal prisoner in a particular region of the country, and a five-member national parole commission which would hear appeals from regional parole decisions and make nationwide policy for Federal parole.

All parole commissioners would serve six-year terms, with the present board members to serve out the remainder of their terms as commissioners.

(b) The duties of the chairman are to preside at meetings of the national parole commissioners; to perform the administrative duties and responsibilities; to convene meetings of all national and regional parole commissioners at least twice yearly to promulgate and oversee a national parole policy, and to vote in case of absences or tie votes.

(c) The five national parole commissioners, who operate on the basis of a majority vote, will hear appeals of inmates asking for review of decisions made in the regions. A screening procedure is provided to make sure that every appeal can be evaluated; and the national board can transfer to itself original jurisdiction to consider parole of any inmate when there are special circumstances which warrant it.

This five-man national commission will also: promulgate necessary regulations, draw regional boundaries, establish a parole research arm, and appoint various employees and regulate their compensation.

(d) Regional parole commissioners and examiners assigned to the regions will hear the applications of inmates for parole, and a decision to grant or deny parole will be based upon the concurrence of two examiners in any region with a commissioner from that region.

The regional commission has the authority to modify or revoke any order of parole, determine the length of time to be served by a person whose parole has been revoked, and reparole any eligible person who has been reimprisoned while on parole.

Reasonable conditions may be attached to any order of parole and the regional commission retains the authority to either suspend any parole conditions or supervision over a parolee who has been rehabilitated.

(e) The commission controls the issue of subpoenas for witnesses and evidence.

(f) The current Parole Board members are transferred to the new position of Parole Commissioners.

Sec. 2. Section 2 leaves unchanged the present law as to persons being eligible for parole, which comes when a third of regular adult sentence has been served, or at an earlier point in time if the court so determines. Each individual would receive an appearance before an examiner or panel of examiners and commissioners when he becomes eligible for parole, and at least once every two years after that. In each case, the Bureau of Prisons would make a recommendation to the parole commissioners as to how the institutional staff feels the individual should be treated. The conditions of parole which could be imposed are limited to the following: (1) things that are reasonably related to the individual's past conduct, (2) the minimum deprivation of liberty necessary to protect the public welfare, (3) that the conditions be specific, and (4) that one of the conditions can be residence in a community treatment center.

Sec. 3. The procedures for an appearance of a person before the Parole authority are changed to provide for: (1) written notice of the time and place of the hearing; (2) that anyone deemed eligible by the commission may be selected by the prisoner as an advocate to appear with him; (3) that the inmate and his advocate have access to certain information from his file that is being made available to the parole commission, at least four days before the hearing, except that certain sensitive papers can be withheld if a summary is provided; (4) that the presiding parole official prepares a summary of each appearance; and (5) the individual is given reasons in writing and also a personal conference be held if possible, for any decision to deny parole or to grant parole with other than normal conditions, and this shall happen no later than 15 days after the session.

Sec. 4. Section 4204 is amended and reenacted to reflect a change in language.

Sec. 5. Section 4205 is amended and reenacted to make it conform with other sections.

Sec. 6. Section 4206 is amended and reenacted to reflect a change in language.

Sec. 7. Section 4207 provides that whenever possible the hearing on a warrant to revoke an order of parole shall be held near the place where the parolee is arrested, and that the hearing will be conducted by the U.S. magistrate. A parolee may be released on bail until the time a determination has been made as to whether or not his parole will be revoked.

The parolee may be represented by retained counsel or if he is indigent, counsel may be appointed. The alleged violater can cross-examine adverse witnesses and call witnesses in his own behalf. The magistrate prepares a summary of the hearing and makes a recommendation to the commission. The recommendation of the magistrate, which is based upon the facts presented at the hearing, goes to the regional commission, where the decision will be made. This decision can result in any of the following actions: revocation, dismissal, reprimand, a change in parole conditions, referral to a residential community treatment center, or any other action needed to successfully rehabilitate the violator.

Sec. 8. Section 4208 is amended and reenacted to conform with the other sections.

Sec. 9. Section 5002 of the Youth Corrections Act is amended to make the membership of the Advisory Correction Council more nearly parallel to the present membership of the Inter-Agency Council on Corrections, and to specifically provide that the Council may have staff and may conduct studies in order to carry out its duties.

Secs. 10 thru 21. Amend and re-enact all applicable sections of the Youth Corrections Act to make the language conform, and to provide that all of the procedures provided to adult prisoners are available to persons committed under the Youth Corrections Act.

Sec. 22. This section protects the present special parole language in the drug and other statutes.

Sec. 23. This section repeals three sections of the Youth Corrections Act which would be duplicative.

Sec. 24. Provides authorization for appropriation of funds.

Sec. 25. Provides an effective date 90 days following enactment.

Secs. 26 and 27. Amend the tables of sections to conform.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2977

At the request of Mr. BROOKE, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2977, a bill to establish the Springfield Armory National Historic Site.

S. 3410

At the request of Mr. ALLOTT, the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 3410, a bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes.

SENATE RESOLUTION 364. SUBMISSION OF A RESOLUTION CALLING FOR THE IMMEDIATE SUSPENSION OF AMERICAN ASSISTANCE TO UGANDA

(Referred to the Committee on Foreign Relations.)

Mr. STEVENSON. Mr. President, I was shocked by the outrageous statement attributed to Gen. Idi Amin, President of Uganda, in news dispatches quoting his assertion that he understands why Hitler killed 6,000,000 Jews.

General Amin, who recently expelled Israeli diplomats and military advisers from Uganda, has now suggested that all Israelis be expelled from the Middle East.

At the same time, General Amin is proceeding with the expulsion of more than 50,000 Asians residing in Uganda. He has announced that Asians remaining in Uganda at the expiration of his 90-day expulsion deadline on November 8 will be rounded up by his security forces and interned in detention camps.

Mr. President, Uganda in the past 15 years has received almost $36 million from the United States in technical assistance, education loans, and other forms of aid. We cannot permit ourselves to be alined with General Amin. We cannot condone or ignore his disdain for human liberty and human life.

I had hoped that our Government would publicly disassociate itself from the deeds and words of General Amin. But an administration which encourages the Portuguese in Africa, continues to support President Thieu's repressive regime in South Vietnam, and abets the genocide of Yahya Khan in East Pakistan, may no longer be capable of exercising the role which the United States once played as a moral force in the world.

Mr. President, I am introducing a resolution calling for the immediate suspension of American assistance to Uganda. I commend the State Department for taking the initiative in suspending a $3 million loan to the Amin regime. But planned aid to Uganda also includes another $5 million in loans and $3.2 million in other forms of assistance. As long as there is any American aid to General Amin, we will be unable to avoid the appearance of support for his policies.

The resolution states:

S. RES. 364

Whereas, the United States supports the inalienable right of people everywhere to be free and to govern their own affairs; and

Whereas, the foreign aid programs of the United States are intended by the Congress to work in support of self-determination; and

Whereas, the Government of Uganda has stated its intent to expel at least fifty thousand of its Asian residents, threatening these innocent humans with arrest, detention and the expropriation of their possessions; and

Whereas, in defense of these actions the government of Uganda has asserted that genocide is justified when a minority group does not serve the self-declared needs of a state, citing with approbation the atrocities committed by the National Socialist government of Germany against the Jewish people of Europe: Now, therefore, be it

Resolved, That the Senate condemns the repressive actions of the Government of Uganda and its stated approval of the horrors inflicted upon the Jewish people by the Government of Adolph Hitler.

SEC. 2. The Senate urges that all foreign aid programs carried on by the United States Government in Uganda should be suspended by the President immediately and until such time as he determines that such statements and actions have ceased to be the policy of the Government of Uganda, and that resumption of foreign aid will not support, nor create an appearance of United States support, for such an abhorrent policy.

LAND AND RESOURCES PLANNING ACT OF 1972—AMENDMENT

AMENDMENT NO. 1544

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

Mr. BAYH. Mr. President, the purpose of this amendment is very simple: It is intended to assure that the members of the public have an opportunity to express their views on issues arising out of a con-

flict between uses of Federal and related non-Federal land. Resolution of such issues is a matter of vital public concern. S. 632 recognizes this by providing for the establishment of Ad Hoc Federal-State Joint Committees to review and make recommendations concerning general and specific problems relating to jurisdictional conflicts and inconsistencies resulting from the various policies and legal requirements governing the planning and management of Federal lands and of adjacent non-Federal lands. But the bill presently does not guarantee that interested, concerned, affected members of the public will have an opportunity to make their views known to the joint committee at an open hearing. For under section 405, the joint committee must hold a hearing only when it determines—apparently in its own discretion—that the public interest warrants one. My amendment would require the joint committee to hold a hearing or provide an opportunity for such a hearing before making its recommendations in any situation.

There are several reasons why this amendment will improve the bill, while being wholly consistent with its purpose. First, joint committees will come into existence, according to the report which accompanies the pending bill, only in unusually difficult or important situations. Let me quote the report:

> It is expected that most conflicts over the uses of Federal lands and adjacent non-federal lands are not of sufficient magnitude or difficulty to warrant the establishment of these committees and the undertaking of procedures (established for them).

It is precisely in these difficult and important cases that public participation is most important. Second, experience shows that concerned citizens and citizens groups often can make meaningful contributions to resolving environmental disputes and assuring compliance with environmental protection laws. Their expertise should be presented to the joint committees. Third, experience also shows that public participation, or at least the opportunity for public participation, increases public confidence in the governmental decisionmaking process, with little or no additional burden on those charged with the responsibility to make the decisions.

This is why so many of our environmental protection laws—and the very bill before us in other sections—see for example, page 88, 1.2; page 92, 1. 8—require an opportunity for public hearings in similar situations. Indeed, the report accompanying this bill states that one of the committee's findings was that—

> all those effected by land use decisions should be afforded an opportunity to participate in the decision-making.

Finally, I fear that the present section 405 would lead to unnecessary and time-consuming litigation over the question whether the joint committee's decision not to hold a hearing was arbitrary and capricious or not. Surely no purpose would be served by such litigation—and the easiest way to avoid it is to require the joint committee to provide an opportunity for a public hearing.

I ask unanimous consent that the amendment be printed in the RECORD.

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

AMENDMENT No. 1544

On page 97, line 12, strike, "when the public interest warrants,"

On page 97, line 13, after "hearing" add the following: "or provide an opportunity for such a hearing;"

On page 97, line 16, strike the word "warranted" and insert in lieu thereof the word "held."

CONSUMER PROTECTION ORGANIZATION ACT OF 1972—AMENDMENTS

AMENDMENTS NOS. 1540 THROUGH 1543

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

Mr. ERVIN submitted four amendments intended to be proposed by him to the bill (S. 3970) to establish a Council of Consumer Advisers in the Executive Office of the President, to establish an independent Consumer Protection Agency, and to authorize a program of grants, in order to protect and serve the interests of consumers, and for other purposes.

AIRCRAFT PIRACY AMENDMENTS OF 1972—AMENDMENT

AMENDMENT NO. 1545

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

Mr. MOSS submitted an amendment intended to be proposed by him to the bill (S. 2567) to facilitate prosecutions for certain crimes and offenses committed aboard aircraft, and for other purposes.

FREE ENTRY OF A CARILLON FOR MARQUETTE UNIVERSITY—AMENDMENT

AMENDMENT NO. 1546

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

Mr. ALLOTT submitted an amendment intended to be proposed by him to the bill (H.R. 3786) to provide for the free entry of a four-octave carillon for the use of Marquette University, Milwaukee, Wis.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. COOK. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary.

Thomas R. Holsclaw, of Kentucky, to be a member of the Board of Parole for the term expiring September 30, 1978, vice William F. Howland, retired.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, September 22, 1972, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARINGS ON NOMINATIONS

Mr. WILLIAMS. Mr. President, I wish to announce that on Wednesday, September 20, 1972, the Committee on Labor and Public Welfare will hear testimony on the nominations of Mr. Kay McMurray, of Illinois, to be a member of the National Mediation Board; Mr. Christopher M. Mould, of the District of Columbia, to be an associate director of ACTION; Mr. Colston A. Lewis, of Virginia, to be a member of the Equal Employment Opportunity Commission; and Mr. Sidney P. Marland, Jr., of New York, to be Assistant Secretary for Education, Department of Health, Education, and Welfare. The committee's hearings will be held in room 4232, New Senate Office Building, and will begin at 10 a.m.

ADDITIONAL STATEMENTS

NEED FOR ADDITIONAL PROBATION OFFICERS

Mr. SCOTT. Mr. President, when the Senate considered the judiciary branch appropriations last June, I called attention to the pressing need for additional probation officers. The House had agreed to 100 new positions while the Senate approved 236 officers. This matter is still being resolved in conference with the House. The judiciary requested 348 new probation officers and the need for them is very great if we are to make any headway at all in correctional reform.

The American Bar Association, at its annual meeting in San Francisco last month, formally adopted a resolution in support of additional probation personnel. I ask unanimous consent to place this resolution in the RECORD.

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

ASSEMBLY RESOLUTION XIV OF THE AMERICAN BAR ASSOCIATION

Whereas, There is now pending before the Congress of the United States H. R. 14989 making appropriations for State, Justice, Commerce, Judiciary and related agencies, of which p. 42ff., "Salaries of Supporting Personnel," deals with appropriations for probation personnel; and

Whereas, The Judicial Conference of the U. S. has requested Congress to authorize an additional 348 probation officers; and

Whereas, The House-passed version provided for 100 additional and the Senate-passed version provided for 236 additional probation officers; and

Whereas, The Chief Justice of the United States affirmed in his Annual State of the Judiciary message on August 14, 1972, that at least 348 and, in fact, 650 such additional probation officer positions are urgently needed; and

Whereas, The Chief Justice urged the Association to give a high priority to persuading Congress to provide adequate probation and parole personnel; and

Whereas, The ABA-approved Standards Relating to Probation recommend that legislatures should appropriate sufficient funds for adequate numbers of probation personnel;

Now, Therefore, Be It Resolved, That the American Bar Association supports passage of that Section of H. R. 14989 (Salaries of Supporting Personnel), authorizing an additional 236 probation officers or any similar legislation which would authorize at least 236, or more, probation officers.

Adopted by the Assembly on August 16, 1972.

Adopted by the House of Delegates on August 17, 1972.

EMIGRATION OF JEWS FROM SOVIET UNION

Mr. ROBERT C. BYRD. Mr. President, at the request of the distinguished Senator from Minnesota (Mr. MONDALE), I ask unanimous consent to have printed in the RECORD a statement by him relative to a mass meeting to protest Soviet policy on the emigration of Jews from the Soviet Union.

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

EMIGRATION OF JEWS FROM SOVIET UNION

(Statement of Senator MONDALE)

On August 14 the free world was shocked and dismayed to learn of the Soviet Union's intention to require huge and unrealistic sums of money to be paid for educated Jews to receive permission to emigrate.

On Tuesday the distinguished senior Senator from Connecticut (Mr. RIBICOFF) urged us to condemn this form of extortion and make clear the link between removal of this ransom decree and future trade ties with the Soviet Union. Other Senators have since voiced their agreement.

This coming Sunday morning, September 17, at 11 o'clock there will be a mass meeting protesting this Soviet blackmail, held on the Ellipse in Washington. Mr. Sargent Shriver, United States Ambassador to the United Nations, George Bush, and other speakers will address the meeting. I take this opportunity to encourage Senators to be present at the gathering on Sunday to show their opposition to this reprehensible practice or to speak out on this issue that is of concern to so many Americans.

RICHMOND COUNTY SCHOOL BUSING CONTROVERSY

Mr. TALMADGE. Mr. President, the Sunday, September 10, combined issue of the Savannah Morning News and the Savannah Evening Press contains an editorial entitled, "That Double Standard." The editorial relates to the decision recently handed down by Mr. Justice Lewis Powell in the Richmond County school-busing controversy. I have already voiced my criticism of that decision in a letter to Attorney General Richard G. Kleindienst.

The double standard to which this editorial refers has been around for quite some time, and those Americans who happen to live in the southern part of the United States have become bitterly familiar with it. It is the same double standard which allows the academic community at Harvard, which is supposed to be the beacon that guides the liberal world, to forget momentarily about academic freedom when Dr. David Armor publishes a study showing that forced school busing is not helping the people it is supposed to help.

The editorial comes to the conclusion that the only way for the South to get fair and equal treatment is through the enactment of a constitutional amendment. I completely agree, and I recently wrote a letter to President Nixon to that effect.

Nothing could prove this point more clearly than the recent decision by Mr. Justice Powell. We can be indebted to this strange and remarkable decision, however, in one respect. It has cleared up some confusion in the area of determining exactly what legal definition the Supreme Court applies to the term "de jure" segregation. Apparently, in the Court's eye, de jure segregation encompasses all segregation which can be found south of the Mason-Dixon Line.

I ask unanimous consent that the editorial be printed in the RECORD, and I commend it to the attention of the Senate.

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

THAT DOUBLE STANDARD

Justice Lewis Powell's action in the Richmond County schools case is being cited nationwide as a clue to the attitude the Supreme Court may take toward anti-busing legislation.

The Richmond County case draws this attention because it produced an interpretation of the so-called Broomfield Amendment which would delay all busing orders to achieve racial balance until appeal routes are exhausted.

Hearing the Fifth Circuit case alone because the Supreme Court is in recess, Justice Powell turned down a plea for a delay in a federal busing order. He said the order was not designed to create racial balance but to end segregation.

Justice Powell said the Broomfield Amendment "requires that the effectiveness of a district court order be postponed pending appeal only if the order requires the transfer or transportation for achieving a balance among students with respect to race . . . not all desegregation orders."

If this statement reflects the views of most of the members of the Supreme Court, the Broomfield Amendment means little or nothing at all as far as the youth is concerned.

Justice Powell's opinion appears to revive the old double standard in regard to school attendance patterns in the North as opposed to the South.

It appears to be based on the assumption that school systems in the South which have within them a segregated school, or a school with only a few members of one race enrolled, are practicing de jure segregation.

But the fact is the de jure segregation—segregation by law—has been ended in most states of the South. It has been ended in Georgia. State laws requiring segregation have been abolished.

It would appear from this interpretation that Detroit and other Northern schools could get stays like the one denied Richmond County, the argument being that in the North segregation is de facto and busing orders are for the purpose of attaining racial balance.

De facto segregation, of course, is supposed to result from residential patterns, not from legal structures against desegregation.

Totally ignored has been the fact that in the South, just as well as in the North, a school predominantly attended by students of one race can also be the result of residential patterns.

And since in the South, segregation laws have been abolished and most school systems, if not some individual schools, have been integrated, where segregation exists it has to be considered de facto.

Except, apparently, by the federal courts.

Justice Powell's ruling indicates that our part of the nation is still suffering judicial treatment different from that of other regions because of laws enacted by earlier generations but no longer in existence.

Besides that, it might be pointed out that at the time the laws did exist, they were completely legal and had in fact been called constitutional by the Supreme Court.

The Richmond County ruling calls for a constitutional amendment on busing so the South Can Get a Square Deal.

INCREASED TRADE WITH SOVIET UNION SHOULD WAIT UNTIL SOVIET AUTHORITIES REVOKE EXORBITANT EXIT TAXES ON JEWS EMIGRATING TO ISRAEL

Mr. SCHWEIKER. Mr. President, we stand on the threshold of a promising new era in Soviet-American relations. The initiatives undertaken by the Nixon administration have led to new cooperative relationships between the United States and the Soviet Union in military, diplomatic, and economic realms. The President's historic visit to Moscow in May illustrated a growing spirit of good will between our two nations, one that is being implemented and documented with the recently approved SALT treaty and the interim agreement now before the Senate.

It is with considerable regret, therefore, that I must now address an issue that threatens to mar this new spirit of cooperation and lessened tension between our Government and the Government of the Soviet Union. This is the issue of emigration by Soviet Jews to Israel, and especially the recently announced Soviet policy to impose an exorbitant tax of from $5,000 to $25,000 on each educated Soviet Jew desiring to leave for Israel.

Mr. President, on August 25, I wrote a letter to the Secretary of State, protesting the cynical move by the Soviet Government. I ask unanimous consent that the text of my letter be printed at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., August 25, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: I am shocked and angered to learn that the Soviet Union has begun imposing an exorbitant tax on educated Jews who wish to emigrate to Israel. This tax is said to be from $5,000 to $37,000, depending on the person's level of education. Supposedly, this is to reimburse the Soviet Government for the cost of their education.

This cynical "tax" is in fact a ransom. The comparison that comes to mind most readily is with the Nazi proposal during World War II to spare Jewish victims in return for trucks. I have long protested the Soviets' refusal to permit more than a limited number of Jews to emigrate to Israel. But with this latest "tax", the Soviet Government is willing to make an absolute mockery of one of the fundamental human rights, the right of a citizen of a country to emigrate in peace. This is all that the Soviet Jews ask.

I know you already are engaged in addressing yourself to this issue of international human rights. I will stand firmly behind all efforts by our Government to protest this

tyrannical law and to urge the Soviet Union to rescind it immediately.

Sincerely,

RICHARD S. SCHWEIKER,
U.S. Senator.

Mr. SCHWEIKER. Mr. President, this shocking restraint on the right of educated Soviet Jews to emigrate is a policy of the same Government with which we now plan to make agreements for broadened trade between our two countries.

Mr. President, I am one Senator who plans to oppose any legislation or Executive action to increase trade between the United States and the Soviet Union as long as this despicable exit tax remains in effect.

I do not see how we can divorce our plans for increased trade with the Soviet Union from the cynical "trade" the Soviet Union now proposes to the world—"Give us your hard currency, and the Soviet Jews with educations will go free."

When our country, after a long period of strict limitations on trade with the Soviet Union, lifts those limitations, it is not purely for economic reasons. We want to trade with the Soviet Union so as to foster a better overall series of relationships with that country and its people.

How then can we consider expanding these trade relationships at a time when the Soviet Union is, before our very eyes, holding thousands of Jews in bondage when all they want to do is emigrate in peace?

Mr. President, we must make it abundantly clear to the Soviet Union that we condemn what it is doing to its Jewish citizens and that we are prepared to back up our words by holding back on trade concessions to the Soviet Union until this policy is revoked.

NIXONOMICS: THE ROAD TO DISASTER

Mr. HUMPHREY. Mr. President, on Tuesday, September 12, 1972, the Wall Street Journal published a lengthly analysis of the Nixon economic policy. The article was written by Dr. Walter Heller, former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson.

Dr. Heller hits at what I think is the most important single distinction between the Nixon economic record and the perspective put forth by the Democratic Party—what is and what is not an acceptable level of unemployment.

Dr. Heller clearly shows that if 5 percent unemployment becomes the acceptable figure, as Republicans would want this Nation to accept, then our Nation will sacrifice about $35 billion of gross national product, $10 billion of profits, and $10 billion of Federal tax revenues. Furthermore, if the 5 percent rather than the 4 percent becomes the level of acceptability, jobs will be denied to 1 million persons.

That, Mr. President, is the difference between Democrats and Republicans—it is the difference between having a job and looking for a job, between having the Federal revenues to pay for programs and huge deficits, between a growing gross national product and a sluggish economy.

Mr. President, I ask unanimous consent that Dr. Heller's article entitled "The Price Tag for Nixonomics," be printed in the RECORD.

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

[From the Wall Street Journal, Sept. 12, 1972]

THE PRICE TAG FOR NIXONOMICS

(By Walter W. Heller)

Is the cup of recovery half full and filling rapidly? Or is it two-thirds empty and in no early danger of running over?

One school of thought sees the economy reaching its capacity, its limits of inflationary tolerance, at a fairly early date, perhaps mid-1973. Another believes that the ample slack in today's economy won't be taken up until some time in 1974.

The issue is far from academic. The economic recovery is at a stage that raises this question: Is it time to reach for the fiscal and monetary brakes? And the political campaign is at a stage that pits the two schools of thought against each other.

The Nixon White House and the Federal Reserve apparently associate the U.S. economy's potential with an unemployment rate of 5% or a bit below. And they assure us that in a booming economy 5% is just around the bend. So they are raising the spectre of an early renewal of excess-demand inflation and calling for budget belt-tightening and monetary snugging to ward it off.

Sen. McGovern and his economic advisers, true to the Kennedy-Johnson tradition, associate potential with an unemployment rate of 4% or a bit below. And unemployment, as they see it, won't reach even 5% for many months. By their lights, the economy has a long way to go before it bumps against its ceiling and overheats. So, they argue, don't choke off recovery by tromping on the monetary and fiscal brakes prematurely.

This critical question of reasonable full employment targets, of realistic limits to expansion, has been overshadowed by the more emotional (and to the financial community, more personal) issue of fair-shares tax reform and redistributive welfare plans. But for the rational reader of these lines "How high is up?" is an even more critical issue than "How much will I have to give up? Why? First, because the *perceived* limits to expansion will determine the course of near-term action on interest rates, money supply and the budget, while the *actual* limits will determine the levels of prosperity, profits and taxes in the longer run. Second, because the Federal Reserve and the White House have the monetary powers and much of the budget power they need to accomplish their chosen full-employment goals, in sharp contrast with structural tax and welfare reforms, where a balky Congress is not highly disposed to do what the President proposes.

