the state legislature. Many of the people who voted for him knew about his influence peddling . . . knew about his way of doing business . . . knew about his rather comfortable relationships with some race tracks and trucking firms. They kept sending him back to the state capitol in Springfield because he was a nice guy or because he was strong on some social issues. Given Paul Powell's sense of propriety and honesty, the state could have done without his vote on increasing aid to the elderly.

Most public officials . . . from alderman to President . . . are no wiser, no stronger, than the people they represent. They have the same tendencies and the same weaknesses. Indeed, that may be why some people find it awkward to rail against dishonesty in government when they try to pay off a city official for a favorable zoning ruling . . . when they cheat on their income tax . . . or when they clip a 5-dollar-bill to their drivers license in case they are stopped for speeding. It is hypocritical . . . to say the least. However, there is a double standard that ought to be imposed on public officials. When the people elect someone to office, they are entitled to expect him to be—not just above criminal behavior—but above suspicion. To warrant the public's trust, an official must meet stricter standards than private citizens expect of each other.

Until that millenium when all men are honest, there must be legislation that helps the voters determine whether or not a public official has met those standards. To begin with, there must be complete disclosure of financial holdings and income. Disclosure is the essence of any reform simply because it would be impossible to eliminate every single conflict of interest. After all, having children in public schools and voting on an education appropriation constitutes a "conflict of interest" in the strictest sense of the phrase. However, with complete disclosure, the people would know where a public official has interests, and then they can determine whether the interests conflict with his public responsibility.

There should be a board established at each level of government—a board made up of private citizens and public officials—to help determine what constitutes a conflict of interest and to decide whether the holdings should be liquidated or put in a blind trust. Finally, this country must have campaign reform. If there is corruption at this point in the political process . . . if a candidate has to sell his soul to get the money for his campaign . . . a law requiring complete disclosure would be meaningless.

There are some encouraging signs. Although Congress did not pass the most comprehensive campaign spending reform legislation . . . because of the veto threatened by the President . . . it did approve a Democratic proposal to make political contributions of up to 50 dollars deductible on an individual's income tax. (A person has the option of taking a tax credit of up to 25-dollars.) Public financing of political campaigns is still a long way off . . . but we have made a beginning. There is also a stirring in Illinois. That much scandal has to generate demand for reform, and perhaps the legislature is finally beginning to respond to public pressure.

Good ethics legislation will help but, in the final analysis, the people decide what kind of standards and principles their public officials must have. It is not too much to ask that our public officials distinguish between private gain and public trust. If they cannot make the distinction, they do not merit the office.

EASTERN ACTS TO PROTECT NONSMOKERS

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 7, 1972

Mr. YOUNG of Florida. Mr. Speaker, Eastern Airlines, one of the largest air carriers in the world, has joined in the campaign to provide separate seating for smokers and nonsmokers on public transportation. In compliance with the intent of H.R. 4776, the Nonsmokers Relief Act I introduced early last year, Eastern has sent me the following telegram:

We know of your interest in separating smokers from nonsmokers on airplanes. You will be pleased to hear that Eastern Airlines as a result of consumer comments will soon start setting aside seats on our aircraft in a special area for smokers. We are already providing this service on a few of our flights and we expect the procedure to go into system-wide operation this coming April 10. (Signed) Russell L. Ray Jr., vice president of consumer affairs.

Eastern joins an ever-growing number of transportation companies who are voluntarily complying with the intent of the Nonsmokers Relief Act. The mail that has flooded into my office in support of this bill proves conclusively that the overwhelming majority of Americans feel as I do—that on one should be forced to inhale dangerous tobacco fumes.

Since the Nonsmokers Relief Act was introduced, American Airlines, United Airlines, and Trans World Airlines—and now Eastern Airlines—have agreed to provide separate seating for smokers and nonsmokers.

Groups as varied as the Railroad Passengers Association and the American Medical Association House of Delegates also have supported this measure. The Interstate Commerce Commission has ruled that separate seating must be provided aboard buses.

The U.S. Surgeon General in a recent report said the health of a nonsmoker could be adversely affected if he is forced to inhale tobacco fumes from others, particularly in a confined area. H.R. 4776 would protect the rights and health of millions of nonsmokers—without placing a burden on those who choose to smoke.

Every American should have the right to breathe unpolluted air; he should not be forced to inhale the noxious fumes from others. While many carriers are now providing separate seating, others are not. The Congress should act promptly on the Nonsmokers Relief Act to protect the rights and health of all Americans.

SENATE—*Wednesday, March 8, 1972*

The Senate met at 12 o'clock meridian and was called to order by Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

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

Almighty and ever-living God, as we bow in this midday moment of prayer, we commit ourselves anew to Thy divine sovereignty, to Thy revealed word and to the guidance of Thy spirit. Remove from us all that obstructs our understanding of Thy will or impedes our doing it. While we cherish the rich heritage of the past make us willing to discard what is outworn and to welcome the truth which is new in promises of a better world. We plead not for security but for loyalty. What we pray for those who labor here, we pray for those everywhere in the service of this Nation.

Breathe through the things that are seen the peace of the unseen and the eternal. We pray in the Redeemer's name. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 8, 1972.

To the Senate:

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

ALLEN J. ELLENDER,
President pro tempore.

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

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on March 6, 1972, the President had approved and signed the act (S. 960) to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forests, State of Arizona.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, each with an amendment, in which it requested the concurrence of the Senate:

S. 247. An act for the relief of Albert G. Feller and Flora Feller; and

S. 888. An act for the relief of David J. Crumb.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

The message also announced that the House had passed the bill (S. 1975) to change the minimum age qualification for serving as a juror in Federal courts from 21 years of age to 18 years of age, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 1974. An act for the relief of Mrs. Gloria Vasquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 3413. An act for the relief Dr. David G. Simons, lieutenant colonel, U.S. Air Force, retired;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

H.R. 5299. An act for the relief of Maj. Henry C. Mitchell, retired;

H.R. 5315. An act for the relief of Gary R. Uttech;

H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7011. An act for the relief of Adriano Botelho Moniz; and

H.R. 7641. An act for the relief of Chung Chi Lee.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H.R. 1974. An act for the relief of Mrs. Gloria Vasquez Herrera;

H.R. 2052. An act for the relief of Luz Maria Cruz Aleman Phillips;

H.R. 2131. An act for the relief of the Howrey Lumber Co.;

H.R. 3413. An act for the relief of Dr. David G. Simons, lieutenant colonel, U.S. Air Force, retired;

H.R. 4050. An act for the relief of Maria Manuela Amaral;

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H.R. 6201. An act for the relief of Lesley Earle Bryan;

H.R. 6820. An act for the relief of John W. Shafer, Jr.;

H.R. 6907. An act for the relief of Matyas Hunyadi;

H.R. 7011. An act for the relief of Adriano Botelho Moniz; and

H.R. 7641. An act for the relief of Chung Chi Lee.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, March 7, 1972, be dispensed with.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the approval of the distinguished minority leader, I yield at this time to my colleague from Montana (Mr. METCALF) for the purpose of calling up two conference reports.

DISPOSITION OF JUDGMENTS RECOVERED BY CONFEDERATED SALISH AND KOOTENAI TRIBES—CONFERENCE REPORT

Mr. METCALF. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 602) to provide for the disposition of judgments, when appropriated, recovered by the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Mont., in paragraphs 7 and 10, docket numbered 50233, U.S. Court of Claims, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of Mar. 1, 1972, at pp. 6307–6308.)

Mr. METCALF. Mr. President, in view of the fact that the House of Representatives, which acted first on the conference report, has previously printed the report, together with the joint statement of the conference committee, I ask unanimous consent that the printing of this report by the Senate as a separate document be dispensed with.

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

Mr. METCALF. Mr. President, the fundamental difference between the two versions of S. 602 relate to the manner in which the Confederated Salish and Kootenai Tribes are to be authorized to utilize their judgment funds. The Senate-passed version of this measure authorized the tribes to distribute 80 percent of the judgment funds on a per capita basis to enrolled members and to retain 20 percent for reservation development programs. The official governing body of the two tribes endorsed this allocation of the funds.

The House version of S. 602 authorized a 90 percent per capita distribution of the judgment funds to enrolled members and retention of 10 percent for reservation development programs.

The conferees reached what I consider to be a reasonable compromise on the differences between the two versions of S. 602 by authorizing an 85–15 percent allocation of the judgment fund.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

DIVISION AND DISPOSITION OF FUNDS APPROPRIATED IN FAVOR OF BLACKFEET TRIBE AND GROS VENTRE TRIBES—CONFERENCE REPORT

Mr. METCALF. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 671) to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes.

I ask unanimous consent for the present consideration of the report.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of March 1, 1972, at p. 6308.)

Mr. METCALF. Mr. President, in view of the fact that the House of Representatives, which acted first on the conference report, has previously printed the report, together with the joint statement of the conference committee, I ask unanimous consent that the printing of this report as a separate document by the Senate be dispensed with.

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

Mr. METCALF. Mr. President, in order for my colleagues in the Senate to fully understand the underlying reasons for my objections to the House amendment to S. 671, it is important to review the legislative history of this measure in the Senate and the House of Representatives.

The purpose of S. 671, which Senator MANSFIELD and I introduced, was to divide an $8,679,814 judgment, plus accumulated interest of about $1,152,578 between the Blackfeet Tribe and the Gros Ventre Tribe on a basis of 73.2 percent and 26.8 percent respectively, and to authorize the use of the money. In addition the Secretary of the Interior was authorized to make an advance $150 per capita payment to enrolled members out of the funds set aside for the Blackfeet Tribe. The remainder of the funds for both tribes was to remain in an appropriate depository until the Blackfeet and Gros Ventre adopted plans satisfactory to the Secretary and approved by Congress.

In addition to the standard language providing for exemption of per capita payments from Federal and State income taxes and protection of the shares of minors and incompetents, S. 671 also provided that per capita payments would not be considered as a financial resource in determining eligibility for public assistance. Both the Department of the Interior and the Office of Management and Budget reported favorably on S. 671 and the Department witness testified in favor of its enactment at a hearing on the bill on February 24, 1971. This measure was subsequently ordered favorably reported by the full committee, passed by the Senate and sent to the House of Representatives.

Because of other legislative priorities, several months elapsed before the House was able to consider S. 671. During the interim period, the Blackfeet and Gros Ventre Tribes approved plans on the manner in which they desired to distribute their respective share of the judgment funds to be paid on a per capita ba-

sis to enrolled members and that the balance be used for program purposes in each reservation. In the case of both tribes, the funds proposed for per capita distribution amount to about 89 percent of the total.

When the House moved to consider legislation on the Blackfeet/Gros Ventre judgment award, the administration recommended that H.R. 9325 be enacted, if amended to incorporate the newly expressed wishes of the Blackfeet and Gros Ventre Tribes. And even though the administration had previously approved language in S. 671 providing that per capita payments should not be considered as a financial resource in determining eligibility for public assistance, they expressly disapproved similar exempting language in their report on H.R. 9325.

H.R. 9325 was ordered favorably reported by the House Interior Committee, passed by the House, its provisions substituted for the text of the Senate-passed S. 671, which was then passed by the House and returned to the Senate.

On December 15, 1971, I stated on the Senate floor that this measure (S. 671) would have to be carried over into the second session of the 92d Congress because the Senate had no legislative history from the Gros Ventre and the administration on the manner in which that group planned to utilize its share of the judgment funds.

On February 8, 1972, an open informational hearing was held before the Senate Subcommittee on Indian Affairs to receive testimony from Mr. Earl Old Person, chairman of the Blackfeet Tribal Business Council on the House amendment to S. 671.

Mr. Old Person underscored the importance of protecting the per capita payments of tribal members who were receiving some form of welfare assistance. He described the unusually severe winter in Montana, which has inflicted undue hardships on the Indian people because of their depressed socioeconomic conditions. I quite naturally concurred with Mr. Old Person's position and committed myself to seek to restore this welfare exemption provision to S. 671 during the conference with the House.

The administration filed a statement at the February 8 subcommittee hearing which indicated the need for an additional amendment to S. 671, if the Gros Ventre distribution provisions were to remain in the bill. This was necessitated because both the Gros Ventre and the Assiniboine Tribes reside on the Fort Belknap Indian Reservation and both happen to share in judgment awards.

Mr. President, I was pleased that the conferees on this measure agreed to the restoration of the provision which exempts per capita payments from being considered as a financial resource in determining eligibility for various forms of welfare assistance. In addition, I was persuaded to see the merits of retaining the House provisions which provide a means for the Gros Ventre Tribe to utilize their share of the judgment award.

Mr. President, I move the adoption of the conference report.

The motion was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under New Reports.

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under New Reports, will be stated.

OFFICE OF ECONOMIC OPPORTUNITY

The second assistant legislative clerk read the nomination of Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

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

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

TRANSPORTATION OF MAIL

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a mesage from the House of Representatives on S. 996.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 996) relating to the transportation of mail by the U.S. Postal Service which were on page 1, strike out all after line 2 over through and including line 25 on page 2, and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of money in the Treasury not otherwise appropriated, the sum of $23,891.26 to Ross Aviation, Inc., and the sum of $11,667.02 to Sedalia, Marshall, Boonville Stage Line, Inc.

SEC. 2. The payments made pursuant to section 1 of the Act shall be in full settlement of all claims by Ross Aviation, Inc., and Sedalia, Marshall, Boonville Stage Line, Inc., against the United States arising out of—

(1) the requirements imposed on air taxi mail transportation operators by the Postal Service or the Federal Aviation Agency, or both, regarding necessary aircraft equipment, continuing aircraft crew training, and operational procedures, and

(2) newly imposed or increased landing and ramp fees, or both, charged by airports as a result of increased air taxi mail transportation operations—

during the period commencing July 1, 1967, and ending December 31, 1968.

On page 3, line 1, strike out "SEC. 4." and insert "SEC. 3."

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Mr. MANSFIELD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 860.

The ACTING PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 860) relating to the Trust Territory of the Pacific Islands which were, on page 1, strike out lines 3 and 4.

On page 1, line 5, strike out "SEC. 101." and insert "SEC. 1."

On page 2, line 5, strike out "SEC. 102." and insert "SEC. 2."

On page 2, line 5, strike out "section 101" and insert "section 1."

On page 2, line 13, strike out "SEC. 103." and insert "SEC. 3."

On page 2, line 20, strike out "section 101" and insert "section 1."

On page 2, line 25, strike out "SEC. 104." and insert "SEC. 4."

On page 2, line 25, strike out "section 102" and insert "section 2."

On page 3, line 4, strike out "SEC. 105." and insert "SEC. 5."

On page 3, line 8, strike out "SEC. 106." and insert "SEC. 6."

On page 3, strike out all after line 12 over to and including line 17 on page 15.

Mr. STEVENSON. Mr. President, as passed by the Senate on May 4, 1971, the bill contained four titles dealing with economic development, settlement of war and postwar claims, immigration, and the enlistment of Micronesians in the U.S. Armed Forces. As the bill has been returned from the House it now contains only one title, that dealing with the expansion of the economic development loan fund in order to assist the territory in developing a visible economy.

The portion of the bill that had been title II, to provide for the settlement of outstanding claims, has been taken care of in other legislation enacted during the 92d Congress (Public Law 92–39).

As the author of S. 860, it had been my hope that title III of the Senate-passed version, amending the Immigration and Nationality Act regarding the entry of Micronesians into the United States, would be enacted this year. However, I recognize there is some difficulty

with the problem. At the direction of President Nixon, negotiations are presently underway with the Status Commission appointed by the Congress of Micronesia to work out a satisfactory United States-Micronesian relationship once the existing trusteeship arrangement has been terminated. Undoubtedly this immigration question and the tariff relationship between the United States and the trust territory will be included in legislation that will subsequently be sent to the Congress. Therefore, I do not think it necessary for the Senate to insist upon the original language contained in S. 860.

Mr. MANSFIELD. Mr. President, I move that the Senate concur in the amendments of the House.

The motion was agreed to.

INDIAN CLAIMS COMMISSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 654, H.R. 10390.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read as follows:

H.R. 10390, to extend the life of the Indian Claims Commission, and for other purposes.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. FANNIN. Mr. President, the committee report on S. 2408, extending the Indian Claims Commission for another 5 years, reflects unanimous committee action on the bill.

So that the legislative history on this fourth 5-year extension of the life of the Indian Claims Commission may be entirely clear, it is necessary and appropriate for me as the ranking minority member of the Indian Affairs Subcommittee to speak on two matters as to which the language of the report might otherwise create uncertainty.

First, as implicit in the bill itself, the intent of the committee is to permit one further 5-year extension only upon an express understanding and direction that at the end of that extension, no more extensions will be granted. To provide for cases, if any, remaining to be adjudicated at that time, the bill provides that they shall be determined by the Court of Claims. Nothing in the committee report should be taken as indicating any other intention.

Second, the report refers to the matter of so-called accounting claims which are apparently being accepted by the Indian Claims Commission even though certain time periods for accrual of claims and filing of claims are set forth in the basic act.

In our considerations of S. 2408, the committee did not attempt to become involved in determining the propriety of the acceptance and adjudication of such claims.

Therefore, notwithstanding references in the report to such cases, the intention of the committee, without a doubt, was neither to approve or to disapprove the said proceedings of the Indian Claims Commission and the report cannot be cited for either proposition in the event it should be suggested.

Mr. President, the history of our dealings with the Indian people of this country is marked with occurrences, including legislation and treaties from which controversies have arisen.

It benefits no one, least of all our Indians, to permit vagueness to pervade legislation pertaining to their rights and claims, and I am particularly sensitive to being amply assured that the laws we pass are clear so that the Indians understand the legislation which affects them.

It is important to the Indians, their attorneys, the Indian Claims Commission, and the relevant governmental agencies to understand our intention as to further extensions so that they may be guided thereby. In this regard, the old axiom, "Justice delayed is justice denied," can hardly be more appropriate.

Mr. MANSFIELD. Mr. President, I move to strike out all after the enacting clause and insert in lieu thereof, the text of S. 2408, Calendar No. 651, the companion Senate bill, as reported with an amendment by the Committee on Interior and Insular Affairs.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill H.R. 10390 was read the third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that S. 2408 be postponed indefinitely.

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

OPERATION OF A FOREIGN REGISTRY PASSENGER VESSEL BETWEEN THE STATES OF ALASKA AND WASHINGTON

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 655, H.R. 10834.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The assistant legislative clerk read the bill, as follows:

H.R. 10834, authorizing the State of Alaska to operate a passenger vessel of foreign registry between ports in Alaska, and between ports in Alaska and ports in the State of Washington, for a limited period of time.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I am particularly pleased that we are considering today S. 1297, the bill I introduced to permit the State of Alaska to operate the MV *Wickersham* between ports of the United States until the State of Alaska can obtain a replacement meeting the requirements of the Jones Act. The companion bill is H.R. 10834.

Mr. President, the importance of this bill to the State of Alaska cannot be overemphasized. As many of my colleagues are aware, the southeastern portion of Alaska is almost entirely dependent upon sea and air transportation. In fact, a great bulk of the vehicles imported into the State come by sea. Because there are no extensive roads permitting travel up from the lower 48, the marine highway system—a network of ferries operated by the State of Alaska—is truly a major highway link between southeastern Alaska and the rest of the United States. In order to expeditiously move people and vehicles as well as merchandise over that system, it is vitally necessary that every ship be operational. For over 3 years now, the *Wickersham* has been laid up the vast majority of the time, because it was prohibited from operating because of the terms of the Jones Act. Within the last month, the State of Alaska has completed legal requirements and has entered into a contract with a shipbuilding company for a replacement vessel. This bill we are considering today will permit the *Wickersham* to operate legally in the meantime.

The *Wickersham*, Mr. President, was a vessel not built in the United States but in Norway. It is, therefore, excluded under the Jones Act from carrying passengers between one domestic port and another. Congress has been reluctant to legislate any exception to the Cabotage laws. I understand this position. The United States cannot operate effectively if we must be dependent upon foreign shipping.

However, this has severely curtailed the use of the MV *Wickersham*. As a result, because so much capital of the State marine highway system was tied up in this vessel, the service the State of Alaska could provide to its citizens in the southeastern part of the State has been severely curtailed. An idea of the utilization of the marine ferry system may be found in certain figures. Prior to the inauguration of the marine ferry system in 1963, projections were made that 46,000 passengers and 13,000 vehicles by the end of the fourth year of operation would be carried. All estimates were surpassed in the first year alone when approximately 84,000 passengers and 16,000 vehicles were carried. This rapid rate of increase has continued. Because of the loss of the *Wickersham*, for some time the State has experienced a financial loss of at least $500,000 a year. When the *Wickersham* was operating, it earned $1.8 million a year and carried 29,000 passengers and 5,500 vehicles. Expenses were over $2.7 million for the *Wickersham*. As you can see, it has just not been possible to economically operate the *Wickersham* with its capacity not being fully utilized.

This waiver of the Jones Act will mean that the *Wickersham* can earn an addi-

tional revenue approaching $500,000 a year. During the 2- to 3-year period for construction of a replacement vessel, additional cash receipts to the State of Alaska treasury to the date of its sale will be between $1.5 and $2 million. These funds will be used to pay for the replacement vessel needed for our marine highway system. For this reason, I strongly urge my colleagues to support this bill. It will exempt the *Wickersham* from the prohibitions of the Jones Act presently precluding its use between ports in other States and the State of Alaska. It will permit this exception for a period commencing on the date the Secretary of Commerce determines that the contract for the replacement vessel has been entered into and terminating either upon delivery of the replacement vessel or at the end of 3 years, whichever first occurs.

The ACTING PRESIDENT pro tempore. The question is on the third reading and passage of the bill.

The bill (H.R. 10834) was read a third time and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the companion Senate bill, S. 1297, be indefinitely postponed.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair now recognizes the distinguished Senator from Pennsylvania (Mr. SCOTT).

Mr. SCOTT. Mr. President, I yield back my time.

Mr. MANSFIELD. Mr. President, I want to thank the distinguished Senator from Wisconsin (Mr. PROXMIRE) for allowing us to proceed with this necessary business at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for a period of not to exceed 15 minutes.

A GOVERNMENT GUARANTEE OF FULL EMPLOYMENT

Mr. PROXMIRE. Mr. President, a recent column in the New York Times argued that too much attention has recently been given to the problem of unemployment. More specifically, it argued that too many words have recently been spoken before the Joint Economic Committee on the question of unemployment.

I take strong exception to this point of view. No chairman, of course, wishes to be told that too many words have been uttered before his committee. A far more important reason to dissent from this view is the simple fact that unemployment is our most pressing economic problem. So long as it remains a problem, I intend to go on talking about it. I hope others will do likewise.

I will concede, however, that not all of the words spoken on unemployment during the recently concluded annual hearings of the Joint Economic Committee represented useful contributions to an analysis of the problem and its possible solutions. Indeed, much of what administration witnesses had to say on unemployment was designed more to obfuscate than to illuminate. The Secretary of Labor's admonition to "look at the doughnut not the hole" does not take us very far. Obviously if 6 percent of the labor force is unemployed, then the other 94 percent have jobs of some sort. But of what help is this in discovering the causes of and cures for excess unemployment? Likewise, I question the value of being told over and over that employment is at an all-time high. So is the labor force; so is the population.

As one nongovernment witness pointed out, the number of nonaddicts undoubtedly reached a new high, but this would hardly be accepted as evidence that the problem of heroin addiction is being solved.

Today I want to do three things. First, I want to try to outline the true dimensions of the unemployment situation. Second, I want to offer my definition of the full employment goal toward which our policies should be directed. Third, I want to outline the program which to me represents the best available means of reaching that full employment goal.

THE DIMENSIONS OF UNEMPLOYMENT

In 1971 the official unemployment rate averaged 5.9 percent. It was not materially changed in the early months of 1972, but the figures I am going to cite will be annual figures for last year because of the greater availability and reliability of annual information. There was an average of 5 million persons officially counted as unemployed last year. Large as that number is, it is only one part of even the official count of enforced idleness. The official statistics tell us that there were 774,000 "discouraged workers" last year. These are the persons who, out of despair of finding a job, cease even to look and are not therefore counted in the official estimates of the labor force. In addition to the unemployed and to those too discouraged to even get counted as unemployed, there were 2.4 million who worked part time because no full-time job was available. They are the part-time unemployed. By estimating the full-time job equivalent of the weekly hours during which these part-time workers were unemployed, one obtains the equivalent of another 1.1 million who should be added to the unemployment count. Adding up these three categories, one finds that even by the official statistics there were last year the equivalent of 6.9 million persons who were in fact unemployed. This would be 8.1 percent of the labor force—after adjusting the labor force to include the discouraged workers.

I ask unanimous consent to have printed in the RECORD a table setting out these and related data.

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

TOTAL OFFICIALLY MEASURED UNEMPLOYMENT, 1969–71

[Thousands of persons]

	1969	1970	1971
Unemployed	2,832	4,088	4,993
Discouraged [1]	574	638	774
Part-time unemployed [2]	852	1,010	1,143
Total	4,258	5,736	6,910
Unemployment rate [3] (percent)	5.2	6.9	8.1

[1] Those not in labor force because they think they could not find a job.

[2] Full-time equivalent of part-time unemployment of those who work part time because of slack work, material shortages, or inability to find full-time job. "Full-time" defined as 40 hours per week.

[3] Unemployed plus discouraged plus full time equivalent of part-time unemployed as percent of civilian labor force adjusted to include discouraged.

Source: Bureau of Labor Statistics.

Mr. PROXMIRE. Mr. President, the 6.9 million to whom I have referred above are the unemployed we are able to count. Many other potential workers remain out of the labor force in a recessionary period. They do not get counted even as discouraged workers because they offer other reasons for not participating in the labor force. A married woman, for example, may wish very much that she had a job, may have very genuine need of additional income, but may not seek work because she quite correctly assesses the face that her chances of finding a good job are negligible. Nonetheless, she may respond to the employment survey that she does not work because of home responsibilities, neglecting to mention the lack of job availability.

To take another example, we know that the number of social security recipients goes up more rapidly in a recessionary period. Many of these persons would prefer to continue working. They choose early retirement as a poor substitute for the good job which is no longer available. Yet they do not show up in the unemployment statistics.

These are two examples of numerous situations in which people leave the labor force for lack of good job opportunity. The available statistical data do not provide us with any good estimate of the number of such people who are in fact unemployed, in the sense that they would be available for productive work if their services were more in demand. What we can say is that there is a large number of such persons. The number of unemployed contained even in the expanded estimate of 6.9 million which I made above is a very minimal estimate.

In this analysis I have not touched on the number of workers who work for less than minimum wages. Nor have I touched on the enormous numbers of people who, because of job discrimination, held much less challenging and well-paying jobs than those for which they are qualified. Nor have I adjusted for the number of people enrolled in manpower training programs—many of whom would otherwise be counted as unemployed.

It is not necessary to go into detail on each of these points to establish my basic thesis that the failure of our economy to utilize the available labor resources is gigantic; it is a major social problem of

our times. The timidity of policy; the continued discussion of the bogeyman of "tight labor markets" is incredibly misplaced in the fact of this vast reservoir of unutilized and underutilized labor.

THE GOAL OF FULL EMPLOYMENT

When the Employment Act was first introduced in 1945, it was entitled the "Full Employment Bill." In its declaration of policy it contained the following language:

All Americans able to work and seeking work have the right to useful, remunerative, regular, and full-time employment, and it is the policy of the United States to assure the existence at all times of sufficient employment opportunities to enable all Americans who have finished their schooling and who do not have full-time housekeeping responsibilities freely to exercise this right.

During consideration of this bill, there was much discussion not only of what full employment meant, but even whether full employment was desirable. As enacted, the Employment Act of 1946 was a compromise which contained neither the language quoted above nor any other definition of full employment.

During the years since the enactment of the Employment Act of 1946, there has been increased acceptance of the desirability of full employment. We no longer hear it publicly argued that we must maintain an adequate "pool of unemployed." At times the more sophisticated modern arguments about the inflation-unemployment trade-off may serve as a disguise for this same old argument. Nonetheless, I think a genuine commitment to the goal of full employment has over the last 28 years come to be far more universally shared.

This commitment continues to lack the force it should have because we have yet to arrive at an agreed upon definition of full employment. Do we associate full employment with an unemployment rate of 3, 4, or 5 percent? Or does the rate of unemployment associated with full employment vary with time and place?

I want to suggest a definition which, if it will not serve for all times and all places, might at least serve as a useful guide to policy in the United States in the 1970's. I make no claim to originality. Indeed, I want to return to language of the full employment bill of 1945, which I quoted earlier. Full employment should mean today what the drafters of that legislation took it to mear. then: That all Americans able to work and seeking work can freely exercise their right to useful, remunerative, regular, and full-time employment.

To say that all Americans able to work and seeking work have a right to useful, remunerative, regular, and full-time employment is most emphatically not to say that the unemployment rate should be zero. We cannot have either an efficient economy or a free society unless people have a right to quit one job and seek another and to enter and leave the labor force in accordance with their own needs and desires. Nor can we have an efficient economy unless an employer is free to dismiss an employee for good cause. What the right to employment means is that the person who changes jobs or the entrant to the labor force be able to find a suitable job without undue delay. Lord Beveridge explained this well in 1944 when he said that "Those who lose jobs must be able to find new jobs at fair wages within their capacity without delay." He went on to explain that this meant that while there would be unemployment, perhaps equal to 3 percent of the labor force, there would be no long-term unemployed.

To put this in the terminology used by economists today, this would mean that the definition of full employment I suggest would allow for frictional unemployment. Precisely what the unemployment rate associated with frictional unemployment may be is difficult to determine, but the best recent scholarly studies indicate that it is something less than 3 percent of the labor force.

The eventual employment goal should be an unemployment rate representing minimum necessary frictional unemployment; that is, somewhere below 3 percent. Achievement of this objective will require great improvements in the structure of our economy; improvements which eliminate the structural unemployment arising from discrimination and from poor geographical distribution of job opportunities. These reforms will require a continuing effort over many years. We must be realistic enough to recognize the fact that there exist pockets of structural unemployment which will be extremely difficult to eradicate. Even allowing for the fact that some of these pockets will remain for a long time, I believe that a sustainable unemployment rate of approximately 3 percent is achievable within the next 5 years.

I wish it could be achieved sooner. Perhaps it can, but it would be foolish not to face the facts. Reducing unemployment to 3 percent and sustaining this rate means allowing time for needed structural reforms to take place. Five years may be needed, but let us do it sooner if we can.

Because the longer-term goal of a 3-percent unemployment rate cannot be achieved quickly, there is need for an interim target. I propose the specific setting of an interim target of 4-percent unemployment. This is the same interim target which was established by the Kennedy administration in the early 1960's. This is the unemployment rate used in the calculation of the full employment budget. I do not suggest this target just because it has been used before and has become somewhat customary. I propose it because it is a goal which can be responsibly achieved as soon as possible.

I wish I could suggest that we make it our goal for the end of this year. But it would be foolish to delude ourselves that this can be done. It would be a disservice to the public to arouse false hopes.

The administration has told us that the unemployment rate will be "in the neighborhood" of 5 percent by the end of this year. But there was not a single non-Government witness to appear before the Joint Economic Committee's annual hearings who thought that current policies would reduce unemployment to 5 percent by the end of the year. Five and one-half percent was the most common prediction and a number of witnesses shared my own doubt that with present policies we will do even that well.

The honest thing to tell the public is that new policy initiatives are required to bring unemployment below 5 percent by the end of this year and to bring it to 4 percent thereafter. These targets are realistic and achievable. I do not think the public should accept a policy which does not commit itself to these targets.

What of inflation? Of course, if we do nothing to avoid inflation, a lower unemployment rate may bring with it higher rates of inflation than most of us wish to tolerate. But why not do something effective about inflation? Why not have a price-incomes policy which effectively counters the monopoly pricing power of big business? Unfortunately, despite the elaborate phase II machinery, we do not have this at this moment.

Recent testimony before the Joint Economic Committee has effectively exposed phase II price control for the virtual sham that it is.

Why not have a manpower policy that does something effective to counter discrimination? We have been trying. We have made progress. We can move faster and do more.

We can accomplish enough along these lines before the end of next year to make it quite safe to reduce the unemployment rate to 4 percent without undue inflation. We can accomplish enough within 5 years to make it safe to bring the unemployment rate to 3 percent. The public should not settle for a policy which aims for less.

A GUARANTEE OF FULL EMPLOYMENT

What is the responsible public policy which will provide the jobs needed to achieve these reductions in unemployment? The best answer is the obvious one. The question is why we have delayed so long.

The sensible, effective way for the Government to reduce unemployment is to move at once to an expanded program of public service employment. Not only will the Federal Government thus spend its money in a way which we know will create jobs, but they will be useful jobs. It is in the public sector that labor is needed, that vital work waits to be done. Furthermore, public service employment is the noninflationary way to create jobs. We will not be creating shortages either of skills or of materials in the high-wage, high-price sectors of the economy.

I propose that the Government undertake at once to guarantee the American public that it will fund the hiring of a sufficient number of public service employees to bring the unemployment rate to below 5 percent by the end of this year.

How many additional public service jobs would this involve? It is impossible to know precisely. The very adoption of a firm commitment would give a great boost to confidence in the private economy and a spur to private employment. Furthermore, each public service employee hired would engender a "multiplier" effect. The increased income and increased expenditure by public service employees would create new consumer

demand and lead to expanded employment in the private sector.

Specifically, I propose that the Government provide for 100,000 new jobs a month until the unemployment problem is licked. I propose no WPA or leaf raking jobs. I propose that every American who is willing and able to work and who is seeking work should have a useful, regular, full-time job.

To sum up, America has much work to be done. There are services to be performed in antipollution, health services, education, housing, city services, and industrial production. America has almost 5 million people now out of work who are looking for work. Why not put the two together? Why not put those who are seeking jobs to work on the jobs that need to be done?

Americans are rightly concerned about the Government providing welfare payments to those who are unwilling to work. But what is wrong in providing a job for those who are willing to work?

If the Government started now to provide 100,000 new, constructive, needed jobs each month, the combination of these jobs plus those provided by the expected pickup in the economy would reduce unemployment below 5 percent in 6 to 8 months. If we fail to do this, it could take years for unemployment to drop below 5 percent if the pickup continues as sluggish as it now is.

At $500 per month per job, this program would cost about $2 billion in the first year. But the reduction in the cost of unemployment compensation and welfare payments, and the multiplier effect of having productive, employed Americans instead of nonproductive, unemployed Americans, would almost pay for the program. Under the multiplier effect, each new job produced, either by Government or private industry, brings employment to about 2 additional people.

With 4.9 million Americans fully unemployed; with another 2.4 million Americans working only part-time; with another 775,000 discouraged workers who have left the labor force because they have been unable to get a job month after dreary month; with industry operating at only 74 percent of its capacity; and with tens of thousands of jobs needed to be done in public service, antipollution, health, and other needs, the time has now come when the Government should become the employer of last resort.

Society must provide useful and needed work to every American citizen who is willing and able to work.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with a limitation of 3 minutes for each Senator recognized.

NEW HAMPSHIRE'S PRESIDENTIAL PREFERENCE PRIMARY

Mr. COTTON. Mr. President, it is unnecessary to remind the Senate that yesterday a presidential preference primary was held in New Hampshire which marks the opening of the presidential campaign of 1972. The results of that primary are far more significant than the many polls because for the first time the people of a State, even though a small State, have spoken. With only a few scattered precincts yet to be heard from, President Nixon has received 69 percent of all the votes cast in the Republican primary. Final returns might give him 70 percent, but probably not. His nearest competitor received 20 percent.

Already I hear certain commentators comparing the President's 69 percent this year with the 78 percent he received in New Hampshire 4 years ago. The point I wish to make is that when the news media simply makes that comparison and stops there, their statement is not only unrealistic but completely misleading.

Four years ago President Nixon's only opponent threw up his hands and withdrew his candidacy at least a couple of weeks before the primary, thanking his supporters and asking them not to vote for him. So Mr. Nixon was virtually unopposed although another name was still printed on the ballot. Four years ago Richard Nixon had the active support of the largest newspaper with the widest circulation in the State. Four years ago Richard Nixon was able to personally campaign in the State and made several appearances in New Hampshire.

This year the President, conforming to his avowed intention not to campaign before the convention, made no appearance and took no part in the campaign. This year both the extreme right and the extreme left were opposed to him so he had the opposition not only of the conservative press but nearly all of the liberal as well. This year he had two vigorous opponents, one of whom conducted a constant and intensive campaign with an extensive organization for many weeks.

Despite all this, the Republican voters in New Hampshire went to the polls and gave the President their overwhelming support. I hope that all the Nation which watched New Hampshire yesterday will make no mistake and accept no half truths. In the light of the circumstances, the President's 69 percent this year represents an even greater endorsement than the 78 percent he received 4 years ago.

THE EFFECT OF THE LESNIK MEASURE ON GUN VIOLENCE

Mr. MANSFIELD. Mr. President, on November 19, 1969, S. 849—the so-called Lesnik amendment to the Gun Control Act—was passed by the Senate. That measure—named in memory of a young marine from Fishtail, Mont., who was cruelly gunned down in a restaurant here in Washington—imposed mandatory and additional prison sentences upon criminals who choose to resort to firearms when perpetrating their acts of violence. I had introduced S. 849 in the hopes that such mandatory and separate penalties would help curtail incidents of gun violence in our society.

I must say that after passing the Senate unanimously, versions of the bill later were incorporated into two separate acts: Public Law 91–358, signed into law on July 29, 1970 and known as the District of Columbia Court Reform and Criminal Procedure Act of 1970; and Public Law 91–644, Omnibus Crime Control and Safe Streets Act Amendments, signed on January 2, 1971, applicable on a national basis.

I was gratified indeed that such a concept was written firmly into the lawbooks. Restraining the criminal use of firearms with the deterrent of mandatory and separate prison sentences is an essential step in the fight against crime and violence. By making the use of firearms during a crime grounds for additional punishment, it is hoped that the criminal will be less apt to resort to such a weapon when undertaking his invidious acts. To be sure, as finally written, the Lesnik law provides needed leeway, but only in the case of the young first offender. For a subsequent offense, there can be no way out. There is simply no excuse. The offender must be punished.

It is my hope that the desired results are being achieved with these relatively new sentencing procedures. Now that the law has been in effect for over a year, it is important that the results are analyzed. That is part of our job as legislators.

In pursuing this responsibility, I have written to the Acting Attorney General requesting all the available data in regard to the use of the Lesnik law. What I am seeking to establish is the extent to which the courts have been employing these sentencing procedures. It is only with such information that we can truly learn if the Congress of the United States is furnishing the proper and adequate tools in the battle on crime.

I ask unanimous consent, Mr. President, that my letter to the Acting Attorney General be printed at this point in the RECORD.

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

MARCH 3, 1972.

HON. RICHARD G. KLEINDIENST,
Acting Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: On January 2, 1971, the President signed into law PL 91–644, an act to amend the Omnibus Crime Control and Safe Streets Act and for other purposes. Prior thereto, on July 29, 1970, the President signed PL 91–358, dealing with crime and the court system within the District of Columbia.

Title II of the former law (PL 91–644) contains a provision that imposes stricter sentences against felons carrying firearms during the commission of crimes for which prosecution lies in any court of the United States. Specifically it imposes a separate and additional penalty for the act of carrying a firearm—separate from and in addition to the underlying crime itself. It imposes as well a mandatory sentence. In the case of second offenders, the sentence for using or carrying the firearm runs up to 25 years and cannot be suspended by the court; nor can probation be granted nor can the sentence run concurrently with the sentence for the underlying crime. Similarly Section 205 of PL 91–358, establishes for the District of Columbia certain additional and mandatory

sentencing procedures for crimes committed with or while carrying firearms.

Since both laws have been in effect in excess of a year, it would be most helpful to undertake a review of the experiences under them. I would thus appreciate your full report concerning the courts' compliance with these sentencing procedures, including the number of first and subsequent offenders sentenced thereunder, terms of sentences, courts involved, nature and type of underlying crime in which the firearm was carried or used and any other pertinent data the Department may have at its disposal on this question.

Your cooperation is greatly appreciated. I look forward to your report in this matter at your earliest convenience.

Yours very truly,

MIKE MANSFIELD.

EXTRADITION TREATY WITH ARGENTINA—REMOVAL OF INJUNCTION OF SECRECY

Mr. MANSFIELD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty on Extradition between the United States and Argentina, signed at Washington, January 21, 1972—Executive F, 92d Congress, second session—transmitted to the Senate today by the President of the United States, and that the treaty with accompanying papers be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and, without objection, the President's message will be printed in the RECORD.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty on Extradition Between the United States of America and the Republic of Argentina, signed at Washington on January 21, 1972. I transmit also, for the information of the Senate, the report of the Acting Secretary of State with respect to the Treaty.

The Treaty, the first to be signed with a Latin American country since 1961, significantly updates the present extradition relations between the United States and Argentina and adds to the list of extraditable offenses both narcotic offenses, including those involving psychotropic drugs, and aircraft hijacking.

The Treaty will make a significant contribution to the international effort to control narcotics traffic. I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

RICHARD NIXON.

THE WHITE HOUSE, *March 8, 1972.*

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

A resolution of the Senate of the State of New Jersey; to the Committee on Banking, Housing and Urban Affairs:

"A SENATE RESOLUTION memorializing the Senate of the United States to undertake a study and investigation of the appraisal and lending practices of the Federal Housing Administration

"Whereas, The news media from time to time has reported the existence of unconscionable practices in the evaluation and mortgaging of real property in depressed areas resulting in undue financial hardship to many citizens of this and other states; now, therefore

"Be it resolved by the Senate of the State of New Jersey:

"1. The Senate of the United States is memorialized to undertake a study and investigation of the appraisal and lending practices of the Federal Housing Administration and to cause to be terminated any unconscionable practices as may be found to exist.

"2. The Secretary of the Senate shall cause a copy of this resolution signed by the President and attested by the Secretary to be transmitted to the Secretary of the Senate of the United States and to the Senators of the United States from the State of New Jersey."

EXECUTIVE REPORTS OF COMMITTEE ON COMMERCE

Mr. PEARSON. Mr. President, as in executive session, for Mr. MAGNUSON from the Committee on Commerce, I report favorably sundry nominations in the National Oceanic and Atmospheric Administration and in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, I ask unanimous consent that they lie on the Secretary's desk for the information of Senators.

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

The nominations, ordered to lie on the desk, are as follows:

Robert A. Ganse, and sundry other persons, for permanent appointment in the National Oceanic and Atmospheric Administration; and

William M. Alexander, and sundry other Reserve officers, to be permanent commissioned officers of the Coast Guard.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. PEARSON:

S. 3312. A bill to establish a Commission to study and appraise the organization and operation of the Executive Branch of the Federal Government. Referred to the Committee on Government Operations.

By Mr. BROOKE:

S. 3313. A bill to establish a National Corrections Academy for the purpose of providing Federal, State, and local corrections personnel with vocational training and continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

By Mr. BURDICK (for himself, Mr. HUGHES, Mr. HUMPHREY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, and Mr. MONDALE):

S. 3314. A bill to amend the Agricultural Act of 1949, as amended, to extend the repayment period for price support loans made on the 1972 and 1973 crops of corn, feed grains, and wheat. Referred to the Committee on Agriculture and Forestry.

By Mr. MATHIAS:

S. 3315. A bill for the relief of the estates of certain former members of the U.S. Naval Reserve who were killed on January 8, 1967, while their airplane was taking off from Andrews Air Force Base, Md. Referred to the Committee on the Judiciary.

By Mr. MCCLELLAN (for himself, Mr. HARRIS, Mr. FULBRIGHT, and Mr. BELLMON):

S. 3316. A bill to grant the consent of the United States to the Arkansas River Basin Compact, Arkansas-Oklahoma. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PEARSON:

S. 3312. A bill to establish a commission to study and appraise the organization and operation of the executive branch of the Federal Government. Referred to the Committee on Government. Referred to the Committee on Government Operations.

Mr. PEARSON. Mr. President, I introduce, for appropriate reference, a bill for the establishment of a commission to study and appraise the organization and operation of the executive branch of the Federal Government.

Briefly, this measure proposes the creation of a commission with duties and responsibilties similar to those of the highly successful Hoover Commissions of 1947–49 and 1953–55. The bill is similar to one I have introduced in the past and which received widespread support.

I, of course, recognize that the President has asked for an extensive reorganization of the executive branch based on the recommendations of a Presidentially appointed commission known as the Ash Commission. It has become regrettably apparent that the President's proposals have very little chance of enactment by this Congress. The President's proposals have languished in committee because of substantive and partisan objections. It is imperative, however, that we continue to examine the organization and management of the Federal Government so that it may operate more efficiently and so that it may become more responsive to the needs of every American.

One of the most legitimate and serious criticisms of Americans is that their Government does not respond promptly and adequately to their needs. In the conduct of their personal business with Government agencies, individual Americans are often overwhelmed at the com-

plexity of accomplishing such simple objectives as obtaining social security benefits, applying for veteran's educational or disability payments. Small cities or school districts are inundated with paper if they should be so audacious as to request Federal assistance for a local program. The Federal agencies themselves often become hopelessly snarled in their own redtape if one of their number should be so bold as to have an original, imaginative idea.

Each American knows the truth of the condition of his Government. He recognizes that some duplication of effort and some mismanagement of human and financial resources cannot be avoided in a government as large as one needed to govern 220 million Americans, but he may quite legitimately demand that these conditions be reduced to the absolute minimum. That, Mr. President, is the objective of the legislation which I introduce today.

Mr. President, twice in the last 25 years, commissions appointed jointly by the Congress and the President have studied the organization and administration of the Federal Government and made recommendations for its reorganization. These commissions, known as Hoover Commissions, were among the most effective advisory bodies in our Nation's history. Their recommendations were widely accepted and enacted into law. The cost of their study was returned many times over by the increased government efficiency and direct savings from elimination of governmental duplication. Let us examine the record of the Hoover Commissions.

The first Hoover Commission proposed 273 recommendations in its final report. Of these, 196 or 72 percent were adopted. They included reorganization of the Department of State, creation of the General Services Administration, revised budget and accounting procedures, and the vital National Security Act Amendments of 1949.

The second Hoover Commission reported in 1955 and achieved similar success. It proposed 314 recommendations of which 200 were adopted, an acceptance rate of 64 percent.

Since the last Hoover Commission issued its report, four Presidents have added new departments and agencies. Since 1955, we have witnessed a proliferation of Federal agencies to administer the great social legislation in the fields of health, education, and equal opportunity. We have undertaken research on the moon and on the floor of the oceans. In short, our Government has expanded greatly, and perhaps unnecessarily, since 1955.

It is time that we once again step back and see what we have created. We know that our great bureaucracies do not function properly at all times. We know that they waste tax dollars through duplication of activities and mismanagement of physical resources and personnel. We cannot afford to limp along with piecemeal reorganizations by the Congress or the Executive. Both the executive and legislative branches of our Federal Government must cooperate if we are to succeed in these efforts. The proposal I introduce today is a time-tested vehicle for mobilizing the resources of this Nation to undertake the formidable task of Government reorganization.

We cannot allow an unresponsive, wasteful bureaucracy to smother our ideals and goals for a humane, just, and prosperous society. Our Government must become a vehicle to facilitate the efforts of Americans to achieve the great promise of our Republic. A thorough reorganization of our Government based upon recommendations of the commission proposed in this bill, could go far toward creating a government to match the energy, imagination, and inventiveness of the American people.

By Mr. BROOKE:

S. 3313. A bill to establish a National Corrections Academy for the purpose of providing Federal, State, and local corrections personnel with vocational training and continuing education and guidance on methods of treatment and rehabilitation of criminal offenders. Referred to the Committee on the Judiciary.

NATIONAL CORRECTIONS ACADEMY ACT

Mr. BROOKE. Mr. President, I have long been concerned with the quality of rehabilitational services offered to criminal offenders. In my visits to prisons and in meeting both with men in prison and with ex-offenders, I have been deeply impressed by the desire of many of these men to change their lifestyles and to become constructive members of society.

Concurrently, I have been deeply disturbed by the statistics and the nearly unanimous individual testimony which indicates the clear and intolerable failure of our correctional system to respond to and channel these constructive desires.

Public attention to our prison system is on the upsurge, as work stoppages, petitions, riots, and experimental reforms have filled our newspapers and television reports. The most shocking event was the tragic uprising at the Attica State Prison in New York last September in which 42 men—prison officials as well as inmates—were killed. It was a tragedy of haunting dimensions whose consequences will remain seared on the Nation's conscience for years to come.

The confrontation at Attica could have happened in many prisons throughout the Nation, and may indeed be repeated in the future. I fervently pray that such will not be the case. But if we are to prevent a reenactment of this event, we must take quick and comprehensive steps to insure that prisons truly serve the purpose for which they are maintained: That is, to facilitate the correction of criminal offenders so that when they are released to the community they may contribute to the betterment of society and not to its decline.

In my judgment, the simplest and most effective step which the Congress can take to correct the abuses of the past and provide a better future is to establish a mechanism to assist corrections officials throughout the Nation improve the quality of treatment and rehabilitation within our prisons.

Although there are currently more than 125,000 employees in corrections-related work throughout the Nation, statistics of the Federal Bureau of Prisons show that only one-fifth of this number are actually treating offenders. Thus, approximately 25,000 persons must meet the very real needs of the more than 1,300,000 adult and juvenile offenders who, on an average day, are confined in corrections institutions of all kinds throughout this country. That is one professional correctional worker for every 52 inmates.

The figures are even more shocking when we realize that there is only one psychiatrist for every 4,000 prisoners in U.S. adult penal institutions, or one social worker for every 250 prisoners, while there is a custodial employee for every seven inmates.

In short, the critical need in corrections is for personnel in the trained professions. Personnel must be more effectively utilized and prison management itself must be conducted on a more orderly and constructive basis. Yet nowhere in this country can correctional personnel receive a comprehensive course of training related specifically to their work. There are no standards which must be attained in order for a man or woman to qualify for specific responsibilities in corrections.

While there have been few professional studies on the background and education of corrections personnel, available data indicates that fewer than one-third of all employees are college-educated and more than two-thirds of all administrators and supervisors lack post-undergraduate training.

While these figures are not conclusive, and while it is also true that an individual needs more than advanced educational background in order to gain the qualities essential for a competent and helpful prison employee, the data nevertheless indicates a clear failure of the system to stress education as a criterion for placement or promotion. Although some local institutions do make attempts at staff training, these brief programs often lack the breadth and depth of training which is vitally needed at every level of the correctional field: for executives, managers, supervisors, professionals, clerical, trades and crafts, and administrative support personnel.

Therefore, I have introduced today a bill to establish a National Corrections Academy which would make available to Federal, State, and local corrections personnel the necessary training and education in methods of prisoner treatment and rehabilitation.

The Academy would serve as a training ground for corrections officials who serve in all levels of the corrections system. It would provide training and guidance for new employees as well as for experienced officials seeking specialized background for positions of increased responsibilities. Although the Academy would be physically located in one center in a major metropolitan area, it would also serve as an information center for studies and research by public and private agencies and would publish and disseminate to corrections officials throughout the Nation studies on such issues as the prevention of crime and recidivism, the

training of corrections personnel, and the rehabilitation and treatment of criminal offenders. And the Academy would be expected to make a significant effort to hold training sessions, either live or through audiovisual aids, for appropriate officials throughout the Nation.

The bill also proposes the establishment of a Coordinating Council for National Corrections Training which would be an independent governmental body composed of individuals with experience in each of the significant elements of corrections study as well as five representatives of the general public. The Council would establish the overall policy and supervise the operations of the Academy; also, the Council would work closely with the Director of the Academy who would have responsibility for its day-to-day activities.

Especially in its formative years, the Academy would need the direct supervision of the many experts who would serve on the Council. Simply because so little is known about the proper operation of a high-quality, full-service training institution for corrections personnel, it can be expected that there will be a need for experimentation and application of concepts not previously attempted on a broad scale in this country.

The novelty of the concept is also the principal reason for only establishing a single institution. Before any additional facilities are established, we should make sure that we know how to do the job properly.

Every student who is selected to attend the Academy would receive a reasonable stipend and allowances under regulations to be established by the Council. In return, the student would agree to serve for at least 2 years in an appropriate function in the corrections field. In the event that the student does not fulfill the terms of his agreement, he would be obligated to repay 50 percent of the stipends and allowances which he had received under this bill.

The bill does not set out the specific curriculum nor the length of time in which a student would be required to attend the Academy. However, due to the large number of programs which would be created by the Council, there would be a varying length of attendance by students, ranging from a period of several weeks up to a term of perhaps 2 years. It is also expected that the courses of instruction at the Academy would include background in such areas as the criminal justice system, the responsibility of an employee, parole and probation, intrapersonal relations, disciplinary process, drugs, security, legal rights of inmates, emergency plans, counseling, interviewing, homosexuality, public relations, and records.

Because of the virgin territory which this bill covers, however, I believe that the Council, with its high level of expertise and experience, would be better prepared than the Congress to establish the specific programs of the Academy. The Council's activities would, of course, be subject to regular congressional review.

In developing this proposal, I have benefited greatly from the advice and suggestions of a large number of corrections officials and other experts across the country. The case for a national corrections academy was aptly summarized by Mr. Kenneth L. Hardy, the Director of the Department of Corrections in the District of Columbia.

Corrections is a complex field with many areas of activity. The scope of complexity is further complicated by the wide variety of programs from the local jail with part-time staff to the large institutions with a myriad of multi-functional staff. Philosophies in corrections differ not only nationally, but even in adjoining states and counties.

For corrections to be effective, we must have some national guidance and direction. This can best be achieved through a national academy where ideas and philosophies could be exchanged and evaluated and, further, from where new national direction could be introduced . . .

In a speech before the Nation's first Conference of Corrections, held in Williamsburg, Va., last December, then Attorney General John N. Mitchell proposed the creation of a National Corrections Academy that would concentrate on learning, research, and training for Federal, State, and local corrections personnel.

I strongly believe that a National Corrections Academy is an idea whose time has come. It is wanted by respected corrections officials throughout the Nation. Even more, it is necessary if we are to reform our prison systems so that they can play a positive role in our criminal justice system. The corrections component is a vital link in our legal apparatus; when it fails to do its job of rehabilitating the offender, then the entire system suffers accordingly. We can develop the finest police forces and prosecutors in the world, but our efforts will be to no avail if the arrest and sentencing is followed by a period of incarceration which only embitters and further alienates the offender, sending him back into society prepared only for further criminal activity.

I urge the Senate to give early consideration to this proposal to establish a National Corrections Academy.

Mr. President, I ask unanimous consent that there may be printed in the RECORD a copy of the bill as well as a representative sampling of letters which I have received from professionals across the Nation with regard to this proposal. While I do not necessarily agree with each detail in all of the letters, I believe that each letter aptly states the need for a National Corrections Academy. The letters are from Mr. Peter B. Bensinger, director of the department of corrections for the State of Illinois; Mr. John J. Buckley, sheriff of Middlesex County in the Commonwealth of Massachusetts; Mr. Edward M. Davis, chief of police, Los Angeles, Calif.; and Mr. Kenneth L. Hardy, Director of the Department of Corrections in the District of Columbia.

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

S. 3313

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

FINDINGS AND PURPOSE

SEC. 2. The Congress finds that—

(1) more than 1,200,000 individuals are either being detained in corrections facilities throughout the Nation or have been released but are being kept under the close supervision of the corrections system;

(2) the rate of recidivism among released offenders is alarmingly high, and that the economic cost of crimes committed by those offenders is an undue national burden;

(3) there are more than 130,000 personnel employed in more than 4,000 correctional institutions throughout the Nation, and a significant number of these employees are not adequately prepared to handle the difficult and important assignments which they have assumed; and

(4) the principal function of our nation's corrections system must be to rehabilitate criminal offenders so that they will be able to make a constructive contribution to society upon their return to freedom.

DEFINITIONS

SEC. 3. As used in this Act—

(1) "Academy" means the National Corrections Academy;

(2) "Council" means the Coordinating Council for National Correctional Training;

(3) "Corrections Personnel" includes officers in corrections facilities, probations officers, juvenile authorities, vocational rehabilitation and training officers, and other auxiliary personnel, including lay persons, engaged in the treatment and rehabilitation of criminal offenders;

(4) "Director" means the Director of the Academy as defined in Section 6.

ESTABLISHMENT OF THE ACADEMY AND THE COORDINATING COUNCIL

SEC. 4. (a) There is hereby established a National Corrections Academy.

(b) There is hereby established a Coordinating Council for National Corrections Training. The Council shall be composed of fifteen members as follows:

(1) the Commissioner of Education:

(2) the Administator of the Law Enforcement Administration in the Department of Justice;

(3) a member of the probation community appointed by the Attorney General;

(4) a member of the correctional community appointed by the Attorney General;

(5) an educator appointed by the Secretary of Health, Education and Welfare;

(6) an urbanologist appointed by the Secretary of Housing and Urban Development;

(7) a criminologist appointed by the Attorney General;

(8) a psychologist or psychiatrist appointed by the Secretary of Health, Education and Welfare;

(9) an individual, who by reason of experience or training is acquainted with the special problems of the poor and law enforcement, appointed by the Director of the Office of Economic Opportunity;

(10) a criminal court judge appointed by the Chief Justice of the United States;

(11) five individuals representative of the general public, including at least one qualified ex-offender, who are specially qualified to serve on the Council, appointed by the President of the United States.

(c) Members of the Council appointed pursuant to Clauses (3) through (11) of subsection (a) of this section shall be appointed by and with the advice and consent of the Senate.

(d) Appointed members of the Council shall serve terms of five years, except that—

(1) of those initially appointed, three shall serve terms of two years, three shall serve terms of three years, three shall serve terms of four years, and four shall serve terms of five years as designated by the President at the time of appointment.

(2) in the event an appointed member should resign or be removed from the Coun-

cil such vacancy shall be filled in accordance with the provisions of Section 4(b) of this Act but only for the unexpired portion of the vacant term, and

(3) members of the Council may be removed by the President for neglect of duty or malfeasance.

(e) A majority of the members of the Council shall constitute a quorum.

(f) The members of the Council shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) The Council is authorized without regard to the provisions of Title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of Chapter 51 and Subchapter III of such Title relating to classification and General Schedule pay rates, to appoint and fix the compensation of the President of the Council. The President shall, by reason of training or experience, be specially qualified to carry out the duties of the office, serve at the pleasure of the Council, be an ex officio member of the Council and carry out such duties as may be assigned to him by the Council.

FUNCTIONS OF THE ACADEMY

SEC. 5. (a) The Academy is authorized to offer the following instruction:

(1) Executive workshops and seminars to provide an opportunity for top management officials in the correctional system to meet, study, evaluate and evolve philosophies which can develop a consensus for a national direction on corrections policy. Similar programs should be made available at appropriate places throughout the nation in order to afford a significant number of corrections personnel the opportunity to study management and supervisory techniques and skills as they apply to the correctional setting.

