

## EXTENSIONS OF REMARKS

## DISCRIMINATION AGAINST URBANIZED STATES UNDER FEDERAL STATE GRANT-IN-AID PROGRAMS

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OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, October 13, 1972

Mr. JAVITS. Mr. President, in 1966 (March 8, 1966, vol. 112, No. 41—89th Congress) I published a study in detail of Federal programs of grants-in-aid to State and local governments in order to determine whether—and to what extent—such programs fairly allocate Federal resources among the States, particularly those which have enormous and pressing needs because of the massive flow of population into densely populated urban centers. The most recent decennial census indicates that 73 percent of our population now resides in urban areas and that more than three-fourths of the Nation's growth over the decade occurred in urban metropolitan areas.

This year this study was brought up to date for named selected programs. It concludes that serious inequities in the allocations of aid persist. While it may not be acceptable to reduce aid to States with less urban-centered populations—one cannot gainsay the problems which beset rural America, too—nevertheless programs directed primarily at urban problems should do what they were intended to do and Americans living in urban areas should not be short-changed; especially so since a disproportionate cost of such Federal programs comes out of urban pocketbooks.

Congress should face this problem realistically. Allocation formulas cannot be tied to a computation devised when the legislation was first enacted 10, 15, 20 or more years ago nor can it be the product of the needs of States from which members of the authorizing committee and its chairman come. Not only do costs vary from one area to another but so do needs. Some States have much higher average per capita incomes than do others, but the allocation formula discounts this factor two and three times over and there is also great income variance within States which must be recognized. New York includes not only Manhattan's Park Avenue but also counties of Appalachia. Texas has its dry dirt farms but it also has its Dallas oil and corporation-filled skyscrapers. The farmer in New York's Appalachia, is economically, more of a brother to the Texas dirt farmer than he is to the Park Avenue broker. But Federal programs often fail to recognize this.

Illustrative of the growing concern regarding inequitable distribution of Federal funds is the following excerpt from the Senate Labor and Public Welfare Committee's report on the Rehabilitation Act of 1972, S-3987:

For some time questions have been raised with respect to the State program allocation formula under the Vocational Rehabilitation Act. This formula is the product of popula-

tion multiplied by the square of a reversed per capita income factor. It is this squaring aspect which, it has been felt, distorts the desirable policy of giving States with low per capita income a formula advantage, by creating widely varying differences between what various States receive for each handicapped individual residing there. Thus, while the average per capital vocational rehabilitation grant for handicapped for the Nation is \$81.30, seven States receive less than \$50 per capita while six States receive more than \$100 per capita, as do the Virgin Islands, Puerto Rico, and the District of Columbia.

In submitting this report, I urge that much closer attention be given to the allocation of Federal funds. Simple justice demands this. I hope that I will be joined by enough of my colleagues in an endeavor to bring about a greater element of justice to our Nation's urban areas in this respect than now exists.

I ask unanimous consent that the report be printed in the RECORD at this point in my remarks:

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

## DISCRIMINATION AGAINST HIGHLY URBANIZED STATES UNDER FEDERAL GRANT-IN-AID PROGRAMS

(A report to the New York State Congressional delegation)

For many years we in the New York Congressional delegation have been deeply concerned about the relative proportion of Federal grant-in-aid assistance which our State has received. On many occasions I have stated that for every dollar of Federal taxes contributed by our State's citizens New York has received a highly disproportionate return in federal grants even considering per capita income differences. In 1971, for every dollar of Federal taxes contributed by New Yorkers, the State received only \$.12 in federal grants. The national average in this respect was \$.14. New York ranks very low—38th among the State. While States should not necessarily receive from the Federal government precisely what they contribute in Federal taxes, these statistics raise grave questions as to whether the allocation of Federal funds is fair in light of changing conditions and needs.

There are more than 350 grant-in-aid programs, each with its own unique impact on the States. The Advisory Commission on Intergovernmental Relations—the body established by Congress to consider on a long-term basis the relationships between the Federal Government and the States—found as early as 1964 that a confusing variety of technical formulas has grown up with the growth of Federal grant-in-aid programs.

The poorer States are no longer, relatively, as poor as they were when certain equalization factors in federal grant allocation formulas (designed to level out the differences in State and local government fiscal capacity) were introduced into the law.

In 1929 the per capita income of the highest income States was 4.8 times that of the lowest; by 1970 the figure had decreased to 2.1.

While the per capita income gap has narrowed, a significant change has occurred; namely, an enormous shift of population into the major urban centers of our Nation. While in 1930 only 56.2 percent of the Nation's population lived in urban areas, in 1970 the figure had increased to 73.5 percent. In absolute numbers of people this means an increase from 68.9 million people living in urban areas in 1930 to 150.5 million in 1970.

This change has brought with it a tremendous strain on the capacity of the major cities and the States in which they are located, to meet, even with maximum fiscal effort, the vastly increased demands for governmental services. The fiscal plight of these urban centers demonstrates that the per capita income basis for distributing federal funds among the States is no longer fair nor sound. The extraordinary growth of cities has multiplied the needs of those cities for federal funds far more sharply than even the income gap between the States has narrowed.

My own view is that matched against any standard, many of the current formulas are out of date, arbitrary and grossly unfair to the urbanized States. The attention of the Congress must finally be turned to the vast problems of these urban areas. The Congress must be concerned with whether its programs will help to meet these problems equitably.

The following detailed analysis of major programs affecting urban States is based on four issues:

## I. What are these equalization factors?

These factors are (1) allocation formulas which usually combine population with the inverse ratio of per capita income—in several programs the reverse income factor is squared, thus greatly distorting differences in State grants; (2) maximum and/or minimum amounts for each State; and (3) matching requirements.

## II. How much has New York received under the various programs in the most recent years in comparison with New York's percentage of the Nation's total population?

New York's share of the Nation's population in 1970 was 9.0 percent. Obviously there are defects in treating population as a perfect measure of the need for all States for all programs. However, it is a better measure—however imperfect—than the present mixture of population and the inverse ratio of per capita income.

It is also a useful gauge in determining need where a particular program is designed to meet a problem greatly aggravated by population density, such as water and air pollution, low-rent public housing, and urban renewal.

## III. What has been the experience of several other States under the same provisions as compared with their percentage of the national population?

## IV. What are the relevant New York State agency estimates as to the need for additional Federal funding under the various programs?

In this study, Part I under each program describes the current status of three equalization factors: allocation formulas, maximum and/or minimum amounts, and matching requirements. The report incorporates, but does not specify, changes in the law and in administrative regulations.

In Part II under each program, the report shows FY 1970 and FY 1971 total dollar amounts, dollar amounts for each of six States, the percentage for each State, and the percentage of population. Population figures are from the 1970 Census. Two factors, the State's proportion of U.S. population and the degree of urbanization within the State were criteria in selecting the States for the sample. The table below shows the range of these factors for the sample States.

	Percent of U.S. population	Percent urbanization	Population
New York.....	9.0	85.6	18,236,967
California.....	9.8	90.9	19,953,134
North Carolina.....	2.5	45.0	5,082,059
Mississippi.....	1.1	44.5	2,216,912
North Dakota.....	.3	44.3	617,761

The dollar amounts shown represent obligations, unless otherwise noted.

#### URBAN RENEWAL PROJECTS

##### I. Three factors are present:

1. Administratively, there is a formula using four measures of need—population,

per cent of over crowding, housing conditions and poverty—for dividing new obligational authority between HUD regional offices.

2. There is a maximum limitation that not more than 12% of the funds may be expended in any one state.

3. Under the variable matching, the Federal share is generally two-thirds but may be three-fourths in communities with population under 50,000 or in communities with population under 150,000 which are designated as redevelopment areas.

##### II. Grants approved in calendar years:

	1969	Percent	1970	Percent	Percent population	Disbursement	1970	Percent	1971	Percent	Percent population
United States.....	871,585,000	100.0	1,056,183,000	100.0	100.0	United States.....	1,053,351,000	100.0	1,053,351,000	100.0	100.0
New York.....	90,749,000	10.4	106,418,000	10.0	9.0	New York.....	116,550,000	11.0	187,790,170	18.3	9.0
California.....	87,749,000	10.0	61,885,000	5.8	9.8	California.....	65,384,000	6.2	92,884,449	9.0	9.8
North Carolina.....	30,802,000	3.5	27,816,000	2.6	2.5	North Carolina.....	19,337,000	1.8	16,911,570	1.6	2.5
Mississippi.....	16,613,000	1.9	8,472,000	.8	1.1	Mississippi.....	1,638,000	.15	8,252,305	.8	1.1
North Dakota.....	211,000	.02	9,003,000	.8	0.3	North Dakota.....	533,000	.05	1,414,726	.13	.3
Washington.....			1,161,000	.1	1.7	Washington.....	2,145,000	.2	4,881,467	.47	1.7

#### LOW RENT PUBLIC HOUSING

##### Two factors are present:

I. Administratively, there is a formula using three criteria—demand, need and population—for dividing new obligational authority between regional offices.

##### 2. Limitations:

a. Contracts for additional units for any one State may not exceed 15% of the aggregate amount not already guaranteed under

contracts on June 30, 1961 with the exception that unused funds may be pooled and reallocated to the States which have used their maximum of 15%.

b. The per unit costs of equipment and construction for a project cannot exceed by more than 10% the prototype costs for an area. Under the 1971 schedule, for example, per unit prototype costs for an elevator build-

ing in New York City is \$24,800 for a 2 bedroom unit.

c. Federal contributions cannot exceed a sum equal to the annual yield, at the applicable going Federal rate plus 2%, upon the development or acquisition of the project involved, and is for a maximum of 40 years.