What's at stake in this contest between competing concepts of the power and flexibility of the U.S. economy? Simply this: if the country lowers its sights from a target of 4% unemployment to one of 5%, it will sacrifice each year about $35 billion of GNP, 10 billion of profits and $10 billion of federal tax revenue. Settling for 5% instead of 4% would mean denying jobs to one million people and denying the country—and especially the poor and non-white who are at the end of the job line—the benefits of the better living standards and the social advances we can buy with that $35 billion of added output and $10 billion of added tax revenues.

NO SCIENTIFIC ANSWER

Who's right and who's wrong? Alas, as in the case of so many questions of political economy, there's no wholly scientific answer. Where we set our full-employment targets is in considerable part in the realm of values and policy. It depends on one's relative tolerance for inflation and unemployment—i.e., how much inflation one is willing to trade off for lower unemployment—and how vigorous a policy of wage-price restraint, public service jobs and labor market reform one is willing to pursue.

So there are no absolutes. But there are some important facts to start with. First, we know roughly how fast the U.S. economy has to grow just to stand still. Just to absorb the 4.4% annual growth in labor force and productivity and to allow for about 3% inflation, requires a 7½% annual rise in money GNP. At current GNP levels, that requires an $85-billion-a-year advance merely to hold our own.

Second, we "know" that GNP will rise by $100 billion to $105 billion this year. And the early entrants in the 1973 forecasting derby cluster around a $105 billion to $110 billion advance for 1973. Given the characteristic lags in economic actions and reactions, it's safe to say that this outlook—unlike that for later years—will be little affected by the outcome of the election. By the end of 1973, then, GNP will be running at an annual rate of about $1,300 billion, some $220 billion above its rate at the end of 1971. Some $50 billion of the slack in the U.S. economy will have been taken up. How much will be left?

The answer starts, but hardly stops, with a third set of facts, namely, how much more GNP our economy delivers at 4% unemployment than at 5% or 6%. The 4% benchmark is the basis for the official Commerce Department estimate of the GNP gap, the difference between the existing and the potential level of output. By the 4% standard, the economy was running about $75 billion below its potential at the end of 1971.

But if you're not a 4-percenter—if in your heart of hearts you're willing to trade more unemployment for less inflation and government intervention (even though in your head of heads you still use 4% in calculating full-employment tax revenues)—the $75 billion overstates the gap. Lowering one's target to, say, 4¾% is the same thing as lowering the GNP goal and the gap by $25 billion.

So, how much slack will be left? McGovernomics, faithful to a target of 4% or better, says in effect, "Recovery is closing about one-third of the GNP gap this year and another third next year. That will still leave us $25 billion short of a full-employment, full-production, full-profit economy by the end of 1973. Don't abort recovery short of full-term."

Nixonomics, in effect, says, "We can't get there from here without excessive inflation and controls. So let's settle for something close to 5% as our full-employment goal. By that standard, the GNP gap was more like $50 billion at the end of 1971. We're taking up half of that slack this year and the other half next year. Reach for the brakes."

SOME SPECIFICS

Since there is so much at stake, let me be more specific about how the two schools of thought differ in assessing the amount of slack in the U.S. economy. What we might call the "uptight school" stresses:

That today's unemployment rate of 5.6% (a) includes much low-grade labor, (b) conceals the fact that less than 3% of adult married males are unemployed, (c) ignores the fact that it's as hard as ever to find good maids, gardeners and handymen;

That the rising proportion of teenagers and women among the unemployed translates into tighter labor markets, a worse Phillips curve, more inflation than we used to have at 4% unemployment;

That with business and labor more sensitized to the signs and significance of inflation, it's easier to get caught in a price-wage or wage-wage spiral than it used to be;

That current data slowing 78% operating rates in manufacturing are based on slippery

capacity numbers and include much obsolete plant and equipment.

In contrast, the "lots-of-headroom school" stresses:

That today's unemployment rate fails to count millions of (a) hidden unemployed, the discouraged dropouts from the labor force and the non-entrants who will seek jobs as the economy strengthens; (b) part-time workers who want full-time work, and (c) skilled laborers and professionals forced to accept jobs well below their capacities;

That the trend toward more youth and women among the unemployed should be dealt with, not by retreating on job goals, but by more strenuous efforts to strengthen manpower, mobility and public service job programs;

That the dangers of cost-push inflation should be dealt with not by measures to cut back aggregate demand and thereby deny jobs and incomes to the economic "underclass," but by wage-price restraints focussed on the business and labor leaders who sit in the seats of market power;

That even if nearly half of idle manufacturing capacity (say, 10% of total capacity) is classed as obsolete or inefficient, that still leaves 12 percentage points of slack to take up.

I need hardly add that I find the defense of the 4% unemployment target persuasive in both economic and human terms. Given a responsible fiscal-monetary policy and some ingenuity and courage in wage-price restraint, there's no reason to deny ourselves the million jobs and the $10 billion each in profits and tax revenues that lie hidden in the gap between 5% and 4% unemployment.

What, in sum, is the prudent policy path to this goal?

First, don't prematurely cut off the monetary and fiscal lifeblood of this expansion.

Second, recognizing the lags in response to monetary and budget changes, start throttling down by mid-1973.

Third, recognizing the $17 billion full-employment deficit for fiscal 1975 implicit in Mr. Nixon's present programs and proposals, plus the several billions that Congress will tack on, put a sizeable net tax increase on the books to take effect in 1974.

Fourth, since cost-push won't wait for full employment but looms up next year when the pace of big labor negotiations steps up and the productivity surge slows down, get ready to put a streamlined Phase III in place.

BOARD OF CONTRIBUTORS

The Wall Street Journal is pleased to announce a new feature, the Board of Contributors, intended to present a broad range of viewpoints on current topics. Four distinguished university professors have been invited to contribute regular monthly articles, and each has agreed to write eight to twelve times over the next year. The contributors are:

Walter W. Heller, Regents' Professor of Economics at the University of Minnesota and former chairman of the Council of Economic Advisers under Presidents Kennedy and Johnson.

Irving Kristol, Henry Luce Professor of Urban Values at New York University and co-editor of the quarterly, The Public Interest.

Paul W. McCracken, Edmund Ezra Day University Professor of Business Administration at the University of Michigan and former chairman of the Council of Economic Advisers under President Nixon.

Arthur Schlesinger Jr., Albert Schweitzer Professor of the Humanities at the City University of New York and winner of Pulitzer Prizes in history and biography.

Dr. Heller's article is the first in the series. Initial articles by the other contributors will appear this week and next.

MEXICO'S INDEPENDENCE DAY

Mr. MANSFIELD. Mr. President, on tomorrow, 162 years ago, Fr. Miguel Hidalgo y Costilla, a parish priest, rallied the citizens of the little town of Dolores in Mexico to begin the Mexican struggle for independence.

September 16, 1810. It is a date comparable in history to that of July 4, 1776. The people of our own Nation share a great deal with the people who reside on the other side of our southern most border, and, in turn, the people of Mexico enjoy close ties with their northern neighbors, not only through deep and abiding friendships, but through a common heritage growing out of a similar love for freedom and honor and through a host of mutual interests in such diverse areas as security and social improvement.

I, therefore, today pay tribute to Mexico, to her people, and especially to those great Mexican patriots who sacrificed their lives in behalf of Mexican freedom and independence in the first half of the last century.

The United States Senate—all of us, Republicans and Democrats—join in saluting a good friend, a good neighbor at this particular time in this particular year—the Year of Juarez—the bravest of the brave.

CONSERVATION/ENVIRONMENTAL LEGISLATION

Mr. PACKWOOD. Mr. President, earlier this week I called upon Congress to put aside its petty differences and political rhetoric and start moving some of the most needed conservation/environmental legislation now pending before it.

I am extremely gratified to learn that the land use bill, S. 632, and the Water Pollution Control Act amendments are now on the front burner. Both of these bills are essential if we are to make any real progress toward conservation of our natural resources, and restoration of our environment.

The fact that conferees have upheld the principle of environmental restoration could never be better illustrated than through the hard-earned agreement they have presented us with. I wish to commend those members of the conference committee and express my appreciation for their hours of labor on this vital piece of environmental legislation.

CIGARETTE SMOKING

Mr. MOSS. Mr. President, a new study published in the September issue of the Journal of the American Dental Association reveals that smokers have a six times greater risk of developing cancer of the mouth than nonsmokers, and the risk for women specifically is nine times as great. When we consider that the incidence of smoking among women has increased greatly in the last 20 years, we can well understand the alarm expressed by the researchers and the concurrent increase in mouth cancer among women.

According to the researchers 80 percent of the cancer patients in the study were habitual cigarette smokers. Fortunately, among those who quit smoking only 7 percent developed a second oral cancer, but among those who continued to smoke, 36 percent developed additional cancers.

Mr. President, time and again we have discussed the health hazards of cigarettes. And the hazard appears to be as prevalent as ever. Through continued education and persuasion, we will eventually succeed in reducing the incidence of smoking and the mortality which can be attributed to smoking. Mr. President, I ask unanimous consent that an article from the Salt Lake Tribune concerning the JADA article be printed in the RECORD.

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

CANCER OF MOUTH RISING IN WOMEN

(By C. G. McDaniel)

CHICAGO.—Women are smoking more and getting more cancer of the mouth as a result, two California dental researchers say.

This is one of the findings of Drs. Sol. Silverman Jr. and Michael Griffith of the University of California School of Dentistry, San Francisco.

Smokers have a six times greater risk of developing cancer of the mouth than nonsmokers, and the risk for women is nine times as great, they wrote in the September issue of the Journal of the American Dental Assn.

"ALARMING INCREASE"

"The cigarette habits displayed by the women in this study may account for the sudden and alarming increase of mouth cancer among women," they said.

Women also had recurrence of cancer of the mouth more frequently than men, probably reflecting, they said, "the greater reluctance on the part of women to reduce or stop smoking."

Silverman and Griffith studied 104 men and 70 women with oral cancer, except for cancer of the lip. They followed these patients over a period of time to evaluate their smoking habits and the occurrence of second primary cancers.

Eighty percent of the cancer patients habitually smoked cigarettes at the time their cancers were diagnosed. Of the 116 who were followed for a year or more, 61 percent continued to smoke.

SECOND CANCERS

Of those who quit smoking, seven percent developed second oral cancers.

Of those who continued to smoke but at a reduced rate, 18 percent had second oral cancers, and 36 percent of those who did not change smoking habits had additional cancers.

"A reduction of smoking from any previous level reduced by half the risk for development of a second primary oral cancer," the researchers pointed out.

Two of nine cigar smokers and two of nine pipe smokers, all of whom continued their smoking habits, developed second primary cancers. Two of 15 nonsmokers also developed second oral cancers.

ROBERT C. BAKER

Mr. MATHIAS. Mr. President, Downtown Progress is one of the positive, creative institutions in the National Capital. In the 13 years of its existence it has grappled with the problems of the modern center city and with all of the addi-

tional difficulties arising from Washington's role as a unique national and international power center.

One estimate of the success of the leadership of Downtown Progress is expressed in a letter from President Nixon to Robert C. Baker, chairman of the board, at the time of the annual meeting earlier this year. I ask unanimous consent that the letter, which speaks for itself, be printed at this point in the RECORD.

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

THE WHITE HOUSE,
Washington, D.C., February 16, 1972.

Mr. ROBERT C. BAKER,
Chairman of the Board, Downtown Progress, National Capital Downtown Committee, Inc., Washington, D.C.

DEAR BOB: The contribution made over the last twelve years by the members of Downtown Progress has been invaluable.

By seeking to preserve Washington's downtown as a source of greater strength both economically and socially, Downtown Progress has done much to revitalize and improve the quality of life in our Nation's Capital. The support it has given to Mayor Washington in his effort to deal with city-wide problems is particularly to be commended.

There is no doubt that if we are to deal effectively with the problems of urbanization, it is imperative that an informed and enlightened private enterprise sector participate fully in meeting the challenges we face. Downtown Progress is a model of such participation.

My best wishes to all who attend your 1972 meeting. May it be productive and rewarding for each of you personally and for the City you continue to serve so well.

Sincerely,

RICHARD NIXON.

Mr. MATHIAS. Mr. President, today a number of Members of Congress, city officials, and community leaders met in the Capitol to salute Bob Baker upon his retirement as chairman of the Board of Downtown Progress. As the ranking minority member of the Committee on the District of Columbia, I was privileged to be present and to join in the tribute paid to Mr. Baker.

Robert C. Baker is chairman of the board of American Security & Trust Co. and is president and director of its affiliate, American Security Corp. He is also a director of a number of corporations including Peoples Drug Stores and Peoples Life Insurance Co.

His trusteeships include the George Washington University and Juniata College and he is a trustee emeritus of the National Trust for Historic Preservation. Mr. Baker served as treasurer of the John F. Kennedy Center for the Performing Arts until this month. He has also served as a trustee of the Federal City Council.

This is not an inclusive list, but it gives the flavor of his business, educational, and community service activities.

The principal purpose in joining together today, is to recognize him primarily for his leadership of downtown progress since its creation 13 years ago. This private, non-profit corporation, chartered on the recommendation of the Federal City Council and the National Capital Planning Commission, has worked to plan the revitalization of downtown Washington between the White House and the Capitol and to work to make sure that the plans become a reality. In spite of tremendous obstacles, the job is well begun.

Downtown progress has been the creator, initiator, or played a significant role in many actions, including:

Action plan for downtown.
Minibus.
Downtown central library.
METRO subway.
National visitor center.
Tourmobile.
Ford's Theatre restoration.
Lincoln place.
F Street Plaza.
Midi-bus.
Private redevelopment.
Air-rights development.
Downtown urban renewal plan.
Special business relocation assistance proposal.

Bob Baker would be the first, I am sure, to say that much of the credit for these accomplishments goes to all of the members of the downtown progress and to many others in the community. I am sure, however, that each of them will agree with me that his leadership has provided a key element in the successes to date. For that reason, we honor him today and wish him well upon his retirement as chairman of the board of downtown progress.

REPRESENTATIVE RODINO SPEAKS ON EPILEPSY

Mr. WILLIAMS. Mr. President, there is a growing awareness in our country that we have failed by a large margin to respond adequately to the needs of handicapped Americans. Many Members of Congress are actively supporting efforts to remedy that situation, and as chairman of the Committee on Labor and Public Welfare, I can see hopeful signs that we will remedy it in the near future. One of those who are intensely concerned with the problems of handicapped Americans is Representative PETER W. RODINO, from my own State of New Jersey. Recently, Representative RODINO delivered a fine address in which he discussed the problems and needs of epileptics. I ask unanimous consent that his speech be printed in the RECORD.

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

ADDRESS BY CONGRESSMAN PETER W. RODINO, JR. TO THE NEW JERSEY CHAPTER, EPILEPSY FOUNDATION OF AMERICA, AUGUST 6, 1972

Mr. President, members of the board of trustees of the New Jersey Chapter, Epilepsy Foundation of America, distinguished guests, ladies and gentlemen.

I am delighted that you have invited me to join you on this day that will mark the dedication of the first "Epilepsy Service Facility" in the State of New Jersey. It is with a feeling of pride in our state and her people that I cut this ribbon across these doors to open them wide to all those individuals who are afflicted or affected by Epilepsy in our state.

Perhaps it is more than symbolic that the simple procedure of cutting a ribbon represents a step that has taken us four hundred years to accomplish. That of providing direct health services to the more than seventy thousand people in our state afflicted with Epilepsy.

I have followed the path of the New Jersey Chapter since its inception in January of 1970. A group of dedicated volunteers who felt the need for services to the population in New Jersey afflicted with Epilepsy demanded a positive approach, organized the New Jersey Chapter of the Epilepsy Foundation of America.

This handful of individuals with the help of dedicated public officials, two of whom deserve special mention, U.S. Senator Harrison A. Williams and Gov. William T. Cahill, established the first voluntary Epilepsy Service Facility in New Jersey. Their programs of "Satewide Comprehensive Epilepsy Services" sheds a great deal of light on the magnitude of their undertaking as well as their stead-fast determination to bring Epilepsy out of the dark ages in New Jersey.

The chapter selected Mr. James F. White of Union, as their executive director. Mr. White served on a voluntary basis for two years and is currently the president of the chapter. Mr. White's extensive background in professional health agency experience added a new dimension to the fledgling group. A former official in the Veterans Administration, Mr. White provided professional services in addition to furnishing office space. He also assumed most of the expenses during the first two years of the Epilepsy Service Facility's operation because the chapter had few financial resources.

In little more than two years from that modest beginning the Epilepsy Service Facility is providing services to the entire population of the State of New Jersey. Today, ladies and gentlemen, another step has been taken in the continuing fight to overcome Epilepsy and its problems.

What, many ask, are the problems of epileptics? Why do we need a facility such as the one we dedicate this day? To those who are afflicted or affected by Epilepsy, the answers are all too obvious. To the uninformed, and, more importantly, the mis-informed, the answers are cloaked in a veil of suspicion and fear.

The basic goal of the Epilepsy movement here in New Jersey, and for that matter, throughout the nation, is to free persons with Epilepsy from the ravages of uncontrolled convulsions. To free persons from the necessity of hiding their Epilepsy and living in secrecy and fear. To eliminate the harsh stigma of "second-class citizenship" when a person's Epilepsy is known. To eliminate exclusion from school programs and often school itself. To eliminate exclusion from vital activities of daily living such as social, sports, group pursuits, camps, driving and a host of other activities which are denied to those people who have Epilepsy now simply because of fear and prejudicial attitudes. These are but a few of the problems, and, I am certain, many of you here today, could add to this list from your own personal experiences.

However, knowing the problem is only half of the solution. What has the New Jersey Chapter accomplished in their short span of existence? A great deal I am pleased to report.

To begin with, the New Jersey Chapter, Epilepsy Foundation of America, under Mr. White's leadership, availed itself of Public Law 91–517, more commonly known as the "Developmental Disabilities Services and Facilities Construction Act of 1970." This act defined Epilepsy for the first time and made Epilepsy eligible for funding under this federal program here in New Jersey. The New Jersey Chapter obtained a $15,000 grant for their "Epilepsy Service Facility." The facility is part of the "Statewide Comprehensive Epilepsy Service Program." This funding enabled the chapter to acquire paid professional services in addition to the facility

we are dedicating today. From the Epilepsy Service Facility, resource and referral, information, counseling regarding the numerous questions concerning Epilepsy are provided.

Not satisfied with their tremendous accomplishments in such a short period of time, the New Jersey Chapter played the key role of supportive services in the passage of the "Anti-discrimination of the Physically Handicapped Act" signed by Governor Cahill earlier this month. I was delighted to aid and assist members of the New Jersey Chapter in their pursuit of this legislation.

It pleases me to say that New Jersey is the first State in our nation to pass legislation that will halt discrimination against the physically handicapped. I am confident all progressive states will pass similar legislation. And, I hope that our Congress will do likewise.

Legislation that prohibits discrimination against the physically handicapped is a giant step toward rehabilitation of such persons. It will help them to attain the dignity of birthright and become contributors to our society rather than recipients.

This legislation includes "Epilepsy" as a substantial handicap and to my knowledge, New Jersey is the first to do so in the nation. What the passage of this act will mean to those afflicted with Epilepsy can, at this juncture, be only speculative. Nevertheless, I feel that this type of legislation will resolve many of the problems many epileptics have encountered over the years in terms of public accommodation, employment and other areas defined by this act.

Members of the New Jersey Chapter, what we see today represents a small but significant step in the cause of Epilepsy in the State of New Jersey. When I say small, I do not mean to diminish your accomplishments thus far, but project to you a view of what is yet to be done. Four hundred years of neglect cannot be rectified in a short time. Four hundred years of ignorance cannot be instantaneously reversed. Our stride here today is the beginning of the end of darkness for those afflicted with Epilepsy in New Jersey.

I am proud to have been a part of your success. I am proud to be a part of your past and present. And through the grace of God and the courage of your membership and associates, I will be a part of your bright new future.

Thank you.

SOVIET RANSOM AND TRADE

Mr. RIBICOFF. Mr. President, a month ago the American people first learned of the Soviet Union's intention to require huge and unrealistic sums of money to be paid in order for educated Jews to receive permission to emigrate. This decree has now been made public to the Soviet Union—the same day that negotiations on a trade deal were being carried out in Moscow by Henry Kissinger.

This past Tuesday in condemning this Soviet extortion I made clear the link that must be made between removal of this ransom decree and future trade ties with the Soviet Union. Other Senators, on both sides of the aisle, have since voiced their agreement with my position. Yesterday, more than 60 Members of the other body including a number who serve on the Ways and Means Committee, expressed their views on this subject.

This coming Sunday morning, September 17, at 11 o'clock, there will be a mass meeting protesting this Soviet blackmail, held on the Ellipse here in Washington. Mr. Sargent Shriver and others will speak in the program. I encourage Senators who will be in Washington on Sunday to be present at this gathering Sunday to show their opposition to this reprehensible practice. Because Congress has such a vital role to play in implementing any trade agreement, I urge those who have not yet spoken out on this issue to do so.

MEXICAN INDEPENDENCE DAY

Mr. FANNIN. Mr. President, September 16 is a date of great importance in Mexico and in the Western Hemisphere. It is the anniversary of the events which launched the fight for Mexican national independence some 162 years ago.

The people of Arizona, especially those of Mexican descent, celebrate this occasion each year with our good neighbors south of the border. I know that all Americans recognize the important contributions that Mexico and the Mexican people have made to our own Nation and to civilization in general.

The history of Mexico's struggle for independence is not dissimilar in spirit from our own American revolution.

The Mexican revolutionary movement may be said to have begun when Father Miguel Hidalgo y Costilla proclaimed absolute independence in the town of Dolores, Guanajuato, on September 16, 1810. The Napoleonic invasions of Spain, resulting in the imprisonment of the Spanish King Charles IV and his son, Ferdinand VII, had given rise to the Mexican movement for independence led by Father Hidalgo.

Although the initial effort of Hidalgo resulted in failure, the torch of liberty would not be extinguished. Independence came in 1821.

Over the years the two neighboring nations—Mexico and the United States—have benefited from an interchange of spirit, ideals, and culture.

The cultural tradition of Mexico is a unique fusion of Spanish, Catholic, and Indian influences.

The art and architecture of Mexico have become natural components of contemporary America, especially in the Southwest. Perhaps Mexico's contribution to world art to achieve greatest prominence is mural painting. The work of three great masters of the mural movement—Rivera, Orozco, and Siqueiros—appears in numerous public buildings, including some in the United States.

Mexican music, such as the works of Carlos Chavez, has been consistently performed in the United States.

The first book to be printed in the Western Hemisphere was published in Mexico City in 1539, and reminds us in America today of our continuing devotion to learning and knowledge—a devotion which had its origin in Mexico nearly a century before Jamestown.

Most important is the common devotion to democracy and universal freedom which characterizes both the Mexican and the American traditions.

It is therefore my great honor and privilege to commemorate the Day of Mexican Independence—September 16—as an anniversary which not only recalls the glory of the past, but also suggests the promise of the future—a future rich in hope for realization of the ancient ideals of liberty and happiness which have inspired mankind since the beginning of time. The people of Arizona are especially conscious on this day of the contributions made by Mexico to the history of the United States. On September 16, therefore, the people of the United States pay tribute to their neighbor to the south and wish for her continuing greatness and prosperity in the years to come.

NOISE POLLUTION CONTROL

Mr. TUNNEY. Mr. President, on September 5, I placed the first article of a two-part series on noise pollution into the RECORD. After 6 months of careful consideration, the Public Works Committee has reported the Noise Pollution Control Act of 1972, S. 3342. In view of the committee's action I feel these articles to be especially timely and important. I ask unanimous consent to have printed in the RECORD the second part of the series by Gladwin Hill as well as the second article on the subject to appear in the Los Angeles Times this week.

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

[From the Riverside (Calif.) Press, Sept. 4, 1972]

THE NATION FIGHTS BACK TO CONTROL NOISE POLLUTION'S RISE

(By Gladwin Hill)

WASHINGTON.—Public apathy has contributed to noise increase. A recent visitor to Stockholm, Sweden, a city with heavy traffic, heard an automobile horn only three times in three weeks. Yet of all the cities in the United States only Memphis has achieved a comparable reputation.

Memphis in 1938 simply banned unnecessary horn blowing and began issuing tickets for it. This reduced offenses to a current rate of only about 150 a year. This has won Memphis numerous "quietest city" awards although some Memphis residents say that in other respects it is not notably quieter than other cities.

Until recently the most explicit effort to abate din was the action of a number of states in limiting vehicle noise on highways to around 85 decibels. But here also enforcement has been sketchy.

Federal officials say California has the most comprehensive vehicle noise law. Its state highway patrolmen handed out 18,000 tickets last year for noisy cars. But with only six two-man teams to cover 162,000 miles of highways, the level of enforcement is admittedly low.

The first comprehensive state noise legislation was enacted by New Jersey last January. The law made excessive noise a state offense with fines up to $3,000, and directed the state's Department of Environmental Protection to draw up antinoise regulations.

The agency is now in the process of implementing that legislation. A 13-member citizen council provided for in the law to review regulations is just being appointed.

Illinois, Colorado, and some other states are in similar preliminary stages of noise regulation.

In July, 1971, Chicago put into effect the most comprehensive program to curb noise of any American city.