(2) A correctional staff college to provide educational experience for middle-level personnel who have experience in corrections. This program would offer these personnel an adequate opportunity to study and prepare themselves for positions of increased responsibility in corrections.

(3) A basic course of instruction for persons seeking initial employment as corrections officers.

(4) Specialist training to offer instruction to full- and part-time support personnel including but not limited to chaplains, doctors, dentists, nurses, business managers, food service personnel, recreation workers, counselors, psychiatrists, vocational instructors, and social workers.

(5) Extensive background training for in-service staff personnel. Efforts should be made to make available curriculum materials, audio and visual assistance, and other pertinent resources for the training of personnel who have not otherwise obtained adequate instruction in corrections policy.

(6) Community based programs to develop meaningful and organized efforts to successfully re-integrate the ex-offender into society.

(7) Any other instruction established by the Council to be appropriate for corrections personnel.

(b) The Academy is authorized to serve as an information center for data obtained from studies and research by public and private agencies on criminal behavior and recidivism, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal offenders. The Academy is also authorized to publish and disseminate the data and studies in an appropriate manner.

FUNCTIONS OF THE COUNCIL: DIRECTOR AND STAFF OF ACADEMY

SEC. 6. (a) The overall policy and operations of the Academy shall be under the supervision of the Council.

(b)(1) Under the general supervision of the Council, the Academy shall be headed by a Director, who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The Director of the Academy shall receive basic pay at the rate provided for at level III of the Executive Service under section 5314, Title 5, United States Code.

(2) If the Office of Director is left vacant, by resignation or otherwise, the President shall appoint a successor who shall serve for the unexpired portion of the term of office.

(c) The Council shall report annually to the Congress on its operation and the activities of the Academy, and recommend to the Congress further legislative action which may appear desirable.

FACILITIES

SEC. 7. (a) A suitable permanent location for the Academy shall be selected by the Council. In making its determination, the Council should seek a location in a metropolitan area where university and government assistance would be readily available. The Academy shall not be affiliated with any existing university or government body.

(b) The Director, with the approval of the Council, shall—

(1) acquire such property as may be necessary after the location has been selected pursuant to subsection (a), and

(2) make such arrangements as may be necessary or desirable for the construction, equipping, and physical organization of the Academy.

(c) The Council shall provide adequate opportunity for correspondence courses and for the distribution of educational material to corrections personnel not attending the Academy.

AUTHORIZED STUDENTS

SEC. 8. The authorized number of students at the Academy shall be determined each year by the Council. Reasonable efforts shall be made to insure that students are admitted so that geographic regions will be fairly represented on the basis of population and need, and that adequate representation is given to personnel in all levels of government and in all functions of the corrections system.

STIPENDS

SEC. 9. Every student shall receive during the period of instruction such reasonable stipends and allowances as the Council determines to be necessary.

AGREEMENTS

SEC. 10. (a) Each student selected for admissions to the Academy shall sign an agreement, that unless separated, he will complete the term of the course of instruction for which he has been accepted.

(b) Following his term of education, he shall serve for a period of not less than two years in an appropriate function in the corrections field. The Director of the Academy shall have the power to approve or disapprove the service which the student has accepted.

(c) In the event that the student shall voluntarily terminate his course of instruction, or terminate his service with the corrections agency prior to the end of two years, he shall be required to repay 50 per centum of the stipends and allowances received under this Act. Appropriate exceptions to this requirement may be made by the Director pursuant to guidelines issued by the Council.

ADMINISTRATIVE PROVISIONS

SEC. 11. The Council is authorized—

(1) without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

(2) to procure temporary and intermittent services to the sum estimate as is authorized by section 3109 of title 5, United States Code;

(3) to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act;

(4) to acquire and hold necessary real and personal property;

(5) to accept in the name of the Council any money or property, real, personal, or mixed, tangible or intangible, received by gift, bequest, or otherwise;

(6) to use the services, personnel, facilities, and information of Federal executive agencies and those of State and public agencies and private organizations pursuant to an agreement with the head of any such agency.

APPROPRIATIONS AUTHORIZED

SEC. 12. There are authorized to be appropriated $25,000,000 for the fiscal year ending June 30, 1973, and such sums thereafter as may be necessary to carry out the provisions of this Act.

DEPARTMENT OF CORRECTIONS,
Springfield, Ill.

The receipt is acknowledged of your letter dated 22 December 1971, stating that Senator Edward W. Brooke proposes to introduce legislation designed to create a National Academy of Corrections.

Thank you for soliciting my recommendations as to the structure and objectives of such a center. In particular, you have asked me to focus on what I believe such a facility should provide in order to achieve its goals.

Your own observation that Senator Brooke proposes to incorporate into his legislation "many new and constructive concepts of education and training" is extremely encouraging and the distinction he makes between education and training is especially pertinent.

I, too, urge that provisions in the new legislation be made for both *education* as well as *training* and that the following differentiation be articulated:

(a) Training as a process of bringing individuals to desired levels of competence in correctional skills;

(b) Education as a process for conditioning individuals to make sound judgments, to weigh alternatives, and to select proper courses of action, resulting in the development of people competent in their value judgments.

The question of what training and what education the Academy should provide hinges upon what is determined to be the contemporary functions of correctional workers. Obviously a professional worker should have that particular training and education which fits him for what he seeks to do. Major educational emphasis involves personality theory, social, abnormal and clinical psychology, criminology, criminal typology, cultural anthropology, learning theory, penology, etc. Training involves supervised clinical experience including internships, externships and practicum courses, after or in connection with the educational process. It becomes obvious that the need for sound theoretical underpinning beneath a project of this kind cannot be underestimated.

If the Academy trainee plans to specialize in management and administration, further concentrated training is necessary and this may need to be gotten apart from and in addition to academy training. Many people, despite the fact that they complete the formal and basic course work, must follow the practice of getting on-the-job training from experienced but successful practitioners.

All education and training in corrections should lead to certification and/or registration which, in turn, can be achieved on the basis of the intrinsic characteristics of cor-

rectional practice rather than on the basis of external, formal and merely objective criteria superimposed by some governmental licensing agent.

It would seem desirable to so formulate the language of your proposal so as to allow for wide administrative discretion in the development of the Academy itself. I strongly urge you to avoid placing into law too restrictive covenants which could easily serve to circumscribe innovation and research, experimentation and evaluation processes.

The legislation creating a National Academy of Corrections, also, should provide for an Advisory Council composed of representatives of the universities, training centers, and professional correctional administrators who have demonstrated competence.

Obviously, the fiscal note or appropriation should be adequate to fund the Academy program so as to accomplish its objectives which should be to provide for the education and training of women and men, including ex-offenders, toward the attitudes and the intellectual and professional competencies and skills essential for effective performance of the tasks of correctional personnel. The major focus would be to professionalize the occupation of corrections workers and to provide leadership and programs fully responsive to the rapidly changing needs in social justice.

In summary, it can be stated that it is not difficult to marshall a plethora of expert evidence to document the feasibility and validity of an Academy designed to provide both education and training for correctional workers. In order to outline its structure, curricula, staffing patterns, costs, facilities and site location, philosophy and the like, I would recommend that you may desire to confer with a number of reputable organizations in the field. These would include National Training Labs, an organization of professional behavioral scientists located in Washington, D.C.; the American Society for Training and Development in Madison, Wisconsin; the North America Research Group on Management in Rochester, New York; Leadership Resources, Inc., also of Washington, D.C.; and the American Management Association of New York City. You are aware, of course, of the expertise available from such groups as the National Council on Crime and Delinquency, the American Correctional Association, and from such university based operations as the Center for the Study of Crime, Delinquency, and Corrections at Southern Illinois University in Carbondale; the Center for Studies in Criminal Justice in the Law School at the University of Chicago; and the Institute of Contemporary Corrections at Sam Houston University in Huntsville, Texas.

The proceedings of an Arden House Conference on "Manpower and Training for Corrections" provides background information of import. The Council on Social Work Education in New York City published a book of some 260 pages of the proceedings and this is available through the Library of Congress (Catalog Number 65–25739).

There is one other reference I commend to your attention: the report entitled "Developmental Laboratory for Correctional Training," a study jointly sponsored and financed by the Office of Law Enforcement Assistance in the U.S. Department of Justice and the Center for the Study of Crime, Delinquency, and Corrections of Carbondale. This is the result of a U.S. Department of Justice Grant No. 041.

I trust that my comments are responsive to your request of 22 December 1971. I shall appreciate hearing from you further as to the progress made by Senator Brooke with his legislative proposal.

Sincerely yours,

PETER B. BENSINGER,
Director.

THE COMMONWEALTH OF MASSACHUSETTS,
Middlesex County, Mass.

I am pleased to hear of Senator Brooke's plan to introduce legislation to the Congress to create a National Academy of Corrections. Such an Academy is needed as the entire corrections field is in the throes of incredible change. It is imperative that the individuals administering the system are properly trained to deal with this change. New ideas, approaches and programs are imperative if we hope to update the Nation's prisons. The training of professional individuals in the correction field regarding these new concepts is the key to modernizing our correctional system.

I visualize the proposed Academy as sort of a "West Point" of penology. The Academy should be conceived on three basic premises. First, the training provided should be balanced between custodial duties and rehabilitative concepts. Secondly, the Academy should train men to deal with both the short and the long term inmates. Thirdly, it must train men who work in the State, County and local correction systems, where a large number of our nation's criminal population are housed.

Regarding the first point—presently custodial matters occupy 95% of our efforts and the money devoted to corrections. The remaining 5% is left for the rehabilitation process. A barrier now exists between the concepts of security and rehabilitation. This barrier must be broken down and the two ideas integrated. The day of the guard, who was simply a "turnkey" is over.

Because of the social awareness of inmates' rights, the more well-educated type of inmate now incarcerated, and the public's awareness of the failure of our correction system, the administrators and staff of prisons must provide more than custodial services. The guards must be more sensitive to the needs of the individual inmate as a human being. He should be trained in the area of human behavior and human relations. While still experienced in the custodial and disciplinary functions of a guard, he should be educated in the social sciences.

The Academy should provide men with courses in counseling, psychology, human behavior, the treatment of drug addicts and alcoholics, family counseling, social work, vocational counseling and other related topics. Emphasis should be placed on the role of and the proper administration of fair discipline. The difficult problem of how to handle the radical prisoner should be included. Courses in prison administration and reporting procedures should be covered.

In essence, the Academy philosophy should be dedicated to producing a truly well-rounded professional officer, whose expertise is two-fold; custodial and rehabilitative. The Academy must strive to develop men who will function effectively, professionally and humanely working to change the attitudes of those under his care.

Secondly, the Academy should recognize the innate differences between the short term and long term institution. The problem faced by the staffs of these two types of institutions, while basically the same, require distinctly different approaches. To try to educate the future officer in one overall, master curriculum would not prepare him for the job he might face. Short term institutions demand a flexible, mobile rehabilitative program which is characterized by intensive counseling. The longer term institutions can be less flexible and mobile but must have more depth and long term goals.

Finally, there are more inmates in the State, County and local prisons than in the federal system. The men who are employed by the former group need training in the updated method of corrections. Obviously, the federal system should not be ignored but those in the other areas of corrections should definitely be included. The Academy must be dedicated to the entire system which is faced with the problem.

I have only outlined what I think are the 3 most basic criteria in formulating a National Academy of Corrections. If I can be of any further help to the Senator, please contact me. And give my best to Ed.

Regards,

JOHN J. BUCKLEY, *Sheriff.*

DEPARTMENT OF POLICE,
Los Angeles, Calif.

Thank you very much for an opportunity to comment on legislation you are proposing for a National Academy of Corrections. I attended the correctional conference in Williamsburg, Virginia, recently where Attorney General John Mitchell announced that the national administraton would attempt to create such an academy. Chief Justice Burger was also present and indicated his full support.

I think the idea is a splendid one. The National Academy conducted by the Federal Bureau of Investigation has filled a vital need in the broadening and training of police administrators to allow them to properly discharge their duties. This excellent school has spread good police administrative culture nationwide and has had a profound impact on the quality of the police service in this country. I am sure that a properly administered National Academy of Corrections can accomplish the same thing in the correctional field.

The people of this country are in great fear of crime, and demand better protection. There has been more effort put into solutions for the problem, by far, than has gone into a definition of the problem of crime on the streets.

Our most recent research indicates that the problem in America today is not really one of a criminal society, nor one of underpolicing, but is rather one of a trial judiciary which has, to a great extent, bought a proposition that home-based rehabilitation is the only answer. These courts have therefore turned loose, in the past decade, a high percentage of dangerous offenders back into the streets on probation.

The expertise, the staffing, and other resources have not been bolstered in the probation field to allow the proper handling of dangerous criminals in the community. This contributes to recurring cycles of crime by the same individuals. For those offenders who are sentenced to correctional institutions, the outlook is extremely bleak for any amelioration of their violent attitudes and dispositions, but rather it almost automatically follows that the prisoner sentenced to an institution is going to come out a worse person than when he went in. This is the dilemma that faces the nation in controlling crime and violence in America.

I would therefore suggest that the National Academy of Corrections embrace within its curricula not only the frequency of offenders within penal institutions, but also the proper standards for a sentence of probation and the proper standards for home-based probationary supervision, with appropriate guidelines for realistic caseloads and with appropriate training for not only probation officers but the necessary behavioral scientists who should be assigned to work with probation officers.

The portion of the curricula which deals with training in the institutional setting should certainly set forth standards for the proper staffing of an institutional correctional program. Most prisons are staffed only by people with a responsibility for preventing escape or disorder. The resources allocated prison administrators do not gener-

ally allow for any constructive efforts to do the other important functions necessary to improving the chances that an eventually released prisoner will not return to a life of serious crime.

The correction-based training should therefore embrace specialized training for teachers who would teach in penal institutions—many convicts being functionally illiterate and needing the most fundamental grammar school and high school subjects. It should include the training of diagnostic personnel from both the medical and behavioral science fields, and it should include the training of behavioral scientists to gather research data to measure the effectiveness of programs, as well as the training of behavioral scientists used to do intensive personal and group work designed to change the attitudes of prison inmates. Such training should also include the training of teachers of vocational schools in the special problems of teaching within such penal institutions.

These viewpoints do not come from a man with any expertise in the correctional field, but merely reflect the sentiments of a policeman with more than three decades of experience in constantly reprocessing the failures of the correctional system. Because the correctional system is so far removed from public scrutiny, it is by and large a highly anachronistic profession. In the years since Dostoevski wrote his treatise on the subject, little has changed. Now great quantum leaps must be made.

From an economic standpoint, it can be said with great conservatism that money spent intelligently on the back end of the system of criminal justice in the unobserved field of corrections is probably the most important way to maximize the criminal justice system. It can also be safely said that if this end of the system can be made to work effectively for the first time, that there will be more effectiveness for the dollar by increasing our efforts in rehabilitation than we could get through doubling police forces or doubling the number of judges.

Thank you for an opportunity to communicate with you on this matter.

E. M. DAVIS,
Chief of Police.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS,
Washington, D.C.

I want to sincerely thank you for the opportunity to offer my thoughts concerning the establishment of a National Academy of Corrections. I believe strongly in and heartily endorse legislation for a proposal of this type. My support and commitment for such a cause is herewith offered. We in the correctional field *must* begin to unify nationally in a progressive and enlightened way in order to effect constructive change within the correctional setting. A National Academy of Corrections would facilitate, through the medium of conflict-free training experiences, the *way* through which this change *can* and *will* take place.

Large systems such as the D.C. Department of Corrections can and do make adequate attempts at staff training. However, they cannot possibly develop and provide all the training programs necessary for all aspects of the correctional setting. Staff training is vitally needed at every level of the correctional field; for executives, managers, supervisors, professionals, correctional, clerical, trades and crafts, and administrative support personnel. People's minds are to a large extent developed through *experiences* and from this they rationalize their assumptions which, in turn, they act out through attitudes. This National Academy of Corrections should produce a climate for change in the personnel of the organizations it serves for furthering the reintegration of the offender into the basic fabric of the community, by sharpening and redefining both correctional and non-correctional skills employed by the staff personnel through enlightened training experiences.

The integrating of the correctional setting into and with the community will be and is a *key* to the effective accomplishment of rehabilitating offenders who will become a constructive part of the community again. If set up properly, this community based involvement with the correctional setting will afford training opportunities for all staff personnel on a national level in one of the newest and most open areas for development in the correctional field. This National Acadamy of Corrections should have strong ties with all forward looking levels and activities of the society as a whole. These ties to the community will form the basis from which successful constructive rehabilitating and reintegrating programs will come.

The resident, offender, inmate, is a civilian who has *momentarily* been judged by his peers to be wrong and has been placed in the correctional setting for rehabilitation. Reintegrating this human being back into society as a positive, productive, independent and free individual *who will not return* to the correctional setting as a loser is our *one* and *only* reason for existence. *When we fail, society fails.*

Corrections is a complex field with many areas of activity. The scope of complexity is further complicated by the wide variety of programs from the local jail with part-time staff to the large institutions with a myriad of multi-functional staffs. Philosophies in corrections differ not only nationally, but even in adjoining states and counties.

For corrections to be effective, we must have some national guidance and direction. This can best be achieved through a national academy where ideas and philosophies could be exchanged and evaluated and, further, from where new national direction could be introduced.

Our own Department has had a beginning experience in developing and implementing training on a regional basis during the last year in the form of a Regional Training Academy for Maryland, Virginia and the District of Columbia. Over 700 participants attended our Department's Regional Training Academy seminars. These personnel came from seven states, Puerto Rico and the federal government and represented over 40 different agencies. There were many valuable ideas which were shared and experienced in these training sessions. But by far the greatest experience was the sharing of new ideas and concepts as they related to the correctional setting, especially those which are positive and forward looking. The whole direction of the correctional setting in this country should be redirected and revitalized towards more enlightened and humane programs. New theories which have been researched could be advanced from these meager beginnings. A key to the start would be convincing top managers that their part and role in this revitalization is of the utmost importance, for without them *no change can take place.*

To accomplish the foregoing thoughts which I have offered, a National Academy of Corrections would need the following:

(1) Complete support by the federal government with funds being provided not only for staff and faculty, buildings and institutions, equipment and staff support, but also for tuition-free courses, per diem and travel for all participating students. This is necessary since many of the personnel who will attend will be from small local or rural jails or correctional settings with either limited or no budgeted funds for allowing personnel to attend a national academy of this level. This provision for funds to defray all expenses involved by a participant would be one of the keys in affecting a national change in our correctional philosophies of all levels of the system.

(2) The Academy should have complete flexibility in its direction of its operation. It should be an individual operation administratvely under the Justice Department. However, it should not be tied to any particular system or location. The Washington, D.C. area, as an example, would probably make an ideal place for the setting of the National Academy because it would offer the complete range of community involvement coordination with federal agencies and be at the center of the national picture.

(3) The tying of this National Academy of Corrections to any university or facility which would assist in developing its programs should not be allowed since the Academy would be endeavoring to develop a national consensus for the correctional setting. It would behoove it to seek every avenue for a new and positive concept which could be adopted to its use by providing an arena where new ideas could be discussed and evaluated.

(4) The National Academy would be a permanent facility situated near a large city such as Washington, D.C. with universities and government agencies together with a community setting from which programs could be developed.

(5) The staff and faculty should not only be able to give courses or conduct seminars in residences but also have the added ability to visit anywhere within the country and render the same programs on agency site locations. In addition, the staff should be able to work extensively with universities and with training and development specialists in specialized areas. Also, correspondence courses should be offered for home study use.

(6) The emphasis of the Academy's direction should be towards community involvement and community based programs in endeavoring to reintegrate the offender back into the community as a positive and productive individual. To do this, it is imperative that the Academy have strong ties to the community society and the nation as a whole.

The development of curriculum should require careful study. I feel that the following areas should certainly be included:

(1) *Executive Workshops and Seminars:* Top managers must meet, study, evaluate and evolve philosophies which can develop a consensus for a national direction for our correctional philosophy.

(2) *Management and Supervision.* Workshops and seminars for managers and supervisors should be made available at the Academy and at local places throughout the country. These programs should afford correctional personnel from state and local levels the opportunity to study management and supervisory techniques and skills as they apply to the correctional setting.

(3) *Correctional Staff College.* An educational experience should be developed for mid-level managers at the midpoint of their careers in corrections similar to military staff colleges. This program could offer mid-level members about six months of residence study and prepare them for future top level positions within corrections. A referral system could quite conceivably be developed from these promising young managers with opportunities for growth by pointing them to various agencies to which they could be transferred.

(4) *Special Skills Seminars.* These training sessions would be provided for handling difficult prisoners; developing community resources; public relations; in the use of advance technologies, etc. The seminars could be developed and offered at the Academy and should also be made available to local jurisdictions by presenting them in various regional offices.

(5) *Specialist Training.* The Academy should offer training in staff support specialities, i.e., chaplains, dentists, doctors, nurses, business managers, psychologists, social workers, etc. All of these come to their positions with professional skills, however, they

have little or no correctional background. Therefore, a professional correctional oriented program for background information and philosophy could be offered to these highly valuable and needed personnel.

(6) *Curriculum Materials.* All correctional personnel will not be able to attend the Academy, therefore, curriculum materials, group studies, films and tape libraries and other pertinent resources should be made available to assist in training personnel in their local areas where they are employed.

(7) *Basic Skills.* Nevertheless, there will be a need for correctional training in all the areas of basic skills. Many small correctional facilities would benefit greatly from this added ability of the Academy to train their line personnel.

(8) *Community Based Programs.* This is a whole new area where training is needed. There are many programs which have been developed in the last few years which may fail as a result of inadeqautely trained staff Currently, training is not available to help the administrator of his personnel in these new areas of corrections. A National Academy could develop positive and meaningful programs along these lines. The future success of the correctional field lies in its community programs and how successful they will be in reintegrating the ex-offender back into society.

These thoughts are only a few which I have offered. I certainly hope that they will be helpful as a beginning. As I mentioned earlier, a complete organizational structure would be needed for the Academy. The development of the structure would need a great deal of thought. Our Department's experience has proven that if you offer meaningful training sessions, they will be appreciated and used by the correctional officers who are eager to take part in improving the system. As I mentioned before, to be really effective the National Academy will have to provide not only the training but also the funds to allow all to participate.

My Department and myself stand ready to help you in any way that we may. I have a very capable Training Administrator who might add additional light on this matter. His name is Mr. John W. Sisson, Jr. and he would be willing to assist you in any way possible if you need additional thoughts or information on this Academy.

I sincerely hope that my suggestions and thoughts will be helpful to you. Please be assured that I am at your service if clarification or further assistance is desired.

Sincerely,

KENNETH L. HARDY,
Director.

By Mr. BURDICK (for himself, Mr. HUGHES, Mr. HUMPHREY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. METCALF, and Mr. MONDALE):

S. 3314. A bill to amend the Agricultural Act of 1949, as amended, to extend the repayment period for price-support loans made on the 1972 and 1973 crops of corn, feed grains, and wheat. Referred to the Committee on Agriculture and Forestry.

Mr. BURDICK. Mr. President, I am today introducing a bill requiring the Secretary of Agriculture to extend price-support loans on the 1972 and 1973 crops of corn, feed grains, and wheat for a period of 3 crop years.

The purpose of this bill is to make it possible for producers, rather than the Government, to maintain control of the reserves of these grains which are carried forward from one year to another.

At the present time the price-support loans are due before the end of the crop year in which they are made. The Secretary of Agriculture at his discretion may, and often has, extended them for longer periods. Because of the low market prices and producer discontent he already has announced that the loans on the 1971 crops of wheat, corn, and grain sorghum will be extended for a second crop year. But in 1973 the Secretary of Agriculture may terminate the loans now outstanding on up to a billion bushels of corn and grain sorghum and 500 million bushels of wheat.

I can see no justification for placing these reserves at the close of every crop year under the control of the Secretary of Agriculture where they may be taken over by the Commodity Credit Corporation, moved into storage in terminal elevators and sold at the legal minimum resale prices in domestic markets—or sold in foreign markets without restrictions.

Under this proposal, producers of wheat, corn, and other feed grains in 1972 and 1973 would be assured that they could maintain control of their crops for 3 years in the future if they placed them under price-support loans.

This would not in any way increase Government risks or costs as producers assume all risks associated with maintaining their stored grains in good condition.

Producers would be free to repay their loan at any time at their discretion. If the market price reached full parity during the 3-year period the Secretary of Agriculture would be authorized to terminate the loans and sell the grains, thus preventing further price rises.

Mr. President, this is a bill which should have been adopted 10 years ago. When the Government has stocks of grain in its possession and prices begin to rise, for whatever reason, pressure develops for their sale when market prices reach the legal minimum.

In past years, it has sometimes been charged that the Secretary of Agriculture terminated loans and sold CCC stocks in order to prevent market price increases.

This proposal would eliminate the possibility of this charge. It would permit producers to continue to control their reserves for a period of up to 3 crop years if they wish to do so. In effect, this bill establishes a short-term security reserve of wheat, corn, and feed grains.

By Mr. MCCLELLAN (for himself, Mr. HARRIS, Mr. FULBRIGHT, and Mr. BELLMON):

S. 3316. A bill to grant the consent of the United States to the Arkansas River Basin Compact, Arkansas-Oklahoma. Referred to the Committee on the Judiciary.

Mr. MCCLELLAN. Mr. President, for myself, the senior Senator from Oklahoma (Mr. HARRIS), the junior Senator from Arkansas (Mr. FULBRIGHT), and the junior Senator from Oklahoma (Mr. BELLMON), I introduce, for appropriate reference, a bill to grant the consent of the United States to the Arkansas River Basin Compact, signed on behalf of the States of Arkansas and Oklahoma at Little Rock, Ark., on March 16, 1970.

The ratification of this compact by the States of Arkansas and Oklahoma marks another stage in our efforts to enhance the development of the water resources of the Arkansas River Basin and to protect the total environment of the entire region. A principal purpose of this compact is to provide for the apportionment of the waters of the Arkansas River between the States of Arkansas and Oklahoma. An interstate administrative agency to be known as the Arkansas-Oklahoma Arkansas River Compact Commission would be established to administer the agreed upon water apportionment. Of particular importance to all residents of the region are those provisions of the compact which will encourage the maintenance of active anti-pollution controls to further reduce the natural and manmade pollution in the waters of the Arkansas River Basin.

I am introducing this bill by request of the Arkansas-Oklahoma Arkansas River Compact Committee. It is my understanding that there is precedent for this type of compact and that this compact very closely follows the terms of that precedent. I believe that this is the type of compact that can be more simply handled should the provisions of S. 907, passed by the Senate on March 1 of this year, be enacted into law. However, work on this compact actually began prior to the introduction of S. 907. I urge that this specific water apportionment compact be speedily enacted, however, rather than delayed until the more general compact authorization contained in S. 907 becomes law.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2939

At the request of Mr. BROCK, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of S. 2939, a bill to establish a National Commission on Corrections.

S. 3158

At the request of Mr. WILLIAMS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 3158, a bill to establish within the Department of Health, Education, and Welfare and Office for the Handicapped to coordinate programs for the handicapped.

S. 3231

At the request of Mr. PACKWOOD, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 3231, a bill relating to the reimbursement of actual travel expenses of Senators and employees of Senators.

S. 3291

At the request of Mr. PACKWOOD, the Senator from Washington (Mr. MAGNUSON) was added as a cosponsor of S. 3291, a bill to amend the Tariff Schedules of the United States with respect to the rate of duty on certain types and uses of fish netting and fish nets.

S. 3299

At the request of Mr. STEVENS, the Senator from Oregon (Mr. PACKWOOD) was added as a cosponsor of S. 3299, a bill to amend the act prohibiting certain fishing in U.S. waters in order to revise the penalty for violating the provisions of such act.

SENATE JOINT RESOLUTION 202

At the request of Mr. WILLIAMS, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of Senate Joint Resolution 202, to express the sense of Congress that a White House Conference on the Handicapped be called by the President of the United States.

SENATE RESOLUTION 275—SUBMISSION OF A RESOLUTION TO AUTHORIZE SENATORS TO HIRE INTERNS

(Referred to the Committee on Rules and Administration.)

Mr. STEVENS. Mr. President, the resolution that I am introducing today on behalf of myself and the distinguished Senators from Kentucky (Mr. COOK), Massachusetts (Mr. BROOKE), Florida (Mr. CHILES), Colorado (Mr. DOMINICK), Georgia (Mr. GAMBRELL), Alaska (Mr. GRAVEL), Oregon (Mr. HATFIELD), New York (Mr. JAVITS), Utah (Mr. MOSS), Oregon (Mr. PACKWOOD), Rhode Island (Mr. PELL), Pennsylvania (Mr. SCOTT), California (Mr. TUNNEY), and New Jersey (Mr. WILLIAMS), will permit each Member of the Senate to employ student interns in his office. It specifically authorizes each Senator an amount up to $3,600 each fiscal year for such purposes in addition to all other staff and allowances. These young people are to be paid in the amount of $300 gross rate per month each.

Each such student intern must be a bona fide student in high school or at an institution of higher education.

Mr. President, this program is, I believe, one well worthy of the Senate's full support. For a number of years most Senators have had young people on their staff in various capacities at various times. Of course most student interns have worked in the Senate during their summer vacation. However, some have not. This practice of employment during the school year has become especially prevalent lately. Many colleges and universities now permit students to study in Washington or even to take a quarter of a semester off and receive full academic credit for the time they spend working on the Hill. For this reason, the bill is not limited to summer employment.

Nor do I believe that the bill should be limited to those who are already attending college. Many high school students are of an age and sufficient maturity to participate fully in many activities and contribute significantly to the offices in which they work. For several years I myself have made a practice of bringing qualified Alaskan high school students to Washington in the summer. These young people have contributed immeasurably to the success of my office. They have proven that the young people of today are better educated, more mature, and more conscious of the legislative process and the vast problems confronting our society than ever before. For this reason I believe that the U.S. Senate should do all it can to encourage and promote the participation of young people of high school age and above in the governmental process.

For several years the House of Representatives has had a similar program which has proved to be beneficial to all concerned. As a matter of fact, I understand that a resolution was recently introduced to virtually double the extent of the program in the House of Representatives. This resolution received wide cosponsorship on both sides of the aisle. Several weeks ago I sent around a letter similarly seeking cosponsors of the resolution we are today introducing. As you can see, Mr. President, a number of Senators from both sides of the aisle and all parts of the country have joined with the Senator from Kentucky (Mr. COOK) and myself as cosponsors. Such support indicates, I believe, the enthusiasm with which this program has been greeted by all.

Although, as I indicated previously, many students have worked for various Senators in the past, up until now there has been no additional funding for them. Consequently, this program has been somewhat limited in scope and only available in many cases to those who could afford to pay their own way. This practice excludes many deserving and well-qualified students. Therefore, I urge that this resolution be acted upon expeditiously by the Senate and that sufficient additional funds be appropriated in order that our young people may be paid this summer.

I have sent to each Senator a personal letter asking that he cosponsor this bill. I urge my colleagues to do so and support this program which I believe has such great merit.

Mr. President, in order to permit as many other Senators as possible to respond prior to the first printing of this bill, I request that printing be delayed until Friday, March 10, 1972.

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

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

S. RES. 275

Resolved, That (a) notwithstanding any other provision for funds, each member of the Senate shall have made available from the contingent fund of the Senate until otherwise provided by law, an amount not to exceed $3,600 to hire additional employees during the period July 1 to June 30, inclusive, each fiscal year. The additional employees, to be known as "United States Senate Student Interns", shall be paid at the gross rate of $300 per month each. Such allowance and such interns shall be in addition to all allowances and personnel made available to such Member under other provisions of law.

(b) No person shall be paid compensation as a United States Senate Student Intern who does not have on file with the Sergeant-at-Arms at all times during the period of his employment, a certificate that such intern was during the academic year immediately preceding his employment a bona fide student at a high school or at a post high school educational program.

SEC. 2. The Senate Committee on Rules and Administration shall make such regulations as may be necessary to carry out this Act.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT—AMENDMENT

AMENDMENT NO. 1017

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

PROTECTION FOR FARMERS AND FARMWORKERS AGAINST THE HAZARDS OF AGRICULTURAL CHEMICALS

Mr. STEVENSON. Mr. President, the Senate Agriculture Committee is presently holding hearings on H.R. 10729. This is an important piece of legislation that, by changing the focus of the Federal Insecticide, Fungicide, and Rodenticide Act, could provide a more equitable and effective regulatory scheme for the control of the manufacture, distribution, and use of pesticides.

As the committee deliberates on this legislation, I hope it will not overlook the effects on farmers and farmworkers that can accrue from the unscrupulous use of agricultural chemicals. Many such chemicals are harmful not only to the environment but also hazardous to man and particularly to those who are most closely associated with farming.

The Migratory Labor Subcommittee, which I now chair, conducted 3 days of hearings during the 91st Congress on pesticides and the farmworker, which indicated the great need to protect farmers and farmworkers who are subjected to the unseen perils of toxic chemicals, gases, and airborne particulates. Special attention must be paid to providing explicit statutory protection of the farm and rural community faced with these hidden dangers. These citizens number in the millions, and include, among others, the self-employed family farmers as well as migrant and seasonal farmworkers. Injury and fatality figures are very high. An expert from the Department of Health, Education, and Welfare estimated that, during subcommittee hearings in 1970, possibly as many as 800 workers were killed and over 80,000 were injured each year by the improper and unwise use of agricultural chemicals.

To protect these citizens living and working in rural America, I today propose an amendment to H.R. 10729, the bill now being considered by the Agriculture Committee. In this regard, the committee must be commended for taking the opportunity to hear witnesses from a broad and representative community of people concerned about the welfare of all those in rural America.

Sections 1 and 2 of my amendment make it clear that a pesticide is misbranded within the meaning of section 2(q)(1) of the act if the directions or warnings do not adequately protect the health of farmers, farmworkers, and others who may come into contact with pesticides or pesticide residues.

Section 3 provides that test data may be relied upon to support an application for registration under section 3(c) of the act only if the tests are conducted in accordance with applicable law and participation therein is based on a free, voluntary, and informed choice.

Section 4 makes it clear that a pesticide shall be classified for restricted use if it might otherwise cause injury to farmers, farmworkers, or others who may come into contact with the pesticide or its residues.

Section 5 makes it clear that certified applicators must be competent to take measures needed to protect the health of farmers, farmworkers, and others who may come into contact with pesticides or pesticide residues.

Mr. President, I ask unanimous consent that the text of my amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 1017

On page 11, line 16, change the semicolon to a comma and insert the following immediately thereafter: "including the protection of the health of farmers, farmworkers, and others who may come into contact with such pesticides or pesticide residues; or".

On page 11, line 21, change the period to a comma and add the following immediately thereafter: "including the protection of the health of farmers, farmworkers, and others who may come into contact with such pesticides or pesticide residues.".

On page 17, line 16, change the semicolon to a comma and add the following immediately thereafter: "*Provided*, That the Administrator shall not rely on test results submitted pursuant to this subsection unless he determines that (i) the tests were conducted in accordance with applicable federal, state, or local law, and (ii) participation in the tests was the result of a free, voluntary, and informed choice by each participant.".

On page 21, insert the following immediately following line 9: "farmer, farmworker, or other person who may come into contact with the pesticide or pesticide residues,".

On page 23, line 22, change the period to a comma and add the following immediately thereafter: "and such competence shall include the ability to undertake such measures as the Administrator may by regulation require to protect the health of farmers, farmworkers, and others who may come into contact with such pesticides or pesticide residues.".

AMENDMENT OF THE SMALL BUSINESS ACT—AMENDMENT

AMENDMENT NO. 1018

(Ordered to be printed and referred to the Committee on Banking, Housing and Urban Affairs.)

Mr. CRANSTON (for himself and Mr. JAVITS) submitted an amendment intended to be proposed by them jointly to the bill (S. 3166) to amend the Small Business Act.

NATIONAL VOTER REGISTRATION—AMENDMENT

AMENDMENT NO. 1019

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

Mr. ERVIN submitted an amendment intended to be proposed by him to the bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 955

At the request of Mr. STEVENSON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendment No. 955, intended to be proposed to the bill (H.R. 1), the Social Security Amendments of 1972.

AMENDMENT NO. 1016

At the request of Mr. CRANSTON, the Senator from California (Mr. TUNNEY) was added as a cosponsor of amendment No. 1016, intended to be proposed to the bill (S. 2574) the voter registration bill.

OVERSIGHT HEARINGS ON THE ADMINISTRATION OF THE OUTER CONTINENTAL SHELF LANDS ACT ON MARCH 23 AND 24, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Washington (Mr. JACKSON) together with certain questions and policy issues.

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

OVERSIGHT HEARINGS ON THE ADMINISTRATION OF THE OUTER CONTINENTAL SHELF LANDS ACT, MARCH 23, 24, 1972

(Statement by Senator JACKSON)

On March 23rd and 24th the Committee on Interior and Insular Affairs will hold oversight hearings on the administration of the Outer Continental Shelf Lands Act and the nation's ocean resource policies. The hearing will be convened at 10:00 a.m. in Room 3110 of the New Senate Office Building, and is being held pursuant to the National Fuels and Energy Study authorized by Senate Resolution 45.

Nearly twenty years ago the Senate Committee on Interior and Insular Affairs reported legislation which was enacted into law as the Outer Continental Shelf Lands Act. This Act has brought several billion dollars worth of revenues into the Federal treasury resulting from bonus bids, rentals and royalties paid by OCS lessees. The Outer Continental Shelf has proved to be a major source of energy supply and has satisfied a substantial part of this nation's growing demand for oil, natural gas, and other minerals. Yet, at the same time, unfortunate accidents—fires, oil spills—have occurred on the Outer Continental Shelf as a result of drilling and production operations conducted there. These accidents have caused environmental damage and threatened fish and wildlife, recreational and other important ocean resource values. The risks associated with development of the resources of the shelf have led many people to raise basic and fundamental questions concerning the relevance and the adequacy of the goals, the policies and the administrative strategies which guide OCS management and Federal ocean resource policies.

In addition to fundamental questions of purpose, additional questions have arisen involving jurisdiction, the adequacy of the Federal management system to administer the OCS Act, procedures related to National Environmental Policy Act environmental impact statements, economic costs, the consideration of alternative sources of oil and gas, and many others. These questions and others require Congressional review.

Witnesses invited to appear before the Committee on March 23 and 24 are as follows:

March 23—The Honorable Rogers C. B. Morton, Secretary of the Interior.

March 24—Russell E. Train, Chairman, Council on Environmental Quality.

Dr. Robert White, Administrator, National Oceanic and Atmospheric Administration.

Subsequent to the March 23 and 24 OCS overview hearings additional hearings will be held at which time concerned Congressmen and selected witnesses representing interested states, environmental organizations, and industry will be invited to present their views. The Committee also plans further hearings late this spring on OCS lease bidding policy alternatives and the advisability of and possibilities for revenue sharing with the states as part of its consideration of Federal land management policies during another phase of its Nation Fuels and Energy Policy Study authorized by Senate Resolution 45.

Mr. President, I regret that time limitations make it impossible for the Committee to hear the testimony of all of the individuals and organizations that will want to appear. The Committee will, however, receive statements for the record and they will receive a careful review and evaluation in connection with the Committee's formulation of recommendations for an Outer Continental Shelf policy.

Representatives of the Administration as well as invited witnesses at future hearings are being asked to direct their testimony to specific questions and policy issues which the Committee has prepared. Mr. President, I attach these questions and policy issues to my statement:

QUESTIONS AND POLICY ISSUES RELATED TO OVERSIGHT HEARINGS ON THE ADMINISTRATION OF THE OUTER CONTINENTAL SHELF LANDS ACT TO BE HELD BY THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, PURSUANT TO S. RES. 45, MARCH 23 AND 24, 1972

The following questions are directed towards developing historical and background information on the legal and management regime for the Outer Continental Shelf (OCS) as well as significant policy issues concerning the OCS. Issues which are *not* covered in this paper are those relating to OCS Lease Bidding Policy alternatives and possibilities for revenue sharing with the States. These issues will be examined in later hearings.

A. THE PRESENT LEGAL REGIME FOR THE OUTER CONTINENTAL SHELF

1. What Federal statutes directly contribute to or constitute the exising legal regime for the management of the resources of the OCS (including relevant Executive Orders or other executive branch policy statements and relevant court decisions)?

2. What, in summary form, is the major goal or purpose of each of these statutes, orders or policy statements (e.g. resource development, oceanographic research, fish and wildlife protection, pollution control, etc.)?

3. Which entities within which Federal agencies have been assigned OCS responsibilities and what formal and informal coordinating relationships (inter-agency committees, memoranda of understanding, etc.) exist among these agencies regarding OCS administration? (Provide organization chart showing agencies and their links.)

4. What changes in the existing legal regime or Federal organizational structure for management of the OCS have been proposed or recommended by Federal advisory committees or by the Administration and what, in summary form, is the purpose of these recommended changes?

5. What additional changes in the existing legal regime or Federal organizational structure merit Congressional consideration and review?

B. HISTORICAL DATA

What is the available statistical information related to OCS oil, gas, sulfur, and salt leasing, drilling production, income and related information for the period 1953–1971?

1. Geological and Geophysical Exploration:

(a) Permits Granted by Number, Years, and Areas Covered.

2. Leasing:

(a) Lease Sales by Years, States and Products.

(b) Producing and Non-producing Leases by Years and States.

3. Development:

(a) Well Status:

(i) By Years.

(ii) By Years, and States.

(b) Well Activity:

(i) By Years.

(ii) By Years, and States.

(c) Unit Plans, Number of, by Years.

4. Production and Revenue:

(a) Statistics by Years:

(i) Oil and Condensate, and Gas Production.

(ii) Revenue and Production Values.

(iii) All Leasable Minerals—Value and Royalty.

(b) Production, Value, and Royalty by Products:

(i) Oil and Condensate.

(ii) Gas.

(iii) Natural Gasoline and L.P.G.

(iv) Salt.

(v) Sulfur.

(c) Production, Value and Royalty, by Years, States, and Products:

(i) California—Oil and Condensate, Gas, Gasoline, and L.P.G.

(ii) Louisiana—Oil and Condensate, Gas, Gasoline and L.P.G., Salt, Sulfur.

(iii) Texas—Oil and Condensate, Gas, Gasoline and L.P.G.

(d) Summary of Bonuses, Minimum Royalties, Rentals, Shut-In Gas Payments, Royalties, and Total by Years, States, and Products:

California, Florida, Louisiana, Oregon, Texas, Washington, Total by States.

5. Total Offshore and United States Production of Oil and Condensate, and Gas:

(a) Total Offshore "State" and "Federal OCS" Production by Years and States—Oil and Condensate, Gas.

(b) Total United States and Outer Continental Shelf Production of Crude Oil and Condensate, and Gas.

6. What has been the average excess, shut-in or reserve producing capacity for oil and gas on the OCS in each year?

What portion of this capacity has resulted from:

(a) Market demand prorationing?

(b) MER prorationing?

(c) Lack of pipeline connections?

(d) Economic factors?

7. How much natural gas has been vented or flared on OCS leases in each year? How much (if any) royalty is collected on this gas?

8. What volume of petroleum resources have been lost in oil spills or consumed by accidental fire in connection with OCS developmental activities? How much, if any, royalty is collected on these resources?

9. What proportion of OCS lease acreage and petroleum production has been accounted for by oil "majors", "minors", "independents", and non-oil companies (or by another appropriate classification of enterprises)?

10. How many offshore drilling rigs have been:

(a) Present on or adjacent to the OCS, or

(b) Working on the OCS in each past year?

C. SUPPLY

1. What are the best available estimates of the volumes of crude oil, natural gas, natural gas liquids, and other minerals by type, on the Outer Continental Shelf lands (between the seaward boundary of submerged lands under state jurisdiction and the seaward edge of the U.S. continental rise), for areas adjacent to each coastal state, by region, and for the total OCS area?

Estimates should be provided of total and recoverable:

(a) Known or proved reserves,

(b) Marginal and

(c) Submarginal potential resources (or for a similar gradation of resource categories by recoverability and uncertainty; definitions should be provided for each category).

2. Inasmuch as recoverability is influenced by technological and economic factors, what influence can be anticipated on the foregoing estimates from:

(a) Technological advances,

(b) Price changes?

D. INFORMATION FOR DECISIONMAKING AND MANAGEMENT

1. What kinds of information, including geological and geophysical information, do the Federal agencies review, evaluate or consider in connection with identifying those areas most appropriate for an OCS lease sale and for determining the individual tracts offered in such sales? What is the source of such information?

2. Using such information, to what extent can the most promising acreage be identified, and with what degree of confidence can recoverable petroleum reserves be estimated prior to drilling

(a) In a geological province;

(b) In a sale area; and

(c) In a lease tract?

3. What are the advantages and disadvantages, from the point of view of maximizing resource development, lease revenues, safety and environmental protection, and from the standpoint of cost, of using the present informational system for identifying promising acreage prior to lease sales compared to:

(a) The Federal government conducting its own expanded geological and geophysical surveys,

(b) Purchasing such information from private surveyors,

(c) Requiring members of the petroleum industry to submit on a confidential basis their exploratory data and resulting assessment,

(d) Developing new sources of information, in addition to geological or geophysical information,

(e) Any combination of these alternatives?

E. PRESENT DECISIONMAKING AND MANAGEMENT PROCEDURES

1. What is the procedure currently used by the Federal agencies for determining, on a short range (one-year), intermediate range (five-year), and long range (five years and beyond) basis:

(a) The demand or need for OCS production?

(b) The sequence, size and timing of sales?

(c) The location, size, and shape of specific tracts offered for lease?

2. What is the procedure currently used by the Federal agencies for taking into account recreational, fish and wildlife, and other environmental values in choosing tracts to be leased?

F. LEASE ADMINISTRATION

1. What, in general, are the current procedures for lease supervision and inspection? Are there concrete indications of improved surveillance and compliance over past experience? To what extent has the risk of accidents such as those which occurred near Santa Barbara and offshore Louisiana been reduced, and to what factors are reductions (if any) due?

2. What measures (including in-house and consultant studies under way or recently completed) have the Federal agencies taken or planned regarding improvement of OCS administration?

G. JURISDICTIONAL ISSUES

1. What jurisdictional issues remain unresolved regarding:

(a) The seaward limits of the OCS?

(b) The seaward limits of state jurisdiction?

(c) The authority of the Secretary of the Interior

(i) to suspend and extend leases?

(ii) to promulgate "conservation" regulations?

(iii) to permit or authorize the use of the OCS for purposes other than mineral development?

What is the effect of the lack of resolution of any such issues on the effectiveness with which the OCS is administered; to what extent are they or can they be responsible for delays in lease sales?

2. Provide a summary of pending proposals for offshore terminals, supertanker facilities, offshore nuclear facilities, and other development projects which in whole or in part would be located on the OCS. What, if any, Federal permits and/or licenses are required under present law for these projects? Is additional Federal legislation dealing specifically with proposals of this nature required or desirable?

3. What formal or informal procedures are used by the Federal agencies to ascertain and consider the interests and views of individual coastal States regarding Federal leasing and management decisions for OCS lands?

4. What should the role of State government be with respect to Federal decisionmaking concerning:

(a) Exploration?

(b) Leasing?

(c) Environmental regulations on OCS lands bordering the States' jurisdiction?

5. Are there high priority research or administrative programs related to OCS administration that remain unfunded, underfunded, or short of personnel?

H. ECONOMIC COSTS

1. What has been the average cost (exclusive of bonuses, royalties, and other "rents") of:

(a) Exploration,

(b) Development, and

(c) Production of petroleum (oil, natural gas and natural gas liquids) from the Outer Continental Shelf?

2. How have these average economic costs compared to the average economic cost of:

(a) Petroleum from domestic onshore areas, and

(b) The landed prices of imports?

3. What are the anticipated economic costs of petroleum produced from future OCS leases and how will these costs compare with:

(a) The anticipated costs of alternative sources of hydrocarbons from onshore areas (including new energy sources such as liquid or gaseous products of coal and oil shale), and with

(b) The landed prices of imports?

4. To the extent that OCS production is an alternative to imports, what is the expected net impact per unit of petroleum production upon the U.S. balance of payments? (The balance of payments impact of imports includes net foreign investment and foreign earnings of U.S. petroleum companies, and producer country imports from the U.S. financed by petroleum earnings.)

I. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND THE OCS

1. In view of the recent Louisiana offshore sale court decision, what changes in procedure, if any, do the Federal agencies contemplate to satisfy NEPA environmental impact statement requirements?

2. In light of existing and projected demands for energy and the simultaneous requirement to protect the marine environ-

ment, what alternative sources of energy, other than OCS petroleum from future leases, are readily available and at what economic costs and environmental risks?

3. What would be the economic, security of supply, and environmental consequences of alternative strategies for the scheduling of OCS resource development (e.g., postponing development and consumption of these resources until the need for them is greater, due to increased costs or unavailability of imported oil)?

J. ENVIRONMENTAL PROTECTION

1. What are the nature and magnitude of environmental risks and problems related to OCS oil and gas development in:

(a) Geophysical exploration?
(b) Drilling and production?
(c) Undersea pipeline construction and operation?
(d) Tanker operation?
(e) Port and processing facilities?
(f) Onshore pipeline construction and operation?

To what extent is each of the above a matter of:

(a) Chronic waste discharges in water?
(b) Episodic (accidental) waste discharges in water?
(c) Air pollution?
(d) Siltation, hydrodynamics?
(e) Congestion and conflicting land uses?
(f) Navigation safety?
(g) Aesthetics?

2. Summarize experience with environmental effects of offshore oil and gas operations in:

(a) Gulf Coast;
(b) California;
(c) Cook Inlet;
(d) Overseas.

For each of the above areas indicate the number of wells drilled, the number of mishaps which have occurred and the consequence of each such mishap to the state of the ambient marine and estuarine environment. What different or additional environmental effects are anticipated in connection with operations offshore in:

(a) Atlantic Coastal areas;
(b) Gulf of Alaska;
(c) Bristol Bay;
(d) Arctic Ocean?

3. What, in summary, are:

(a) Treaty,
(b) Federal statutory,
(c) Regulatory and lease-contract provisions governing liability of OCS lessees for damages and cleanup costs arising from oil and gas operations conducted pursuant to OCS leases?

4. What follow-up action was taken by Interior, the Environmental Protection Agency, the Coast Guard and other Federal agencies after each OCS mishap and what interagency agreements and plans, related to coordinated Federal handling of any future OCS mishaps, have been made as a result of these experiences?

5. What quantitative information is available about the total costs of past mishaps on the OCS, including oil and gas lost, private and government cleanup costs, loss of fish and wildlife, damage to tourism, reduced property values, and administrative costs?

6. What contingency plans and cooperative arrangements have been effected by industry regarding accidents in offshore oil and gas operations? How would these affect response time, total cost, and environmental impact? Are further measures desirable or required?

7. What additional geological, biological, engineering or other information is necessary with regard to improving the environmental safety aspects of offshore oil and gas operations? Is there research that ought to be completed before *any* further offshore leasing? Are there specific instances or areas in which leasing should be postponed pending completion of further studies? What time effort and costs would be involved in this research?

8. What is the state of scientific knowledge on the effect of oil spills on fish and wildlife and the marine environment? What is the level of Federal funding for research and development in this area? Are there research opportunities which are not being pursued for lack of funding?

K. SANCTUARIES

1. How many times has the authority granted to the President in the Outer Continental Shelf Act to withdraw areas of the OCS from leasing been used to establish marine preserves?

(a) Where are the areas, when were they withdrawn or designated, and what is their size?

(b) What, if any, proposals for further withdrawals or designations are under active consideration?

(c) What criteria govern decisions to establish a marine preserve?

2. Should the Congress determine, on a case by case basis, the circumstances under which tracts of OCS lands should be established as marine preserves or sanctuaries?

3. Are there instances in which highly promising OCS acreage should be permanently reserved from development for recreational, ecological, or aesthetic reasons? What cost-benefit standards should be applied to proposals for reservations of this type? What other standards or considerations should be applied to proposals for reservations of this type?

4. What role do coastal States play with respect to Federal determinations concerning the establishment of marine sanctuaries on OCS lands seaward of the State's jurisdiction?

5. If a short term (two-year) or long term (five- to ten-year) moratorium were established and all OCS operations were suspended:

(a) From what probable alternative sources would petroleum demand be filled?

(b) To what extent, if any, would these alternatives reduce the risk of coastline oil pollution?

(c) What new environmental risks would be associated with alternative sources of supply?

L. STRATEGIC RESERVE

1. What consideration has been or should be given to development of OCS tracts and holding production in ready reserve in the event of disruptions in foreign or other sources of supply?

ADDITIONAL STATEMENTS

THE GOLDEN YEARS—A TIME OF TRIUMPH OR TRAGEDY

Mr. WILLIAMS. Mr. President, last week the distinguished Senator from West Virginia (Mr. RANDOLPH) addressed the Annual National Veterans Affairs and Rehabilitation Conference of the American Legion which met in Washington, D.C. His address on problems of the aged to the several hundred visiting Legionnaires was received with enthusiasm as demonstrated by their applause on several occasions during its delivery and a standing ovation at its conclusion.

Senator RANDOLPH's timely remarks are of interest to all Senators. I ask unanimous consent that they be printed in the RECORD.

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

THE GOLDEN YEARS—A TIME OF TRIUMPH OR TRAGEDY?

(Speech by Senator JENNINGS RANDOLPH, 49th Annual National Veterans Affairs and Rehabilitation Conference, the American Legion, March 1, 1972, Sheraton Park Hotel, Washington, D.C.)

I am greatly honored to be asked to speak this morning. As the nation's largest veterans organization, you have a long history of responsibility and concern. You represent the interests of this country's veterans, and you also voice the concerns of the American public on policy and direction. This is a large undertaking, but you have met both challenges well. I salute your spirit and dedication.

My role in this important conference is two-fold. As a member of the Veterans Affairs Committee, which was created last year, I am aware of your intense interest in legislation directly affecting your veteran constituency. And, as a member of the Special Committee on Aging, I know that there are legislative matters which are in the public weal, but go directly to the problems and concerns of your membership.

Contrary to that popular refrain, old soldiers DO die—about 318,000 of them failed to answer muster in 1971. Their suffering and sacrifice in the cause of honor and freedom does *not* fade away, but the nation's memory of their deeds is becoming increasingly obscured by the idealistic notion that, somehow, from this moment on, all mankind will live in peace. Somehow, from this moment on, love and brotherhood will stifle the baser instincts of greed and the lust for power. Would that it were so.

At the end of the last fiscal year, the Veterans Administration reported that the average age of the nation's 28.3 million veterans in civilian life was 44.5 years. That's only a slight increase over the previous year because 975,000 recently separated Vietnam era veterans were folded into the statistics. A more significant figure, I feel, shows that the nation's two million veterans 65 years or older did *not* decline for the first time in the past six years. And projections are that during the next 20 years, their number is expected to increase three-fold.

I wish I could tell you what life will be like for these six million veterans and their fellow elder citizens in the years ahead. I wish you could tell me. About the best we can do is review the recent past and current happenings which may indicate where we are heading.

The 1970's can be either a period of triumph or one of despair for older Americans. The facts are hard to conceal. We know that nearly 5 million persons 65 and older live in poverty, an increase of 100,000 since 1968. We know that approximately 6 million may be living in sub-standard, dilapidated or deteriorating housing. We know that the average annual health care bill for an older American is approaching $800—three times that of persons in the 19-to-64 age category and six times that for individuals under age 19.

Three months ago an historic White House Conference on Aging was called to come to grips with these very problems and to develop a national policy on Aging. That Conference concurred with the Senate Committee on Aging in assessing the gravity of the wide array of problems facing the elderly. That Conference was significant in another respect: One day after the White House Conference closed, the Senate approved the highest level of funding yet for the Older Americans Act. This action raised the Administration's original funding request of $29.5 million to a total of $100 million—or a 239 percent increase over the initial sum sought.

Legislative action on several far-reaching measures is underway in our Subcommittee on Aging of the Labor and Public Welfare

Committee. The first of a series of field hearings on proposals to extend and expand the Administration on Aging is scheduled today (March 1) in Kansas City. Other hearings are in process on measures which would expand aging research, and create a national institute on gerontology. The subcommittee, of which I am a member, is marking up the Older American Community Service Employment Act (S. 555) and the Older Workers Employment Act (S. 1307), and is studying similar proposals aimed at full utilization of the skills and experience of our older Americans—one of our largest wasted resources. It is my privilege to be the chief sponsor of S. 1307. These legislative proposals also can help our people offset the merciless march of inflation over their already inadequate retirement incomes.

In the past, our nation has made too little progress in terms of maximizing employment and service opportunities for older persons. Many older workers are now being eased out of the work force. Only about 17 percent of all persons in the 65-plus age category have jobs, usually part-time and in lower-paying employment.

Many persons now in the 40's and 50's also are discovering that advancing age may become a problem long before traditional retirement. It may occur when age makes it difficult to locate a new job, although we now have a law prohibiting such discriminatory practices.

The Senate Finance Committee is now considering the many far-reaching proposals for income strategy contained in H.R. 1, the omnibus Social Security-Welfare Reform bill. We know that the 5 percent increase proposed in the House-passed bill is not enough. For our senior citizens, inflation already has taken away the benefits increases scheduled to take effect in June H.R. 1.

I feel that the Senate version of H.R. 1 will make solid improvements in our Social Security, Medicare and income supplement programs to the elderly. These improvements are needed now—not in two or three years—if the aged are to escape from the economic treadmill which keeps them running but going nowhere.

In 1970, for example, the Administration proposed a 7 percent increase in Social Security benefits. This kicked up such a storm of criticism that the ante was raised to 10 percent. The significant point is that neither of these proposals would have kept pace with the rise of prices since the last Social Security increase. Only because of bipartisan Congressional insistence did the elderly win a 15 percent increase. The Administration threatened to veto this measure because of its "inflationary" impact. But fortunately, the measure was tacked onto a tax proposal that the President could not veto.

Again last year, Administration spokesman urged the Congress to limit any cost-of-living adjustment in benefits to 5 percent. This request was later eased up to 6 percent. Again, the proposed gain would have been wiped out by the time the elderly received their first checks. And again, a bipartisan Congress ignored the advice of the Administration and approved a stop-gap 10 percent rise.

The net impact of these actions is that Social Security recipients are now receiving about $4 billion more in benefits that they would have received if the Administration had prevailed.

There is another problem which crops up every time the Congress improves Social Security benefits. About four out of five veteran pensioners also receive social security. Since the benefits under the veterans' pension program are related to income, they are reduced when social security benefits go up. In virtually every case, the social security increase is greater than the decrease in the veterans' pension, but even so the veteran or widow is denied a portion of the earned social security benefit increase that other beneficiaries receive.