##### II. Annual Contributions to Local Housing Authorities:

	Fiscal year 1969	Percent	Fiscal year 1970	Percent	Percent population		Fiscal year 1969	Percent	Fiscal year 1970	Percent	Percent population
United States.....	360,026,000	100.0	459,879,000	100.0	100.0	Mississippi.....	2,565,000	0.7	2,202,000	0.6	1.1
New York.....	58,788,000	16.3	62,395,000	13.7	9.0	North Dakota.....	468,000	.1	884,000	.1	.3
California.....	21,359,000	5.9	31,302,000	6.8	9.8	Washington.....	2,634,000	.7	4,821,000	1.0	1.7
North Carolina.....	7,479,000	3.0	9,202,000	2.0	2.5						

III. New York State authorities estimate that in New York City alone 200,000 families live in substandard dwellings. In 1966, 7000 new units were being constructed in New York City annually. The need was estimated at 18,000 additional units per year which would amount to an additional \$360 million per year, more than the entire amount spent for the nation in 1965.

#### INTERGOVERNMENTAL PERSONNEL ACT

I. Title II, to assist State and local governments to strengthen their staffs by improving their personnel administration, and Title III, to strengthen the training and development of State and local government employees and officials, contain all three factors:

1. An allocation formula under which 80% of the total available funds are distributed according to a weighted formula which considers the size of population and the number of State and local government employees. Administratively, equal weight is given to population and number of employees (less

special district employees). The remaining 20% is to be distributed in a manner that will most nearly provide for an equitable distribution among States, and between State and local governments, and will take into account a number of factors including population, number of employees and urgency of the programs or projects.

2. A maximum statutory limitation for each State of 12½% of available funds.

3. Federal matching of up to 75%, which will drop to 50% after the first three years.

II	Fiscal year 1972 (first year of operation)	Percent funds	Population
United States.....	\$10,377,000	100.0	100.0
New York.....	1,004,000	9.6	9.0
California.....	1,007,000	9.7	9.8
North Carolina.....	239,000	2.3	2.5
Mississippi.....	111,000	1.0	1.1
North Dakota.....	60,000	.5	.3
Washington.....	174,000	1.6	1.7

\*Figure is for grants awarded from the 80 percent of funds which are distributed according to formula. Figures for the 20 percent discretionary funds are not yet available.

#### COMPREHENSIVE PUBLIC HEALTH SERVICES— FORMAL GRANTS

##### Partnership for health

##### I. Two factors are present:

1. Under the allocation formula, each State receives \$3 per capita for the first 100,000 of population. Half of the remaining funds available are distributed on the basis of population and half on the basis of population weighted by an index of financial need (per capita income) so that the total allotment to any State will not be less than the total amounts allotted to it under the formula grants for health services in effect for Fiscal year ending June 30, 1967.

2. Under the variable matching requirement, the State's share, which is determined according to a formula using the inverse of State's per capita income, may range between 33½% and 66½% per cent of costs incurred.

II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population	II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	89,100,000	100.0	89,100,000	100.0	100.0	North Carolina.....	2,359,800	2.8	2,337,200	2.8	2.5
New York.....	6,151,900	6.9	6,063,300	6.8	9.0	Mississippi.....	1,388,300	1.5	1,365,200	1.5	1.1
California.....	6,581,200	7.3	6,539,900	7.3	9.8	North Dakota.....	547,300	.6	536,900	.6	.3
						Washington.....	1,389,700	1.5	1,428,500	1.5	1.7

III. New York authorities estimate that total State and local expenditures for public health programs eligible for 314-d support will be somewhere between \$175 million and \$200 million during fiscal 1972-73. In the face of that great a need, a doubling or tripling of the 314-d Program would be necessary to meet all of the demands which could properly be placed on the program.

#### Maternal and Child Health Services

##### Three factors are present:

1. The allocation formula splits the funds into two equal parts, fund A and fund B. From fund A each State receives \$70,000 plus a portion of the remainder based upon the ratio of live births in the State to those in the nation. From fund B, 25 per cent is reserved for regional or national special

projects on a project basis. The remainder is apportioned on a per capita income and live birth basis, with a minimum of \$70,000 to each State. Here, the live birth criterion is weighted so that each rural birth is given twice the weight of an urban birth.

2. Grants from fund A require equal matching; matching is not required for formula grants from fund B.

II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population	II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	40,176,084	100.0	49,405,514	100.0	100.0	Mississippi.....	877,060	2.1	1,085,847	2.1	1.1
New York.....	2,029,262	5.0	2,649,384	5.3	9.0	North Dakota.....	206,786	.5	216,561	.4	.3
California.....	2,301,643	5.7	2,834,834	5.7	9.8	Washington.....	606,849	1.5	791,559	1.6	1.7
North Carolina.....	1,548,028	3.8	1,908,325	3.8	2.5						



## ELEMENTARY AND SECONDARY EDUCATION ACT

I. Title I (13,428), aid to local school districts to meet needs of educationally disadvantaged children in low-income areas has only one factor: an apportionment formula based on the number of children from 5 to 17 from (1) families having \$2,000 or less annual income; (2) receiving aid for dependent children multiplied by one-half the State or National (whichever is greater) average expenditures per pupil.

Title II (13,480), aid to improve the quality

of instruction by providing funds to States to acquire school library resources, textbooks, and other printed and published instructional materials for use in public and private elementary and secondary schools, contains one factor: an allocation formula based on the population of children enrolled in public and private elementary and secondary schools, in relation to the total number of children enrolled in schools in all the States.

Title III (13,519), supplementary educational centers and services, contains two factors:

1. An allocation formula, one-half based on the school-age population of the State, one-half on the total population of the State.

2. A minimum allotment of \$200,000.

Title V (13,486), aid to strengthen State education agencies, contains one factor, a formula which allocates (1) 40% in equal amounts and (2) 60% according to the ratio of public school pupils in the State to the number of public school pupils in all the States.

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent	Percent population
Title I:					
United States.....	\$1,219,136,495	100.0	\$1,339,480,582	100.0	100.0
New York.....	170,301,358	13.9	191,230,086	14.2	9.0
California.....	87,531,244	7.1	103,125,700	7.6	9.8
N. Carolina.....	54,708,768	4.4	56,260,988	4.2	2.5
Mississippi.....	40,893,791	3.3	42,074,152	3.1	1.1
North Dakota.....	4,088,991	.3	4,153,410	.3	.3
Washington.....	9,811,283	.8	12,255,022	.9	1.7
Title II:					
United States.....	42,550,000	100.0	79,990,425	100.0	100.0
New York.....	3,465,109	8.1	6,522,557	8.1	9.0
California.....	4,081,360	9.5	7,682,559	9.6	9.8
North Carolina.....	993,298	2.3	1,869,199	2.3	2.5
Mississippi.....	491,458	1.1	925,097	1.1	1.1
North Dakota.....	136,301	.3	256,567	.3	.3
Washington.....	701,488	1.6	1,320,448	1.6	1.7

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent	Percent population
Title III:					
United States.....	\$116,393,116	100.0	\$143,064,905	100.0	100.0
New York.....	10,035,452	8.6	11,192,431	7.8	9.0
California.....	11,008,765	9.4	12,194,585	8.5	9.8
North Carolina.....	3,156,483	2.7	3,472,478	2.4	2.5
Mississippi.....	1,687,041	1.5	1,796,735	1.2	1.1
North Dakota.....	703,528	.6	728,287	.5	.3
Washington.....	2,084,890	1.7	2,291,307	1.6	1.7
Table V:					
United States.....	28,262,500	100.0	28,262,500	100.0	100.0
New York.....	1,477,979	5.2	1,477,979	5.2	9.0
California.....	1,910,647	6.7	1,910,647	6.7	9.8
North Carolina.....	659,015	2.3	659,015	2.3	2.5
Mississippi.....	432,249	1.5	432,249	1.5	1.1
North Dakota.....	272,292	.9	272,292	.9	.3
Washington.....	514,477	1.8	514,477	1.8	1.7

As a measure of need New York State authorities estimate additional requirements, based upon applications received to date as follows, for each of these titles for FY 1971:

Title I: \$191 million

Title II: \$6.5 million

Title III: \$11 million

Title V: roughly \$10 million based on high priority needs.

Although New York's allocation equals more than its population share this is a prime example in which density of population and the increased burden imposed upon the disadvantaged as a result of density should result in a higher percentage for such areas, than population alone would warrant. An amendment to Title I to achieve

a higher standard than \$2000 is needed. An amendment should also be made authorizing the reallocation of funds not used in some school districts to those whose needs have not been fully met. Reallocation provisions already exist in Titles II and V. Former Commissioner of Education James Allen suggested, over 5 years ago, that the reallocation be based on the proportion of each district's students from families receiving AFDC.

Title II: The State authorities contend that even a pure population standard is unfair to New York because of the critical need in large cities. We should consider an alternative which would stress those areas, perhaps a Title I type formula, amended as

recommended above. Since a reallocation provision already exists its adequacy for meeting New York State's needs should be evaluated.

Title III: The \$200,000 minimum should be reduced or eliminated.

## ADULT EDUCATION

1. Funds are allocated to each State in proportion to the number of persons aged 16 and over who have not graduated from a secondary school or its equivalent and who are not currently required to be enrolled in schools.