Its 3,000-word ordinance sets noise limits for a dozen categories of sources, from bulldozers to garden tools. The limits range from 94 decibels for heavy machinery down to 55 decibels as the maximum that may emanate from a residence. Progressive reductions bring the limits on vehicles and machinery down as low as 65 decibels by 1980. The law carries a penalty of up to a $500 fine and a six-month jail term. The law is administered by the city's Department of Environmental Control, under a novel technique designed to overcome the classic obstacle in noise law enforcement: the fact that police officers do not have the time or technical knowledge to issue citations, while technical people generally do not have police power.

In Chicago three man teams comprising two noise inspectors and a police officer cruise the city. When violations are spotted, citations can be issued on the spot.

Under this system, 1,649 cases were brought to court in the year ending last June. Of about 1,000 cases completed to date convictions were obtained in 809 and compliance was obtained in most of the others.

Since Chicago instituted its program another group of cities has adopted or moved toward similar legislation. The group includes New York, Washington, Baltimore, Kansas City, Dallas, St. Paul, Minneapolis and Grand Rapids, Mich.

The most acute single source of noise is airplanes. About one out of every 10 persons in the country lives close enough to airports to be bothered by plane noise and the number of airports and the amount of air traffic are expected to multiply in the years ahead.

Abatement of airplane noise is a legal puzzle that has lawyers and public officials, as airport area residents, in a quandary.

The Federal Aviation Administration has jurisdiction over all civilian air traffic and over many aspects of airport design and operation. In 1968 Congress also gave the agency the authority to set noise limits on planes from a design standpoint.

In November 1968 the FAA promulgated limits of 102 to 108 decibels as "perceived" from nearby points for the new "generation" of jumbo passenger planes—the 747's, DC–10's and L–1011's.

The older passenger jets produce from 110 to 120 decibels. Argument has been raging for two years about quieting aircraft engines, with the air transport industry saying "retrofitting" is impractical because it would cost a billion dollars. The FAA is expected to issue some modification requirements within the next few months.

Meanwhile, the FAA design limits on plane noise do not necessarily match the amount of racket a plane may make flying over a community, and the FAA does not profess to monitor or police individual flights' noise-making.

This appeared to leave a jurisdictional gap in which communities could set noise limits for airplane operations. A number of communities have tried this. But the federal courts have repeatedly invalidated such ordinances as an intrusion on a federal regulatory area.

A Burbank "curfew" banning jet traffic between 1 p.m. and 7. a.m. is before the U.S. Supreme Court and a contested Inglewood regulatory ordinance is headed there.

The jurisdictional gap has left airport operators in the middle. California courts have awarded several million dollars in property devaluation damages to residents around the Los Angeles International Airport and the City of Los Angeles is faced with nearly $5 billion in additional suits. Hundreds of similar suits have been filed in other parts of the country.

The jurisdictional bind was made particularly acute in May when a California court ruled in a case involving the City of Santa Monica that an airport was liable not only for property devaluation but also for compensation for personal annoyance.

This ruling moved Los Angeles officials to exclaim that on that basis they might have to close down the Los Angeles airport, second busiest in the country, lest they incur astronomical damage claims. The problem remains unsolved.

Meanwhile the State of California, which contends it can legally promulgate aviation regulations as long as they do not conflict with existing federal enactments, is preparing to put into effect in December flight restrictions aimed at reducing noise. The state fully expects its regulations will be challenged by the federal government and the airlines.

The mounting concern about airplane noise convinced Congress it should do something about noise generally.

In December, 1970, it created an Office of Noise Abatement and Control in the Environmental Protection Agency, and directed it to study the problem.

The agency turned in a massive report last January. The House of Representatives in February passed a noise control bill (HR 11021) drafted by Rep. Paul G. Rogers, D-Fla.

It directs the environmental agency to establish national noise emission limits for four kinds of machinery: transportation equipment, construction equipment, motors and engines, and electrical equipment. It authorizes the agency to assess civil fines up to $25,000 for violation of these standards by manufacturers and distributors.

In regard to airplanes the measure gives the environmental agency only an advisory role, leaving authority with the FAA.

The Senate has been considering a more stringent bill (S. 3342) sponsored by Sens. Edmund S. Muskie of Maine and John V. Tunney of California, both Democrats.

The chief difference in the Senate bill is that it would give the Environmental Protection Agency comprehensive jurisdiction over aircraft noise—even though the agency has demurred at accepting this responsibility on the ground it lacks technical expertise.

The Senate has completed committee hearings and the next step will be to reconcile House and Senate versions of the legislation.

Both bills give the states leeway to formulate their own noise control regulations as long as they do not conflict with federal standards. The laws would also provide states with technical assistance from the environmental protection agency in setting up organizations to administer noise-control regulations.

Industry began sensing the public unhappiness about noise several years back, and doing something about it.

The auto makers have been trying to make cars quieter.

Inspired by European progress American manufacturers have been designing quieter air compressors, a major racket-maker on construction projects.

Research is under way to tone down the noise of diesel trucks, whose snorting often reaches the noise level of jet planes.

The "leisure time equipment" industry involving everything from snowmobiles to hedgeclippers, through the national Industrial Pollution Control Council, advanced last year a noise-reduction program for machines. Under it, equipment noise now as high as 92 decibels at a distance of 50 feet would be reduced over the next decade to a maximum of 77 decibels.

The least-used tactic to date to lessen noise has been land use planning, because most of the nation's communities are locked in, at least for the time being, to archaic layouts in which noise problems were not considered.

Congress has before it several proposals for federal-state collaboration in more rational land use, in which noise would be a factor. But the measures have been bogged down in debate, and there is no telling when, if ever, legislation will emerge.

[From the Los Angeles Times, Sept. 13, 1972]

NEW SCHOOL YEAR OPENS TO WHINE OF JETS—AGAIN

(By Jack Jones)

The third giant jetliner in six minutes drowns the shouts of a schoolyard dodgeball game with a whistling roar as it angles toward touchdown at Los Angeles International Airport.

"It's getting worse every year," says Mary Lipsman, Jefferson Elementary School kindergarten teacher, as soon as she can make herself heard. "Who knows what the children miss in class? It's incalculable."

At Felton Junior High School, so close to the airport that landing jets sound as though they are coming through the roof, students conditioned by years of living in the neighborhood do not even look up.

But social studies teacher Nora Brennan is forced to suspend talking until the roar subsides. Then she gets in a few more words before the next thunderous arrival.

"For the first two or three years, it didn't bother me too much," she says. "But it's starting to get to me now. What is it doing to the children? If they grow up in an atmosphere of total noise pollution they find quiet hard to take."

With the fall semester just under way Tuesday not a teacher interviewed at four schools in the Lennox and Inglewood school districts disagreed with a recent UCLA study concluding that jet noise is hindering education and may be causing permanent hearing damage at 15 schools near the airport.

And several teachers admitted to personal hearing loss.

"What did you say?" answered John Wilson, an English teacher with more than 16 years at Morningside High in Inglewood, during a faculty room discussion of the subject.

He said he was not kidding. He had not heard the question.

Although the UCLA report said testing by school nurses at Felton Junior High had revealed hearing loss in virtually all the children, Felton Principal Edward Walsh said: "I question that. Because of all the noise last year, we were unable to complete the hearing tests."

Mrs. Trudy Underman, formerly the nurse for Jefferson and Felton, agreed that by last year "it just got impossible to test."

She pointed out that it is difficult to prove that the incoming jets are costing the children their hearing without some long-term study.

"But my personal belief is that they are," she added.

As for traumatic responses and a higher incidence of schoolyard fighting, which the UCLA study laid to the jet noise, no one seemed certain.

"We can't really compare our kids to those in other districts," said Dr. H. W. Colby, Lennox School District superintendent whose own office is right under the east-to-west landing path.

He said Felton Principal Walsh had some "rather startling" figures on the number of fights last year, "but we'd be hard-pressed to prove they were due to the noise."

Walsh himself said, "We don't know if it's the planes. But we do have a great deal of physical confrontation. It's tough to verbalize with all that noise. If somebody pushes you, you're more apt to push back than wait until the roar is gone to talk about it."

Superintendent Colby said "Our classes are not bedlam, but they are not the quiet setting the teachers need to do a better job than

they are already doing. One of the biggest problems is that the noise is a tiring thing for the teacher."

After a day full of pauses between roars, a teacher can feel rather frazzled.

With the help of matching funds from the Airport Authority, schools in both districts have a few sound-proofed rooms.

(Jefferson has eight of its 24 classrooms sound-proofed and air-conditioned while Felton, closer to the Airport, has only one).

Inside a protected room the jet roar is audible, but not disruptive.

The cost of soundproofing all the rooms in affected schools without outside funds is prohibitive, say school authorities.

Nora Brennan's room at Felton is not soundproofed.

"I tell my pupils not to get accustomed to it—not to accept noise pollution," she said, indicating her fear that they will become acquiescent automatons.

In her classroom, while the jets screamed down overhead, a half dozen or so students said the noise does not bother them. They have lived in the neighborhood for years. It is nothing new.

Others said they were irritated, and one girl who said she has lived under the flight path for 13 years told of having frequent earaches and headaches.

"Why can't something be done about it?" one student asked.

Two years ago, the Inglewood Unified School District filed a $35,955,000 claim with the city of Los Angeles over airport noise pollution and, says a school district spokesman, got no response.

It may now file again, depending on the outcome of other complaints filed by Lennox, El Segundo and other school districts.

"We can't really comment medically on hearing damage, and it's hard to say whether schoolyard friction is caused by jet noise," said that Inglewood schools official, "but the teachers have a very difficult time."

He said the problem increases at the high school level because the racial transition in Inglewood has produced problems being compounded by the constant irritant from the sky.

At Morningside High, a group of teachers agreed that the situation is worsening.

"The kids are so used to it, they don't notice it as much as we do," said Carmen Nieto, a Spanish teacher who five years ago gave up trying to give dictation in Spanish.

Bob Doyle, who has taught public speaking for 17 years at the high school, said, "I instinctively raise my voice until it becomes impossible. If a kid is speaking, he has to wait until the noise passes. You lose them."

Doyle added, "It's not the volume of the jet noise. It's that whistle. It can just cut through you."

SOCIAL SERVICES: TESTIMONY OF MR. HERSCHEL SAUCIER OF THE GEORGIA DEPARTMENT OF HUMAN RESOURCES

Mr. HUMPHREY. Mr. President, on September 13, 1972, Mr. Herschel Saucier, director of the Division of Family and Children Services of the Georgia Department of Human Resources presented a statement on social services to the Fiscal Policy Subcommittee of the Joint Economic Committee.

The program Mr. Saucier administers, services more than 600,000 individuals and expends more than $226 million of Federal funds. Like most social service administrators, Mr. Saucier is concerned about the $1.6 billion limitation on social services contained in the Senate-passed revenue-sharing bill.

That concern, I believe, is more than justified.

I was pleased by the preliminary report in the press this morning that the conference committee considering this legislation reached a compromise on the social service question, moving from the Senate-passed position to a reinstatement of the program as it existed—a continuation of the 75 to 25 matching requirement with a $2.5 billion ceiling. It is my hope, Mr. President that in the future the House Ways and Means Committee and the Senate Committee on Finance will examine the social service program to see that funds are being expended in a responsible manner and that the services to individuals actually get to the individuals.

Mr. President, I invite the attention of the Senate to Mr. Saucier's testimony, because I believe it provides an explanation of how one State spends social service funds in a responsible manner. Mr. Saucier is deeply concerned about sound fiscal policy in social service funding. He agrees that money expended should be justified—and the services provided should be effective in reducing welfare dependency and helping adults and children who are unable to help themselves.

I ask unanimous consent that Mr. Saucier's testimony before the Fiscal Policy Subcommittee be printed in the RECORD.

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

STATEMENT PREPARED FOR THE SUBCOMMITTEE ON FISCAL POLICY OF THE JOINT ECONOMIC COMMITTEE OF THE CONGRESS OF THE UNITED STATES, WEDNESDAY, SEPTEMBER 13, 1972

(By Herschel Saucier)

I greatly appreciate the opportunity to testify before this Committee on the plan for funding social services through the revenue sharing bill as introduced by the Senate Finance Committee in which one billion dollars has been added for social services (in lieu of funding social services under Titles IV–A and XVI of the Social Security Act).

The Senate Finance Committee's revenue sharing bill only provides the State of Georgia with 5.2 million dollars to support our many preventive and rehabilitative services for poor and disabled Georgians. This drastic reduction in social service funds from those provided under Titles IV–A and XVI of the Social Security Act will wipe out Georgia's very progressive and dynamic program designed to prevent permanent destitution and misery on the part of thousands of Georgia citizens. I recognize that the rapidly expanding cost of social service programs to the Federal Treasury must and should be controlled. We have, however, carefully planned and implemented a comprehensive social service program for Georgia people. Passage of the Senate version of revenue sharing will destroy these programs and plans. This statement will clearly present our position in regard to the social service issue and provide alternatives to those made in the Senate Finance Committee's version of the revenue sharing bill.

On June 30, 1972, the Georgia Department of Human Resources had operating programs and specific program plans designed to serve 586,346 poor Georgians at a cost of $220,325,051 in Federal social service funds. On August 31, 1972, our program commitments had expanded to a total of $226,522,205 Federal dollars serving 622,291 individuals. These social service programs which I will describe later in some detail, are designed to prevent economic dependency upon the government and to assist them in achieving a greater degree of self support and self care. Programs are designed to:

1. Remove persons from the welfare rolls or reduce welfare grants through training and job placement.

2. Help other low-income persons with problems that may, without services, result in their becoming welfare recipients.

3. Provide protective services to children and adults who are abused, exploited or neglected.

4. Provide community services and placement alternatives to institutionalization.

I need not remind you that the factors that contribute to poverty and economic dependency are many. If we are to make progress in combating poverty we must provide those services which will not only prevent to the maximum degree possible the conditions that lead to poverty, but also to provide those rehabilitative services that will help poor people move toward self support and self care.

Georgia's programs are designed to help parents who are neglectful in their role as parents to give more adequate care to their children so that they may develop into adults who are more self sufficient; to assist those youth and adults with adjustment problems that may result in their needing institutionalization in mental institutions or state and federal penal institutions; to provide community-based social services that will enable families to continue partial responsibility for dependent children and adults while our service programs work toward helping them to be more independent of state welfare assistance; and to enable the handicapped and elderly adults remain in their homes as long as possible and avoid placing them in expensive nursing homes and twenty-four hour institutions.

I would like to describe some of the services that are funded through Titles IV–A and XVI of the Social Security Act through staff of the Department of Human Resources and, when more feasible, through purchase of service from local public and voluntary providers.

SOCIAL SERVICE PROGRAMS FOR CHILDREN AND FAMILIES

1. Day Care for Economically and Socially Deprived Children:

At the end of August, Georgia was providing quality day care services to 16,070 children. Day care is provided for children of mothers in training and working mothers who do not earn enough to provide adequate child care for their children. We are serving thousands of poor and socially deprived preschool children in an effort to provide them with a better chance of succeeding in public school when they enter the first grade. Many of these children, without these pre-school services, are school drop-outs before they enter school.

2. Extended Day Care Before and After School:

We are providing day care and other services such as counseling tutoring, family life education and job information and referral to more than 200,000 children and youth of working mothers. In addition to providing a constructive experience for these children who are vulnerable, we are preventing delinquency and improving the chances of these children and youth making it through the public school system.

3. Community Child Care and Training Centers for Retarded Children and Youth:

We are serving over 2,500 retarded children and youth in community-based facilities whose training programs are designed to help them to be less dependent upon public care.

By providing community programs of care and training during the daytime hours, parents are willing and able to continue primary responsibility for their care at home and, in many instances, prevent the placement of these severely retarded individuals in expensive institutions. In addition to providing a valuable service to the retarded individual, we provide a valuable service to the family.

4. Counseling Services for Children and Youth with Severe Adjustment Problems and Crisis Intervention to Deal With Emergencies:

We are providing emergency services to more than 2,000 individuals each month.

5. Voluntary Family Planning to Prevent Unwanted Pregnancies:

Comprehensive family planning services are being made available to all welfare recipients and potential recipients throughout the State of Georgia. We are finding welfare clients interested in participating in family planning services made available.

6. Planning, Evaluation, Information and Referral Services:

We are using service funds to develop, on a regional basis, a planned, rational and scientific approach to social service planning. Regional planning commissions are now providing planning services in 73 counties and by the end of FY–1973, will be serving all 159 counties.

7. Legal Services to Welfare Recipients:

Georgia has a statewide plan for making available to welfare applicants and recipients legal services that are designed to help them manage their own affairs more adequately. Legal services are available to assist with consumer problems, housing problems and domestic problems, as well as in areas relating to welfare eligibility.

8. Services to Youth with Adjustment Problems Who, Without Appropriate Services, Might Become Dependent:

Social service funds are being used to provide local community-based counseling and treatment programs for youth with adjustment problems designed to prevent their placement in institutions and to help them make a better adjustment to the community in which they live. Over 265 youth committed to the State for institutional placement have been served in community-based programs through intensive counseling, day programs of counseling and training and group homes which, in addition to saving many dollars, have done a more effective job of helping these youth live in the community without offending further.

9. Consumer Services:

We are providing a statewide consumer service program designed to protect the low-income consumer and to provide counseling services on consumer problems that will assists them in getting the most from their limited welfare dollar. We have trained 9,197 consumer counselors to provide consumer counseling at the community level. They have provided counseling services to 222,727 people. Poor people are alerted to schemes designed to exploit the poor.

10. Counseling Services to Children and Families In Every County Within the State:

Social services through local Departments include information referral services, protective services to parents who are neglecting, abusing or exploiting their children who, without service, will result in more severe dependency; employment services for youth and parents, assistance in money management, and counseling in family living.

11. Diagnostic Evaluation and Treatment Services for Children and Youth with Adjustment Problems:

Service funds are being used to develop and expand community programs accessible to children and families, to assist them in dealing with complex adjustment problems that may result in institutional placement or hospitalization.

SERVICES TO THE BLIND, ELDERLY AND DISABLED

1. Vocational Evaluation and Training of Retarded and Handicapped Individuals Designed to Help Them to be More Self Supporting:

2. Services to Enable Elderly and Disabled Persons Remain in Their Own Homes:

We are providing home-delivered meals, homemaker service and chore services to those elderly and disabled in their own homes that make it possible for them to remain at home when otherwise they may require nursing home care or placement in some other kind of facility. Day programs are provided for the elderly, where they receive health education, employment counseling, consumer education, credit counseling and other constructive activities that help them to be more active and responsible for their own care and well being.

3. Drug and Alcohol Treatment Programs:

We are providing individual and group therapy, training for employment, job placement and referral, for alcoholics and drug addicts. Our methadone maintenance program has dramatically reduced the crime rate in Metro Atlanta. Over 24,000 individuals are receiving drug and alcohol treatment services.

4. Alternatives to Institutional Care:

Service funds are being used to develop family homes and group home resources for retarded and emotionally disturbed individuals who may be able to leave institutions with some community resource available to them. The average cost for community care plans for these individuals is about $7.00 per day as compared to an average cost of $25.00 per day in hospitals and nursing homes. Since the cost of nursing home care for welfare recipients under Medicaid is one of the most costly programs available to the poor, it is vital that we find alternatives to nursing home care.

5. Community-Based Services to the Aged, Blind and Disabled:

We are serving over 58,000 welfare recipients and potential recipients through 159 County Departments of Family and Children Services and community-based mental health facilities. The whole range of services, ranging from protective services to placement services are being made available through local welfare agencies.

The above is not a complete list of social services being provided under Titles IV–A and XIV, but should serve to point out the nature and importance of these services.

FUNDING OF SOCIAL SERVICES THROUGH REVENUE SHARING WILL CONTRIBUTE TO FRAGMENTATION OF SERVICES AND UNEQUAL SERVICES THROUGHOUT THE STATE

Federal funding of social services through revenue sharing rather than under provisions of the Social Security Act will allocate two-thirds of these funds to county and city governments and only one-third to the State. This will greatly limit comprehensive State planning and service delivery to provide human services. A history of local funding of social service programs has resulted in a wide disparity in services available throughout the State. Statewide leadership and direction is vital to assuring that comparable services are made available to all persons in need throughout the State.

Georgia is making progress toward providing services to every citizen in need, regardless of where he may live. Social service money made available to county government, rather than to State, will undermine State leadership and equal delivery of social services. Social service money made available to cities will not be spent for these purposes as cities within Georgia are not in the business of providing social services.

RURAL TO URBAN MIGRATION

I am well aware of the many complex problems of our cities, many of which are complicated by the migration of unskilled persons from rural to urban areas. In my judgment, we must deal with economic and social problems in rural areas more effectively if we are to reverse the migration of the rural population to urban centers. To effectively deal with the statewide economic and social problems, a great deal of direction and leadership must come from State government. Methods of funding through revenue sharing do not strengthen the State's role in this kind of statewide planning and service delivery.

THE ECONOMY OF PREVENTIVE SERVICES

For many years we have given lip service to the "ounce of prevention" theory, but only recently, since January 1971, have we been able to develop sound programs to prevent increased economic dependency. We are convinced that our social service programs are sound and productive even though, as yet, we have not developed an adequate system of evaluating effectiveness of service history. Just as we are well underway toward providing sound preventive services, the foundation of our plan for funding—federal funding under the Social Security Act—is about to be withdrawn.

EVALUATION OF GOAL ACHIEVEMENT IN SOCIAL SERVICES

We are well on our way toward developing a rather sophisticated system of service reporting and evaluation of service delivery based on achievement of established goals for individuals who are being served. We are now in the process of field testing preliminary instruments for an automated service reporting and evaluation system. Initial findings in the field test are encouraging and we are hopeful of having a good system of service evaluation in place by January 1, 1973. Only recently has HEW given any assistance to states in designing a service reporting and evaluation system. Most of what we have done thus far has been done with awareness of HEW but without very much assistance from them.

LEADERSHIP AND DIRECTION FROM HEW ON SOCIAL SERVICE DELIVERY

The Social Service Amendments to the Social Security Act were passed in 1967, but the Department of Health, Education, and Welfare has not yet published policies and guidelines for the purchase of social services. All states have as directives the general policy statements released describing broad areas of social services that may be provided by states. Recently HEW leadership has strongly criticized the states for rapidly expanding their social service programs, accusing us of robbing the Federal Treasury, calling social services "revenue sharing through the back door." Even though some states have exploited the open-ended funding of social services to refinance state government, most states have acted quite responsibly, using federal social service funds to improve and expand social service programs.

SOUND FISCAL POLICY IN SOCIAL SERVICE FUNDING

Congress has cause for concern about the increasing cost of social service programs. Georgia believes that the open-ended funding should be closed with a specific dollar ceiling that is adequate to continue funding proven social service programs. The lack of direction on the part of the Department of Health, Education, and Welfare has resulted in inequitable use of social service funds on the part of the several states. We have had appropriate assistance from Region IV of HEW in developing service delivery plans, but they have often moved without direction from the national office. Other regional offices have given varied interpretations of what is possible under present law and policy resulting in some states not making use of social service funds. The maldistribution of social service funds has resulted in the creation of

three classes of states with respect to the use of these funds:

(1) States who were able to plan and implement social service programs fully.

(2) States who have recently begun to make use of the social service funds but do not have fully operational programs.

(3) States who have not completed plans for an adequate social service program for their citizens.

Georgia falls into the second category of having planned and contracted for programs which are not fully operational. Our expenditures for FY–1972 do not reflect programs that were operational during the last quarter of FY–1972 and the first quarter of FY–1973.

For the past two years we have asked for and received the support of our Congressional delegation for an open-ended funding plan on social services in order to plan and implement a comprehensive social service system. This system is now being vigorously implemented. We feel that it is now time to set a reasonable and realistic ceiling on social service expenditures and develop a plan for fair allocation of these funds to the several states.

Even though we do not have a going system for getting information and evaluating service delivery on all services rendered, we have established an effective and efficient monitoring system where agency staff make on-site visits of providers of services and make sure that contracts are being implemented appropriately. We have recently had an audit by the Federal auditors of portions of our social service-purchase of service programs and preliminary reports of the auditors give us a "clean bill." Admittedly, the auditors did have some difficulty understanding what was proper and what was improper since HEW has yet to publish guidelines for purchase of services.

The State of Georgia agrees with the Senate Finance Committee's position that fiscal restraint and accountability are imperative and stands ready to cooperate with Congress to establish these requirements. We do not agree, however, that this objective can be best achieved by imposing an arbitrary level on spending without regard for needs or commitments. In an attempt to only curb the rapid growth and expenditure of these funds, the Senate Finance Committee has closed off the open-ended social service program at a one billion dollar level, an amount completely inadequate to continue good programs in operation.

It is quite clear that the Senate Finance Committee's one billion dollars in revenue sharing (in lieu of the Senate Appropriations Committee's 2.5 billion) will even more drastically affect existing Georgia programs and plans which our Congressional delegation helped us to achieve.

ALTERNATIVE TO $1 BILLION FOR SOCIAL SERVICES AS A PART OF REVENUE SHARING

During recent weeks, I have worked closely with a Governor's Committee appointed by the Governors' Conference to study the social service issue and with the Executive Committee of the Association of State Welfare Administrators. Both groups, after very critical study of the matter of funding social services, have reached agreement on what they believe is the soundest approach to funding social services. I embrace their proposal and recommend it to the Congress.