In order to keep veteran retirees on a par with other citizens, our Veterans' Affairs Committee reported two bills—both of which I cosponsored—providing for cost-of-living increases last year. Both were enacted into law. One bill—now Public Law 92-198—prevents erosion of a veteran's pension because of inflation by providing for a cost-of-living boost, together with an increase in the maximum income limits to an amount which will accommodate these social security increases. Had not Congress acted, more than 1.1 million veteran pensioners would have suffered reductions scheduled to go into effect on January 1.

The second bill—now Public Law 92-197—provides cost-of-living increases in dependency and indemnity compensation benefits to approximately 176,000 widows, 46,000 orphans, and 68,500 needy parents of veterans who died from service-incurred injuries.

In discussing the problems of the Older Americans, I realize that I have focussed almost exclusively on the economic aspects. But economics is at the root of many of the other problems, such as poor health, poor housing, isolation and loneliness, malnutrition and lack of mobility.

Today there are more than 20 million Americans—one out of every 10 of our citizens—65 or older. That combined number is nearly equivalent to the total population of 20 of our states.

Equally important, each year, 1.4 million Americans will have their 65th birthday. By the year 2000, approximately 45 million individuals will have become newcomers to this age group.

Today our nation has a unique opportunity to make advancing age—which is euphemistically called "The Golden Years"—a time of fulfillment and reward, instead of neglect and despair. It is significant that, at this time, there is already broad agreement on many crucial policy goals we should adopt. There is agreement on the course of action our nation must take now and in the future.

In your resolutions and policy statements, your organization has expressed a comprehensive concern for the problems of all of America's people. This concern extends beyond your communities and beyond your membership. Your real interest lies in the future of this society and this country.

The problems of aging that I have outlined provide a tough test of our ability to respond as a democratic and humane people. I feel that, with your continued concern and support, we can meet this test successfully.

RADIO FREE EUROPE AND RADIO LIBERTY

Mr. SCOTT. Mr. President, Mr. Stefan Korbonski, chairman of the Assembly of Captive European Nations, has written a letter to the editor of the New York Times in which he makes several points in support of the continuation of Radio Free Europe and Radio Liberty. I ask unanimous consent that the letter and an editorial also published in the Times of March 6 be printed in the RECORD.

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

[From the New York Times, Mar. 16, 1972]

SAVE RADIO FREE EUROPE

TO THE EDITOR:

In connection with your Feb. 22 editorial "Saving Free Voices," I would like to emphasize that the liquidation of Radio Free Europe either by extinction or by policy decision would be interpreted by the peoples of Bulgaria, Czechoslovakia, Hungary, Poland and Rumania as the final recognition by the United States of the present status quo and of the permanency of the Soviet rule in East Europe.

Surely, it would not kill their striving for independence but, paradoxically, might result in shifting their hopes toward the People's Republic of China, which alone of the great powers shows some interest in East European countries regaining their independence. This interest was demonstrated by several announcements of the Peking Government and, not so long ago, by the vehement condemnation of the Soviet invasion of Czechoslvakia by the present Chinese delegation to the United Nations. It is also being demonstrated by Radio Peking broadcasts to East Europe and by Radio Tirana broadcasts to Poland.

In addition, the closing of Radio Free Europe would represent an unwarranted gift to Soviet Russia, which through its own and satellite facilities pours "hate America" propaganda 900 hours daily in 78 languages.

STEFAN KORBONSKI,
Chairman, Assembly of Captive European Nations.

[From the New York Times, March 6, 1972]

A SENATE MAJORITY SPEAKS

A majority of the members of the United States Senate has sponsored a resolution designed to back continuation of Radio Free Europe and Radio Liberty.

What makes the move extraordinary is that the primary immediate aim of the sponsors is to put pressure on the Senate's conferees to end their deadlock with House conferees on this issue, a stalemate that threatens the swift demise of both these major communications links to Eastern Europe. Now that a majority of the Senate has spoken, there can be no moral basis for the continued obduracy of that chamber's conferees.

Their present tactics, if successful in terminating these broadcasts, can only benefit the Kremlin. Its bitter enmity to these radio voices has long emphasized their importance in filling a communications void by providing information otherwise unavailable.

ENERGY, ENVIRONMENT, AND PEOPLE—ADDRESSES BY SENATOR MOSS

Mr. BIBLE. Mr. President, in the last several months the Minerals, Materials, and Fuels Subcommittee of the Committee on Interior and Insular Affairs has held many days of hearings on key issues in the energy crisis. As chairman of the subcommittee, the Senator from Utah (Mr. Moss) has been in a strategic position to question some of the most knowledgeable people of the country on the supply of energy we now have, the projected demand for it, and what we must do to meet this demand.

In two recent speeches in Utah, Senator Moss summarized some of the things he has learned. On the same day, February 17, he spoke at Brigham Young University, in Provo, and at an American Institute of Mining Engineers meeting in Salt Lake City. I ask unanimous consent that the texts of the two speeches be printed in the RECORD.

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

ADDRESS BY SENATOR FRANK E. MOSS AT BRIGHAM YOUNG UNIVERSITY, PROVO, UTAH, FEBRUARY 17, 1972

MINERALS AND THE ENERGY OUTLOOK

Judging from my mail, a great many geologists and petroleum and mining engineers are beginning to wonder what Washington is doing about the Mining and Minerals Policy Act of 1970.

You will recall in 1970, Public Law 91–631 set forth the policy of Congress to be: a continuing national interest to foster and encourage private enterprise in the development of economically sound and stable domestic mining, minerals, metal and mineral reclamation industries; to encourage the orderly and economic development of domestic mineral resources, reserves, and the reclamation of metals and minerals; to encourage mining, mineral, and metallurgical research, including the wise and efficient use of our natural and reclaimable mineral resources; and to encourage the study and development of methods for the reclamation of mined land.

That law is of immeasurable significance to the mining industry and to the American society, for the impact of mining affects a great swath of companies and individuals all across the country. No one should know this better than a westerner, nor a Utahn for that matter, for while Brigham Young was not too happy with the soldiers who were the first to take up mining prospecting in the Salt Lake Valley when they came over the mountain with Capt. Conner, President Young was more than willing to encourage mining when, for example, he sent the saints down into Ironton, in Iron County, to search out the ore and start an iron foundry to meet the needs of the settlers.

We needed mining activity and its related industry in this state then, and we need it now. For the proper support of our population, and development of our resources and technology.

Now with this enunciated national policy of fostering and developing an economically sound and stable mining industry, I am sure many of you are wondering whether the legislation which has been introduced, such as measures to repeal the 1872 mining laws, bills to revise the 1920 mineral leasing act, and the host of bills covering surface mining, are really meeting the national policy of fostering an economically sound, stable domestic industry.

In the meantime, while all of this is going on in the halls of Congress, environmental activists plot strategies to obtain the necessary funding for court injunctions to stop energy oriented developments all around the country, and in another segment of the population the curtain is going up on a drama entitled "Energy Crisis."

Let me begin by telling you that after having listened to the testimony of many expert witnesses through the first year of the energy study authorized by S. Res. 45, I am convinced that we have an energy crisis.

Let me give you an example.

Not too many weeks ago the headline on the front page of the "Washington Post" read: "Gas company limits sales, cities shortage." The first two paragraphs of the story read as follows: "Washington Gas Light Co. announced yesterday that new sales of gas, 'for an indefinite period of time' will be restricted to single family residences.

"Citing a severe shortage of natural gas throughout the Nation, Washington Gas said the drastic new policy is the only method by which it can assure adequate service for present customers." Here at home, nothing quite that severe has happened—but on the east coast 50% of our gas needs are now being met by imports.

Dr. Ralph Lapp, noted scientist and a program pioneer in the nuclear energy program pointed out that if the fuel mix in the year 2000 is the same as it is now, then the U.S. will require for the year 2000:

15 billion barrels of crude oil annually;

74 trillion cubic feet of natural gas annually;

1.6 billion tons of coal annually.

By comparison, our 1970 consumption of crude oil and gas liquids was 5.3 billion barrels, but we only produced 3.5 billion barrels that year. Natural gas consumption in 1970 amounted to 22 trillon cubic feet, and coal production was 590 million tons, of which 70 million tons were exported.

Dr. Lapp paints a gloomy picture. He said, as for our oil prospect: That the U.S. reserves in the lower 48 states and offshore are already being exploited near their maximum pumping capacity and will probably be pushed to a peak production of about 4 billion barrels per year in mid-decade. Thereafter, they will decline. By 1985 when demand reaches 10 billion barrels per year, the U.S. may be importing two-thirds of its petroleum.

As for our gas prospect: Proven reserves of natural gas, including Alaskan, amount to less than 300 trillion cubic feet (TCF). The United States has already burned up 400 TCF of natural gas, and assuming a year 2000 consumption of 50 TCF, we will demand 1,200 TCF in the last three decades of this century. New gas finds lag behind increased demand and for the past four years proved reserves have dropped.

The coal prospect: Domestic coal reserves probably exceed 1,600 billion tons, but problems of production, sulfur content and transportation are formidable. Strip mining, approaching 50% of all U.S. coal production, involves environmental insult and may be curtailed or drastically slowed. Underground mining is labor limited and is unlikely to provide 1.6 billion tons of coal for the year 2000.

Research and development of nuclear power goes ahead. We are making progress on a nuclear breeder reactor—but significant impact on our local energy demand is decades away.

Research in the fields of solar energy and in geothermal steam continues, but we cannot yet see or predict any sizable impact to our energy resources.

With these statistics facing us, it is inevitable that we face a true crisis in supply and demand of energy. Add to this the environmental issue now sweeping the country and it is indeed a formidable situation. It is not insurmountable.

In President Nixon's statement to Congress of February 8, 1972, he said:

". . . We must come to grips with the basic factors which underlie our more obvious environmental problems—factors like the use of land and the impact of incentives or disincentives built into our economic system. We are gaining an increasingly sophisticated understanding of the way economic, institutional, and legal forces shape our surroundings for good or ill—the next step is learning how to turn such forces to environmental benefit."

For those of us born in the west, the grandeur and the beauty—the open space—the freedom of the spirit—our environment . . . is an ever present, soul lifting experience. Degradation of that environment is not acceptable. The accommodation must come, however, in finding ways to meet our energy crisis while preserving the environment.

What we are really talking about is an investment in human capital. When Carlyle said in 1839, "What constitutes the well being of man?" He asked the same question we are faced wtih today. The factors which constitute the well being of man require a reconciling of environment and energy needs. More may not be better, but less is not better either.

One way in which we can hopefully accomplish this accommodation and meet the national policy of minerals is in a reexamination of our laws related to mining. Many of our laws are behind the times. Some revision with built-in environmental protection is only commonsense and good husbanding of a resource as any farmer knows.

As I see it, we need:

1. Stepped-up energy research to conserve energy and use it more efficiently.

2. New and more acceptable means of energy production.

3. New ways to use the sources of energy which we now have in a "clean" way.

4. Federal laws to reclaim surface-mined lands and to prevent uncontrolled surface mining in the future.

5. Incentives for mineral discovery and development including some revision of the 1872 mining law in a manner which will still allow a little miner to prospect for and develop needed mineral resources.

6. An increase in our efforts to find the more difficult reserves of the clean fossil fuels offshore and inland.

7. Economic incentives—and to encourage capital investment to finance development and environmental protection of natural resources and energy supplies, and new facilities for their use.

Some of these needs may be met with help from new legislation I have sponsored and introduced. S. 635 is an amendment to the Mining and Mineral Policy Act of 1970 and has as its purpose the supporting and stimulating of mining, mined land reclamation, underground reservoir utilization, mineral economics, and related environmental research, and the training of an adequate number of scientists, engineers and technicians in such fields.

This will be done by the establishment of an appropriate research and training center in each State through matching grants for the purpose of assisting each participating State in establishing and carrying on the work of a competent and qualified mining, minerals, and related environmental research institute or center.

With Senator Bible of Nevada and Senator Allott of Colorado, I introduced S. 2542, to establish a system for the development of mineral resources on public lands of the United States. The 1872 mining law is being attacked on all sides so S. 2542 meets that problem and has the support of the American Mining Congress.

In its report entitled "one-third of the Nation's land," the Public Land Law Review Commission found that the public interest requires that exploration, development, and production of minerals on public land be encouraged—not merely permitted by maintaining a continuing invitation to the private sector to explore for and develep minerals on the public lands. The proposed bill just mentioned incorporated many of the recommendations contained in the report of the Public Land Law Review Commission.

I co-sponsored S. 1846, which is a bill to hasten development of coal gasification and S. 2455 which is my own surface mining bill. I have just flown over heavily surface mined areas of Tennessee and Kentucky and I am more convinced than ever of the need for surface mining legislation to correct abuses of the past and prevent any continuance of such abuses.

As you are well aware, the western United States and the intermountain-northern Rocky Mountain region are highly mineralized. Coal fields in Montana, Wyoming and Utah approximate 68.7 million acres. There are approximately 23.35 billion tons of strippable coal in Montana covering 770,000 acres, of which 425,000 are public lands.

Wyoming, North Dakota and Montana, along with six other western States, contain over 53 percent of the Nation's total coal reserves. There are an estimated 16 million acres of oil shale and more than 11 million acres are believed commercially operable.

The western phosphate field in Idaho, Utah, Montana, and Wyoming covers some 96 million acres.

With this great wealth, we must assure that the West, with its potential for mineral development, does not become another Appalachia.

I have also seen that land reclamation and adequate protection are possible and that reclamation of disturbed lands can be accomplished. This we must do.

I pledge to you my support for continuing the National Mining and Minerals Policy Act balanced with adequate enforceable environmental protection. The well being of our people requires it.

SPEECH OF SENATOR FRANK E. MOSS, D–UTAH, AIME, SALT LAKE CITY, UTAH, FEBRUARY 17, 1972

ENERGY AND PEOPLE

The subject is "energy"—but I cannot speak to you about energy without beginning with people. There are more of us today than ever before—and while there are affluent Americans of varying degrees—there are 25½ million poor people of this country—a group whose size grew by 5% (1.2 million) in 1970 after a constant 10 year decline—people who want jobs, decent housing, and schools for their children.

The needs of our people are all around us. It is rather shocking to think of people hungry in the State of Washington—or anywhere else in this country. No longer can we use the western prerogative and say—pick up your stakes. Go West—find something new—make a new living. 25½ million people cannot grub stake in the West—or form communes in the East.

Lost productivity, declining tax revenues, growing unemployment (up to 6.3% a week ago in Utah), and the high social costs of regional depression—is the result of stifled economic growth.

How we meet our essential energy needs will play an important part in the manner in which this Nation meets the needs of its people. One of the most critical areas of national importance today lies in balancing our requirements and responsibilities to arrive at a sound national energy policy. Meeting our projected energy requirements means meeting our duties and obligations to our people in providing to them the means to achieve their own economic security. Many of our people need the benefits of energy, both to be used by them in providing for their simple creature comfort, which they do not now have, and energy to be used for them in creating new jobs and new opportunities.

As Senate chairman of the Subcommittee on Minerals, Materials and Fuels, and as a corollary to the ongoing study of energy now being conducted under S. Res. 45, I have presided over hearings in Washington and around the country and I have listened to respected, knowledgeable and concerned witnesses for industry, Government, utilities and private citizens on the subject of energy, and I am convinced that we do face an energy crisis.

Until recently, the United States has faced serious concerns for the adequacy of its energy supply only in unusual circumstances such as mobilization for war. Many sources of energy—coal, oil, gas, hydroelectric, and nuclear—have generally been available in this country in abundant supply. Productive capacity has been ample and alternative sources have been available. As a result, industry and other consumers have been supplied with energy in suitable amounts, of acceptable quality, and at reasonable prices. Today it is different.

The statistics on the national energy situation today are overwhelming. We face staggering policy issues in the energy field related to

1. Declining exploration for domestic supplies;
2. Dwindling oil and gas reserves;
3. Insecure foreign oil supplies;
4. Tieup in building the trans-Alaska pipeline;
5. Escalating demands for energy which are growing at a much faster rate than long-term averages;
6. Increasing costs because of new environmental standards;
7. Problems of electric power generation, transmission and siting;
8. Nuclear energy and the breeder reactor; and
9. Offshore drilling and leasing.

The level of public concern over these energy issues and environmental problems associated with energy runs high.

New factors never before considered now are paramount. Everyone wants the electricity that generating plants produce but nobody wants the plants. And so it goes across the country.

There must be wise and intelligent public discussion of our energy needs in terms of the environment and more importantly they must be considered in relation to our economic system, our foreign policies, and national security. These questions are not too delicate or too sensitive for reasoned public debate.

Within this framework of the overall problem, I would like to discuss with you four specific areas of the total energy scene which cover some of the very interesting hearings I have conducted in my work on the Senate Interior Committee and which should be of particular interest to mining, metallurgical, and petroleum engineers.

SURFACE MINING LEGISLATION

First, as to surface mining legislation, we have some ten bills before us which, in varying degree, would put into effect regulations for reclamation of surface mined lands. The issues as I see them developing from the proposed bills and the testimony presented include:

(1) What lands will be covered—Federal, State, Indian, and private.

(2) What minerals will be covered.

(3) What is the appropriate measure of responsibility between the Federal and State governments and which agency or combination of agencies at the Federal level should have the administrative responsibilities.

(4) How to fund for enforcement and regulation. Suggested sources include appropriation, fines, fees, and forfeitures from permits, bonds, and sale of reclaimed lands.

(5) What reclamation standards and requirements should be written into the bills; should there be detailed provisions or general guidelines.

(6) Whether there should be a total, partial or outright banning of surface mining. Prohibition of surface mining for coal, prohibition of coal mining underground in wilderness areas and prohibition in national forests at the discretion of the forest service.

(7) Time schedule. When would the legislation be operable.

(8) What provisions should be made for administrative and judicial review of determinations and requirements under the act.

(9) What to do about orphan and other unreclaimed lands.

The role of government should be the formulation of basic policies and the setting of standards. Whatever the outcome of the legislation, it is bound to affect the role which you play in the mining industry and will certainly affect the energy situation.

COAL GASIFICATION

We must look to a completely new energy technology to augment natural gas.

I therefore cosponsored a bill to expedite the development of coal gasification. I need not point out to you that Utah and the west have abundant low sulfur content coal. U.S. Geological Survey estimates that there are 1,605 billion tons of recoverable coal in our Nation, and noted that coal can be converted to meet our energy needs in all forms, and is not limited to the production of electricity.

A synthetic gas plant would have to produce a minimum of 250 million feet per day. A 25-year coal reserve would have to be assured. Depending upon the quality of the coal, mines capable of producing from 5 to 10 million tons per year would be required to serve each plant.

Endorsement of the proposal in S. 846 to carry out the accelerated program through a coal gasification development corporation came from other congressional Senators and Representatives, the National Association of Regulatory Utilities Commissioners, the Consolidated Edison Company of New York, Pullman, Inc., Burns and Roe and others. These witnesses expressed the view that, while some risk was involved, that the technology was sufficiently advanced for a demonstration plant to be built. With the urgency connected with this program such risks could be justified.

Development of the technology for producing a high Btu pipeline quality gas (approximately 950 to 1000 Btu per cubic foot) is a recognized national research priority and is included in our energy study. This technologic capability is needed to relieve disparities between projected demands and available supplies of natural gas.

Clean fossil fuel requirements force us to search to processes of developing oil from coal, and to oil from fossil deposits of tar sands and oil shale.

OIL SHALE

I also introduced a bill, S. 2510, last year, first session patterned after the coal gasification corporation bill to form an industry-government corporation for the development of new energy sources, including tar sands and oil shale.

A preliminary hearings on this measure indicated that industry was waiting to see the results of the interior department's prototype leasing program and the conclusion of the department with reference to my bill is that it is premature.

We will watch with much interest the attempts to bring oil shale into commercial development. These vast oil shale resources of Utah, Colorado and Wyoming can supply us with much needed energy and improve the economic climate of the west.

OFFSHORE RESERVES

Proven reserves of natural gas have dropped from a 20-year to a 13-year supply and oil reserves have fallen from a 13-year to a nine year supply.

Our concern over these energy supplies is matched by a concern for the environment illustrated by hearings on marine sanctuary bills to restrict drilling offshore from California.

Hearings were held on the bills November 1 and 4, 1971 at which time industry representatives expressed concern that energy needs of the Nation could not be served if offshore lands were, in effect, locked up.

Subsequent to the hearings the House passed H.R. 9227. This bill, among other things, authorized the Secretary of Commerce to designate marine sanctuaries necessary for preserving or restoring esthetic values. In conference, title III of H.R. 9727 which contained the marine sanctuary provision was deleted, and on December 9 Senator Nelson introduced S. 2971 to designate marine sanctuaries as far seaward as the outer edge of the continental shelf.

The whole policy question of the leasing of outer continental shelf lands considering the Atlantic Coast as well as the California coast will be considered by three committees—in-

terior and insular affairs, commerce, and public works sitting together will be aired in a hearing scheduled in late March. Hopefully from this joint effort, we can reach an appropriate solution.

It is of vital importance that we utilize the resources of our State and the country but the utilization must be within the gambit of our newly aroused environmental conscience.

I look to you and to the universities and research centers for help. We are past due on overhaul of our general technology. We face greater technical difficulties in utilizing our mineral resources for a new energy technology. We need reduction of waste, more efficient utilization of energy, better transportation of energy, stronger pipe, better insulation. All of these changes we need and you and your colleagues can supply the know-how.

We have to re-think almost everything we have going for us, re-assess and evaluate—find a better way or a totally new way. The challenge is tremendous.

There have been abuses and waste of our resources, and abuses continue to degrade the environment. We do need to take a new look at the old ways and reexamine, evaluate and develop new techniques.

But the West would not have been won if we had stopped the minute the first settler turned a furrow. No cities or towns would have been developed, rivers would still run unchecked, flooding valley floors.

As you well know, I have helped carve out parks, monuments and recreational areas throughout the State and throughout the country. I would maintain some wilderness untrammelled, reserve a wild river, set aside fantastic scenery, preserve a quiet, beautiful place for all to see but there is more to living on this planet earth than simply reserving these things in a pristine forest for those few who can afford the pleasure.

It is time we considered all of the people.

People need an expenditure of energy. When you do not have a job you do not worry about who drops a candy wrapper or a beer can in a primitive area. You worry about a job and feeding your children. And we should worry about creating energy to serve more jobs.

I would be the spokesman for jobs and people. I would preserve for my grandchildren a beautiful country, but I do not want this just for the privileged few. Let us be sensible. Do you close down a paper mill in the interest of stopping pollution and turn the inhabitants of the surrounding town into poverty, or do we correct the long list of technological violences to the earth and build from there. It is simply not "bigger is better", nor "more is better", but it is the quality of life that must be better, and it takes energy to keep a viable economy—and producing.

Let us correct abuses of the past and the ongoing present, but let us also turn our American knowhow into constructing a qualitative, better life. I am tired of hearing about energy versus the environment. For me, it is energy and the environment for the people.

WHALE OIL SUBSTITUTE

Mr. SCOTT. Mr. President, it is fairly common knowledge that many species of whales are in danger of becoming extinct. The U.S. Department of the Interior has placed eight species of whale on the endangered species list. Existing importation contracts on oil from these whales were allowed to be honored until December 2, 1971, but after then no whale products were allowed to be imported. The Commerce Department also has terminated all domestic whaling licenses as of the end of 1971.

Whale and sperm oil is used in the manufacture of hundreds of products, such as lubricants and cosmetics. The United States imported about 200 million pounds a year, with one-fourth of that consisting of sperm whale oil.

When it became clear that the importation of whale oil would be banned, many scientists began looking for substitutes. One of them was Alex D. Recchuite, a young chemist at Sun Oil Co.'s research center in Marcus Hook, Pa. His company makes more than 50 products containing sulfurized sperm oil. Mr. Recchuite came up with a synthetic product which can be used in place of sulfurized sperm whole oil.

I ask unanimous consent to have printed in the RECORD an article from the Sun Oil Co. magazine, Our Sun, written by Bud Davis, describing briefly the history of whaling and the development of Mr. Recchuite's accomplishment. I cite this incident, Mr. President, as an example of what industry can accomplish when presented with challenges of all kinds, be they environmental, consumeristic, or other. This is how one company met its responsibility to the environment and to its customers.

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

GIVING THE WHALE A FIGHTING CHANCE

(By Bud Davis)

William Beebe, 1877–1962, American naturalist and author: "The beauty and genius of a work of art may be reconceived, . . . but when the last individual of a race of living things breathes no more, another heaven and another earth must pass before such a one can be again."

I found the book I was looking for stuffed in the bottom of a dusty packing carton back under the eaves of the third floor: *Moby Dick*, by Herman Melville—the greatest account of whaling ever written.

I had read it about eight years ago for an English course, then packed it up with the rest of the paperbacks and moved the whole carton from place to place because you just can't throw out your old college books, even if you figure you'll never read them again.

Finally, I located the passage I was looking for—one where Melville questioned whether whales could ever be hunted to extinction. After a long discussion in which he noted the great effort it took to capture and kill a whale and the "impregnable Polar citadels" to which the whales could retreat, he concluded that the whale is "immortal in his species, however perishable in his individuality."

Unfortunately for the whale, Melville's prediction was wrong. Today, the number of blue whales—largest creatures ever to inhabit the earth—is down to less than 1,000, reduced from 100,000 at the turn of the century. "If they were left alone for fifty years or so, they might recover," says one whale expert.

Seven other species, including the sperm whale that Melville wrote about, are in danger. Thus, conservationists rejoiced when the U.S. Department of Interior placed these eight whales on the endangered species list last December. The order allowed existing importation contracts to be honored until Dec. 2, 1971, but after then, no whale products were permitted to be imported. In addition, the Department of Commerce terminated all domestic whaling licenses as of Dec. 31, 1971.

An informal survey I conducted assures me I was not alone in thinking that whaling was a thing of the past—an industry forced out of business by Drake's discovery of crude oil. Thus, I could not understand why it was significant that Sun Oil Company had developed a synthetic product which could substitute for the sulfurized oil of the sperm whale.

However, I soon learned a number of things about whaling in general and sperm oil in particular. Although whaling is nearly nonexistent in the U.S., it is still a major industry in Japan and Russia. The U.S. imports about 25 to 30 percent of the world's whale oil and sperm oil production—or 200 million pounds a year, and these imports are used in hundreds of products from lubricants to lipstick and from ink to soap.

One-fourth of the U.S. whale oil consumption is in sperm oil. This substance like all whale oils, comes mainly from the blubber of the whale, but it is differentiated from the rest of the whale oils because of its unique chemical characteristics. (The sperm whale got its name, by the way, from the mistaken belief that the waxy solid which separates from the oil is the coagulated semen of the whale. This solid was called spermaceti, or "sperm of the whale," and thus the species became known as the sperm whale.)

In Melville's day, the raw sperm oil was used to light lamps. Now, it can be hydroyized, hydrogenated, epoxidized, polymerized sulfonated, chlorinated or sulfurized for a variety of uses. The most common of these is sulfurization. Nearly half the 50 million pounds of sperm oil consumed in the U.S. is sulfurized and used as an additive in special cutting and lubricating oils.

At the time the ban on whale imports was announced, sulfurized natural sperm oil was the only known substance which could give these oils the required resistance to high temperatures and pressures. Without it, a sizeable amount of machinery in the U.S. might literally grind to a halt.

In anticipation of the ban, many researchers began looking for a sulfurized sperm oil substitute. One such scientist was Alex D. Recchuite, a young chemist at Sun Oil Company's research center in Marcus Hook, Pa.

Late in September 1970, Mr. Recchuite discovered how to make a synthetic sulfurized sperm oil. "Sun sells more than 50 products containing sulfurized sperm oil—mainly industrial lubricants—and we knew an embargo could be instituted at any time," he explained. "So our gear oil lubricants group started looking for a substitute early in 1970.

"I got involved in the project in a roundabout way. The gear oil group was testing everything on the market—unsulfurized as well as sulfurized sperm oil substitutes. I was in the research center's metal working group at the time, but the men in gear oils asked us to help out because we had more experience with sulfurization."

At first, all Mr. Recchuite did was sulfurize the straight sperm oil substitutes that were brought to him. But each time, he became more involved in the project. "A few of the substitutes seemed to have the right properties," he noted, "but they were very costly. Others were easily sulfurized, but would not dissolve in the base oil. Still others were very difficult to sulfurize at all."

Then one day Mr. Recchuite came up with what he calls a "harebrained idea" for a synthetic product that would be inexpensive, easily sulfurized, and soluble in a variety of base oils. With the help of his co-worker, Edward Jolly, he made some of the product and took it to the gear oils laboratory for testing. "To our surprise, it worked just fine," he recalled as though he was still surprised. "So we applied for a patent."

The process was licensed to Mayco Oil and Chemical Company, of Bristol, Pa., a firm with extensive experience in sulfurization and the ability to get the discovery into commercial production quickly.

It is now being marketed to Sun and many other firms under the trade name Maysperm. But when I questioned Mr. Recchuite about its composition, he said he couldn't reveal that, since the patent approval is still pending. All he would say was that the products from which it is made are far more readily available than Sperm oil ever was.

Alex Recchuite's discovery came none too soon for the sperm whale. In Melville's time, the whale had a fighting chance of getting the best of his pursuers. The main ship could go no faster than the wind would carry it, and the small whaleboats used to approach the leviathans were not much larger than a rowboat you might go fishing in.

The harpooner, who stood in the bow of the whaleboat, used only his own muscle to drive the harpoon into the whale's blubber, and the crew often went for a "Nantucket sleigh ride" when the great beast would dive to the bottom in his attempt to get away.

In 1865, however, a Norwegian named Svend Foyn invented a gun that could fire a harpoon into a whale from a distance. The harpoon had an explosive head that would detonate deep in the whale's body and cause mortal damage.

The whale's odds have been getting worse ever since. Here is how science writer John A. Barbour, in his book, *In the Wake of the Whale*, summarized the whaling industry as it moved into the twentieth century:

"The stage was set for the last, great stage of modern whaling, the stage that was to see the demise of the world's great whales under the modern weapons and techniques of man.

"New ships were built, powered by steam, with a bigger capacity; these were huge floating butcher shops where whales could be pulled aboard and cut up, boiled down, processed for market. Tankers would pump the oil from the factory ships and take it to home port. At the same time the catcher boats, now bigger and faster, staked out more whales and still more."

The slaughter reached its peak during the 1930's. Ironically, the only thing that saved the whales then was a war between men. After World War II, however, whaling resumed on nearly the same scale as before. Although the United States virtually withdrew from the industry, it still imported large quantities of raw whale oil and whale products.

I remember my English professor saying that *Moby Dick* is more than just a story about whaling—that it is symbolic of the struggle between man and the elements and that the great white whale, Moby Dick, symbolizes all that is wild and uncontrollable in nature.

I suppose it was a good symbol at the time, but somehow today's mechanized fleets of whalers would make even Moby Dick seem like a minnow used to bait a fisherman's hook.

In the 120 years since Melville wrote the book, man has firmly established his mastery over most of nature. Inventing an inexpensive synthetic substitute for sulfurized sperm oil may seem like a minor accomplishment when set against the moonlanding headlines of today, but it is an indication that man is also learning the responsibility that accompanies his mastery of nature.

CHICAGO CITY COUNCIL URGES CONGRESS TO CONTROL PISTOLS

Mr. STEVENSON. Mr. President, on Thursday, February 24, 1972, the Chicago City Council unanimously passed a resolution memorializing Congress to outlaw handguns and to establish strict requirements for the use and ownership of long guns. The vehicle of city council proposed, and thereby endorsed, was S. 2815, the bill introduced by the senior Senator from Michigan (Mr. HART).

I ask unanimous consent that at the conclusion of my remarks the city council resolution be printed. It was originally introduced last December 30 by Fifth Ward Alderman Leon M. Despres, and the City Council Committee on Federal and State Legislation which handled the bill added the final, "further resolved," clause.

The problems that guns and in particular handguns pose to the city of Chicago and its citizens reflect the national situation. There are some 463,000 registered guns in Chicago alone, and no one can begin to hazard a guess as to how many unregistered guns exist. The 1968 estimate of the Eisenhower Commission put the nationwide figure of guns at 90 million, of which about 31 million were handguns.

Nationwide it is known that handguns are used in a disproportionate number of crimes wherein guns are used. In Chicago, Francis P. Kane, the city's deputy public works commissioner, has estimated that 75 percent of the city's killings are by handguns.

The resolution itself notes that in recent weeks a Chicago police commander was shot and hurt by a handgun when he ordered a robber to surrender in the Loop. The FBI recently released figures showing that in 1971 125 policemen were killed throughout the Nation, 73 percent of them by handguns.

The city council resolution states that—

Chicago patience is exhausted by the endless sickening and lethal shots from handguns in its streets and buildings.

Not only is Chicago's patience exhausted, but so is the patience of a nation. As the city council resolution further states, "a single city cannot solve the problem." The problem must be solved at the national level. That means that we in Congress must face up to our responsibilities within the Constitution, to provide for the national welfare and to establish domestic tranquillity by controlling the possession of handguns.

I ask unanimous consent that the resolution be printed in the RECORD.

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

RESOLUTION MEMORALIZING CONGRESS TO OUTLAW HANDGUNS BY ENACTING S. 2815

Whereas: Chicago's patience is exhausted by the endless sickening and lethal shots from hand guns in its streets and buildings. The only use of hand guns is to kill and maim people. So long as hand guns can be privately owned, no one is safe. Outlawry of hand guns by a single city cannot solve the problem; hand guns should be outlawed nationally, as other nations have outlawed them.

The destruction in Chicago from hand guns is beyond belief. In the last few days, for example, a Chicago police commander was shot and hurt by a hand gun when he commanded a robber to surrender in the loop; two boys, 17 and 18, were shot and killed by a hand gun in an alley on the west side; and a father of three young children was killed by a hand gun which discharged accidentally as he fell down the stairs of his home on the south side.

Chicago knows the problem. Chicago knows that hand guns must be outlawed. Chicago knows that the hand gun lobby must be overcome in the interest of protecting life and safety.

Be it resolved by the City Council of Chicago: The City of Chicago urgently memorializes the Congress of the United States to meet a national emergency by enacting S. 2815, which prohibits the ownership and manufacture of hand guns by all persons (except the Armed Forces, law enforcement officials, and, as authorized by the Secretary of the Treasury, licensed importers, licensed manufacturers, dealers, antique collectors, and pistol clubs).

Be it further resolved by the City Council of the city of Chicago: The City of Chicago urgently memorializes the Congress of the United States to draft legislation or amend S. 2815 to establish strict requirements for the use and ownership of long guns, as well as hand guns.

USE OF NATIONAL GAS-TAX REVENUES FOR MASS TRANSIT

Mr. CRANSTON. Mr. Persident, I was very much pleased to read an editorial published in the San Francisco Sunday Examiner and Chronicle of January 16, 1972, praising Henry Ford II for his stand on the use of national gas-tax revenues for mass transit.

I have long been an advocate of realinement of our national transportation priorities. I believe that gasoline-tax revenues must be made available to further the development of mass transit systems in our major metropolitan areas.

Senator WEICKER has introduced legislation which would establish a trust fund for mass transit. I support this measure as an important step in diverting some of our highway funds for use in improving mass transit.

I commend both Henry Ford II and the editors of the San Francisco Sunday Examiner and Chronicle for their support of this goal. I ask unanimous agreement that the editorial be printed in the RECORD.

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

FORD'S TRANSIT IDEA

The solid and apparently invulnerable front maintained by the so-called "highway lobby" (automobile manufacturers, auto clubs, road-builders, truckers and oil companies) to preserve the inviolability of gasoline-tax revenues has suffered its first defection.

Henry Ford II has broken ranks with a recommendation that the Federal Highway Trust Fund be tapped for the development of rapid transit. This is the fund that amasses $5 billion or $6 billion annually from the Federal tax of 4-cents a gallon on gasoline, and which has been used exclusively—thanks to the watchful eye and political clout of the "highway lobby"—for building the nation's freeway system.

Though proposals have frequently risen for channeling bits of those billions toward systems of mass transit, they have been promptly shot down by lobby artillery.

At the State level, California became familiar with the lobby's fire-power as measure after measure for diverting gas-tax funds was done to death in the Legislature. Such diversion required—and still does—amendment of the State Constitution which provides that those funds be used only for State highways and local streets and roads. In 1970, a measure for the required amendment reached the voters in the still-remem-

bered Proposition 18, designed to alleviate some of the problems that the automobile created. It would have permitted gas-tax revenues to be used for research into air pollution and for construction of rapid transit systems.

It, too, died under attack by the "highway lobby," an attack which resulted in suits against various oil companies and other alleged contributors to a war-chest of disputed legality.

The Legislature has since enacted a bill that will serve some of that proposal's purpose without touching the sacrosanct gas-tax fund. It does so by extending the State sales tax to cover gasoline.

This measure, it is estimated, will provide some $150 million a year to bolster the unprofitable public transportation systems in the metropolitan areas, and will give counties of lesser population some $40 million a year for road and street improvements.

This is, to be sure, a far cry from the goal of regional mass-transit systems that are convenient enough and inexpensive enough to lure millions of citizens away from their automobiles, reduce highway congestion, eliminate the need for more and more freeways, and cut down air pollution from automobile exhausts.

But it is a start, and Henry Ford's conversion to the idea that gas-tax funds be invested in study, research and development of mass transit and never mind the "highway lobby," raises hopes that the goal may yet be attainable.

THE OCCUPATIONAL SAFETY AND HEALTH ACT AMENDMENTS

Mr. PEARSON. Mr. President, on February 29, the distinguished Senator from Nebraska (Mr. CURTIS) introduced a bill amending the Occupational Safety and Health Act in a number of worthwhile and constructive ways. I applaud the Senator's efforts as an attempt to strengthen the act in a manner which will bring the original intent of the legislation into clear focus, and I was pleased to cosponsor this legislation.

When the Williams-Steiger bill was approved by the Senate in 1970, it was hoped that many of the tragic and unnecessary injuries and illnesses associated with occupational pursuits would be eliminated. The figures made available to us at that time indicated over 250 million man-days per year lost as a result of on-the-job injuries or illness with a resultant $1.5 billion wage loss to employers. Enactment of Federal standards designed to prevent such staggering losses in the future was needed, and I voted for passage of the act for this reason.

Since that time, Mr. President, it has come to my attention that the enactment of the OSHA has created many more problems in addition to those it was intended to solve. Although the act consolidates previously enacted statutes which heretofore had never been effectively enforced, it was not anticipated that it would work an increasing hardship on retailers, small manufacturers, and farmers who are now experiencing difficulties in complying with the law.

Many concerned citizens in Kansas have written me expressing their hope that Congress could enact modifying legislation, designed to ease the burdens which the OSHA has forced upon them. Many of these employers have indicated that full compliance with the abundant regulations will cost more than they can afford. Some have said they will be forced out of business unless some relief can be obtained.

Last but by no means least, Mr. President, many farmers have written me indicating what I feel are legitimate complaints concerning this act.

Is it fair to expect a farmer, employing one or two hired hands, to be subject to the same regulations, the same standards, and the same requirements as an agri-businessman employing hundreds or thousands more people? Can we legitimately expect a retailer employing less than 25 workers to expend thousands of dollars complying with regulations originally intended to satisfy requirements which may or may not relate to his particular situation? Finally, can a small farmer or retailer be expected to maintain the same lengthy records which many of their larger and more prosperous colleagues complete, often with specially hired individuals?

A most disturbing weakness of the OSHA is its dependency upon the so-called National Consensus Standards. Under the provisions of the act, as outlined in the Federal Register, the Secretary of Labor is required to establish—

As rapidly as possible and without regard to the rule-making provisions of the Administrative Procedures Act . . . standards with which industries are generally familiar, and on whose adoptions interested and affected persons have already had an opportunity to express their views.

The effect of this provision has been to deny the Department of Labor and its subordinate, the Occupational Safety and Health Administration, the proper authority to make an administrative determination as to what standards shall apply under certain conditions, or whether such standards are necessary in all cases.

Mr. President, no one is denying that these standards could serve as a basic and highly useful guide to the promulgation of more effective and more up-to-date regulations. But in forcing the Labor Department to comply with them, a necessary administrative review process has been bypassed, denying employers the right to "their day in court" during the formulation of regulations directly affecting their livelihood. Instead, employers have been obliged to sift through a massive set of regulations, determining for themselves which should be applied, and how they should be applied.

Once these determinations are made, it is left to the employer to implement these regulations as best he can, often at great expense. Unfortunately, however, compliance is made with the knowledge that some time in the near future, the present standards may be replaced, requiring the employer to repeat the same process and incur an additional expense.

Mr. President, in our determination to provide all workers with a useful and effective law relating directly to their working conditions, we reflected the determination of the vast majority of American people who desired responsive and immediate action by Congress. It therefore seemed logical to adopt the standards which had already been formulated by such responsible groups as the American National Standards Institute and the National Fire Protection Association.

But in our acceptance of these standards, we failed to acknowledge that they were not at that time compulsory, that many employers in the same business already had their own, differing procedures in effect, and that the effect, of complete and almost immediate compliance could provoke widespread confusion, disillusionment, and disaffection among many who could normally have been expected to support the provisions of the act.

It seems to me, Mr. President, that this does little to promote confidence in the Government, and I believe that unless corrected, the OSHA as presently worded could seriously impede our efforts to provide for the safety and welfare of the Nation's work force.

In my judgment, the legislation before us can correct this situation by creating a more effective partnership of public and private representatives working toward a common goal, a partnership that all can respect and enforce in good faith.

Briefly stated, this bill would authorize the following:

An exemption of small businessmen, manufacturers, and farmers employing less than 25 individuals.

A delay in the effective date of 1 year with regard to employers who have more than 25, but fewer than 100 employees.

An amendment requiring the Secretary of Labor to evaluate all the current regulations, distinguish the various facets of a given form of business, and determine if the rule should apply to each facet.

A requirement for the Secretary to publish the estimated average or maximum cost of compliance with each regulation.

A provision authorizing the Secretary to provide technical advice and consultation to employers with 100 or less employees to assist them in complying with the OSHA.

An amendment with relation to the "national consensus standards," providing that they shall not have equal status with other requirements adopted in concurrence with the usual rulemaking procedures as defined under the Administrative Procedures Act. This amendment would be accomplished not by completely disallowing the regulations promulgated up to the present time, but by specifying that no penalty or other action could go into effect unless the Secretary had assured the employer's receipt of a requirement and had given him 30 days to comply or seek administrative review.

A provision for compensation of expenses for employers who have had to comply with existing regulations but may have to incur additional expenses when such regulations are changed pursuant to the Administrative Procedures Act.

An amendment providing that if the usual administrative rulemaking procedures were not followed, failure to comply with the rule would not constitute negligence or wrongdoing on the part of the employer.

An amendment to relieve employers from absolute liability in the event he had made a concerted effort, in good faith, to comply with a regulation.

An amendment to provide that no employer shall be responsible for fines and other penalties under the act if he can prove that the requirement he is alleged to have violated would not have effectively constituted an improvement of the health and safety of his employees.

An amendment to permit the Secretary, where appropriate, to make provisions for initial medical exams for employees and follow-up exams thereafter at periodic intervals.

An amendment authorizing the formation of employee safety committees by waiving provisions of other statutes regarding management-labor relations.

Finally, an amendment to assure early compliance by making available to the Secretary, in the event of an alleged violation, the option of entering into an agreement with the employer for prompt compliance, rather than imposing a penalty for failure to comply.

Mr. President, all these provisions deal with providing a basis for fairness in the employer's attempt to comply with the OSHA. In our effort to enact this legislation, we are not attempting to circumvent the intent of this law. Rather, we are modifying and perfecting weaknesses which, if neglected any longer, could well result in negating a law which seeks to provide standards of safety for employer and employee alike.

In the end the bill represents a gesture of good faith to the American people, the vast majority of whom recognize the need for job safety and have themselves undertaken to provide ways of ending occupational injury or illness. The law as amended can still deal effectively with willful violation of its provisions. But let us not place everyone on that same low level. Let us recognize that for the most part, Americans are concerned with the common good, that individual initiative still exists, and—most important—that the Government should seek to supplement, not supplant, the basic will of the people.

CIVIC LEADERSHIP IN ASPEN, COLO.

Mr. ALLOTT. Mr. President, the November–December 1971 issue of the Planners Notebook contains an article entitled "Preserving Urban Open Space: Locally-Financed Acquisition and Civic Leadership Are Key," written by Mr. Herb Bartel, AIP regional planner, Aspen, Colo. Mr. President I ask unanimous consent that the complete text of the article be printed in the RECORD at the conclusion of my remarks.

The article illustrates what a dedicated citizenry can do to preserve our natural environment. I am proud of the civic leadership shown in Aspen, Colo. This city, which has a permanent population of 2,500, has accomplished a seemingly impossible task. The success of the Aspen open space program can be attributed entirely to the extent of citizen commitment in both time and money. And, Mr. President, this was accomplished without Federal funds. To use the words of Mr. Bartel:

A significant point is that public dollars were used in this case to set the pattern for future development which would maintain meadow areas in their open, natural state. It is important to note that not all land can be purchased as open space, but that public dollars can set the pattern for desirable land development as well as maintain important natural heritage.

Mr. President, much can be learned from the example set by Aspen, Colo. I commend their efforts and the article to the Senate.

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

PRESERVING URBAN OPEN SPACE: LOCALLY FINANCED ACQUISITION AND CIVIC LEADERSHIP ARE KEY

(By Herb Bartel)

(NOTE—Aspen, Colorado, has used a variety of approaches to preserving its urban open space and is working on additional techniques to make it easier for property owners to donate land as well. The ideas and methods shown in this case study have applicability to many urban communities. This type of program, as many others, relies heavily on citizen acceptance of the need and civic leadership at many levels to carry on the program.)

During the past year, residents of Aspen, Colorado, have voted for a 1% sales tax and a 10-year general obligation bond in order to achieve preservation of urban open space and the view of Aspen Mountain from the city. And, an Environmental Defense Fund has been established by the Mayor to attract no-interest loans by private individuals for study projects or open space emergencies.

This was done without an actual plan for open space; but the issues which were highlighted and the initial land acquisition have helped set the framework for a continuing open space program in Aspen. The city planning office will have a major role to play in recommending future sites to be acquired or preserved as open space in cooperation with private land owners.

To date, $4 million has been expended for open space land acquisition under the two programs. This represents a considerable investment for a city with a permanent population of only 2500 persons, and the major parcel of land acquired was very prime residential land zoned for subdivision. This case study is meant to show the various techniques used to acquire and preserve open space in Aspen, since many of them can be used elsewhere in the country. It is also meant to show the significance of public education and political leadership in such an endeavor today, given the pressures of urbanization and the market.

Aspen, Colorado, is a mountain resort town well known for skiing. It has a permanent population of 2500; this jumps to 20,000 during the winter season. The Ski Corporation is a major force in the city; and the tourist business is a major employer.

Aspen is situated close to much land that is public domain. This makes it difficult for citizens to see the necessity for preservation of urban open space within and surrounding the city, since it appears that there is limitless open land all around. However, the land that is not public domain, the city and its immediate vicinity and the Aspen Mountain area especially, is subject to the same pressures for urbanization as elsewhere in the country. In addition, there is the demand for tourist accommodations such as hotels, ski lifts and the like; and pressures of normal urbanization and tourism are usually brought to bear most heavily on those areas within or immediately adjacent to the most scenic part of the area between the city and Aspen Mountain.

It is precisely because of this type of pressure last year that a sufficient crisis developed which escalated Aspen's interest in preserving open space. Development was encroaching upon the west end entrance to Aspen. At the same time, plans were being made for development of the only open half block in the commercial core of the city.

The city of Boulder, Colorado, in 1967 had approved an additional 1% retail sales tax, 40% of which was specifically earmarked for the establishment of a greenbelt area. Therefore, some precedent had been set in the state for both the possibility of a tax and for a purposeful open space program.

THE CRISIS AND THE TAX

The west end approach to Aspen is particularly significant because of its beauty. A golf course is located there, but the area was until this year zoned for subdivision development. Early in 1970 it was learned that there were plans being made for subdivision of the golf course. It was owned by a private company which had prepared its own development plan.

The land in this area sells for about $15,000 an acre, unsubdivided. Subdivided lots in this area, roughly 15,000 square feet each, sell for approximately $12,000 per lot.

The natural beauty of the area gives a significant and sweeping view to the visitor to Aspen and offers a great contrast for the city's citizens. The threat to this natural beauty became enough to generate community interest in saving it.

The major beginning step was of particular significance to the eventual success of the endeavor. Elected officials were encouraged by community interest to form an open space committee. The Chairman was Councilman Vare. In addition, a two-man staff was created for this committee; and it was funded by citizen groups, including the Parks Association and the Chamber of Commerce and Visitors Bureau. Citizens generally were encouraged to participate by donating time and money for the development of an open space program.

Councilman Vare worked actively with the committee and spearheaded its activities. This gave the program some weight.

The major responsibility of the committee staff was the development of open space proposals and the public relations which must accompany selling such an undertaking to the public. The staff reported to the city council and the open space committee. The two staff persons were interested citizens, not professionals, hired for this purpose. They worked in office space donated by the Chamber of Commerce.

The City Council made an early determination to hold a special election to consider the adoption of a 1% open space tax to be used in acquisition of open space and development of community facilities.

The first priority of the open space committee then became the open space sales tax election. The job of keeping elected officials informed of the activities of the committee was aided greatly by the fact that one of the elected officials was active on the committee. An information campaign was developed by the staff which included weekly reports to the newspapers, literature relating to open space and conducting public meeting in which influential speakers commented on the importance of the open space program for the Aspen area. The significance here was that there was a staff of two people preparing the community for the open space election. Weekly newspaper reports included such information as notices for all hearings, all public meetings concerning open space, discussions of the advantages for the local adoption of the 1% open space tax. Since Colorado has a statutory limit of 7%

there are advantages for the tax being collected and used locally.

Also included in the weekly reports were development proposals and background material on them for the target area on the approach to Aspen which was a key area in developing community interest for the program.

Newspaper articles included information on why open space was important, the importance of timing and acquisition of open space, why the west end entrance to Aspen was an important target area for open space, how open space acquisition could be financed and who would pay. On the last point, naturally, the winter tourists who came for the scenery and use of the mountain would help pay for the preservation of the beauty of the area.

In addition, a design was prepared for an 18-hole golf course in the west end entrance area to show that the land in fact could be used for a golf course and still be "open."

Highlighting the west end approach "crisis" while giving specific examples of its useful purpose was a public relations package that sold. The citizens of Aspen passed the 1% sales tax ordinance in September, 1970, only four months after the campaign began.

Important sections of the ordinance follow:

Ordinance No. 16 (series of 1970). Introduction. An ordinance concerning revenue and levying a 1% sales tax upon the selling of tangible personal property.

At retail upon every retailer and the furnishing of services in the City of Aspen, Colorado, operative and effective on and after January 1, 1971; providing that said revenues shall be expended by the city council for the payment of food tax refunds, and for the acquisition of real property including open space or the construction of capital improvements for muncipal purposes, or the payment of indebtedness incurred for such acquisition or construction of capital improvements for municipal purposes, for the expenditures necessary to protect such property against loss, damage or destruction; . . .

Section 7. Expenditures and Earmarking of Revenue. All revenue from this retail sales tax collected by the City of Aspen in any fiscal year shall be set aside in a separate fund entitled Land Acquisition Including Open Space and Capital Improvements Fund. The monies of said fund shall be expended by the City Council for the acquisition of real property including open space or construction of capital improvements for municipal purposes, and for the payment of indebtedness incurred for such land acquisition including open space or construction of capital improvements, food tax refunds payable by the City, and for such expenditures as may be necessary to protect the real properties including open space acquired or the capital improvements constructed from any and all, threatened or actual, damages, loss, destruction or impairment from any cause or occurrences.

Aspen's open space acquisition ordinance went into effect in January 1971. There is no percentage breakdown between open space acquisition and capital improvements. (The 1967 1% sales tax passed by Boulder earmarks only 40% of the tax collected for open space with the remaining 60% designated for streets and highways for both land acquisition and construction.) Some of the Aspen revenues will be used for capital improvements; but the Aspen sales tax ordinance has more flexibility for open space acquisition than any other in the state.

Once the ordinance was passed, the city went about getting appraisals for the land at the west end entrance to Aspen and acquiring options to purchase it. One owner held the 210 acres desired, which included the golf course and a natural stream. This was a one-mile strip on one side of the highway approaching Aspen. Of the total of 210 acres, 56 were seen to be highly eligible for Bureau of Outdoor Recreation matching funds for the purchase. These included the stream and other natural features. Application was made to BOR accordingly, and the application was reviewed and recommended or favorably commented upon by various state and federal agencies. These included the Colorado Department of Highways and the State Planning Office. However, due perhaps largely to the high cost of the land, the application was denied in March 1971.

Aspen, therefore, had to acquire the entire 210 acres itself and with its locally-raised revenues. This cost $3.7 million, and it is expected to take about 15 years to pay off at presently projected rates of income from the sales tax.

The golf course has been rezoned as park, and it is operated and maintained by the city.

In the winter of 1970 the Mayor of Aspen, Mrs. Eve Homeyer, learned that there were plans for the development of the only remaining half block in the commercial core of the city. Although the city had no immediate plans for the land, great general concern was felt for preserving open, undeveloped space in the commercial core and the view of the mountain from within the City. It was also recognized that the acquisition was a step in maintaining the vitality of the core which could only be accomplished later at much greater cost.

After private negotiations between the Mayor and the owners of the land, the latter agreed to resell the land to the city at the price they had paid and additional legal costs. Because such monies cannot be expended by the city without public authorization in the form of an election decision, a call for private funds went out to supply a "down payment" that would hold the land until an election could be called. The Mayor and Councilmen conducted a campaign for funds, and contributions came in from citizens and organizations. An $85,000 holding payment was raised. Pledges came from the Ski Corporation, development companies, the bank, businesses and individuals. These pledges were to be refunded by the property owner if a bond issue was unsuccessful, and redeemed by a bond issue itself if successful.

An election date was designated, and again the Mayor and Councilmen took the lead in campaigning for the bond issue by speaking on the radio, taking out ads in the newspaper, and explaining the need for land acquisition to civic organizations. The Planning and Zoning Commission expressed its support, and various private organizations actively supported the bond issue.

The bond issue, a general obligation bond payable over a 10-year period, passed by nearly a 2–1 margin in an August special election. The land was used for commercial core parking in the winter, and it was planted as a flower garden last summer.

Ruby Park, as the parcel is now called, was $300,000 for acquisition only. The bond issue was only for acquisition. The summer planting and maintenance was financed by the city Park Department. It cost about $1,000, including the plants and salary of the maintenance employee.

A direct result of the experience of acquiring this land was the establishment by the Mayor of an Environmental Defense Fund. The basis of the fund is no-interest loans by private individuals which may be used for emergencies or for study projects. The money is expended at the discretion of a three member committee, one of which is the Mayor, and may be redeemed by the contributor on 30 days' notice. A portion of the Fund is currently being used to study the feasibility of establishing a theatre facility for the City.

Another park, at the edge of the commercial core, was recently developed through the efforts of a Councilman, Francis Whitaker. The Councilman had for some years been concerned with a quarter block of empty land that served primarily as an ever increasing eye sore as it collected trash and parked campers.

He contacted the out of state owner with a request to help in cleaning up the site. The long time owner of the land replied that he had no immediate plans to develop the land, and he offered to lease it to the city for $1 a year. In addition, he pledged $5,000 for the development of a park on the site. Mr. Whitaker negotiated with the owner with the result that the city acquired use of the land, the owner continued to pay taxes on it, and the Park Association received $5,000 to fund a park. Subsequently, the park design and considerable labor have been volunteered to the project.

Once the park is completed, it will be maintained by the City for the length of the lease.

Another method of preserving open space in Aspen also has a precedent. The Ski Corporation was interested in building a new lift and terminal point farther up the mountain. The old lift has historical significance in that it was the first ski lift built in Aspen, now famous for the sport. Also, the old lift area, which was to be abandoned, was in a key scenic area on the mountain. The planning agency suggested to the Ski Corporation that it find a way to keep the bull wheel and the first few towers as an historic attraction. The Ski Corporation agreed it would not tear down the entire lift and would keep the most important parts. The Corporation also deeded the area of the old lift to the city, and it is in the process now of being designated an historic area. This, also, will preserve both the open space on the lower part of the mountain and will add something of interest to the city. The city will maintain the historic site.

FUTURE PLANS

The city planning staff will play a key role in helping determine future sites which should be acquired or in some other way preserved as open space. It will be our role, in conjunction with other city agencies, to be alert to the various possibilities for leasing or donation of land to the city for such purpose.

We are now working on provision of a trust arrangement to make it easier for private property owners to donate land to the city. We will have to continue the "sales" campaign to the citizens about the need for urban open space as the immediate crises are not there to focus upon. We are trying to define the value of the view of the mountain from the city and other such scenic values in terms of their worth to the city and its citizens so that this can be explained and described.

CONCLUSIONS

The success of the Aspen open space program is attributed entirely to the extent of citizen commitment in both time and money. Specifically, it depended upon the energetic involvement of the elected officials in combination with efforts of planning commission members and community groups to implement the program. It should be remembered that no planning office was functioning at the time.

Community interest was kept high by a carefully presented information campaign; and the intensity with which the program was conducted assured that interest in the project would not be lost.

Of major significance was the fact that an over all open space plan was not prepared. In contrast, target land acquisition areas were determined which had the support of the City Council. Moreover, no specific plans were prepared for the use of the target area lands; the only emphasis was on the need to acquire the lands for public ownership. The significant role of the ad hoc

campaign information staff was a careful identification of the case for open space as contrasted to the development of a specific open space plan.

A word of caution to those developing open space programs for high evaluation areas is the fact that approval of grant in aid funds is difficult; as mentioned earlier, application was made for Bureau of Outdoor Recreation funds which were greatly needed to increase the effectiveness of the program. Funds, however, were not granted.

Communities which have extensive areas of public domain should be constantly on the alert to carry on continuing programs to indicate the importance of the open space lands to insure that at a later date land will not be considered for sale merely as a source of revenue. A major point in the Aspen program is that those segments of the community that felt public domain lands were adequate to serve the open space needs of the community, have never had complete answers to their question, "Why additional open space?" when over three quarters of the area is public domain.

A great deal of work still remains to be done even though, for a short distance, the open character of the valley approaching Aspen has been maintained and a desirable development pattern has been set for future projects that will occur in the area.

A significant point is that public dollars were used in this case to set the pattern for future development which would maintain meadow areas in their open, natural state. It is important to note that not all land can be purchased as open space, but that public dollars can set the pattern for desirable land development as well as maintain important natural heritage.

Planners are encouraged to employ the techniques that made the Aspen program a success.