2. Each State is allotted a minimum of \$150,000.

3. The Federal share is 90%.

## ADULT EDUCATION

	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	40,000,000	100.0	44,866,102	100.0	100.0
New York.....	3,299,893	8.2	3,748,204	8.4	9.0
California.....	2,137,446	5.3	2,422,896	5.4	9.8
North Carolina.....	1,677,851	4.2	1,898,912	4.2	2.5
Mississippi.....	936,895	2.3	1,054,146	2.3	1.1
North Dakota.....	177,469	.4	188,322	.4	.3
Washington.....	3,333,131	8.3	365,793	.8	1.7

4. New York State authorities estimate the State need for additional funds to be approximately \$8 million.

## EDUCATIONAL BROADCASTING FACILITIES

1. There is a maximum of 8½% of the appropriation for each fiscal year allowed to each State.

2. The maximum Federal share is 75%.

## EDUCATIONAL BROADCASTING FACILITIES 13,413

	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	4,320,550	100.0	11,497,000	100.0	100.0
New York.....	185,506	4.3	8,897,929	7.8	9.0
California.....	313,885	7.3	613,926	5.3	9.8
North Carolina.....	0	0	47,032	.4	2.5
Mississippi.....	357,630	8.3	367,433	3.2	1.1
North Dakota.....	0	0	0	0	.3
Washington.....	32,969	.8	69,670	.6	1.7

## LIBRARY SERVICES—GRANTS FOR PUBLIC LIBRARIES (TITLE I)

## CONSTRUCTION OF PUBLIC LIBRARIES (TITLE II)

I. Three factors are present:

1. Funds are allotted on the basis of population.

2. There is a minimum allotment to each State \$200,000 under Title I and of \$100,000 under Title II.

3. Under the variable matching requirement, the State's share which is determined

according to a formula using the inverse of the State's per capita income may range from 33⅓ per cent to 66⅔ per cent of the costs incurred.

## TITLE I—LIBRARY SERVICES

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population	II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population
United States.....	\$33,178,000	100.0	\$38,250,102	100.0	100	Mississippi.....	\$457,511	1.3	\$530,380	1.3	1.1
New York.....	2,422,050	7.3	2,906,520	7.6	9.0	North Dakota.....	249,585	.7	267,843	.7	.3
California.....	2,278,774	6.8	2,732,497	7.1	9.8	Washington.....	584,321	1.7	630,688	1.6	1.7
North Carolina.....	777,399	2.3	908,926	2.3	2.5						

## TITLE II—CONSTRUCTION OF PUBLIC LIBRARIES

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population	II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population
United States.....	\$7,807,250	100.0	\$8,660,884	100.0	100	Mississippi.....	\$122,724	1.5	\$114,164	1.3	1.1
New York.....	405,911	5.1	346,271	3.9	9.0	North Dakota.....	0	0	92,405	1.0	.3
California.....	262,652	3.3	326,246	3.7	9.8	Washington.....	54,296	.6	138,431	1.5	1.7
North Carolina.....	195,319	2.4	151,463	1.7	2.5						

3. State authorities estimated that New York could have used an additional \$2.2 million for title I in 1971; and an additional \$4.7 million for title II in 1971.

4. The delegation should seek to reduce or

eliminate the minimum allotment provisions of both titles.

## VOCATIONAL EDUCATION—BASIC GRANTS TO STATES

I. All three factors are present:

1. An allocation formula which weights population of certain age brackets with the inverse ratio of per capita income.

2. A minimum allotment of \$10,000.

3. 50-50 matching.

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population	II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population
United States.....	\$300,336,000	100.0	\$321,699,853	100.0	100.0	Mississippi.....	\$4,772,410	1.5	\$4,931,282	1.5	1.1
New York.....	20,730,525	6.9	21,639,304	6.7	9.0	North Dakota.....	1,207,190	.4	1,263,226	.3	.3
California.....	23,903,359	7.9	25,010,505	7.7	9.8	Washington.....	4,777,695	1.5	5,001,295	1.5	1.7
North Carolina.....	10,190,085	3.3	10,662,796	3.3	2.5						

3. The matching provisions should be amended to increase the Federal share from 50 to at least 75 percent.

4. State authorities estimate the fiscal year 1972 additional need for New York to be \$43 million.

## HEALTH FACILITIES CONSTRUCTION

1. The allocation formula for four programs, hospital, and health centers, long-

term care facilities, out-patient facilities, and rehabilitation facilities weights the population of each State with the inverse ratio of the square of per capita income. Per capita income variations are limited to a range between 33½% and 75%. The allocation formula for the fifth program, facility modernization, weights population, the

inverse ratio of per capita income (not squared), and modernization need.

2. Minimum allotments per State are: hospital and health centers—\$300,000; long-term care facilities—\$300,000; out-patient facilities—\$200,000; rehabilitation facilities—\$100,000; and facility modernization—\$300,000.

3. The maximum Federal share is 66⅔%.

## HEALTH FACILITIES—HILL-BURTON

Fiscal year 1970—			Fiscal year 1971—			Fiscal year 1970—			Fiscal year 1971—		
Number	Percent		Number	Percent	Percent population	Number	Percent		Number	Percent	Percent population
United States.....	172,200,000	100.0	171,720,000	100.0	100.0	Mississippi.....	3,315,171	1.9	2,785,582	1.6	1.1
New York.....	10,603,987	6.2	10,344,755	6.0	9.0	North Dakota.....	823,436	.5	1,281,757	.7	.3
California.....	10,280,841	6.0	8,715,300	5.1	9.8	Washington.....	2,667,889	1.5	2,461,557	1.4	1.7
North Carolina.....	5,972,147	3.5	5,128,165	3.0	2.5						

4. New York State authorities estimated that an additional \$48 million could have been used for planned hospital construction; the additional need in 1971 soared to \$274 million. This includes the construction or modernization of 15,000 hospital "beds."

5. The enormous disproportions in distribution in this program in the light of the excess need in areas of very great population density clearly call for changes in all three allocation factors:

1. At the very least, legislation is needed eliminating the squaring of the per capita income factor in the allocation formula and substituting the usual per capita income factor (i.e. the higher the average per capita income in the State, the lower its share of funds). However, I believe even the straightforward per capita income formula may be grossly inadequate, as has been discussed

above, and, particularly in this area of governmental service, in which density of population brings special communicable disease and other health problems, a straight population or density of population factor should be substituted. Certainly with the gross disproportion which the law has carried since its enactment in 1946, there should be careful examination as to whether the need for additional hospital space in the less densely populated areas matches the enormous needs in the heavily populated areas.

2. The minimum allotments per State should be repealed at this point, for the same reasons set out in (1) and for the additional reason that the specification of particular types of facility is unnecessary and creates its own distortion within the States.

3. Variable matching, while on its face complementary to the purpose of a per capita

income allocation formula, serves actually to multiply its effect. Not only is a State with higher per capita income reduced to a smaller share of the Federal funds, but to utilize that share it must raise an even larger percentage of State funds to match the Federal money. Again, for the reasons stated in (1), the delegation should support legislation at the least substituting a flat matching requirement.

## FAMILY PLANNING PROJECTS

## I.

1. Family planning project funds are allocated first to continuation of programs. Remaining funds are allocated according to the number of women in a region who need family planning services.

2. Matching of 75% Federal-25% State or local.

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population	II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population
United States.....	\$22,800,000	100.0	\$28,623,000	100.0	100.0	Mississippi.....	\$1,102,000	4.8	\$692,000	2.4	1.1
New York.....	443,000	1.9	2,438,000	8.5	9.0	North Dakota.....	0	0	12,000	.04	.3
California.....	1,575,000	6.9	1,657,000	5.7	9.8	Washington.....	252,000	1.1	421,000	1.4	1.7
North Carolina.....	441,000	1.9	1,219,000	4.2	2.5						

<sup>1</sup> Rounded to thousands.



3. As a measure of additional need, New York State officials estimate family planning expenditures to be \$2.5 million in fiscal year 1972, and \$2.89 million in fiscal year 1973.

#### REHABILITATION SERVICES AND FACILITIES—BASIC SUPPORT (BASIC SUPPORT PROGRAM)

##### I. Three factors are present:

1. An allocation formula which weights the population of each State with the inverse ratio of per capita income squared. This is achieved through a complex computation which also limits the per capita income variation to a range between 75 and 33 1/3 %.

2. A minimum allotment of one million per state.

3. The matching requirement is 80% federal, 20% State.

II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population	II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	436,000,000	100.0	502,745,072	100.0	100.0	Mississippi.....	10,007,912	2.2	11,160,340	2.2	1.1
New York.....	27,939,645	6.4	28,838,090	5.7	9.0	North Dakota.....	2,070,888	.4	2,079,042	.4	.3
California.....	28,762,962	6.5	23,047,115	6.3	9.8	Washington.....	6,341,146	1.4	6,718,459	1.4	1.7
North Carolina.....	16,364,902	3.7	19,081,989	3.8	2.5						

#### WASTEWATER TREATMENT WORKS

1. The allocation formula allots the first \$100 million appropriated 50% on a population basis and 50% on the basis of the inverse ratio of per capita income. The balance is allotted on the basis of population alone.

2. At least 50% of the first \$100 million appropriated must be used for municipalities of 125,000 or less population.

3. The Federal share is 30% if there is no State matching program; it is 40% if there is a 30% State matching program; and it is 50% if there is a 25% State matching program and the receiving stream has enforceable water quality standards. In addition the Federal share may be increased by 10% of the amount of the grant if the project is certified as conforming to a comprehensive plan for a metropolitan area.