The one billion dollar supplemental provision in Title III of the revenue sharing bill should be deleted. In the event that some limitation in federal funding for social services expenditures is to be included in this legislation, it is recommended that the present authorization in the Social Security Act be retained with an authorization of three billion to be allocated among the states on the basis of population, with additional amounts estimated at 600 million dollars be utilized to permit a state to receive no more than 1.85 times the amount allocated under such formula as required for approvable state plans submitted prior to July 1, 1972, or Fiscal Year 1972 expenditures, whichever is greater.

This plan will challenge states who have not developed social service plans designed to prevent economic dependency to do so and will recognize the efforts and sound programs already underway in states that have taken initiative and provided leadership necessary to get sound programs to people in need.

In conclusion, I would like to express my strong conviction that states are in the best position to administer social service programs. There should be a shared responsibility for funding such programs between the Federal and State governments with the Federal Government setting broad goals and policies for the provision of social services and challenging states to develop the leadership and administrative ability to deliver quality social services to their citizens.

INTERPRETATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, on May 23, 1950, the subcommittee of the Senate Foreign Relations Committee reported the Genocide Convention to the full committee and recommended that four specific interpretations and one declaration be included in the resolution consenting to ratification if the full Foreign Relations Committee decided to recommend approval of the treaty.

Those interpretations should allay the fears of many opponents of the Convention. The understandings were as follows:

First, that article IX shall be understood in the traditional sense of responsibility to another state for injuries sustained by nations of the complaining state in violation of principles of international law, and shall not be understood as meaning that a state can be held liable for damages for injuries inflicted by it on its own nationals.

Second, that the U.S. Government understands and construes the crime of genocide, which it undertakes to punish in accordance with this Convention, to mean the commission of any of the acts enumerated in article II of the Convention, with the intent to destroy an entire national, ethnical, racial, or religious group within the territory of the United States, in such manner as to affect a substantial portion of the group concerned.

Third, that the U.S. Government understands and construes the words "mental harm" appearing in article II of this Convention to mean permanent physical injury to mental faculties.

Fourth, that the U.S. Government understands and construes the words "complicity in genocide" appearing in article II of this Convention to mean participation before and after the fact and aiding and abetting in the commission of the crime of genocide.

The declaration read:

In giving its advice and consent to the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide, the Senate of the United States of America does so considering this to be an exercise of the authority of the Federal Government to define and punish offenses against the law of nations, expressly conferred by Article I, section 8, clause 10 of the United States Constitution, and consequently, the traditional jurisdiction of the several States of the Union with regard to crime is in no way abridged.

Mr. President, I think that many of the objections to the Genocide Convention are answered by these "understandings". I urge swift ratification of the Genocide Treaty before the end of this session of the 92d Congress.

U.S. AIR BUILDUP IN THAILAND

Mr. METCALF. Mr. President, the September issue of Engage, a monthly published by the Board of Christian Social Concerns of the United Methodist Church, contains an article by Michael Morrow, entitled 'What Kind of I O U Goes With Thai Air Buildup?"

The article begins:

A cardinal rule of international relations is that old *quid pro quo* idea that you don't give or get for nothing.

Mr. Morrow goes on to ask what sort of commitment the Thai leaders have exacted from the United States in return for turning their nation "into the focal point of American military power in Southeast Asia."

The questions raised in this article should be answered. Affirmations of continuing U.S. "commitments" by President Nixon and the statement of the Thais following a meeting with Vice President AGNEW should be explored by Congress and explaned by the administration. Talk of an open-ended commitment not openly arrived at, following years of another "commitment" that has cost us nearly 50,000 American lives, is dangerous and alarming.

I ask unanimous consent that Mr. Morrow's article be printed in the RECORD.

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

WHAT KIND OF IOU GOES WITH THAI AIR BUILDUP?

(By Michael Morrow)

A cardinal rule of international relations is that old *quid pro quo* idea that you don't give or get for nothing. No one knows this better than the shrewd leaders of the government of Thailand. Since 1950, when they agreed to become part of the "Free World," they have done very well for themselves. With the American air force now turning Thailand into the focal point of American military power in Southeast Asia it is time someone started asking about the *quo* that always goes with the *quid*.

About 48,000 American troops are now in Thailand, approximately the same as in Vietnam. While troop strength in Vietnam is going down, in Thailand it is going up. More American troops could conceivably soon be based in Thailand than in Vietnam, more than have ever been stationed here in the past.

However, American troops in Thailand are not armed with M–16 rifles but with squadron after squadron of some of the most sophisticated jet attack aircraft the world has ever known, capable of dropping thousands of tons of bombs on Thailand's neighbors each day. Without talking about future build-up, one can still say that Thailand is now the principal base for what has become the most extensive bombing campaign in history.

Unlike the United States, Thailand cannot pull out of Southeast Asia. Thai leaders have committed their country on the American side in a war which, regardless of who wins,

means devastation in neighboring countries. It is unlikely that they have done this without extracting promises of long-term American commitments to their defense. What are these commitments?

THE 1950 MILITARY ASSISTANCE AGREEMENT

US government commitments to Thailand date to 1950 when a military assistance agreement was provided to new right-wing militarist regime willing to take the first steps toward making Thailand a pillar in the American policy of global containment of communism. Thailand, under the umbrella of the American-arranged SEATO defense pact of 1954, was the first country to send troops to Korea, after the United States.

The SEATO treaty did not, however, commit the US to Thailand's defense, but only to consultations with other SEATO members on counter measures in the event Thailand were attacked. From the Thai government's point of view this was inadequate.

As American involvement in Indochina grew, Thailand became more and more its rear base. Following the arrival of the first American jet aircraft in Thailand in 1961, then-Secretary of State Dean Rusk visited Bangkok to consult with Thai leaders, including then-Thai Foreign Minister Thanat Khoman. The result was the Thanat-Rusk communique, putting the SEATO agreement on a bilateral basis and committing the US to Thailand's defense against "communist armed attack" and "indirect aggression."

With the major build-up of American air power in Thailand in 1964, more precise assurances were given the Thai government. When U-tapao air base was constructed in 1966 the Thai and American governments engaged in a "joint use and defense agreement," the precise nature of which has not been revealed.

Testimony given by the US Ambassador to Thailand, Leonard Unger, at Senate hearings in 1969, however, did reveal that the US government agreed to Thailand's air defense "as long as there is a serious problem." Unger also revealed that this was only one of several understandings reached between the Thai and American governments in connection with the air force build-up during this period.

A close look at the record shows that the Nixon administration has never attempted to disengage itself from obligations undertaken by previous administrations. However, with the exception of the vaguely worded SEATO collective security treaty, none of these have been ratified by the Senate.

"THE UNITED STATES WILL STAND PROUDLY WITH THAILAND"

In Bangkok July 28–29, 1969, President Nixon said, "we have been together in the past, we are together at the present, and the United States will stand proudly with Thailand against those who might threaten it from abroad, or from within. . . . We will honor those commitments—not only because we consider them solemn obligations, but equally importantly because we fully recognize that we and the nations of Southeast Asia share a vital stake in the future peace and prosperity of this region."

An official Thai government statement on Vice-President Agnew's meeting with Thailand's National Executive Council on May 17 of this year reads:

"The U.S. side reaffirmed its willingness to honor its commitments to Thailand under the South-East Asia Collective Defense Treaty, the Communique issued by the Minister of Foreign Affairs of Thailand and the US Secretary of State on March 6, 1962, as well as the assurances given by President Nixon to the Prime Minister of Thailand during his visit to Bangkok on July 29, 1969 . . . ."

It was now becoming clear why the Nixon administration has given no indication that it would prefer to reduce American involvement in Thailand's destiny. American bases in Thailand are fundamental to providing the air power component of the administration's "Vietnamization" project. Locking the Thais into the Indochina war is elementary to fulfilling the Asians-to-fight-Asians tenet of the Nixon Doctrine.

From 1969 until this Spring, it was generally believed among Americans that the United Stated was disengaging from Thailand. The number of troops had been cut from 48,000 to 32,000. Now, however, the troop withdrawal has ceased and more troop deployments are expected here in the near future. This is happening as American power in Vietnam becomes weaker, as the situation in Laos and Cambodia turns more favorable to pro-communist forces, and as American officials become non-commital about how long American air bases will remain in Thailand. By "Thai-izing" the Indochina War, the United States is using the Thai government. But Thai leaders are obviously too cunning not to be also using the Americans.

PROTECTION FOR REDWOOD NATIONAL PARK, CALIF.

Mr. TUNNEY. Mr. President, on October 2, 1968, Congress enacted legislation creating the magnificent Redwood National Park in California.

In order to protect the park, Congress authorized the Secretary of the Interior to acquire interests in land outside the boundary of the park as a buffer zone to protect the park.

Mr. President, for 4 years we have watched the park logged right up to its outer boundaries. The Department of the Interior has reacted by saying that it is a very complex matter in need of study. This do-nothing position has been reiterated earlier this week by the Secretary of the Interior.

It seems to me that the time for study has passed, not once but many times. The time for action has arrived.

It seems to me that far from being complex, the matter is very simple: Should continued logging activities be allowed to destroy the redwoods?

The answer is clearly no.

I urge the Department of the Interior to release immediately all of its studies on the Redwood Park and allow Congress and interested citizens' groups to assist in arriving at a prompt solution.

If the Department of the Interior continues to procrastinate, a decision will be made for them by accelerated logging activities.

In fact, I certainly hope that the Department has not decided to delay action until lumber firms finish their work.

SISTER KENNY INSTITUTE

Mr. HUMPHREY. Mr. President, September 20 is an important date in the history of mankind's efforts to help the chronically ill and severely disabled, for it commemorates the birth of Sister Elizabeth Kenny in 1886, who subsequently achieved world reknown for her treatment of paralyzed patients.

This is a particularly important occasion for the city of Minneapolis, the home of the Sister Kenny Institute, and the place where this remarkable nurse from Australia first encountered professional interest and ready assistance in America for demonstrating her theories and treatment in fighting polio in the early 1940's. To help combat what was then a dread disease reaching epidemic proportions, the city of Minneapolis provided Sister Kenny a ward in General Hospital. And it was from this beginning that the Kenny Institute was established in 1942.

It was my great privilege, as mayor of Minneapolis, to know and work closely with Sister Kenny. She was a lady of great and inspiring character, deeply committed to her patients. Subsequently honored by Congress and made the heroine of a Hollywood film, she nevertheless continued to live simply on a modest income in Minneapolis.

With strong public support, the Sister Kenny Institute has carried on the work of this wonderful woman, as a major center for the rehabilitation of badly disabled and chronically ill patients. In 1971, the institute treated some 500 hospitalized and 600 out patients, conducted 4,500 speech and hearing sessions for patients, and provided services to 14,475 residents of the Upper Midwest. A significant number of its patients had had strokes. Others were treated for rheumatoid arthritis, spinal cord injuries, cerebral palsy, Parkinson's disease, and birth defects. In addition to its own intensive research program, the Institute has been the advocate for children in need of realistic programs to help solve their learning or behavioral problems. And rural communities have come to depend upon the continued expansion of the institute's outreach program of consultative services on specialized rehabilitation.

Indicative of the innovative directions taken by the institute is the fact that its budget allocations place training and education second only to patient care. Some 8,000 health workers came last year from various parts of the country to 46 educational course offerings at the institute. And its nurse-educators went out to community hospitals and nursing homes in a five-State area, training more than 12,000 employees on improved nursing services. Utilizing the printed word where such direct contact is not possible, the institute has become the world's largest producer of rehabilitation publications.

Of particular significance is the institute's comprehensive program of treatment, therapy, and further services to restore a patient's maximum potential and return him to his community in the shortest possible time. At the institute itself, this team approach to patient-care has cut the average hospitalization stay by more than one-half over the past decade.

Mr. President, I welcome this opportunity to pay a sincere and personal tribute to the memory of Sister Elizabeth Kenny and to commend to the attention of the Senate the advanced and vitally important work of the institute which bears her name and continues her commitment to people in need.

DISABLED VETERANS AT POVERTY LEVELS

Mr. METCALF. Mr. President, I am one of the fortunate ones who receive a check for a 10-percent wartime service-connected disability—fortunate not because of the amount of the payment, but because the disability is no worse. Therefore, along with every other disabled veteran in the United States. I recently received notice that my disability payment has been increased from $25 per month to $28 per month. I examined the schedule of payments and two things occurred to me.

First, a person who is 100-percent disabled receives the princely sum of $495 per month. Here is a man who has contributed all his health, his earning capacity, and much of his physical capability to the service of his country and is compensated at barely poverty level. A totally disabled veteran is required to incur many additional expenses because of his disabilities. These are expenses that need not be incurred by the average citizen who earns the same amount or many times more. This is the thanks given the totally disabled veterans by a grateful nation honoring its war heroes.

In the Senate we pay our pages $7,660 per year. I am not saying it is too much. I merely equate it with the $5,940 per year given a totally disabled veteran. It would seem that on any fair basis, totally disabled veterans should be compensated at a minimum rate of at least $10,000 per year.

Second, a person rated at 90 percent or less disability does not receive that percentage of the total disability, but less than half the disability percentage. A disabled veteran rated at 90 percent disability is entitled to $275 a month under the new law. Ten percent disability is not 10 percent of the total disability rate, but is 10 percent of the 90 percent rate.

By administrative decision and legislative manipulation the rate has been converted to a range of 5 to 50 percent disability between the 10 to 90 percent level. The rating and compensation for service-connected disability and wartime rates under the new law is as follows:

Rated at 10 percent, $28.
Rated at 20 percent, $51.
Rated at 30 percent, $77.
Rated at 40 percent, $106.
Rated at 50 percent, $149.
Rated at 60 percent, $179.
Rated at 70 percent, $212.
Rated at 80 percent, $245.
Rated at 90 percent, $275.
Rated at 100 percent, $495.

We talk a great deal these days about alleviating poverty in the United States to insure that citizens of America have at least a minimum level of income with which to maintain themselves. We should also talk about the man 90 percent disabled in his country's service who receives a below poverty level of income. Congress should immediate remedy this inequity.

Mr. President, I have prepared two schedules for disability compensation rate increases. The first would double the present rate, the second is a rate schedule proposed by the Disabled American Veterans organization. I ask unanimous consent that they be printed in the RECORD.

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

Disability	Rate	Number of veterans	Cost per year	Double rate	Cost per year
10 percent	$28	846,834	$284,536,224	$56	$569,072,448
20 percent	51	332,651	203,582,412	102	407,164,824
30 percent	77	307,508	284,137,392	154	568,274,784
40 percent	106	173,405	220,571,160	212	441,142,320
50 percent	149	110,399	197,393,292	298	394,786,584
60 percent	179	107,507	203,925,036	358	461,850,072
70 percent	212	65,512	$166,662,528	$424	$333,325,056
80 percent	245	34,001	99,962,940	490	199,925,880
90 percent	275	11,634	39,592,200	550	79,184,400
100 percent	495	127,783	759,031,020	990	1,518,062,040
Total			2,449,394,194		4,898,788,388

DAV PROPOSAL

Disability	Rate	Cost per year
10 percent	$85	$863,770,680
20 percent	170	678,608,040
30 percent	255	940,974,480
40 percent	340	707,492,400
50 percent	425	563,034,900
60 percent	510	657,942,840
70 percent	595	467,755,680
80 percent	680	277,448,160
90 percent	765	106,800,120
100 percent	850	1,304,586,600
Total		6,568,414,900

Note: If rate is doubled, increased cost is $2,449,394,194; DAV proposal, increased cost is $4,119,020,706.

Mr. METCALF. Mr. President, if the rate is doubled, the increased cost to the program would be approximately $2.4 billion and the DAV proposal would increase cost by approximately $4.9 billion.

Mr. President, I do not think either increase is unreasonable in view of the great sacrifices these disabled veterans have made in order to defend our Nation.

In view of the fact that the proposed Trident submarine would cost approximately $1 billion, a CVN–70 aircraft carrier $951 million, and many other defense items more than $100 million each, I believe the time is long overdue for veterans to have priority over weapons.

ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. WILLIAMS. Mr. President, when the Labor-HEW appropriation bill for fiscal year 1973 was before the Senate on June 27, an amendment was adopted on the floor, by a vote of 45 to 41, to preclude the expenditure of any funds by the Department of Labor to inspect firms of 15 or fewer employees for compliance with the Occupational Safety and Health Act of 1970. Due to the President's subsequent veto of this bill, the matter of appropriations for fiscal year 1973 for the Departments of Labor and Health, Education, and Welfare will again be before the Senate shortly, and I assume that the question of exemption of small employers from inspections under the Occupational Safety and Health Act will again be raised. I would hope that this time any such proposal will be defeated.

The effect of the exemption amendment previously adopted by the Senate would have been to remove 15 million employees from the protection of the act's enforcement process—no matter how blatantly their employer might be violating the act or how hazardous the working conditions that might exist.

Not only do employees of small establishments have as much right to be protected from safety and health risks as do employees of larger firms, but the fact is that there are many types of high-hazard activities which are very commonly performed by small firms. Mention may be made of lumbering and sawmill operations, farming, and construction activity—all of which have accident-frequency rates well above the average.

In addition, a variety of occupational health hazards are regularly found in such typically small establishments as electroplating shops, welding shops, stonecutting operations, automotive repair shops, foundries, machine shops, and print shops. Indeed, a recent occupational health survey conducted by HEW in the Chicago area disclosed that firms employing 8 to 19 workers had the highest percentage of employees exposed to one or more potential occupational hazards, and that such firms had the fewest safeguards and the least awareness on the part of management of the dangers existing in the workplace.

It should also be pointed out that by the end of this year, most State occupational safety and health regulations will be preempted by the Federal law with respect to any hazards covered by Federal standards. Accordingly, most employers exempted from inspection by an amendment to the appropriation bill will be free of any meaningful legal restraints regarding the safety of their workers.

This consideration, in itself, militates most strongly against the adoption of any exemption amendment.

I am, of course, aware that during the 16 months that have elapsed since the effective date of the Occupational Safety and Health Act of 1970, its implementation has provided a constant source of complaints from those affected by the act. Employers have objected to what they consider to be unreasonable standards, the unavailability of adequate information, and overzealous enforcement

of requirements that have little relationship to health or safety. On the part of many employees and their representatives, there has been great concern that the Occupational Safety and Health Administration—OSHA—has been giving undue emphasis to relatively trivial violations, while failing to mount a truly effective effort against toxic substances and other serious hazards to health and safety which exist in many workplaces.

In order to assess these charges and complaints, the Subcommittee on Labor has begun a series of oversight hearings to inquire into the administration of this act. These hearings, which are being presided over by the distinguished Senator from Iowa (Mr. HUGHES), began by focusing on the problems which small businessmen have encountered under the act.

It is interesting to note that there has been very little support expressed for a small business exemption during our hearings. Most of the organizations appearing, including those whose memberships encompass many in the small business category, recognized that employees of businesses of every size are subject to on-the-job hazards and all are equally entitled to protection. It was also recognized that in some work situations such as construction, the presence of exempt and non-exempt employers would present a chaotic situation. As was emphasized by the Associated General Contractors, an organization having many members with less than 15 employees as well as many with more than 15:

> To exempt some firms without exempting others can create a confused and unsafe condition on every construction project. * * * Job experiences indicate that the small firm should not be considered a "second-class citizen" by way of the inspection exemption; such firms are in need of safety assistance—frequently more so than large firms.

Many of our witnesses, however, did strongly urge that various changes be made in the way the law is being administered. It is clear from our hearings thus far that the great majority of complaints asserted by business—particularly small business—relate to three or four major areas of concern.

A very basic problem is that the standards issued by the Secretary of Labor have been published in such fashion as to provide very little indication to an employer concerning just which requirements may be applicable to his own particular type of activity. This factor, together with the failure of OSHA's informational programs to reach many employers, has left a great number of businessmen in a state of confusion in which they quite naturally tend to fear the worst. As the National Small Business Association pointed out to us:

> The business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact. A businessman is probably unduly terrorized by the prospect of an OSHA inspection because he does not understand the OSHA laws.

OSHA has now advised us that it is preparing guides to the standards which will make it easier for a businessman to find the standards applicable to his workplace, as well as detailed subject indices to each of the areas covered by the standards. We will be looking very closely at this effort to make sure that it is fully responsive to the legitimate needs of those who are subject to the act's requirements. I think it quite clear that failure to provide, from the outset, adequate guidance to the standards and their application has been one of the chief shortcomings in OSHA's administration of this act, and is responsible for much of the adverse reaction that employers have had to it.

A related matter is that a number of the standards issued by OSHA have been widely regarded as having no real relationship to advancing the cause of safety or health, thereby putting employers to needless expense. We are inquiring into all such standards which have been called to our attention. I might point out that OSHA has now announced that it is revoking or modifying a number of these. These include—to cite a few instances which have been particular targets of criticism—the standard prohibiting ice in drinking water, as well as the standards relating to toilet facilities; the standards relating to the use of boom-angle indicators, load indicators, and weight-moment devices on cranes and derricks; and the inconsistent provisions relating to scaffolding which are now found in different sections of the standards.

In the area of enforcement, a great deal of resentment has stemmed from the fact that employers have received citations and penalties for violations that may not have been committed knowingly, and which in some cases may seem relatively inconsequential in terms of the real safety and health problems which exist in our Nation's workplaces. This has led many—in Congress and elsewhere—to suggest that the act be amended to provide that no employer be penalized on the first inspection. I frankly do not believe that this would be an appropriate course. As the National Safety Council has pointed out during our hearings, in expressing its support for retaining the provision for the so-called "first-instance" sanctions:

> The rationale behind this judgment is that such a provision will encourage compliance with the OSHA standards at a date sooner than would be the case if there were no "first-instance" sanction. The mere fact that there is such a provision encourages and motivates employers to allocate resources soon for whatever changes are deemed necessary for compliance before any OSHA inspection. To eliminate the "first-instance" provision may encourage some employers to procrastinate since no civil penalty would be applicable unless the employer failed to abate an alleged violation found in the course of an OSHA inspection.

In emphasizing that the elimination of all first-instance citations will encourage some employers to procrastinate in complying with applicable safety and health requirements, the National Safety Council has pointed to one of the basic reasons why so many State job safety programs have proven ineffective in the past, and why Congress concluded that it was necessary to adopt Federal legislation on this subject.

This, of course, does not mean that first-instance penalties should be imposed in every case, nor does the act require that penalties be assessed—at any time—for nonserious violations.

In this connection, I think if of great interest to note that in two recent decisions, the Occupational Safety and Health Review Commission—the agency provided by the act to hear appeals from OSHA citations and to make final decisions with respect to the assessment of penalties—has made it clear that in the case of nonserious violations it will not approve the type of small monetary penalties which many employers have come to regard as harassment and which the commission has concluded do not really serve to encourage compliance (*Secretary of Labor* v. *General Meat Co., Inc.*, docket No. 250; and *Secretary of Labor* v. *J. E. Chilton Millwork and Lumber Co., Inc.*, docket No. 123).

A further matter to which a great deal of comment was directed during our hearings was whether OSHA should make available a form of "consultative inspection," whereby employers could be given on-site advice regarding compliance without running the risk of citations and penalties for any violations discovered in the course of such visit by OSHA personnel. While such a program obviously has great appeal, it presents considerable practical problems. Bearing in mind that an estimated five million establishments are covered by the act, compliance would be severely jeopardized if every employer were able to feel immune from enforcement activity until after he had been given a consultative visit. However, we will be exploring with OSHA possible ways in which such a program could feasibly be conducted. I would point out that any efforts by OSHA, by other means, to make the standards more comprehensible to those employers who do not have expert assistance available should serve many of the same purposes as would be accomplished through on-site consultative inspections.

The foregoing items summarize the major concerns that small businessmen in particular have raised with us regarding the implementation of this act. There are, of course, other objections which have also been expressed to us, and the Labor Subcommittee is looking into all of them most carefully. I would add that recent decisions of the Review Commission, in addition to those already mentioned, appear to meet some of the other criticisms we have heard. Of particular interest, because they bear directly upon a problem raised with us by many employers, are two rulings that an employer is not subject to citation because an employee, unknown to the employer, violates a safety requirement which the employer has made every effort to enforce (*Secertary of Labor* v. *Standard Glass Co.*, docket No. 259, and *Secretary of Labor* v. *Clements Paper Co.*, docket No. 419). A further ruling of particular interest to those in the construction industry is a recent holding of the Review Commission that a prime contractor on a construction proj-

ect is not liable for a violation created by a subcontractor, when the prime contractor has not exposed his own employees to the violation (*Hodgson* v. *C. N. Harrison Construction Co.*, docket No. 413).

I would add that the Review Commission, which itself has been the subject of some criticism because of the complexities of certain of its procedural requirements, has just announced its intent to considerably simplify those procedures, which should result in making an appeal a less difficult matter than it may sometimes have seemed in the past.

While recognizing that some very real problems have been encountered with the manner in which this act has been administered, it should also be recognized that there have been a great many complaints and "horror stories" which have little or no basis in fact. I have previously cited the statement of the National Small Business Association, which pointed out that its study had shown:

That the business community has fallen victim to a great many rumors and scare-stories which appear to have little foundation in fact.