UTAH AND EARTHQUAKE PREDICTION

Mr. MOSS. Mr. President, with the memory of the 1971 California earthquake still in mind, it is important that we take action to create the capability of predicting earthquakes before further disasters engulf more of our population centers. The 64 deaths and over $500 million in property damages might have been avoided had an adequate earthquake warning system been in operation.

My State of Utah is susceptible to earthquake damage similar to that suffered by Los Angeles and San Francisco. The Wasatch Fault is one of the major fault areas in the country and runs through central Utah. We know from past studies that 90 percent of the earthquakes recorded have occurred on fault lines. Utah has averaged at least one earthquake per year since 1950. With hindsight, scientists were able to see the buildup of tension recorded on their strainmeter that occurred before the 1969 earthquake in Salt Lake City.

Earthquake prediction is a perfect application of science and technology to a present problem that afflicts society. As a nation we have invested much and must continue to invest more in basic research. The early work in geophysics and seismology is now ready to benefit society directly. In the past we have often misdirected the use of technologies; we have here an opportunity to direct the work of science toward an extremely practical and needed benefit for mankind.

I am a cosponsor of S. 3173, introduced by Senator CRANSTON on February 15. The purpose of this bill is to develop rapidly an earthquake warning system here in the United States. It adopts the procedure of establishing a 5-year plan, already in existence by the U.S. Geological Survey, that would develop predictive technique. This is not pie-in-the-sky thinking. Japanese scientists were able to give warning about the impending Matsushiro earthquake in 1966. They had adequate equipment for this purpose. We do not have similar networks established.

Russia is implementing a warning system this year. They hope to be able to gage the magnitude of earthquakes within 0.5 on the Richter scale. There is no reason that the United States should be behind these two industrialized societies. Our earthquake prediction needs are at least as great as theirs.

I am proud of the activity of the University of Utah and other concerned organizations in the State of Utah. Prof. Kenneth L. Cook, professor geophysics and director of the University of Utah seismograph stations has sent me some very interesting material regarding the work of their stations in seismology. I am going to include some of the material he has submitted to me at the conclusion of my remarks. One of the most commendable developments in Utah occurred in the summer of 1970, when equipment previously put to military use was transferred to civilian application. The Federal Government's Uinta Basin Seismological Observatory, 10 miles southwest of Vernal, Utah, had fulfilled its mission for the military and was about to be dismantled. Through the work of Dr. Cook and the cooperation of the National Science Foundation, this facility was turned over to the University of Utah for use in its studies of earthquakes.

In addition to the series of centers scattered throughout the State, the University of Utah and the Colorado School of Mines have established facilities in the Granite Mountain Record Vault, owned by the Church of Jesus Christ of Latter Day Saints. With this kind of cooperative effort, Utah now has the kind of network that could be used as a foundation for earthquake prediction. If S. 3173 can be enacted, then California, Nevada, Utah, and other areas with such facilities can become a nucleus for experimentation in earthquake prediction.

Utah has a long history of earthquakes. There have been 609 earthquakes between the years of 1850 through 1965. The Logan earthquake in 1962 caused $1 million worth of damage, though luckily no injuries occurred. One tremendous fault line crosses the population centers of this State and other faults are scattered throughout the State, so Utah has a high potential for earthquakes. In recognition of this threat, the U.S. Coast and Geodetic Survey has reclassified Utah to its highest quake prone classification, zone No. 3. This change occurred in 1969.

While the time is ripe for action, we must realize that miracles will not occur overnight in this area. The development of an adequate system will take a great deal of time and research, and it is much easier to recognize the signs leading to earthquakes through the use of "hindsight" than it is to predict them before they occur. I am including at the end of my comments an article by Dr. Darroll Wood, a scientist at the U.S. Geological Survey's National Center for Earthquake Research in Menlo Park, Calif. Dr. Wood is cautious about expecting immediate breakthroughs. We do, however, know that other countries are establishing useful systems, and we must seize the opportunity now of moving forward and providing this needed benefit to citizens of our country.

I ask unanimous consent that the following materials except for maps and pictures be printed in the RECORD immediately following my remarks. "Earthquake Hazards in Utah," by Kenneth L. Cook, 1967 and 1970; "U. Gets Uinta Basin Center for Earthquake Study," from the Salt Lake Tribune of Saturday, July 25, 1970; "Are Earthquakes Predictable?" an interview with Dr. Darroll Wood in the Hughes Aircraft Co. publication "Vectors," Winter, 1971; and "What L.A. Has Taught Utah About Quakes," an editorial from the Deseret News of Wednesday, February 9, 1972.

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

EARTHQUAKE HAZARDS IN UTAH

(By Kenneth L. Cook, professor of geophysics and director, University of Utah Seismograph Stations)

Reprinted from Governors' Conference on Geologic Hazards in Utah, December 14, 1967, Utah Geological and Mineralogical Survey Special Studies 32 May 1970.

(NOTE.—Figures referred to are not printed in the RECORD.)

In discussing the earthquake hazards in Utah, the following questions will be treated:

(1) Why do earthquakes occur in Utah?

(2) Where do earthquakes occur in Utah?

(3) How large and dangerous are the earthquakes?

(4) What are we now doing about the earthquake problem?

(5) What more should we be doing?

WHY DO EARTHQUAKES OCCUR IN UTAH?

A belt of seismicity extends northward from the East Pacific Rise, along the Gulf of California and through western Arizona, central Utah (figure 1), southeast Idaho, western Wyoming, western Montana, and into British Columbia. This active seismic belt coincides with a branch of the great world-encircling rift system, in which the earth's crust is being extended or stretched. Utah lies on this belt of seismicity.

Extensions of the earth's crust result in its breakage into large and small blocks of rocks which move relative to each other along the faults or fracture zones between adjacent blocks. Earthquakes occur when the built-up stresses along these fault zones exceed the resistance of movement. During and after sudden release of the stress, displacements of the ground can often be observed and measured. The energy that is released at or near the fault zone travels away from it and gives rise to seismic waves which can cause damage. In Utah the earthquakes are related to the fault zones, and most of the major earthquake damage can be expected at or near them. The point of origin at depth of the earthquake is the focus or hypocenter; the point on the surface of the earth vertically above the focus is the epicenter.

The forces causing the movement of the

large crustal blocks probably originate within the earth's mantle. Along the belt of seismicity in Utah, the top of the mantle is about 25 to 30 km (15–18 miles) below the earth's surface. The movements of the blocks are continuing today; therefore the earthquakes continue to occur. Most of the earthquakes in Utah probably have a depth of focus of 33 km or less, with some as deep as 40 km.

WHERE DO EARTHQUAKES OCCUR IN UTAH?

Figure 1 shows the earthquake epicenter map of Utah (Cook and Smith, 1967). The northerly trend of the earthquake epicenter belt through central Utah should be noted. The six most active fault zones in Utah, with the approximate number of earthquakes documented from 1850 through June 1965 in parentheses (Cook and Smith, 1967), are:

Hansel Valley fault zone (9), north of Great Salt Lake,

East Cache fault zone (18), along the eastern margin of Cache Valley in northern Utah,

Wasatch fault zone (105), extending for about 160 miles along the western foot of the Wasatch Mountains between Collinston and Levan.

Thousand Lakes fault zone (15), in central Utah,

Sevier-Tushar (or Elsinore) fault zone (51), which includes Sanpete Valley in central Utah,

Hurricane fault zone (40), extending southward from the Cedar City area to the Grand Canyon of Arizona.

The largest damaging earthquakes in Utah from 1850 to 1965 are listed in table 1.

TABLE 1.—LARGEST DAMAGING EARTHQUAKES IN UTAH[1] 1850 THROUGH JUNE 1965 (COOK AND SMITH, 1967)

Date (GCT)	Approximate magnitude (Richter scale)	Location of greatest damage
Nov. 10, 1884	6.1	Northern Utah-southeastern Idaho; severe damage.
Nov. 14, 1901	6.7	Richfield; about 35 shocks.
Nov. 17, 1902	6.1	Pine Valley; 2 shocks.
Oct. 6, 1909	6.7	Garland, Hansel Valley.
Sept. 29, 1921	6.1	Elsinore; ($100,000 damage).
Oct. 1, 1921	6.1	Do.
Mar. 12, 1934	6.1	Kosmo (Hansel Valley).
Aug. 30, 1962	5.7	Logan ($1,000,000 damage).

Fresh fault scarps at the mouths of Big and Little Cottonwood canyons and along the Wasatch front north of Nephi are evidence of recent (probably within 300 years) earthquakes of a Richter magnitude of probably at least 7.1 or 7.2. Table 2 shows the approximate vertical displacements along the fault scarps and the probable Richter magnitudes of the earthquakes. The writer assumes that each of these fresh fault scarps, which are 10 to 20 feet in height, was formed during a single earthquake. This assumption is reasonable in view of the similar fault scarps that were formed during (1) the Dixie Valley-Fairview Peak earthquake, Nevada (in 1954, with a Richter magnitude of 7.2) and (2) the Hebgen Lake earthquake, Montana (in 1959, with Richter magnitude of 7.1). The vertical displacement along the faults during these earthquakes (table 2) was of the same order of magnitude as the amount of vertical displacement observed along the recent fault scarps along the Wasatch fault. It can therefore be assumed that these earthquakes were of comparable magnitude.

TABLE 2.—APPROXIMATE VERTICAL DISPLACEMENTS ALONG RECENT (WITHIN PROBABLY 300 YEARS) FAULT SCARPS AND RICHTER MAGNITUDES (ACTUAL OR ESTIMATED) OF CERTAIN LARGE EARTHQUAKES IN WESTERN UNITED STATES

Date (GCT)	Magnitude (Richter scale)	Approximate amount of vertical displacement (feet)	Location of fault scarp or name of earthquake
Probably less than 300 years ago.	Probably at least 7.1 to 7.2.	15[1]	Wasatch fault[2] (at mouth of Big Cottonwood Canyon).
Do	do	20[3]	Wasatch fault[2] (at mouth of Little Cottonwood Canyon).
Do	do	18–20 early)[4] 10–12 (latest)[4].	Wasatch fault[2] (at mouth of ravine north of Naphi).
Mar. 12, 1934	6.1	2	Kosmo (Hansel Valley).
Dec. 16, 1954	7.2	12[5]	Dixie Valley-Fairview Peak, Nev.
Aug. 17, 1959	7.1	15	Hebgen Lake, Mont.

[1] Maximum of 60 feet in 3 separate movements. The last movement, which is listed above, was about 15 feet.
[2] Estimates of number of movements and approximate amount of vertical displacement of Wasatch Fault are from R. E. Marsell, oral communication, December 1968.
[3] 1 movement only, which amounted to 20 feet.
[4] 2 movements of mouth of ravine, including 1 that cut the flood plain.
[5] On east side of Fairview Peak, there occurred 12 feet of vertical and 12 feet of horizontal displacement. On the west side of Dixie Valley, there occurred 7 feet of vertical displacement. These movements occurred during the same earthquake episode.

HOW LARGE AND DANGEROUS ARE EARTHQUAKES IN UTAH?

From 1850 through June 1965, at least 609 earthquakes occurred in Utah; at least 38 of these were damaging, that is, at least dishes or windows were broken, plaster was cracked, or bricks toppled from chimneys (Cook and Smith, 1967). More than 90 percent occurred along or in association with the known fault zones. At least 15 earthquakes had an estimated Richter magnitude of 6.0 or greater. Two earthquakes (Richfield in 1901 and Hansel Valley in 1909) had an approximate Richter magnitude of 6.7 (table 1). During the Hansel Valley earthquake of 1934 (magnitude of 6.1), near Kosmo on the north shore of Great Salt Lake, a two-foot fault scarp was formed. From 1950 through June 1965, Utah experienced 13 damaging earthquakes, an average of nearly one per year.

The Logan earthquake in 1962 (magnitude of 5.7) caused about $1 million in property damage in that densely populated area; fortunately there was no injury to the people.

Since 1962, when a more complete seismograph network was installed in Utah, many more earthquakes were recorded than in any previous comparable time. The increase in number is doubtless primarily the result of improved detection and interpretation techniques rather than an increase in seismicity in the region. The data show recent earthquake activity in the Ephraim (1961), Cache Valley (1962) and Levan (1963) areas, and earthquake swarms (many small earthquakes) in the Lehman Caves (1963), Richfield (1967), and Scipio (1968) areas.

The zone of seismicity through central Utah, the area in which 85 percent of the state's population lives, is currently classified zone 2 by the Uniform Building Code. The Coast and Geodetic Survey (ESSA) of the U.S. Government released a map on January 14, 1969 (Algermissen, 1969), showing areas in the United States where earthquake damage could occur (figure 2). This map reclassifies the zone of seismicity through central Utah as zone 3. This zone has greater potential seismic risk than zone 2 and is subject to earthquakes of approximately magnitude 7.1 on the Richter scale (Karl Steinbrugge, 1968, oral communication).

WHAT ARE WE NOW DOING ABOUT EARTHQUAKES?

Installation of a more complete network of permanent seismograph stations throughout the state in 1962 is a major step in detection of earthquakes and in studying their effects by defining the active seismic areas. Figure 5 shows the locations of the permanent seismograph stations in Utah.

Table 3 shows the organizations which operate the stations. For most seismograph stations in the state, the University of Utah has a cooperative arrangement with other universities, colleges and the federal government for the operation, repair and maintenance of the stations. Some stations are operated independently by the federal government; however, the data from these stations are obtained and used for the determination of the epicenters of earthquakes in Utah.

TABLE 3.—PERMANENT SEISMOGRAPH STATIONS IN UTAH

Name	Location	Organization
Cedar City (CCU [1]	Cedar City	University of Utah and College of Southern Utah.
Dugway (DUG)	Dugway	University of Utah and CGS.[2]
Flaming Gorge (FGU)	Flaming Gorge dam area	CGS.
Glen Canyon (GCA)	Glen Canyon dam area.	CGS.
Logan (LOG)	Logan	Utah State University and University of Utah.
Price (PCU)	Price	University of Utah and College of Eastern Utah.
Salt Lake City (SLC)	Salt ake City.	University of Utah and CGS.
Unitah Basin Observatory (UBO).	Vernal area.	Advanced Research Projects Agency, U.S. Department of Defense.

[1] Letter designations (CCU, etc.) correspond with those on map in figure 3.
[2] CGS indicates Coast and Geodetic Survey, Environmental Science Services Administration, U.S. Department of Commerce.

The epicenters are determined for all earthquakes in Utah of sufficient magnitude to be detected at three or more stations. These data and other information such as date, time, latitude and longitude, Richter

magnitude, and depth of focus if available, are published quarterly in the University of Utah Seismological Bulletin. The UNIVAC computer at the University of Utah permits immediate computation of epicenters of earthquakes as the data are obtained from the stations in the network.

A set of portable seismograph equipment is being assembled from components purchased by the Utah Geological and Mineralogical Survey. This equipment will be used to monitor earthquakes, aftershocks and earth movements along and in the vicinity of the active faults in Utah.

A study of possible small displacements (creep) along the Wasatch fault in the Salt Lake City region was initiated several years ago. The study is a cooperative project between Professor Clifford G. Bryner of the Civil Engineering Department of the University of Utah and the Coast and Geodetic Survey, Environmental Science Services Administration. Many survey markers installed on either side of the Wasatch fault are observed yearly. The purpose of the study is to ascertain whether small movements are taking place.

To study the earth movement caused by local earthquakes and announced underground nuclear explosions in Nevada, strong-motion seismographs have been placed intermittently in different parts of Salt Lake City. It is anticipated that the earth movement from the same seismic event (earthquake, underground nuclear explosion, etc.) would vary considerably over the same city, depending on such factors as type of soil, depth to bedrock, etc.

WHAT MORE SHOULD WE BE DOING ABOUT EARTHQUAKES?

The first step should be to protect the water supply of Salt Lake City, About 90 percent of all the water used by the city flows across the Wasatch fault in pipes that would be broken by a major earthquake. Fire, an inevitable companion of earthquakes in a populated area, would be out of control without water to fight it. More lives were lost and more property damage occurred in the San Francisco earthquake in 1906 as a result of fire than directly from the shaking incident to the earthquake. Specially designed flexible water pipes should be laid across the Wasatch fault to help insure a water supply. Such pipes have been laid in areas in California where pipes cross the San Andreas fault.

All public and private buildings where large numbers of people gather—schools, churches, theaters, hotels, apartment houses, office buildings, etc.—should have earthquake-resistant features incorporated into their design by the architects in accordance with the zone 3 rating for this region.

Studies that involve research in earthquake prediction should be encouraged and supported by the people of Utah.

The Wasatch fault zone should have first priority. The research should include the following:

1. Various types of geologic mapping should be done and geophysical surveys made to locate the traces of the Wasatch fault zone more accurately. The geophysical surveys should include seismic refraction and reflection methods, and gravity and magnetic surveys.

2. The Wasatch fault zone should be instrumented with:

a. Portable seismographs to detect small tremors.

b. Strainmeters, to measure buildup in cumulative strain that may occur before an earthquake.

c. Tiltmeters.

d. Instruments for measuring creep along the fault.

e. Measurements of telluric currents and earth resistivity which may change before an earthquake.

f. Magnetometers, to measure the changes in magnetic flux that are associated with earth movements.

g. Tidal gravity meter. The possible correlation between earth tides and earthquakes should be studied further.

3. Strong-motion seismographs should be installed in new high-rise buildings in Salt Lake City to record their response to earth movements during an earthquake. This information will assist in the design of future buildings in the same general area.

The permanent statewide seismograph station network in Utah should be expanded.

We should not panic but should start immediately to take steps to alleviate the severity of earthquakes when they occur, to support earthquake research with the end to predicting their occurrence, and to design buildings, dams, and bridges to resist the effects of earthquakes.

ADDENDUM

Since this paper was presented in 1967, two horizontal quartz-type 100-foot-long strainmeters (oriented north-south and east-west) were installed in the Granite Mountain Records Vault, Little Cottonwood Canyon, Salt Lake County, in a cooperative project between the writer and Dr. Maurice W. Major of the Colorado School of Mines. The project is supported by the Environmental Science Services Administration. The large cumulative buildup in strain (up to 50 x 10^{-8}) that was measured on the strainmeter during several days prior to two earthquakes (during January 23 and February 16, 1969) in the Salt Lake City area is encouraging evidence that it may be possible to predict earthquakes along the Wasatch fault at some time in the future. (Cook and Major, 1969).

The following additional equipment is planned for installation in the Granite Mountain Records Vault during 1970:

1. A 45° leg on the present strainmeter to help resolve the measurements of strain.

2. Two tiltmeters (designed by the Timmin Research Corporation) each 100 feet long, oriented north-south and east-west, respectively.

3. A three-component seismograph, to monitor seismically the strain steps that have been observed and tilts which are expected to be observed in association with earthquakes (or microearthquakes) in the vicinity of the vault.

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[From the Salt Lake Tribune, July 25, 1970]

UNIVERSITY OF UTAH GETS UINTA BASIN CENTER FOR EARTHQUAKE STUDY

VERNAL.—The University of Utah has taken over management of the federal government's intricate Uinta Basin Seismological Observatory 10 miles southwest of Vernal, adding a wide range of highly-sensitive earthquake and earth-movement detection equipment to the university's research capability.

Dr. Kenneth L. Cook, professor of geophysics and director of the university seismograph stations, said the observatory will be a great scientific asset to Utah. The addition, he added, vastly increases the university's ability to detect and research earthquakes.

The research, too, may eventually lead to methods of predicting earthquakes.

According to Dr. Cook, one of the most active belts of seismicity in the United States extends through central Utah, along the Wasatch Fault. The state was recently reclassified by the U.S. Coast and Geodetic Survey as Zone 3, where major earthquakes can occur.

NEED CONTINUED RESEARCH

"Because of the earthquake hazard in Utah, it is imperative that the knowledge of seismicity here be continued and augmented," the university geophysicist declared.

Earth-movement monitoring equipment

installed by the government at the Uinta Observatory is about 100 times more sensitive than anything currently being used in the state's seismograph stations.

"The new equipment will allow our researchers to detect and analyze much smaller earthquakes than they could in the past," said Dr. Cook. "Epicenters can also be more accurately located and plotted."

The observatory—which has cost the U.S. millions of dollars since it was built in 1962—was scheduled to be dismantled and demolished early this year, but Dr. Cook convinced government officials the installation could be converted from military purposes to peacetime earthquake research. The National Science Foundation has granted the university $48,000 to finance observatory research during 1970 under the direction of Dr. Cook.

Originally, the purpose of the observatory was to detect and identify underground nuclear explosions around the world. The station was part of a national network which included similar installations in Oklahoma, Tennessee, New Mexico and Oregon.

Two of the original geotechnical personnel, Nils W. Hofman and Galen D. Cary, who elected to remain in Vernal after the observatory was closed last January, have been employed by the university to continue operation on a reduced scale. Mr. Hofman was designated station manager and engineer and Mr. Cary will serve as research analyst.

The observatory is located on a four-square-mile section of the federal domain administered by the U.S. Bureau of Land Management between Asphalt Ridge and the Green River. It consists of a specially-insulated central recording building and an array of 15 seismometers, 10 of which are anchored to bedrock in 250-foot-deep holes drilled in a "Star of David" pattern throughout the test area.

INCLUDES SMALL WAREHOUSE

The installation includes a small warehouse filled with spare parts to maintain the equipment.

Observatory equipment is so sensitive that it can, for example, record blasting at the open pit mine at Bingham Canyon, some 120 miles away. These earth movements, as well as earthquakes, are continuously recorded on 16 mm film. The installation also includes equipment for recording on magnetic tape for computer analysis.

Dr. Cook said as industry grows and population increases in Utah, it is becoming more important that the pattern of seismicity be improved to facilitate the selection of safer locations for dams, bridges, roads and public and private buildings.

ARE EARTHQUAKES PREDICTABLE?

Following the February 9, 1971 earthquake that centered near Sylmar, California, a suburb a few miles northwest of Los Angeles, a flurry of seismological observations were begun in that area. To learn more of this activity, Vectors recently visited the U.S. Geological Survey's National Center for Earthquake Research in Menlo Park, California to talk with Dr. Darroll Wood. The following excerpts are from that interview and are generally confined to the potential of predicting earthquakes.—ed.

VECTORS. Dr. Wood, as a research geophysicist what are your major activities here at the Center?

WOOD. My primary activity is in the field of low frequency seismology. I am studying the problem of prediction of the response of the earth to loading from meteorological and ocean tide sources, and the response of the earth to the lunar-solar tidal forces. More recently, I've been looking into the application of tilt meter and tidal gravimeter measurements as a tool for differentiating between the response just mentioned and the response of the earth to stress increments that may precede strong earthquakes.

VECTORS. Can an earthquake be predicted?

WOOD. It is rather widely recognized now that indeed premonitory signals of all sorts do occur, but there is no statistical experiment performed as yet, either on historical data or on current data, that is at all convincing.

VECTORS. Do you foresee a time when earthquakes will be predicted?

WOOD. Yes. But not all earthquakes in a given region will be predictable. The accuracy of the prediction in time and space may vary with the magnitude of the event. Hopefully, accuracy goes up with the magnitude of the event. The lead time may also vary considerably. I feel that we will be able to give warnings on the order of a few minutes before we can extend it to hours or days. I think the problem of earthquake prediction is at present a matter of technology. There's really little theory to apply.

VECTORS. Would a warning of a few minutes be valuable?

WOOD. I have been told by many that even a 30-second warning for some industrial procedures is extremely important. Just 30 seconds. I have also been told for some limited applications that if we could give a correct warning just 20 percent of the time it would be useful. Realistically, this much warning time would be a significant step forward and beneficial to industries where dangerous experiments are being conducted, to schools, hospitals, police and to public utilities where electricity, gas or other types of fuel flow could be shut off.

VECTORS. How do you think earthquake forecasting will be achieved?

WOOD. Perhaps the best analogy is to compare the techniques used to predict stock market trends. We need to get our own Dow Jones averages, as it were, by gathering data from various geophysical measurements over a sufficient period of time. We then could compare the historical data with the current information and analyze for trends, or, really, look for deviations from predicted patterns derived during non-earthquake periods. Data will have to be gathered and analyzed in real-time. The roll of interactive computer technology will be immense.

VECTORS. When you speak of prediction, do you mean both the epicenter and the overall area?

WOOD. Well, I can tell you what I think we will have to be capable of doing. I believe that we have to predict to within 20 miles of where an event is going to take place. And if we are going to talk about predictions for the public at large, not merely for industries where I said a few seconds of warning is sufficient and a 20 percent accuracy is acceptable, a large scale predictive effort would have to be accurate to within half a day. As to the size of the event, I think we'd have to be within one magnitude at the worst. I would like it to be within a half magnitude. But this is an immense task, and by most people's standards impossible. But the payoff is so fantastic that it's worth a scientist investing three to five years of his life in the effort.

VECTORS. Is California singularly cursed with earthquakes?

WOOD. No. Not at all. The world is a hotbed of seismic activity, mostly the continental and coastal regions ringing the Pacific, which is a vast, vast area. But there are also major seismic activities in many other parts of the world. Russia, the Middle East, and so on.

VECTORS. Isn't the famed San Andreas fault one of the major faults?

WOOD. Yes, indeed. It appears onshore near Cape Mendocino and extends to the Gulf of Mexico. During the past 20 million years the area seaward of the fault has moved northward an incredible 700 miles, and the creep continues at about the rate of two inches per year.

VECTORS. Is all the San Andreas visible to the unaided eye?

WOOD. It is very long and is quite visible. Without much training and with the unaided eye, someone with a little schooling can walk the fault line in many of the fault areas. Nearly all of the fault is visible from an airplane. But paradoxically our preoccupation with the San Andreas fault may be part of the drawback to gaining comprehensive information, to developing a pattern from which we can have, perhaps, one-day forecasts. We are so preoccupied with the bigness of the San Andreas that data-gathering may be suffering in other areas.

VECTORS. But isn't the San Andreas a valuable source of measurements?

WOOD. To be sure, and we use it as a laboratory, much more so than any other area. But perhaps we should be studying the microseismicity of smaller faults, as well, such as that fault associated with the San Fernando earthquake near Sylmar. Incidentally, tilt and tidal gravity have been continuously recorded since April 21, 1971 on the grounds of the Olive View Hospital in Sylmar.

VECTORS. What specifically have you learned from the earthquake in Sylmar?

WOOD. The Sylmar earthquake has shown us that a so-called moderate earthquake of 6.6 or 6.7 magnitude, the same size as the Long Beach disaster in 1933, can produce ground accelerations, or ground movements, both horizontally and vertically that exceed the acceleration of gravity, which, of course, is 32 feet per second per second. If this is all we learn from the San Fernando Valley earthquake, it will remain probably as the most important fact for earthquake engineering we've ever come across. This is to say, a moderate earthquake can produce very strong accelerations. The results we have obtained are far more definitive than what was concluded from the Long Beach earthquake. We must reset our building standards.

VECTORS. Did you learn valuable data from the buildings themselves?

WOOD. Yes, we did. The implacement of what we call "strong motion" instruments, which are recording seismographs that are triggered by strong motion, in the major buildings of Los Angeles revealed much information. Even though the buildings did not come down, we did learn structure by structure how these buildings behaved during a moderate earthquake. As a result we can more accurately predict whether these same buildings could survive a larger event.

VECTORS. Is there any one instrument that shows promise of helping to predict earthquakes?

WOOD. Perhaps no one particular instrument. But a type of instrument which measures minute tilting of the ground looks very promising and we're placing our bets on it.

VECTORS. Why is tilt the best measurement?

WOOD. We want to measure tilt, not because it is necessarily the best measurement to take, but it turns out to be the easiest to make. There is a very wide range of resolution in tilt measurements, some to parts in 10 to the eighth, all the way down to one part in a hundred, which incidentally, is very crude. But the parts in 10 to the eighth are very sensitive measurements and show the daily fluctuating of the earth due to the solar and lunar induced tides.

VECTORS. Are earth tides similar to ocean tides?

WOOD. Yes. Both are sinusoidal waves.

VECTORS. What is tilt?

WOOD. Physical tilt is the angular change of the surface. However, even if there is no deformation of the surface there is still tilt, and that tilt is the ratio of horizontal acceleration of gravity divided by the vertical acceleration.

VECTORS. What are the elements of earthquake prediction?

WOOD. If one is to go into earthquake pre-

diction, he'll have to go into not only where, but when and how big. And the "how big" has to scale in some way physically for the experiment. We've found that for events of magnitude four and greater, the size of the anomaly is on the order of the range of the daily tide induced in the earth's crust. So I feel that one must necessarily measure tilt from a few parts in 10 to the sixth to parts in 10 to the eighth, which is one part tilt to 100 million parts distance. Or put another way, an elevation change of the thickness of a fingernail over a distance of 62 miles. The tiltmeter by Hughes Aircraft Company has a tilt sensitivity of one part in 10 to the eighth. However, for the seismic events of below magnitude three, which occur about 3000 times per year in the San Francisco Bay area alone, the anomaly is not definitive. It's only those earthquakes greater than magnitude four which are potentially predictable. But we don't have sufficient data to statistically test this.

VECTORS. Does the San Andreas provide the most reliable earthquake prediction pattern?

WOOD. Currently the answer is no. But permit me to elaborate. No one has consistently predicted large events on the basis of some repeatable pattern of foreshock activity. But time/space patterns have been observed, for example in Alaska and Turkey.

The most striking pattern is a westward migration in Turkey of the five out of six earthquakes greater than magnitude seven along the Anatolian fault from 1939 to 1957. Even more striking is the fact that they moved westward at the rate of 80 kilometers per year with an occurrence interval of 250 kilometers. This sequence has all the ingredients of where, when and how big—had the seventh event not fallen eastward of the sixth event.

Patterns such as these do not exist for the San Andreas, at least for one reason, because we do not yet have such a population of magnitude seven events.

We have looked into the microseismic activity along the San Anreas for space/time patterns with unimpressive results for the three years of data we have accumulated. On the other hand, it is known that the major earthquakes in the San Francisco Bay area which occurred in 1836, 1868 and 1906 were followed by 12, 13 and 47 years, respectively, of few, if any, moderate sized tremors.

At the end of each of these quiet periods, events greater than magnitude five resumed with a frequency of about 18 month intervals.

The most recent onset was 1954, but no one knows when the big one is due. But exciting new evidence from Russia suggests that certain characteristics of earthquakes below magnitude five change in a given region in such a way that they act as indicators of a major event. So, perhaps, earthquakes can be used to predict earthquakes in a meaningful way.

VECTORS. For a variety of applications?

WOOD. Yes, and when one thinks of the range of applications of earthquake prediction, the range of accuracy in time and space can also vary. A few seconds warning would give children the chance to get under their desks to avoid breakage of windows and flying glass. Police and disaster agencies would be much better off knowing what was about to happen, especially if power and communication loss were imminent. It doesn't take much imagination to figure out how we could put predictions to use in the time frames I mentioned—one year, a day, perhaps a second would help.

WHAT LOS ANGELES HAS TAUGHT UTAH ABOUT QUAKES

Just a year ago today, a "moderate" earthquake killed 64 persons and caused an estimated $1 billion in damage when it hit the heavily-populated Los Angeles area.

As a result of that quake, at least 96 school buildings were written off as unsafe because of quake damage, and many other buildings were similarly condemned.

After the quake, a National Research Council panel found that ground motions induced by a moderate quake can be considerably more violent than had previously been believed. As a result, one expert estimated that building codes would need to be about 25 percent stricter.

That's something for Salt Lakers to think about, because the city has many of the same earthquake problems as Los Angeles. But unlike L.A., Salt Lake City has never had an earthquake fatality and property damage has been minimal.

Despite the quiescent nature of the Wasatch Fault line, there's plenty of reason for concern as the area grows both in population and in complexity of buildings and other structures that could be severely damaged by a heavy quake.

Fortunately, a new and stiffer building code has been instituted in the Utah area since the Los Angeles quake. Buildings now must conform to Zone 3 requirements for quake resistance—the stiffest category. Previously, the area was required to meet only Zone 2 requirements, which were much less rigid.

That means that any new building now must meet stiffer requirements for energy-absorbing qualities. The design of any large building is subject to a great deal of engineering analysis according to height, materials, and quake-safety features before it can even be approved for construction.

One result of this is that the cost of large buildings in particular has been significantly increased. But such quake-resistant structures also will show substantially less quake damage than otherwise if they should be subjected to a stiff tremor—and that alone may well be worth the increased price.

Safety of the population is also another benefit to be derived from better quake-resistant buildings. A study done after the L.A. quake dramatically points out the reason.

One expert figured that if a quake of the intensity of the great San Francisco Bay area disaster of 1906 hit L.A.'s San Andreas Fault today, it would cause 3,100 deaths and $48 billion in property damage.

Those are sobering statistics, especially when translated to Utah and what might happen if a severe shock hit the Wasatch Fault. The trend, hopefully, is in the right direction in recognizing the potential dangers now and in building for them.

PRESIDENT FAILS TO RESPOND TO PRIMARY CONCERNS OF AGING CONFERENCE

Mr. EAGLETON. Mr. President, two of the primary concerns which emerged from the White House Conference on Aging late last year were an adequate floor of income for the elderly and expansion of medicare to cover the cost of prescription drugs.

In his address to the closing session of the conference, President Nixon recognized those concerns. He told the delegates:

> Any discussion of recommendations for dealing with the problems of the aging would not be complete without recognizing the strong support expressed at this conference for extending Medicare coverage to include prescription drugs, and for accelerating the rate at which the income floor comes into effect under H.R. 1.
>
> As you know, these proposals involve very difficult budgetary problems for the Government.
>
> However, because of the interest which conference delegates have expressed in these changes, I have directed the Domestic Council to carefully consider both proposals and to make recommendations to me at an early date.

On February 3, at a joint hearing of the Subcommittee on Aging of the Labor and Public Welfare Committee and the Special Committee on Aging, I questioned Dr. Arthur Flemming, Chairman of the White House Conference and Special Consultant to the President on Aging, about the progress of the administration's consideration of these proposals.

Dr. Flemming responded that the President had not yet arrived at any conclusions on those two issues, but that a decision would be made and the Congress would be advised.

On March 2, the President sent to Congress a message on health care, including his recommendations with respect to medicare. Glaringly absent from his message was any reference to prescription drug coverage.

Also, the Congress has received no recommendation from the President with regard to acceleration of the income floor for the aged, blind, and disabled under H.R. 1.

Mr. President, the Senate Finance Committee is now meeting in executive session on H.R. 1. I find it quite discouraging that the President has so far failed to submit recommendations on these two important and timely issues.

In the absence of a response from the administration, the Senate's responsibilities are clear.

The Senator from New Mexico (Mr. MONTOYA) has worked long and tirelessly to develop a proposal for covering the cost of prescription drugs under medicare part A. I am a cosponsor of his bill (S. 936), and I am very hopeful that the Finance Committee will include the Senator's proposal in H.R. 1.

I have submitted an amendment to title III of H.R. 1 to eliminate the phase-in of the income floor for the aged, blind, and disabled. My amendment would set the initial benefit levels at $150 for a single person and $200 for a couple and provide for annual cost-of-living adjustments in these levels.

If the recommendations of the White House Conference on Aging are to be anything more than volumes on a dusty shelf, there must be constructive responses by the executive branch, the Congress, and State and local governments.

The Senate can begin to meet its responsibilities by including in H.R. 1, in addition to a substantial increase in social security benefits, an adequate floor of income for all of the elderly and medicare coverage of prescription drugs.

EARTHQUAKE PREDICTIONS

Mr. CRANSTON. Mr. President, one of the valuable dividends from President Nixon's trip to China will be the exchange of scientific information and scholars that has been promised by both the President and the People's Republic of China.

I am especially concerned that we move immediately to include a geologic and geodetic team from the United States in the first delegation to China.

And I would hope that team would include American experts on earthquakes and, especially, those who have been doing research on earthquake prediction.

The Chinese have records of earthquakes dating back 3,000 years—the only nation in the world with such records. The country has been plagued by earthquakes throughout its history and it is deeply interested in the possibility of predicting earthquakes and even, perhaps, controlling them. Their records show that in the past 3,000 years there has been a major earthquake every 6 years on the average. In 1556 A.D. a quake in Kansu Province killed 820,000 persons.

J. Tuzo Wilson, of the University of Toronto, an internationally famous geophysicist, recently spent 3 and a half weeks in China and reported on Chinese earthquake research in the Saturday Review of February 19.

I ask unanimous consent that Mr. Wilson's article be printed in the RECORD.

I shall quote here one paragraph from Mr. Wilson's excellent article because of its special importance to legislation on earthquake research which I have introduced:

If the rate at which earthquakes release energy could be controlled, the damage they inflict might be considerably reduced. Before control can be seriously thought of, however, the nature of quakes must be better understood. This understanding requires international cooperation, which one hopes will be improved by the talks between President Nixon and Chairman Mao scheduled next week. Although the West has much to offer to collaborative research, only the Chinese can supply the long historical records and epicenter distribution now missing from planetary tectonic patterns.

Mr. President, my Earthquake Prediction Act of 1972, introduced on February 15, would create a 5-year program with the ultimate objective of establishing the Nation's first earthquake prediction-warning system, a system that has the potential of saving tens of thousands of lives in a major earthquake and perhaps millions of dollars in property damage.

It is clear from Mr. Wilson's report on Chinese earthquake research that a key element of my legislation, prepared before the President's trip and before I had this information on Chinese geological programs, should include provisions and authorization for international cooperation.

I shall amend my legislation to provide that authority but meanwhile I am writing to President Nixon to ask him to consider inclusion of geologists and geophysicists on any American delegation of scientists which may be visiting China in the near future.

The study of earthquakes is only one scientific opportunity which is presented in our new open door to China. I supported the President's trip to China. It was a great succses. Still greater benefits lie ahead. We must move now to insure the reaping of those benefits and further improve our relations with that country.

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

MAO'S ALMANAC—3,000 YEARS OF KILLER EARTHQUAKES

(By J. Tuzo Wilson)

Earthquakes have always been one of China's great scourges. In the last three millenniums, there has been a major quake every six years on the average, including what is probably the most destructive tremblor ever recorded anywhere. It shook Kansu Province so severely in A.D. 1556 that falling buildings and walls killed more than 820,000 persons recorded by name. Nobody knows how many were killed whose names were not recorded. Small wonder then that the regime of Mao Tse-tung has instructed the Institute of Geophysics and the Institute of Geology of China's Academy of Sciences to concentrate on the predicting of earthquakes.

I discovered this emphasis last autumn when, as a guest of the Academy of Sciences in Peking, I spent three-and-a-half weeks in the People's Republic of China. I had visited Mao's China thirteen years before, when I was president of the International Union of Geodesy and Geophysics and was exploring the possibilities of bringing Peking back into the world community of science. On that first visit I saw the rudiments of a seismological network started in 1951 [see "Red China's Hidden Capital of Science," *SR*, Nov. 8, 1958] and was impressed by the dedication and skill of the scientists responsible for its operation. But my observations at that time did not prepare me for my 1971 discovery that the Chinese have information that we lack in our efforts to predict earthquakes. This information has not been reported in the West.

Of greatest interest are the Chinese discoveries about the distribution of earthquakes and the cycles of seismic activity. These are based upon records that go back more than 3,000 years and are considered reliable over the past 2,752 years. From them Chinese seismologists have put together a four-stage model of the process that first accumulates and then releases the energy that causes earthquakes. The only other study that is at all comparable covers the seismic history of the eastern Mediterranean over the past 2,000 years, and it does not reveal the clear cycles of activity shown in the Chinese records.

If the rate at which earthquakes release energy could be controlled, the damage they inflict might be considerably reduced. Before control can be seriously thought of, however, the nature of quakes must be better understood. This understanding requires international cooperation, which one hopes will be improved by the talks between President Nixon and Chairman Mao scheduled next week. Although the West has much to offer to collaborative research, only the Chinese can supply the long historical records and epicenter distribution now missing from planetary tectonic patterns.

My wife, Isabel, and I entered China via Rangoon, flying along the great Irrawaddy River to Mandalay, then over the Burma "hump" and across the plains of China. Monsoon clouds hid most of the landscape until we neared Shanghai at dusk, but I was surprised by the extent of water—rivers, lakes, canals, and flooded paddy fields—that reflected the bright moonlight off the vast delta. I was even more surprised by the twinkles of tiny electric lights that marked the countryside: none of the brilliance of Western cities, but proof of extensive electrification.

Shanghai's airport resembled that of a city in the central plains of North America except for one thing: It was virtually deserted. The absence of planes, automobiles, and bustle focused our attention on a long double line of cheerful young Chinese dressed in blue track suits, enthusiastically clapping. They formed a welcoming corridor for our traveling companions, a group of young Africans and Arabs bound for the great Afro-Asian Table Tennis Friendship Invitational Tournament soon to begin in Peking. Loudspeakers boomed martial music and exhilarating choruses.

The sound was more Russian than Chinese. It combined with the architecture of the airport's imposing new terminal and the four Ilyushin planes on the tarmac to suggest to us that we might have flown over the wrong mountains and landed in the Soviet Union. Frequently during the following weeks we had reason to recall the close connections that had existed between China and the Soviet Union up to 1960. Our hosts often reminded us, however, that those connections had been completely broken.

Isabel and I were met by half a dozen charming and attentive scientists, officials, and interpreters. They expressed sympathy for our fatiguing, long journey and led us into the terminal, where we sat in easy chairs and were offered Chinese tea and cigarettes. I had scarcely been asked for the baggage checks and my passport when the bags appeared. Isabel's passport, our health certificates, and all questions of foreign currency were waived. We were foreign friends, guests of the academy. It was the simplest and most gracious entry I recall making into any country.

We spent the night at a wonderful old hotel in Shanghai. It was identified only by a street number, but I have surmised, since leaving China, that it must originally have been Victor Sassoon's Cathay Hotel. It overlooked the Whampo River near a clock tower that chimed "The East Is Red."

The next morning we boarded a crack steam train, one of the more appealing aspects of a bygone age. The engine had four scarlet drive wheels, three red flags between its eyebrows, and gold Chinese characters on its tender. As we rolled past the field and villages of the Yangtze plain on our way to Peking, we could see people working everywhere. A young interpreter who pointed out improvements on every side apologized rather unnecessarily for his lack of fluency in English. He mentioned his greater familiarity with Russian, from which he had recently switched because he could foresee no future for Russian interpreters in China.

We were met at the Peking station by the acting director of the Institute of Geophysics, the deputy director of the Institute of Geology, a senior scientist named Mrs. Woo, several officials from the foreign relations section of the Academy of Sciences, two interpreters, and a Canadian Embassy counselor whose black-felt hat towered above the blue Mao caps. We were greeted cordially and then driven to our hotel, where we were told to "rest yourselves a little and then we shall return to discuss the program."

I had hoped to be able to return to the places I had visited in 1958, in order to assess the changes wrought by the Cultural Revolution. It had swept through the academic life of China like a typhoon, shutting off all scientific publications, essentially closing universities for four years, and sending the professors out to plant rice, work in factories, or otherwise gather firsthand knowledge of workers and peasants so as to be able to apply academic knowledge to the problems of the countryside while undergoing re-education in the thought of Chairman Mao.

My 1958 visit had taken me to Peking, Sian, Lanchow, and Canton. However, I was told that Lanchow was out of the question for 1971, apparently because cities as far inland as it is are unprepared to receive visitors with traditional Chinese graciousness. The substitute itinerary we agreed upon included all the other cities I had seen in 1958 plus Yenan (famous as the point where Mao's monumental "long march" in

the early 1930s ended), Nanking, Shanghai, and Hangchow. Relatively, this would expose me to the Chinese equivalent of a chunk of North America bounded by the cities of New York, Atlanta, New Orleans, Chicago, and Winnipeg.

Once we were settled in our quarters, I mentioned to my hosts that I had brought along illustrative slides and would be happy to lecture on plate tectonics, the modern version of continental drift theory that is now popular in the West, if it were thought that there might be any interest in the subject. My offer was immediately seized upon and arrangements made for me to lecture to eighty scientists. Their reception was favorable, and I was asked to conduct two additional seminars, each of which was attended by about thirty persons. The questions raised were numerous, and the caliber of some made me aware that the study of earthquakes, the boundary markers of the rigid plates that occupy the earth's surface, had a very high priority in the Chinese scientific community.

Another evidence of that priority was visible at a research center I had visited in 1958. Then it was known as the Institute of Geophysics and Meteorology. It had four sections, dealing with meteorology, seismology, geomagnetism, and geophysical prospecting. The Cultural Revolution streamlined it, and it is now called simply the Institute of Geophysics. "In keeping with socialist reconstruction," the acting director, Dr. Ku, told me, work in meteorology and in prospecting has been transferred to national government ministries, and provincial governments have taken over some of the regional field stations. The institute now concentrates on prediction of earthquakes, "because scientific work should serve the needs of the people." The phraseology has a certain propagandistic tone; yet it is rooted deep in Chinese history. Not that earthquakes in China are more frequent or severe than in many other countries. But their widespread distribution over a land with a dense population housed in buildings poorly constructed of heavy materials has resulted in the deaths of more people than have perished anywhere else on account of earthquakes.

The presently constituted institute occupies about one-third of the building that houses the administrative services of the Academy of Sciences. Dr. Ku, who wrote the letter inviting me to China in the academy's name, is a most cheerful and charming man of about my own age. He speaks English well, having studied for a year at the Colorado School of Mines.

Aside from heading the Institute of Geophysics, Dr. Ku belongs to the new executive body that runs it: the revolutionary committee. Such revolutionary committees, which include all categories of employment in three age groups, are now in charge of every institution in China.

The members of the revolutionary committee with whom we met were not at all formidable. All were extraordinarily keen about the development of their institute and anxious to tell us about it. They said the staff had recently been trebled to 300 people, only one-third of whom are employed in the building the others were assigned either to factories where scientists team with mechanics in designing and manufacturing geophysical instruments or are attached to seismographic and geomagnetic stations in the countryside. There are twelve major seismographic stations, operated jointly by the institute and provincial governments. They conform more or less to the seismological networks of the United States, Canada, or the Soviet Union. Eight smaller stations are ranged within 100 miles of Peking and 150 still smaller regional stations are strung farther out. The most modern equipment is used to telemeter seismic observations from the outlying stations into Peking. The signals are apparently digitalized, for I saw a man working on telemetering equipment that had neon lights as counters. Two girls were making changes in circuitry according to his directions, with great dexterity soldering components into printed circuit boards about five inches square. Elsewhere in the building I saw the institute's electronic computer, installed in a newly painted, air-conditioned room. It had been made in Peking, and I was told that the number on it—DJS6—meant that it ran on transistors. Attached to it were a plotting table, a photoelectric printout, and a teleprinter, all of Chinese manufacture.

Four lines of research are being followed in pursuit of the institute's chief task—the predicting of earthquakes. One entails analysis of geomagnetic phenomena. Another employs tilt meters designed to register deformation of the earth's crust and thus identify quake warning signals. A continuous record of small earth shocks and microearthquakes is being kept in order to define active faults in the earth's crust along which much larger earthquakes might be expected to occur.

The attention to fault lines in China seems to be new. I heard nothing of it on my 1958 visit, and I have seen no reference to it in the literature since then. Although I was not told so, it could be a natural offshoot of the historical study of large earthquakes, which has long been the specialty of Dr. Lee Shanpang, a former California Institute of Technology student of Professor Beno Gutenberg and author of a three-volume classic on the subject. I had a long discussion with Dr. Lee to try to clarify the point. He told me he had published a revised edition of his great historical work, in which he added records in the Manchurian language to those compiled in Chinese. Tibetan and Mongolian earthquake history remains to be incorporated.

The earliest records he had found were from 1198 B.C. These he did not consider reliable. But he plotted the location and magnitude of 530 major earthquakes that had occurred in China since 780 B.C. By his estimation, all of these had reached a magnitude of six or greater on the Richter scale of measurement. Dr. Lee, Dr. Ku, and the revolutionary committee of the Institute of Geophysics allowed me to photograph a manuscript map of those 530 quakes. Seventeen of them were graded as greater than magnitude eight, and about eighty were between magnitudes seven and eight.

The map had so little topographic orientation that I had difficulty reconstructing it and might have failed had I not unexpectably come upon two other printed maps elsewhere in China. These appeared to be different versions of the manuscript map, were drawn to a scale of 1:4 million and were dated 1970. I was surprised to see them because I knew that no scientific journals have been published in China since 1966. My comment on this circumstance seemed to embarrass my hosts, one of whom remarked that the maps had not been issued because their interpretation of the earthquake pattern continued to be a matter of hot debate. Not wishing to give offense, or to enter into any internal Chinese controversy, I glanced at the maps only long enough to see that both of them showed the location and magnitude of earthquakes with the date beside each epicenter and that one map related the epicenters to important features of the tectonic geology of China.

Anyone with a grasp of modern geophysics could have seen at a glance that the earthquakes marked on the maps were concentrated along definite lines of tectonic weakness. One of these lines goes straight north from Kunming and crosses the Yellow River. Another extends down the Red River to Hanoi. A third cuts across the Yellow River near Sian to the neighborhood of Peking. Other quake epicenter lines pass along the Altai and Tien Shan mountains, encircle Tibet, underlie Taiwan, and skirt the Russian border at Vladivostok.

It seems to me that the Chinese maps support the modern Western concept that the earth's surface is broken into a series of moving plates and that earthquakes occur along the boundaries of the plates—the very subject my lecture had focused on. But the Chinese grasped my Western ideas only slowly and vaguely. They were immersed in their own views, showing that although they get copies of Western scientific journals, they do not read them closely. I got the same impression when I repeated the lecture in Sian, Nanking, and Shanghai.

In contrast to that hiatus between Oriental and Occidental thought is the work the Chinese have done in applying the observational techniques of the late Caltech professor Hugo Benioff. With instruments derived from his, they have plotted the rate of energy release along the great faults revealed by their maps. Thanks to their long historical record, they have fixed the dates and magnitudes of earthquakes along each line over a range of time unequaled anywhere else in the world.

They have found that they can divide the earthquake history of each tectonically active area into cycles. Each cycle has four stages. During the first stage, which may last a century or more, the strain on the rocks accumulates. Only a few small earthquakes occur in this period. The second stage is one of transition, during which earthquakes become larger and more frequent. In the third stage the main energy is released. There is one huge earthquake, possibly followed by a few other large earthquakes within a short span of years. The fourth stage of the cycle is characterized by lesser aftershocks, completing the cycle.

In Shansi Province, west of Peking, for example, one cycle extended from A.D. 1000 to 1370. A second cycle ran from 1370 to 1750, culminating in a big shock near Peking that killed 100,000 people. A third cycle started in 1750. It is now in stage two and may be approaching stage three. If stage three is at hand, great shocks are expectable in the near future in the vicinity of Peking. The Chinese did not quite admit this to me, but such an anticipation would be an obvious explanation for the stress that is being laid on the predicting of earthquakes in China today.

Applying their earthquake energy release model to eastern Yunnan, the Chinese have recognized one cycle from 1500 to 1820 and a second that began about 1830. The disastrous third stage of this second cycle is not worrying them; they think it accounted for the so-called Assam earthquake of 1950, near the border of India and China. Dr. Lee says the epicenter of the Assam quake was not in Assam or anywhere else in India, but in Cha-yu County, Yunnan Province, China.

In contemplating ways to mitigate earthquakes in the future, it would be helpful to know whether the land mass of China is broken into a series of small tectonic plates or if there is another reason for the diffuse pattern of earthquakes centering in the vast region of China, Mongolia, and Turkistan. Often severe earthquakes occur in that region, apparently at random. The rest of the world is interested in this enigma because tectonic plates interact; the motions of one plate may generate motion in other plates. Moreover, correct interpretations of Chinese seismicity could provide an understanding of other, less active, but still potentially dangerous areas of scattered earthquakes, such as the lower St. Lawrence River and Mississippi River valleys.

Chinese earthquakes recorded during the past decade on the network of seismographs scattered through other lands around the

globe have been mostly minor ones, and their pattern is too diffuse to be interpreted. However, the pattern of major shocks recorded by the Chinese over the past 2,752 years is much clearer. The Chinese themselves recognize the importance of a structural boundary separating the country approximately along the meridian of 105 degrees east longitude. West of this line, earthquakes follow the mountains in generally east-west trends. Most of the mountains are young or at least still volcanically active, East of the 105 degrees east meridian, the situation is different. In the southeast, the great plain of China is very stable. The same is not true of northern China. One important active fault crosses Shantung Peninsula in a northeasterly direction and at an angle to the Kunming-Lanchow break previously mentioned here. Some Chinese geophysicists call this line across Shantung the Tancheng-Lukiang transcurrent fault and compare it to the San Andreas Fault on the opposite side of the Pacific. These scientists attribute the Tancheng-Lukiang tectonic activity to the same source that has been invoked to explain the activity in California: northward motion of the tectonic plate that carries a slice of the Pacific coast of China, Korea, Siberia, and the Pacific Ocean floor past the rest of China.

Perhaps the most active locus of earthquakes in all of China is an S-shaped belt beginning north of Peking and extending to Sian and Lanchow. Great shocks occurred along it in A.D. 1303, 1556, 1679, and 1695. Isabel and I followed the lower loop of the S in flying from Peking to Sian. A flat-bottomed valley in which our plane landed was partly filled with sediment to a depth of 20,000 feet. The valley had started to form less than thirty million years ago, when the surrounding plains were uplifted.

From my very imperfect knowledge of the subject, I can draw only two possible explanations for the existence of the S-shaped fault line. One is recent uplift and volcanism beneath the fault due to deep-seated upwelling from the earth's interior such as produced the East African rift valleys and the basin now filled by Lake Baikal. The alternate explanation is that much of China constitutes a small tectonic plate that has broken away from the rest of Asia along this line of faults and that this plate is pushing southward toward Indonesia between the northward motion of India on the one side and that of the Pacific basin on the other.

The seriousness with which the Mao regime in China approaches puzzles such as these is emphasized by its issuance to the Academy of Sciences Institute of Geology the same directive that went to the Institute of Geophysics: "Predict earthquakes." On a wall of one of the rooms in the Institute of Geology headquarters I saw a geological map of China scaled 1:3 million and published in 1960. My hosts immediately pointed out some of its main features to me. I could see structural lines corresponding to the earthquake belts. My hosts confirmed my observations. I asked if anyone had tried to ameliorate or control release of earthquake energy by pumping water into or out of the ground near active faults, as has been done in Colorado. The reply was negative. Indeed, throughout my stay in China, I got no intimation whatever of any Chinese attempt to couple prediction with earthquake control.

It may be that the Chinese just do not feel close enough to a reasonable coupling of prediction and control to discuss the problem. However, I saw much ingenuity employed in seeking an understanding of earthquake mechanisms. In one series of laboratories, experiments are under way with plastic and clay models of the fault lines through China. The models are made by covering suitably shaped plates with clay or plaster. The plates are then set in motion and the changes in the clay or plastic observed. Another research group is using a vibration table to study various forms of vibration on rocks. Mass spectographs made in China are determining the ages of rocks in relation to the behavior of the rocks. A simple model of electron microscope made in Nanking is identifying clay mineral molecules. A 1,000-ton press capable of generating and maintaining temperatures up to 3,600 degrees Fahrenheit is testing the response of various rocks to high temperatures and pressures comparable to those prevailing deep in the earth's crust.

Future progress in China's quest for knowledge about earthquakes will depend only partly on Chinese scientists. The responsibility and the opportunity are shared by the revolutionary committees that ultimately govern the quality of scientific research. On the whole, I judge the committee members I met to have been well chosen. Clearly, however, the unaccustomed authority has placed a strain on some of the eager but untried young men, and some of them are quite nervous. Plainly, the system will be subject to many great arguments. The success of its operation must depend heavily on personalities. Everywhere I went I was reminded that the system is new and experimental. It is, like much else in China, in a state of change. Although the Chinese might not like to admit it, they are busy emulating the West in trying to create an industrial society as fast as they can. It is my opinion that the industrialization the Japanese have accomplished in the past century the Chinese can accomplish on several times the scale in the next. Ironically, all of this is occurring at a time when many North Americans are hankering for a simpler, even a rural, existence.

THE HUMAN COST OF COMMUNISM IN VIETNAM

Mr. ALLOTT. Mr. President, a new committee print has just been published which deserves the attention of all Senators, and wide dissemination among responsible citizens.

The print is from the Judiciary Committee's Subcommittee To Investigate the Administration of the Internal Security Act and Other Internal Security Laws. The print is entitled "The Human Cost of Communism in Vietnam."

This important print is a compendium of documentation of the pain inflicted on Indochina by decades of Communist agitation and war.

This documentation is especially useful at a time when we are facing a drive by a few persons to terminate all material support to the brave, embattled and remarkably successful people of South Vietnam.

I commend the subcommittee for its work, and I recommend its print to all Senators.

Mr. BUCKLEY. Mr. President, the Senate Committee on the Judiciary, Subcommittee on Internal Security, has produced the third in its series of studies on the human cost of communism. The most recent study, entitled "The Human Cost of Communism in Vietnam," follows upon highly professional studies of Soviet communism and Chinese communism. These documents represent a significant contribution to our understanding of the true nature of communism and practice. There is a tendency among some individuals to romanticize the Chinese and other Communist revolutionaries in Asia. The material contained in this important study should dispel any rationale for romanticizing Vietnamese revolutionaries. In North Vietnam, Bernard Fall estimated that at least 50,000 individuals were executed during the agrarian reform campaign alone in the mid-1950's. Other estimates concerning the entire cost of Communist consolidation in North Vietnam range as high as 500,000, based on information provided by individuals who held high positions in the North Vietnamese Government.

In South Vietnam, civilian victims of Communist terrorism include 36,000 killed and 53,000 kidnapped between 1957 and 1971. Indeed this is not terror for narrow military objectives but rather a calculated instrument of disruption to intimidate any civilian cooperation with the South Vietnamese Government.

Horrifying as the results of Communist rule in the past 20 years in North Vietnam and portions of South Vietnam have been, even more horrifying would be the probable costs of a Communist victory in Southeast Asia. This important study has collected information from North Vietnamese military officers who reported that 3 to 5 million South Vietnamese citizens are on the Communists' "blood list," and that at least 10 to 15 percent of those would pay with their lives, and another 40 percent would be imprisoned; the remainder would have to undergo thought reform.

Mr. President, I ask unanimous consent that the introduction from this very important study be printed in the RECORD.

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

THE HUMAN COST OF COMMUNISM IN VIETNAM

I. INTRODUCTION

(By Senator JAMES O. EASTLAND, Chairman, Senate Subcommittee on Internal Security)

This is the third in a series of studies on the human cost of communism published by the Senate Subcommittee on Internal Security.

The first study, "The Human Cost of Soviet Communism," was prepared by the renowned British Sovietologist, Robert Conquest.