#### WASTEWATER TREATMENT WORKS

II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population	II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	800,000,000	100.0	1,000,000,000	100.0	100.0	Mississippi.....	10,377,700	1.3	10,359,000	1.0	1.1
New York.....	69,938,200	8.7	126,039,700	12.6	9.0	North Dakota.....	1,078,688	.13	56,884	.006	.3
California.....	65,554,900	8.2	65,557,800	6.6	9.8	Washington.....	12,528,700	1.6	12,719,900	1.3	1.7
North Carolina.....	19,881,800	2.5	12,756,796	1.3	2.5						

1 For fiscal 1971, totals include discretionary as well as formula grants

4. As a measure of additional need, New York State authorities estimated that \$65.8 million was actually spent in 1964; more than \$60 million of which was from non-federal sources. In addition New York has committed itself to a \$1.7 billion program involving a projected State and local effort of \$1.1 billion.

#### AIR POLLUTION PLANNING AND CONTROL PROGRAMS

##### I. All three factors are present:

1. An allocation formula which requires that consideration be given to three factors: (1) the population; (2) the extent of the actual or potential air pollution problem, and

(3) the financial need of the respective agencies. Administratively, the following criteria have been set: (1) "Population" means the population residing within the jurisdiction of the applicant according to the latest census data; (2) "The extent of the actual or potential air pollution problem" will be determined on the basis of (a) motor vehicles per square mile and (b) value added by manufacturing, within the jurisdiction of the applicant, according to the latest census data; (3) "Financial need" will be determined on the basis of the reciprocal of the median family income of families residing

within the jurisdiction of the applicant according to the latest census data.

2. A maximum statutory limitation on each State of 10% of available funds.

3. Federal matching up to two-thirds of the cost of planning, developing, establishing, or improving, and up to one-half the cost of maintaining, programs for the prevention and control of air pollution or implementation of national primary and secondary ambient air quality standards. In an area that includes two or more municipalities, whether in the same or in different States, the Federal share rises to three-fourths and three-fifths respectively.

II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population	II	Fiscal year 1970	Percent funds	Fiscal year 1971	Percent funds	Percent population
United States.....	\$26,076,203	100.0	\$29,446,996	100.0	100.0	North Carolina.....	586,448	2.2	505,640	1.7	2.5
New York.....	2,527,285	9.6	2,887,000	9.8	9.0	Mississippi.....	66,000	.2	80,000	.2	1.1
California.....	2,470,821	9.4	2,440,604	8.2	9.8	North Dakota.....	15,000	.05	50,477	.1	.3
						Washington.....	1,184,855	4.5	1,015,719	3.4	1.7

#### NEIGHBORHOOD YOUTH CORPS

1. The allocation formula specifies as criteria population, unemployment, and family income levels.

2. The Statute states that "the Director shall establish criteria designed to achieve an equitable distribution of assistance among the States."

3. The Federal share is 90%.

II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population	II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
National.....	315,000,083	100.0	426,453,000	100.0	100.0	Mississippi.....	6,782,000	2.2	9,139,000	2.1	1.1
New York.....	32,523,000	10.3	39,315,000	9.2	9.0	North Dakota.....	1,002,000	.3	1,257,000	.3	.3
California.....	25,256,000	8.0	37,136,000	8.7	9.8	Washington.....	3,449,000	1.1	6,448,000	1.5	1.7
North Carolina.....	9,817,000	3.1	11,389,000	2.7	2.5						

#### COMMUNITY ACTION

1. The allocation formula for 80% of the funds appropriated allots one-third in proportion to the number of unemployed per-

sons, one-third in proportion to the number of public assistance recipients, and one-third in proportion to the number of children living in families with annual incomes of less

than \$1000. The other 20% of the funds appropriated are allotted at the discretion of the Director.

2. The Federal share is 80%.

#### COMMUNITY ACTION (OBLIGATIONS)

II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population	II	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
National.....	334,193,176	100.0	367,762,518	100.0	100.0	North Carolina.....	11,297,433	3.4	11,969,655	3.3	2.5
New York.....	31,083,367	9.3	46,802,634	12.7	9.0	Mississippi.....	4,283,754	1.3	5,157,372	1.4	1.1
California.....	31,566,697	9.4	31,951,737	8.7	9.8	North Dakota.....	991,468	.3	1,389,542	.4	.3
						Washington.....	6,283,082	1.9	5,969,652	1.6	1.7

3. The \$100 family income figure should be increased as it is unrealistic in the major urban centers.

## URBAN MASS TRANSPORTATION

1. Project grants in any one State may not exceed 12½ % of the appropriation each fiscal year.
2. The Federal share is 66⅔ %.

## URBAN MASS TRANSPORTATION

	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population		Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
United States.....	132,675,000	100.0	340,689,000	100.0	100.0	Mississippi.....	0	0	0	0	1.1
New York.....	22,857,762	17.2	49,764,228	14.6	9.0	North Dakota.....	0	0	0	0	.3
California.....	10,941,598	8.2	93,855,305	27.5	9.8	Washington.....	0	0	120,741	.03	1.7
North Carolina.....	0	0	0	0	2.5						

The need is greatest in the most congested cities. Many states do not need urban mass transit aid at all and get all they can use for roads in Federal Highway Trust Funds.

## LAW ENFORCEMENT ASSISTANCE

1. The allocation formula specifies that 85% of the funds appropriated are to be distributed among the States in proportion to

population, and that 15% are to be distributed at the discretion of the L.E.A.A.

2. The Federal share is 75% except for construction projects, for which the Federal share is 50%.

## LEAA

	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population		Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
National.....	182,750	100.0	340,000	100.0	100.0	Mississippi.....	2,117	1.2	3,614	1.1	1.1
New York.....	16,392	9.0	30,093	8.9	9.0	North Dakota.....	562	.3	1,022	.3	.3
California.....	17,287	9.5	32,999	9.7	9.8	Washington.....	2,971	1.6	5,612	1.7	1.7
North Carolina.....	4,625	2.5	8,305	2.4	2.5						

1 Thousands of dollars.

3. As a measure of additional need, one aspect of New York's criminal justice system has not been the target of any substantial part of Safe Streets Act funding. That is the area of construction and major rehabilitation of correctional institutions. This area of the criminal justice system which could be improved has had no attention under the Safe Streets Act. Any increase in New York's allocation under the Act could open the way for significant advance in that area.

## COMPREHENSIVE PLANNING ASSISTANCE "701"

Two factors are present:

1. Administratively, there are formulas for

dividing the new obligational authority available for different types of planning organizations between the HUD regions. The formulas use the following criteria:

- a. Obligational authority for State wide planning: population, poverty (rural), housing deficiency.
- b. Obligational authority for small cities under 50,000: population, poverty (rural), housing deficiency.
- c. Obligational authority for cities over 50,000: Housing deficiency, poverty, SMSA population, number of eligible cities.
- d. Obligational authority for metro area-

wide: SMSA population poverty, housing deficiency and number of agencies.

e. Obligational authority for non-metro, areawide: non-SMSA population; non-SMSA poverty, non SMSA housing deficiency; non-SMSA agencies.

2. Under the variable matching, the Federal share is generally two-thirds but may be three-fourths for economic development districts, cities in redevelopment areas, regional commissions, and areas experiencing rapid urbanization or decline in employment opportunities as a result of an increase or reduction in a Federal installation.

## GROSS GRANT APPROVALS DURING CALENDAR YEAR

II	1970	Percent fund	1971	Percent fund	Percent population	II	1970	Percent fund	1971	Percent fund	Percent population
United States.....	\$42,786,000	100.0	\$50,641,000	100.0	100.0	Mississippi.....	375,000	.87	798,000	1.5	1.1
New York.....	3,329,000	7.8	3,325,000	6.3	9.0	North Dakota.....	51,000	.11	169,000	.33	.3
California.....	2,486,000	5.8	3,156,000	6.2	9.8	Washington.....	828,000	1.9	917,000	1.8	1.7
North Carolina.....	775,000	1.8	1,354,000	2.6	2.5						

## NEIGHBORHOOD YOUTH CORPS

1. The allocation formula specifies as criteria population, unemployment, and family income levels.

2. The Statute states that "the Director shall establish criteria designed to achieve an equitable distribution of assistance among the States.

3. The Federal share is 90%.

	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population		Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent population
National.....	315,000,083	100.0	426,453,000	100.0	100.0	Mississippi.....	6,782,000	2.2	9,139,000	2.1	1.1
New York.....	32,523,000	10.3	39,315,000	9.2	9.0	North Dakota.....	1,002,000	.3	1,257,000	.3	.3
California.....	25,256,000	8.0	37,136,000	8.7	9.8	Washington.....	3,449,000	1.1	6,448,000	1.5	1.7
North Carolina.....	9,817,000	3.1	11,389,000	2.7	2.5						

The states with big metropolitan centers certainly deserve a "bulge" here.

## COMMUNITY ACTION

1. The allocation formula for 80% of the

funds appropriated allots one-third in proportion to the number of unemployed persons, one-third in proportion to the number of public assistance recipients, and one-third in proportion to the number of children liv-

ing in families with annual incomes of less than \$1000. The other 20% of the funds appropriated are allotted at the discretion of the Director.