That association also told us that:

We could not find any substantiation for any of the many stories circulating about firms being forced out of business as a result of OSHA inspections.

In addition, the experience of many employers under the act flatly contradicts some of the more embellished criticisms that other employers have advanced. Particularly interesting in this regard is the statement of the American Pulpwood Association. This organization represents employers in an industry that is overwhelmingly composed of very small firms and which, as a "target industry," has received particular enforcement attention from OSHA. Its experience and attitude is most instructive, and I would like to quote at length from its statement:

During our 300 meetings with 8,000 loggers, there were virtually no complaints about the economic impact of the safety standards. In fact, time and again we heard comments to the effect that "these safety standards are just telling us to do what we should have already been doing."

We get reports about the conduct of OSHA compliance officers—and, with one exception, they have been reasonable and fair—even friendly. One employer said that, although he had to pay a penalty, he'd learned a lot of other things that needed doing—and he felt that the penalty had been cheap in comparison with the safety consulting service he'd received. I could give you several other stories like this.

How expensive has it been for small logging operators to get their logging operation into compliance? I can't give you exact figures. I do know that we haven't received any complaints about the cost of hard hats, guards, or other safety equipment and we certainly haven't heard of anyone going out of business because of the high cost of OSHA.

We haven't heard any adverse comments about the level of OSHA penalties assessed our members either. One logging operator who received a relatively high penalty ($600.00) in circumstances surrounding a fatality on his job said that the penalty was minor in comparison with the terrible cost of losing a valued employee.

The humane motivation for accident prevention is the major concern for all of us, but we also must assess the economic demands required to achieve humane goals. A major economic concern for small pulpwood logging operations is the high cost of Workmen's Compensation Insurance, currently in some states more than $20.00 per hundred dollars a payroll. If the leverage provided by the Occupational Safety and Health Act can improve the injury experience on these logging operations, the cost savings potential from reduction of Workmen's Compensation Insurance rates is far more important than the cost of compliance with OSHA.

In addition to the potential for reducing direct costs of injuries such as Workmen's Compensation and medical costs, there is a greater potential for savings through reduction of the indirect costs of injuries such as lost production, work interruption and damage to equipment which are always associated with high injury rates. These indirect costs can be four times higher than the direct costs. Accident control measures taken to reduce direct cost of injuries automatically reduce indirect costs.

The administration of this very important legislation is in its infancy. Yet already we are certain that it has had a constructive impact on this small business segment of our industry. More logging workers are wearing personal protective equipment than ever before, more safety practices are being followed, many of the more hazardous aspects of logging equipment manufacturers are improving the safety and health aspects of their machinery.

We agree that the economic impact of OSHA must be watched, analyzed, an reviewed to be certain that firms and small businesses are not injured. On the other hand, we are surprised to see so many bills proposed to exempt certain categories of small businesses from the Occupational Safety and Health Act. If this were to happen a real opportunity to improve logging safety will be lost. In the long run, these employers are certain to accrue material benefits from compliance with the Act as their cost from injuries decline.

This reflects a most constructive attitude on the part of small employers regarding the act and its impact, and I believe it should be given serious attention by all who are advocating exemption of small businesses.

I want to assure the Senate that while administrative action is being taken to meet many of the complaints advanced by businessmen, our committee will be continuing its inquiry into the extent to which the administrators of the act may still be imposing unnecessary burdens on employers and, in particular, will be making every effort to assure that adequate informational programs are carried out so that we may put an end to much of the confusion that has existed on the part of those subject to the act's requirements. At the same time, we will also be looking most carefully into just how effectively the research, standards-setting, and enforcement provisions of the act are being implemented in terms of meeting the very real and very urgent health and safety problems which Congress recognized to exist when it adopted this legislation.

TRADE AND EMPLOYMENT IN CALIFORNIA

Mr. CRANSTON. Mr. President, one frequently hears that America's unemployment problems are caused by cheap imports produced by low-paid laborers abroad. It is also said that U.S.-based multinational corporations compound the problem by investing abroad and then importing their products to supply domestic needs.

For some time I have been looking into these matters with an eye to the unemployment problem in both California and the Nation as a whole. A major piece of pending legislation, the Hartke-Burke bill, is now bringing these issues to the fore.

California has been particularly hard hit by job cutbacks. At the same time, the State is highly dependent on foreign trade. For example, California accounts for 9.3 percent of all U.S. manufacturing exports. Approximately 168,750 California jobs are directly or indirectly related to these exports. A further 89,437 jobs are similarly related to agricultural exports. Together the two categories total 12.79 percent of all jobs in the State which are related to agriculture and manufacturing.

There are no reliable estimates on corresponding import-related jobs. Employment in this area affects longshoremen, transportation workers, and employees of insurance companies, banks, retail an wholesale trade companies, and other service industries.

Given this setting, do the protectionist and restrictive provisions of the Hartke-Burke bill really ease California's employment problem?

To answer this question fully, I commissioned a professional study on the subject of trade and unemployment in California. Other studies of these subjects on the national level have also been brought to my attention. They all suggest that exports provide more jobs than imports remove.

Specifically, a 50-percent decrease in California exports, caused by foreign retaliation against new protectionist measures, would probably cut the number of export-related jobs in half, reducing employment in the State by appoximately 129,093 jobs. The associated reduction in imports would probably increase employment by only 107,800 jobs—but only at further cost to the American consumer. The net difference is a loss of 21,293 jobs. This figure certainly does not justify support for restrictive legislation which would be likely to knock holes in California's $6 billion trade business, and wipe out the jobs which depend on it.

On the national level, current unemployment problems have created the danger of a search-for-the-devil approach which seeks to blame unemployment on the wrong causes. The real enemies are not cheap imports and multinational corporation, but inflation and reduced U.S. competitiveness.

The Hartke-Burke bill hits hard at multinational corporations investing

overseas. Proponents of the bill say that these companies hurt domestic employment by relying on cheap labor abroad and then importing their products into the United States.

Actually, low-wage rates, are not significant factors in the majority of foreign investment decisions, nor is the desire to lead cutthroat forays into the American market. More decisive by far is the need to protect a company's position in a foreign market.

Foreign investment brings its own return. According to a study by the Emergency Committee for American Trade, foreign direct investment in the United States between 1965 and 1970 increased at approximately the same rate as U.S. investment abroad. In other words, the two-way flow of capital and technology benefits both sides. In fact, during the last decade the domestic operations of American companies investing abroad have grown at a faster rate than the domestic economy as a whole. To punish these companies would amount to convicting the wrong suspects. It goes without saying, of course, that the international community should take steps to insure that direct foreign investment neither diminishes competition nor creates private obstacles to trade.

In my opinion, the Hartke-Burke bill would freeze present economic distortions into long-range reality. It would do so largely at the expense of the American consumers.

Consumers are already paying artifically high prices for foreign-made goods. Existing industrial tariffs average 7 to 8 percent. Oil quotas alone raise prices by 60 percent. Such items as textiles and watches already cost the buyer extra money. According to the economist C. Fred Bergsten, existing quotas and so-called voluntary restraints make up 15 to 20 percent of the entire Consumer Price Index.

The average American family already pays between $200 and $300 a year as a hidden subsidy for trade restrictions. These barriers—quotas, tariffs, "voluntary" restraints, and discriminatory customs and entry procedures—take money from the consumer's pocket but fail to solve our unemployment problem.

It goes without saying that those hit hardest by these restrictions are low-income families. They are both most sensitive to small price hikes and most likely to buy the low-priced items against which the proposed trade restrictions focus their attack.

Although I oppose across-the-board restrictions, I am deeply interested in easing the severe plight of specific industries which are particularly hard hit by import competition. One important step has already been taken. The recent devaluation of the dollar makes our exports cheaper and our imports more expensive. Although the effect of this measure will take some time to work itself out through the whole economy, it should eventually add over half a million jobs.

If protectionist legislation is not the answer, we must find another way to ease the troubles of specific industries and workers hurt by import competition. Under the Trade Expansion Act of 1962, some provision was made for adjustment assistance, but present qualifications are too stringent.

In March of this year I introduced S. 3311, the Public Service Employment Act of 1972. This bill would provide public service employment opportunities and assist State and local communities in providing needed public services. It would authorize funds for more than 1.15 million jobs. Actually, the total number of future jobs would greatly exceed this figure. Because of the so-called multiplier effect, 1.15 million new jobs would breed many more new jobs, and initial expansion would lead to further growth.

In areas of especially high unemployment, S. 3311 would make funds available for a new special employment and economic development program aimed at promoting economic self-sufficiency. Special preference would be given to Vietnam veterans. In addition, the bill requires that unemployed aerospace workers, welfare recipients, older persons, migrants, and those of limited English-speaking ability be given a fair share of vailable jobs.

A bill introduced this June by Senator ABRAHAM RIBICOFF of Connecticut is both a natural companion to S. 3311 and an excellent alternative to the Hartke-Burke bill. I strongly support the basic thrust of Senator RIBICOFF's bill.

The Ribicoff bill, S. 3739, would offer incentives to industries about to relocate to stay where they are. It would create an Economic Adjustment Administration within the Commerce Department which would liberalize, expand, and coordinate existing adjustment programs. It provides for an early warning system in the form of an Economic Priorities Advisory Council to identify problems before they reach crisis proportions. It would help to ease the conversion from a wartime to a post-Vietnam economy.

Unlike the Hartke-Burke bill, S. 3739 does not modify existing import laws. It does not set restrictive import quotas and so avoids the possibility of foreign retaliation. It would not raise the prices of imports for consumers. Nor would it punish American companies doing business abroad; it would, however, seek to prevent American companies from relocating abroad by making them pay one-half of the costs of various forms of assistance for their displaced workers.

The Ribicoff bill would also help companies remain competitive by lending technical aid, research and development funds, and low-cost loans in order to help them remain competitive. It would simplify and liberalize the injury test for adjustment assistance and take account of changes in Government procurement patterns, such as in the aerospace and defense industries. Needless to say, the provisions of this bill would be enormously helpful in California.

Early passage of both S. 3311 and S. 3739 would be of vast benefit. I see absolutely no reason why we should accept a national unemployment figure of 6 percent, or 5 percent, or even 4 percent. Comparable figures for France and West Germany in 1970, for example, were 2.2 and 0.6 percent respectively. Why should we tolerate a situation in which literally millions of people are unable to find work?

I advocate planned and gradual steps toward expanding our trade flow. But in a worldwide and long-range sense, the task of promoting trade while cushioning disruptions is too great for one nation alone. Maximizing the benefits of trade depends on sustained international coordination. Responsibility for swelling the trade flow must be redistributed to match the postwar diffusion of economic power. Because of the global nature of our trading network, I believe that we must pay less attention to bilateral imbalances and more to forging multilateral remedies for adjustment problems.

Mr. President, tables have been prepared which document the importance of exports to California. I ask unanimous consent that they be printed in the RECORD.

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

TABLE I.—CALIFORNIA MANUFACTURING EXPORTS

[Dollars in millions]

Year	Value of exports of manufacturing industries [1]	Percent change (annual rate)	Percent of U.S. total manufacturing exports
1960	$1,386.2		9.5
1963	1,555.2	3.9	9.4
1966	1,785.8	4.7	8.4
1969	2,720.6	15.1	9.3

[1] Excludes services, transportations, agriculture, and mining.

Source: U.S. Department of Commerce, Bureau of the Census, Survey of the Origin of Exports by Manufacturing Establishments, 1969

TABLE II.—CALIFORNIA MANUFACTURING EXPORTS, BY SELECTED INDUSTRIES

[In millions of dollars]

Industry	1960	1963	1966
Food and kindred products	164.8	206.2	223.7
Textile mill products	2.6	2.6	4.2
Apparel and related products	5.3	5.9	9.2
Lumber and wood products	15.2	16.3	22.2
Furniture and fixtures	2.4	2.1	2.9
Paper and allied products	5.5	6.3	10.9
Printing and publishing	5.0	6.3	8.4
Chemicals and allied products	75.2	68.7	95.2
Petroleum and coal products	82.6	75.0	63.8
Rubber and plastic products	10.0	12.3	24.0
Leather and leather products	1.0	1.1	0.8
Stone, clay, and glass products	8.5	9.3	9.3
Primary metal industries	43.4	29.8	43.4
Fabricated metal products	28.9	37.5	71.7
Machinery, except electrical	101.4	113.0	226.7
Electrical machinery	59.3	113.9	190.2
Instruments and related products	42.5	64.0	52.1
Transportation equipment	518.8	536.6	475.5
Other	161.5	187.3	251.2

Source: U.S. Department of Commerce, Bureau of the Census, Survey of the Origin of Exports by Manufacturing Establishments, 1969.

TABLE III.—CALIFORNIA AGRICULTURAL EXPORTS

[In millions of dollars]

Year	Exports of agricultural commodities	Percent of U.S. agricultural exports	Selected commodities				
			Fruits	Vegetables	Nuts	Cotton	Rice
1960	392.1	8.7					
1966	415.2	6.2					
1968	413.3	6.5					
1970	555.6	8.4	194.8	58.5	53.2	46.1	75.4

Source: U.S. Department of Agriculture, Foreign Agricultural Trade of the United States.

TABLE IV.—CALIFORNIA JOBS RELATED TO EXPORTS

Year 1969	Total jobs	Jobs directly related to exports	Jobs indirectly related to exports [1]	Total export related jobs	Percent of export related jobs
Manufacturing	1,700,000	75,000	93,750	168,750	9.92
Agriculture	318,000	[2] 39,750	49,687	89,437	28.12
Total	2,018,000	114,750	143,437	258,187	12.79

[1] Based on Department of Labor estimates of 1¼ jobs in indirectly related industries per every directly related job.
[2] Based on value of California exports.

Source: U.S. Department of Commerce, Bureau of the Census, Survey of the Origin of Exports by Manufacturing Establishments, 1969. U.S. Department of Agriculture, Foreign Agricultural Trade of the United States.

TABLE V.—*California employment directing related to manufacturing exports, by selected industries, 1969*

	Number of jobs
Food and kindred products	3,900
Textile mill products	100–249
Apparel and related products	250–500
Lumber and wood products	1,000–2,500
Furniture and fixtures	100–249
Paper and allied products	250–500
Printing and publishing	250–500
Chemicals and allied products	2,400
Petroleum and coal products	600
Rubber and plastic products	800
Leather and leather products	25–50
Stone, clay, and glass products	400
Primary metal industries	2,100
Fabricated metal products	2,300
Machinery, except electrical	12,000
Electrical machinery	13,500
Instruments and related products	3,000
Transportation equipment	1,250–1,500
Other	2,500–5,000

Source: U.S. Department of Commerce, Bureau of the Census, *Survey of the Origin of Exports by Manufacturing Establishments, 1969.*

MARTIN AGRONSKY

Mr. RIBICOFF. Mr. President, Martin Agronsky is one of the Nation's best television newsmen and commentators. I have known Mr. Agronsky for many years as a friend and have admired and respected him for his work. Today in the Washington Star-News Gwen Dobson writes an article based on an interview with Mr. Agronsky. The article is most interesting.

I ask unanimous consent that the interview be printed in the RECORD.

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

[From the Washington Star-News, Sept. 15, 1972]

LUNCHEON WITH MARTIN AGRONSKY

(By Gwen Dobson)

Mention his name and you get an immediate response.

It will be negative or positive. There is nothing gray about Martin Agronsky except a little hair and a lot of matter.

He keeps some of the best company in town, at least some of the most stimulating and their Saturday evening "bull session" on television is adrenalin to any debate-loving Washingtonian.

And breathes there a Washingtonian who doesn't stand at some given point from which to debate.

There sits Martin Agronsky right smack in the middle of four top-flight reporters taking swipes from the left and the right. And it's quite believable if you notice the chin, that Martin will handle it all. He won't even let them get dull or bogged down into any one line. Deftly or sharply he'll bring them up to scratch.

And once again the viewer will wish he could dive through the tube and join them.

It's an "atta boy, go-get-em" kind of show and there's somebody for everybody . . . Peter Lisagor, James Jackson Kilpatrick, Carl Rowan and Hugh Sidey, plus occasional fill-ins.

Martin Agronsky isn't going to enjoy the emphasis on "Agronsky and Company" because he's most earnest about his real work-a-day job, his five-nights-a-week show, "Evening Edition," which appears at 10 o'clock on WETA-Channel 26.

That's his baby and he's proud of it and prouder still of the guests he's been able to snag for the 30-minute show, but we'll get back to that.

Agronsky doesn't think of himself as a television personality or even as a radio man, which he was for some years. He thinks of himself first and foremost as a journalist. That is the profession he respects and it is journalism's principles that he adheres to in all of his work.

Looking at him and listening to him, it's hard to believe he was born in Atlantic City, N.J. In fact, he thinks he might be "the only living American born in Atlantic City."

He remembers watching the Mafia move into the resort city; he especially remembers watching "Carnation Charlie" drive into town in his big shiny Pierce Arrow and he recollects what a beautiful car it was.

"I went to school with a girl who was the sister of Charlie's mistress. Of course, I also went to school with the police chief's son.

"And I remember when the law started cracking down on the Mafia by going after them for tax evasion. There was a guy in Atlantic City who owned a whorehouse. They started checking his laundry and counting the number of towels and sure enough they caught him." Agronsky's father, who was a furrier in Atlantic City, came from Russia in 1902. He had been a social democrat and at the time of his departure he had several choices . . . the Army, Siberia or emigration.

"My father was one of five brothers. The youngest one, the one who was my romantic hero, I guess, was a writer. He was also a dedicated Zionist. He founded a Jewish legion in World War I and joined the British Army to fight against the Turks for the conquest of Jerusalem.

"He wrote for the London Times and the Manchester Guardian and when Jerusalem was freed, he organized the first English paper there, The Jerusalem Post (now Palestine Post) which is still very successful."

Meanwhile, Martin was growing up, going to school, working as a busboy in Ventnor, N.J. and finally going to Rutgers where he studied political science and journalism.

During college he worked as a waiter and dishwasher in his fraternity house.

"Kids today wouldn't believe how tough it was . . . but we were different. Those were hard years and a kid had to learn how to make a buck."

When college ended, his uncle took him on the paper for training. "He gave me my first job in journalism . . . and he gave me hell and he gave me all the work there was to do.

"But it was a wonderful opportunity. My uncle was in a very strategic position and through his house passed all the important writers of the day. John Gunther, Vince Sheehan, Arthur Kessler, Bob Considine . . . I met them all.

"At the end of a year, my uncle said, 'There is nowhere here for you to go . . . you have learned your trade . . . now go make a living'."

He went to Paris; he free-lanced; he did research. He got a job with the International News Service (INS) writing leads on wire stories and doing the night's digest because "my French was good."

It was 1937 and Agronsky wanted to go to Spain, but INS said no, so he went anyhow. The London Times used some of his stuff, particularly on the concentration camps for Spanish refugees. That encouraged him to go to London.

"I was in London when the war broke out, writing on space rate for the New York Times and I stood in pretty good with the bureau chief so I thought this might be my break. Well, he had a family and he wanted out, so he went back to New York.

"A new guy came in who, incidently, had gone to Rutgers, too. The first words he said to me were, 'Don't give me any of that schoolboy stuff.

" 'There's no job for you here. We're bringing people over.' It was the most dreadful experience of my life.

"I had heard that there was a new Paris chief and so I gambled and went to Geneva.

I was there during the last days of the League of Nations and then in January of 1940 an NBC chief called and asked me to do some broadcasts for them. I had never done any radio before, but they paid me $50 a broadcast. I couldn't believe it.

"Then in April of that year, a call came from Paris that the New York Times would take me as its Geneva man. Mean while, NBC called and wanted me to go to the Balkans. I was at a real crossroad. What really clinched my going with NBC was the traveling."

Agronsky admits times were tough and there were setbacks, "but I was never scared. One way or another, I knew I'd make it . . . that's the wonderful arrogance of youth."

From the Balkans, Agronsky eventually worked his way to the Pacific as a war correspondent for NBC. And that's where he met his wife. "She was a nurse, one of the first to leave the United States. When I met her at a press conference, she didn't even have her uniform yet."

She died of cancer four years ago, and it is very obviously a painful recollection for Martin Agronsky.

There are four children from that marriage. They are Marcia, 27, who was recently married and lives in San Antonio; Jonathan, 25, who went to St. Alban's and Dartmouth and "is interested in film-making;" David, 24, who works on Capitol Hill and Julie, 22, a registered nurse.

Several years ago, Martin Agronsky went out to Chicago for one of his numerous lectures and met his current wife, Sharon. "I don't know how or why, but there was that gorgeous girl at the lecture.

"We were introduced; we had a drink together, and I liked her. Can you imagine, she from Muscateen, Iowa and not only did I get a bride but the world's greatest Japanese gardener. You should see what she's done at our house." They live in the Tilden Street house Agronsky built 21 years ago.

Currently, most of Martin's work week is spent preparing for his nightly show, which is timed to the current issue or news story of the day. He also does some documentary work.

"I am very proud of our show, 'Evening Edition.' I am proud of our list of guests. I'd put them up against the 'Today Show.'

"Mechanically, though, it's a very difficult show to do and there's no dough for publicity.

"But we have a first-class staff and we do a responsible and useful job. I am a great afficionado of the Supreme Court and I think one of the proudest moments of my career was the interview with Justice Hugo Black.

"It took three or four years of persuasion but he finally agreed. I consider it my greatest coup and I think it will matter 100 years from now."

Now, about the other show, "Agronsky and Company." The moderator says, "There is an honesty to the program. People know we're not pulling any punches. It's a bull session on the air and you know you can't organize a bull session. It's fun. It's free-wheeling and everybody gets their cracks in at one another.

"I understand it is the highest rated public affairs show in Washington. Last month it was eighth in the ratings, I hear that's great. They are trying to syndicate it now.

"That show is a funny thing. It had no promotion, no advertising. It was a sleeper. It sneaked along and all of a sudden it took off.

"Usually on Monday or Tuesday I get together with the producer and we decide on the topic. Then I call the fellows and tell them to be ready to talk on such and such. That's the beauty of the show. We let it go. We let it happen."

Of his personal and professional philosophies, Martin Agronsky is just as candid.

"Fair, is what you try to be. But you do have a job to do . . . you have to ask the tough question. You have to ask yourself, if it hurts and cuts, is it going anywhere? Sometimes it's distasteful, but a responsible journalist has a reason for doing it."

On the other hand, he feels columnist Jack Anderson performed a journalistic service by printing the Pentagon Papers, "but I feel he debased the currency of the Pulitzer Prize with that Eagleton stuff. It was irresponsible and ugly. I would have checked it first. Until you can prove it, you can't touch it."

Agronsky believes that the best part of the American tradition is muck-raking. "It is important that we know, but before you do it, you have to decide how much good will come from it and how much bad."

On a personal plane, Martin says he was a "premature anti-Vietnam War type. I think the whole thing was an initial misjudgment that has been compounded by President after President, beginning with Kennedy.

"The one big mistake people make is equating criticism of the war with lack of patriotism. It has put our system in jeopardy."

Martin Agronsky enjoys golf and small dinner parties, "where all too often we have guests with the same vice . . . we all talk politics. Washington journalists are too inbred: we talk to much shop. You can tell how we stick together by how fast stories get around. It is almost incestuous.

"We keep saying Washington isn't the United States . . . we say it but we don't really think it's so. People on the outside resent this. They say 'you may be on the inside, but you don't really know what's going on.'

"The other great threat to a Washington journalist is that you do mix with the establishment. You become absorbed into it. You have access to the power . . . and you must fight to obtain your objectivity."

CONNECTICUT HISTORIC RIVERWAY

Mr. RIBICOFF. Mr. President, for decades, the National Geographic magazine has been a window on the world for millions of Americans. The September issue examines a subject of particular interest to me—the past and future of the Connecticut River Valley.

Ever since I came to the Senate, one of my prime concerns has been the preservation of this beautiful valley. Thanks to the efforts of the distinguished Senator from Nevada (Mr. BIBLE), the Senate has twice approved my proposal to create a Connecticut Historic Riverway in the southernmost stretches of the river. Unfortunately, the House has yet to approve this important legislation. I am hopeful that with articles such as this, public and congressional support for preserving the river valley will continue to grow and the historic riverway will become a reality.

I ask unanimous consent that Charles McCarry's article entitled "Yesterday Lingers Along the Connecticut" be printed in the RECORD.

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

YESTERDAY LINGERS ALONG THE CONNECTICUT

(By Charles McCarry)

Deep in time, dinosaurs browsed where the river now flows, leaving tracks preserved in rock like hands on the clock of life. Hands that sweep forward through eons to Indian, explorer, and our own history. Scholars and witches, tycoons and evangelists, gunmakers and gentle poets have abounded in its valley—and, except for the witches, abound there still.

I speak of the Connecticut, "the long tidal river" that flows 410 miles from the Canadian border to Long Island Sound, forming the boundary between New Hampshire and Vermont, then winding across Massachusetts and Connecticut (map, page 338). In canoe and car and on foot, in every season, I have followed this river. I have traced it from above the lonely Connecticut Lakes of New Hampshire, where it trickles into the swampy Fourth Lake in a rivulet no larger than a child's wrist, to its majestic estuary, where salty Atlantic tides pulse out of the Sound against the flow of the stream.