The second study, "The Human Cost of Communism in China," was written for the Subcommittee by Professor Richard L. Walker, Director of the Institute of International Studies at the University of South Carolina and one of this country's foremost China scholars.

In attempting to assess the human cost of communism in Vietnam and to come up with some kind of estimate of the human cost of a Communist victory, it was our conviction that a reasonable assessment could be achieved through a compendium of excerpts from the most authoritative writings on the subject.

The American ground combat role in Vietnam is now rapidly drawing to a close. No one can say at this juncture whether the Communists will continue to spurn the very generous terms that have been offered to them and to reject any settlement that offers them less than total victory. But, in any case, the era of unlimited American assistance is already ended. The scale of future assistance, in addition to being very much reduced, is

bound to be determined within relatively narrow limits.

The assertion that a Communist victory in South Vietnam would result in a ruthless massacre of those the Communists regard as their enemies has been challenged by certain critics of American policy—especially by those critics who believe that the situation is hopeless, that we should cut our losses, terminate our aid program, accept the terms offered by the Communists, and reconcile ourselves to a Communist takeover of all Indochina. For understandable reasons, such critics want desperately to believe that the course they advocate is not attended by the danger of a major bloodbath.

There are others who believe that there is a fighting chance that the Communists may yet come to terms or be held in check, and that it would be politically and morally wrong to withdraw all aid, fold our hands, and accept a Communist victory as foreordained. They see scope for hope in the remarkable successes achieved by the Vietnamization program, the grave disorganization of the Chinese Communist armies in the wake of the Lin Piao purge, and the massive social and political stresses that have become apparent in North Vietnam.

But whatever one believes, the record set forth in this study is something that every honest man will want to keep in mind in assessing the future of our Indochina policy.

It is, of course, impossible to provide mathematical proof for the proposition that a Communist victory in South Vietnam would result in a bloodbath. But there are documents and historical indices that permit one to make an intelligent assessment of what is likely to happen if a Communist regime ever should come to power in Saigon. And an examination of the totality of these documents and historical indices point to the almost certain probability that a Communist victory would be followed by a bloodletting that would rival the worst bloodlettings that have taken place in Communist countries to date.

The documentation that follows presents a wide range of estimates of what might be expected in the wake of a Communist takeover in South Vietnam.

The lowest estimate was that made by Stephen Hosmer in his superbly researched study of terror as an instrument of Communist policy. Always exceedingly careful never to overstate himself, Hosmer considers the possibility that the Communists may decide to limit the bloodletting under certain circumstances—but then goes on to state that, should a Communist regime decide to deal severely with members of the groups listed for repression, he finds it difficult to believe that the number of victims would be much less than 100,000, and that the total might well be very much higher than this.

Professor P. J. Honey of London, widely recognized as one of the foremost authorities on North Vietnam in the free world, predicts that "on the basis of past Communist deeds, and given the size of South Vietnam's population, the minimum number of those to be butchered will exceed one million and could rise to several times that figure."

Colonel Tran Van Dac, a North Vietnamese officer who defected after 24 years in the Communist movement, informed the press that the Communists, if they win, will slaughter up to 3,000,000 South Vietnamese who have resisted them so bitterly for so many years.

After North Vietnamese colonel, Le Xuan Chuyen, who defected after 21 years membership in the Communist Party, asserted that 5,000,000 people in South Vietnam are on the Communists' "blood debt" lists; that 10 to 15 per cent of these would pay with their lives; that another 40 per cent would be imprisoned; and that the rest would have to undergo "thought reform."

Douglas Pike, author of the definitive work "The Viet Cong," who made an in-depth study of the organized mass killings carried out by the Communists during their brief occupation of a portion of Hue, concludes his study with these ominous words:

The meaning of the Hue Massacre seems clear. If the Communists win decisively in South Vietnam (and the key word is decisively), what is the prospect. First, all foreigners would be cleared out of the South, especially the hundreds of foreign newsmen who are in and out of Saigon. A curtain of ignorance would descend. Then would begin a night of long knives. There would be a new order to build. The war was long and so are memories of old scores to be settled. All political opposition, actual or potential, would be systematically eliminated. Stalin versus kulak, Mao versus landlord, Hanoi Communist versus Southern Catholic, the pattern would be the same: eliminate not the individual, for who cares about the individual, but the latent danger to the dream, the representative of the blocs, the symbol of the force, that might someday, even inside the regime, dilute the system. Beyond this would come Communist justice meted out to the "tyrants and lackeys." Personal revenge would be a small wheel turning within the larger wheel of Party retribution.

But little of this would be known abroad. The Communists in Vietnam would create a silence.

The world would call it peace.

Given the 15 broad categories of political opponents whom the Communists have included in their "blood debt" list, Pike indicates that the estimate of several million victims, if the communists win, may not be excessive.

That there would be a massive bloodletting is something that is taken for granted by virtually every serious student of Vietnamese affairs. And the probability is that the final toll would be somewhere in the range indicated by Professor Honey, Douglas Pike, and the two North Vietnamese colonel-defectors.

What are some of the indices that point to this probability?

First, there is the merciless body of Communist doctrine—from Lenin to Stalin to Mao Tse-tung to Ho Chi Minh—which justifies and insists on the imperative need for mass terror.

Second, there is the historical record of Communist bloodlettings—in the Soviet Union, in Red China, in North Vietnam, and wherever they have come to power.

Third, there is the record of the Communist terror in South Vietnam during the entire period of the so-called insurgency, including the merciless massacres of men, women and children at Dak Son, Duc Duc and other places.

Fourth, there was the Hue massacre with its systematic killing, which exacted a toll of 5,700 civilian victims, who, according to captured Communist documents were considered "wicked tyrants" or "counter-revolutionaries", who owed "blood debts" to the people.

Fifth, there is the considerable body of evidence of Communist intentions contained in captured documents and in the testimony of defectors.

Let us examine some of the precedents and some of the testimony.

THE SOVIET PRECEDENT

V. I. Lenin told his followers that "not a single revolutionary government can dispense with the death penalty for exploiters (i.e., for landlords and capitalists)." And when the Leningrad Party in June 1918 sought to restrain elements who were engaging in undiscriminate mass terror, Lenin rebuked the Leningrad Party in these words: "This is unheard of. The energy and mass nature of the terror must be encouraged."

Lenin's directives on the need for mass terror were honored to the hilt both in his lifetime and after his death. In his monumental work, "The Great Terror," and in the study which he subsequently prepared for the Subcommittee on Internal Security, Robert Conquest came up with the staggering finding that well over 20,000,000 human beings were executed or killed in other ways by the Soviet authorities in successive waves of terror, in the decades after the Bolshevik Revolution. He made the further point that this was a computation, and that the real figure might be closer to 30,000,000. If the casualty roll was extended to include the victims of the civil war and the famine and typhus which followed it, then the aggregate figure for the human cost of Soviet communism would be somewhere between 35,000,000 and 45,000,000 human lives.

There was a time, during the 30's and 40's, when it was fashionable among intellectuals to disbelieve or challenge the accounts of mass terror that were brought out by refugees and defectors and critical observers. So determined were they to defend the nebulous belief that Soviet communism represented some kind of brave new world, that they swallowed uncritically Moscow's tortured justification of the purge trials of the 30's—at the same time as they damned as "reactionaries" and "extremists" all those who sought to set forth the facts about a mass terror that had already cost many millions of human lives.

But then at the 20th Congress of the Communist Party of the Soviet Union in 1956 Khrushchev made his famous speech on the crimes of the Stalin era—and suddenly it became clear that the charges of mass terror made by the so-called "extremists" and "reactionaries", were, if anything, understatements. Today the mountain of evidence that has become available makes it impossible—even for the most determined sympathizer—to challenge the basic facts about the Soviet terror, or the general parameters of the computation made by Robert Conquest.

About the human cost of Soviet communism, therefore, we need not argue. The facts are in. The record is unchallenged.

THE CHINESE PRECEDENT

An ardent Leninist and Stalinist, Mao Tse-tung added some refinements of his own—like public mass executions—to the pioneering terrorism of his Soviet antecedents. In one of his earliest published works, in March 1927, Mao wrote that a revolution cannot be . . . "kind, courteous, restrained and magnanimous." He said that for the revolution to succeed, "To put it bluntly, it is necessary to create terror for a while in every rural area."

In the case of China, the documentation on the Communist terror, while not nearly so voluminous as it is in the case of the Soviet Union, is nevertheless extensive enough to permit estimates within wider margins. In the study which he prepared for the Subcommittee, it was Professor Walker's estimate, after having studied all the evidence, that communism in China, from the time of the first civil war (1927–1936) until today, has cost a minimum of 34 million lives, and that the total might run as high as 64 million lives.

THE NORTH VIETNAMESE PRECEDENT

A dedicated disciple of Lenin, Ho Chi Minh, gave early proof that he understood the importance of liquidating all political opposition. His most formidable rival in the early 20's was Phan Boi Chau, a greatly respected nationalist leader, considered by many to be the Sun Yat Sen of Vietnam. Ho Chi Minh—at that time Nguyen Ai Quoc—eliminated Phan Boi Chau as a rival by arranging to deliver him to the French Security Service for a reward of 100,000 piastres. He subsequently justified his action with the explanation that he needed the money to finance party activities. (See p. 103).

During the final days of World War II, with

Japan teetering on the brink of collapse, Ho Chi Minh and the Indo-Chinese Communist Party staged a coup which gave them control of most of North Vietnam. Ostensibly the "Provisional Government of the Democratic Republic of Vietnam" was a coalition nationalist government, including representatives of other nationalist parties as well as the Communists. With unerring Machiavellianism, Ho Chi Minh played off one nationalist group against the other, and played off the nationalists against the returning French and the French against the nationalists. Meanwhile the assassins and the execution squads were busy. Ngo Ton Dat, the son of a leading Vietnamese Nationalist, has estimated that during a two-month period in the Fall of 1945, some 10,000 people were killed in Hanoi and its immediate environs. The myth of the "coalition government" survived into 1946, while the killing continued unabated. When the charade had played itself out, Ho Chi Minh had achieved the physical elimination of all potential political rivals, including the influential Vietnamese Trotskyist movement. So thorough was his political purge, that by 1947 there was virtually no political personality left alive in Vietnam to challenge his influence. (See pages 11–13.)

At a later date, the North Vietnamese Communists openly bragged about their cleverness in exploiting the "united front" tactic to divide their opponents and ultimately to destroy them, both in the events leading up to the coalition government of 1945–46, and currently in South Vietnam. An article in "Hoc Tap" (Hanoi), the Party's theoretical organ, in September 1966, put the matter this way:

On the basis of keeping firm in strategy, our Party cleverly applied its tactics: On the one hand, it cleverly took advantage of the regional and temporary contradictions of the enemy to sow division among him. On the other hand, it united with anyone who could be united, won over anyone who could be won over, neutralized anyone who should be neutralized, completely isolated the imperialists and their most dangerous lackeys, and concentrated the spearheads of the attacks on them to overthrow them.

The policy of founding the Indo-Chinese Democratic Front between 1936 and 1939, the Viet Minh Front between 1941 and 1951 and the Lien Viet Front after the August Revolution; the decision of signing the 6 March 1946 Preliminary Accord (on French troop entry into North Viet-Nam) the present NFLSV policy of upholding the mottoes of independence, democracy, peace and neutrality, and so forth are the typical examples of the clever application of the following instruction of Lenin:

"It is possible to defeat a stronger enemy only through displaying great effort and under the necessary condition of taking advantage very minutely, very attentively, very carefully and very cleverly to any rift among the enemy, even the smallest contradiction among the interests of various bourgeois groups and factions in each country . . ."

The word "neutralize" is, of course, a communist euphemism for "destroy." Summarizing the purges which took place after the August 1945 revolution, Bernard Fall wrote:

In a series of swift stabs, he [Giap] destroyed the back country strongholds of the nationalist parties; executed hundreds of Vietnamese nationalists and even such old comrades in arms a the Trotskyite leader Ta-Thu-Thau, a personal friend of Ho Chi Minh. Finally, on July 11, 1946, Giap launched a country-wide purge of nationalist leaders and closed down Viet-nam, the last opposition newspaper.[1]

. . . The coalition government in the National Assembly was similarly decimated. By the end of 1946, the non-Communist representatives had been reduced from 70 seats to 20 in attendance and of the 20 all but two voted with the Communists. Of the two, one was arrested and the other went into hiding.[2]

Looking back upon this period, the leaders of the Vietnamese Communist movement concluded that they had killed—not too many people—but too few people. Truong Chinh, at present the No. 2 man in Hanoi and the recognized theoretical leader of the Party, put it this way:

We admit that because of the extremely intricate situation in our country and the relatively limited strength of the Vietnamese revolution, it was not possible to carry out a systematic elimination of the counterrevolutionary elements on Jacobean or Bolshevik lines. . . . However, it is to be regretted that energetic, timely and necessary measures to counteract all possible dangers in the future were not taken immediately upon the seizing of power and before any foreign intervention, at a time when the reactionaries in the country were still at a loss, and had not had time to reorganize themselves. . . . We regret only that the repression of the reactionaries during the August period was not carried out more fully, within the framework of the possibilities. . . . For a newborn revolutionary power to be lenient with counterrevolutionaries is tantamount to committing suicide.[3]

If they failed to kill enough people in the wake of the August 1945 revolution, the Vietnamese Communists more than made up for this failure when the Geneva agreement of 1954 established them in undisputed control of North Vietnam. The body of evidence about the mass terror in North Vietnam suffers from major gaps because the North Vietnamese Communists did not publicize their killings, while the handful of foreigners who were there, with few exceptions, had their movements severely restricted. Though the Communists killed in every village, the people in one village generally remained ignorant of the killings in neighboring villages. For this reason, the range of estimates is even wider than it is in the case of China. Bernard Fall placed the human cost of the Agrarian Reform campaign alone at a minimum of 50,000 executed and 100,000 imprisoned. Hoang Van Chi, a leading nationalist who held important posts under Ho Chi Minh, placed the post-Geneva toll at 500,000. This estimate generally coincides with the estimate of Gérard Tongas, a Frenchman who was originally sympathetic to Ho Chi Minh, but who was revolted by what he saw in North Vietnam in the post-Geneva period and put his observations into a book captioned "I Lived in the Communist Hell."[4]

THE SOUTH VIETNAMESE PRECEDENT

About the Vietcong record of terror in South Vietnam there can also be little dispute, because the facts are too well established. Since 1960, when the insurgency was first getting under way, Communist terrorists have killed over 36,000 South Vietnamese civilians (more than 16,000 were killed in the three-year period 1969–1971); they have kidnapped 54,000 (18,000 kidnappings occurred from 1969–1971); and they have, in addition, wounded several scores of thousands.

As Stephen Hosmer points out, these offical figures are, if anything, underestimates because many incidents go unreported.

The terror is not savagery for savagery's sake. Neither is it the work of undisciplined soldiers, operating without instruction or in violation of existing instructions (as a unit of American soldiers did at My Lai). On the contrary, it is a deliberate policy, conceived at the highest level and communicated in detailed directives to Vietcong units at all levels.

What is the purpose of this terror? As Stephen Hosmer puts it:

The primary object of repression is the disruption and demoralization of the GVN's civilian and military bureaucracies, and is achieved, in the first instance, through the physical removal (by assassination, execution after capture, or incarceration) of substantial numbers of military and civilian officials, cadres, and intelligence personnel who perform important services for the GVN and who are not easily replaced. Another, broader purpose is to demoralize, neutralize, and paralyze those other government officials and cadres who may themselves escape repression for a time but who are fully aware of the fate of their less fortunate colleagues. Thus, by assassinating a selected number of hamlet officials in a given district, the Vietcong hope to frighten other officials enough to force them to resign their positions; or to flee to the district town for protection (go into "exile"); or to become so security-conscious that they no longer carry out their prescribed duties effectively.

Organized terror—of a ruthlessness and on a scale that defies civilized comprehension—has been a cardinal aspect of Communist policy from the very first day of the Vietcong insurgency. By and large, the Western world knows only of a few of the more massive and gruesome terrorist incidents—like the massacre which took place in the Montagnard Village of Dak Son in December 1967, when the Vietcong, attacking with flamethrowers, moved from hut to hut, incinerating alive more than 250 villagers, two-thirds of them women and children. In addition, 200 Dak Son villagers were kidnaped, never to be heard of again. But the thousands of small incidents of terror—equally merciless, equally gruesome, and which account for far more victims than the big incidents—with exceedingly rare exceptions, go unreported.

It did not make the press, for example, when on October 27, 1969, the Communists booby-trapped the body of a People's Self-Defense Force member whom they had killed—so that when relatives came to retrieve the body, four of them were killed in the explosion. Nor did it make the press in May 1967, when Dr. Tran Van Lu-y told the World Health Organizatoin in Geneva that over the previous 10 years Communist terrorists had destroyed 174 dispensaries, maternity homes and hospitals; had mined or machine-gunned 40 ambulances; and had killed or kidnaped 211 members of his staff.

If the Free World knew little or nothing of this day-to-day terror despite the presence of hundreds of correspondents in South Vietnam, what chance is there that the Free World would know anything at all about the bloodletting that would inevitably take place in South Vietnam if the Communists came to power, expelled the Western press corps, and then proceeded to deal with their enemies?

THE PRECEDENT OF HUE

During the Tet offensive of 1968, the communists occupied a portion of the city of Hue for 26 days. When they were driven out on February 24, some thousands of civilians were missing. In 1969, a series of mass graves containing the bodies of missing civilians were discovered. Some of the victims had been shot, some had been clubbed to death, some had been buried alive. As more and more graves were discovered, the confirmed toll ultimately rose to 2,750. Counting those still missing—who must be presumed abducted or executed—the estimated civilian

[1] "Profile of Giap" by Bernard Fall in Vo Nguyen Giap, *People's War, People's Army* (New York: Praeger, 1965) p. xxxvi.

[2] Ibid.

[3] Truong Chinh, *The August Revolution*, 2nd edition (Hanoi: Foreign Languages Publishing House, 1962) pp. 41–43.

[4] The estimates vary, in part, because some of them refer only to the victims of the Agrarian Reform period, whereas others include the victims of the post-Geneva terror and those of the continuing terror after the Agrarian Reform bloodletting had terminated.

toll, according to Douglas Pike, comes to 5,700.

It was established that the killings were in no sense random, but were carried out on the basis of explicit directives and from prepared lists of names, the Commmunists moving through the streets methodically with their clip boards and pulling the victims from their houses. A Vietcong after-action report captured in April 1968, boasted:

We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, 6 captains, 20 second lieutenants and many non-commissioned officers.

Hanoi Radio on April 27, 1969, made this revealing comment on the discovery of the mass graves:

. . . in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the hooligan lackeys who had owed blood debts to the Tri-Thien Hue compatriots and who were annihilated by the Southern armed forces and people in early May Than spring (Tet).

". . . What happened in Hue," says Douglas Pike, "should give pause to every remaining civilized person on this planet. It should be inscribed, so as not to be forgotten, along with the record of other terrible visitations of man's inhumanity to man which stud the history of the human race. Hue is another demonstration of what man can bring himself to do when he fixes no limits on political action and pursues uncautiously the dream of social perfectibility."

If the massive and systematic killings which the Communists perpetrated in Hue over a brief 4-week period are any indication of their intentions if they succeed in imposing their rule on South Vietnam, then clearly the estimates that they may kill from 1,000,000 to 3,000,000 South Vietnamese are in no way exaggerated. And in the years that followed this initial bloodletting—if the precedents established in the Soviet Union, Red China, and North Vietnam have any application—there would come further waves of terror and mass killings that might add many hundreds of thousands more to the final toll of victims.

While the focus of this compendium is on Vietnam, it is not unreasonable to assume that a communist victory in Indochina would have roughly the same consequences for the peoples of Cambodia and Laos as it would for the people of South Vietnam.

THE LISTS OF NAMES

That Hue may indeed be considered a pattern for the future, is apparent from Stephen Hosmer's section dealing with the Communist "blacklists." "For some years," Hosmer points out, "the Communists have assiduously compiled blacklists of large numbers of persons in both urban and rural areas whom they choose to classify as 'tyrants,' 'reactionaries,' 'counterrevolutionaries,' spies, or simply opponents of their movement." Hosmer quotes a top-secret Communist directive from Region II:

Have the enemy situation in hand to serve the common activities of eliminating traitors in cities; carefully keep the names and records of counterrevolutionary individuals; classify these elements and suggest an examination to be able to take the initiative to eliminate them in every situation and prepare the coming counterrevolution repression.

The facts are in, the record is clear, the auguries of things that may come to pass are delineated with frightening clarity. The only question is whether the free world will pay heed to this record and to these auguries.

* * * * *

I wish to express my gratitude to the subcommittee staff, in particular to Mr. David Martin who served as editor for the project, for putting together this remarkable broad and impressive compendium of excerpts and items dealing with the record of Communist terror in North and South Vietnam. I also wish to thank Mr. Max Friedman for his volunteer assistance on the project.

I wish to thank Praeger and Co. for their permission to reproduce excerpts from "The Two Vietnams" by Bernard Fall; from "From Colonialism to Communism" by Hoang Van Chi; from "Vietnam: The Dragon Embattled" by Joseph Buttinger. I also wish to thank the Rand Corporation for permission to reproduce excerpts from "Viet Cong Repression and Its Implications for the Future" by Stephen T. Hosmer and the text of "On the Question of Communist Reprisals in Vietnam" by Anita Lauve Nutt. Finally, I wish to thank "Southeast Asia Perspectives," (published by The American Friends of Vietnam) for permission to reproduce excerpts from "Vietnam: If the Communists Won" by P. J. Honey.

HOT MEALS FOR SENIOR CITIZENS

Mr. PELL. Mr. President, on June 14, 1971, I held a hearing for the Special Committee on Aging in Woonsocket, R.I. One of the chief topics of concern at the hearing was the lack of a nutritional program for the senior citizens in Woonsocket.

Commenting on the condition of senior citizens in Woonsocket, Mr. Ambrose Duarte, executive director of the local community action agency, told the committee:

We started a program because we were aware that many of the senior citizens of Woonsocket had poor nutritional habits, and that many of them were living alone. As a result of their living alone, and isolated from the rest of society, their eating habits began to deteriorate to the point where they were not eating at all.

Unfortunately, the nutritional program to which Mr. Duarte referred had not been refunded by the Office of Economic Opportunity, and many senior citizens in Woonsocket had been left without the possibility of obtaining much-needed hot meals.

Included on the agenda at the time of the hearing was S. 1163, a bill which I cosponsored with the Senator from Massachusetts (Mr. KENNEDY). The bill would provide $250 million over a 2-year period for the establishment of hot-food programs for persons over 60 years of age in community gathering places, such as churches, clubs, and senior citizen clubs.

I am delighted to note that S. 1163, after being reported by the Committee on Labor and Public Welfare, of which I am a member, was passed by the Senate yesterday and sent to the President for his signature. The bill, if fully funded, would provide $500,000 in fiscal year 1973 and $750,000 in fiscal year 1974 to the State of Rhode Island for a program of weekly hot meals for senior citizens.

The need for this program was substantiated not only by Mr. Duarte but also by other witnesses, such as Mrs. Rebecca Doss, director of the Office of Senior Opportunities and Services in Woonsocket; Mrs. Ida Wheeler, director of food lift information program in Woonsocket; and Mr. Joseph Roy. These Woonsocket citizens can be proud that their testimony played a role in building the support that made the passage of this much-needed hot-meals program possible.

THOMAS GARRIGUE MASARYK

Mr. SCOTT. Mr. President, March 7 is a hallowed day for the people of Czechoslovakia, Czechoslovakian-Americans, and all free people. On this date 122 years ago, the liberator and first president of the Czech Republic was born, Thomas Garrigue Masaryk. He forged the friendship of the United States with the Czech people; friendship that is still very much in evidence today, despite Communist domination of the government.

All of those who have died for freedom in Czechoslovakia and Eastern Europe will not be forgotten by the citizens of those stricken countries. Citizens of the United States remember their sacrifices. Jan Masaryk who died in 1948 and the patriots killed by the Russian tanks in 1968 had a goal in mind. Jan Masaryk held the goals of peace and sovereignty of Czechoslovakia high when he was killed in 1948. Twenty years later, that idea was still alive when freedom fighters went out into the streets with rocks to try and stop Russian tanks. Such heroism will someday reap its rewards.

To conclude, I am reminded of some very appropriate words by Thomas Carlyle in his book, "The Hero as a Poet." He said:

Adversity is sometimes hard upon a man; but for one man who can stand prosperity, there are a hundred that will stand adversity.

America will never ignore the thousands of Czechs who stand adversity every day.

ANNUITY FOR WIDOWS OF ANY U.S. JUSTICE

Mr. CASE. Mr. President, few areas of public service demand such an arduous and selfless commitment as that required of a justice of the U.S. courts. The burden of a position within the Federal judiciary, however, is experienced not only by the justice himself, but is shared, more often than not, by his spouse as well. For this reason, and as tangible evidence of our respect for the contribution of the Federal judiciary. I want to record my support of S. 2854, introduced by the Senator from North Dakota (Mr. BURDICK), which provides for the payment of an annuity to the widow of any U.S. justice. The bill will be reported shortly, I understand, and I hope the Senate will act promptly on it.

ACREAGE LIMITATIONS OF RECLAMATION LAW

Mr. CRANSTON. Mr. President, the California Labor Federation, AFL–CIO, has been a consistent champion of the provisions of the reclamation law dealing with the 160-acre limitation. Two weeks

ago, the executive secretary-treasurer of the State Federal, John F. Henning, addressed a letter to the Attorney General-designate which raises substantial questions about current Justice Department actions and attitudes regarding the enforcement of this part of Federal law.

Because I know that Senators are concerned with the ongoing activities of the Justice Department, I believe that Mr. Hennings' letter will be of interest to them.

I ask unanimous consent that the letter be printed in the RECORD.

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

CALIFORNIA LABOR FEDERATION,
AFL–CIO,
San Francisco, Calif., February 22, 1972.

Attorney General-Designate RICHARD KLEINDIENST,
Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL-DESIGNATE: Once again within the space of a year the Justice Department faces this question: Shall it appeal a federal district judge's decision rejecting the government's contention that acreage limitation provisions of reclamation law apply to a federal project in California?

Last Spring the case concerned Imperial Valley where above a quarter of a million acres are receiving water in excess of the legal limit. This time it concerns Tulare Lake Basin where, among other giant landholdings, is the 100,000-acre "farm" which received $4,370,657 in farm payments from the U.S. Treasury in 1969, the highest in the nation. (Congressional Record, volume 116, part 7, page 9640.) In the same county 63 payees received $13,114,322.

The failure to apply in Imperial Valley the acreage limitation law controlling monopoly and speculation dates from a 1933 administrative letter issued by the Secretary of the Interior in the closing days of the Hoover Administration. The Justice Department's own brief in district court described the letter truly in these words:

It "must be considered for what it was: A partisan effort by a lame duck administration to effect, by administrative interpretation, an exemption that proponents of the (Boulder Canyon Project) Act never dared risk seeking directly."

The issue is enduring. An Imperial Valley newspaper reported in 1949 that Congressman Richard Nixon, then running for a seat in the United States Senate, had "declared he is against the 160-acre limitation." The statement, said the Browley News on October 31, "should prove popular with people of Imperial Valley." The district judge who validated on January 5, 1971 the original "lame duck" administrative exemption of 1933, was nominated to the federal bench in San Diego by President Nixon on February 19, 1970.

In advance of the judge's opinion of January 5, 1971, a Valley newspaper reported that "both sides made statements in December they would appeal if they lost," (Brawley News, January 6, 1971) and another newspaper reported that the judge himself said of the case that he wanted to "get it on its way to the Supreme Court" (Sacramento Bee, February 23, 1971.)

Nevertheless, the Justice Department declined in the Spring of 1971 to appeal the adverse decision, thus leaving it to landless persons seeking access to the land promised by the acreage limitation law to carry the burdens—financial and otherwise—of appeal to higher courts. This the landless litigants are doing without government help.

For the Justice Department, Solicitor General Erwin N. Griswold publicly has assumed responsibility for the government's decision not to appeal. He explained to a protesting Kansas woman that after considering the matter—

"Carefully and thoroughly, and over a considerable period of time" he "became convinced that (a) we would not win the case in the court of appeals, and (b) we should not win it." (Solicitor General Erwin N. Griswold to Mrs. Stephen L. Stover, June 1, 1971. Cong. Rec., Dec. 10, 1971, S21299.)

Solicitor General Griswold, for whatever reasons, failed to advise the Kansas protester that three top government lawyers held views contrary to his own on the applicability of acreage limitation law to Imperial Valley. Two solicitors of Interior and his own predecessor, Solicitor General J. Lee Rankin, each had held that acreage limitation law *does* apply under the Boulder Canyon Project Act. (M–33902. 71 I.D. 533; M–36675, 71 I.D. 496, 555). These contrary views strongly imply that, upon appeal, courts would uphold the original contention of the Justice Department now abandoned by Solicitor General Griswold.

There are other peculiarities in the Solicitor General's public explanation of his decision not to appeal. He opens his response to the Kansas protester by criticising a *New Republic* article of May 8, 1971 that she had cited, entitled "Water, Water for the Wealthy," as a "one-sided presentation of a rather complicated situation." He continued:

"You would not know from the article, for example, that the project for the irrigation of the Imperial Valley started about 1900 and was virtually completed by 1920, without any participation by the federal government."

This comment is both in error, and curious, coming as it does from the Solicitor General who himself omits from his own letter so much that is relevant. In the years 1905–07 the Colorado River broke its banks, created the Salton Sea, and threatened to inundate the entire below sea-level valley. Responding to appeals for financial aid, the Congress authorized contribution of one million dollars toward the costs of closing the gap. The President expended nearly the entire amount authorized, surely a substantial participation in the development of Imperial Valley. (36:1 Stat. at Large 883. 1910.)

Even after closing the gap in the levee the hazard of a fresh breach remained, threatening complete inundation. This danger was an impelling reason for Valley interests to seek greater federal participation. In words of the Supreme Court, even after closing the breach—

"The threat of flood remained at least as serious as before. Another troublesome problem was the erosion of land and the deposit of silt which fouled waters, choked irrigation works, and damaged good farm land and crops." (Arizona v. California, 357 U.S. 546, at 553).

This second step in federal participation took the form of constructing Hoover Dam and the All-American Canal.

A further omission from the Solicitor General's letter to the Kansas protester was the frank characterization by a participating official in the administrative exemption given by Secretary of the Interior Ray Lyman Wilbur in 1933, as illegal. Attorney Northcutt Ely was Executive Assistant to the Secretary at the time, and gave instructions for preparation of the letter exempting Imperial Valley. Only three years earlier he had recorded as his view, both that the law *does* apply to Imperial Valley, and that it *should* apply. On November 4, 1930 he wrote:

"I see nothing to do but enforce it unless the Imperial Irrigation District can get new legislation. In any event enforcement of the requirement would undoubtedly have a salutary effect on suspected speculative activities in that locality." (71 I.D. 528)

As to the illegality of granting the administrative exemption in which he participated in 1933, Mr. Ely apparently either adhered, or returned, to his original 1930 views. Fourteen years later, in 1944, he testified before Congress that although acreage limitation law remained "on the books," as to Imperial Valley it simply "has been ignored." (Senate Commerce Subcommittee hearings on H.R. 3961, 78th Congress, 2d session, 632). Solicitor Griswold in his public letter of explanation, made no reference to these admissions by a participating official that the exemption was illegal.

It is dangerous to paraphrase statutory language, and Solicitor Griswold does this. Justifying support for exemption of Imperial Valley he recites that "The federal project did not reclaim any land in the Imperial Valley." The statutory language, however, is quite different, and quite clear. Two passages from the law may be recited, neither of them requiring the reclaiming of land by the project as a condition of its application. The original 1902 statute states:

"No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefore are made." (43 USC 431.)

A later enactment by Congress in 1926 states that—

"No such excess lands so held shall receive water from any project or division if the owners thereof shall refuse to execute valid recordable contracts for the sale of such lands under terms and conditions satisfactory to the Secretary of the Interior . . ." (43 USC 423e).

Congress did not establish reclamation of land as a requirement of applying acreage limitation. The question is, Does the land "receive water?" As to Imperial Valley the answer is clear; it receives water through the Boulder Canyon Project Act.

Solicitor General Griswold informed the Kansas protester, as well as the public: "I issued a statement saying that my determination was applicable to the Imperial Valley only, since that was the only place that had this sort of history."

The Solicitor General did not inform either the public or the Kansas protester that while his decision whether or not to appeal the Imperial Valley decision was pending, the Attorney General received a lengthy and detailed letter from Senator Clinton P. Anderson, Chairman of the Senate Subcommittee on Water and Power Resources, saying:

"I earnestly recommend that this case be appealed for the reasons set out in my enclosed letter to Solicitor Melich of the Department of the Interior." (Anderson to Attorney General John Mitchell, March 26, 1971.)

In his accompanying letter to the Interior Solicitor, Senator Anderson elaborated:

"Were Judge Turrentine's decision to be limited in its impact to the Imperial Irrigation District alone, appellate review would be warranted. The Boulder Canyon Project itself is a reclamation project of the first magnitude . . . Beyond that, and of perhaps greater compelling consequence is the fact

that the impact of Judge Turrentine's opinion goes considerably beyond the present scope of Colorado River water service to the Imperial Irrigation District . . . To begin with, a holding that a provision such as section 14 of the Boulder Canyon Project Act is not itself sufficient to render excess-land limitations applicable to a particular project calls into question the applicability of the excess land laws not only to all irrigation projects receiving a water supply from Hoover Dam storage but to other projects authorized by Congress with language similar to Section 14. An obvious example is Coachella . . . A further example is the Central Arizona Project itself, for the excess land laws are not mentioned in the Colorado River Basin Project Act and are applicable only if incorporated into that Act by reference. The same is true of the upper Colorado River Basin projects authorized by the Colorado River Basin Project Act . . . Yet another example is the Central Valley Project . . . The uncertainties introduced by the reading Judge Turrentine gives to section 14 exist whether or not the lands involved have a pre-project history of irrigation . . . A second area of uncertainty introduced by the opinion deals with the relationship between excess-land limitations and pre-project use of water. These uncertainties are westwide in their implications. Most federal reclamation projects are supplemental water projects." (Senator Clinton P. Anderson to Solicitor of Interior Mitchell Melich, March 26, 1971.)

This carefully elaborated analysis by the Chairman of the Senate Water Resources Committee, warning of dangers in allowing the Turrentine decision to stand without appeal, is not convincingly brushed aside by Solicitor General Griswold in his fiat assertion to a private citizen that "the determination with respect to the Imperial Valley has no application to other projects where there was actual reclamation of land as a result of the project." (Griswold to Stover, June 1, 1971.)

The 1902 reclamation law in the same sentence, quoted above, established two conditions for receipt of water, namely, (1) acreage limitation, and (2) residence of the farmer on the land or in the neighborhood. Landless persons in Imperial Valley brought suit to enforce the residency requirement; the Justice Department took no part in the suit. Within months after Solicitor General Griswold declined to appeal the San Diego Federal District Court decision exempting Imperial Valley from acreage limitation law, another federal judge sitting on the same bench handed down a decision that the residency requirement does apply, notwithstanding that the administrative arm of government has not enforced it for 55 years. (Yellen v. Hickel, partial summary judgment, No. 69–124–Murray, Nov. 23, 1971.) This decision is the logical opposite of the first decision that Solicitor General Griswold refused to appeal, saying he "would not win."

It may be that owners of reclaimed lands in Imperial Valley (or elsewhere) will oppose the Murray decision, perhaps arguing to them the injustice of now applying to them a long nonenforced law. At any rate the Chief Counsel of Imperial Irrigation District used this argument before a Senate Committee in 1958. Speaking at the time of the acreage limitation provision he pled that the law is not "workable under all circumstances," and not "at all in an area where . . . it is fully developed, where men by the sweat of their brows have bought and acquired the land and have it and have worked it."

Hardly had the Imperial Irrigation District Chief Counsel finished his plea for equity for landowners benefitting from an unenforced law, than he answered himself. Speaking in reference to an administrative interpretation that allows an owner of "excess" lands to farm reclaimed lands for ten years before disposing of them under the acreage limitation law, and of the attractiveness of this measurable delay in enforcement to a particular owner of "excess" lands seeking government reclamation to water them, the Chief Counsel told the Senate:

"He thinks if he can get water for ten years on there without having to sell it, he can make enough out of it so he can afford to sell the land at any old price." (Harry W. Horton, Chief Counsel, Imperial Irrigation District, Hearings before Senate Subcommittee on Irrigation and Reclamation, 85 Cong., 2 sess, on S. 1424, S. 2541, and S. 2442, 85, 89, 1958.)

In other words, as the Supreme Court pointed out, reclamation law deprives no one of his property, but only places a ceiling on his speculative gains from a public investment.

The Justice Department now faces the question: Will it now support the court's validation of residency by enforcing it? Will it oppose the decision, perhaps joining with absentee and corporate landowners? Will it leave the defense of the law to resident farmers and the landless?

As noted at the beginning of this letter, the Justice Department again has to decide within a limited time whether to appeal a Fresno federal district court decision that acreage limitation does not apply to giant landholdings in Tulare Lake Basin, California. (U.S. v. Tulare Lake Canal Company et al. In the Eastern District of California, No. 2483 Civil, Jan. 6, 1972.) In course of passage, the authorizing bill for the project was altered to assure application of reclamation law, and the Senator in charge of it gave this assurance on the Senate floor in response to questioning:

"The Senate amendment made not only the California projects, but all such projects subject to the irrigation law . . . As I stated a while ago, section 8 of the bill clearly places reclamation uses of waters from all projects authorized in this bill under the Secretary of the Interior, and under the applicable reclamation laws." (Conf. Rec., December 12, 1944, 9264.)

Will the Justice Department again abandon its own case and again leave it to family farmers and the landless to carry their own defense as best they can?

The founding fathers of reclamation were clear as to the purposes of the law. In 1902 Congressman (later Speaker) Oscar Underwood, of Alabama, threw Southern support behind the pending reclamation bill with these words:

"These lands are being opened to settlement for all the people, whether they now reside in the East, South, or West. The farm boys in the East want farms of their own. It gives them a place where they can go and build homes without being driven into the already overcrowded cities to seek employment . . . If this policy is not undertaken now, this great Western desert will ultimately be acquired by individuals and great corporations . . . They will acquire the waterways and water rights . . . and become land barons . . . I believe the passage of this bill is in the interest of the man who earns his bread by his daily toil." (S. Doc. 446, 376. Ser. 4249. 1902)

There are persons, of course, who take a less statesmanlike view of the relation of people to land. Complaining recently of the acreage limitation law, it was said that—

"Western United States have been forced to live under an archaic and ridiculous law, fostered by provincialism and eastern political jealousy, for over a hundred years and thereby subjugating economic realism to petty political tyranny . . . Is it really fair or just for nearly two-thirds of a geographic area in America to subject the Western third of the nation to a form of vassalage? Maybe this is what causes the seeds of a civil war." (Robert W. Long, Senior Vice President, Bank of America. Western Water News, September, 1969.)

This statement overlooks that the western waters belong for the most part to the nation, and that the East, Middle West and South largely finance and subsidize western reclamation.

In contrast, Republican President Theodore Roosevelt, who sponsored acreage limitation and signed the reclamation bill into law, later explained its purposes in statesmanlike words to the Commonwealth Club of California:

"Now I have struck the crux of my appeal (for the excess land law). I wish to save the very wealthy men of this country and their advocates and upholders from the ruin they would bring upon themselves if they were permitted to have their way. It is because I am against revolution; it is because I am against the doctrines of the Extremists, of the Socialists; it is because I wish to see this country of ours continued as a genuine democracy; it is because I distrust violence and disbelieve in it; it is because I wish to secure this country against ever seeing a time when the 'have-nots' shall rise against the 'haves'; it is because I wish to secure for our children and our grandchildren and for their children's children the same freedom of opportunity, the same peace and order and justice that we have had in the past." (7 Transactions of the Commonwealth Club 108.)

By what process does the Justice Department balance the weights of law, and of politics? Is law and order less necessary in the conduct of government bureaucracy than in the conduct of citizens on the streets?

Under your leadership what, if anything, will the Justice Department do:

1. To invalidate reclamation contracts on the Sacramento River negotiated under conditions of conflict of interest that have resulted both in failure to reimburse the Treasury for 19 years' use of project water and in wholesale violation of acreage limitation law?

2. To assure reclamation law's observance on the California State Water Project which, after Congress debated six days and refused to exempt from acreage limitation law, the bureaucracy exempted de facto anyway?

3. To assure law's observance by the bureaucracy when projects improve ground waters as well as surface waters?

4. To assure law's observance by the bureaucracy on the San Luis unit of Central Valley Project, where the Bureau of Reclamation began construction of a half billion dollar project when two-thirds of the lands to be served were legally ineligible to receive its benefits and continues construction while vast ineligibility continues?

5. To appeal a federal district judge's decision rejecting the government's contention that acreage limitation provisions of reclamation law apply to a federal project in California?

These questions of national policy—depending on how they are resolved—can have a significant impact on the taxes paid and the welfare burden borne by the 1.6 million AFL–CIO union members represented by this Federation. In view of this I would appreciate a reply to these questions at your earliest convenience.

Sincerely yours,

JOHN F. HENNING,
Executive Secretary-Treasurer.

SOLUTIONS TO METROPOLITAN TRANSIT

Mr. ALLOTT. Mr. President, I have commented on many occasions that genuine transit experts are few and far be-

tween in the United States. Newspapers and magazines have been filled with misleading and unrealistic articles proposing solutions to urban transit problems by nonexperts who would be wholly incapable of building or operating a transit system if they were ever called on to do so.

There is no question in my mind that our Nation's press would be far better advised to look toward Europe for real solutions to metropolitan transit than to rely on the advice of gimmick salesmen who picture the American commuter being whisked home in 4 minutes flat through a gravity tube.

Because there has been so little of a realistic nature written on the subject, I was particularly gratified to read a paper presented by Mr. Stewart F. Taylor at a transportation engineering conference in Seattle, Wash.

Mr. Taylor, a highly reputable consultant with the prestigious firm of Day and Zimmerman in Philadelphia, is respected for his brilliant study of medium density transportation systems in Europe and elsewhere.

His paper concludes, in part, by noting that—

> In spite of strenuous effort toward improving this country's mass transportation, it has long maintained a disturbing trend of passenger loss and obsolescence. In contrast, the transit industry throughout much of Europe has benefitted from extensive upgrading and modernization. One important mode involved in this process is the limited tramway. Through evolutionary development it has assumed a vital role in the transit scheme of dozens of cities.

This conclusion is certainly correct and, as Mr. Taylor notes, solutions of this type are applicable in the United States as well.

I was responsible for an amendment to the fiscal year 1971 appropriations bill which provided the first earmarked funds for the development of light rail in the United States by the Department of Transportation. Unfortunately, this program has not progressed as well as it might have. I am hopeful that all concerned officials at UMTA will read Mr. Taylor's paper and will make a greater effort to get the "light rail" program moving ahead.

I ask unanimous consent that Mr. Taylor's paper be printed in the RECORD.

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

THE LIMITED TRAMWAY

(By Stewart F. Taylor) [1]

(NOTE.—Plates referred to are not printed in the RECORD.)

INTRODUCTION

Urban mass transportation in the United States is, on the whole, in a physical and financial decline, and attempts by both conventional and advanced approaches have thus far largely failed to reverse the trend. Rapidly changing economic and sociological conditions which basically characterize American cities require that any new transportation technology have a considerable degree of flexibility both in its initial application and in future stages of development. A transit mode that has been widely adopted in Eastern and Western Europe, known as the "Limited Tramway," exhibits a sufficient measure of flexibility to meet this requirement. This paper will discuss the limited tramway's various characteristics of flexibility and demonstrate how these attributes qualify it as a candidate for extensive development in the United States.

THE GENERAL FAILURE TO REVITALIZE TRANSIT

Over the past decade this country has witnessed widespread research and development toward revitalizing urban mass transportation. Unfortunately these efforts have not been notably successful. Automobile usage continues to rise, and transit patronage remains in its relentless decline which began at the end of World War II. Private enterprise has largely abandoned the industry, and many systems are in serious financial difficulty. Hundreds of cities have seen transit completely disappear.

A principal reason for this condition is the general failure to apply technological improvements displaying a potential for practical, commercial success. Given the close interaction of urban functions such success must be measured by a full range of criteria: marketability, economic soundness and community acceptance. A brief review of major transit developments will indicate how one or more of these requirements have not been met.

The bus mode

With regard to the bus mode, vehicle technology has made significant strides—at least from the operator's viewpoint. Standardization has aided in holding down first costs, while increases in power plant efficiency have had a beneficial effect on fuel and maintenance expenses. For the passenger, dimensions have increased, ride qualities improved and air conditioning widely introduced. But in spite of these advancements the bus mode suffers from an increasingly crippling handicap: it must function on arteries shared by general traffic. Trip times are therefore lengthened, schedules less reliable and vehicles more crowded during the peak commuter hours when patronage reaches its highest levels. The end result is increasing public disaffection toward the bus mode.

Extensive publicity has been generated over the concept of exclusive or reserved lanes as a means for separating buses from traffic congestion. This technique was first utilized some thirty years ago and has merit in the line haul portion of bus operations where uninterrupted lanes can be barricaded for long distances. Its limited acceptance—in spite of widespread promotion—must be attributed to the political aspects of closing already scarce traffic arteries for limited utilization. Applying the concept in downtown areas is even more questionable where constant policing in every block would be essential.

Rapid transit

Another conventional approach to improved public transportation is rail rapid transit. Here, too, there has been little progress: only one totally new system has been completed in the last 35 years. Elaborate, intensively promoted proposals for such systems have been rejected by Atlanta, Los Angeles, Seattle (on two occasions) and San Francisco. A number of other cities developed costly plans which were shelved before they reached the referendum stage. Clearly the failure of community acceptance must be principally attributed to the high cost of these schemes. Los Angeles voters, for example were asked to commit themselves to a $2 billion program. The only two projects to reach construction stage—California's BART and Washington's Metro—have been plagued with unexpected cost escalation and tightening revenue sources.

More advanced concepts

In the more revolutionary realm of improved transportation the record is equally poor. Scores of concepts have been trumpeted over the last decade, but not one has been successfully carried forward into sustained, commercial transit service. Technological feasibility aside, the recurring roadblocks have been questionable economics and the absence of community acceptance. Radically new systems will undoubtedly find their way into urban life, but the adoption of the untried will be slow. Meanwhile the deterioration of public transportation goes on.

EUROPEAN DEVELOPMENTS AND THE LIMITED TRAMWAY

In contrast to discouraging trends in the United States, urban transit throughout most of continental Europe exhibits popularity and vitality. A prime cause of this is the strong financial participation by national governments in the modernization of local systems. This brings about the accomplishment of costly improvements which are so urgently required in most large cities yet are beyond local funding capability.

A notable aspect of European developments is the widespread adoption of new technology. For example, in the bus field a refreshing variety of attractive and efficient designs has been brought about by a common effort to match vehicle configuration and performance to specific service requirements. High capacity rapid transit is in operation or under construction in at least 20 cities of Eastern and Western Europe in contrast with only seven metropolitan areas in the United States. Another transit mode that has been largely ignored by this country is the limited tramway. This technology has many similarities to conventional rapid transit but falls short of the latter in speed and capacity. On the other hand, it uniquely combines certain characteristics of flexibility which make it a logical candidate for application in America.

Limited tramway vehicles are electrically powered and operate singly or in trains on steel, dual-rail tracks. System flexibility can be found in the following aspects: 1) route location; 2) engineering; 3) operations; 4) system function; and 5) technological improvement. Each will be briefly considered.

(1) Route location

Tramway power collection is usually effectuated by vehicle contact with a suspended overhead wire as opposed to a ground mounted third rail. This feature, together with somewhat lower maximum speeds (approximately 50 mph vs 75 mph), permits a much wide selection of route sites than is possible for both rail modes to be underground—a location that is prohibitively expensive for the limited capacity bus. Beyond the core area land values make tunneling economically unsound for all modes. However, the twin dangers of high speed and exposed power conductors require rapid transit surface rights-of-way to be heavily protected from intrusion. This limits their location to aerial structures, freeway medians or completely separate routes usually in wide cuts or fills. On the other hand, the tramway can also be situated in boulevard medians or shared rights-of-way such as railroads or high voltage power transmission lines. The wide variety of route location and environment can be seen in Plates 1 through 6, which depict current European practices.

The less obtrusive characteristics of the tramway also enable it to be brought to the surface a shorter radial distance from the urban core area. The significance of this is that capital construction costs of subways are at least ten times greater than those of surface lines. Under some circumstances tramway routing will require street crossings at grade which introduces the possibility of traffic interference and schedule disruption.

[1] Project Manager—Transportation, Day & Zimmerman Consulting Services, Philadelphia, Pennsylvania 19103.

It has been found, however, that operating performance is far superior to general rush hour traffic and not appreciably less than the more costly rapid transit mode.

(2) *Engineering*

Flexibility is also inherent in engineering aspects of the limited tramway. Route segments can be planned to meet particular speed requirements, passenger volumes, and general traffic and land use conditions obtaining at the inauguration of service. For example, in early years of service these factors could call for surface operation with few protective devices, so that such route segments could be constructed at minimum capital costs far less than high capacity rapid transit. The likelihood of community support for at least a nucleus of marketable transit service would therefore be strengthened. Then with the onset of higher area population densities, greater traffic volumes and heavier passenger loadings, these same segments could be upgraded first by short sections of tunnel under critical intersections and then by longer, continuous subway lines under entire sections of the city. This staged approach would likewise result in a more acceptable burden to local taxpayers, and each incremental improvement would further enhance preexisting service.

Flexibility is also possible in station planning. During early years of operation less costly low platform structures would be appropriate at certain suburban stations, while high loading points—such as in the Central Business District—would require higher platforms to facilitate shorter dwell times. A mix of the two types of stations within the same system is a frequent aspect of the tramway mode. At each station, vehicle-mounted devices expose the appropriate number of steps to match platform height. Then, as with route configuration, individual station platforms could be altered in subsequent years as loading volumes warranted.

(3) *Operations*

The mass transportation of passengers in an urban environment falls into three processes: 1) collection in the origin area, 2) line haul from origin area to destination, and 3) distribution in the destination area. The bus mode can perform all three, but under current conditions of rush hour congestion it is most successful in the peripheral collection or distribution process. In contrast, rapid transit is usually relied upon to perform the line haul operation because of its higher speed, greater station spacing and limited coverage. These two modes complement each other in the total movement of travelers, but inherent in this arrangement is the necessity for at least one mode transfer.

The limited tramway, on the other hand, is capable of operating effectively in a system which provides all three services. Because of lower unit costs, described above, more extensive geographical coverage can be achieved with a given amount of capital. For example, more diverging branch lines can be constructed for use by vehicles in the collection role. These cars can then operate at relatively high speeds on separated, "trunk line" routes to the destination zone—the Central Business District on an inbound move—where close station spacing provides for convenient distribution. The necessity for passenger transfer is thereby materially reduced. The importance of this virtue can be found in a recent federally sponsored consumer survey where no mid-journey transferring was the third (out of 32) characteristic most desired by urban travelers. An outstanding example of this operational flexibility of the limited tramway can be found in Cologne, Germany (population 1,400,000), where upon scheduled completion of a downtown subway network, buses will operate on only one street through the core area of approximately 1.7 square miles. Sixty-six per cent of the present 186-mile tramway network lies in reserved rights-of-way, and 15 per cent will ultimately be located underground.

Another aspect of tramway operational flexibility is the practice of coupling two or more self-powered vehicles together in trains to meet varying load demands. Total capacity of 500 passengers (seated and standing) is not unusual, and such trains are operated with a single employee. With the incessant rise in labor costs, the inability of the bus to be utilized in this manner will be an increasingly serious drawback in the years ahead.

On at least one tramway system the advantages of branch line collection/distribution and multiple-unit operation are effectively combined. In Gothenburg, Sweden at a point where a trunk line splits into two routes, a second operator comes aboard an outbound train and takes control of the transportation. The two sections quickly and unobtrusively uncouple from each other and proceed along their divergent tracks. They are scheduled to go to the junction simultaneously where they are hooked together for transportation into the city. The second operator leaves his car to wait for his train for a repetition of the procedure. Coupling and uncoupling are handled from the operator's compartment.

(4) *System function*

Flexibility of the limited tramway is further demonstrated in the variety of transportation roles it can fulfill. In some cities it serves as lateral feeder to high capacity, radial rapid transit. On the other hand, a new line which was opened in the past two years can only be characterized a high speed trunk line. The initial segment is 5.1 miles long and there is only one intermediate station. Four-car trains of conventional equipment make the run in exactly ten minutes.

In other areas where population centers are closely spaced the tramway performs an intercity transportation role. In the Ruhr District of Germany, for example, limited tramway systems now in operation will form the basis for an eventual 130-mile high speed network linking such important industrial cities as Dusseldorf, Essen and Dortmund. Finally, the tramway mode can serve as the backbone of all urban transportation in providing a full range of integrated services. The previously described Cologne system is an example of this, where buses will eventually be assigned to largely peripheral feeder functions.

(5) *Technological improvement*

Figure 1, above, indicates that line capacity of the limited tramway, as expressed in passengers per hour per direction, is less than half that of rapid transit. It is significant to note, however, that a recent analysis of transportation problems in urban areas indicated that the peak hour volume of commuters moving by all public and private modes in a single traffic corridor exceeded the figure of 20,000 in only five United States cities, all of which have high capacity rapid transit systems either in operation or under construction.

On the other hand, demographic projections indicate a national trend toward conglomeration in urban areas, while recent developments point to intense residential and commercial concentration in corridors served by attractive mass transportation. It would therefore be sound from both engineering and urban planning viewpoints to be able to apply appropriate technology which would increase the speed and capacity of a transit mode. European developments indicate that the limited tramway provides this wherewithal. In many cities it is only a preliminary step toward the implementation of high performance rapid transit. Permanent way structures, such as track, tunnels and stations, are constructed of a design to ultimately serve as maximum capacity facilities merely by the introduction of larger and faster rolling stock. Devices such as centralized, automated train monitoring and control are added in a building block pattern.

Because the limited tramway is appropriate to so many situations it has been developed in at least 36 cities throughout Europe. Thousands of vehicles are now in service. This fact supports the likelihood of continued technological improvement, as the cost of this effort can be spread over a high volume of future production.

CONCLUSION

In spite of strenuous effort toward improving this country's mass transportation, it has long maintained a disturbing trend of passenger loss and obsolescence. In contrast, the transit industry throughout much of Europe has benefitted from extensive upgrading and modernization. One important mode involved in this process is the limited tramway. Through evolutionary development it has assumed a vital role in the transit scheme of dozens of cities. Because of the varied and continuously changing requirements of public transportation, the unique features of flexibility displayed by the limited tramway have been a key to its popularity. These same characteristics appear to have application in the United States for more effectively solving near-term transportation problems in a wide range of urban environments.

FREEDOM OF INFORMATION IS DIFFICULT AT HUD

Mr. EAGLETON. Mr. President, this week the House began a long series of hearings into the administration and effectiveness of the Freedom of Information Act of 1967. Members of Congress, present and former government officials, and legal experts are testifying on the operation of the law and proposed amendments to improve it.

These hearings are quite timely because, after 5 years, it is plain that the Freedom of Information Act needs patching up. The public's right to know is being frustrated constantly in defiance of a clear congressional mandate to make government records available.

A recent effort by the St. Louis Globe-Democrat to obtain information contained in records of the Department of Housing and Urban Development was a classic example of bureaucratic resistance and frustration of the public's right to know.

A several-months-long investigation by two Globe reporters was made even more tedious by HUD-created delay and overly involved procedures.

When Globe reporters sought information on FHA mortgages, they found that HUD's system for identifying records was extremely complicated. Once the reporters identified the records, they found the system for retrieving information from those records was even more complicated. Because the St. Louis files are stored in HUD's Washington office, the reporters were forced to come to Washington. When they asked for the names of the appraisers who work in the St. Louis office of HUD, they were told there would be a delay in making the decision. The decision has not yet been made.

When the Globe made a formal request to the Washington office of HUD for the names of appraisers who appraised spe-

cific properties, the request was formally denied. The reason? The names were said to be "interagency memorandums," and were matters "which would constitute a clearly unwarranted invasion of personal privacy."

"Inter-agency memorandums" and "invasions of personal privacy" are, of course, listed as exceptions under the Freedom of Information Act of 1967. The established policy of the executive branch has been to interpret these exceptions as broadly as possible, as I believe to be the case in regard to the Globe's request. Given the already overbroad language of the exceptions in the statute, that covers a lot of ground.

Passed by a unanimous Congress over the strenuous objections of President Johnson, the Freedom of Information Act placed government studies, memos, and reports within the public domain, providing that any person may have access to them. If any agency denies a request for information, the citizen can take his case to court where the burden is on the agency to justify its refusal.

Unfortunately, while the letter of the law was changed in 1967, the spirit of the bureaucrat remains the same. His ingenuity in circumventing the Freedom of Information Act has been noteworthy—high fees for searching out and duplicating documents, long delays, and a knack for mingling information accessible under the Freedom of Information Act with material falling among its exceptions—and then claiming that the whole file is classified or that separating the data will be too time consuming.

Here, for example, is what the Globe's investigative reporters, Bob Teuscher and Harry Wilson, found in the case of FHA mortgage insurance records:

The only means of locating a file is by case number—there are no records by name of mortgagor or specific property. A person interested in the history of a specific property must locate the owner and determine the case number from the owner's records before he can pursue the case with FHA. When the number of properties reaches into the hundreds, the task becomes almost overwhelming.

Once the case numbers are determined, the investigator must make an appointment in Washington to study those files. When a case is closed in the local office, the relevant folder is shipped to Washington, and so the expense of a cross-country trip is added to the agency's per-hour rate for disclosing and duplicating material under Department regulations. Agency personnel, acting in effect as babysitters, read out specific information from the files in response to specific questions rather than allowing the investigators to look at the records—adding the cost of their labor to the mounting bill.

HUD's refusal to link individual appraisers to the specific properties they appraised was contained in a letter to the Globe dated February 23, 1972, from George Hipps, director of the Single Family and Land Development Division of HUD in Washington.

"A determination has been made pursuant to the regulations," he wrote, "that there is a need in the public interest to withhold such information."

To the contrary, I believe the public interest requires that such information be made public. Under the act, as currently interpreted, the only recourse is to seek court action to compel HUD to release the names of appraisers and specific properties they appraised. Suits are now pending and on appeal to force HUD to release the names in Pennsylvania and Tennessee.