2. The Federal share is 80%.



## COMMUNITY ACTION (OBLIGATIONS)

	Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent popula- tion		Fiscal year 1970	Percent	Fiscal year 1971	Percent	Percent popula- tion
National.....	334, 193, 176	100.0	367, 762, 518	100.0	100.0	North Carolina.....	11, 297, 433	3.4	11, 969, 655	3.3	2.5
New York.....	31, 083, 367	9.3	46, 802, 634	12.7	9.0	Mississippi.....	4, 233, 754	1.3	5, 157, 372	1.4	1.1
California.....	31, 566, 697	9.4	31, 951, 737	8.7	9.8	North Dakota.....	991, 469	.3	1, 389, 542	.4	.3
						Washington.....	6, 283, 082	1.9	5, 969, 652	1.6	1.7

## CONCLUSION

This is the age of the cities. The Nation and the Congress need to recognize this fact. When the decline of the farm population loomed as a danger to our ability to feed our people, we reacted with a multibillion dollar rural aid program which has boosted our agricultural production so vastly that it is now the wonder of, and a major source of supply for the world. When the roads of our Nation were found to be so grossly inadequate, we reacted with a multibillion dollar interstate highway (trust fund) construction program.

Now the city must be the focus of our attention. The huge concentrations of population in major urban centers have created conditions entirely beyond the proportions ever experienced before. These are conditions which the cities and the States in which they are located are incapable of handling with their available resources. Only the Federal government can help do the job.

Yet this is not because the cities and urban States have not been trying. Between 1964 and 1970 local debt rose from \$67.1 billion to \$101.5 billion, a 51.4% increase. One a per capita basis, local debt in that period rose from \$481.99 to \$706.42. This compares with a 15.3% increase in the per capita Federal debt for that same period.

The Federal commitment to aid the cities needs to be greatly expanded and as a first step discrimination against the cities in allocations of Federal aid to the cities and State is vital. It is almost unthinkable that in 1972 Federal aid to cities for housing and community development was only about \$4 billion dollars. \$10.5 billion dollars was spent by the Department of Agriculture. It is amazing that even without growing concentrations of urban problems, it has been estimated that urban expenditures account for less than 2% of the Federal budget.

Mr. JAVITS. Mr. President, finally, as this report demonstrates, there is much that could and should be done now to make many of the programs more equitably geared to the needs of urban dwellers:

First. Allocation formulas should be revised to keep in perspective the per capita income squared feature which too often distorts the shares received by urban States. For example, in those instances where this factor is squared—for example, vocational rehabilitation—a State with one-half the per capita income of another receives four times the per capita grant. Density of population, differing costs of living, and income differences within a State should also be a basis for allocation as well as overall population of the State.

Second. Maximum and minimum limitations on amounts for each State should be revised to realistic levels.

Third. Matching requirements should be reevaluated to determine their adequacy, particularly as some States cannot—or will not—provide funds to match Federal grants; and others have no need for particular programs.

Fourth. Legislators should seek alternative methods to determine the meas-

ures which effectively incorporate differences in the cost of providing governmental services in the more densely populated urban centers.

In short, the crisis of the cities is still very much with us. We must respond. Legislators from urbanized States need now to become as sensitive to the significance of allocation patterns for Federal funds as those from nonurban States so obviously have been for many decades.

THE 1972 QUESTIONNAIRE OF  
CONGRESSMAN BURT L. TALCOTT

## HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. TALCOTT. Mr. Speaker, in a large congressional district communication between Representative and constituent is often difficult because of distance, small remote cities, and the costs of travel and communication. I utilize every means of communication I know, TV, radio, newspaper, letter, telephone, personal appearances, and conferences with groups and individuals. One means of communication which permits every resident in my district to voice his or her opinion is my annual questionnaire.

Because of the unusual interest in the answers to my 1972 questionnaire, I insert them at this place in the RECORD:

1972 QUESTIONNAIRE OF CONGRESSMAN  
BURT L. TALCOTT

OCTOBER 1972.

## DEAR FRIENDS:

For seven years I have circulated a comprehensive questionnaire to ascertain the views of all residents of our district. The questionnaire requires considerable study and time, so I am most grateful to those who responded. Again the interest was extraordinary. As customary, I am sharing the answers and my abbreviated comments. The questions are designed to stimulate thinking and develop awareness of the complicated, complex issues that face us as citizens and public officials. The results indicate considerable divergence of opinion—and, of course, no federal question lends itself to a simple "yes" or "no" answer. The consensus is instructive to me and I trust informative to you.

My annual "end of Congress" report will be made shortly after the Congress adjourns. Also, I will again publish my complete voting record in the Congressional Record and provide copies for anyone upon request. Only a few Members of Congress do this; I was the first.

The answers were similar from all four counties; however, differences in "priorities" were significant. San Benito emphasized agriculture subsidies and employment; Monterey, environment and education; Santa Cruz, elderly and housing; San Luis Obispo, drugs and consumer protection.

Women favored "no-fault" insurance and "total national health insurance" more than men; while men favored a dual minimum wage for handicapped and inexperienced more than women; otherwise men and women saw issues similarly. More women responded than men, which surprised me.

Space and time preclude extensive comments by me. I am pleased to share the tabulations and my comments. Questions in italics; my abridged comments in standard type; tabulations in percentages.

## VIETNAM POLICY . . .

1. What is the best practical policy for Vietnam now?

a. the President's policy of withdrawing U.S. combat troops by stages while strengthening the South Vietnamese to assume responsibility for their own security? 31.0%.

b. immediate withdrawal of all U.S. troops? 17.7%.

c. publicly setting a specific date for withdrawal regardless of events in the meantime? 8.5%.

d. agreeing to withdraw all U.S. forces within four months after (1) the establishment of an internationally supervised ceasefire throughout Indo-China, and (2) the safe return of all American prisoners of war and an accounting of all Americans missing in action as a result of the present conflict in Southeast Asia? 41.8%.

Obviously still perplexing. An overwhelming number support the President. The picture is more clear now than last year. The stage-managed exploitation of the release of 3 POWs to the "war activists," the Easter invasion of the South by the North Vietnamese, the horrendous terror and executions of southerners, and the refugees (all to the South) have helped to identify the aggressor in this war. Everyone wants to end the war. Most everyone believes that the President's efforts are sincere; his rationale is correct; his offers of settlement are fair; the pressures upon him are immense. He has made every reasonable effort. Only a few want to withdraw on a specific date or unilaterally. With practically no publicity at home, my proposal for withdrawal (d above) was by far the most acceptable. I am confident that our well-intentioned involvement in a professionally fought, but grossly mismanaged, war will soon be terminated in a way that Peace may have a chance. Casualties are at an all time low, no draftees are being sent to Vietnam and, hopefully, the draft will soon be down to "zero." One word from the North Vietnamese government and we can withdraw our Navy and Air Force immediately. Caveat: our "POWs/MIAs" are not prisoners of war (never defined or treated as such); they are hostages for high ransom. All of us have a large obligation to help secure their humane treatment and safe return at end of war.

## DO YOU FAVOR . . .

2. . . . a nationwide program of no-fault automobile insurance?

Yes, 80.5%.

No, 19.5%.

A strong majority believes in the "no-fault" concept of auto insurance. The intricacies of administration and long range consequences are not well understood. Various experimental projects in several states have disclosed serious flaws as well as advantages. Until a satisfactory plan evolves from the various state experiments, the Con-

gress is reluctant to pass a nationwide law which would drastically change 200 years of common law. Some form of auto "no-fault" insurance is likely to be considered during the next Congress.

3. . . . the sharing of Federal revenues for municipal purposes by direct payment to state and local governments without specific Federal regulations for the use of these funds?

Yes, 43.3%.

No, 56.7%.

"Revenue sharing" is a new concept. It is designed to bring government back to the people, to local and state governments; to decentralize the cumbersome, remote Federal bureaucracy; to reduce "red tape," duplication and fragmentation of the narrow categorical federal programs; to free local officials from choking federal restrictions. The Federal Government is the most efficient tax collector, but least efficient tax spender. Government programs require close public scrutiny, which is more thorough at the local level. The present revenue sharing bill will need amendments, but it can rescue local governments from insolvency and relieve the property tax burden. I introduced one of the first revenue sharing bills (for education) in 1965. Local officials have strongly supported the bill. New concepts are often controversial; this one will change America and accrue to the benefit of all Americans.

4. . . . dual minimum wage—one lower for handicapped and for teenagers who want to work?

Yes, 52.1%.

No, 47.9%.

I support a dual minimum wage for handicapped and inexperienced youth—otherwise they won't get work because no employer can afford to pay them the same wages as fully qualified workers. Youth need work and experience, perhaps more than money. I disapprove of the present dual minimum for farm workers—(when they receive a lesser minimum wage than other workers)—they must spend the same for food, rent, clothes, and gasoline as other workers and they don't need to work just for experience. If minimums are to be imposed, they should be fair to all workers.

#### DO YOU BELIEVE . . .

5. . . . Federal or public employees should have the right to strike?

Yes, 37.8%.

No, 62.2%.

I believe the "strike" is an outmoded, less-than-civilized method for resolving disputes between persons who should be working for the same goals. A new legal technique of "mediation, arbitration, and negotiation" should be developed to take the place of the strike. I have made such a proposal. Both sides have the information, intelligence, and support to resolve any difference fairly. Strikes usually accomplish little for the employee; workers seldom recoup their losses; and innocent third parties are usually the most adversely affected. The progressive, enlightened and compassionate labor leaders concur with me. Public employees have an even greater responsibility to keep government functioning and should lead the way in working together as a team, and of developing new legal techniques for resolving disputes amicably, fairly, without waste or injury to others.

#### SHOULD THE FEDERAL GOVERNMENT . . .

6. . . . legalize the possession and private use of marijuana?

Yes, 39.6%.

No, 60.4%.