The North American Continent offers no lovelier journey—and none that more vividly express the grim conflict between God's work and man's.

THE WAY THE WORLD SHOULD BE

In its northernmost reaches, the Connecticut flows through forest and meadows, filling lake after upland lake with sweet water. Shielded by steep wooded banks from mill and highway and hamburger stand, the modern voyager retains the illusion that he has stepped back into the wilderness. Like my 8-year-old son John, he can trail a hand over the side of a canoe, look upward at a cloud of migrating birds, and cry, "I wish the whole world was just like this."

On an evening in September, sitting on the shores of the Third Connecticut Lake with John and his brother Caleb, age 10, I could look back on a happy day.

A little after noon, as we trudged through woods that trembled on the verge of autumn, we had come upon a tall man dressed in the loose bib overalls and toil-stained fedora of the Yankee farmer. To a question from one of the boys he replied, "I'm trying to figure where the deer will be when the season opens." He poked a blunt finger into a cloven footprint, showing his spellbound young listeners how to tell it was a buck's track by the trailing mark made by the tip of the hoof.

"Venison's still the best eating there is," he'd said with a grin. "You come back when it's legal and I'll give you some—bet you'll think it tastes better than the beef your momma cooks. Why? Because it tastes natural . . . not much of anything does anymore."

Earlier, the children had seen their first eagle, coasting downward in its hunt, and Caleb glimpsed a beaver that was too quick for my middle-aged eyes. Now, on the wind that blew down from Canada, we could smell the North—that hint of snow and tundra and wild flowers that stirs the blood of blond, blue-eyed types like us.

The pristine quality of the river's northern reaches does not last long. In its middle stretches, great mills suck up the water and give it back dyed green or copper—the color of money. Famous colleges shelter the restless young—Dartmouth in New Hampshire; Smith, Mount Holyoke, Amherst, and the University of Massachusetts (rising from the river plain like some Yankee Brasília) in Massachusetts; Trinity and Wesleyan in Connecticut.

The lower reaches of the river are nearly as wild as the upper. Here its marshlands and salt flats hold the soup of life, where unnumbered species spawn and feed. Here, even at the height of day, when the 20th-century American elsewhere hears the clangor of his changing country, there is no louder sound than birdsong or the wind. These were the harmonies heard by the first humans to know the Connecticut, and the Indians matched the poetry of nature when they called the river "the smile of God."

LADDER OF DAMS, DUMPINGS OF MAN

Along much of the river today the racket of human industry threatens to drown the music of nature. Only miles from its source,

the Connecticut is captured by the first of 17 dams; the dynamos within many of these structures make the electricity that helps to light New England. Soon afterward the farms, factories, and towns begin. Countless pipes and ditches discharge human ordure and the acrid wastes of industry into the water.

Sidney DuPont, a master at Becket Academy in Connecticut, who has led expeditions of his boys from the river's source to its mouth, put it well when he told me, "You drink the water from cupped hands—and then, a few miles downstream, curse the fool in your canoe who splashes you with his paddle."

DuPont has his own rule of thumb for travel on the river: Where there are trout, you can drink; where there are smallmouth bass, you can swim; where there are carp, you can canoe. Where there are no fish, portage.

All the fish DuPont mentions live happily in the Connecticut, along with some forty other species. But the sturgeon has been gone since the late 18th century, and the salmon (so plentiful in colonial times that laws prohibited it being fed too often to indentured servants) no longer runs up the river. Its path to cold-water spawning grounds was blocked by dams as early as the 1790's, and with its homing instinct frustrated, the old salmon population soon died out.

Against the day when dams along the lower half of the river will provide swimways for migrating fish, many thousands of young salmon are introduced into its waters each year by the fish and game departments of its various states. Atlantic salmon go to sea and return to breed only at three to five years of age. If their brief experience in the Connecticut proves enough to trigger the mysterious memory process that causes them to return to their home stream to spawn, these noble fish may come back. Provided, of course, that they escape the commercial trawlers at sea.

POWER PLANT CHANGES FISH HABITS

Besides the dams, man-made changes in water temperature are affecting riverine life. Heated water from the steam generators of the Connecticut Yankee nuclear-power station at Haddam Neck has been discharged into the river for five years, raising surface temperatures by ten degrees or more. The Essex Marine Laboratory is now completing a 1.5-million-dollar research project to determine the effects of this water on fish.

Barton C. Marcy, Jr., a fisheries biologist at the marine lab, is cautiously optimistic about scientific findings to date. "There's been no major disaster for the fish," he told me, "but we've noted some subtle long-term effects."

Thousands of white catfish and brown bullheads no longer winter in the bottom mud, as they have always done, but instead "lie like cordwood" in the unnaturally warm water. The fish feed more than they normally do, but show signs of emaciation; the effect on their spawning habits is still not known.

The most famous of the Connecticut fish, the American shad, still frequents the river. In colonial times it was salted and shipped in hogsheads to Europe as one of the Connecticut's major products. Commercial shad fishermen continue to operate in the estuary, and sport fishermen often pull five- and six-pounders out of the river.

Like salmon, shad live in the Atlantic but spawn in fresh water. Each spring hundreds of thousands enter the Connecticut. They start spawning about 30 miles upstream, but many swim onward, ascending the Enfield Dam by means of its sluiceway, and being lifted over Holyoke Dam by an elevator.

The thermal barrier at Haddam Neck, extending almost across the river, is a potential hazard for young shad headed downstream in late summer; the fish cannot survive temperatures above 90° F., now often exceeded.

"But all of them," Bart Marcy told me, with a hint of pride in the creatures he is studying, "find a cool corridor under or around the effluent." The immature shad by the thousands also pass right through the power turbines at Holyoke Dam on their way to the sea.

RIVER GAINS SOME NEW ALLIES

Despite the dams and the pollution, the river is so hospitable to life, and so strong in its power to cleanse itself, that scores of species—fish and invertebrates and microorganisms—flourish in its depths. No complete inventory of riverine life has even been made, so recent is man's interest in the life systems of his planet. But according to Bart Marcy, the lower reaches of the river sometimes are so glutted with alewife, blueback herring, and young menhaden that "a strong man can't lift a seine out of the water."

The river, long regarded primarily as a source of waterpower and a handy place to dump the wastes of progress, has lately won some human allies. In the early 1950's a group of Connecticut Valley businessmen and conservationists formed the Connecticut River Watershed Council. Their idea was to clean up the river, preserve its forests and wetlands, restore its wildlife. With a good deal of help—the federal and state governments together pay 80 percent or more of the cost of local sewage-treatment improvements—these men have seen the beginning of a new attitude toward the Connecticut.

Christopher Percy, the council's executive director, told me, "Between 1955 and 1965, more than 75 sewage-treatment plants were built in the valley. Some towns and mills still dump raw wastes into the Connecticut, but, what with new laws and new public concern, industry has made significant strides. The river is 30 percent cleaner in Connecticut today than it was six years ago."

By 1974, if all projects for the control of pollution are successful, much of the river from the northern border of Massachusetts to the Sound will be clean enough for swimming—not only for people, but for all kinds of fish. In Vermont and New Hampshire, the target date is 1976.

In a sense, the pollution of the Connecticut has saved it from an even worse fate than the one it has suffered. Because the river is noisome in places (and because much of it has until recently been all but inaccessible by highway), its banks have kept much of their natural beauty. Little of the honky-tonk has marred their appearance.

Nature itself guaranteed the scenic future of the river. A great sandbar lying across its mouth prevented deep-draft ships from entering, and any large port city from growing up. On the peaceful banks of its lower reaches saltwater villages—Essex, Haddam, Old Lyme, Old Saybrook—recall in their graceful streets and boatyards the seafaring past of the region. Around them lie salt marshes and other wetlands, hatcheries of fish and refuges of birds and aquatic animals.

Connecticut's Senator Abraham Ribicoff, former Secretary of Health, Education, and Welfare, has introduced legislation to preserve the valley. His bill to create the first part of a projected three-unit Connecticut Historic Riverway has twice passed the Senate, but has not been acted on in the House of Representatives. This initial legislation would halt further development of 23,500 acres of land on both banks of the river between Old Saybrook and East Haddam, Connecticut. The other units would be in the Mount Holyoke region of Massachusetts and in northern Vermont and New Hampshire, not far from the river's source.

"I want to clean up this great river and preserve its valley for the enjoyment of future generations," Senator Ribicoff told me. "I love the Connecticut, not only for what it is, but for what we learn about America from it. We must save what is beautiful while there is still time."

PIONEERS BOTH FRUGAL AND HARDY

Christopher Percy estimates that the clean-up of the Connecticut will cost as much as 300 million dollars more. Many think the result will be worth every penny.

This freehanded mood in the valley might puzzle the ghosts of the first settlers, who put down roots along the river almost 350 years ago. For one thing, those pioneer Puritans were a parsimonious lot; in Northampton, Massachusetts, they still like to tell of the 18th-century farmer who stopped his clock when he went into the fields, "so it would last longer." For another, the story of the early settlements is one of almost unrelieved struggle to subdue nature.

"Nature's pretty noticeable around here," said a Massachusetts farmer I chatted with one day. "It's Africa in the summer and the North Pole in the winter—and you've always got one eye on the river in springtime for fear it might wash you down to Long Island. But as long as things grow, we'll be here."

From the beginning, the settlers attacked nature with ingenuity and pious certitude. "God sifted a whole nation that He might send choice grain into the wilderness," thundered an early preacher in Hadley, Massachusetts. Considerable sifting had been accomplished long before the human race made its appearance.

Volcano and ice, rushing water, and the brilliant sun changed the landscape and the climate many times over the eons. The valley has been a field of ice, a chain of lakes, and even earlier a hospitalable swamp where dinosaurs grazed on water plants, leaving their huge three-toed tracks in wet muck that has since hardened into the stony shoulders of the river near Holyoke, Massachusetts.

Finally, it became what it was when Europeans first saw it in the 1600's, and what it remains—one of the most productive farm valleys east of Iowa, and one of the likeliest places in the world to build a mill. From its source to its mouth, the Connecticut drops 2,650 feet, providing abundant waterpower.

The early settlers made their way from the coast through a dense forest that one young emigrant, fearful of Indians and wild beasts, called "a boundless contiguity of shade." They were dazzled by the broad meadows that lay along the river, waiting for the plow. The early comers dotted the land with houses and barns; their descendants have spread acres of suburbs around factory towns that make prodigal use of the river's waters.

Still, the land is kind. Its fertility is renewed now and again by the river's flooding. But a farmer has no guarantee that the land he tills will be planted by his grandson; where the river turns sharply in its great meanders, it transfers soil steadily from one bank to another, so that a cornfield that was in Hadley a hundred years ago may well be across the river in Northampton today.

MACHINES RAISE OUTPUT OF VALLEY FARMS

Despite another, more serious loss of land—to developers—the valley produces almost as much as it did in the heyday of agriculture. Walter Melnick, agricultural agent for Hampshire County in Massachusetts, told me: "The valley grows about 200 million pounds of potatoes annually. Thirty years ago, on nearly four times as much acreage, it produced 300 million pounds. The story is the same for all the other crops that earn millions of dollars each year for the valley's farmers—sweet corn and tomatoes, lettuce and onions, hay and asparagus."

One or two men with modern machinery can raise as much today as a battalion of brothers and cousins could coax from the soil in former times. The land and the machine, long twin features and often opposing forces in the valley, have happily married.

The crop that still depends almost wholly on the human hand is tobacco—the most important one in the valley and, ironically, the one that supports many a factory. The heart of New England seems an odd place for this southern plant to flourish, but many of America's famous cigars are wrapped in prime shade-grown Connecticut Valley tobacco leaf.

Tobacco has been grown in the valley since Indian days. Today it 's the premier cash crop, producing $24,000,000 a year in Connecticut alone. It earns more money per acre than any other crop grown in the U.S.

From mid-Connecticut to northern Massachusetts, huge fields of tobacco grow under gauzy tents that shield the delicate leaves from the sun (page 353). In the late 19th century the Dutch all but drove American wrapper leaf off the market with imports from Sumatra, where the hot sun, filtered through a constantly cloudy sky, produced a stretchy, aromatic leaf of exceptional quality. Ingenious Yankees reasoned that tobacco grown under tents to shield it from the valley's fierce summer sun might be just as good as that grown in the Dutch East Indies. The experiment was first tried in 1900. After several years of false starts, it succeeded with Cuban seed. The valley has been marketing quality cigar wrappers ever since.

Tobacco is a romantic crop, but a difficult one. Lorenzo D. Lambson, whose family has been growing it near Sodom Mountain in Southwick, Massachusetts, for more than a hundred years, told me the secret of the valley's fine tobacco: "Our soil is pure—eight to ten inches of loam on top of a thin layer of subsoil, and below that sand and gravel. A lot of places have tried to grow shade tobacco, but most can't do it—we've got the soil."

On Lambson's 33 acres in tobacco, every plant is set in the ground, hoed, tied, twisted, and finally picked by human hands—up to a hundred pairs at harvesttime.

Lambson showed me a well-cured hand of tobacco—a bunch of uniform-size leaves tied together. He stretched a leaf, setting off its fine vein structure and flawless brown skin.

"That's what a leaf should be," he said. "You can only get that kind of leaf by using your hands—all the way."

I had to confess (though I am allergic to tobacco and immediately had a paroxysm of sneezing) that I had never seen, or smelled, a more beautiful product of the soil.

Lambson's handiwork pays off. He produces 1,600 pounds of tobacco per acre, and he sells it for 50 cents to $7.50 a pound.

Lorenzo Lambson is one of the few independent tobacco farmers in the valley; much of the growing has been taken over by the big tobacco companies. About 80 percent of Connecticut leaf goes for sorting and grading to Puerto Rico and the Dominican Republic, where labor costs are much lower. Cigar makers also draw wrappers from other, cheaper sources. This and other factors have reduced tobacco acreage in the valley from 28,000 in the late 1940's to 6,300 today.

"Tobacco will survive in the valley, but not at anything like historic levels," Dr. Gordon S. Taylor told me. He heads the Connecticut Agricultural Experiment Station at Windsor, and is widely regarded as knowing more about valley tobacco than anyone else.

All their research, he confesses, has not disclosed why dead cigars and old cigar smoke smell so bad. "I sort of hoped at one point that we could please the ladies by eliminating smelly draperies and stinking ashtrays," he smiled. "But we never did find out why a cigar, which is so satisfying to a man, has to be so annoying to his wife."

DUTCH TELL ENGLISH OF CONNECTICUT

Long before Connecticut matched the Dutch in growing tobacco, the first explorer arrived in the person of Dutch mariner Adriaen Block (Rhode Island's Block Island is named for him). In 1614 he sailed his 50-foot ship *Onrust* (in English, *Unrest* or *Restless*) over the great sandbar and upriver to the Enfield Rapids, about 60 miles from the Sound. He traded with the Sequin and Nawaa Indians, and then hoisted sail for home to give news of his discovery to the Amsterdam Trading Company.

What the Dutch thereafter called New Netherlands was already on English maps as New England. Capt. John Smith, at about the same time, had sailed along Cape Cod, and in the name of James I laid claim to what he guessed must lie beyond it.

The Dutch were mainly interested in trade, the English in colonialization. With commendable generosity, the Dutch told the English at Plymouth Colony of the fertile lands to the west. The Puritan fathers dourly responded that Dutchmen had better trespass with caution, if at all, on lands that belonged to the English Crown.

The Indians, long established on the Connecticut, not unnaturally regarded the valley as their own. There were many tribes along the river, living uneasily with one another. Among them were some very naive diplomatists. In the early 1630's, several bands of valley Indians—Podunks and perhaps Mahicans, whom James Fenimore Cooper apostrophized as the noblest of red men, the Mohicans—visited the Massachusetts colonies and invited the land-hungry settlers to help them expel the ferocious Pequots.

At first the English declined these offers of alliance, but their curiosity about the Connecticut lands was further stirred. On September 26, 1633, a small ship carrying a band of settlers from the Massachusetts colonies sailed upriver past a sign claiming the Connecticut for the Netherlands, as well as a Dutch fort that hailed the intruding ship but failed to fire its two cannon. The colonists went ashore at a spot that is now Windsor, Connecticut, where they built a palisade.

The English, of course, outlasted everyone. They soon founded two more colonies, at Hartford and Wethersfield. After the harsh climate and the rocky soil of the Massachusetts coast, they rightly believed that they had come to a comparative paradise. To their Puritanical souls, paradise was obviously a theocracy, and this they established, under the leadership of the Reverend Thomas Hooker, in 1639. They described their purpose as "to maintain and preserve the liberty and purity of the Gospel . . . and also of the churches."

Valley theocrats later promulgated laws specifying the death penalty for 15 separate offenses. One provided for execution of disobedient sons who were "stubborn and rebellious and will not obey their [parents'] voice and chastisement."

In the 1680's the witch-hunting divine, Cotton Mather, accused Mary Webster of Hadley of murder by sorcery. Witch Webster was hanged unsuccessfully by "brisk lads" of the town, then left in the snow to freeze. She nevertheless survived 11 years to a natural death. Her "victim," a farmer named Philip Smith, had died from what Mather described as being made "very valetudinarious."

INDIANS MASSACRED VALLEY NEWCOMERS

The cross and the rifle played equal parts in the settlement of the valley. The Massachusetts farms and towns, particularly, were subject to sudden and violent Indian attacks for more than a century. Not only resentful local tribes contested the settlers, but also hostile bands from upriver and Canada. In the three bloody years of King Philip's War (1675–78), 230 persons were killed and nearly 200 houses and barns burned.

Gunpowder was often stored in the garrets of fortified meetinghouses, which also did duty as churches. This foiled the Indians but sent the faithful scampering when a thunderstorm broke out during services.

On February 29, 1704, Deerfield suffered one of the most celebrated Indian attacks in New England's history. A French officer, Hertel de Rouville, with a force of 340 Indians and French soldiers from Canada, attacked before daybreak, put the snow-covered town to the torch, killed 49 men, women, and children, and carried off 109 captives.*

Just before sunup on February 29, 1972, I parked my car outside Deerfield. It was a windless day, and the town dogs did not catch my scent any more than their ancestors had smelled de Rouville's irregulars.

Deerfield has been preserved by its wise town fathers pretty much as it was in the 17th and 18th centuries. The graceful old houses, looming in winter mist, looked enough like the ones de Rouville burned to suit my purpose. It was my idea to walk along the river as the captives had done—many of them still in their nightclothes, their feet bare or bound hastily in rags.

I floundered through the snow, and not even woolen socks inside stout boots or the goosedown jacket my wife had given me for Christmas could keep the cold from my bones. Longing for warmth, I rounded a bend in the river and saw a small fire blinking. Crouched beside it, over a hole in the ice, was a fisherman in red plaid.

He introduced himself as Roger Coe, "from right around here," and brought out a Thermos. He handed me a cup of coffee laced with something more warming. I told him what I was about, and asked if he could believe that the captives of Deerfield could have survived their savage ordeal on a morning worse than this.

Roger Coe looked at the rising sun, then at me. "*They* had to," he said. "But why anyone else would go for a walk on the ice at 6:30 on a February morning unless he was tied up by an Indian, I can't answer you!"

FLOODS MAY BE VITAL TO THE RIVER

The Connecticut no longer figures greatly in the conscious daily life of valley people. As a New Hampshireman remarked to me, "There's not much reason to pay it any mind, like there used to be when it ran the mills or carried the barn away."

The river has often been a cruel companion. Close to twenty major floods have been recorded since the settlers came, and some have been truly devastating. With the Connecticut now controlled by dams and dikes, there's little likelihood that a flood like the big one in 1936, which did some 65 million dollars in damage, will come again.

Professor Lincoln Brower, a biologist at Amherst College who has a special feeling for rivers, thinks this may not be altogether a good thing. "The only reason flooding is mad," he told me, "is that man has been foolish enough to build on the floodplain. I see flooding as God's gift. Refertilization of land is responsible for civilization in the first place—ancient Egypt being a prime example."

An ecological activist, Professor Brower is opposed to dams. In his view, they return a great deal less than they take. According to a preliminary study at Amherst College, the action of the dam at Turners Fall, Massachusetts, reduces by tenfold the number of invertebrates, such as insect larvae and snails, for several miles downstream.

This plunder of life, which takes place when the dam stops the flow and dries out parts of the stream bed, probably also affects the river's capacity to cleanse itself. It is the life in the river, much of it microscopic, that breaks down sewage and waste, purifying the water. "If man were enlightened," Professor Brower declares, "he would deindustrialize many areas of the Connecticut Valley."

To industrialists, such ideas seem extreme. "Man deserves as much consideration as the shad or the aquatic snail," says John Hickey

of the Holyoke Water Power Company in Massachusetts. "The new pumped-storage facility we're building here at Northfield Mountain will help prevent brownouts by delivering power when the demand is greatest. And it will be practically invisible."

Built inside the mountain, the facility will pump 2½ billion gallons of river water up to a reservoir in an 8-hour period, using "borrowed" power when overall demand is low. Then, at peak demand, the water will flow back down, turning generators to supply a million kilowatts.

In Professor Brower's view, this facility will hardly be "invisible." Part of the flow of the river will actually be reversed for two miles in July and August while the pumps lift water at the awesome rate of 5.4 million gallons a minute.

It's impossible to judge for certain whether men like Brower or men like Hickey are the realists with regard to proper use of the river. One thing is certain: They will hear from each other for years to come, for the construction of 200 new dams on the Connecticut's tributaries has been projected for the next 50 years.

Those who tinker with the flow of the river would delight their predecessors in the valley. As much as any place on earth, it has been the home of mechanical genius. I called on one such genius in Springfield, Massachusetts. He is John C. Garand, who invented the M–1 rifle (page 363). As Garand explained, and as every GI of World War II and Korea was told, this rifle is "a gas-operated, clip-fed, semiautomatic infantry weapon—the best in the world."

INVENTOR GOT AN EARLY START

Garand emigrated from Canada as a child. By the age of 12 he was a millworker, and the inventor of a device to paint bobbins in the cotton mill where he was employed. In 1933, as an obscure worker in the Springfield Armory, he developed the prototype of the M–1, then called, as many think it should always have been, "the Garand rifle." Garand made the drawings, designed machines to make complicated parts, worked up formulas for the manufacture of special kinds of steel.

How, I asked, did a man with so little formal education know how to do such things?

"Oh, I just *knew*," Garand responded.

His rifle was carried into battle by millions of Americans—not a few of whom wrote to him to thank him for saving their lives. For his labors, Garand received a pension and the one-millionth M–1 manufactured at the Springfield Armory. Altogether, more than six million were produced.

He bears no bitterness that he never shared in the huge profits earned by his invention. And, on occasion, he has had some reward. Not long ago Garand and his wife were invited to the White House for a Sunday service. "As we went through the reception line, I saw that President Nixon was very tired," Garand recalls. "A man told him my name, but it didn't mean a thing to him. Then I said, 'I'm the M–1 rifle.' He woke right up, smiled, and gave me a real handshake."

Americans won the West, and all their past wars, with the help of firearms manufactured in the Connecticut Valley. Samuel Colt's factory in Hartford still turns out all sorts of six-shooters, and provides most of the M–16 rifles used in Viet Nam. Upriver, in Springfield, Smith & Wesson continues to make handguns.

The Springfield rifle, in its various forms, may well have been the most famous of all American arms. As early as 1777, the Springfield Armory—on a hilltop site above the river—made ammunition, and from 1795 to 1968 it turned out millions of muskets, carbines, and rifles. Its products spoke on battlefields from Saratoga to Bull Run to the Little Big Horn to Normandy to Viet Nam.

No longer does the armory produce these instruments of valor and suffering. Except for a museum, its regimental square of brick buildings has been turned over to a community college. I reflected, as I watched boys of military age and girls old enough to be widows sauntering across the handsome broad quadrangle, that many would think they had found a better use for the armory than their forebears had done.

FULTON NO HERO IN NEW HAMPSHIRE

Valley people have, of course, been as ingenious in the mechanics of peace as in those of war. In 1793 Samuel Morey, a farsighted tinkerer of Orford, New Hampshire, launched a skiff in the Connecticut. The small boat carried Sam and an invention he had worked up that winter in the Orford blacksmith shop—a steam engine that drove a paddle wheel and moved the skiff upriver at a steady five miles an hour.

A few years later, in another, larger boat, Sam Morey steamed from Hartford to Manhattan. Robert Fulton visited Orford, talked to Sam Morey, and used some of Sam's devices in his own more famous steamboat. In New Hampshire at least, Robert Fulton still wears a villain's black moustache—for no one there believes that anyone except Sam Morey invented the steamboat, whatever the history books may say.

The steamboat had a brief but glorious day on the Connecticut. In 1826 thet *Barnet* negotiated the Enfield Rapids, helped by a crew of polemen, and docked in Springfield. Later, when a canal had been dug around the rapids, steamer service between New York and Springfield became commonplace.

A visitor named Charles Dickens was less impressed by these rivercraft than the locals were. Of a ride between Springfield and Hartford on a February day in 1842, he wrote: "Mr. Paap, the celebrated dwarf, might have lived and died happily in the cabin. . . . I think [the engine] might have been half a pony power."