For those who cannot afford the costs of litigation, their frustration and growing mistrust of the Government grows. I believe the act should allow the disclosure of the information sought by the Globe. If the courts interpret the law to mean that it need not be disclosed, then the law should be changed. Should that be the case, I intend to submit an amendment to the law to allow the names of the appraisers to be linked with the specific properties they appraised when the legislation now being considered in the House reaches the Senate.

Hopefully, Congress will begin to fight back more forcefully in the coming months. Congress can strengthen the mandate of the act by clarifying its language and speeding up the process of disclosure. The press, however, has a major responsibility in this area. The press is the conduit through which information, if it flows at all, flows to the average citizen. It is critical to all of us that the press continue to dig as hard as it can to get as much information as possible. It is also important that Congress take steps to make that digging process—as it applies to Government records—less costly and time consuming.

At the heart of the matter is accountability. As citizens of a free Nation we cannot allow Government officials to operate in the shadows, keeping from our view everything except what they want us to know—and what we find out despite them.

Government officials must be made to recognize that the refusal to inform the public fully breeds a mistrust of the Government far greater than the risk of any disclosure they may seek to prevent.

S. 3311—THE PUBLIC SERVICE EMPLOYMENT ACT OF 1972: NATION'S MAYORS CALL FOR 1 MILLION NEW PUBLIC SERVICE JOBS

Mr. CRANSTON. Mr. President, yesterday I introduced, with the cosponsorship of 15 other Senators, S. 3311, a bill to provide public service employment opportunities for unemployed and underemployed persons, and to assist State and local communities in providing needed public services. Joining me as the principal cosponsor of this vitally important measure was the Senator from Minnesota (Mr. MONDALE). The other 14 cosponsors were: the chairman of the Labor and Public Welfare Committee, the Senator from New Jersey (Mr. WILLIAMS); the chairman of the Subcommittee on Employment, Manpower, and Poverty, of the Labor and Public Welfare Committee, the Senator from Wisconsin (Mr. NELSON); and Mr. BURDICK; Mr. HARRIS; Mr. HART; Mr. HARTKE; Mr. HUGHES; Mr. HUMPHREY; Mr. KENNEDY; Mr. MCGOVERN; Mr. MUSKIE; Mr. PELL; Mr. RANDOLPH; and Mr. TUNNEY.

My bill would provide funds for more than 1.15 million jobs for unemployed and underemployed Americans in the first full year of operation. It would authorize $3 billion this fiscal year, $7 billion in fiscal 1973, and $10 billion in succeeding fiscal years for a continuing program of public service employment. In areas of especially high unemployment, it would authorize funds for a new special employment and economic development program—SEED—for economic development coordinated with public service employment to help these areas become more economically self-sufficient.

In addition, S. 3311 would give priority for hiring under this program to Vietnam era veterans. Persons on welfare, aerospace workers, older persons, the poor, persons of limited English-speaking ability, and migrants would also be insured a fair share of the available jobs.

Mr. President, this morning at the Employment, Manpower and Poverty Subcommittee hearings on manpower and public service employment legislation, chaired by the distinguished Senator from Wisconsin (Mr. NELSON), I listened with great interest to each mayor call for an expanded and permanent public service jobs program like that I introduced yesterday.

These witnesses, Mr. President, were members of the Legislative Action Committee of the U.S. Conference of Mayors/National League of Cities, which called for the creation of 1 million public service jobs. They included my old and good friend Mayor Norman Mineta of San Jose, Calif.; Mayor Lee Alexander of Syracuse, N.Y.; Mayor John Driggs of Phoenix, Ariz.; Mayor Kenneth Gibson of Newark, N.J.; Mayor Roman Gribbs of Detroit, Mich.; and Mayor Wesley C. Uhlman of Seattle, Wash. In addition, Mayor Richard J. Daley of Chicago and Mayor Henry W. Maier of Milwaukee submitted written testimony for the record.

I ask unanimous consent to have printed in the RECORD those excerpts from the testimony of these distinguished gentlemen dealing with the need for a broadened, permanent, public service employment program. Their testimony underscores my remarks yesterday citing the crucial need for such a program.

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

MAYOR WESLEY C. UHLMAN, SEATTLE, WASH.

I am Wesley Uhlman, Mayor of Seattle, Washington. The Mayors before you today are members of the Legislative Action Committee of the United States Conference of Mayors. A little over one year ago this committee appeared before you urging the passage of the Emergency Employment Act of 1971. For over five years Public Service Employment, the creation of one million public service jobs, has been and still is a priority goal of the U.S. Conference of Mayors. Our appearance in February 1971 was the first step toward the passage of legislation pro-

viding for a viable public service employment program. For your determined efforts and your leadership, Mr. Chairman, we express the appreciation of the Mayors throughout America. But more important, we appear here today as representatives of the thousands of previously unemployed who are now working in cities throughout America. And even more important, we express on behalf of those workers, their deepest appreciation.

The stark truth, however, is that in the nation's cities there are today thousands and literally millions who are without jobs—without a decent wage and in many cases, without an opportunity to provide a livelihood for his or her family. It is for those "forgotten Americans" that we appear here today. One year later, we come here again to say that we must not stop. We cannot tolerate a condition in this country which precludes the opportunity for jobs to millions of Americans now crying out for work. Jobs must be created. The Emergency Employment Act must be expanded. As we have said so many times before, each day passes and we see a shortage of vital services within our cities. We at the local level also witness daily the frustration of our citizens who cannot find meaningful employment. It only makes sense, Mr. Chairman, to match the shortage of vital services with the shortage of vital jobs and, therefore, result in thousands of our citizens working in suitable jobs making a meaningful contribution by providing vital city services in communities throughout our land.

We, the nation's Mayors, refuse to accept a national unemployment rate of 6.0 per cent. As those officials closest to the people, we cannot accept an unemployment rate for black youths in our urban poverty areas which stands at 38 per cent for the annual average in 1971.

Neither can we accept an unemployment average for 1971 for overall youth at 21.7 per cent. We estimate that of the more than 21 million 16 to 21 year olds in the country, 3.5 million will be looking for and unable to find work this summer. And to make the situation more critical, because of financial crises, schools will be closed earlier this year in many cities. These figures are bleak, but we do not lose hope. Indeed, Mr. Chairman, that is the very reason we appear here today—to give you our view of what must be done to develop our greatest natural resource, our people.

* * * * *

JOB CREATION

The primary need, therefore, in manpower programming today is clearly job creation. In the past we have attempted to answer this need by categorical training programs. These, however, have not responded as well as we had hoped. The problem lies in our inability to forecast adequately the availability of jobs, the fluctuation of the job market or the types of people who become unemployed. This makes the rapid readjustment of resources from one program to another impossible. I suggest we can overcome those problems by allocating more resources to job creation and giving local government the responsibility to devise programs that will respond to fluctuations in the economy. The Public Employment Program (PEP) is an excellent example of a good program designed and implemented by local government.

Mr. Chairman, since this program is both immediate in its impact and flexible enough to be adapted to local needs, it is clearly one of the most important pieces of legislation in several decades.

When the Emergency Employment Act was being discussed before Congress recruitment would exclude minorities, returning Viet Nam veterans, and the disadvantaged. These predictions have been clearly demonstrated to be unfounded. For example, in the Seattle area we have provided jobs for 3,658 unemployed people, 1,049 of them in the city. Twenty-four per cent of these people are minorities—24%, although minorities are only 12% of the city's population. Thirty-five per cent are Viet Nam era veterans, over 11% are disadvantaged. Equally significant is a report from our office of Human Resources which shows that through the PEP program we have been able to accomplish long overdue modifications of outdated and absurd civil service requirements which have affected nearly 200 jobs.

The effects of these changes will be to make these positions available to disadvantaged and minorities who have long been excluded by arbitrary Civil Service requirements. The ability to read and write has been waived for many jobs; high school graduation or GED requirements have been deleted for many more. In other job categories we have been able to change the requirements so that we can substitute experience for education. Changes in height, age or other standards have been implemented to broaden the eligible population and remove discriminatory requirements. This has been accomplished even though all PEP positions are under Civil Service.

The severe national and local unemployment, coupled with unmet public service needs, creates an unique opportunity for job creation. The success of the Emergency Employment Act, and the growth of local governmental competence brought about by EEA planning and implementation have paved the way for greater effort in this field. In fact, the opportunities for constructive employment provided by this program have followed in the best traditions of our society which extols the person who works and contributes to a better community. A Federal commitment to meet public service needs through job creation can go even further in reducing the ancillary social and economic costs of severe unemployment.

* * * * *

Again, Mr. Chairman, we urge an expansion of the Emergency Employment Act, creating more public service jobs for the unemployed in our cities.

We the nation's Mayors stand ready to assist you in any way during your deliberations on manpower legislation. We, too, pledge our joint efforts toward our common goal: The opportunity for a decent job for every American.

MAYOR NORMAN MINETA, SAN JOSE, CALIF.

First, I want to say a few things about public service employment.

San Jose is the fourth largest city in the State of California. With a population of 481,000 it is the central city of Santa Clara County whose total population is over one million. Our county's urban area is 25th among the nation's most populous urbanized areas. Approximately 30 percent of our city's population is composed of racial and ethnic minorities, with a large percentage of these being welfare recipients in urgent need of manpower training and employment.

The majority of new jobs created in our County during the past two decades have been in aerospace and aerospace-related activities. Therefore, when the nation experienced the cutback in the aerospace industry, Santa Clara County experienced a loss of over 5,000 jobs in 1971. This factor, plus some curtailment of our fruit canning industry, produced our unacceptably high unemployment which averaged between 6 and 8 percent in 1970 and the greater part of 1971.

At the same time the City Government, because of lack of sufficient operating funds, was forced to make $2,000,000 in budget cuts for the 1972 fiscal year. In terms of personnel this meant we had to eliminate 186 positions from our budget. Ordinarily this would have resulted in the loss of urgently needed city services for our already economically damaged community. However, the $2,937,000 in assistance we received from the Emergency Employment Act allowed the City to hire 313 residents to perform these vital services and other services which we would not have otherwise been able to provide to our residents. Further, many of the employees we have hired have been residents of our Model Cities area. They account for approximately $463,000 of the wages that the PEP hirees receive. Thus, through the infusion of this new take-home pay, the PEP program is helping us bring about the improvement of this area of our city.

The second point I wish to make concerns the triggering mechanism for the present Section 6 funds.

There would have been an even quicker impact on our employment situation in San Jose if the triggering mechanism of Section 6, which provides additional funds for areas where the unemployment rate is 6 percent or greater for three consecutive months, had been incorporated into Section 5. By staggering the funds into Section 5 and 6, the effect on our City's delivery of services was also staggered. It woud have been far better if we could have received the total allocation as a single sum, which would have enabled us to develop a total overall program. As it was we planned our program on the basis of a firm figure received from Section 5, and a guestimate of what we would get from Section 6.

* * * * *

MAYOR ROMAN S. GIBBS, DETROIT, MICH.

The EEA program recently allowed us to hire 1,687 city employees . . . to perform valuable city services. Another 1,555 jobs were administered through the City . . . and placed in Detroit public schools.

These positions allowed the City and the school system to provide many of the basic and much-needed public services . . . we could not supply before.

For example: These new jobs enabled the City to open library branches at expanded hours . . . we hired 241 patrolman trainees who will hopefully graduate to our police acedemy . . . we assigned 150 new employees to our Health Department, and they are performing such tasks as administering vision and hearing tests to children in our schools . . . and combatting the ever-increasing level of lead poisoning afflicting young children in the inner city.

We hired 171 new bus drivers . . . we reopened all galleries of our fine art museum through the addition of new musuem guards . . . and the schools are deriving the benefits of hiring new teachers, teacher's aides, clerks and maintenance workers.

These additions to city services are obviously valuable and needed. But let me tell you why they are critically useful to the city of Detroit . . . at this time in the city's history.

Detroit, like many other American cities, is suffering the dual crises . . . of fiscal and unemployment problems.

Let me detail . . . the score of Detroit's unemployment problem . . . and the damaging effect . . . the city's fiscal difficulties have had in this most crucial area.

The fact is . . . that Detroit averaged an unemployment rate of 10.8 percent . . . for all of 1971. And in the inner city . . . there was 20 percent unemployment . . . one of every five potential workers without a job. These are devestating figures. They are crippling to a city . . . and a people . . . reaching for social stability . . . after a period of turmoil.

Yet . . . pressing financial difficulties in Detroit . . . have compounded this grave problem.

Last month . . . to effect a partial reduction on an estimated $30 million budget deficit . . . the city had to lay off 717 employees

. . . and eliminate 790 full and part time jobs which will not be filled.

The EEA help, therefore, has been invaluable. It has allowed us to rehire some of those workers we were forced to lay off. However, I have one serious reservation about the EEA program.

* * * * *

EEA has already helped tremendously. But there are still many essential services that we cannot fully provide . . . many needs we cannot meet . . . because of our financial crisis.

Further programs and grants are needed—to staff our police force . . . to increase our desperately needed drug treatment programs . . . to further our efforts in the field of health . . . the provide adequate recreation and help for our very young . . . and our very old.

We are struggling in Detroit . . . we are struggling for survival . . . we are striving for growth. And our efforts . . . are on behalf of a million and a half people . . . many of them elderly . . . many of them unemployed . . . many of them poor.

I maintain that the struggle can be won. I truly believe this . . . and it will happen if we will combine our efforts now . . . at this historically crucial time for Detroit and so many other cities.

MAYOR LEE ALEXANDER, SYRACUSE, N.Y.

What we call programs too often prove to be little more than gestures. My city receives Emergency Employment Act funding, for example. Three hundred jobs have been created for one year with $2.5 million in Federal funds. But, there were more than 4,000 applications for these jobs as soon as they were announced.

* * * * *

Fifth, expansion of public sector employment. This means recognition that funding public sector jobs most become a permanent element in the employment equation. It is apparent that the private sector cannot realistically be expected to absorb the available manpower.

At the same time, cities are becoming less able to provide basic services. By funding public sector employment we accomplish two things: First, we provide jobs for those who would not otherwise have them. And second, we help the cities to provide those services which, obviously, cannot be provided without human beings.

* * * * *

MAYOR KENNETH A. GIBSON, NEWARK, N.J.

Unemployment and underemployment are critical factors which affect not only the social and economic life of the city, but also the cost and delivery of its public services. The incidents of welfare assistance, which a city must provide, is closely correlated to the rise and fall of local unemployment. The education system must be made to respond to the changing needs of the job market for skills and training. Public health facilities must be expanded to provide satisfactory medical care for those who cannot afford to pay for it themselves. Where expectations for secure employment are low, crime and drug abuse are high. I could draw further connections, but the point is clear—a Mayor must give careful attention to manpower policies because employment conditions effect many, perhaps all of the services for which he is responsible.

Both unemployment and underemployment in most big cities are devastating problems.

* * * * *

More recently, the passage of the Emergency Employment Act has begun to create necessary public service jobs for the unemployed. I think that all Mayors can applaud these legislative accomplishments, but we would say to you that much more must be done. The Emergency Employment Act has created a very valuable program. Sections 5 and 6 have provided Newark with $6.5 million; another $2.3 million has been received for the city's welfare demonstration project. These funds have provided jobs and career training for over 1,000 men and women. But the program is a temporary one and there are still many, many people who have neither jobs nor hope of obtaining them.

* * * * *

MAYOR JOHN D. DRIGGS, PHOENIX, ARIZ.

As stated, an increase in the availability of general funds to augment manpower services in Phoenix is essential to a healthy community, especially monies to aid in serving the disadvantaged who make up 30% of those in need of employment assistance. In addition, the Federal government should include in new legislation a permanent trigger mechanism similar to that of the Emergency Employment Act, whereby monies would be automatically available for public service employment during periods of moderate recession. Paralleling this, a special fund should also be established to aid specific areas suffering from particularly severe rates of unemployment due to peculiar regional economic problems.

In support of the effectiveness of this triggering mechanism as a concept which should be utilized in future comprehensive manpower legislation to aid in stabilizing economic growth, I cite the successes of the Public Employment Program (EEA) in Phoenix. Additional to the obvious effect of offering employment to the unemployed and underemployed thereby decreasing the rate of unemployment, the City of Phoenix was able to: (1) provide better services to the community, (2) offer meaningful work experience and training to the hardcore unemployed, (3) objectively examine personnel procedures and the problems they present to those seeking initial work experience, and (4) increase minority hiring.

If enacted and funded, a comprehensive manpower bill of the nature outlined above (containing prime sponsorship, decategorization, decentralization, and a permanent triggering mechanism) can help Phoenix and many other cities overcome three of our most pressing problems—jobs for the underemployed and unemployed, adequate City services for the community, and sustained economic growth.

MAYOR HENRY W. MAIER, MILWAUKEE, WIS.

The thrust of my statement will center on the Emergency Employment Act and the need to enlarge and make permanent this highly successful vehicle for providing employment opportunities in the public service.

The first point that I would like to make is that in Milwaukee, the Emergency Employment Program has met the aims embodied in the original legislation.

It has provided meaningful employment opportunities for the unemployed

It has provided the manpower necessary to aid our City in accomplishing a number of tasks which could not have otherwise been undertaken due to the fiscal straightjacket which binds Milwaukee as well as her sister central cities

It has provided job opportunities for those segments of the labor market which have been hit hard by our recent economic downturn

It has given at least a ray of hope to those which continue to find themselves outside of the economic mainstream of American life

Over 70% of Emergency Employment Act jobs created in Milwaukee have gone to veterans.

Over 45% of Emergency Employment Act jobs created in Milwaukee have gone to minority group members.

Emergency Employment Program participants are actively at work today in Milwaukee contributing to an improved quality of life in their community. Jobs created under the program represent a wide variety of public service areas.

People are hard at work on projects improving the quality of our environment. They are hard at work on projects aimed at improving the quality of public health and safety. They are hard at work in a number of vital public service areas where our needs far exceed our meager resources.

While I am pleased with the success of Milwaukee's initial experience with the Emergency Employment Act, I would strongly urge that the program be placed on a permanent basis as quickly as possible. If cities are to design, implement and coordinate public employment programs with maximum efficiency, the program must be removed from the temporary restrictions contained in the original legislation.

As well, to effectively meet the problems of unemployment and growing needs of our cities, the Emergency Employment Act should be expanded to provide a greater impact on the dual goals of full employment and an improved quality of life in our nation's cities.

MAYOR RICHARD J. DALEY, CHICAGO, ILL.

Although my chief interest is, of course, with the City of Chicago, I know that the Mayors of all large cities are extremely concerned about the persistent problem of unemployment and the role of local government in doing something about it. As you know, people look to local government for solutions to a wide range of problems that affect their lives. This is true in the areas of health, public safety, transportation, education and, of course, employment. Thus, by the very nature of our system, local officials are expected to respond when tens of thousands of men and women are out of work. Whether the Mayor of a large city wants this role or not, it is his.

And make no mistake, it is within our nation's large cities that the major impact of manpower legislation will be felt. This is where the bulk of the unemployed and the disadvantaged are concentrated. Because of this, we in the nation's large cities are constantly aware of the urgent nature of this problem. I want to share my experiences, insights and opinions with you concerning the deployment of federal manpower resources in urban areas. And I want to urge you to give serious consideration to increasing the ability of Mayors to respond the voices of the unemployed who expect our help.

PUBLIC SERVICE EMPLOYMENT

To begin, I believe that priority should be given to the creation of a *permanent* public employment program to offset long-term, chronic unemployment among older workers, the disadvantaged, minority groups in the nation's large cities. The Emergency Employment Act of 1971 has demonstrated that the public sector can successfully utilize manpower from the vast pool of the unemployment to deliver high quality government services. At the present time, the unemployment roles contain technicians and engineers, temporarily displaced by shifts in the economy, and others who, under "normal" conditions, would be gainfully employed. We are all confident that in time these "temporarily unemployed" people will be back on the job. But the bulk of the unemployed, even today, consists of those people who lack skills, education, experience or opportunity and who are permanently underemployed if not unemployed. I suggest that the time has come for Congress to take a major step toward solving the problem of persistent unemployment by providing federally-funded jobs in local government for those who cannot be absorbed by private industry even

in the best of times. I see no other way for government to ensure a stable family life for the disadvantaged while, at the same time, enabling the cities to provide desperately needed services.

One year ago, when I appeared before this Committee to urge passage of the Emergency Employment Act of 1971, I asked that you give serious consideration to this problem of chronic unemployment. I noted at the time that there are regional and local pockets of unemployment regardless of national or even regional economic conditions. Figures released only last Friday underscore the fact that a downward turn in unemployment nationally may not be felt in a particular locality or even in an entire state. In fact, as the national picture brightens, some areas experience even greater joblessness. The seasonally adjusted rates for February, 1972 show that while national unemployment declined .2% from the January level, the unemployment rate actually went up .3% for the State of Illinois and .4% for the Chicago area. Last year I suggested that an attack on joblessness triggered by a national unemployment rate of 4.5 percent would fail to aid older workers, minorities, non-English speaking and others who, to be frank, live their entire lives in a state of economic depression. The Congress then incorporated Section Six into the Emergency Employment Act, thus establishing a special fund to assist those special pockets of poverty. The wisdom of this decision has been borne out by the ability of local government to utilize the otherwise "permanently unemployed" to provide high quality services in education, health, sanitation, recreation, etc. The success of the Emergency Employment Act of 1971 has proven, I believe, that public service employment is a concept whose time has come. Now local government must be given adequate financial resources to extend its benefits to even more people.

ADDITIONAL MATERIALS OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Mr. BAKER. Mr. President, on February 28 I made a statement concerning the United Nations Conference on the Human Environment scheduled for Stockholm in June of this year. I indicated that the Secretary of State's Advisory Committee, of which I am chairman, would have additional materials available for public comment.

In keeping with our national policy of an open and free government, I am pleased to call to the attention of Members of Congress and the interested public the following materials which have been made available for public comment by the Advisory Committee with the cooperation of the Department of State:

First. Draft conventions on endangered species and a world heritage trust in the form of working papers being considered, and subject to amendment, by interested Government agencies.

Second. The United Nations Intergovernmental Working Group on Conservation draft convention on conserving certain islands for science.

Third. The Convention on Conservation of Wetlands as approved by the Final Act at Ramsar, Iran.

Fourth. A statement of guiding principles on the international economic aspects of environmental policies supported by the United States and under consideration by the Organization for Economic Cooperation and Development.

Fifth. A brief statement of the U.S. objectives for the Conference.

Sixth. A copy of the Convention for the Conservation of Antarctic Seals including the U.S. addendum.

I ask unanimous consent that the materials outlined above be printed in the RECORD.

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

SECRETARY'S ADVISORY COMMITTEE ON THE 1972 UNITED NATIONS CONFERENCE OF THE HUMAN ENVIRONMENT,

March 6, 1972.

DEAR SIR: Enclosed are materials concerning subjects related to the Stockholm Conference which should be considered in addition to the issue papers you received previously from the Secretary of State's Advisory Committee. These materials deal with conventions; international trade and economic policy positions, and objectives for the Conference.

The Action Plan for the Stockholm Conference includes recommendations relative to proposed conventions on (a) The Export, Import and Transit of Certain Species of Wild Animals and Plants; (b) Islands for Science; (c) Conservation of the World Heritage; (d) Wetlands, and (e) Ocean Dumping. The U.S. is developing its positions on the above and in so doing is taking into consideration comments made by the Advisory Committee on the IUCN drafts ((a)–(d)) circulated in November, 1971. The conference on endangered species has had to be postponed, although the U.S. hopes strongly that it can be held during 1972, and interested agencies in the U.S. are developing a proposed draft convention. It is still in the form of a working paper that is being considered and may be amended by interested U.S. Government agencies. It is attached (still without appendices) for your information, but as a preliminary draft not ready for publication (Enclosure A). The attached draft convention on the World Heritage Trust should also be considered as tentative and not ready for publication (Enclosure B).

A draft position concerning an ocean dumping treaty is being developed and should be available for comment in the near future.

The proposal for a convention on Islands for Science is still being considered in the form of the United Nations Intergovernmental Working Group on Conservation draft (Enclosure C).

Also enclosed is the Convention on Conservation of Wetlands approved at Ramsar, Iran. The U.S., while it favors a convention on this subject, would have liked to see stronger provisions in some respects and is determining the action it would take should this Convention be opened for signature at Stockholm (Enclosure D).

The United States has taken the view that due to the composition of the participating countries and the nature of the Stockholm Conference, the Conference is not an appropriate forum in which to deal with trade problems arising from environmental control measures. With regard to the international economic aspects of environmental policies, a statement of guiding principles supported by the United States and under consideration by the Organization for Economic Co-operation and Development (OECD) is enclosed (Enclosure E).

A brief statement of United States objectives for the Conference is also enclosed for your information (Enclosure F).

Your attention is directed to the fact that the International Whaling Commission, of which the United States is a member, is meeting shortly after the Stockholm Conference. A major issue in this connection is illustrated by the recommendations passed by the Senate and the House in 1971 calling for a moratorium on the taking of whales.

Finally, for your information and consideration, a copy of the Convention for the Conservation of Antarctic Seals, together with the United States' addendum is enclosed (Enclosure G). This convention will be open for signature at London June 1 to December 31, 1972.

You are invited to testify on any of these matters at any of the hearings scheduled. It should be noted, however, that we will need any written comments by March 24, 1972, in order to give them appropriate consideration prior to presentation of the Advisory Committee's report to the Secretary of State which is scheduled for April 21, 1972.

All comments should be addressed to Richard A. Hellman, Executive Director, Secretary's Advisory Committee, Department of State, Room 6807, Washington, D.C. 20520. Phone: (202) 632–8932.

Sincerely,

RICHARD A. HELLMAN,
Executive Director.

[ENCLOSURE A]

CONVENTION ON THE EXPORT, IMPORT, AND TRANSIT OF CERTAIN SPECIES OF WILD ANIMALS AND PLANTS

The Contracting States,

Recognizing that the animal and plant wildlife of the earth in its many beautiful and varied forms is an irreplaceable part of the life-sustaining ecology of the earth which must be protected for this and the generations to come;

Conscious of the ever-growing value of certain species of animal and plant wildlife from a cultural, aesthetic, nutritional, scientific and economic point of view;

Recognizing a need to undertake separate and joint action for the conservation, restoration, and rational utilization of certain species of animal and plant wildlife both within national boundaries and in the high seas by encouraging, establishing, and maintaining measures to accomplish these purposes for an optimum sustained yield result;

Recognizing that the people within the sovereign nations are and should be the best protectors of that wildlife which occurs within their own national borders, such wildlife being precious to them most particularly;

Recognizing that the adoption of national measures of control of hunting, killing, capture or collection of certain species is essential to their adequate protection;

Recognizing, however, that each nation requires the cooperation of importing nations in policing its exports of wildlife and in protecting its wildlife from excessive commercial use in international trade;

Recognizing also that a further important measure for ensuring such protection is the regulation and control of the export, import, and transit of specimens of these species;

Conscious of the urgency of taking such measures without delay with respect to these species;

Have agreed as follows:

Comment: The second and third preambular paragraphs are new. The second paragraph of the January 11 preamble has been deleted.

ARTICLE I

Definitions

For the purpose of this Convention:

(a) "Species" means a subspecies as well as a species;

(b) "Specimen" means any representative, dead or alive, of a species of wild animal or plant included in Appendices I, II or III or any part of a specimen or any one of its products, except seeds, and shall also include any article or substance containing such parts or products or which has been fabricated or manufactured from them, except an

article of clothing or jewelry being used by a private person for his personal needs which is not for resale;

(c) "Scientific purpose" includes in the case of species listed in Appendices II and III, educational, research, and propagative purposes, but does not include import or export for the principal purpose of public exhibition; but in the case of Appendix I species means only the purposes of restoration of the species and human health research.

(d) "Mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen or product of specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible;

(e) "Scientific authorities" means the national scientific authorities to be designated by each Contracting State in accordance with Article VIII;

(f) "Management authority" means the authorities within a Contracting State which issue and receive Import and Export Permits and which supervise the implementation of this Convention within that State;

(g) "Rescue centers" means the facilities or areas available to Contracting States where living animal specimens, having been found to be illegally removed from their native habitat, may be held in accordance with Article IX;

(h) "Origin" means, in connection with a State, the State of birth or germination or the State in which removal from the wild occurred.

Comment: Definitions (a) and (b) in the January 11 draft have been combined. It has been suggested that new definition (b) should exclude cultivated plants (but see revised Articles III and V). Definition (c) is altered. A definition of "Management Authority" (competent authority) has been added. Definition (h) is new.

ARTICLE II

Fundamental principles

1. In order to facilitate the protection of certain species of plants and animals identified in Appendices I, II, and III, the Contracting States shall permit the export, import, and transit of specimens only in accordance with the provisions of this Convention.

2. Appendix I shall include all species threatened with extinction, the export, import and transit of which must be subject to particularly strict regulation in order to ensure their survival and must be authorized only in exceptional circumstances.

3. Appendix II shall include all species which are not yet threatened with extinction but the export, import and transit of which must be subject to control in order to avoid undue exploitation incompatible with their survival.

4. Appendix III shall include all species identified by a Contracting State as being subject in territories under its jurisdiction to regulation for the purpose of preventing or restricting commercial exploitation which, if undeterred, would threaten the species with undue depletion or with danger of extinction within such territories.

5. Appendix IV includes all species included in Appendices I and II, which are inhabitants of the high seas during all or a portion of their lives.

Comment: The last phrase of paragraph 2 is new. It has been suggested that States be required to adopt international standards for the taking possession, import or export of Appendix IV species and on humane shipment of living specimens. It has also been suggested that Appendix II species be listed in Appendix I and that Appendix II then be omitted. It has also been suggested that the criterion of disappearance from a significant part of habitat be written into Appendix II as an expansion of its scope.

ARTICLE III

Export of specimens

1. The export of specimens shall not be permitted except:

(a) where export is to a destination in a Contracting State; and

(b) upon presentation of a valid Export Permit granted in accordance with Article IV.

2. Notwithstanding the provisions of paragraph 1 of this Article, a Contracting State may permit exportation of specimens to a State not a party of this Convention:

(a) if the specimen has been bred in captivity or cultivated; or

(b) if the export is for a scientific purpose; and

(c) upon presentation of an Export Permit, granted in accordance with Article IV, which states that the importation of the specimen will be in accordance with the laws of the non-Contracting State.

Comment: Paragraph 2 is altered substantively to provide for export of non-wild specimens to non-Contracting States. It is argued that prohibiting the export of cultivated specimens to non-Contracting States would violate MFN provisions of the GATT since it would not be within the conservation exception.

ARTICLE IV

Export permits

1. Export Permits referred to in the preceding Article may only be granted:

(a) after proof of the lawful nature of the killing, capture or collection of the specimen has been provided, or

(b) if the exporter proves that the specimen is or derives from an animal bred in captivity or a cultivated plant, or

(c) where a specimen is being re-exported, after proof of the lawful import has been provided, or

(d) if a specimen is being exported to be returned to its place of origin or to be sent to a rescue center in accordance with the provisions of Article IX.

Notwithstanding any other provision of this Article, no Export Permit shall be granted for the shipment of a living animal specimen unless the exporter also makes satisfactory proof that the specimen will be shipped in a humane fashion.

2. In addition, where a species is listed in Appendix I, an Export Permit may only be granted:

(a) where the specimen is to be exported for scientific purposes;

(b) with the assent of the Scientific Authority of the issuing State which shall place its stamp on the permit as evidence of its determination that the export is for scientific purposes; and

(c) on condition that the number of the appropriate Import Permit referred to in Article VI has been communicated beforehand to the Management Authority issuing the Export Permit.

3. Such Export Permits shall be valid only if they conform to the model set out in Appendix V and if they are issued by the Management Authority of the Contracting State and on behalf of that State. If the original language of an Export Permit is neither English, Spanish, nor French, it shall be accompanied by a translation into one of those languages. Each Contracting State shall communicate to the Depositary Government the name and address of the Management Authority competent to issue Export Permits in that State. A separate export permit shall be required for each shipment of specimens, provided that if at any point the shipment is divided into two or more separate shipments, duplicates of the original permit certified by the authority issuing the original permit must accompany each such subshipment.

4. The description of the specimen given in the Export Permit shall enable the specimen in question to be distinguished by species and subspecies, and, whenever appropriate and feasible, a mark shall be used in conjunction with the description to identify the specimen. Each Export Permit shall bear an export control number assigned by the issuing Management Authority.

Comment: It has been suggested that requirements for export and re-export be separated and that all functions relating to permits be confined to one Authority. Paragraph 5 has been deleted (See Article XII). The last sentence of paragraph 4 is new.

ARTICLE V

Import of specimens

1. The importation of specimens shall not be permitted except:

(a) when importation is from a provenance in a Contracting State;

(b) upon presentation of a valid Export Permit granted in accordance with Article IV; and

(c) where a species is listed in Appendix I, upon presentation of a valid Import Permit granted in accordance with the following Article.

When these conditions are fulfilled, the Management Authority of the importing State shall where appropriate and feasible affix a further mark upon the specimen denoting such fulfillment. When entry into the importing State is permitted in accordance with the foregoing, a copy of the Export Permit which covers the shipment shall be retained, cancelled, and filed by the Management Authority for reference in the event of subsequent re-export, or for other purposes.

2. Notwithstanding the provisions of paragraph 1 of this Article, a Contracting State may permit importation from a State not a party to this Convention of specimens whose origin is in such State:

(a) if the specimen has been bred in captivity or cultivated, unless a specimen is or derives from a species listed in Appendix I;

(b) if the import is for a scientific purpose; and

(c) if the export was in accordance with the laws of the non-Contracting State.

3. Notwithstanding the provisions of paragraph 1, a Contracting State may permit the introduction of specimens listed in Appendix IV into territories under its jurisdiction without the presentation of an Export permit provided:

(a) the specimen was taken in the high seas and has not been introduced into a place under the jurisdiction of another State; and

(b) in the case of a species listed in Appendix I, upon presentation of a valid Import Permit granted in accordance with Article VI; and

(c) in the case of a species listed in Appendix II, upon making a record, which shall be publicly available, of the number or volume of specimens introduced.

Comment: The last sentence of paragraph 1 is new. Paragraph 2 has been revised similarly to paragraph 2 of Article III. Paragraph 3 is new.

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ARTICLE VII

Transit and exhibitions

1. The provisions of this Article shall apply notwithstanding the provisions of Article III and of paragraph 1 of Article V.

2. Provided that the conditions of import of Article V are fulfilled for importation into the Contracting State to which a specimen is consigned, no further permits or restrictions shall be required or imposed in respect of that specimen whilst in transit within that State. No endorsement or clearance of Export Permits may be required by a Contracting State as to any shipment of specimens which

pass through that Contracting State in bond or in transshipment without entry.

3. A specimen being transported as the property of a circus, menagerie, or other traveling exhibition may be exported or imported without permits provided that the exporter or importer is able to provide proof to the Management Authority of the Contracting State that the animal was acquired before this Convention came into force or in accordance with the provisions of this Convention after that date.

Comment: The last sentence of paragraph 2 expands on the material deleted. Paragraph 3 contains a new provision that proof be made to the Management Authority.

ARTICLE VIII

Scientific authorities

1. Each Contracting State shall designate a national Scientific Authority responsible for ruling on requests for the import or export of specimens listed in Appendix I and for import or export of specimens from or to non-Contracting States for scientific purposes. The Scientific Authority shall approve requests before it only when it considers that the import or export in question is for scientific purposes and will not be detrimental to the survival of the species concerned. Before ruling on the requests before it, the Scientific Authority may, whenever it thinks it desirable, seek the advice of the Council.

2. The Contracting States shall communicate to the Secretariat the name and address of the Scientific Authorities thus designated.

Comment: The import and export of specimens to or from non-Contracting States for scientific purposes has been added to the matters ruled on. The basis for ruling has been re-stated.

ARTICLE VII BIS

(a) At the time of the deposit of an instrument of ratification or accession of this Convention, each Contracting State may convey to the Depositary Government, and, after this Convention enters into force, to the Secretariat, a list of species which is subject to regulation in territories under its jurisdiction for the purpose mentioned in paragraph 4 of Article II. Such list shall be deemed to be incorporated in this Convention as part of Appendix III. The list shall include the scientific and common names of each species, together with the best available description or key to identification of each species. A revised list may be submitted by January 1 of each year to the Depositary Government, or the Secretariat, as the case may be. The Depositary Government or the Secretariat shall transmit copies of the original and revised lists to all Contracting States.

(b) With respect to species listed only in Appendix III, the requirements of Article III and of paragraph 1 of Article V shall apply only to those specimens exported from the Contracting State adding the species to Appendix III.

ARTICLE IX

National measures

1. The Contracting States shall take the necessary legislative measures:

(a) to prohibit and penalize any export, import or transport, or attempted export, import or transport of specimens in violation of the provisions of this Convention;

(b) to prohibit and penalize the possession of specimens imported in violation of the provisions of this Convention and in particular to prevent the exhibition and offering for sale of the specimens in question; and

(c) to provide for the confiscation of the specimens referred to in subparagraphs (a) and (b) above.

2. The Contracting States shall take steps to ensure that the measures called for under this Convention are implemented by persons possessing the appropriate qualifications, zoological or botanical as the case may be. In particular, import and export authorities shall be instructed concerning the names and appearances of species listed in the Appendices and the laws of Contracting States regarding species listed in Appendix III. In this regard Contracting States may seek the assistance of Scientific Authorities and the Council.

3. As far as possible Contracting States shall ensure that the clearance of specimens through any formalities required on export, import or transit is carried out with the minimum of delay, and to facilitate such clearance a Contracting State may designate ports of exit and ports of entry at which specimens must be presented for clearance.

4. A Contracting State may issue certificates of origin or other documents, or institute a registration system to aid in meeting the requirements for export or import permits, or to aid in the identification of specimens and plants or animals and parts or products thereof which are not specimens.

5. Where a living specimen has been confiscated, it shall be entrusted to the Management Authority of the State concerned, which shall return the specimen to its place of origin, or, should this prove impracticable or likely to endanger the animal's survival, send it to a rescue center or to such other place as the Management Authority thinks appropriate.

6. In order to facilitate the choice of the measures referred to in the preceding paragraph, and the choice of a rescue center, or other appropriate place, the Management Authority shall obtain the advice of a Scientific Authority and shall whenever it thinks it desirable, consult the Council referred to in Article XI.

7. Each Contracting State shall take the necessary and appropriate measures to control the taking or collecting of specimens, and to undertake and encourage national land use planning which avoids unnecessary destruction of the habitat of threatened or endangered plants or animals.

8. At the time this Convention enters into force for each Contracting State, it shall forward to the Council a true copy of all national laws and regulations applicable to species listed in Appendix III, together with such explanations or interpretations as the Council may seek. Amendments to such laws and regulations shall be reported to the Council as they are adopted.

9. Each Contracting State shall report to the Council on the implementation of this Convention in its territories prior to each regular meeting of the Assembly.

Comment: It has been suggested that paragraph 1 contain an explicit requirement that States impose the burden of proof on persons claiming that a representative of a species is not a specimen or that it was acquired before the Convention came into force, that States provide certificates of origin for specimens, and that they penalize shipment not meeting humane standards set by the Council.

The 2nd paragraph has been expanded. The deletion of paragraph 4 has been suggested.

The replacement of paragraph 5 with another paragraph specifying more specific means of disposal and differentiating among the Appendices has been suggested.

Paragraphs 8 and 9 are new.

ARTICLE IX BIS

1. There is hereby established an Endangered Species Protection Organization (hereinafter referred to as the "Organization") which shall consist of an Assembly, a Secretariat headed by a Director, and in accordance with the provisions of Article XI, a Council. The headquarters of the organization shall be in

2. The Organization shall have legal personality and may sue and be sued. The legal representative of the Organization shall be the Director.

3. The Organization, its assets, income, including contributions, and other property shall enjoy in all Contracting States exemption from all direct taxation.

4. Within six months after the date of entry into force of this Convention, the Organization and the Government of the State in which the headquarters is located shall conclude an agreement relating to such other privileges, immunities and exemptions as may be appropriate for the proper function of the Organization.

Comment: It continues to be suggested that the IUCN be the Secretariat.

It has been suggested that the Organization should have an independent scientific advisory committee.

ARTICLE X

Assembly

1. The Assembly shall consist of one representative of each Contracting State and shall meet in regular session each two years. The first meeting shall be convened by the Depositary Government within three months of the date on which this Convention enters into force. A special session may be convened if one-third of the Contracting States so request or if requested by the Council in accord with Article XIV.

2. The Assembly shall review the operation of this Convention and make recommendations for improving its efficiency. It shall examine the report presented to it by the Council, together with any matters which the Council or a Contracting State shall have brought to its notice. The Assembly shall exercise such powers as are conferred upon it under any Article of this Convention.

3. The Assembly shall appoint the Director of the Secretariat, make provision for the appointment by the Director of such other Secretariat personnel as may be necessary, and determine the terms and conditions of service of the Director and other personnel.

4. Until the establishment of the Council pursuant to Article XI, the Assembly shall exercise all powers and duties given to the Council.

5. The Assembly shall establish its own rules of procedure, which shall be consistent with the provisions of this Convention, and shall elect a Chairman and such other officers as it deems advisable to serve for terms specified in the rules of procedure. The terms of office shall be no longer than the election of their successors at the second regular session of the Assembly after the election of the incumbent officers. Incumbent officers may be re-elected. The Assembly may establish any temporary or subsidiary body it considers necessary.

6. Decisions of the Assembly shall be taken by simple majority of those present and voting, each representative having one vote. A quorum of the Assembly in meeting shall consist of representatives equal in number to a majority of Contracting States.

7. Unless invited to meet elsewhere by a Contracting State or an international organization, the Assembly shall meet at the headquarters of the Organization.

Comment: The first paragraph has been changed to provide for regular sessions and to delete the provision for work by correspondence.

The last sentence of paragraph 5 has been deleted.

The last sentence of paragraph 6 has been deleted.

ARTICLE XI

The Council

1. At its first meeting after the number of Contracting States exceeds fifteen, the Assembly shall establish a Council consisting of not more than fifteen members who shall be representative of Contracting States having special competence in matters pertaining to this Convention. The number of representatives of Contracting States members of the Council may at any time be in-

creased by a decision of the Assembly, provided that the number shall not exceed thirty. In electing members of the Council, the Assembly shall endeavor to secure an equitable geographical distribution of the Contracting States.

2. The term of office of a member of the Council shall be two years. A member shall be eligible for re-election.

3. The Council shall elect a Chairman and such other officers as it deems advisable. The Council shall adopt its own rules or procedure consistent with the provisions of this Convention, and may establish any temporary or subsidiary body it considers necessary. Decisions of the Council shall be taken by a simple majority of members of the Council, each member casting one vote. A quorum of the Council in meeting shall consist of two-thirds of the members. The Council shall decide the date and place of its meetings. It may vote by correspondence, but shall meet at least annually. Any Contracting State not represented on the Council may send an observer to attend its meetings.

Comment: It has been suggested that in paragraph 1, scientific and medical research be mentioned as an element of special competence.

Paragraph 2 has been revised.

ARTICLE XII

Functions of the Council

1. The Council may carry out or cause to be carried out whatever scientific and technical studies it considers necessary including studies requested by the Assembly consistent with the purposes of this Convention. In particular, the Council shall have the following functions:

(a) To study the advisability of adding species to or deleting species from those listed in Appendices I, II, and IV and to suggest to the Contracting States any amendments to these Appendices, in accordance with the provisions of Article XXIII. In so doing, the Council will base its recommendations on special scientific studies it has available, the best existing world scientific data on the species being considered and upon the lists of endangered species or subspecies drawn up by the International Union for Conservation of Nature and Natural Resources and other organizations concerned.

(b) To provide the Contracting States with copies of all scientific and technical studies carried out by or at the request of the Council and all other scientific and technical information necessary or useful for the proper implementation of this Convention, especially on the means of identifying specimens. In particular, the Council may identify subspecies which are difficult to distinguish from the species of which they are a part, and recommend, where appropriate, that the entire species be listed in an Appendix;

(c) To recommend, where appropriate, that Contracting States terminate the export and import of species listed in Appendix I for the purpose of human health research;

(d) To study and recommend appropriate standards of humane packaging and shipment of specimens for adoption by the Contracting States;

(e) The Council shall publish a compilation of Appendix III species including their scientific and common names and the names of Contracting States submitting the name of each species. The publication shall be revised as required to be kept current and shall be furnished to each Contracting State in English, Spanish, or French as each Contracting State may request. The publication of Appendix III species including their national laws and a list of the nations or regions to which each species listed in the Appendices is indigenous.

(f) The Council shall perform such other functions as are given to it under this Convention and such other duties as it may be authorized to perform by the Assembly consistent with the provisions of this Convention.

2. (a) The Council shall review information supplied by the Contracting States on the implementation of this Convention in their territories, including legislative and other measures taken, the numbers of Import and Export Permits issued in respect of specimens and products of specimens, enforcement proceedings instituted and such other information as may be relevant. In addition, the Council may request such further information from Contracting States regarding Permits issued and legislative and other measures taken to implement this Convention as it considers necessary.

(b) The Council may make such comments and suggestions as it considers appropriate on the information referred to in the preceding paragraph, to the State concerned and to regular or special meetings of the Assembly.

(c) The Council shall present at each regular meeting of the Assembly a report on the implementation of this Convention.

(d) The Council shall consider and approve or disapprove budget estimates and financial statements submitted to it by the Director and forward budget estimates to the Assembly for examination and final approval.

Comment: The last sentence of paragraph 1(b) and subparagraphs (c) and (d) of paragraph 1 are new. Paragraph (e) is new and former paragraph (e) has been redesignated (f).

ARTICLE XIII

Secretariat

1. The Secretariat shall assist the Assembly and the Council in the discharge of their duties and functions and shall perform such other functions as are assigned to it by this Convention.

2. The chief administrative officer of the Secretariat shall be the Director who shall:

(a) appoint the personnel required for the administration of the Organization;

(b) take all appropriate measures with a view to the proper administration of the Organization's assets;

(c) receive such voluntary contributions as may be made to the Organization;

(d) prepare financial statements and budget estimates for each financial period of the Organization for submission to the Council;

(e) collect payment from Contracting States of their respective shares of the budget;

(f) assist the Council in the preparation of the report referred to in Article XII;

(g) prepare, collect and circulate the papers, documents, agenda, minutes and information that may be required for the work of the Assembly, the Council, and temporary or subsidiary bodies; and (h) perform such other duties as are assigned to him by the provisions of this Convention or the decision of the Assembly and Council consistent therewith.

3. In the performance of their duties, the Director and the Secretariat shall not seek or receive instructions from any Government or authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Contratcing State undertakes to respect the exclusively international character of the responsibilities of the Director and Secretariat and to refrain from seeking to influence them in the discharge of their duties.

4. The Director, with the advise of the Council and the approval of the Assembly, may make such arrangements with any interested international or private organization for use of staff and facilities as will reduce the administrative costs of the Organization.

ARTICLE XIII BIS

Finances

1. Each Contracting State shall bear the salary, travel and other expenses of its representatives to the Assembly and the Council and of its representatives on temporary and subsidiary bodies.

2. The Assembly shall establish a financial period not to exceed two years, and shall approve the budget for that period. The budget, to the extent not met by voluntary contributions from governmental and non-governmental sources, shall be financed by the contributions of the Contracting States according to a method of apportionment determined by the Assembly, provided that the portion of no Contracting State shall be greater than ten percent of the portion of the budget financed by contributions, other than voluntary contributions, of the Contracting States.

3. The Director shall submit budget estimates to the Council at least three months before the appropriate meeting of the Council. The Council shall examine the estimates and shall recommend the budget to the Assembly for final examination and approval. The budget as recommended by the Council shall be sent to Contracting States at least three months before the appropriate meeting of the Assembly.

ARTICLE XIV

Implementation

1. The Contracting States agree to supply to the Council and to each other, information on the implementation of this Convention in their territories including legislative and other measures taken, the numbers of Import and Export Permits issued in respect of specimens, enforcement proceedings instituted and such other information as may be relevant. The Contracting States shall cooperate in providing scientific and technical information requested by the Council or by the Assembly.

2. If, in the light of information it possesses, the Council has reason to believe that any of the provisions of this Convention are not being observed by one or more of the Contracting States, or that the conservation of one or more species listed in the Appendices I and II of this Convention is endangered by the issuance of an excessive number of Export Permits, the Council shall consult with the Contracting State concerned with a view to clarifying and rectifying the situation. The Council shall report on the consultations to the next meeting of the Assembly. If the Council so decides, and the Contracting State concerned consents, the Council may conduct an inquiry on the territory of the Contracting State. The inquiry shall be carried out by one or several persons appointed by the Council with concurrence of, and in cooperation with, the authorities of the State concerned.

3. If the Council and the Contracting State concerned fail to reach agreement on details of the inquiry within four months from the closing of the meeting at which the inquiry was approved by the Council, the Council shall notify the other Contracting States and may bring the matter before the next regular meeting of the Assembly or may request that a special meeting of the Assembly be convened. The Assembly shall then consider the matter and may decide to recommend that all Contracting States cease the export, import and transit of specimens to or from the Contracting State in question.

4. When it appears, as a result of an inquiry as provided for in paragraph 1, that the Contracting State is not observing a provision of this Convention, the Council shall draw the attention of that Contracting State to this non-observance and shall consult with it with a view to remedying the situa-

tion. The Contracting State shall then take measures to rectify the situation and provide information thereon to the Council.

5. If the Council decides that the measures taken in the preceding paragraph are not adequate to meet the provisions of this Convention and if a provision or provisions of this Convention are not observed, and the breach thereof is serious and repeated, the Council shall notify the other Contracting States and may bring the matter before the next regular meeting of the Assembly or may request that a special meeting of the Assembly be convened. The Assembly shall then consider the matter and may recommend specific measures to the Contracting State in question. If such a Contracting State does not agree to implement such recommendations within one year's time from the closing date of that meeting, the Assembly may recommend that all Contracting States suspend the export, import and transit of specimens to or from the Contracting State in question until that Contracting State observes the terms of this Convention.

6. When it appears, in the light of the consultation or inquiry or information in possession of the Council that it is necessary to restrict or prohibit the export of specimens of certain species listed in Appendix I or II from a certain Contracting State, the Council shall submit the recommendation to an annual meeting of the Assembly for its approval. Should the Contracting State to which an approved recommendation is addressed not put it into effect, the Council shall notify the other Contracting States and may bring the matter before the next regular meeting of the Assembly or may request that a special meeting of the Assembly be convened. The Assembly shall then consider the matter and may decide to recommend to all Contracting States that they cease importing from the Contracting State in question specimens of one or more species referred to in the recommendations of the Council.

Comment: In paragraph 2, the prerequisite of a State's consent to an inquiry on its territory has been made explicit.

ARTICLE XV

Effect on national legislation and international conventions

1. The provisions of this Convention shall in no way affect the right of Contracting States to adopt:

(a) stricter measures regarding the conditions for the export, import,taking, possession, and transport of specimens or the complete prohibition thereof;

(b) measures restricting or prohibiting the import, export, taking, possession, or transport of species or subspecies not listed in Appendices I, II or III of this Convention.

2. The provisions of this Convention shall in no way affect the provisions of any national measures or the obligations deriving from any convention concerning other aspects of the export, import, taking, possession, or transport of specimens which may subsequently enter into force in the Contracting States, including, in particular, but without limitation, any measure pertaining to the customs, public health, veterinary or plant quarantine fields.

Comment: This Article has been altered in an attempt to clarify it.

ARTICLE XVI

Signature

This Convention shall be open for signature at _____ from _____ until _____ It shall be open for signature by all State members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or party to the Statute of the International Court of Justice.

ARTICLE XVII

Ratification

This Convention shall be subject to ratification. Instruments of ratification shall be deposited with the Government of _____ which shall be the Depositary Government.

ARTICLE XVIII

Accession

This Convention shall be open for accession by any States belonging to any of the categories mentioned in Article XVI. Instruments of accession shall be deposited with the Depositary Government.

ARTICLE XIX

Designations

The designations of the competent authorities referred to in Article IV and VI and of the Scientific Authorities referred to in Article VIII, shall be communicated to the Depositary Government at the same time as the instruments of ratification or accession are deposited.

ARTICLE XX

Territorial application

1. This Convention shall apply, in respect of any Contracting State, to the territories for the international relations of which that State is responsible.

2. A Contracting State may declare that the provisions of this Convention shall not apply to one or more of the territories for the international relations of which that State is responsible, and shall notify the Depositary Government accordingly. Such declaration may be made at the time of signing, ratifying or acceding to this Convention or at any time thereafter; in the latter case the declaration shall come into force four months after notification to the Depositary Government.

3. Any Contracting State making a declaration under this Article may revoke that declaration. Such revocation shall come into force four months after notification to the Depositary Government.

4. Notwithstanding the provisions of paragraph 1 of this Article, this Convention shall not apply to the area to which the provisions of the Antarctic Treaty apply. Permits under this Convention shall not be required in respect to specimens originating in that area, but the Contracting States agree, in connection with such specimens, to abide by the various measures agreed by the Contracting Parties to the Antarctic Treaty.

ARTICLE XXI

Entry into force

1. This Convention shall come into force four months after the date of the deposit of the tenth instrument of ratification or accession with the Depositary Government.

2. For each State which ratifies this Convention or acedes thereto after the deposit of the tenth instrument of ratification or accession, the Convention shall come into force four months after the deposit by such a State of its instrument of ratification or accession.

ARTICLE XXII

Reservations

The provisions of this Convention shall not permit of reservations.

ARTICLE XXIII

Amendments to Appendices I and II

1. The Council may, on its own initiative or at the request of one or more Contracting States, propose amendments to Appendices I, II and IV.

2. Proposed amendments shall be communicated to the Contracting States by the Secretariat. They shall be considered accepted and shall enter into force for all Contracting States six months after the date on which notification of the proposals is made to them by the Secretariat.

3. However, should a Contracting State notify the Secretariat of an objection during the period of six months referred to in the preceding paragraph, the entry into force of the amendment shall be suspended until four months from the date of the notification to the other Contracting States by the Secretariat of the presentation of the objection.

4. Upon the expiry of the four months period of suspension referred to in the preceding paragraph, the proposed amendment shall come into force for all the Contracting States which shall not have raised an objection. However, if objections have been raised by the majority of the Contracting States, the amendment shall not come into force.

5. Any Contracting State that has raised an objection may withdraw the objection at any time and if the amendment in question is then in force it shall come into force for that Contracting State immediately, but if at that time the entry into force of the amendment in question is suspended, it shall enter into force pursuant to paragraph 4. Withdrawal of objections after a four months period of suspension shall not result in the entry into force of an amendment not otherwise entering into force pursuant to paragraph 4.

ARTICLE XXIV

Amendments to Appendix IV

1. On its own initiative or upon the request of one or more Contracting States, the Council shall submit to the Contracting States any proposed amendment to Appendix V. This proposal shall be communicated to the Contracting States by the Secretariat.

2. The amendment shall come into force for all Contracting States three months after notification from the Depositary Government of its acceptance by a majority of the Contracting States.

ARTICLE XXV

Revision

1. After the expiration of a period of three years from the date on which this Convention comes into force, a proposal may be made for its revision by any Contracting State or by the Council. This proposal shall be communicated to the Contracting States by the Secretariat.

2. Any such proposal shall be considered by the next Assembly which may recommend that a Conference of Contracting States be convened at an appropriate time and place with a view to examining the proposal.

3. At the request of one-third of the Contracting States, the Secretariat shall take action leading to the convening of a Conference of Contracting States at a time and place to be proposed by the States making the request.

ARTICLE XXVI

Denunciation

Any Contracting State may denounce this Convention by written notification to the Depositary Government. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

ARTICLE XXVII

Depositary

1. In addition to other depositary functions specifically set forth herein, the Depositary Government shall inform all signatory and acceding States of signatures, deposits of instruments of ratification or accession, entry into force of the Convention, notifications of denunciation, dates of entry into force of amendments of the Appendices, names and addresses of the Scientific Authorities designated by Contracting States pursuant to Article VIII, and names and addresses of the competent authorities communicated pursuant to Articles IV and VI.

2. As soon as this Convention enters into force, a certified true copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

ARTICLE XXVIII

The original of this Convention, in the English, Spanish and French languages, each version being equally authentic, shall be de-

posited with the Depositary Government, which shall transmit duly certified copies thereof to all Contracting States.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention.

Further Comment: The following rearrangement of Articles XVI through XXVIII has been suggested by the State Department's Treaty Office. For convenience, the rearrangement has not been made pending inter-agency agreement on a draft.

The Appendices are not included in this revision.

(NOTE.—(a) indicates new number; (b) indicates present number.)

(a) Article XVI, (b) Article XX—Territorial Application.

(a) Article XVII, (b) Article XXIII—Amendments to Appendices I and II.

(a) Article XVIII, (b) Article XXIV—Amendments to Appendix IV.

(a) Article XIX, (b) Article XXV—Revision.

(a) Article XX, Article XXII—Reservations.

(a) Article XXI, (b) Article XXVI—Denunciation.

(a) Article XXII, (b) Article XVI— Signature.

(a) Article XXIII, (b) Article XVII—Ratification.

(a) Article XXIV, (b) Article XVIII—Accession.

(a) Article XXV, (b) Article XIX—Designations.

(a) Article XXVI, (b) Article XXI—Entry into Force.

(a) Article XXVII, (b) Article XXVII—Depositary.

(a) Article XXVIII, (b) Article XXVIII—Final Provision.

WORLD HERITAGE TRUST CONVENTION CONCERNING THE PRESERVATION AND PROTECTION OF NATURAL AREAS AND CULTURAL SITES OF UNIVERSAL VALUE

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from ———, 1972, at its seventeenth session,

Noting that certain areas and sites throughout the world are of exceptional interest and of universal natural or cultural significance,

Noting, that such areas and sites are part of the heritage of all mankind and hence should be preserved for the benefit of all mankind,

Recognizing that the natural and cultural heritage of the world is threatened with damage or destruction by changing social and economic conditions as well as by natural causes.

Considering that the deterioration or disappearance of any significant cultural site or natural area constitutes an impoverishment of the heritage of all nations of the world,

Considering that it is for mankind as a whole to ensure the preservation and protection of natural areas and cultural sites of universal value,

Recognizing, however, that national measures to preserve and protect this heritage are often inadequate due to the costs of such preservation and to insufficient available economic, scientific and technical resources,

Considering that international assistance to complement national measures to preserve and protect this heritage may often be in the interest of all mankind,

Recalling UNESCO's Constitution which stipulates in Article I, paragraph (c), that "the Organization will maintain, increase and diffuse knowledge; by assuring the conservation and protection of the world's inheritance of books, works of art and monuments of history and science, and recommending to the nations concerned the necessary international conventions,"

Considering that there is now urgent need for the adoption of an international convention establishing an effective and permanent system of registering and preserving natural areas and cultural sites of universal value,

Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts this ——— day of ———, 1972, the Convention:

I. DEFINITIONS

Article 1

For the purposes of this Convention, the following shall be considered as:

(a) *"Natural Areas"*—land areas, including internal waters, of outstanding universal value, including unique or otherwise significant geology, physiography, flora or fauna, important examples of natural ecosystems of special interest to science, natural landscapes or seascapes of great beauty, and areas of importance to wildlife conservation, education, and recreation;

(b) *"Cultural Sites"*—sites which are of outstanding universal value because they reflect a significant event or stage in the development of world civilization, including sites of major anthrological, archeological, architectural, or historic importance;

(c) *"World Heritage Register"*—a list of natural areas and cultural sites as defined above and considered by the Board of the World Heritage Trust to have outstanding significance for the heritage of all mankind and hence to merit international recognition and measures of preservation and protection;

(d) *"Parties"*—those States which are parties of this Convention.