People seem to sense that the use of marijuana is a crutch which does no good—and could do harm. I encourage everyone not to use tobacco, alcohol, or drugs until they appreciate the consequences. I would not vote to legalize marijuana; however, the punishment for possession of small amounts and private use should be a fine; the penalty

for trafficking in drugs, specially with youth, should be stiff and mandatory. We abuse our minds and bodies by the misuse of drugs; today alcohol must be the most misused drug, but this is not justification for legalizing another harmful substance.

7. . . . enact a "value added tax" (3% national sales tax) if it lowers your local property tax?

Yes, 36.9%.

No, 63.1%.

In seeking "tax reform" we should strive for tax relief and tax reduction. We should reduce federal expenditures to avoid tax increases and new taxes. Tax review and scrutiny of all expenditures should be continuous. Unfortunately, this Congress is not committed to fiscal responsibility—the "buy now, pay later" disposition can only result in new or higher taxes, which damages the poor, the elderly and the unemployed now, and the young who will have to pay our debts in the future.

#### IN YOUR OPINION . . .

8. . . . what approach to "National Health Insurance" should we take?

a. a total health program financed and operated by the Federal Government? 44.7%.

b. a Federally operated program financed by employer-employee contributions? 24.9%.

c. tax credits for purchase of privately financed health insurance? 15.8%.

d. complete reliance on the private health insurance structure except for veterans with service-connected medical problems and disabled and elderly under Medicare? 14.6%.

The problem of delivering health services to all citizens concerns everyone—doctors, patients, para-medics, taxpayers, governments. We enjoy the best health care known, but we need to make it more available to more people. A "total government" program has never produced quality health care. Delivering health services is different from arranging a system for payment. Preventative medicine, use of para-medics, more medical and dental schools, rural and ghetto health services need emphasis. Free enterprise medical and hospital care with financial insurance for needy patients and catastrophic illnesses should be given a chance before we resort to total socialization of health care.

9. . . . what is the most crucial problem facing the United States today?

1. Vietnam.
2. Crime.
3. Economy.
4. Overdevelopment.
5. Environment.
6. Drugs.
7. Welfare.
8. Education.

10. . . . what is the most crucial problem of our 12th Congressional District?

1. Overdevelopment.
2. Environment.
3. Economy.
4. Welfare.
5. Drugs.
6. Education.
7. Communism.
8. Unemployment.

The problems facing our district and Nation are naturally similar. The war is an international problem and extraordinarily complicated. Last year it overshadowed all other problems. We have made great progress withdrawing troops and reducing casualties. "Crime" and the "economy" are considered almost as critical as "war" this year. "Drugs" have fallen down the list—young people are wiser. "Over-development" and "environment" concerns seem related. The "welfare mess" will be a persistent irritant until completely overhauled. Unfortunately, welfare reform was deferred until next year.

11. . . . To better allocate Federal spending, it has been suggested that priorities be established. Listed below are some of the major programs in the Fiscal Year 1973 Budget. Please indicate the order of importance that you believe should be given to

these programs. ("1" for most important through "14" for least).

1. Crime control.
2. Environmental protection.
3. Education.
4. Drug misuse.
5. National defense.
6. Consumer protection.
7. Aid to elderly.
8. Job training.
9. Housing.
10. Research and development.
11. Rural development.
12. Aid to cities.
13. Aid to agriculture.
14. Space exploration.

In almost all cases the shifting "priorities" of our district are compatible with the shifting emphasis in federal appropriations. More money is now being spent on crime, anti-pollution, education, consumer protection than ever before. A smaller percentage of our total budget outlays is spent on defense in spite of the extra costs of developing a volunteer army: 1962, 47.8%; 1972, 33% of total budget. For social services: 1962, 29% of total budget outlays; 1972, 44%. This is some progress. New Housing has increased from 1,879,000 units in 1969 to a projected 2,900,000 units in 1972, an all-time yearly record. It is estimated that this figure will be exceeded in 1973.

Two concerns were mentioned heavily in marginal notes and separate letters: alienation, which can only be ameliorated by sustained sincere individual effort toward reconciliation of our unnatural differences, and fiscal responsibility. "Wage and price controls" and reductions of federal taxes have cut the rate of inflation in half; more jobs have been created in spite of dramatic conversion from a war economy which includes discharge of more than two million military personnel and defense workers. Total civilian employment is 2.5 million higher than a year ago. But deficit spending by the Federal Government must be curbed or all other efforts to achieve economic stability will be futile. Every "Budget busting" in any area inflates the costs of living and diminishes the value of the tax dollar in all areas.

We as a government, we as a society, are making great progress in curing our various ills and building and reforming to meet the changes. Some people seem to derive personal satisfaction by condemning and criticizing institutions and officials. Some compulsively judge others by their faults and flaws rather than even considering their virtues and strengths. But, happily, most people who responded to my questionnaire conveyed a feeling of gratitude for the progress and successes we have enjoyed in recent years; they were exceedingly proud of their country and its record, even in war; they expressed hope and confidence in our institutions even though they suggested numerous reforms; they were pleased that the "economic outlook" is so much better; they are relieved that world tensions have been lessened everywhere except for the terrorism boiling up and out of the Mid-east and Vietnam.

The answers to my questionnaire were instructive and encouraging. I thank each of you who responded.

Sincerely,

BURT L. TALCOTT,  
U.S. Congressman.

TRIBUTE TO CONGRESSMAN  
JAMES KEE

HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 12, 1972

Mr. SCHWENGEL. Mr. Speaker, today I had planned to take an hour in



special order to pay a deserved tribute to Congressman JAMES KEE. However, because of other special orders already planned and at the suggestion of several members of the Public Works Committee, I have arranged for a special order on the 13th of October. It is my hope that many of his colleagues will join me in this opportunity to pay tribute to this fine gentleman.

#### TAMBURITZANS SUCCESS ON FOREIGN TOUR

### HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES  
Friday, October 13, 1972

Mr. SCHWEIKER. Mr. President, the Duquesne University Tamburitzans this summer conducted a spectacularly successful 9-week tour of Europe, including concerts behind the Iron Curtain, winning many friends for America wherever they performed, their achievements included taking the first-place gold medal for excellence in performance at an international folk festival in Bulgaria. Their entire 2-hour performance was played on the Bulgarian television network—Inter-Vision—and was seen by an estimated 20 million people in the Soviet Union, East Germany, Bulgaria, Czechoslovakia, Hungary, and Romania. They were the first American group ever to appear in this international festival, and to appear in such a fashion on Eastern Europe television. In addition to native songs and dances, half their show included various types of American music, dance, and culture.

These talented young people have made important contributions to international good will, and to educating thousands of Eastern Europeans about life in America. They deserve the thanks and gratitude of all Americans.

Mr. President, an article that appeared in the Pittsburgh Press on August 27, 1972, entitled "Tammies Triumph Abroad," describes this impressive foreign tour by the Tamburitzans in greater detail. Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

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

#### TAMMIES TRIUMPH ABROAD (By Carl Apone)

The U.S. ambassador to Bulgaria said their visit "was a major contribution toward bettering international relations."

A newspaper in Volos, Greece, said: "They were the best group of people America could or has ever sent here." The La Provencal critic in Marseilles, France, wrote it was "a highly professional performance by young American students." And the Black Sea Front, Bulgaria, called them a "precise, disciplined ensemble and possessed of musicians of the highest quality."

#### GOLD MEDAL AWARDED

Officials of the international festival at Burgas, Bulgaria, awarded them a gold medal for excellence in performing.

Bulgarian television (Inter-Vision) taped their entire two-hour show at Burgas and the show was then seen by an estimated 20

million persons behind the Iron Curtain in Bulgaria, Czechoslovakia, Hungary, Romania, the Soviet Union and East Germany.

Impresarios in Poland, Yugoslavia, Romania and England are clamoring for them to visit their countries next year.

They are all talking about the Duquesne University Tamburitzans who recently completed a nine-week tour of Europe, much of it in Iron Curtain countries.

The tour was made possible by a \$90,000 grant from the Richard King Mellon Foundation. Officials of the foundation are elated with the results.

#### PREPARING AT CAMP

Presently the Tammies are at their summer camp at Lake Nemakagan, Wis., preparing for a new program for the upcoming season.

The tour by the 46 members of the Tamburitzans opened in Czechoslovakia June 5. The U.S. ambassador there was surprised the Communists allowed an American group to enter the country, and the Czechs were careful to keep the Tammies away from the big cities. They played mostly in small theaters in Bohemia and Slovakia where they filled houses with a seating capacity which ranged from 600 to 1,000.

After that, they had one week of rest in Nice before giving three performances at an International Festival in Marseilles in a 1,500-seat theater. Some of the show was seen on French TV.

In Greece, there were 10 shows, the first two at Pireaus, for the Port of Athens Festival, where the Tammies played before crowds of 5,000 and 8,000 at an outdoor theater. The temperatures were around the 95 mark in northern Greece, but the Tammies didn't let the heat slow the pace of their shows.

#### RECEPTION "FANTASTIC"

The Bulgarians gave the Tammies "a fantastic reception" at the border, when they entered that country, the first American musical group to visit that Communist nation since before World War II.

Representatives of the various cultural groups were there; members of press, radio and TV were out in force; there were six members of Pirlin (Bulgarian State Ensemble) in uniform; lots of flowers and speeches.

"The interviews with our young people were along cultural lines," said Mrs. Pat French, interpreter and head of overseas tours for the Tammies. "They were interested in Tammy activities and made no attempt to show our country as the 'bad guy' in political affairs."

The Tammies played 12 shows during their three week day in Bulgaria and got enthusiastic receptions at outdoor theaters where the seating capacity ranged from 1,500 to 5,000. They also spent one week in training with the Pirlin ensemble, learning to perform on Bulgarian folk instruments and do native dances.