By the time of the Civil War, the railroad had whistled the death knell of these picturesque craft. The last vestiges of commercial traffic on the river are barges that carry several million tons of cargo, mostly oil and gasoline, to Hartford each year. Coast Guard icebreakers keep the channel open most of the winter. North of Hartford a pleasure boat is a rare sight, but off the Haddams and Old Saybrook, Connecticut, on any summer day the river is filled with sails.

CONNECTICUT PIONEERED THE ASSEMBLY LINE

If Sam Morey's steamboat ceased to be useful in the valley, other inventions born there have literally changed the world. It was the armories along the Connecticut that developed the system of interchangeable parts which gave birth to the machine tool—and so to the techniques of mass production that turned America into the complex and staggeringly rich society it is today.

As early as 1799 Eli Whitney proposed setting up a plant near New Haven "to make the same parts of different guns . . . as much like each other as the successive impressions of copper plate engraving." Forty-nine years later Samuel Colt's factory at Hartford was mass-producing guns. From then onward men, but not the things they manufactured, could properly be called "one of a kind."

The valley has had its share of the men and women who were one of a kind. Jonathan Edwards, only boy in a family of 11 (all his sisters were six feet tall or more, so that his father joked he had sired "sixty feet of daughters"), preached in Northampton for 21 years, beginning in 1727. He made that town the center of an evangelical movement called the "Great Awakening."

Noah Webster compiled part of his dictionary while living in the valley, and helped found Amherst College. That fey spinster, Emily Dickinson, wrote some of the finest poetry in English in Amherst. Augustus Saint-Gaudens sculptured his standing Lincoln and much else at Cornish, New Hampshire; his home is preserved as a national historic site. Rudyard Kipling married a girl from Brattleboro, Vermont, built a house shaped like a ship in nearby Dummerston, and there, gazing upon snowy Monadnock across the river, wrote *The Jungle Books*.

In the 20 years he lived at Hartford, Samuel Langhorne Clemens wrote those classics—*Life on the Mississippi, Tom Sawyer, Huckleberry Finn*—that made the Mississippi the very symbol of American life. Mark Twain's house, its kitchen in front "so the servants can see the circus go by," is open to a public still enthralled by his works.

HARD QUESTION FOR A GHOSTLY COMPANION

Mark Twain is my favorite human being of all time. When I set out upon the Connecticut, knowing that he had spent much of his life on its banks (dreaming of another river), I should have liked to invite him along.

I should have liked to stand with him on Mount Sugarloaf above Hadley early in the day, watching the sun burn away the ground mist, hearing the tractors in the fields beneath the mist even before it lifted. Of float down the estuary with him in a boat. Or show him what has become of the river near the factory towns, where it is browner than his muddy Mississippi ever was.

My journey up and down the valley—through the clash of natural beauty and arrogant despoliation, through the history of a righteous people who furnished the world with guns and tobacco—filled my mind with questions. They are an American's questions, and what better ghost to put them to than that of Mark Twain, the quintessential American?

On all the little questions I would have held my tongue. Why should a room full of old guns in Springfield stir in me the truest love of my country? How can men live in one of the most perfect landscapes on the planet, and seem not to notice it? How can the river have been forgotten by the people and the towns to whom it has given wealth and pleasure for fifteen generations?

Instead of all these small questions, I would have asked the big one: "Mr. Twain, why is it that man spoils whatever he touches, and endears himself to me for having done it?"

Mark Twain, I suspect, would have answered me as he did annother inquisitor in *Life on the Mississippi*. "I was gratified to be able to answer promptly, and I did," Twain wrote. "I said I didn't know."

SOCIAL SERVICES

Mr. PERCY. Mr. President, during the recent Subcommittee on Fiscal Policy hearings on social services, I was deeply impressed by the excellent testimony of the director of Illinois' Department of Public Aid, Edward Weaver. Recently, the social services program has received a great deal of criticism, too much of it deserved. There is little question that some States have used the social services subsidy as a "raid on the U.S. Treasury." However, there is also little question that some States have developed legitimate programs that provide vital and essential services to their citizens. I believe the testimonies before the Fiscal Policy Subcommittee have shown that to be true. At a time when Senate and House conferees are deliberating the fate of the social services program, I would like to share this excellent testimony from the State of Illinois with the Senate. The social services program deserves a fair hearing. Properly conceived and executed it is the best type of welfare reform.

I ask unanimous consent that the testimony be printed in the RECORD.

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

STATE OF ILLINOIS SOCIAL SERVICES PROGRAM
SEPTEMBER 11, 1972

State governments have come under increasing criticism for alleged irresponsible behavior with regard to acquisition of federal funds provided to support social services for current, former and potential welfare recipients. This federal program, authorized in the 1967 Social Security amendments, has led to dramatically escalating federal expenditures for grants to the states, growing from $750 million in FY 1971 to $1.5 billion in 1972 and to estimated claims by the states of more than $4.5 billion in 1973.

Examination of the claims being made by the states in some instances may support the allegation of irresponsible behavior. However, this is not uniformly true, and in particular, the record of the State of Illinois on this issue is a responsible one. I would like to review that record.

In order to understand the impact of social services funding in Illinois, it is necessary that one review the record of the Ogilvie Administration which has been one of the most progressive, forward looking and responsible State administrations in this Nation.

In 1969, Illinois had a system of taxes and a record of public support for important programs that was little cause for pride. State and local taxes in Illinois were the *most* regressive of any State in the union. At the same time, the level of public support for education, mental health, corrections, family services and supportive welfare services was very low.

Change was necessary and Governor Ogilvie, upon assuming office bit the bullet of responsible action. Among his first actions in office were (1) proposing and gaining passage of a state income tax in Illinois that now is producing more than $1 billion annually in State funds, (2) making major commitments of these resources to education and human services programs, and (3) bringing in an aggressive young management team to establish order and priorities in the use of State resources.

The current Administration in Illinois started off to deal with two immense and costly social problems: 1) the welfare rolls were burgeoning at an uncontrolled pace, and 2) there were far too many people in the State's various institutions. Although the causes for this unprecedented growth in social and physical dependency are many, it was obvious that a number of those people institutionalized were victims of a system that offered the aged and neglected or abused children no other alternatives. But in addition to the dehumanizing effects of the situation, the State's entire financial structure was being threatened by the potential fiscal crises created by the magnitude of the dependency problems.

Consider the Public Welfare Program, a program the national government has refused to reform. The magnitude of the welfare problem has been almost overwhelming. In 1969 alone, the State of Illinois spent $538 million on welfare of which $290 million represented net state dollars not reimbursed under the Public Administration titles. In 1973 the budget for welfare in Illinois is $1.5 billion of which, exclusive of social services funds, $690 million will be federally reimbursed leaving $810 million as the net state dollar cost. This increase in annual expenditures of state dollars for welfare of $520 million is one half of the total current yield of the Illinois State income tax. Let me emphasize that point: one half of the revenues derived by Illinois from its major tax program is necessary just to support a program that ought to be national and for which this federal government has refused to take responsibility.

It is within this context that the Ogilvie Administration carried out important program developments long overdue in Illinois. Aware that stopgap measures would not be sufficient for the task at hand, the Governor and his staff set about to construct social services programs that attacked the causes rather than the symptoms; programs with a central strategy that would direct resources towards prevention of dependency.

The major thrust of this strategy has been the development of an extensive community-based delivery system of services and facilities. This system not only includes our welfare agency but also a number of its allied agencies: Mental Health, Corrections, and Children and Family Services.

With the emphasis on community-based services, we expected to:

First—Reduce the then current institutionalized population by decreasing the number of children in foster care institutions, the number of patients in long-term care mental institutions and the number of inmates in our correctional institutions. These effects should have been and were immediately noticeable.

Secondly—But probably more important, we expected to be able to set up an admission blocking system that would limit further institutionalization and welfare dependency by correcting social and physical deficiencies at an early stage of their development. These rehabilitation efforts would largely be accomplished by the services delivered through the allied agencies. The impact of this preventive approach in long term and measurable results probably will not be apparent for some time to come.

The importance of this approach, however, cannot be overemphasized. There is no doubt that institutional care is our most costly and personally debilitating social service. Further, there is much evidence indicating that the longer a person is institutionalized the less likely he will be able to return to a productive life. Clearly, the long range solution to our dependency problems lies in our ability to establish safeguards to prevent the problems from assuming significant proportions.

In the second quarter of fiscal year 1971, Illinois began its effort to obtain federal support of its social service program. At that time, when Governor Ogilvie and his staff conducted their preview of state budget needs for 1972, the picture appeared as follows:

The major initiatives begun with the resources provided by the income tax in fiscal 1970 had grown substantially in fiscal 1971. In Children and Family Services, additional staff and other resources to cover growing caseloads and grants for care of children had forced the budget from $46 million to $62 million, new counseling and training programs in Corrections brought that budget up from $51 million to $61 million, and the thrust toward improved mental health and the development of preventive local services had produced an increase from $232 million to $259 million, a combined increase in the three agencies of $53 million. At that time, the projection for these programs in fiscal 1972 pointed to another increase of more than $65 million. The State of Illinois had committed itself to developing and funding these programs. The downturn in the economy and the welfare crisis were making that impossible.

In the weakened economic situation, state revenue growth projected for fiscal year 1972 was small, estimated to be $148 million over 1971. At the same time, the most conservative estimates on welfare cost increases indicated new demands on unreimbursed state dollars of $124 million or 84% of the new revenues from the state's own sources. This left $24 million in state funds to cover the increasing program expenditures cited above and to provide for all other state programs.

There clearly was no way to do all of these things and to balance the budget. The options were:

1. Cut back general state programs below the 1971 level including elementary and secondary education and higher education. This clearly was neither feasible nor desirable in terms of priority needs.

2. Increase general state taxes. A request for new taxes less than two years following the enactment of the largest revenue program in the history of Illinois was not a realistic or viable option.

3. Cut welfare grant allowances. This was a course of action adopted by a number of states during the crisis period. Governor Ogilvie chose not to do so. While stringent circumstances forced a delay in cost of living increase for welfare recipients, the Governor refused to penalize children, the aged, disabled and blind by cutting their already meager allowances.

4. Make better use of existing federal programs. At that time, the State of Illinois became fully aware of the commitment of the Congress in the 1967 Social Security amendments to support the development of comprehensive social services programs. Accordingly, it was decided to build the fiscal 1972 budget on the assumption that proper federal funding would be forthcoming for the remainder of fiscal 1971 and fiscal 1972 for programs in Children and Family Services, Corrections, and Mental Health which are clearly within the statutory authorization of the 1967 Social Security Amendments. It was also recognized that if federal funding did not materialize, then those programs would have to bear the brunt of cutbacks.

Thus in fiscal 1972, $75 million in not yet realized federal social services funds were budgeted to support the Illinois programs in the face of the economic recession and the welfare caseload crisis. These monies were necessary to carry out program development that was within the intent of the Federal social services legislation. The State of Illinois was similarly committed to the expansion of comprehensive social services as defined in this legislation.

Was this an attempt of Illinois merely to substitute federal dollars in order to decrease state dollar outlays? The answer is no. The State of Illinois had begun an aggressive program whose momentum was clearly endangered by the current fiscal crisis. The federal social services funds have permitted that momentum to continue. From the time that state plan amendments for services delivered in allied agencies were introduced (in the first quarter of fiscal 1971 for Corrections and Mental Health) through fiscal 1973, the increase in annual expenditures for those agencies supporting the social service programs outside of the Department of Public Aid itself is estimated as follows:

[In millions]

Children and Family Services	$60
Corrections	15
Mental Health	52
Total	127

Under the Ogilvie Administration, the total annual spending for these agencies has increased from 1969 to 1973 by $175 million. In comparison, the estimated federal social services funds to be received as reimbursement for those programs in 1972 is $112 million, an amount that is less than the

total growth in annual spending since the plan changes were made.

Of considerable importance is that these federal funds have been used to expand the total social service program in the State. The human services program in Illinois is broader than the limited definition of former and potential welfare recipients, and priority has been attached to developing a comprehensive state-wide program. This means that many social services are provided at 100% state funds for persons not eligible under criteria approved by HEW in the Illinois State Social Services Plan.

The ongoing services supported by this $112 million in 1973 include:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Foster Care Services to Dependent and Neglected Children: DCFS delineates foster care into three categories: adoption—providing children with a permanent home under new legal parentage, with the same mutual rights and responsibilities as exist in natural parent-child relationships; group home/foster home—providing an alternative living arrangement for a child, or group of children, faced with an unstable home environment; residential treatment facility—providing intensive treatment to individuals who are suffering from some emotional disturbance, are unable to live in their own homes, and need a controlled group living situation.

Protective Services for Abused Children: Protective services include services provided in the home to protect children from further abuse, neglect or exploitation; removal of the child to a temporary alternate living situation in times of emergency; assisting families with planning for handicapped children to remain in their own homes.

Family Counseling Services: Family counseling is a joint attempt by the family and the counselor to identify and alleviate problems which may have a detrimental effect on the maintenance of the family unit.

Services for the Visually Handicapped: Services to visually handicapped persons are designed to alleviate the handicapping effects of blindness through such things as mobility training, counseling for caretakers of blind children and help in securing talking book machines. The Department of Children and Family Services provides these services both in centers such as the Illinois Visually Handicapped Institute, and in the community.

Day Care for Low Income Families: Day Care service involves the provision of substitute personal care for children during some portion of a 24 hour a day to allow the child's parent(s) to work. Included in the services are activities designed toward development of the child's skills.

Homemaker Services: Homemaker services entail the use of a trained and supervised homemaker to help individuals in their own homes to overcome specific barriers to maintaining, strengthening and safeguarding their personal functioning.

DEPARTMENT OF MENTAL HEALTH

Day Treatment for Mentally Retarded Children and Adults, and Emotionally Disturbed Children: This program was designed to provide community experiences which prevent the necessity of future institutionalization, family separation or dependency. Individuals are given intensive, individualized attention on an ongoing basis without separation from their families. Day care centers for the mentally retarded and emotionally disturbed child up to twenty years of age, and sheltered workshops for the mentally retarded adult aged twenty-one and over, are the operational core of these services.

Comprehensive Drug Abuse Services: The goal of this program is the treatment and social rehabilitation of drug abusers. It stresses social adjustment through: counseling, legal, vocational and recreational services; and various work activities. These services are intended to help all compulsive narcotics users become law-abiding, productive, drug-free and emotionally mature members of society.

Included in the program are such services to the general public as drug-oriented information and education, emergency services and referral activities.

Comprehensive Alcoholism Services: The services of this program are largely directed to the treatment and social rehabilitation of alcoholics. Social adjustment is encouraged through counseling and various ancillary services including work activities. The objective of these services is to help all alcoholics become productive, alcohol-free and emotionally mature members of society.

Included in this program are such services to the general public as drug-oriented information and education, emergency services and referral activities.

Community Mental Health Services for the Emotionally Disturbed and Mentally Retarded: The Department of Mental Health delineates this service into three categories: services to the general public—information, general mental health education, community development and improvement, emergency services, diagnostic and evaluative services, and referral activities; outpatient services—delivery of psycho-social counseling and related services to clients and collaterals for the purpose of restoration or enhancement of social and vocational functioning and avoidance of the need for residentially-based services; intervention care—intensive but short term therapeutic and rehabilitative services to individuals in a community-based residential care facility. These services are provided on a 24 hour, highly structured basis, designed to return the individual to the community in less than two years.

DEPARTMENT OF CORRECTIONS

Vocational, Technical and Adult Basic Education for Inmates of Correctional Facilities: The Department of Corrections provides both basic education classes and vocational and technical training, in order to equip adult inmates with the academic background and the job skills necessary to enable him to become an independent and productive member of society.

Delinquency Prevention Services in High Risk Communities: This program is comprised of organized efforts designed to detect, control and prevent delinquent and/or criminal behavior. Information and education services to the community at-large are major components of this program.

Transitional Services for Individuals in the Correctional System Designed to Successfully Integrate the Individual Back Into the Community: This program has several components. Among them are: pre-release activities—the use of community resources to provide potential parolees with information relative to employment, financial and medical assistance, legal aid and other available resources within the community; work release—a work oriented program at the preparole level assisting in the reintegration of the client into the community setting, with the emphasis on professional and supportive services; community centers—community facilities fostering return of former inmates to employment possibilities, and re-establishment of relationships with their families and other elements of society.

The increase in volume of services since the Illinois plan changes is shown by the following data. In 1972 in the Department of Mental Health, 13,879 persons were treated in the comprehensive alcoholism program, a 25 percent increase over 1971; 5,737 persons were treated in the drug abuse program, about 50 percent greater than the number in 1971; day treatment was provided to 14,654 persons, a 49 percent increase over 1971, and 189,643 persons received care in community mental health centers, an 18 percent increase over 1971. In the Department of Children and Family Services, certain types of day care (grant-in-aid facilities; contractual facilities, centers operated through local community effort) were expanded in the period June 30, 1971 to June 30, 1972, from 1,910 children to 6,102 children, more than a threefold increase; foster care services were provided to 2,257 more children in 1972 than in 1971; the number of families receiving homemaker services has increased by 63 percent between 1971 and 1972.

The ongoing service programs performed directly by the Department of Public Aid are estimated to be reimbursed at a level of $58 million. These include day care and family planning, services to the aged, blind, and disabled, services to members of families with children including employment services. Finally, continuing adult training programs funded through the Illinois Department of Labor are estimated to be reimbursed at a level of $10 million.

In addition, Illinois has submitted a plan modification to HEW for development in Fiscal Year 1973 special programs complementary to elementary and secondary education programs for current, former and potential welfare recipients. These program components would include for example, pre-employment counseling workshops, community liaison services to identify and promote resources for extended education, and special supportive services for educating socially handicapped children, and would raise Illinois' social services reimbursement estimate in 1973 by $25 million above the estimate for ongoing programs. Finally, a second new initiative planned for fiscal 1973 is a project undertaken with the Chicago Model Cities agency for additional welfare recipient training programs that will lead to a claim for federal reimbursement of $6 million, bringing the total estimate of federal funds for Illinois social services to $211 million in 1973.

It is not the intention of the State of Illinois to pour easy money into a bottomless well. Illinois has undertaken an intensive effort to establish program accountability. A total of $850,000 has been allocated in fiscal 1973 to the four major state agencies—Public Aid, Children and Family Services, Corrections and Mental Health—to set up effective cost accounting systems and to establish program effectiveness measures. To facilitate the State's and the Department of Public Aid's control over the operation and direction of the program, an Office of Social Service Planning has been established. Although this office is directed and is the responsibility of Public Aid as the single state agency, multiagency participation has been built into the organization to assure unified planning and control. As a first order of business, the State's Bureau of the Budget is working with the Office of Social Services Planning to establish a program budget for all social services.

To date, a comprehensive documentation system has been implemented in each of the allied agencies which is not only providing the information necessary to insure compliance with Federal regulations but also a much needed base for planning and evaluation. Already, much of this information has been formatted into a program structure that is consistent with the accountability needs of HEW. Examples of the scope and nature of our documentation have been attached.

Social Services funds have been a critical element in enabling the State of Illinois to

carry out important initiatives in combatting its dependency problem. Severe cut backs in these funds in the coming year will have very serious consequences. Mothers unable to obtain day care services will have to remain on welfare. Children not able to be accommodated in state programs will be left in destructive home situations. Inability of the State to carry out its rehabilitation programs in Corrections will only lead to repeated offenders. An absence of effective screening in mental institutions will merely add to the wasted lives and costs tied to long term commitments to state hospitals.

The State of Illinois believes that prevention of dependency is a legitimate objective not only of State governments but also of the Federal government. You have heard us talk about the Illinois Plan for Social Services, what it has accomplished and what its long range expectations are. Interestingly, this plan implements the concepts of the recently introduced allied services act; that is, the provision of comprehensive services in a coordinated and rational manner. Federal funding remains an essential element in the provision of comprehensive services.

With regards to future federal funding, the present HEW reimbursement mechanism is a sound one if the proper administrative controls are instituted. It is a mechanism which has been designed to have neither the looseness of the Grant System nor the constriction of the Categorical Reimbursement System. It is a system that could, with some tailoring, come as close as any Federal program to establishing a cost effectiveness approach to funding, which from Congress' point of view is most desirous.

In contrast, if funding is to be incorporated into revenue sharing only, Illinois as well as other states that have extensive social service programs will have three options available for future program operations.

Use revenue sharing dollars to compensate for current federal social services funds and maintain services at their current level.

Use state dollars to compensate for current federal social service funds and maintain services at their level.

Decrease services to the degree dictated by the lack of state funds and non-availability of revenue sharing dollars for this purpose.

None of these options is very satisfactory and all place the state in the difficult position of attempting to maintain current *operational* programs with less support. The first option and probably the only viable one would mean that the so-called "non-specified" revenue sharing dollars would in fact not be much more than the current social service dollars. The second option would place additional strain on an already overburdened state budget and the third option would predicate budget cuts in Mental Health, Public Aid, Children and Family, and Correctional services.

Assuming, however, that specific funds for social service programs were appropriated under the revenue sharing bill, the use of the revenue sharing funding mechanism (that is, where one-third of the amounts appropriated would go to the state government and two-thirds of the funds to local governmental units) would create immeasurable operating difficulties for our state. This formula does not take into consideration the current operating mode of the various states, and in fact, is feasible only for those states that have decentralized the administration of their social service programs, i.e., California with its county-based delivery system. For Illinois and those states that largely utilize a central or state-wide program structure, the direct pass-on of two-thirds of the Federal Revenue Sharing to local units of government would mean that new administrative and delivery systems would have to be designed and implemented. Such a task would not only be time-consuming and costly but also has questionable merit.

If, on the other hand, the appropriation for social services is maintained in HEW, any cutback of funds would be a real blow to the progressive programs initiated by the current administration in Illinois. And they would be the crowning final step of federal irresponsibility on welfare reform. There is much rhetoric on the importance of welfare reform in this city, but little action. The Congress enacted the 1967 Social Security amendments, and their intent was clear. Now this Congress stands ready to renege on that commitment and in particular to penalize those states that have taken initiative. This is indeed a far cry from LaFollette's laboratory of the states.

APPENDIX

This appendix contains an itemization of costs which the State of Illinois incurred in providing Social Services to its citizens during the inclusive years 1971–1973. Additionally, it indicates the number of recipients to whom these services were provided. The population which received these services is divided into three broad age categories. "Children," "Adults and Families," and "Aged."

The Department of Health, Education, and Welfare has established a goal structure containing four general programmatic goals. These goals indicate approximate levels of individual dependency. The State of Illinois program for delivering of Social Services to its citiezns has been integrated into this HEW goal structure. The goals are listed here in order of increasing recipient dependence.

HEW GOAL STRUCTURE

Self-Support—Achieving this goal will allow an individual to reach and maintain a self-sustaining level of employment and economic self-sufficiency.

Self-Care—Achieving this goal will allow an individual to achieve and maintain maximum personal independence, self-care determination, and security while remaining in his home. For youths this would include achieving their maximum potential for eventual independent living.

Community-Based Care—Achievement of this goal level will allow an individual to secure and maintain community-based care which approximates a home environment when living at home is not feasible. This goal level includes those individuals who need not be placed in an institution but who require more care than is available at their home.

Institutional Care—This goal level is intended for those individuals who require the level of complete care which can only be provided in an institution.

Table 1 indicates the costs of social service delivery itemized by HEW established goal.

Table 2 indicates the size of the population receiving the social services itemized by goal.

Table 3 indicates the costs of social service delivery itemized by State of Illinois strategy.

Table 4 indicates the size of the population itemized by strategy.