Article 2

For the purposes of this Convention, international preservation and protection of natural areas and cultural sites means the establishment of a permanent system of international cooperative efforts to indentify, protect, and preserve these areas and sites.

II. WORLD HERITAGE TRUST COMMITTEE FOR THE PRESERVATION AND PROTECTION OF NATURAL AREAS AND CULTURAL SITES OF UNIVERSAL VALUE

Article 3

(a) There is hereby established with the United Nations Educational, Scientific and Cultural Organization the World Heritage Committee for the Preservation and Protection of Natural Areas and Cultural Sites of Universal Value, hereinafter called "the Committee," which shall be composed of one representative of each State Party to this Convention.

(b) The first meeting of the Committee shall take place during the first ordinary session of the UNESCO General Conference after this Convention enters into force. Thereafter the Committee shall meet regularly at least every two years during the ordinary session of the General Conference of UNESCO, or with 90 days' notice upon call of the Director-General. Extraordinary sessions may be convened at any time with 90 days' notice upon request of at least one-third of the Parties or upon request of the Board.

(c) The Committee shall establish its own Rules of Procedure and shall elect a President and such other officers as it deems advisable. Each officer shall serve for a length of time designated in the Rules of Procedure but no term of office shall extend for more than four years. Each term of office shall begin at the end of the session of the Committee during which the election for that office was held, and shall end with the commencement of the next succeeding term. Incumbent officers may be reelected.

(d) Decisions of the Committee shall be made by affirmative vote of a simple majority of those present and voting, each representative having one vote. No decision shall be valid unless a quorum equal to a simple majority of the Parties to this Convention is present and voting.

(e) The Committee shall meet at the headquarters of UNESCO unless a majority of the members of the Committee decide to meet elsewhere.

(f) The Committee shall elect the World Heritage Board, hereinafter called "the Board," which shall be composed of 15 State Parties to the Convention. In electing the Board the Committee will be guided primarily by three criteria: (1) the balance of concern for both natural areas and cultural sites; (2) representation from those States having highly developed programs of preservation of natural areas and cultural sites; and (3) an equitable geographical distribution.

(g) The Committee shall regularly report to the UNESCO General Conference on activities of the Committee, of the Board and of States under this Convention.

(h) The expense of participation on the Committee shall be borne by the States represented.

III. WORLD HERITAGE TRUST BOARD

Article 4

(a) There is hereby established a World Heritage Trust Board, hereafter to be called "the Board," which shall be elected in accordance with Article 3(f).

(b) The term of office of Board members shall extend from the end of the Committee session during which they were elected until the end of the second subsequent ordinary session of the Committee.

(c) The term of office of seven members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the Committee following that at which they were elected. Those seven positions shall then be filled as described in Article 4(b) above.

(d) States members of the Board shall choose as their representatives persons with expertise in the preservation and protection of natural areas or cultural sites and otherwise qualified to carry out the responsibilities of the Board.

(e) The expense of participation on the Board shall be borne by the States represented.

Article 5

The Board shall adopt its own Rules of Procedure which shall follow so far as appropriate the UNESCO Rules of Procedure. The Rules of Procedure shall permit observers from intergovernmental and nongovernmental organizations and private individuals invited by the Board to participate without vote in its work under conditions specified by the Board.

Article 6

In general, programs primarily involving natural areas shall be carried out by IUCN and those primarily involving cultural sites by ICOMOS under appropriate contracts of work agreements calling for appropriate compensation. Where a particular area or site incorporates significant representation of both a natural area and a cultural site the expertise of both IUCN and ICOMOS shall be drawn on as appropriate. Representatives of IUCN and ICOMOS shall be invited to participate regularly as advisers in the deliberations of the Board.

Article 7

1. The World Heritage Board shall have the following powers and functions:

(a) To establish the World Heritage Register, hereafter called the Register, and to select, with the assent of the appropriate State or States, specific areas or sites representing natural and cultural resources to be inscribed therein, and to call attention to

the selection of such areas and sites by appropriate designation and ceremony;

(b) To establish criteria for recognition of specific sites or areas of outstanding significance for the heritage of all mankind and for inscription in the Register:

(c) To compile an inventory, based upon inventories submitted by States Parties to the Convention and upon its own investigations, identifying areas and sites throughout the world which might qualify for inclusion in the Register;

(d) To administer the World Heritage Trust Fund, hereinafter called "the Trust Fund," which shall be used for the identification and preservation of natural areas and cultural sites inscribed in the Register;

(e) To consider and determine action to be taken on requests for the provision of technical and financial assistance to Parties to this Convention in compiling their national inventories and in the management and preservation of areas and sites inscribed in the Register;

(f) To establish standards for the management and preservation of areas and sites included in the Register, to conduct periodic surveys to ascertain the current status of such areas and sites and to ensure that standards are being met, and to notify the representatives of the States Parties to this Convention of the need for corrective action when warranted;

(g) To remove from the World Heritage Register, after consultation with the appropriate State, areas and sites receiving inadequate management, protection, or preservation;

(h) To cooperate with other organizations, governmental and nongovernmental, promoting objectives related to those of the World Heritage Trust, and to promote educational programs to foster the objectives of the Trust;

(i) To submit to the Committee reports regarding the implementation of this Convention and the identification, management, protection and preservation of natural areas and cultural sites inscribed in the Register.

2. Before inscribing an area or site in the Register, the Board shall notify all States Parties to this Convention of the proposed inscription. If any such State objects to the inscription of all or any part of an area or site, it shall so advise the Board within ninety days of the transmittal of the notification, specifying whether it objects to the inscription of all or portion of the area or site; if a portion, which portion; and the grounds for the objection. If the Board shall have received any objections within ninety days, it shall refrain from inscribing the area or site or portion thereof objected to unless the objections made are withdrawn or unless all Parties making objections assent to the inscription.

3. Each Party shall submit to the Board as soon as possible an inventory of natural areas and cultural sites within its own territory which might qualify for inclusion in the Register. The State may add to such inventory at any time. All areas and sites on the inventory shall be described precisely and shall be delineated on a map with the area or site boundary identified by latitude and longitude. Each submission shall be supported by an exposition of the significance of the areas or sites included in the inventory.

4. Parties shall manage, protect and preserve in accordance with standards established by the Board each area or site inscribed in the Register in their own territory, and where appropriates shall enact and enforce appropriate legislation, and shall conclude international agreements in the case of sites on international boundaries.

IV. WORLD HERITAGE TRUST FUND FOR THE PRESERVATION AND PROTECTION OF NATURAL AREAS AND CULTURAL SITES OF UNIVERSAL VALUE

Article 8

1. The World Heritage Trust Fund for the Preservation and Protection of Natural Areas and Cultural Sites of Universal Value, hereafter called "the Trust Fund," is hereby established.

2. The Trust Fund shall be administered by the Board and shall constitute a trust fund in conformity with the relevant provisions of the Financial Regulations of UNESCO.

Article 9

1. The Board may accept contributions, gifts, or bequests to the Trust Fund from any source, and shall actively solicit financial support for the Trust Fund from States, appropriate international organizations and nongovernmental organizations and from private groups and individuals with particular interests in the preservation of natural areas and cultural sites.

2. Interest earned from sums loaned from the Trust Fund to States shall become part of the capital of the Trust Fund.

3. The Board may accept any other voluntary contributions, whether or not in cash, provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Board and the Committee and provided that acceptance of contributions which directly or indirectly involve additional financial liability for the Committee or the Board shall require the consent of a majority of the members of the Board.

V. SECRETARIAT

Article 10

The Committee and the Board shall be assisted by a Secretariat appointed by the Director-General of UNESCO. The Secretariat shall prepare the documentation and provisional agendas required for the meetings of the Committee and of the Board. The expense of the Secretariat shall be borne by UNESCO.

VI. NATIONAL MEASURES OF PROTECTION AND PRESERVATION

Article 11

The Parties to this Convention recognize the duty to preserve for future generations the natural areas and cultural sites of universal value situated within their respective territories. To fulfill that duty those States undertake to devote an appropriate measure of their own resources as well as international assistance which they may be able to obtain.

Article 12

1. The Parties further recognize that those areas and sites constitute a universal heritage, which the international community as a whole has a duty to preserve.

2. Accordingly, the Parties undertake, in conformity with this Convention, to contribute scientific, technical, artistic and financial assistance to international programs for the preservation of natural areas and cultural sites, while fully respecting the sovereignty of the States within the jurisdiction of which such areas and sites are situated.

5. Each State Party to this Convention shall take positive action to mitigate the effects of disturbances to areas or sites inscribed in the Register caused by natural phenomena or human intervention, and shall notify the Board immediately of any such disturbance, of the mitigating action being taken, and of the need, if any, for assistance from the World Heritage Trust Board.

6. Each Party shall respect all areas and sites inscribed in the Register by refraining so far as possible from acts which might damage them.

Article 13

The Parties to this Convention shall encourage the establishment of public and private national foundations or associations with the purpose of encouraging financial contribution toward the preservation of natural areas and cultural sites inscribed in the Register.

Article 14

The Parties to this Convention shall assist periodic international fundraising campaigns for the benefit of the World Heritage Trust Fund and shall facilitate fund-raising by appropriate organizations.

Article 15

Each Party to this Convention shall make periodic reports to the Board in a manner to be determined by the Board, giving information on the legislative and administrative provisions adopted and on other actions taken pursuant to this Convention, together with details of the experience acquired in this field.

VI. INTERNATIONAL ASSISTANCE

Article 16

1. Any Party to this Convention may request international assistance for preservation and protection of natural areas or cultural sites within its territory which have been inscribed in the Register. Each State shall submit with its request all information and documentation requested by the Board.

2. The Board, or IUCN or OCOMOS acting pursuant to the Board's authorization, may offer assistance to any State, whether or not a Party to this Convention, and whether or not such assistance was requested, if a natural area or cultural site within the territory of that State is threatened by serious damage and if the Board considers that area or site to be of universal value.

Article 17

1. The Board shall define the procedure by which requests for international assistance from the Fund shall be considered and shall specify in particular the content of the request, which should describe the nature of the problem, the work that is necessary, the cost thereof, the relative urgency of the request, and a statement why the resources of the requesting State do not allow it to meet the expenses unaided. Such requests should be supported by expert analysis whenever possible.

2. Requests involving natural calamities and disasters should, by reason of the urgency of the work which they may involve, be given priority consideration by the Board.

3. Before coming to a decision, the Board may carry out such studies and consultations as it deems necessary.

Article 18

Assistance granted by the Board may take the following forms:

(a) Studies concerning the artistic, scientific and technical problems raised by the preservation of natural areas or cultural sites in question;

(b) Expert assistance in carrying out preparatory studies, technical assistance and skilled labor to ensure that the approved work is correctly carried out, and training and equipment which the State cannot provide;

(c) Low-interest or interest-free loans;

(d) The granting, in exceptional cases and for special reasons of non-payable subsidies.

Article 19

Major grants of aid shall be preceded by detailed scientific and technical studies. These studies should draw upon the most advanced techniques for the restoration and preservation of natural areas or cultural sites, and must have as their aim the objectives of this Convention. The studies must also aim to find ways of making rational use of available resources from within the appropriate State.

Article 20

The financing of work necessary for the preservation of natural areas and cultural sites of universal value shall, in general, be borne only in part by the international community. The contribution of the beneficiary State must, with limited exceptions authorized by the Board, constitute a substantial

portion of the resources devoted to each program.

Article 21

In return for the assistance granted by the Board, the beneficiary States must undertake to act upon the approved project within a definite time-limit and to continue to manage and preserve the areas or sites according to standards established by the Board.

VII. EDUCATIONAL PROGRAMS

Article 22

1. The Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and informational programs, to strengthen the attachment of their peoples to the areas and sites that become part of the natural and cultural heritage of mankind.

2. The Parties shall fully publicize both threats to these areas and sites and also the preservation and restoration activities which are undertaken with international cooperation.

Article 23

The Parties to this Convention which receive international assistance under this Convention and which undertake programs for the preservation of natural areas or cultural sites within their respective territories, shall take appropriate measures, including adoption of programs to make such areas and sites available for public enlightenment and enjoyment, to publicize the importance of the area or site preserved and the effectiveness of international cooperation.

VIII. FINAL CLAUSES

Article 24

Reservations to this Convention shall not be permitted.

Article 25

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

Article 26

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 27

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited to accede to it by the General Conference of UNESCO.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 28

This Convention shall enter into force three months after the date of the deposit of the instruments of ratification, acceptance or accession of at least 15 States. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

Article 29

This Convention shall apply to all territories for the international relations of which a State Party is responsible, unless that State notifies the Director-General of UNESCO of a specific exception at the time that State deposits its instrument of ratification, acceptance or accession. Such exceptions may be withdrawn at any time by notice to the Director-General and shall be effective immediately upon such notice.

Article 30

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be made by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect six months after the receipt of the instrument of denunciation.

Article 31

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 26 and 27 and of the notifications and denunciations provided for in article 30 respectively.

Article 32

1. This Convention may be amended by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such amendment shall, however, bind only the States which accept the proposed amendments.

2. If the General Conference should amend this Convention, the Convention shall be open to subsequent ratification, acceptance or accession only in its amended form.

Article 33

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Article 34

Nothing in this Convention shall alter the rights or obligations of States under international law as codified in the 1958 Geneva Convention on the Territorial Sea and Contiguous Zone, the 1958 Geneva Convention on the High Seas, and the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict.

Done in Paris, this _____ day of _____, 1972, in two authentic copies bearing the signature of the President of the _____ session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 26 and 27 as well as to the United Nations.

CONVENTION ON CONSERVATION OF CERTAIN ISLANDS FOR SCIENCE

The contracting states,

Realizing that islands, because of isolation, limited size and other environmental characters, tend to develop specialized but often comparatively simple biotic communities;

Realizing the special value to science of islands as locations for the study of evolution, genetics, population dynamics, interaction between species and many related topics;

Realizing that island ecosystems, particularly of small and remote islands, having evolved in isolation, are vulnerable and easily disrupted by disturbances arising from human activities;

Desiring therefore in the interests of mankind to conserve selected islands as sites for scientific studies;

Have agreed as follows:

ARTICLE I: LIST OF ISLANDS

1. Each Contracting State may designate any suitable island (or portion thereof) or groups of islands under its sovereignty for inclusion in a List of Islands of International Importance to Science, hereinafter referred to as "the List", which is maintained by the Secretariat referred to in Article X. For the purpose of such designation an island shall include the surrounding waters subject to national jurisdiction, and such reefs, shoals and low-tide elevations as may occur therein, to the extent the Contracting State shall specify. When designating an island (or portion thereof) for inclusion in the List, the Contracting State shall describe its position and the marine or other boundaries concerned as precisely as possible; this information shall be shown on a map to be deposited by the Contracting State with the Secretariat within twelve months of the notification to the Secretariat of the designation.

2. An island (or portion thereof) shall be designated by a Contracting State for inclusion in the List on account of its international significance in terms of particular characteristics of its biotic communities, its endemic forms of flora and fauna, or the outstanding opportunities it offers for pursuing important lines of scientific study.

3. The Advisory Committee referred to in Article VIII may, if it so decides, suggest to a Contracting State that the State should designate an island (or portion thereof) or group of islands under its sovereignty for inclusion in the List.

4. Designation of an island (or portion thereof) for inclusion in the List shall not prejudice the sovereignty of the Contracting State over the island (or portion thereof) concerned. By the conclusion of this Convention the Contracting State shall, however, be deemed to have given their consent to the principle that the conservation of the islands (or portion thereof) included in the List shall be a matter of joint concern.

5. Each Contracting State shall submit its first designation of an island (or portion thereof) to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Articles XIII and XIV.

6. Any Contracting State proposing:

(a) to designate for inclusion in the List any additional islands (or portions thereof) under its sovereignty, or to designate any additional portion of an island or a portion of which has already been included in the List; or

(b) to withdraw, on grounds of urgent national interest, an island (or portion thereof) included in the List, shall at the earliest possible time so inform the Secretariat.

ARTICLE II: PROTECTION

1. A Contracting State shall protect and manage any island (or portion thereof) designated for inclusion in the List by the adoption and enforcement of such legislative or other measures as may be appropriate.

2. A Contracting State shall inform the Secretariat of the form of protection and management accorded to each island (or portion thereof) designated for inclusion in the List, and shall inform the Secretariat of any changes in the degree of protection and management that it may at any time effect.

ARTICLE III: CHANGES IN STATUS

1. The Secretariat shall notify the Advisory Committee when it has been informed by a Contracting State that it has decided to withdraw, on grounds of urgent national interest, an island (or portion thereof) included in the List, or to change the degree of protection or management accorded to an island (or portion thereof) included in the List.

2. Upon receipt of such notification the Advisory Committee may, if it so decides,

consult with the State concerned on alternative measures. If following such consultation the State concerned wishes to maintain its decision, the List shall be amended accordingly and the matter brought to the notice of the next meeting of the Contracting States.

3. Changes in the List other than those specified in paragraph 1 of this Article shall be made by the Secretariat as soon as it receives information from a Contracting State. The Advisory Committee shall be informed of all such changes in the List.

ARTICLE IV: ENVIRONMENTAL DISTURBANCE

1. When as a result of either natural phenomena or man-made intervention, significant environmental disturbance occurs on an island (or portion thereof) included in the List, the Contracting State concerned shall take appropriate action to mitigate such disturbance to the extent feasible and possible.

2. A Contracting State shall notify the Secretariat of any such environmental disturbance which may occur and the mitigating action which is to be taken.

3. In the event that a Contracting State may become aware of any environmental disturbance on an island (or portion thereof) included in the List which is not part of the territory of that State, it shall inform the Secretariat of the disturbance. The Secretariat shall in turn immediately inform the Contracting State within whose territory the island (or portion thereof) in question is included.

ARTICLE V: COOPERATION IN SCIENTIFIC RESEARCH

1. In order to promote international cooperation in scientific research, the Contracting States agree to take the following steps, to the extent feasible and practical:

(a) Information shall be exchanged regarding plans for scientific programmes to be undertaken on islands (or portions thereof) included in the List, so as to permit maximum economy and efficiency of operations;

(b) Scientific personnel wishing to undertake scientific research on islands (or portions thereof) included in the List shall be encouraged to do so; and

(c) Scientific observations and results of research undertaken on islands (or portions thereof) included in the List shall be exchanged and made freely available.

2. In implementing this Article every encouragement shall be given to the establishment of co-operative working relations with those specialized agencies of the United Nations and other international organizations having an interest in scientific research relating to islands.

3. In order to promote international cooperation in scientific research relating to islands, the Contracting States agree, subject to the provisions of paragraph 4 below, to accord scientific observers and research workers and their supporting staff, whose names have been approved by the Advisory Committee, freedom of access to any island (or portion thereof) included in the List for the purpose of carrying out scientific observations and programmes of scientific research which have been approved by the Advisory Committee.

4. Any person who is given access to an island (or portion thereof) included in the List under the provisions of this Article must comply with all rules and regulations governing the admittance of foreign nationals to the territory of the Contracting State concerned and shall be bound by the laws of that State whilst within its territory, including any provisions relating to the conservation and use of the island (or portion thereof) in question. The Contracting State shall, subject to such compliance and provided there is no impediment under those rules and regulations, issue to a person approved by the Advisory Committee a permit to enter and remain in its territory for a period approved by the Advisory Committee for the specific purpose of making scientific observations and carrying out programmes of scientific research, which have been approved by the Advisory Committee, in the island (or portion thereof) in question.

5. The Advisory Committee shall approve proposals for scientific observations and programmes of scientific research to be undertaken on islands (or portions thereof) included in the List only when it considers:

(a) that they are soundly based and fully justified;

(b) that they will not result in undue ecological disturbance; and

(c) that they do not conflict or interfere with existing or already approved programmes of scientific observation and scientific research.

ARTICLE VI: BAN ON CERTAIN ACTIVITIES

1. Islands (or portions thereof) included in the List shall be used for peaceful purposes only. Any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military manoeuvres, or the testing of weapons, shall be prohibited.

2. This Article shall not be construed as preventing the use of military personnel or equipment for scientific research or other peaceful purposes.

3. Any nuclear explosions in islands (or portions thereof) included in the List and disposal of radioactive waste material therein shall be prohibited.

4. The disposal of toxic materials, including heavy metal residues, in islands (or portions thereof) included in the List shall be prohibited.

ARTICLE VII: MEETINGS OF REPRESENTATIVES OF CONTRACTING STATES

1. Meetings of Representatives of the Contracting States shall be held at suitable intervals and places, and at intervals of not less than once every three years.

2. At such Meetings the Representatives of the Contracting States shall review the operation of this Convention and make recommendations with a view to improving its efficiency. They shall examine reports presented to them by the Advisory Committee, together with any matters which the Advisory Committee may wish to bring to their notice.

3. Decisions shall be taken by simple majority of those present and voting; a quorum shall consist of a majority of the Contracting States. The Meeting shall elect a Chairman and draw up its rules of procedure.

4. The first Meeting of Representatives of the Contracting States shall be held within twelve months of the entry into force of this Convention, in accordance with arrangements to be notified to Contracting States by the Depositary.

ARTICLE VIII: THE ADVISORY COMMITTEE

1. The first Meeting of Representatives of the Contracting States shall elect an Advisory Committee. The number of members of the Committee shall be determined by a decision of the Meeting.

2. Each Contracting State may nominate one candidate, having a special competence in matters pertaining to this Convention. Due regard shall also be given in the election of members to ensuring a balanced geographical distribution of the members of the Committee.

3. The members of the Committee shall remain in office until the next three-yearly Meeting of Representatives of the Contracting States. A member shall be eligible for re-election once and thereafter shall be eligible for re-election only after a lapse of three years.

4. The Committee shall elect its Chairman and draw up its rules of procedure. It shall decide the date and place of its meetings and may work by correspondence.

ARTICLE IX: FUNCTIONS OF THE ADVISORY COMMITTEE

1. The Advisory Committee may carry out or cause to be carried out whatever studies it considers necessary to ensure the proper functioning of this Convention. In particular, the Advisory Committee shall have the following functions and duties:

(a) To discuss all matters relating to the List;

(b) To consider information regarding changes in the ecological character of islands (or portions thereof) included in the List and environmental disturbances thereof;

(c) To present to each Meeting of Representatives of the Contracting States a report on the implementation of this Convention and recommendations regarding the conservation of islands (or portions thereof) included in the List; and

(d) To examine and rule on proposals for scientific observations and programmes of scientific research to be undertaken on islands (or portions thereof) included in the List submitted by or on behalf of scientific observers and research workers, and to make recommendations to the Contracting State concerned in respect of such proposed observations and programmes, their duration, and the personnel who are to undertake them.

2. The Advisory Committee may establish sub-committees concerned wither with specific regions or subjects to assist it in the discharge of its functions.

ARTICLE X: SECRETARIAT

1. The _____ shall perform Secretariat duties under this Convention until such time as another organization is appointed by a majority of two-thirds of all Contracting States.

2. The Secretariat duties shall be, *inter alia:*

(a) to assist in the convening and organizing of the Meetings of Representatives of the Contracting States specified in Article VII;

(b) to maintain the List of Islands of International Importance to Science and to be informed by Contracting States of any proposals for additions to or deletions from the List, in accordance with Article I, and of the degree of protection and management accorded (or of any changes relating thereto), in accordance with Article II; and

(c) to assist the Advisory Committee in the discharge of its duties and functions.

ARTICLE XI: EFFECT ON EXISTING TREATIES

This Convention shall be without prejudice to the operation of any treaties in force relating to the exercise of sovereignty or other rights by States.

ARTICLE XII: SIGNATURE

This Convention shall be open for signature by _____ at _____ until 31 December 1972.

ARTICLE XIII: RATIFICATION

This Convention is subject to ratification. The instruments of ratification shall be deposited with _____ hereby designated as the Depositary.

ARTICLE XIV: ACCESSION

This Convention shall remain open for accession by any State eligible to sign under the provisions of Article XII. The instruments of accession shall be deposited with the Depositary.

ARTICLE XV: TERRITORIAL APPLICATION

1. This Convention shall apply, in respect of any Contracting State, to the territories for the international relations of which that State is responsible.

2. A Contracting State may, when ratifying or acceding to this Convention, or any time thereafter, declare that the provisions for the international relations of which that State is responsible, and shall notify the Depositary accordingly.

3. Any Contracting State making a declaration under this Article may revoke that declaration by notification to that effect to the Depositary.

ARTICLE XVI: ENTRY INTO FORCE

1. This Convention shall come into force four months after the date of deposit of the fourth instrument of ratification or accession with the Depositary.

2. For each State which ratifies this Convention or accedes thereto after the deposit of the fourth instrument of ratification or accession, the Convention shall come into force four months after the deposit by such a State of its instrument of ratification or accession.

ARTICLE XVII: REVISION

1. After the expiration of a period of three years from the date on which this Convention has come into force, a proposal for its revision may be made by any Contracting State by notifying in writing the Depositary which shall communicate it to the other Contracting States.

2. Upon request from at least a third of the Contracting States, a conference of Contracting States shall be convened by the Depositary with a view to examining such a proposal.

ARTICLE XVIII: DENUNCIATION

Any Contracting State may denounce this Convention after a period of three years from the date on which it entered into force for that State by written notification to the Depositary. The denunciation shall take effect twelve months after the Depositary has received the notification.

ARTICLE XIX: DEPOSITARY

1. In addition to other depositary functions specifically set forth herein, the Depositary shall inform all signatory and acceding States of signatures, deposits of instruments of ratification or accession, and notifications of denunciations received by it, and of the entry into force of the Convention.

2. This Convention shall be registered with the Secretariat of the United Nations by the Depositary.

ARTICLE XX: FINAL PROVISION

The original of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Depositary, which shall transmit duly certified copies thereof to all Contracting States.

In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention. Done at ——— this ——— day of —— 19——.

ANNEX

Explanatory notes and possible alternative provisions for convention on conservation of certain islands for science

(Draft Text of Convention Dated October 1971)

The principal objective of the Convention is to set aside certain islands or parts of islands (generally, remote and uninhabited islands) as reserves for scientific studies.

The Convention envisages that the Contracting States will co-operate in scientific research in these islands and will permit accredited research workers to have access to the islands for work on approved programmes of research.

The original proposal for action of this kind was made at the 11th Pacific Science Congress (Tokyo, August 1966). Following further discussions, IUCN prepared a draft text for the Convention and this was endorsed at the Regional Symposium for the Conservation of Nature—Reefs and Lagoons, convened by the South Pacific Commission in Noumea, New Caledonia, in August 1971. It was later endorsed at the 12th Pacific Science Congress, Canberra, August 1971.

The present draft is not confined to action in any specific region but covers islands throughout the world. It has been prepared in the light of views expressed by the Intergovernmental Working Group on Conservation (IWGC) at United Nations Headquarters, New York, 14 to 17 September 1971.

Note 1: See Article I, paragraph 1. The present draft provides alternative wording to that considered by the IWGC. It is intended that protection should normally include offshore marine and sub-marine elements as well as the land areas.

Note 2: See Article IV, paragraph 3. As the Convention is expected to cover a number of remote and uninhabited islands, this provision has been included so as to widen the reporting base.

Note 3: See Article VIII, paragraph 1. The suggestion has been made that "the Advisory Committee: should be entitled the Scientific Committeee".

Note 4: See Article VIII, paragraph 2. The Advisory Committee is to consist of experts acting in their personal capacity rather than as the representatives of the States nominating them.

Note 5: See Article X, paragraph 1. It will be necessary to decide on the Secretariat. An existing international body (either intergovernmental or non-governmental) may be asked to undertake these duties.

Note 6: See Article XII. It was earlier proposed that the so-called Vienna clause be used here permitting States that are members of the United Nations or its specialized agencies to sign. The IWGC left this point open for future decision.

The provisions for the place of signature will depend on a decision as to whether the Convention will be open for signature at the Stockholm Conference and thereafter somewhere else, yet to be decided. This final point might appropriately be linked to the decision on the Depository (see Note 7 below).

Note 7: See Article XIII. The Depository has yet to be chosen. It can be one of the Contracting States, the United Nations or one of its specialized agencies, or another intergovernmental body.

Note 8: See Article XX. If the Convention is to be opened for signature at the Stockholm Conference it seems desirable that it be available in these five languages.

CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE, ESPECIALLY AS WATERFOWL HABITAT

The Contracting Parties, recognizing the interdependence of Man and his environment;

Considering the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

Being convinced that wetlands constitute a resource of great economic, cultural, scientific and recreational value, the loss of which would be irreparable;

Desiring to stem the progressive encroachment on and loss of wetlands now and in the future;

Recognizing that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

Being confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

ARTICLE 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres.

2. For the purpose of this Convention, waterfowl are birds ecologically dependent on wetlands.

ARTICLE 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List", which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitats.

2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance, wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

ARTICLE 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

2. Each Contracting Party shall arrange to be informed at the earliest possible time if, the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

ARTICLE 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The Contracting Parties shall encourage

research and the exchange of data publications regarding wetlands and their flora and fauna.

4. The Contracting Parties shall endeavor through management to increase waterfowl populations on appropriate wetlands.

5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

ARTICLE 5

The Contracting Parties shall consult with each other about implementing obligations arising from this Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavor to co-ordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

ARTICLE 6

1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2. These Conferences shall have an advisory character and shall be competent inter alia:

(a) to discuss the implementation of this Convention;

(b) to discuss additions to and changes in the List;

(c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with Paragraph 2 of Article 3;

(d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;

(e) to request relevant international bodies to prepare reports and statistics on matters which are essentially International in character affecting wetlands.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

ARTICLE 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.

ARTICLE 8

1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two thirds of all Contracting Parties.

2. The continuing bureau duties shall be, inter alia:

(a) to assist in the convening and organizing of Conferences specified in Article 6;

(b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with Paragraph 5 of Article 2;

(c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with Paragraph 2 of Article 3;

(d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;

(e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

ARTICLE 9

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a party to the Convention by:

(a) signature without reservation as to ratification;

(b) signature subject to ratification followed by ratification;

(c) accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depository").

ARTICLE 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with Paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

ARTICLE 11

1. This Convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depository. Denunciation shall take effect four months after the day on which notice thereof is received by the Depository.

ARTICLE 12

1. The Depository shall inform all States that have signed and acceded to this Convention as soon as possible of:

(a) signatures to this Convention;

(b) deposits of instruments of ratification of this Convention;

(c) deposits of instruments of accession to this Convention;

(d) the date of entry into force of this Convention;

(e) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depository shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

In witness whereof, the undersigned, being duly authorized to that affect, have signed this Convention.

Done at ——— this ——— day of ——— 19—, in a single original in the English, French, German and Russian languages, in any case of divergency the English text prevailing, which shall be deposited with the Depository which shall send true copies thereof to all Contracting Parties.

GUIDING PRINCIPLES CONCERNING THE INTERNATIONAL ECONOMIC ASPECTS OF ENVIRONMENTAL POLICIES

INTRODUCTION

1. The guiding principles described below concern mainly the international aspects of environmental policies with particular reference to their economic and trade implications. These principles do not cover for instance, the particular problems which may arise during the transition period following the implementation of the principles, instruments for the implementation of the so-called "polluter pays principle", exceptions to this principle, transfrontier pollution, or possible problems related to developing countries.

A. Guiding principles

(a) Cost allocation: the Polluter Pays Principle

2. It is evident that environmental resources are in general limited and that their use, production and consumption activities may lead to their deterioration. When the cost of this deterioration is not adequately taken into account in the price system, the market fails to reflect the scarcity of such resources both at the national and international levels. Public measures are thus necessary to reduce pollution, and to reach a better allocation of resources, by ensuring that prices of goods depending on the quality and/or quantity of environmental resources reflect more closely their relative scarcity and that economic agents concerned react accordingly.

3. In many circumstances, in order to ensure that the environment is in an acceptable state, the elimination of pollution beyond a certain level will not be practical or even necessary in view of the costs involved.

4. The principle to be used for allocating costs of pollution prevention and control measures that will encourage rational use of scarce environmental resources and avoid distortions in international trade and investment is the so-called Polluter Pays Principle. This Principle means that the polluter should be financially responsible for the above mentioned measures decided by public authorities to ensure that the environment is in an acceptable state. In other words, the cost of these measures should be reflected in the cost of goods and services which cause pollution in their production and/or consumption processes. Such measures should not be accompanied by subsidies that would create significant distortions in trade and investments.

5. This principle should be an objective of Member countries; however, there may be exceptions or special arrangements, particularly for a transitional period, provided that they do not lead to significant distortions in international trade and investment.

(b) Environmental Standards

6. Differing national environmental policies, for example with regard to the tolerable amount of pollution and to quality and emission standards, are justified by a variety of factors including among other things different pollution assimilative capacities of the environment in its present state, different social objectives and priorities attached to environmental protection and different degrees of industrialisation and population density.

7. In view of this, a very high degree of harmonisation of environmental policies which would be otherwise desirable may be difficult to achieve in practice; however it is desirable to strive towards more stringent standards in order to strengthen environmental protection, particularly in cases where their low levels at present would not be fully justified by the above mentioned factors.

8. Where valid reasons for differences do not exist, Governments should seek harmonisation of environmental policies, for instance with respect to timing and general scope of regulation for particular industries to avoid unnecessary disruption of international trade patterns and the international allocation of resources which may arise from diversity of national environmental standards.

9. Measures taken to protect the environment should be framed as far as possible in such a manner as to avoid the creation of non-tariff barriers to trade.

(i) Product Standards

10. Where products are traded internationally and where there could be significant obstacles to trade, Governments should seek common standards for polluting products and agree on the timing and general scope of regulations for particular products. In cases where such standards do not exist, Governments should endeavour to define them in common as fast as possible and to adopt them.

National Treatment and Nondiscrimination

11. Measures taken within an environmental policy, regarding polluting products, should be applied in conformity with the provisions of the GATT to the principle of national treatment (i.e., identical treatment for imported products and similar domestic products) and the principle of non-discrimination (identical treatment for imported products regardless of their national origin).

Procedures of Control

12. It is highly desirable to define in common, as rapidly as possible, procedures for checking product standards from the environmental point of view. Procedures for checking conformity of standards should be mutually agreed so as to be applied by an exporting country to the satisfaction of the importing country.

(ii) Production Standards

Compensating Import Levies and Export Rebates

13. In accordance with the provisions of GATT, differences in environmental policies should not lead to the introduction of compensating import levies or export rebates, or measures having an equivalent effect, designed to offset the consequences of these differences on prices. Effective implementation of the guiding principles set forth herewith will make it unnecessary and undesirable to resort to such measures.

B. Consultations

14. Consultations on the above mentioned principles should be pursued. In connection with the application of these guiding principles, a specific mechanism of consultation and/or notification or some other appropriate form of action should be determined as soon as possible taking into account the work done by other international organizations.

U.S. OBJECTIVES FOR THE STOCKHOLM CONFERENCE

To focus world attention on the problems of the environment. Action can result only if the public understands the nature of these problems and supports efforts to ameliorate them. Many developing countries are concerned that environmental considerations will interfere with economic development. It is becoming increasingly clear, however, that environment and development are not necessarily mutually exclusive and that developing countries are coming to recognize that environmental problems (e.g., urbanization, management of natural resources—including soil and water) are real and urgent.

To lay the basis for international action, whether by convention, agreement or other mechanism, to deal with global environmental problems of immediate concern. Marine pollution, conservation of rare species and habitats of unique character, transportation of hazardous substances, the release of chemical substances into the environment, etc., all require urgent attention. Although it may not be possible at the present time to establish international pollution standards (atmospheric and geographic conditions of various countries differ widely), it should be possible to get agreement on international criteria as to the effect of certain pollutants, whether borne by air, water or remaining in the soil, on the health of humans and on the environment as a whole. On the basis of these agreed-to criteria, national governments can establish such standards appropriate to their particular circumstances.

To develop a framework for determining what is happening to man, his environment, and the natural resources available to him. In effect, this requires the coordination of existing systems for monitoring human health, the atmosphere, the oceans and the terrestrial environment, and the availability of international scientific advice as to priorities for action, research, and evaluation, and the best possible use of existing resources.

To develop a mechanism for the exchange of national experience in solving specific environmental problems. A preponderance of the problems of environmental degradation can be solved only on a local or national basis. These problems include, in particular, degradation associated with human settlements—inadequate housing, sanitation, transportation; and the mismanagement of natural resources—soil erosion, inadequate storage of water, destruction of forests. As a matter of national sovereignty and in practical terms, international agreements to deal with such matters are not feasible. The emphasis, therefore, should be on research, comprehensive planning, and the exchange of information on national experience. The existing mechanisms for disseminating practical experience and practical solutions between countries are woefully inadequate.

To encourage and stimulate regional arrangements to deal with key regional problems, such as conservation and purification of water, management of soil, urbanization, forestry. The training of experts in ecology, research and the exchange of environmental information for the most part can best be carried out on a regional basis. It is a basic premise of the U.S. that contiguous countries having common climatic conditions, common geography, and common problems can provide the most effective solution to their own regional problems. Therefore, great emphasis should be given to encouraging regional efforts. This might apply, for example, not only to the countries of Southeast Asia or of Central America, but equally to countries bordering the Rhine, the Danube, the Baltic or, for that matter, the Great Lakes. The initiative for such regional action has clearly to come from the countries concerned. However, stimulation and encouragement could be provided on an international basis.

To foster training and education in the field of environment. Competence within a country to deal with environmental degradation is a key element to national action. This involves training and education including such matters as the development of school curricula in which the study of ecology is an integral part. Although environmental education and training are primarily a national responsibility, international assistance can be useful.

To demonstrate the relationship between environmental management and economic development. An effort would be valuable to help the developing countries avoid the serious mistakes made by the industrialized countries in the course of their own development. It would also emphasize the positive contribution that intelligent environmental management can make to enhance the developing process.

To conserve irreplaceable natural and cultural resources. Examples include: (a) establishing a World Heritage Trust to preserve for future generations the natural, historic and cultural heritage of all mankind; (b) reinforcing existing efforts to protect endangered species of flora and fauna; and (c) establishing an international mechanism to preserve genetic stocks.

To establish within the United Nations a clear focal point for leadership and coordination in the global environmental field. At the present time, environmental activities are scattered throughout the entire UN family of agencies, and the result is dispersion and unnecessary duplication of effort. Although the U.S. is convinced that global action with respect to the environment can best be carried out within the framework of the UN, a more effective and better-integrated administrative mechanism than now exists must be agreed to at Stockholm.

CONVENTION FOR THE CONSERVATION OF ANTARCTIC SEALS

The Contracting Parties,

Recalling the Agreed Measures for the Conservation of Antarctic Fauna and Flora, adopted under the Antarctic Treaty signed at Washington on 1 December 1959;

Recognizing the general concern about the vulnerability of Antarctic seals to commercial exploitation and the consequent need for effective conservation measures;

Recognizing that the stocks of Antarctic seals are an important living resource in the marine environment which requires an international agreement for its effective conservation;

Recognizing that this resource should not be depleted by over-exploitation, and hence that any harvesting should be regulated so as not to exceed the levels of the optimum sustainable yield;

Recognizing that in order to improve scientific knowledge and so place exploitation on a rational basis, every effort should be made both to encourage biological and other research on Antarctic seal populations and to gain information from such research and from the statistics of future sealing operations, so that further suitable regulations may be formulated;

Noting that the Scientific Committee on Antarctic Research of the International Council of Scientific Unions (SCAR) is willing to carry out the tasks requested of it in this Convention;

Desiring to promote and achieve the objectives of protection, scientific study and rational use of Antarctic seals, and to maintain a satisfactory balance within the ecological system,

Have agreed as follows:

ARTICLE 1.—SCOPE

(1) This Convention applies to the seas south of 60° South Latitude, in respect of which the Contracting Parties affirm the provisions of Article IV of the Antarctic Treaty.

(2) This Convention may be applicable to any or all of the following species:

Southern elephant seal *Mirounga leonina;*
Leopard seal *Hydrurga leptonyx;*
Weddell seal *Leptonychotes weddelli;*
Crabeater seal *Lobodon carcinophagus;*
Ross seal *Ommatophoca rossi;* and
Southern fur seals *Arctocephalus* sp.

(3) The Annex to this Convention forms an integral part thereof.

ARTICLE 2.—IMPLEMENTATION

(1) The Contracting Parties agree that the species of seals enumerated in Article 1 shall not be killed or captured within the Convention area by their nationals or vessels under their respective flags except in accordance with the provisions of this Convention.

(2) Each Contracting Party shall adopt for its nationals and for vessels under its flag such laws, regulations and other measures, including a permit system as appropriate, as may be necessary to implement this Convention.

ARTICLE 3.—ANNEXED MEASURES

(1) This Convention includes an Annex specifying measures which the Contracting Parties hereby adopt. Contracting Parties may from time to time in the future adopt other measures with respect to the conservation, scientific study and rational and humane use of seal resources, prescribing *inter alia*:

(a) permissible catch;

(b) protected and unprotected species;

(c) open and closed seasons;
(d) open and closed areas, including the designation of reserves;
(e) the designation of special areas where there shall be no disturbance of seals;
(f) limits relating to sex, size, or age for each species;
(g) restrictions relating to time of day and duration, limitations of effort and methods of sealing;
(h) types and specifications of gear and apparatus and appliances which may be used;
(i) catch returns and other statistical and biological records;
(j) procedures for facilitating the review and assessment of scientific information;
(k) other regulatory measures including an effective system of inspection.

(2) The measures adopted under paragraph (1) of this Article shall be based upon the best scientific and technical evidence available.

(3) The Annex from time to time be amended in accordance with the procedures provided for in Article 9.

ARTICLE 4.—SPECIAL PERMITS

(1) Notwithstanding the provisions of this Convention, any Contracting Party may issue permits to kill or capture seals in limited quantities and in conformity with the objectives and principles of this Convention for the following purposes:
(a) to provide indispensable food for men or dogs;
(b) to provide for scientific research; or
(c) to provide specimens for museums, educational or cultural institutions.

(2) Each Contracting Party shall, as soon as possible, inform the other Contracting Parties and SCAR of the purpose and content of all permits issued under paragraph (1) of this Article and subsequently of the numbers of seals killed or captured under these permits.

ARTICLE 5.—EXCHANGE OF INFORMATION AND SCIENTIFIC ADVICE

(1) Each Contracting Party shall provide to the other Contracting Parties and to SCAR the information specified in the Annex within the period indicated therein.

(2) Each Contracting Party shall also provide to the other Contracting Parties and to SCAR before 31 October each year information on any steps it has taken in accordance with Article 2 of this Convention during the preceding period 1 July to 30 June.

(3) Contracting Parties which have no information to report under the two preceding paragraphs shall indicate this formally before 31 October each year.

(4) SCAR is invited:
(a) to assess information received pursuant to this Article; encourage exchange of scientific data and information among the Contracting Parties; recommend programmes for scientific research; recommend statistical and biological data to be collected by sealing expeditions within the Convention area; and suggest amendments to the Annex; and
(b) to report on the basis of the statistical, biological and other evidence available when the harvest of any species of seal in the Convention area is having a significantly harmful effect on the total stocks of such species or on the ecological system in any particular locality.

(5) SCAR is invited to notify the Depositary which shall report to the Contracting Parties when SCAR estimates in any sealing season that the permissible catch limits for any species are likely to be exceeded and, in that case, to provide an estimate of the date upon which the permissible catch limits will be reached. Each Contracting Party shall then take appropriate measures to prevent its nationals and vessels under its flag from killing or capturing seals of that species after the estimated date until the Contracting Parties decided otherwise.

(6) SCAR may if necessary seek the technical assistance of the Food and Agriculture Organization of the United Nations in making its assessments.

(7) Notwithstanding the provisions of paragraph (1) of Article 1 the Contracting Parties shall, in accordance with their internal law, report to each other and to SCAR, for consideration statistics relating to the Antarctic seals listed in paragraph (2) of Article 1 which have been killed or captured by their nationals and vessels under their respective flags in the area of floating sea ice north of 60° South Latitude.

ARTICLE 6.—CONSULTATIONS BETWEEN CONTRACTING PARTIES

(1) At any time after commercial sealing has begun a Contracting Party may propose through the Depositary that a meeting of Contracting Parties be convened with a view to:
(a) establishing by a two-third majority of the Contracting Parties, including the concurring votes of all States signatory to this Convention present at the meeting, an effective system of control, including inspection, over the implementation of the provisions of this Convention;
(b) establishing a commission to perform such functions under this Convention as the Contracting Parties may deem necessary; or
(c) considering other proposals, including:
(i) the provision of independent scientific advice;
(ii) the establishment, by a two-thirds majority, of a scientific advisory committee which may be assigned some or all of the functions requested of SCAR under this Convention, if commercial sealing reaches significant proportions;
(iii) the carrying out of scientific programmes with the participation of the Contracting Parties; and
(iv) the provision of further regulatory measures, including moratoria.

(2) If one-third of the Contracting Parties indicate agreement the Depositary shall convene such a meeting, as soon as possible.

(3) A meeting shall be held at the request of any Contracting Party, if SCAR reports that the harvest of any species of Antarctic seal in the area to which this Convention applies is having a significantly harmful effect on the total stocks or the ecological system in any particular locality.

ARTICLE 7.—REVIEW OF OPERATIONS

The Contracting Parties shall meet within five years after the entry into force of this Convention and at least every five years thereafter to review the operation of the Convention.

ARTICLE 8.—AMENDMENTS TO THE CONVENTION

(1) This Convention may be amended at any time. The text of any amendment proposed by a Contracting Party shall be submitted to the Depositary, which shall transmit it to all the Contracting Parties.

(2) If one third of the Contracting Parties request a meeting to discuss the proposed amendment the Depositary shall call such a meeting.

(3) An amendment shall enter into force when the Depositary has received instruments of ratification or acceptance thereof from all the Contracting Parties.

ARTICLE 9.—AMENDMENTS TO THE ANNEX

(1) Any Contracting Party may propose amendments to the Annex to this Convention. The text of any such proposed amendment shall be submitted to the Depositary which shall transmit it to all Contracting Parties.

(2) Each such proposed amendment shall become effective for all Contracting Parties six months after the date appearing on the notification from the Depositary to the Contracting Parties, if within 120 days of the notification date, no objection has been received and two-thirds of the Contracting Parties have notified the Depositary in writing of their approval.

(3) If an objection is received from any Contracting Party within 120 days of the notification date, the matter shall be considered by the Contracting Parties at their next meeting. Contracting Parties shall notify the Depositary within 120 days from the date of closure of the meeting of their approval or rejection of the original amendment or of any new amendment proposed by the meeting. If, by the end of this period, two-thirds of the Contracting Parties have approved such amendment, it shall become effective six months from the date of the closure of the meeting for those Contracting Parties which have by then notified their approval.

(4) Any Contracting Party which has objected to a proposed amendment may at any time withdraw that objection, and the proposed amendment shall become effective with respect to such Party immediately if the amendment is already in effect, or at such time as it becomes effective under the terms of this Article.

(5) The Depositary shall notify each Contracting Party immediately upon receipt of each approval or objection, of each withdrawal of objection, and of the entry into force of any amendment.

(6) Any State which becomes a party to this Convention after an amendment to the Annex has entered into force shall be bound by the Annex as so amended. Any State which becomes a Party to this Convention during the period when a proposed amendment is pending may approve or object to such an amendment within the time limits applicable to other Contracting Parties.

ARTICLE 10.—SIGNATURE

This Convention shall be open for signature at London from 1 June to 31 December 1972 by States participating in the Conference on the Conservation of Antarctic Seals held at London from 3 to 11 February 1972.

ARTICLE 11.—RATIFICATION

This Convention is subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland, hereby designated as the Depositary.

ARTICLE 12.—ACCESSION

The Convention shall be open for accession by any State which may be invited to accede to this Convention with the consent of all the Contracting Parties.

ARTICLE 13.—ENTRY INTO FORCE

(1) This Convention shall enter into force on the thirtieth day following the date of deposit of the seventh instrument of ratification or acceptance.

2. Thereafter this Convention shall enter into force for each ratifying, accepting or acceding State on the thirtieth day after deposit by such State of its instrument of ratification, acceptance or accession.

ARTICLE 14—WITHDRAWAL

Any Contracting Party may withdraw from this Convention on 30 June of any year by giving notice on or before 1 January of the same year to the Depositary, which upon receipt of such a notice shall at once communicate it to the other Contracting Parties. Any other Contracting Party may, in like manner, within one month of the receipt of a copy of such a notice from the Depositary, give notice of withdrawal, so that the Convention shall cease to be in force on 30 June of the same year with respect to the Contracting Party giving such notice.

ARTICLE 15.—NOTIFICATION BY THE DEPOSITARY

The Depositary shall notify all signatory and acceding States of the following:
(a) signatures of this Convention, the de-

posit of instruments of ratification, acceptance or accession and notices of withdrawal;

(b) the date of entry into force of this Convention and of any amendments to it or its Annex.

ARTICLE 16.—CERTIFIED COPIES AND REGISTRATION

(1) This Convention, done in the English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland, which shall transmit duly certified copies thereof to all signatory and acceding States.

(2) This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

In witness, whereof, the undersigned, duly authorized, have signed this Convention.

ANNEX

1. *Permissible Catch*

The Contracting Parties shall in any one year, which shall run from 1 July to 30 June inclusive, restrict the total number of seals of each species killed or captured to the numbers specified below. These numbers are subject to review in the light of scientific assessments.

(a) in the case of Crabeater seals *Lobodon carcinophague*, 175,000;

(b) in the case of Leopard seals *Hydrurga leptonyx*, 12,000; and

(c) in the case of Weddell seals *Leptonychotos weddelli*, 5,000.

2. Protected Species

(a) It is forbidden to kill or capture Ross seals *Ommatophoca rossi*, Southern elephant seals *Mirounga leonina*, or fur seals of the genus *Arctocephalus*.

(b) In order to protect the adult breeding stock during the period when it is most concentrated and vulnerable, it is forbidden to kill or capture any Weddel seal *Leptonychotus weddelli* one year or older between 1 September and 31 January inclusive.

3. Closed Season and Sealing Season

The period between 1 March and 31 August inclusive is a Closed Season, during which the killing or capturing of seals is forbidden. The period 1 September to the last day in February constitutes a Sealing Season.

4. Sealing Zones

Each of the sealing zones listed in this paragraph shall be closed in numerical sequence to al sealing operations for the seal species listed in paragraph 1 of this Annex for the period 1 September to the last day of February inclusive. Such closures shall begin with the same zone as is closed under paragraph 2 of Annex B to Annex 1 of the Report of the Fifth Antarctic Treaty Consultative Meeting at the moment the Convention enters into force. Upon the expiration of each closed period, the affected zone. shal reopen.

Zone 1—between 60° and 120° West Longitude.

Zone 2—between 0° and 60° West Longitude, together with that part of the Weddell Sea lying westward of 60° West longitude.

Zone 3—between 0° and 70° East Longitude.

Zone 4—between 70° and 130° East Longitude.

Zone 5—between 130° East Longitude and 170° West Longitude.

Zone 6—between 120° and 170° West Longitude.

5. Seal Reserves

It is forbidden to kill or capture seals in the following reserves, which are seal breeding areas or the site of long-term scientific research:

(a) The area around the South Orkmov Islands between 60° 20′ and 60° 56′ South Latitude and 44° 05′ and 46° 25′ West Longitude.

(b) The area of the southwestern Ross Sea south of 76° South Latitude and west of 170° East Longitude.

(c) The area of Edisto Inlet south and west of a line drawn between Cape Halet at 72° 19′ South Latitude, 170° 18′ East Longitude, and Helm Point, at 72° 11′ South Latitude, 72° 11′ South Latitude, 170° 00′ East Longitude.

6. Exchange of Information

(a) Contracting Parties shall provide before 31 October each year to other Contracting Parties and to SCAR a summary of statistical information on all seals killed or captured by their respective flags in the Convention areas, in respect of the preceding period 1 July to 30 June. This information shall include by zones and months:

(i) The gross and net tonnage, brake horsepower, number of crew, and number of days' operation of vessels under the flag of the Contracting Party:

(ii) The number of adult individuals and pups of each species taken. When specifically requested, this information shall be provided in respect of each ship, together with its daily position at noon each operating day and the catch on that day.

(b) When an industry has started, reports of the number of seals of each species killed or captured in each zone shall be made to SCAR in the form and at the intervals (not shorter than once a week) requested by that body.

(c) Contracting Parties shall provide to SCAR biological information concerning in particular

(i) Sex;

(ii) Reproductive condition; and

(iii) Age.

SCAR may request additional information or material with the approval of the Contracting Parties.

(d) Contracting Parties shall provide to other Contracting Parties and to SCAR at least 30 days in advance of departure from their home ports, information on proposed sealing expe iitions.

7. Sealing Methods

(a) SCAR is invited to report on methods of sealing and to make recommendations with a view to ensuring that the killing or capturing of seals is quick, painless and efficient. Contracting Parties, as appropriate, shall adopt rules for their nationals and vessels under their respective flags engaged in the killing and capturing of seals, giving due consideration to the views of SCAR.

(b) In the light of the available scientific and technical data, Contracting Parties agree to take appropriate steps to ensure that their nationals and vessels under their respective flags refrain from killing, or capturing seals in the water, except in limited quantities to provide for scientific research in conformity with the objectives and principles of this Convention.

Such research shall include studies as to the effectiveness of methods of sealing from the viewpoint of the management and humane and rational utilization of the Antarctic seal resources for conservation purposes. The undertaking and the results of any such scientific research programme shall be communicated to SCAR and the Depositary which shall transmit them to the Contracting Parties.

ADDENDUM

The following statement was made by the Representative of Chile:

"The Delegation of Chile states that the reference to Article IV of the Antarctic Treaty contained in Article I of the present Convention signifies that nothing specified therein shall confirm, deny or impair the rights of the Contracting Parties as regards their maritime jurisdictions and their declared juridical position on this matter."

The following statement was made by the Representative of the United States of America:

"The Delegation of the United States of America believes that the Convention should contain stronger provisions for the observation of operations and enforcement of regulations, especially with regard to the use of observers of the Contracting Parties with each others' sealing expeditions. Opposition to stronger provisions has chiefly arisen not from commercial but from juridical interests.

"Nevertheless, the Convention is a new and valuable International Agreement, achieved in advance of the development of commercial sealing in the Antarctic, that contains many provisions important to the conservation of seals and their protection against over-exploitation. We understand exploratory commercial sealing ventures may be imminent.

"In order not to diminish the progress achieved by this Conference in international cooperation for effective conservation in the Antarctic, the delegation of the United States of America has decided to sign the Final Act and will submit the Convention for its Government's consideration."

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business?

If not, morning business is closed.

PUBLIC DEBT LIMITATION

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate H.R. 12910, which the clerk will state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (H.R. 12910) to provide for a temporary increase in the public debt limit.

Mr. SPONG. Mr. President, I want to discuss an amendment which I submitted a few days ago, amendment No. 993. Without asking unanimous consent that certain Senators be made cosponsors of the amendment, I would like to state at this time that the following Senators, in addition to the Senator from North Carolina (Mr. ERVIN), with whom I submitted the amendment, are cosponsors of the amendment: Senator CANNON of Nevada, Senator MCGOVERN of South Dakota, Senator SYMINGTON of Missouri, Senator CRANSTON of California, Senator GAMBRELL of Georgia, Senator NELSON of Wisconsin, Senator PELL of Rhode Island, Senator CHURCH of Idaho, Senator CHILES of Florida, Senators RANDOLPH and BYRD of West Virginia, and Senator MANSFIELD of Montana.

Mr. President, after considering the actions taken yesterday by the Senate in connection with H.R. 12910, and after consulting with the Senator from North Carolina (Mr. ERVIN), who is the chief sponsor of legislation in the field, I have elected not to call up my amendment No. 993 to permanently control executive impoundments of appropriated funds.

There are two major considerations involved here:

First, the question of Executive impoundments is a matter of longstanding dispute between the Congress and the

executive branch. It touches on basic constitutional questions affecting the proper division of constitutional functions. I believe the subject merits the full deliberation of this body in its own right and, unless absolutely essential, not as an amendment to the debt limit bill. Hearings have been held on Senator ERVIN's bill and the likelihood is that it will come before this body to be debated and voted on as a separate piece of legislation.

The second point I want to make today is that as a result of yesterday's Senate action, I do not believe it is any longer essential to consider the impoundment question as an amendment. While there remains some uncertainty, if not confusion, about what the Senate did accomplish on Tuesday, my understanding of the impact of the Roth, Spong, and Long amendments is as follows:

The Senate has established a spending ceiling for fiscal year 1973 of $246,257,000,000. Under the Spong amendment, should that ceiling be exceeded by virtue of fiscal year 1973 appropriations or the expenditure of prior year appropriations and trust funds, the President would recommend reductions sufficient to keep the total outlays below the established ceiling. Congress would then have 30 days to approve or amend the President's proposal, except that it would be bound to the aggregate amount of spending reductions required to meet the ceiling.

Under Senator LONG's two amendments, certain uncontrollable items such as interest on the national debt and social security insurance payments would be totally exempt from the ceiling. Second, his amendment provides that where Congress appropriates more for any one department than the President has requested, or appropriates less, the ceiling would be adjusted accordingly, although it would never be adjusted below the $246 billion figure which is now part of the bill.

As I understand it, the Long amendment affects only congressional appropriations in fiscal year 1973. The ceiling, however, is established for all budget outlays in fiscal year 1973, including expenditures of prior appropriations and some trust fund moneys. Should the net outlays exceed the ceiling even as adjusted by virtue of the Long amendment, the President will be required to recommend reductions to the Congress in order to live within the ceiling, whatever that figure may happen to be. Congress then would have the option of amending the President's proposal with respect to particular reductions to be made.

As I view the combination of these amendments, they would give the Congress limited control over impoundments which are made for the purpose of meeting the expenditure ceiling. Again, this is only limited control and it would apply only during fiscal year 1973. But, to the best of my knowledge, this is the first time Congress has acted to deal with the question of impoundments.