They will include three of those Bulgarian dances in their 1972-73 repertoire. The Bulgarians were so pleased with the Tammy showing during the one-week training period that they gave them instruments and costumes as gifts, as well as 300 books and hundreds of records on Bulgarian folk literature. Walter Kolar, director, and all members of the group also received personal gifts.

#### NEGOTIATED 8 YEARS

"We negotiated for eight years to be allowed to enter Bulgaria," Mrs. French said, "and I think we made the most of it. They were thrilled at hearing American music and seeing our dances for the first time, and members of Pirlin were amazed at the Tammy discipline and ability to learn."

"We got to meet many of the people and I think we accomplished some good. We made positive steps toward improving relations between the two nations."

Mrs. French, a former Tammy, and her brother, Nick Jordanoff, who was also on the

tour, made sure one of the Bulgarian concerts was in Tvrđitz, their mother's native village.

Their great-aunt had them and 133 guests to dinner, while a folk orchestra serenaded them. Tammy member Bradley Novic also met relatives in Bulgaria, while Beverly Vesolich met relatives in Pilsen, Czechoslovakia.

At the international festival at Burgas, on the Black Sea, the Tammies were the first American group ever to take part and won the festival's highest rating, the gold medal. Taking part in that festival were two Bulgarian groups and ensembles from Armenia, Czechoslovakia, Yugoslavia, France, Hungary, Poland, Romania and Russia. Each group put on a two-hour performance at the 10-day festival. Bulgarian TV filmed 40-minute segments of each group but honored the Tammies by filming their entire show.

#### PERFORMANCES WANTED

The British ambassador to Bulgaria saw the Tammies perform in Sofia and immediately made preliminary plans to book them to London during the Christmas vacation. Impresarios from Poland, Yugoslavia and Romania want them to spend one month in each country next summer.

Touring in future years may have to be curtailed, however, as the Tammies are concentrating their efforts on creating a Folk Arts Institute within the music department at Duquesne University.

The recent summer tour marked the seventh trip abroad. They toured for the U.S. State Department to Yugoslavia in 1950, Latin America in 1968, and the Soviet Union in 1969. They have also traveled to Yugoslavia on their own in 1953 and 1962, and in Paris at Christmas time last year.

And don't think the news of Tammy fame has been lost on young people. They had 400 students audition for six 1972-73 openings. They chose three from the Pittsburgh area, one each from Pennsylvania, Chicago and Kansas City.

#### HON. CHARLES RAPER JONAS

### HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 11, 1972

Mr. FREY. Mr. Speaker, Congressman CHARLES RAPER JONAS has served his country and state so well for many years, and it is with sadness that I note his retirement. His distinguished leadership in the House and his guidance and personal assistance to the junior Members have been of immeasurable aid to me over the past 4 years.

CHARLIE was the ranking Republican on the subcommittee that controlled appropriations for the space program. As such he took great delight in needling me about the program and its future. Yet in this area as in every other area the Congressman from North Carolina was fair and objective—doing what he felt was right for this Nation. No one ever questioned his integrity, his dedication, and his ability to get the job done.

The people of North Carolina have lost a great representative. The people of this country have lost one of the most effective Congressmen. I only hope that when I leave the Congress, I will have the respect and admiration that the Congressman from North Carolina—CHARLIE JONAS—has earned.

## ARMY SURVEILLANCE OF CIVILIANS

## HON. GAYLORD NELSON

OF WISCONSIN

IN THE SENATE OF THE UNITED STATES

Friday, October 13, 1972

Mr. NELSON. Mr. President, as our Nation grows and becomes more and more dominated by the interests of a mass society and a common culture, the values of individuality and the rights of personal freedom and political expression seem to be increasingly threatened by the demands of expediency. In this unseemly rush to achieve goals dictated by the best of motives, it is often constitutional liberties that are seriously trampled.

A shocking example of the needless sacrifice of the private rights of individual citizens was outlined in detail on August 30, 1972, when Senator SAM J. ERVIN, chairman of the Constitutional Rights Subcommittee, released a staff report of that subcommittee entitled, "Army Surveillance—A Documentary Analysis." This report publicly reveals for the first time the extensive degree to which the U.S. Army has monitored the activities of ordinary citizens and civilian organizations and filed this raw information in thousands of files, dossiers, and computer data banks.

Two years of intensive investigations and hearings in 1970 and 1971 by Senator ERVIN and the Constitutional Rights Subcommittee, and now the results of this yearlong analysis of actual Army records, document the military's overzealous and dangerous invasion of first-amendment guarantees of free speech, assembly, religion, press, and petition. In Senator ERVIN's statement of August 30, he revealed that there were "over 350 separate Army file centers—one in virtually every major stateside Army unit. At Fort Sam Houston, Tex., alone there were 120,000 file cards on 'personalities of interest' and at Fort Holabird, 113,250 entries on organizations and 152,000 records on individuals."

The report of the Constitutional Rights Subcommittee concludes that the Army's vast and outrageous snooping was useful for "no legitimate—or even illegitimate—military purpose." Still the files brimmed over with information on the intimate details of the private lives of law-abiding citizens. It would, therefore, appear that the military was selling the crown jewels of a free society—the individual rights and personal privacy of her citizens—for some juicy gossip that was unrelated to any legitimate purpose.

Mr. President, in order that a greater audience may discover and appreciate the vital service that Senator ERVIN and his subcommittee are performing in uncovering these illicit and unconscionable invasions of privacy, I ask unanimous consent that Senator ERVIN's preface to the report "Army Surveillance of Civilians: A Documentary Analysis" and the conclusion of that report be printed at this point in the RECORD.

There being no objection, the analysis

was ordered to be printed in the RECORD, as follows:

## ARMY SURVEILLANCE OF CIVILIANS: A DOCUMENTARY ANALYSIS

## PREFACE

Members of the Subcommittee: The following report by the Subcommittee staff analyzes certain computer print-outs and publications generated in the course of the Army's domestic intelligence program. I asked the staff to prepare this report so that members of the Subcommittee might be saved the labor of analyzing thousands of documents, many of which require painstaking translation from the original "computerese." In addition, it is sensible for us to work from an expurgated version of reports on the political and private lives of law-abiding citizens so that we would not be guilty of compounding the invasions of privacy which already have occurred.

In most instances where names of individuals or groups appear in this report, they are taken from examples presented at our hearings, or from news articles describing the various Army dossier collections. In a few cases, however, it has been necessary to mention some organizations by name in discussing data banks not previously known. Although there is a danger that the unscrupulous might misuse these identifications, on balance it is preferable that they be mentioned in the report. Only in this way can it be graphically demonstrated how the Army mischaracterized individuals and groups to their prejudice without foundation in fact, how arbitrary any judgments were, and how it continually exhibited a lack of appreciation for the potential harm that comes from indiscriminately listing together organizations with widely different aims, aspirations, methods, and behavior. These listings also show how ill-defined the Army programs were including as they do, small and *ad hoc* groups, street gangs, local organizations—some of them arms of government—along with national organizations of more permanent existence and importance. As the report makes clear, these listings demonstrate how worthless and unsubstantiated the Army's characterizations often were, while at the same time how dangerous they were to individual and associational rights. The evidence overwhelmingly demonstrates that the appearance of an individual or organization in the Army's files signifies no indictment of the person or group.

In my opinion, this report and the documents on which it is based demonstrate conclusively that the monitoring of individuals and organizations by military intelligence was of no practical value to military commanders charged with quelling civil disorders and safeguarding military security. The overwhelming majority of the reports pertain to the peaceful activities of nonviolent citizens lawfully exercising their constitutional rights of speech, press, religion, association, and petition. For reasons of efficiency alone, the Defense Department was right to order the reports destroyed. As the Army General Counsel said of the files: "They were the most worthless damn things I had ever seen in my life. It was a waste of paper. We said, 'Burn 'em.'"

However, it is equally clear that the reports posed a clear and present danger to the privacy and freedom of thousands of American citizens—citizens whose only "offense" was to stand on their hind legs and exercise rights they thought the Constitution guaranteed to them. These files confirm what we learned first from former intelligence agents—that Army intelligence, in the name of preparedness and security, had developed a massive system for monitoring virtually all political protest in the United States. In doing so, it was not content with observing at arms length; Army agents repeatedly in-

filtrated civilian groups. Moreover, the information they reported was not confined to acts or plans for violence, but included much private information about peoples' finances, psychiatric records, and sex lives.

This report further reveals the enormity of the data collection. Our hearings focused rather narrowly on the operations of the Intelligence Command and on one military intelligence detachment belonging to the Fifth Infantry Division. In contrast, the staff report demonstrates that virtually every major stateside Army unit had its own set of files on civilian politics. For example, in response to an inventory ordered by Army officials in the spring of 1970, Fourth Army Headquarters at Fort Sam Houston, Tex., reported the equivalent of 100,000 file cards on "personalities of interest." If that were not enough, III Corps at Fort Hood, Tex., reported a computer data file on civilian political groups within the same five-state area. The size of these and other data banks confirms that the Army's domestic intelligence operations did not begin with the Newark and Detroit riots of 1967. The events of that summer only expanded activities which had been going on, in varying degrees of intensity, since 1940, and which has its roots as far back as World War I.

The absence of civilian control over this surveillance prior to 1970 has already been established. This report proves the absence of central military control as well. Each major data bank developed independent of the others in a milieu which showed little concern for the values of privacy, freedom, efficiency, or economy.