TABLE 1.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, GENERAL REVENUE COSTS ITEMIZED BY GOAL

[Dollars in thousands]

Goal	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Institutional care	19,719	20,831	21,166	123,191	147,291	143,673	20,814	32,937	43,064	163,721	201,057	207,903
Self-support	8,051	12,119	34,448	970	1,064	1,152				9,021	13,183	35,600
Community-based care	74,019	79,906	88,847	78,553	82,897	98,542				152,571	162,803	187,388
Self-care	20,092	22,894	24,991	33,290	42,259	50,346	709	1,675	1,416	54,091	66,828	76,762
Total	121,875	135,750	169,452	236,004	273,511	293,712	21,523	34,611	44,480	379,405	443,872	507,644

TABLE 2.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, POPULATIONS SERVED ITEMIZED BY GOAL

Goal	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Institutional care	2,463	2,522	2,537	41,515	41,854	38,406	6,193	9,332	9,980	50,171	53,708	50,923
Community-based care	40,821	42,531	40,708	39,170	45,695	49,671	4,568	5,007	7,448	84,559	93,233	97,827
Self-care	32,949	43,041	68,650	89,216	127,688	156,234	3,305	6,395	8,272	134,470	177,124	233,156
Self-support	5,430	9,906	18,016	3,296	3,562	3,594				8,726	13,468	21,610
Total	81,663	98,000	129,911	182,197	218,799	247,905	14,066	20,734	25,700	277,926	337,533	403,516

TABLE 3.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, GENERAL REVENUE COSTS ITEMIZED BY STRATEGY

[Dollars in thousands]

Strategy	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Provision of services to the general public				11,754	13,735	15,019				11,754	13,735	15,019
Provision of services which strengthen the family unit	1,782	5,338	27,035	4,893	6,284	6,555				6,675	11,621	33,590
Provision of an alternate home or living arrangement	21,747	23,459	27,517	3,604	3,776	4,538				25,352	27,235	32,055
Prevention of mental illness	548	711	813	53,674	71,614	65,037	20,814	32,936	43,064	75,035	105,261	108,914
Rehabilitation of the mentally ill [1]	18,248	21,016	22,172	68,207	72,224	77,270	708	1,675	1,416	87,165	94,915	100,858
Rehabilitation of the mentally retarded	29,339	31,262	31,287	46,015	50,268	51,067				75,354	81,530	82,354
Rehabilitation of the drug abuser	173	120	143	2,518	6,415	9,507				2,691	6,534	9,650
Prevention of alcoholism				201	203	231				201	203	231
Rehabilitation of the alcoholic				9,539	8,819	19,326				9,539	8,819	19,326
Prevention of crime and delinquency	1,618	1,496	1,608							1,618	1,496	1,608
Rehabilitation of offenders	26,275	28,219	27,765	34,152	38,642	42,396				60,427	66,861	70,161
Correction of social dysfunction through special education services	22,148	24,130	31,112	1,447	1,531	2,766				23,595	25,660	33,878
Totals	121,878	135,750	169,452	236,004	273,511	293,712	21,523	34,611	44,480	379,405	443,872	507,644

[1] Rehabilitation of the mentally ill. Costs for "Adults and Families" and "Aged" for 1971 does not include $19,644,916 (purchase of care by DPA). The figures for 1972 and 1973, however, include this line item.

TABLE 4.—STATE OF ILLINOIS, COMPARATIVE SOCIAL SERVICES DELIVERED BY ALLIED AGENCIES, POPULATIONS SERVED ITEMIZED BY STRATEGY

Strategy	Children			Adults and families			Aged			Total		
	1971	1972	1973	1971	1972	1973	1971	1972	1973	1971	1972	1973
Provision of services to the general public												
Provision of services which strengthen the family unit [1]	3,243	7,240	15,822	11,025	15,756	18,770				14,268	22,996	34,592
Provision of an alternate home or living arrangement	24,272	24,786	22,475	1,012	975	964				25,284	25,761	28,439
Prevention of mental illness												
Rehabilitation of the mentally ill [2]	26,690	33,802	44,749	106,613	135,107	152,102	14,066	20,734	25,700	147,369	189,643	222,551
Rehabilitation of the mentally retarded	12,198	15,611	29,663	11,934	13,537	15,555				24,132	29,148	45,218
Rehabilitation of the drug abuser	100	105	135	3,941	5,737	7,563				4,041	5,842	7,698
Prevention of alcoholism												
Rehabilitation of the alcoholic				10,442	13,879	19,592				10,442	13,879	19,592
Prevention of crime and delinquency												
Rehabilitation of offenders	8,285	7,793	8,308	31,684	27,820	27,318				39,969	35,613	35,626
Correction of social dysfunction through special education services	6,875	8,663	8,759	5,546	5,988	6,041				12,421	14,651	14,800
Total	81,663	98,000	129,911	182,197	218,799	247,905	14,066	20,734	25,700	277,926	337,533	403,516

[1] Provision of services which strengthen the family unit. Populations for "Children" for 1971, 1972, and 1973 include day care spaces developed and maintained. Homemaker services were annualized by multiplying the average number of clients served monthly by 12.

[2] Rehabilitation of the mentally ill. Populations for "Adults and Families" and "Aged" for 1971 does not include 9,545 clients (purchase of care by DPA). The figures for 1972 and 1973, however, nclude this line item.

Note: Individuals who are involved in more than 1 program during a given year would be counted more than once in these summary statistics.

THIRTY-TWO STATES TO RECEIVE LOWER ALLOTMENTS FOR OLDER AMERICANS ADMINISTRATION UNDER HOUSE-PASSED FORMULA THAN UNDER ADMINISTRATION FORMULA

Mr. FONG. Mr. President, as the ranking minority member of the Special Committee on Aging, I am very much concerned about the distribution formula in the House-passed bill (H.R. 15657) extending the Older Americans Act.

I asked the Library of Congress to compare the allotments for each of our 50 States under the House formula with the allotments that would go to these States under the formula in the administration bill (S. 3391), which would continue the formula that has been in effect up to now.

These figures reveal that 32 States would receive higher allotments under the administration formula than they would receive under the House formula. In addition, the District of Columbia, American Samoa, Guam, Puerto Rico, Trust Territory, and the Virgin Islands would also receive higher allotments under the administration formula.

In the case of my own State of Hawaii, we would stand to lose approximately $851,200 if the House-passed formula is used instead of the administration's formula used in S. 3391. Under the House-passed formula (H.R. 15657), we would be entitled only to $250,000, whereas under the administration's formula (S. 3391) we would be entitled to $1,101,200.

The administration's formula guarantees each State an initial 1 percent of the total amount authorized and appropriated, plus a percentage of the remainder of the funds, based upon the ratio of older Americans—over 65—in each State compared to the total number of Americans over 65 in the United States—20 million. Each State would be guaranteed a minimum allotment of $1,000,000, based on the same $100 million authorization that is provided in the House-passed bill.

The formula in the House-passed bill (H.R. 15657) is based on the ratio of Americans over 60 years in each State compared to the total number of Americans over 60 in the United States—29 million. Each State would be guaranteed a minimum of $250,000.

In comparing the impact of the two formulas, a total authorization of $100 million for the entire United States and its territories was used.

It is clear that the distribution formula employed in the House-passed bill favors 18 States at the expense of the 32 other States.

These 32 States, including my own State, would fare far better under the administration formula than under the House-passed formula.

Mr. President, as H.R. 15657 and S. 3391 are currently pending before the Subcommittee on Aging of the Senate Committee on Labor and Public Welfare, I ask unanimous consent that two tables prepared for me by Congressional Research Service at the Library of Congress be printed in the RECORD.

There being no objection, the tables

were ordered to be printed in the RECORD, as follows:

TABLE I

The following is a list of the 32 States, the District of Columbia and Territories which will lose funds under the House-passed H.R. 15657 formula, compared with their allotments under the Administration formula in S. 3391, using the same total authorization of $100 million.

Amount lost under H.R. 15657 formula passed by House

Alabama	$110,880
Alaska	763,800
Arizona	563,277
Arkansas	385,476
Colorado	513,576
Connecticut	226,826
Delaware	$1,076,200
District of Columbia	803,257
Hawaii	851,200
Idaho	818,531
Iowa	156,143
Kansas	345,161
Kentucky	128,543
Louisiana	158,916
Maine	715,648
Maryland	160,390
Mississippi	402,958
Montana	818,531
Nebraska	554,054
Nevada	819,000
New Hampshire	801,782
New Mexico	803,257
North Dakota	$833,806
Oklahoma	229,952
Oregon	412,158
Rhode Island	727,797
South Carolina	448,606
South Dakota	806,382
Utah	787,245
Vermont	860,400
Washington	151,366
West Virginia	487,618
Wyoming	819,000
American Samoa	450,000
Guam	450,000
Puerto Rico	465,179
Trust Territory	450,000
Virgin Islands	450,000

TABLE II.—THE FOLLOWING IS A LIST OF THE 50 STATES, THE DISTRICT OF COLUMBIA, AND TERRITORIES WHICH SHOWS THE ALLOTMENTS RECEIVED UNDER EACH OF THE FORMULA ASSUMING THE SAME AUTHORIZATION OF $100,000,000

States, District of Columbia, and territories	Allotment under House-passed H.R. 15657	Allotment using administration formula (S. 3391)	Loss or gain under House-passed bill H.R. 15657
Alabama	$1,629,720	$1,740,600	−$110,880
Alaska	250,000	1,013,800	−763,800
Arizona	804,923	1,368,200	−563,277
Arkansas	1,152,724	1,538,200	−385,476
California	8,834,277	4,098,600	4,753,677
Colorado	914,233	1,427,800	−513,567
Connecticut	1,430,974	1,657,800	−226,826
Delaware	250,000	1,101,200	−1,076,200
District of Columbia	357,743	1,161,000	−803,257
Florida	4,620,853	3,244,800	1,376,053
Georgia	1,868,216	1,837,200	31,016
Hawaii	250,000	1,101,200	−851,200
Idaho	337,869	1,156,400	−818,531
Illinois	5,395,964	3,488,600	1,907,364
Indiana	2,404,831	2,122,400	282,431
Iowa	1,639,657	1,795,800	−156,143
Kansas	1,262,039	1,607,200	−345,161
Kentucky	1,639,657	1,768,200	−128,543
Louisiana	1,540,284	1,699,200	−158,916
Maine	546,552	1,262,200	−715,648
Maryland	1,520,410	1,680,800	−160,390
Massachusetts	3,050,757	2,449,000	601,757
Michigan	3,736,432	2,715,800	1,020,632
Minnesota	1,937,777	1,929,200	8,577
Mississippi	1,103,042	1,506,000	−402,958
Missouri	2,693,013	2,274,200	481,813
Montana	337,869	1,256,400	−818,531
Nebraska	864,546	1,418,600	−554,054
Nevada	$250,000	$1,069,000	−$819,002
New Hampshire	377,618	1,179,400	−801,784
New Jersey	3,468,124	2,587,000	881,127
New Mexico	357,743	1,161,000	−803,255
New York	9,659,075	5,448,200	4,201,861
North Carolina	2,106,711	1,943,000	163,716
North Dakota	317,994	1,151,800	−833,808
Ohio	4,899,098	3,272,400	1,626,692
Oklahoma	1,450,848	1,680,800	−229,958
Oregon	1,103,042	1,515,200	−412,153
Pennsylvania	6,290,323	3,893,400	2,396,927
Rhode Island	506,803	1,234,600	−727,796
South Carolina	983,794	1,432,400	−448,602
South Dakota	377,618	1,184,000	−806,385
Tennessee	1,907,965	1,869,400	38,568
Texas	4,938,848	3,254,000	1,684,845
Utah	387,555	1,174,800	−787,240
Vermont	250,000	1,110,400	−860,401
Virginia	1,848,341	1,832,600	15,746
Washington	1,580,034	1,731,400	−151,368
West Virginia	953,982	1,441,600	−487,616
Wisconsin	2,275,646	2,076,400	199,240
Wyoming	250,000	1,069,000	−819,000
American Samoa	50,000	500,000	−450,000
Guam	50,000	500,000	−450,009
Puerto Rico	884,421	1,349,600	−465,170
Trust Territory	50,000	500,000	−450,00S
Virgin Islands	50,000	500,000	−450,000

TRIBUTE TO SENATOR FULBRIGHT AND OTHER SENATORS ON INTERIM AGREEMENT

Mr. MANSFIELD. Mr. President, I simply wish to extend the gratitude of the entire Senate to the distinguished Senator from Arkansas (Mr. FULBRIGHT), the able chairman of the Committee on Foreign Relations. His leadership on the so-called interim agreement measure was exemplary. Indeed, BILL FULBRIGHT is unexcelled in his efforts to obtain mutual relaxation of world tensions and to bridge the East-West gap—the cold war.

The arms limitation agreement, its interim effect, and the prospects for long-term permanence followed even by arms reductions are all matters of the most vital concern to the Senator from Arkansas.

The achievement yesterday represents another small step away from confrontation. It was largely the work of BILL FULBRIGHT that made it possible.

I wish, too, to single out the distinguished Senator from Washington (Mr. JACKSON) for praise. His concern for the security posture of this Nation is widely known and recognized. I especially wish to commend his efforts in seeing that the proposal was disposed of as efficiently as possible under the circumstances.

Other Senators deserve similar praise. Senator AIKEN is again to be thanked for his strong assistance as the ranking minority member of the committee. There were many other Senators as well, and may I say, finally, that the Senate may take pride in this measure. Its passage, together with the treaty ratification, will signal an end to the spiraling and wasteful arms race.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE AND SENATOR CRANSTON ON MONDAY, SEPTEMBER 18

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday next, following the remarks of the two leaders under the standing order, the Senator from Wisconsin (Mr. PROXMIRE) be recognized for 15 minutes, and that he be followed by the Senator from California (Mr. CRANSTON) for 15 minutes.

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

ORDER FOR CONSIDERATION OF TREATY ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, upon disposition of the four bills on Monday next, S. 750, S. 33, H.R. 15883, and H.R. 8389, that the Senate go into executive session, to vote on Executive J (92d Congress, second session), the Protocol Amending the Single Convention on Narcotic Drugs, 1961.

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

QUORUM CALL

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

The PRESIDING OFFICER (Mr. HUGHES). The clerk will call the roll.

The 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.

WELFARE REFORM

Mr. CRANSTON. Mr. President, statements have been recently made to the effect that welfare reform is dead for the foreseeable future. It is my firm conviction that welfare reform is far too important for the Congress to abandon. We must not give up. I do not think we will.

I have been assured by Senator LONG, the distinguished senior Senator from Louisiana, that a welfare reform bill will be reported out of committee this session. I will work as hard as I possibly can for approval of welfare reform. I know that is the will and desire of the Democratic leadership in the Senate.

No one, Mr. President, is happy with the present welfare program—not the taxpayers who pay for it, nor the people who administer it, nor the unfortunate Americans who receive it.

The United States is in the midst of the worst welfare crisis in its history. Nixonomics have placed another 6 million Americans on welfare during the past 3½ years.

We now have a total of nearly 14 million Americans receiving welfare checks. In California alone, one out of every 12 persons you pass on the street is on welfare.

In 1968 when Nixon was telling the American taxpayer that he had a solution for the welfare quagmire, 8.2 million Americans were receiving an average of $55 a month in welfare assistance. This program was costing the taxpayers $9.4 billion per year.

Today, 3½ years later, we have the result of Nixon's promise to stop welfare from bleeding the taxpayers dry. Instead of 8.2 million Americans on welfare, we have nearly 14 million Americans receiving welfare assistance.

Cost of the program since 1968 has jumped from $9.4 billion per year to $20.9 billion. Yet the individual welfare check is only averaging $9 per month more than in 1968.

Mr. President, who are these 14 million Americans who have been forced to accept welfare?

They include:

The sum of 4.7 million elderly Americans who live alone or in institutions. People who have contributed their working lives to the economy of this Nation and now must exist on a medium income of $37 per week.

The sum of 750,000 Vietnam-era veterans who came back from the most disgraceful war ever waged by America and find that there are no jobs available for riflemen and cannon-cockers.

The sum of 518,000 aero-space workers, some 100,000 in California alone; 621,000 disabled Americans, many of whom are anxious to make a contribution to society.

The sum of 788,000 discouraged workers, men and women who have been unemployed so long that they have given up hope of finding a job.

These are some of the people the Nixon administration in its attacks on welfare recipients calls "lazy and unmotivated." The unfortunates who do not fit into Richard Nixon's plans for America.

President Nixon is to be given credit for submitting his own plan for welfare reform. However, the administration has put priority on getting other legislation through Congress ahead of welfare reform and has not made the necessary compromises that would insure passage of his legislation by the Congress.

During the Nixon years this country has more than doubled its yearly expenditure on welfare, or an additional $10 billion per year.

Instead of simply spending more money to give the unemployed subsistence income—and a meager income, at that—the $10 billion should be used to generate jobs.

PROCLAMATION OF WOMEN'S RIGHTS DAY

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3490.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate the amendments of the House of Representatives to the bill (S. 3490) to authorize and request the President to issue annually a proclamation designating August 26 of each year as "Women's Rights Day," which were on page 1, line 6, strike out "annually."

On page 1, line 7, strike out "each year" and insert "1972".

And amend the title so as to read: "An Act to authorize and request the President to issue annually a proclamation designating August 26, 1972, as 'Women's Rights Day'."

Mr. ROBERT C. BYRD. Mr. President, in view of the fact that the date of August 26 has already passed, and it being my understanding that the objectives of the measure have been accomplished by the executive department in the meantime, I move that S. 3490 be indefinitely postponed.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia (putting the question).

The motion was agreed to.

TIME LIMITATION ON AMENDMENT TO FEDERAL AVIATION ACT OF 1958, AS AMENDED (S. 2280)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that with respect to S. 2280, concerning which a time agreement has already been entered into, there be a time limitation on an amendment to be proposed by the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER) of 1 hour, to be equally divided between the able mover of the amendment, the Senator from Pennsylvania (Mr. SCHWEIKER), and the able manager of the bill, the distinguished senior Senator from Washington (Mr. MAGNUSON).

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

ORDER FOR ADJOURNMENT TO MONDAY, SEPTEMBER 18, 1972, AT 9 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Monday morning next.

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

ORDER TO CONSIDER MULTIPART McCLELLAN-MANSFIELD AMENDMENT TO H.R. 8389 EN BLOC

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a multipart McClellan-Mansfield amendment to H.R. 8389, when considered, be considered en bloc.

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

ORDER FOR S. 632 TO BE LAID BEFORE THE SENATE NOT LATER THAN 3:30 P.M. MONDAY, SEPTEMBER 18, 1972

Mr. ROBERT C. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, has the order been entered providing for the Chair to lay before the Senate at circa 3:30 p.m. Monday, S. 632?

The PRESIDING OFFICER. No, it has not.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent at this time that at no later than 3:30 p.m. on Monday next the Senate proceed to the consideration of S. 632.

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

QUORUM CALL

Mr. ROBERT C. BYRD. 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. Without objection, it is so ordered.

PROGRAM

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

The Senate will convene at 9 a.m. After the two leaders have been recognized under the standing order, the distinguished senior Senator from Wisconsin (Mr. PROXMIRE) will be recognized for not to exceed 15 minutes; after which the distinguished senior Senator from California (Mr. CRANSTON) will be recognized for not to exceed 15 minutes; at the conclusion of which the Chair, at about 9:30 a.m., will lay before the Senate S. 750. There will be no morning business.

On the disposition of S. 750, a bill providing compensation for certain victims of criminal acts, the Senate will proceed to the consideration of S. 33, a bill to authorize the Attorney General to provide a group life insurance program for certain law enforcement officers.

On the disposition of S. 33, the Chair will lay before the Senate H.R. 15883, a bill to provide for extended protection of Federal officials; on the disposition of

which the Chair will lay before the Senate H.R. 8389, to provide Federal assistance for treatment programs for certain drug abusers.

There is a time limitation on each of these measures, there being a 1½ hour limitation on S. 750; an hour limitation on S. 33; a limitation of 1 hour on H.R. 15883, and a 1-hour limitation on H.R. 8389.

There is a time limitation of 30 minutes on amendments in the first degree in the case of each of these bills. The yeas and nays, moreover, have been ordered on each of the four bills. At least one of the enumerated measures is somewhat controversial.

On the disposition of the four bills just stated, the Senate will proceed to the consideration of a protocol amending the single Convention on Narcotic Drugs, 1961, Executive J, 92d Congress, second session. This will be a yea-and-nay vote.

At no later than 3:30 p.m. on Monday, the Senate will proceed to the consideration of the land use bill, S. 632, with a time limitation thereon of 1 hour on the bill and 30 minutes on any amendment in the first degree. Yea-and-nay votes will occur.

On Tuesday the Senate will complete its consideration of the highway bill, and there will be yea-and-nay votes thereon. There is a time agreement on the bill and on amendments thereto.

EXPRESSION OF APPRECIATION

Mr. President, I do not believe I have forgotten anything. A whip notice will be gotten to Members on my side of the aisle forthwith.

I express appreciation to the pages, to the aides of the Senate, all the people at the desk, to my colleagues and our friends of the fourth estate for their patience.

ADJOURNMENT UNTIL 9 A.M., MONDAY, SEPTEMBER 18, 1972

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 9 a.m. on Monday next.

The motion was agreed to; and at 5:25 p.m. the Senate adjourned until Monday, September 18, 1972, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15 (legislative day of September 12) 1972:

U.S. POSTAL SERVICE

Frederick Russell Kappel, of New York, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1974, vice Theodore W. Braun, resigned.

Robert Earl Holding, of Wyoming, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1973, vice Frederick Russell Kappel.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15 (legislative day of September 12) 1972:

UNITED NATIONS REPRESENTATIVES

The following-named persons to be Representatives of the United States of America to the 27th session of the General Assembly of the United Nations:

George Bush, of Texas.
Christopher H. Phillips, of New York.
Jewel Lafontant, of Illinois.

The following-named persons to be Alternate Representatives of the United States of America to the 27th Session of the General Assembly of the United Nations:

W. Tapley Bennett, Jr., of Georgia.
Julia Rivera de Vincenti, of Puerto Rico.
Gordon H. Scherer, of Ohio.
Bernard Zagorin, of Virginia.
Robert Carroll Tyson, of New York.

EXTENSIONS OF REMARKS

THE CASE FOR TAX REFORM

HON. JAMES ABOUREZK

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 14, 1972

Mr. ABOUREZK. Mr. Speaker, the topic of tax reform has generated a great deal of discussion. I have recently come across an item which makes a very interesting case for reform and I would like to share it with you:

THE CASE FOR TAX REFORM

It has been widely assumed that the extensive and highly complex Tax Reform Act of 1969 accomplished the fundamental reform which our federal tax system has for many years been recognized to require. Analysis of post-1969 data discloses, however, that the 1969 Act proceeded only a very small way down the road to reform; that serious inequities continue to pervade our federal income, estate, and gift tax laws; and that the case for reform remains very strong.

A. WEALTHY INDIVIDUALS WHO PAY NO TAX

Perhaps the single most important event leading to the broad scale public demand for tax reform in 1969—and thereby to the enactment of the 1969 Tax Reform Act—was the disclosure, by then Secretary of the Treasury Joseph Barr, that in 1967 155 Americans realized adjusted gross incomes of over $200,000 without paying federal income tax, and that 21 of these individuals had incomes exceeding $1 million and still paid no federal income tax.

Data for the first year of operation of the 1969 Tax Reform Act indicates the same phenomenon persists despite the 1969 reforms. In response to a Congressional inquiry, the Treasury Department recently stated that, according to its preliminary figures, in 1970 112 individuals had adjusted gross incomes exceeding $200,000 and paid no Federal income tax. Of these persons—"taxpayers" is hardly an appropriate label—3 filed returns showing adjusted gross incomes in excess of $1 million but no liability for tax.

While these statistics provide a dramatic illustration of the departure of the income tax structure from its essential objective—the raising of revenue in accordance with the ability of taxpayers to pay—they represent only the tip of a very large iceberg. In the first place, they include only individuals who file federal income tax returns showing adjusted gross incomes in excess of the $200,000 and $1 million levels. Important tax preferences in the present Internal Revenue Code exclude certain classes of income from the definition of "gross income" altogether. An example is the tax exemption for interest on state and municipal bonds. Because of the exemption, income from this source does not appear in the figures on "adjusted gross income." Indeed, taxpayers whose income stems entirely from this source need not even file federal income tax returns; and they do not appear in the statistics noted above. A well-known case is the Michigan widow whose entire fortune was invested in municipal bonds and who for a number of years realized annual income in excess of $5 million without incurring any federal income tax liability.

More important than the tax preferences excluding income items from "gross income" are those which result in reduction of a taxpayer's "adjusted gross income" by means of special deductions. Intangible drilling and development costs of oil and gas exploration are in this category. So are the deductions permitted by the percentage depletion allowance. Here also are found the deductions for real estate depreciation, which provide a major tax shelter. Because deductions of these kinds reduce taxpayers' adjusted gross income—the figure upon which the Treasury's statistics are based—they can prevent the statistics from including many individuals who in fact have large real incomes but pay no tax.

As a result of these deficiencies, the Treasury statistics for 1970 undoubtedly considerably understate the total number of such individuals. More important, because the statistics reflect only the number of individuals who pay no federal income tax whatever, they provide no measure of a much more serious and widespread problem—the payment, by high income individuals, of amounts of federal income tax which constitute a very small proportion of their incomes. For an understanding of the character and extent of this latter problem, we must look to a different class of data.

B. EFFECTIVE RATES OF INDIVIDUAL INCOME TAX

One gains a more accurate and comprehensive understanding of the impact of the various tax preferences now incorporated in the individual income tax from an examination of the actual effective rates of tax paid by various classes of taxpayers.

The statutory rate schedule for the individual income tax has a sharply progressive structure. The tax rates rise from 14 percent to 70 percent. For married taxpayers filing joint returns, the 14 percent bracket applies only to the first $1,000 of taxable income; the 70 percent bracket applies to all taxable income in excess of $200,000.

Data on the rates of tax which taxpayers really pay manifests a marked departure from the statutory rates. Statistics published by the Treasury Department in 1969 indicate that, at 1969 income levels, 28.2 percent of the tax returns showing "amended taxable income" between $500,000 and $1 million paid tax at effective rates of no more than 25 percent.[1] 58.2 percent of the tax-

[1] Tax Reform Studies and Proposals, U.S. Treasury Department, Joint Publication of the Committee on Ways and Means of the U.S. House of Representatives and Committee on Finance of the U.S. Senate, February 5, 1969 (Part 1), page 80. "Amended taxable income: is taxable income revised (a) by certain deduction changes and (b) to include excluded capital gains, tax-exempt interest, and the excess of percentage depletion over cost depletion.