The documents also demonstrate that the surveillance was not the result of any malevolent intent on the part of military officers. They merely did what they thought was their job in the manner in which they drew a false analogy between foreign counterintelligence and counterinsurgency operations and the Army's role in domestic civil disturbances. The hypothesis that revolutionary groups might be behind the civil rights and anti-war movements became a presumption which infected the entire operation. Demonstrators and rioters were not regarded as American citizens with possibly legitimate grievances, but as "dissident forces" deployed against the established order. Given this conception of dissent, it is not surprising that Army intelligence would collect information on the political and private lives of the dissenters. The military doctrines governing counterintelligence, counterinsurgency, and civil affairs operations demanded it.

If these mis-perceptions of dissent in the United States account for the direction Army intelligence took in the late 1960s, they do not explain the extraordinary growth of its operations. Responsibility here must lie with civilian authorities in both the Executive Branch and in Congress. In the midst of crisis, Pentagon civilians issued vague, mission-type orders which essentially gave intelligence officers a free hand in collecting whatever information they deemed necessary to the efficient conduct of civil disturbance operations. Subsequently, neither the Pentagon's civilian hierarchy nor the Congress had any routine means by which to review the appropriateness of those decisions until former agents came forward and blew the whistle in 1970.

Meanwhile, the surveillance grew, as most governmental programs grow, by the quiet processes of bureaucratic accretion. As the directives reproduced in the Appendix to the hearings graphically demonstrate, each subordinate element in the chain of command expanded on the orders it received from above, while the traditional secrecy we have granted our intelligence agencies immunized each echelon from effective review by its superiors.

Since the Subcommittee began its inves-



tigation in January, 1970, civilian officials in the Departments of Army and Defense have worked hard to reestablish civilian control. The task has not been easy; bureaucracies in motion tend to stay in motion. Many of the records undoubtedly have been destroyed; many others undoubtedly have been hidden away. For the moment, however, it would appear that the systematic monitoring has ceased.

The question this Subcommittee must decide is whether this cessation of operations is adequate for our purposes, or whether some other action, such as legislation modeled on the Defense Department's recent directives, is needed to bar a recurrence.

SAM J. ERVIN, JR.,  
Chairman, Subcommittee on  
Constitutional Rights.

#### CONCLUSION

The foregoing analysis represents but a partial view of the Army's files on civilian political activity. As we have taken care to note throughout the report, our analysis has been limited by the fragmentary nature of our information and by the fact that the Departments of the Army and Defense apparently have not preserved one complete copy of each computer file and publication as promised in the *Tatum* case. In addition, the unwillingness of the Defense Department to permit certain intelligence officers to testify has forced us to rely on necessarily vague second-hand explanations and descriptions of what Army intelligence actually was doing.

At the same time, the civilian officials with whom we have dealt over the past two years have encountered great difficulty with their own investigations. Often it appeared that our sources knew more about the data banks than theirs did. In some instances they appear to have been lied to; in other instances they appear to have been victims of the art of "plausible denial"—a technique by which intelligence agencies (and others) admit just enough of the truth to mask an essential falsehood. For example, domestic intelligence specialists in the Office of the Assistant Chief of Staff for Intelligence denied any knowledge of the Fort Holabird biographic data file when its existence was first disclosed in January 1970. Later they "discovered" the CONARC computer after its existence had been revealed in the press. Still later they uncovered computers at III Corps, USSTRICOM, and the DCDPO. Yet the documents clearly establish copies of the MacDill and CONARC print-outs had been transmitted to the Office of the Assistant Chief of Staff for Intelligence as early as 1968. Similarly, the "task group" of intelligence analysts assigned by the ACSI to answer civilian and Congressional inquiries worked in the very room which housed the DCDPO's computer.

The secrecy which surrounds all military intelligence operations also hampered both Executive Branch and Congressional inquiries. The time it has taken to comprehend the structure and *modus operandi* of the Army's intelligence units has cut into our capacity to uncover and examine various files. Similarly, much time has been lost in discussions with Defense Department officials concerning what items may and may not be declassified. Nothing in the Army's own security regulations would appear to justify the classification of any of the documents we have examined, and nothing the Defense Department has said in correspondence with the Chairman in any way can change the plain meaning of those regulations. The key problem here, as with the surveillance in general, is not security, but privacy. In their concern for protecting the privacy of the government, Defense Department officials have continued to classify documents which under the regulations are inherently unclassifiable.

Fortunately, it has been possible, through heavy editing and careful paraphrasing, to produce substitutes for the original documents that both preserve their significance and protect the privacy of individuals.

In addition, the lack of time and resources has prevented us from making the same kinds of inquiries of the Navy and Air Force that we have of the Army. There is no question that ONI (now NIS) and OSI reports were also stored in data banks substantially similar to those maintained by the Army, but it is unlikely that we will ever see their contents.

Most important, unless additional former agents come forward to tell what they know, it is unlikely that we will ever know the extent to which the monitoring and the data banks have been cut back. Shortly after our investigation began key files were classified and short-term agents replaced with career personnel. Personnel regulations were changed to exclude two- and three-year volunteers from service as special agents, and current agents were threatened with prosecution if they talked. As a result, military intelligence has become more of a closed society than at any time in its history.

Despite these limitations, however, it is possible to draw a number of conclusions about the nature and scope of the Army's data collection.

First, the files establish that the monitoring was far more extensive than we had imagined. In all, the Army appears to have had over 350 separate records centers containing substantial files on civilian political activity. But more striking than the number of offices with records was the size of some of the records centers. Fourth Army headquarters at Fort Sam Houston, Tex., for example, reported the equivalent of over 120,000 file cards on "personalities of interest." It seems likely that the subversive file at Fort Holabird contained even more. CIAB in Washington reported that the computerized index to its microfilm archive contained 113,250 references to organizations and 152,000 references to individuals.

Making estimates on the basis of such fragmentary evidence is always hazardous. Undoubtedly extensive duplication existed and thousands of files were maintained on dead men. Discounting for these factors, however, one can guess that Army intelligence had reasonably current files on the political activities of at least 100,000 civilians unaffiliated with the armed forces.

In addition, of course, the Army could draw upon the security clearance and investigative dossiers of all federal agencies for whatever political and private information they might contain on persons who were, or had once been, affiliated with the federal government. As of December 31, 1970, the Defense Central Index of Investigations alone reported 25 million index cards representing files on individuals and 760,000 cards representing files on organizations and incidents. What separates military intelligence in the United States from its counterparts in totalitarian states, then, is not its capabilities, but its intentions. This is a significant distinction but one which may not wholly reassure many Americans who rely on a government of laws and not of the intentions of men, no matter how honorable.

A second lesson learned from examination of these files is that Army intelligence was not just reconnoitering cities for bivouac sites, approach routes and Black Panther arsenals. It was collecting, disseminating, and storing amounts of data on the private and personal affairs of law-abiding citizens. Comments about the financial affairs, sex lives, and psychiatric histories of persons unaffiliated with the armed forces appear throughout the various records systems.

Third, the files confirm the testimony of former agents that Army intelligence was

using a variety of covert means to gather information about politically active groups and individuals. As Secretary Froehke noted in his testimony before the Subcommittee, much of the information called for in the collection plans could not be collected in any other way.

Fourth, at least two of the Army's data banks, those of Intelligence Command and of CONARC, had the capacity for cross-reference among organizational, incident and personality files. Without documentation, we cannot know the purpose of such capabilities, or even whether the programmers were simply providing for an unknown future contingency. Whatever the intention of Intelligence Command or of CONARC, their system had the technical capacity to produce correlations among persons, organizations and activities on the basis of frequently incomplete or inaccurate information.

Fifth, the size of the files confirms other reports that the surveillance dates back not to the Newark and Detroit riots of 1967, but to the reestablishment of Army counterintelligence on the eve of the Second World War. These other reports include letters from persons who served in military intelligence in the 1950's, an internal Army history of domestic intelligence activities from 1917 to the present, and an inventory of the Van Deman files supplied to the Subcommittee by a former intelligence analyst.

Sixth, the files examined by the staff confirm the view, advanced by Defense and Army officials at the hearings and in correspondence, that the surveillance was substantially beyond the Army's civil disturbance or military security missions. The files, with few exceptions, bear no demonstrable relationship to real military needs. From the point of view of efficiency and economy alone, there was no reason for their existence.

Finally, the major impression from our long study of these files is their utter uselessness. The collection of this information, and its attendant infringement on the constitutional rights and privacy of American citizens, has sometimes been justified on the grounds of necessity, chiefly that of public safety. Yet, it appears that the vacuum-cleaner approach of collecting all possible information resulted in great masses of data on individuals which was valuable for no legitimate (or even illegitimate) military purpose. These vast collections of fragmentary, incorrect, and irrelevant information—composed of vague conclusions and judgments and of overly detailed descriptions of insignificant facts—could not be considered "intelligence" by any sense of the word. They reflect an unfortunate tendency within the government to react to the problem of civil disturbances by conducting widespread and indiscriminate and duplicative surveillance. The result is a great collection of information which gives the illusion of knowledge, but which hampers the ability of responsible officials to make intelligent decisions. Unfortunately, it appears that the Army intelligence, uncertain of its stateside mission, took refuge in surveillance and dossier-building, and thereby deluded itself into thinking it was "doing something." In fact, it was merely wasting time, money and manpower, and infringing on the rights of the citizens it was supposed to be safeguarding.

The practical question which remains to be considered is how the scope of the Army's domestic intelligence operations can be controlled so as to guarantee that such unnecessary and wasteful data gathering which endangers civilian control of the military, individual rights and personal privacy will not reoccur when the present concern over military surveillance subsidies,