What I am suggesting here is that the Senate has made some progress through the Spong amendment toward resolution of this difficult constitutional issue. I would like Congress to go further, and I hope that it will when it considers Senator ERVIN's bill. But, again, I think that bill deserves attention in its own right, and for that reason I do not intend to call it up today.

Mr. President, one of the major programs affected by Executive impoundments has been highway construction. I know that actions of the executive branch to withhold authorized funding of these projects is of great concern to the distinguished chairman of the Public Works Committee (Mr. RANDOLPH) who is a cosponsor of the Ervin bill and amendment No. 993. As a measure of Senator RANDOLPH's deep concern about the withholding of these funds, I ask that a telegram from the chairman to the President be printed in the RECORD at this point.

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

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

DEAR MR. PRESIDENT: The Congress will very shortly begin development of the Federal-aid Highway Act of 1972.

Construction of the Interstate Highway System, our principal road-building activity since 1956, is now more than three-quarters completed. We must, therefore begin formulating a new highway program to meet the needs for highway transportation services that continue to exist.

For us to do this, and for the States to carry out an orderly highway program, it is essential to know that the authorized level of funding will be available from year to year. During the past five years, the withholding of highway obligational authority by the Executive Branch has made impossible the accurate long-range planning that a highway program requires.

Such action also has delayed the completion of important highway segments and contributed to increases in their ultimate cost.

On September 20, 1971, Transportation Secretary John A. Volpe, announced the release of $400 million in previously impounded highway funds. I indicated that I hoped this action was a signal that the Administration recognized the importance of full funding of the highway program. However, further administrative restrictions have been imposed on the ability of States to choose what types of projects they will undertake.

The most recent reports indicate that Presidentially-imposed impounded highway obligational authority now totals $6.2 billion. In light of the pressing highway transportation needs and of the urgency for developing a new highway program, I continue my appeal for you to direct the release of all impounded highway funds so that existing commitments can be met and the Congress can develop a new program with the knowledge that it can be implemented.

JENNINGS RANDOLPH,
Chairman, Committee on Public Works.

Mr. ERVIN. Mr. President, will the Senator yield for some questions?

Mr. SPONG. I am pleased to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I should like to ask the distinguished Senator from Virginia if the Constitution of the United States does not deny to the President what is known as an item veto.

Mr. SPONG. My interpretation of the Constitution is that it does deny to the President of the United States an item veto.

On yesterday I tried to point out to the Senate that there have been two attempts in the past quarter of a century, and many prior to that, to constitutionally give that right to the President, and they have both been defeated in this body.

Mr. ERVIN. The Constitution requires the veto of an entire legislative proposal; and when that occurs Congress has an opportunity to override the veto by a two-thirds majority of both Houses of Congress and to make its will effective. Is that correct?

Mr. SPONG. That is correct.

Mr. ERVIN. I will ask the Senator if a practice has not grown up and if it is not followed with increasing frequency by Presidents of both political parties to simply impound funds which have been appropriated by Congress, and by so doing to refuse to expend them for the purpose for which they were authorized by Congress.

Mr. SPONG. That has been the practice. As the Senator from North Carolina has said, it has been the practice of Presidents of both parties. I believe it probably goes back to the Wilson administration in its inception.

But it has been growing through the years, to the extent that the will of Congress in appropriation matters, the exercise of which is given to them under the Constitution, has been thwarted not only by the present administration but by past administrations.

Mr. ERVIN. I ask the Senator from Virginia if the effect of impoundment of funds by the President is not ultimately that of an item veto, without the beneficial aspects of an item veto. By that I mean when the President impounds funds which Congress has appropriated for specific projects, Congress is denied the right to override this impoundment under existing law, and the effect is that the President very effectively assumes control of the power of the purse, which the Constitution contemplates shall be exercised by Congress rather than by the President.

Mr. SPONG. The Senator from North Carolina is correct. I do not wish to go too far afield, but I think there are two parallel developments that have taken place over the period in history that we are discussing, going back to the First World War. One is in the field of foreign affairs, where the executive agreement has grown into use to the extent that the treaty ratification functions of the U.S. Senate given to it under the Constitution have been in large measure bypassed; and the second is the matter which the Senator from North Carolina has just related in his question, where not only the appropriations process but the veto process has been bypassed by the manner in which funds have been impounded.

Mr. ERVIN. Do not the provisions of the amendment which the distinguished Senator from Virginia has offered, with my cosponsorship and that of the distinguished Senator from West Virginia (Mr. RANDOLPH), undertake for the first time to rid Congress of the impotency which the impoundment of funds by the President imposes upon Congress?

Mr. SPONG. That is the purpose. The

measure of the Senator from North Carolina, on which he has conducted full hearings and with which I am in full accord, provides a period of time during which he has to report to Congress concerning impoundments, and gives to Congress an opportunity to express itself on the particular measures for which funds have been impounded.

Mr. ERVIN. As the Senator has stated, the bill requires the President to report to Congress the impoundment of any funds by him or by an officer of the executive branch of the Government with his authority; and the bill provides, in effect, that this report shall constitute a privileged matter, and that unless Congress within a period of 60 days confirms the action of the President or of the executive official in impounding the funds, it would be the duty of the executive branch of the Government to expend those funds in accordance with the will expressed by Congress in the bill appropriating such funds.

Mr. SPONG. That is correct; and if the Senator from North Carolina will allow me, I would like to recite the particular instance which prompted my interest in the Senator's bill during his hearings.

We have in northern Virginia, between Alexandria and Arlington, a body of water that has flooded numerous times in the last 15 or 20 years. It is known as Four-Mile Run.

After several efforts to secure an appropriation and before that to secure certification of the Corps of Engineers that the proper cost-benefit ratio existed, we finally succeeded. The Senator from Virginia had to find a special act passed maybe 8 or 9 years ago, to enable the Public Works Committee to authorize funds for this project.

Shortly thereafter, based on that authorization, we obtained an appropriation to begin the project. Funds for the appropriation had never been in the budget submitted by the executive branch of the Government.

The money was authorized and appropriated, but the executive branch of the Government, through the OMB, froze funds for all items that were not in the budget for that year. So, here we had a specific project which Congress in its wisdom determined was of an emergency nature, but because it was not in the initial budget the money was impounded, and a start on the project was delayed for a period of time as a result. Congress had no opportunity to do anything about it.

Mr. ERVIN. And notwithstanding the fact that Congress in that particular instance had clearly expressed its intention to put an end to these disastrous floods, the executive branch of the Government, in legal effect, impounded those funds, and every time an exceedingly heavy rain came, the people residing in that area suffered the very damage which Congress had undertaken to prevent them from suffering.

Mr. SPONG. That is correct.

Mr. ERVIN. Now, this amendment and the bill which is pending in the Committee on the Judiciary both recognize that under certain circumstances a President may act wisely in impounding funds, in many instances.

Mr. SPONG. That is true, and I do not mean to imply by the introduction of the amendment that many of the decisions with regard to impoundment have not been wise.

Mr. ERVIN. Yes. The amendment itself provides that upon the making of the reports to both Houses of Congress by the President in respect to the impoundment of funds, any Member of Congress can offer a resolution which would give approval to the impounding of the funds by the President, and that that resolution should not be referred to any committee, but on the contrary should be treated as a privileged matter, and Congress in its wisdom could call up the resolution for action; and it provides that there should be a limited time for consideration of the resolution, which cannot be amended, and that Congress can approve the impoundment of the funds if Congress considers that the action of the President in impounding the funds was a wise action, does it not?

Mr. SPONG. That is correct. The measure gives Congress an opportunity, within a limited time, as a privileged matter, to approve or disapprove of an executive decision that has been made.

Mr. ERVIN. And is there not a provision embodied in the resolution which gives the President an opportunity to point out to Congress all of the reasons which prompted him to impound the funds, so that Congress can have the views of the President in the event a resolution approving such impoundment is offered in either House of Congress?

Mr. SPONG. That is true.

Mr. ERVIN. And so the amendment and the bill similar to the amendment now pending in the Senate Judiciary Committee are efforts to restore the power of the purse to Congress, and to enable Congress to deal with a matter with which they have been unable to deal on account of the impounding of funds in the past, and at the same time leave it open for Congress to agree with the wisdom of the President's act in impounding the funds, if Congress believes the reasons given are sufficient?

Mr. SPONG. That is true; and the effect of the legislation, if enacted, would be to negate the practice which presently constitutes an item veto contrary to the Constitution.

Mr. ERVIN. And it, in effect, deals with this problem in a way that makes effective the power of Congress to act where Congress thinks that the expenditures should be carried out in accordance with its original intent?

Mr. SPONG. That is true.

Mr. ERVIN. I thank the Senator from Virginia for the illuminating position he has taken with respect to this question of impoundment, and to commend him on the wisdom of not calling up the amendment for a Senate vote at this time, because, as he states, the amendment would be annexed to a temporary bill which would go out of existence very speedily; and I think it is necessary for us to have permanent legislation on this subject.

The bill which embodies the same provisions as the amendment has been reported favorably by the subcommittee to which it was referred, the Subcommittee on the Separation of Powers, and now is pending before the full Judiciary Committee. I believe that it will be possible to get action by the full Judiciary Committee within a relatively short period of time. I believe that this course of action would be much better than adding the amendment to a bill which is temporary in nature. I note that the bill is called a bill to raise the temporary debt limit, and I think that is an appropriate title.

The most temporary thing in existence is the debt limit. If my recollection serves me correctly, if we raise the debt limit at this time, it will be the 19th time that the debt limit has been raised since 1965.

As I say, it is the most temporary thing. It is an exercise in futility to have a debt limit when Congress raises the debt limit every time the President asks it to do so. I think we ought to go ahead and pass one bill of a permanent nature that allows the executive branch of the Government to dive just as deeply as it wants into the sea of financial irresponsibility. Now we enjoy so much the exercise of setting fictitious, India-rubber, expandable debt limit that we raise it two or three times a year. It has become a favorite legislative exercise in what I call a species of legislative gymnastics.

I have voted consistently against raising the debt limit, and I think we are going to have to continue to do so and to make it more rigid. I do not think we are going to get any financial responsibility or any fiscal sanity in the administration of the fiscal affairs of the Federal Government until we clamp down on this matter and get a debt limit which is not so temporary in nature that it is raised every 3 or 4 months.

I thank the Senator for yielding.

Mr. SPONG. I thank the Senator from North Carolina.

In addition to the fact that the Senator's bill has now cleared his subcommittee and will be considered by the entire Judiciary Committee, Representative ANDERSON, from Tennessee, has introduced this measure in the House, with well over 125 cosponsors.

I think that the questions of impoundments and of the item veto having been touched yesterday in the amendment to the Roth amendment which I offered, they will be subjects that this body and Congress as a whole will have to face up to.

Mr. ERVIN. I might advise the Senate and the distinguished Senator from Virginia that, notwithstanding my strong opposition to the impoundment of funds approved by Congress at the insistence of the President, I wish there were some way we could impound the debt limit.

I do not know whether the Senator from Virginia has had his amendment inserted in the RECORD. If not, I would suggest that it be inserted in the RECORD at this point, so that the Members of the Senate may be apprised of the provisions of the amendment which contain

identical language that is in the bill now pending before the Judiciary Committee.

Mr. SPONG. Mr. President, I ask unanimous consent to have the text of my amendment No. 993 printed in the RECORD.

I again thank the Senator from North Carolina.

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

At the end of the bill insert the following:

That (a) whenever the President impounds any funds appropriated by law out of the Treasury for a specific purpose or project, or approves the impounding of such funds by any officer or employee of the United States, he shall, within ten days thereafter, transmit to the Senate and the House of Representatives a special message specifying—

(1) the amount of funds impounded,

(2) the specific projects or governmental functions affected thereby, and

(3) the reasons for the impounding of such funds.

(b) Each special message submitted pursuant to subsection (a) shall be transmitted to the Senate and the House of Representatives on the same day, and shall be delivered to the Secretary of the Senate if the Senate is not in session, and to the Clerk of the House of Representatives if the House is not in session. Each such message shall be printed as a document of each House.

SEC. 2. The President shall cease the impounding of funds set forth in each special message within sixty calendar days of continuous session after the message is received by the Congress unless the specific impoundment shall have been ratified by the Congress in accordance with the procedure set out in section 4 of this Act.

SEC. 3. For purposes of this Act, the impounding of funds includes—

(a) withholding of funds (whether by establishing reserves or otherwise) appropriated for projects or activities, and the termination of authorized projects or activities for which appropriations have been made, and

(b) delaying the expenditure or obligation of funds beyond the close of the fiscal year in which expenditure or obligation was intended by Congress in appropriating such funds.

SEC. 4. (a) The following subsections of this section are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

(b)(1) For purposes of this section, the term "resolution" means only a concurrent resolution of the Senate or House of Representatives, as the case may be, which is introduced and acted upon by both Houses before the end of the first period of sixty calendar days of continuous session of the Congress after the date on which the President's message is received by that House.

(2) The matter after the resolving clause of each resolution shall read as follows: "That the Senate (House of Representatives) approves the impounding of funds as set forth in the special message of the President dated ———, Senate (House) Document Numbered ———."

(3) For purposes of this subsection, the continuity of a session is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the sixty-day period.

(c)(1) A resolution introduced with respect to a special message shall not be referred to a committee and shall be privileged business for immediate consideration. It shall at any time be in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. Such motion shall be highly privileged and not debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) If the motion to proceed to the consideration of a resolution is agreed to, debate on the resolution shall be limited to ten hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution shall not be in order. It shall not be in order to move to reconsider the vote by which the resolution is agreed to or disagreed to, and it shall not be in order to move to consider any other resolution introduced with respect to the same special message.

(3) Motions to postpone, made with respect to the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

Mr. SPONG. Mr. President, the Senator from Virginia wants to make it very clear that he does not disapprove of all the impoundments that have taken place. But I believe it is time that this body and the other body jointly reclaim a measure of the constitutional authority they have. As long as the item veto practice, through impoundments, exists, I think the Constitution or the spirit of the Constitution is being violated.

Mr. ERVIN. The Senator from Virginia has expressed my views on the subject a hundred percent correctly in the statement he has just made.

Mr. SPONG. I thank the Senator.

I yield the floor.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

Mr. LONG. Mr. President, I have a technical and conforming amendment. I am informed that it requires unanimous consent to be considered. I ask unanimous consent to offer the amendment.

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

The amendment will be stated.

The legislative clerk read as follows:

In subsection (a) of section 3 (as added by the amendment proposed by Mr. Long)—

(1) strike out "$246,257,000,000" and insert "$246,300,000,000"; and

(2) strike out "(c) and (d)" and insert "(b), (c), and (d)".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. GOLDWATER. Mr. President, during the years that I have served in the Senate I have never voted to increase the debt limit. It is an exercise in futility and, frankly, a little dishonest because no matter how fast we raise the limit we always spend more than we have limited ourselves to.

I think it would be much wiser and certainly more in keeping with honesty if we merely did away with the debt limit instead of going through this annual exercise we are engaged in.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENSON. Mr. President, I was necessarily absent from the Senate yesterday, March 7, 1972. During the time the Senate was in session, it held four record votes on which I was not previously positioned. If present and voting, I would have voted "yea" on Senator SPONG's amendment to the Roth amendment, "yea" on Senator ROTH's amendment as amended by Senator SPONG's amendment, and "yea" on each of Senator LONG's two amendments.

Mr. BROCK. Mr. President, in almost the same breath the Senate yesterday adopted the Roth amendment placing a ceiling on the amount of Federal expenditures and then immediately adopted an amendment which effectively takes the substance out of its early position.

Specifically, I refer to the adoption of the Long amendment, which, simply stated, makes it possible for Congress to appropriate over the budget request with impunity.

Instead of having an expenditure ceiling to curtail overspending by Congress, we now have an elastic expenditure ceiling that permits us to extend this ceiling each time an appropriations bill exceeds the spending limit.

In this time of inflationary crisis the Nation looks to Congress for consistency of action. Last year we passed legislation to continue wage and price controls and by doing so shored up some American suspicions about the Congress sincerity to stop inflation. In this action we said to the Nation that Congress will do all in its power to protect its citizens by keeping wage and price increases in reasonable limits and maintain their purchasing power.

The Senate has failed to redeem its pledge to the American people. It has failed to keep the faith with action taken to control the private sector. The Senate will act to limit the freedoms of the American people but it will take no action to limit its freedom to spend their hard-earned dollars.

If we are to restore economic prosperity to this country, we must discipline ourselves. We have a primary responsibility to the American people to cease our incessant raids on their savings.

As I stated earlier, it was my decision to oppose the extension of the public debt limit, if the Senate failed to pass meaningful legislation to restrain con-

gressional spending. I am prepared to honor this commitment and I urge Senators to consider this course.

Mr. DOMINICK. Mr. President, once again we seem to be going through our annual charade of raising the debt limit. Each year we set a limit on the public debt and each year as we approach that limit, we raise it again. In spite of this, we still have the nerve to refer to this as a debt limit or ceiling. Clearly it is not. It is like a race with a movable finish line. If we impose a limit, it should be just that with no extension of the finish line. If we cannot adhere to it, we should just eliminate the debt ceiling and confer carte blanche spending powers on Congress. Since 1961 when I entered the House, Congress has dealt with the debt limit on 19 separate occasions—almost twice per year. During that time we have increased the permanent limit by $115 billion and the temporary limit by $157 billion. We are told that we will have to raise it again before July 1, 1972.

Mr. President, although I cannot be here for the vote, I would not support this type of monkey business with congressional spending of public tax funds. The days of doing things by mirrors should be ended.

Before the next consideration of this problem, I will be exploring the effects of repealing the "debt nonlimit." I will probably be offering an amendment to repeal it so that future charades cannot be continued and only congressional restraint will be involved.

Mr. BYRD of Virginia. Mr. President, I shall vote against this measure increasing the debt ceiling. I shall do so as a means of protest.

I feel that both the Congress and the administration are living in a fool's paradise in regard to the Nation's financial affairs.

The smashing Federal funds deficits being run by the Federal Government—$30 billion last year, $45 billion this year, and $36 billion next year—are dramatic evidence as to just how grave and how desperate is the Government's financial situation. So I shall vote against this measure as a protest.

According to official Government figures, the national debt at the end of June 30, 1973, will total $493 billion.

The significant and startling aspect of this is that a little more than 25 percent of this total will have been a result of only 4 years of deficits. For the 4 fiscal years 1970, 1971, 1972, and 1973, the accumulated Federal net deficits will total $124 billion. This figure is a little more than 25 percent of the total estimated public debt of $493 billion as of June 30, 1973.

Yes, Mr. President, I feel that both the Congress and the administration are living in a fool's paradise insofar as the Nation's finances are concerned.

There is no willingness on the part of either Congress or the administration to put a ceiling on expenditures. As a matter of fact, in this current fiscal year, the administration recommended an increase of more than $19 billion in Federal fund appropriations.

Mr. President, I shall vote against the legislation. In my judgment, unless Congress and the executive branch are willing to face the fiscal facts, our Government will sink even deeper into debt. Already, the total national debt is greater than that of all the other countries of the world combined.

Mr. President, I ask unanimous consent that a table I had prepared giving receipts, outlays, and deficits for the period 1954–73 be published at this point.

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

DEFICITS IN FEDERAL FUNDS AND INTEREST ON THE NATIONAL DEBT, 1954–73 INCLUSIVE

[In billions of dollars]

Year	Receipts	Outlays	Surplus (+) or deficit (−)	Debt interest
1954	62.8	65.9	−3.1	6.4
1955	58.1	62.3	−4.2	6.4
1956	65.4	63.8	+1.6	6.8
1957	68.8	67.1	+1.7	7.2
1958	66.6	69.7	−3.1	7.6
1959	65.8	77.0	−11.2	7.6
1960	75.7	74.9	+.8	9.2
1961	75.2	79.3	−4.1	9.0
1962	79.7	86.6	−6.9	9.1
1963	83.6	90.1	−6.5	9.9
1964	87.2	95.8	−8.6	10.7
1965	90.9	94.8	−3.9	11.4
1966	101.4	106.5	−5.1	12.0
1967	111.8	126.8	−15.0	13.4
1968	114.7	143.1	−28.4	14.6
1969	143.3	148.8	−5.5	16.6
1970	143.2	156.3	−13.1	19.3
1971	133.7	163.7	−30.0	20.8
1972[1]	137.8	182.5	−44.7	21.2
1973[1]	150.6	186.8	−36.2	22.3
20-year total	1,916.3	2,141.8	225.5	241.5

[1] Estimated figures.

Source: Office of Management and Budget and Treasury Department.

Mr. ERVIN. Mr. President, I made the statement a moment ago to the effect that Congress habitually, over stated periods, engages in the legislative mockery of establishing an alleged debt ceiling which neither the executive branch nor, I am constrained to say, the legislative branch intends to have any credibility.

During recent months, America was shocked to discover that the European nations had lost confidence in the American dollar. I was hoping that that shock would result in Congress, as well as the executive branch, taking serious stock of the financial state in which this Nation finds itself today.

The practice of frequently imposing a debt limit—always at higher sums—is not the only thing that we use to delude ourselves about. If my recollection serves me right, at the end of this fiscal year, the United States will have balanced its budgets only seven times in 43 years. During those 7 years in which it did balance its budgets, the sum total of all the surpluses for those 7 years was approximately the same amount as the deficit which this Nation occurred during the first year of the present administration.

There is a second method by which we delude ourselves. We talk about our national gross product. We brag on the fact that the national gross product has risen very much during the past 43 years.

Now, the gross national product is supposed to be the sum total of the value of all the goods and services produced in the United States during a given year.

Someone has said that we are the only nation on earth which puts all of its performance, both good and hideous, in one package and then brag on that package. He was speaking in respect to the gross national product.

Let us consider what the gross national product consists of.

It consists of the payment made to Americans for good, honest services, and for the value of the goods which they, by hard labor, produce.

If the gross national product stopped at such things as that, no one would have any occasion to criticize it or to question its accuracy.

But, Mr. President, the gross national product does not stop with counting the products of honest labor and the compensation gained by honest labor. Even the sale price of plastic back scratchers is included in the gross national product, as well as the cost of funerals. The gross national product includes the bombs we drop in Southeast Asia. During the years of their production, it has included helicopters and airplanes lost in Southeast Asia.

During this period of 40-odd years, the population of the United States has grown 62 percent. Those who brag on the gross national product leave that fact out of consideration.

Manifestly, today, the people of the United States require 62 percent more products to satisfy their demands than they did when the population was 62 percent less than it is now.

Necessarily, a population which has increased 62 percent during this time of fiscal folly, has to produce at least 62 percent more products to stay even with the economic state of the country as it existed 40-odd years ago.

But those who brag on the gross national product ignore the increase in our population and just talk about the increase in our gross national product.

Another observation about the gross national product is that it is just as full of inflation as a mangy hound dog is of fleas. It costs $2.44 now to purchase an amount of goods or services that a dollar would have purchased at the time we began to go on this financial binge. So, although our gross national product has increased through inflation, as intimated a while ago, every time the price of beefsteak goes up, or shoestrings, so does the gross national product.

We delude ourselves into thinking that we can continue to engage in all of these fiscal follies because of the increase in our gross national product. It is very significant that part of the increase in the national debt, and a very substantial part—somewhere in the neighborhood of $140 billion principal and an untold amount of interest—has been given away by the American people to approximately 125 separate foreign nations.

The greatest expert on foreign aid is Representative OTTO PASSMAN of Loui-

siana, who heads the subcommittee which deals with the question of foreign aid primarily. The story is told, as it appeared in the Washington press, that on one occasion the administrator of the foreign aid program appeared before Representative PASSMAN's subcommittee. Representative PASSMAN made inquiry of the administrator as to the number and names of foreign nations to which the department under his control was then extending foreign aid. The administrator turned somewhat red as a result of embarrassment because of his own ignorance. He told Representative PASSMAN that he was sorry that he could not supply that information then, but he would supply it for the record.

He went back to his department and undertook to determine the number and the names of foreign countries to which his department had been supplying foreign aid. He was unable to find an answer that satisfied him. Then he did what we all often do. He called the Library of Congress and asked the Library of Congress to inform him as to the number and names of foreign countries which, under his supervision, was then being extended foreign aid.

After some days of research the Library of Congress was unable to secure sufficient information to answer the question correctly. It then, knowing that Representative PASSMAN was an expert on this subject, called Representative PASSMAN and inquired of him as to the names and the numbers of foreign nations to which the United States was extending foreign aid at that time so that they might be able to give an answer to the interrogation submitted to them by the administrator of the foreign aid program.

It has been a queer thing that this country has recklessly squandered its resources and money on foreign aid among foreign nations as a sailor squanders his monthly stipend in a reckless manner for his own enjoyment. The tragic fact is that the United States has had to borrow money to give away. If an individual were to borrow money for the purpose of giving it away, his family and his friends would institute an inquisition of lunacy and procure the appointment of a guardian to manage his affairs.

However, if an American politician advocates that the United States borrow money for the purpose of giving it away, he is likely to be elected President or chosen to be a Member of the Senate or a Member of the House of Representatives. And if he fails to attain any of these offices by the election route, he is most certain to be Secretary of State.

I intend to do as I have done in the past, vote against raising this most temporary national debt limit. I think we are going to have some drastic experiences in the financial field before we recover our financial stamina.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on passage of the bill. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, 1 week ago I participated in a colloquy here on the Senate floor, joined by the distinguished Senators from Virginia (Mr. BYRD), Wisconsin (Mr. PROXMIRE), Georgia (Mr. GAMBRELL), and Tennessee (Mr. BROCK).

At that time, I announced my intention to introduce my original spending limitation bill (S. 3123) as an amendment to the debt ceiling legislation (H.R. 12910), now pending before us. It seemed to me then, as it still does, that increases in our national debt can only realistically be reduced, or eliminated, if we in Congress apply a dependable brake on total Federal spending. Without such a ceiling, raising the debt becomes an unavoidable measure. It is a bit like locking the barn door after the horse has been stolen.

During last week's discussion, I made it quite clear that I could not support a further increase of $20 billion in permissible debt unless it was accompanied by a spending ceiling with some real clout.

Yesterday, the Senate passed such a measure by adopting, 53–30, my spending-limitation amendment, as modified by language introduced by the distinguished junior Senator from Virginia (Mr. SPONG). But, within the space of an hour, the teeth were extracted from that measure by another amendment.

By adopting its language, the Senate has exempted from the discipline of a ceiling four major categories of so-called uncontrollable Federal expenditures—social security, national service life insurance, debt interest, and farm price supports. Further, this preemptory measure permits the ceiling to be raised whenever Congress passes appropriations in excess of those recommended in the President's budget for fiscal year 1973.

Both of these provisions permit, in effect, total spending for the upcoming year to run its course, unbridled by the discipline of a strict ceiling that would have applied both to the executive branch as well as the Congress.

Mr. President, I first introduced the notion of a no-exemption ceiling last November, when estimates for fiscal year 1972 spending had climbed more than $3 billion over the original January estimate. Just 2 months later, the President reported that spending will reach $236.6 billion this fiscal year, more than $7 billion above his original figure.

Coupling this with congressional actions to reduce taxes and a general shortfall in revenues because of lower GNP figures, we must return to our constituents this year with news the Federal deficit for fiscal year 1972 will almost certainly exceed $45 billion, the largest since the crisis years of World War II.

Further deficits in fiscal years 1969–71 have helped fuel a general inflation which has eroded the purchasing power of the dollar some 23 percent in 5 years. Furthermore, the dismal record of actual versus estimated deficits augurs still greater overruns than the $36 billion deficit predicted for fiscal year 1973.

Next year if history acts as any precedent, the administration will inherit a legacy of mounting Federal debts. Faced with the possibility of renewed inflation and further international pressure on the dollar, we in Congress may be asked to levy new taxes on the American people, a most unwelcome, and I feel avoidable, step.

I am deeply troubled by the ambivalence of those who call for genuine fiscal responsibility one minute and then destroy the very legislation which would achieve that end. A ceiling full of holes is, in some respects, worse than no ceiling at all, for it deludes the public into believing that Congress has taken a stand against runaway spending when in fact it has not.

President Nixon, in his budget message January 24, personally called for a strict limitation on spending. My amendment was exactly that. His Treasury Secretary and Budget Director both called for this language in several sets of congressional testimony. The chairman of the Federal Reserve Board applauded the effort. Yet, the administration refused to support my measure, timely and germane though it was, fearful that any encumberance to the debt ceiling bill might delay its passage.

The debt ceiling will, no doubt, be increased now, and again in June when the administration will be forced to come back for an additional borrowing limit. But, it does so without my vote and without the effective ceiling we need to hold the spending line in fiscal 1973.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on the passage of the bill. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Alabama (Mr. SPARKMAN), and the Senator from South Dakota (Mr. MCGOVERN) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. RIBICOFF) is absent because of illness in family.

On this vote, the Senator from West Virginia (Mr. RANDOLPH) is paired with the Senator from Alabama (Mr. SPARKMAN).

If present and voting, the Senator from West Virginia would vote "yea" and the Senator from Alabama would vote "nay."

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Washington (Mr. JACKSON), the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Iowa (Mr. HUGHES), would each vote "yea."

Mr. GRIFFIN. I announce that the

Senator from Iowa (Mr. MILLER), the Senator from Illinois (Mr. PERCY) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is detained on official business.

On this vote, the Senator from Iowa (Mr. MILLER) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from Iowa would vote "yea" and the Senator from South Carolina would vote "nay."

On this vote, the Senator from Illinois (Mr. PERCY) is paired with the Senator from Colorado (Mr. DOMINICK). If present and voting, the Senator from Illinois would vote "yea" and the Senator from Colorado would vote "nay."

The result was announced—yeas 53, nays 29, as follows:

[No. 94 Leg.]

YEAS—53

Aiken	Eagleton	Packwood
Allott	Fong	Pastore
Anderson	Griffin	Pearson
Baker	Hart	Pell
Beall	Hruska	Saxbe
Bennett	Inouye	Schweiker
Bentsen	Javits	Scott
Bible	Jordan, Idaho	Smith
Boggs	Kennedy	Stafford
Brooke	Long	Stevens
Burdick	Magnuson	Stevenson
Byrd, W. Va.	Mansfield	Symington
Case	Mathias	Taft
Church	McClellan	Tower
Cooper	McGee	Tunney
Cranston	Mondale	Williams
Curtis	Moss	Young
Dole	Nelson	

NAYS—29

Allen	Ellender	Jordan, N.C.
Bellmon	Ervin	Metcalf
Brock	Fannin	Montoya
Buckley	Fulbright	Proxmire
Byrd, Va.	Gambrell	Roth
Cannon	Goldwater	Spong
Chiles	Gurney	Stennis
Cook	Hansen	Talmadge
Cotton	Hatfield	Weicker
Eastland	Hollings	

NOT VOTING—18

Bayh	Humphrey	Muskie
Dominick	Jackson	Percy
Gravel	McGovern	Randolph
Harris	McIntyre	Ribicoff
Hartke	Miller	Sparkman
Hughes	Mundt	Thurmond

So the bill (H.R. 12910) was passed.

Mr. LONG. Mr. President, I wish to make two motions that are necessary to expedite the passage of the bill.

First, I move that the Senate reconsider the vote by which the bill was passed.

Mr. CANNON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LONG. Mr. President, I now move that the Senate insist on its amendments to H.R. 12910 and ask for a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. LONG, Mr. ANDERSON, Mr. TALMADGE, Mr. BENNETT, and Mr. CURTISS conferees on the part of the Senate.

NATIONAL VOTER REGISTRATION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 427, S. 2574, so that it will become the pending business.

The PRESIDING OFFICER (Mr. GAMBRELL). The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2574) to amend title 13, United States Code, to establish within the Bureau of the Census a National Voter Registration Administration for the purpose of administering a voter registration program through the mail.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "National Voter Registration Act".

SEC. 2. (a) Title 13, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 11—NATIONAL VOTER REGISTRATION ADMINISTRATION

"Sec.
"401. Definitions.
"402. Establishment.
"403. Duties and powers.
"404. Qualifications and procedure.
"405. Registration forms.
"406. Distribution of registration forms.
"407. Prevention of fraudulent registration.
"408. Penalties.
"409. Financial assistance.
"410. Regulations.

"§ 401. Defininitions

"As used in this chapter—

"(1) 'Administration' means the National Voter Registration Administration;

"(2) 'State' means each State of the United States, the political subdivisions of each State, and the District of Columbia;

"(3) 'Federal office' means the office of the President, the Vice President, a Senator, a Representative, or the Delegate to the Congress;

"(4) 'Federal election' means any primary, special, general, or other election held for the purpose of nominating or electing candidates for any Federal office, including any election held for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates to such a convention;

"(5) 'State and local election' means any election other than a Federal election; and

"(6) 'State or local official' means any individual who acts as an official or agent of a government of a State to register qualified electors, or to conduct or supervise any Federal election in a State.

"§ 402. Establishment

"(a) There is established within the Bureau of the Census, Department of Commerce, the National Voter Registration Administration.

"(b) The President shall appoint, by and with the advice and consent of the Senate, an Administrator and two Associate Administrators for terms of four years each, who may continue in office until a successor is qualified. An individual appointed to fill a vacancy shall serve the remainder of the term to which his predecessor was appointed. The Associate Administrators shall not be adherents of the same political party. The Administrator shall be the chief executive officer of the Administration.

"§ 403. Duties and powers

"The Administration shall—

"(1) establish and administer a national voter registration program for Federal elections in accordance with this chapter;

"(2) collect, analyze, and arrange for the publication and sale by the Government Printing Office of information concerning elections in the United States;

"(3) provide assistance to State and local officials concerning the national voter registration program and election problems generally;

"(4) obtain facilities and supplies and appoint and fix the pay of officers and employees, as may be necessary to permit the Administration to carry out its duties and powers under this chapter, and such officers and employees shall be in the competitive service under title 5, United States Code;

"(5) appoint and fix the pay of officers and employees for temporary services as authorized under subchapter II of chapter 1 of this title for temporary employees of the Bureau of the Census;

"(6) prepare and submit to the President and the Congress a report on its activities, and on voter registration and elections generally in the United States, immediately following each biennial general Federal election; and

"(7) take such other action as it deems necessary and proper to carry out its duties and powers under this chapter.

"§ 404. Qualifications and procedure

"(a) An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on and after the thirtieth day before a Federal election, shall be entitled to register and vote in a Federal election in that State.

"(b) An individual registered to vote under the provisions of this chapter shall be entitled to vote in a Federal election.

"(c) Whenever a Federal election is held in any State, the Administration may, upon the request of any State or local official, furnish officers and employees and such other assistance as the Administration and the State or local official may agree upon to assist in the registration of individuals applying to register in that State under the provisions of this chapter.

"§ 405. Registration forms

"(a) The Administration shall prepare voter registration forms in accordance with the provisions of this section.

"(b) Printed registration forms shall be designed to provide a simple method of registering by mail to vote in Federal elections. Registration forms may be a perforated double postal card and may include the following on the first part of the postal card—

"(1) printed instructions for completing the registration form;

"(2) a printed statement of the requirements of State law for voting in Federal and State and local elections, other than the requirements of duration of residency;

"(3) space for the individual to write his name, address, and political party preference if appropriate;

"(4) a printed statement that the individual is a qaulified elector under the laws of the State except as to duration of residency, and that the individual—

"(A) has been a duly qualified resident of the State for the period required by State law to be a qualified elector voting in any State or local election, or

"(B) will be a resident of the State on

and after the thirtieth day before the next Federal election

and an appropriate space for the individual to indicate which statement is applicable to him;

"(5) a printed statement of the penalties of law of the United States and the State for fraudulent registration to vote, and a place for the individual to sign a certification that he is a qualified elector of that State;

and may include the following on the second part of the postal card—

"(6) a printed statement that the individual is a qualified elector in the State and that his name has been placed on the list of registered electors;

"(7) a printed statement that the individual is a qualified elector in the State only for Federal elections, and that his name has been placed on the list of registered electors for Federal elections;

"(8) a printed statement that the individual is not a qualified elector in the State and that his name has not been placed on the list of registered electors;

"(9) a space for a written explanation of the reasons why paragraph (2) of this section is applicable to the individual; and

"(10) an appropriate space for the State or local official to indicate whether paragraph (6), (7), or (8) of this part of the postal card is applicable to the individual.

"(c) Registration forms shall provide adequate space on the reverse side of the form for the writing of the name and address of the individual submitting the form for registration to vote, and the second part of the form shall be completed and promptly returned by the State or local official to the applicant at the address on the form. A returned form shall not be forwarded to another address but shall be returned to the State or local official mailing the form. The possession of such form indicating that the individual is entitled to vote in any Federal election for which he qualifies shall be prima facie evidence that the individual is a qualified and registered elector entitled to vote in any such election but shall not be required for presentation to cast his ballot.

"(d) Registration forms may be prepared in a language other than English when the Administration deems such a language is appropriate.

"§ 406. Distribution of registration forms

"(a) The Administration is authorized to enter into agreements with the Postal Service, with departments and agencies of the Federal Government, and with State and local officials for the distribution of registration forms in accordance with the provisions of this section.

"(b) Any agreement made between the Administration and the Postal Service shall provide for the preparation by the Administration of sufficient quantities of registration forms so that the Postal Service can deliver registration forms to each postal address in the United States and to each Armed Forces installation in the United States for the number of individuals at that address or installation who may be qualified electors and for the preparation of a reasonable quantity of such forms for public distribution at any post office, postal substation, postal contract station, or on any rural or star route.

"(c) The Postal Service shall distribute the registration forms to postal addresses and Armed Forces installations not earlier than forty-five days or later than thirty days prior to the close of registration for the next Federal election in each political jurisdiction in any State.

"(d) Whenever the Administration determines that the circumstances of a Federal election, other than a biennial general Federal election, present such difficulties of compliance with the provisions of this section as to justify an exception, it may issue such rules and regulations for the preparation and distribution of registration forms as it deems suitable, or for cooperative assistance with State and local officials.

"(e) This section shall not be construed to place any time limit upon the general availability of registration forms in post offices and appropriate Federal, State, and local government offices pursuant to agreements made under this section.

"§ 407. Prevention of fraudulent registration

"(a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration. The Administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

"(b) Whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or the State or local official may notify the Attorney General, and the Attorney General may bring a civil action suit in an appropriate United States district court or the United States District Court for the District of Columbia for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate to prevent such registration.

"§ 408. Penalties

"(a) Whoever knowingly or willfully gives false information as to his name, address, residence, age, or other information for the purposes of establishing his eligibility to register or vote under this chapter, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts or offers to accept payment either for registration to vote or for voting shall be fined not more than $10,000, or imprisoned not more than five years, or both.

"(b) Any person who deprives, or attempts to deprive, any other person of any right under this chapter shall be fined not more than $5,000, or imprisoned not more than five years, or both.

"(c) The provisions of section 1001 of title 18, United States Code, are applicable to the registration form prepared under section 405 of this chapter.

"§ 409. Financial assistance

"(a) The Administration shall determine the fair and reasonable cost of processing registration forms prescribed under this chapter, and shall pay to each appropriate State an amount equal to such cost per card multiplied by the number of registration cards processed under this chapter in that State.

"(b) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as a form and system of registration to be a qualified and registered elector for State and local elections in that State. Payments made under this subsection may be made without regard to whether the State changes its requirements for duration of residency to be a qualified elector. Payments made to a State under this subsection may not exceed 15 per centum of the amount paid that State under subsection (a) of this section for the most recent general Federal election in that State.

"(c) The Administration is authorized to pay any State which adopts the registration form and system prescribed by this chapter as the form and system of registration to be a qualified and registered elector for State and local elections in that State and reduces any duration of residency requirement otherwise in effect to a period not exceeding thirty days prior to any Federal or State and local election. Payment made to a State under this subsection may not exceed 30 per centum of the amount paid to that State under subsection (a) of this section for the most recent general Federal election held in that State.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursment, with necessary adjustments on account of overpayments or underpayments.

"§ 410. Regulations.

"The Administration is authorized to issue rules and regulations for the administration of this chapter."

(b) The table of chapters of title 13, United States Code, is amended by adding at the end thereof the following:

"11. National Voting Registration Administration ---------- 401"

SEC. 3. (a) Section 3202(a) of title 39 United States Code, is amended—

(1) by striking out "and" at the end of clause (4);

(2) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof:

"(6) mail relating to voter registration pursuant to sections 405 and 406 of title 13."

(b) Section 3206 of title 39, United States Code, is amended by adding the following new subsection:

"(d) The National Voter Registration Administration shall transfer to the Postal Service as postal revenues out of any appropriations made to the Administration for that purpose the equivalent amount of postage, as determined by the Postal Service, for penalty mailings under clause (6) of section 3202(a) of this title."

(c) Section 404 of title 39, United States Code, is amended—

(1) by striking out "and" at the end of clause (8);

(2) by striking out the period at the end of clause (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new clause;

"(10) to enter into arrangements with the National Voter Registration Administration, Bureau of the Census, for the collection, delivery, and return delivery of voter registration forms."

SEC. 4. Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"(131) Administrator and Associate Administrators (2), National Voter Registration Administration, Bureau of the Census."

SEC. 5. There are authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

The PRESIDING OFFICER. The pending question is on agreeing to the motion of the Senator from North Carolina (Mr. ERVIN) to recommit the bill.

Mr. McGEE. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, I suggest the absence of a quorum, without relinquishing my right to the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. McGEE. Mr. President, I have prepared some remarks explaining the

pending legislation to which a pending motion to recommit is on the record at the present time. Therefore, I should like to say just a word or two about what the measure proposes to do, before spelling out the rest of my comments.

This Voter Registration Act would simply provide that, under the Bureau of Census, a voter registration administration would be set up which would provide for mailing to all householders. This would operate under the present Census Bureau mechanism and the post card combination would make it possible for the recipient to register in his State, wherever he was.

He would do this by returning the post card to the election authorities in his State, not to the Federal Government. Once the card was received by the registration officials in his State, he would be officially added to the roster of voters. This is very similar to the roster now existing under the Federal Registration Act of 1970, affecting only the election of the President of the United States. This measure would extend such registration to all Federal election offices. That would mean the President, the Vice President, Senators, and Members of the House of Representatives.

It would further provide that in those elections, 30 days would be the longest residence requirement permissible in any State, and the consequence would be to simplify the registration process in the country.

The reason is that a study of the last nationwide election—namely, 1968—reveals that 47 million people otherwise eligible did not vote; and the study that was made by George Gallup of those 47 million people disclosed that many of them did not vote because of various obstacles in the registration procedures.

There always will be a number of people who will not vote, no matter what happens, and you cannot legislate that behavior pattern. But because of the many who say they would vote if it were possible to work out these registration difficulties, it is important that we seek reform with effective safeguards, so this will be possible.

We have a great deal to say in our country about free elections. Yet, our track record on this is not as high as I suspect it ought to be or we would like it to be, and any number of the other representative democracies in the world have a far higher percentage than we have.

The point is that 60 percent of the eligible voters in this country in the last presidential election voted. To put it another way, and rather starkly: While the successful candidate for President of the United States, President Nixon, received 43 million votes in winning the election, 47 million people did not vote.

It is this discrepancy we genuinely seek to correct.

The voter registration procedure, by using the Bureau of the Census and the postal system to convey the cards, has been bared for questions raised by people genuinely interested in improving the voting procedures in this country. One of those questions involves fraud—there is fear expressed that, by dealing in the postal mechanism, fraud would lend itself to groups taking advantage of this process of registering voters.

I think the record should show that one State, North Dakota, has no registration. We have a few areas which have limited registration under these processes, and we tend to confuse abuses to the system that have occurred in voting, in casting ballots, with the processes of registration. Abuses of the registration process have been minimal, at the very most, and this is not where the abuses lie.

To begin with, there is almost no incentive at the registration level to attempt the kind of abuses that have come to be associated with the casting of the ballot itself. Therefore, in this process we will have made it possible for all voters in the country to vote in a way that we have already set up for them to vote in all presidential elections even now, under the Voting Rights Act of 1970. Given the process now on the books, we are confident that it would be but a very small step to make this applicable to all Federal elections. This would not apply to State elections—they will continue to be handled by State officials.

Very frankly, S. 2574 contains a provision to help a State defray some of its costs, if it has extra costs in this form of additional registration—up to 15 percent of the costs. Also, they would be assisted to another 30 percent of the cost if they were to adapt their State requirements to this mechanism.

But there is nothing compulsory about it. There is nothing mandatory. It is up to the State's exercise of its own options in this regard.

The measure would provide that post card registration would be in order up to 30 days before the election and that no State could deny an individual the right to vote, if he could establish the fact that he was resident in that State. His signature would be the affidavit to the authenticity of it, subject to the preparation of the voter registration rolls that ordinarily proceed in every State under the circumstances.

A question has been raised with regard to how you could rely upon something as informal as a post card to validate this. The answer to this is simple. The IRS accomplishes the same result with the tax form. This is done by mail and is authenticated by a process which, in that case, is centralized in the various offices of the Internal Revenue Service. But in this instance, the validation would be left in the hands of the States, but the authenticating order by mail would seem to contain intrinsically less incentive to abuses than certainly the returning of one's income tax returns.

In some States, Texas is an illustration, they have a registration process now available with coupons printed in the newspapers. This could be handled in many other illustrations to suggest that registering voters is not really the problem in terms of curbing abuses and that, if we are indeed concerned with fraud, we should concern ourselves with the largest fraud of all, and that is the system that discourages 47 million Americans from registering in the first place.

This measure is offered in order to correct this obvious gap in our electoral process.

I would add, Mr. President, because the pending matter is a holdover from the preceding session of Congress; a motion will be upcoming to modify the pending motion. As I understand it, from the Senator from North Carolina, Mr. ERVIN, he wishes to recommit this measure to the Committee on the Judiciary. Because of this, perhaps it is necessary to explain the background of the circumstance.

In matters involving voting procedures, under the rules of the Senate, these measures do not ordinarily go to the Committee on the Judiciary in the first place, except with the unanimous consent of this body. Normally, they would be assigned to the Committee on Rules and Administration. This was waived at the time it was submitted, and the Parliamentarian of the Senate determined that, because of the mechanism in the bill lodged in the Bureau of the Census, it would require that it be assigned to the Post Office and Civil Service Committee which has jurisdiction over that bureau. This was not assigned by unanimous consent, exempting the rules, it was assigned by the Parliamentarian because it was within the jurisdiction, under those circumstances, of the committee that held the hearings on the bill, that had committee deliberations on the bill, and reported S. 2574.

I would think, Mr. President, that in times like these in particular, when we are being watched for the example we set for the rest of the world, we not be caught nit-picking the fearful possibilities of a measure that is elementary and simple both in its concept and in its operation.

I believe it genuinely to be in the best interests of the electoral process in this land that we make it easier to register rather than to continue the difficulties or the obstacles which are present in the diverse systems that currently prevail among the 50 States.

To recap, Mr. President, this measure says very simply and very bluntly that in Federal elections for the President, for the Senate, and for the House of Representatives, there should be a fairly uniform and universal set of requirements for the right to vote, including registration in preparation for that right to vote.

It could not be put in simpler terms than that. S. 2574 accomplishes this.

Turning to my prepared remarks, Mr. President, the pending business of the Senate today is a bill designed to increase national voter participation in Federal elections by making it easier for citizens to register to vote.

In recent weeks, critics of this proposal have raised a variety of boogey-men to characterize S. 2574 as some monstrosity of administrative procedure designed to wreck State voter registration systems, enroll millions of ineligible voters on the elector lists, and create a general mess in the electoral process.

These issues have been raised, I contend, because those who oppose this legislation have some innate fear of mass participation in the electoral process in this

country. The straw issues which the opponents of S. 2574 raise are no more than that—harrassment designed to obscure the genuine merit of this legislation and create fear in the minds of the public that the bill does something awful to representative government in the United States. Nothing could be farther from the truth, unless the opposition calls participatory democracy "something awful."

The facts are that S. 2574 sets out a simple administrative procedure to help citizens vote for their President, Vice President, Senators and Representatives by establishing a National Voter Registration Administration within the existing Bureau of the Census to arrange for the distribution of a simple postal card through the U.S. Postal Service to all residences in the Nation, to be filled out by the eligible voter in each household, and returned to the local registration official, who will place the voter's name on the rolls if it is not already there. It does nothing more than that. The Bureau of the Census already does a substantially similar task in the biennial census, as well as business and agricultural censuses which are taken periodically.

Now the reason why we need such a system is fairly obvious from even a cursory examination of the evidence. In the United States today, just about 60 percent of the eligible voters actually register and vote in presidential elections, when the turnout is the greatest. That is the lowest percentage of voter turnout in the free world. There are undoubtedly several reasons for this lack of participation, but one reason which we in S. 2574 will attempt to resolve is that it is not always easy to register to vote. The working men and women in this country cannot always make it to the courthouse to sign up. If you are out in the oil fields roughnecking, or taking care of five or six kids at home, or working a night shift and sleeping in the daytime, there are plenty of reasons why you can't get down to the county clerk's office to register to vote.

Many States have methods designed to help these eligible voters, but precious little is said about them. In my own State of Wyoming, county clerk offices are open on Saturday to help citizens register to vote. But all too often the Saturday opening is a one-shot affair, with little publicity given the occasion. And in any event, there are still many who cannot get to town regardless of when the office is open. The aged, the infirm, the rural resident, the housewife without transportation, all of these people make up the preponderance of those who do not register and vote. They are as entitled to vote as any others, and their Congress should see to it that the system of registration does not disenfranchise them because of its complexity or cumbersomeness.

In 1968, approximately 47 million adult Americans did not vote in the presidential election. Some of those perhaps were not eligible under prevailing State law because of residency requirements. Others are not going to vote regardless of what we do. But this fact stands out above all others: when there were no registration laws in our States, voter participation was quite high. When registration laws were enacted, participation sank below 50 percent in most States.

Why were these laws enacted in the late 1890's? Was it to prevent fraud, to insure fair elections? Far from it. We all know why they were enacted. They were enacted to prevent people from voting. The poll tax in some States, the grandfather clauses in others, the effort to discriminate against some nationalities—the oriental in the Western States and the European immigrants in the Eastern States—these were the real reasons. And they were effective. They still are. Because there is no doubt that the people who do not register to vote these days are largely those on the bottom end of the social and economic ladder in this country.

If real representative government in the United States is going to prevail, it must be structured so that all can participate. In this modern day, there is no earthly excuse for a registration system which tends to limit the free exercise of citizenship. There can be no justification for sustaining a system which prevents the unwary from knowing and using what is commonplace to the informed.

The major arguments against S. 2574, as they have been presented in the debate heretofore and in the written views of three members of the Committee on Post Office and Civil Service are threefold: first, that, the committee did not have jurisdiction over the legislative matter, which, as far as the merits of the bill are concerned, is irrelevant; second, that it is of doubtful constitutionality; and finally that it would lead to wholesale fraud.

Let me answer each of these charges. The Legislative Reorganization Act of 1946, as amended, gives the Committee on Post Office and Civil Service direct jurisdiction over the Postal Service and the collection of the census and statistics, generally, among other duties. S. 2574 relates directly to those two functions—the Bureau of the Census will conduct a registration program with the cooperation of the Postal Service.

At the time S. 2574 was introduced by me, with several cosponsors, and there are now 24 cosponsors of the bill, I am glad to say, of all regions of the Nation, it was referred to the Committee on Post Office and Civil Service by the presiding officer upon the advice and counsel of the distinguished Parliamentarian of the Senate. There were other bills of a similar nature also referred to our committee, and our extensive hearings on this legislation encompassed them all. No witness appeared to testify that we were in the wrong ball park. No Senator raised any objection to our consideration. Several, indeed, appeared to urge the necessity for speedy and effective action.

Why, then, do we hear this argument today. The answer—the truthful answer—is simply delay. Anything to put off consideration of a bill to bring more people to the polls in 1972. Refer the bill to the Committee on the Judiciary, which has considered some other voter registration legislation in the past having to do primarily with civil rights. This bill does not relate to civil rights, and would be inappropriate in the committee. But do it anyway, the opponents of S. 2574 say, so that we will not have the threat of massive voter registration through an effective federal system.

The second argument against S. 2574 is that it is unconstitutional, that it places the Federal Government in a business clearly reserved for the States. This argument was raised in our committee hearings last fall by the Deputy Assistant Attorney General, who, I might add, had been in office about 3 days and admitted his virtually complete unfamiliarity with either the bills before the committee or the issues involved. But the issue has been raised, anyway. It is, like all of the arguments raised against this legislation, purely specious. It is no more unconstitutional for the Federal Government to intervene in the planning and execution of Federal elections for officers of the Government of the United States than it is for the Federal Government to support argiculture prices for every farmer in the land, lend money to the Penn-Central Railway, build a 41,000 mile Federal-State highway system, appropriate billions of dollars for higher, secondary, and elementary education of State and local school system, or any other social or economic program which characterizes our Nation today.

As long ago as 1932, Chief Justice Evans Hughes recognized the validity of Federal laws in the election process, at a time when the Supreme Court was not so liberal on social issues as it has been recently. And yet that Supreme Court decision—Smiley against Holm—was a unanimous verdict by the Court.

In the 1970 Voting Rights Case, Oregon against Mitchell, the Supreme Court upheld the Federal registration period for presidential elections being established by Federal law by a vote of 8 to 1.

So, in my view, the arguments of constitutionality are the same as the arguments about the committees' jurisdiction, the raising of a grave constitutional crisis to avoid the enactment of a progressive bit of legislation. Like State Rights, it is an argument invariably heard in the defense of a selfish vested interest fighting off the inevitability of progress.

The third argument proposed against S. 2574, and the argument given most publicity, is that of fraudulent registration. It seems that out of nowhere, a great mass of ineligible voters will appear to sign post cards and return them to the county clerk to register.

Well now, in the first place, that just is not so. Anyone who is interested in fraudulently registering to vote can do so today, and undoubtedly some do. All you have to do is go to the county clerks' office and sign up. Contrary to the impression which some seem to believe, ineligible voters tend to resemble eligible voters. It would be helpful if those who do not meet State voter qualifications wore bright green clothing with a large pink hat and had an ineligible countenance on their face, but they do not. They are shockingly similar to everybody else. And if they are interested in voting in violation of State laws, they are certainly able to do so if they will sign an affidavit of their eligibility. Although there may be such instances, I have never

heard of a clerk in the county clerk's office carefully scrutinizing the credentials of a registration applicant to make sure that he fulfills the residency and age requirements.

Under S. 2574, there is nothing to change the county clerk's authority to examine the credentials of a registration applicant. As a matter of fact, all our bill does is to offer assistance to any State or local official who believes that fraud is occurring in this post card registration system. And the Bureau of the Census will send in voter registration investigators to examine the evidence and assist the county clerk in getting the job done right.

If the clerk receives a postcard from John Jones which says he is eligible to register, and the clerk doubts the truth of the statement, there is no provision for John Jones to get on the voter rolls notwithstanding the clerk's decision in this bill. He may go to court, either a Federal court under the Voting Rights Act of 1965, which is an entirely separate law, or he may proceed under applicable State law.

So the fraud just is not there. If the State officials suspect it, they can ask for help from the Federal Government to investigate it, and they will get it. If they wish to proceed on their own, they may. As is the case with the other issues raised against this bill, the issue of fraud is just another goblin in the night designed to frighten the Senate into rejecting this legislation. I cannot believe that 24 Senators, Southerners, Northerners, Westerners, men of many persuasions, would endorse and sponsor legislation of this sort if they had any idea at all that it could lead to election fraud. That is just beyond the realm of reasonable possibility.

During the coming days, I am sure other arguments will be made by those who oppose greater voter turnout, and various defects in this bill will be spotlighted. I do not claim that we have a perfect bill, and amendments to improve the bill, to make it more responsive to the needs of the people and the legitimate machinery for voter registration in our States today will certainly be supported by those of us—one-fourth of this Senate—who look upon this legislation as a vital part of the democratic process.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that two additional assistants from the committee be admitted to the floor until completion of this business.

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

Mr. McGEE. Mr. President, I yield the floor.

Mr. ERVIN. Mr. President, I ask unanimous consent that I may withdraw the motion originally made to recommit this bill to the Post Office and Civil Service Committee.

The PRESIDING OFFICER (Mr. ROTH). Without objection, the motion is withdrawn.

Mr. ERVIN. Mr. President, I move that the bill be referred to the Committee on the Judiciary.

This is a very simple bill. It proposes to change the laws which have prevailed in this country every since 1789 and to take the registration of voters in Federal elections substantially out of the hands of the State and to put them into a new agency in the Bureau of the Census.

The bill illustrates the fact that the staff of the Committee on Post Office and Civil Service know a lot about postal cards but virtually nothing about elections. I say that with all due respect.

Mr. President, this is a highly dangerous bill. In the hands of an unscrupulous organization, it would virtually permit the stealing of the Presidency of the United States. It would abandon all of the safeguards which human experience has shown are needed to safeguard elections and to make it certain that no one shall vote in an election unless he is qualified by the laws of the State, subject to the residency requirements now enforced or proposed to be enforced for Federal elections.

As I said, since 1789 the power to pass on the qualifications of voters and to register voters for all elections, Federal, State, or local, has resided in the States, where it rightly belongs.

During recent years, we have witnessed the constant centralization of power in Washington. I suppose it is a symptom of "Potomac fever." One of the things that is passing strange to the Senator from North Carolina is the fact that so many Members of Congress come to the conclusion, shortly after they reach this body, that the people that sent them here have not got sufficient intelligence to run their own affairs and to administer Central Government requirements, and that these powers must be taken away from the people in the locality and reposed in some executive official who is elected by nobody to do anything and who is responsible to nobody and who dwells on the banks of the Potomac River.

If my memory serves me correctly, there are 50 States in the Union. And in these 50 States, there are 184,000 separate election precincts in which people cast their votes for presidential electors, Senators, Representatives in the House of Representatives, and all State and local officials.

This is a proposal that the power to register voters be really taken away from the State and local election officials in these 184,000 election precincts and be given to three bureaucratic Solomons in the Bureau of the Census. Every safeguard that the State laws now throw around the elections to prevent the stealing of elections is ignored by this bill. And I fear that they are abolished by this bill.

I say that because there is a rule of law that when the Congress enters into a field of legislation in which the States have operated, the courts often hold that the action of the Congress has supplanted the capacity of the States to act and State laws are nullified and State officials are denied the power to take action.

The distinguished Senator from Wyoming mentioned the fact that in one State—I believe he said North Dakota—which is a rural State, the local election officials know everybody who resides in their precinct—and he said they have no registration requirements. It is easy to see how that kind of system can operate in a rural community. But that kind of system will not operate in a center of population such as New York, Chicago, Kansas City, or Los Angeles, where the largest proportion of the voting population in the United States now reside. In these cities and in other American cities, it is rare that the man who lives in an apartment house even knows the names of people even in the adjoining apartments.

It may be said that there is no danger of election frauds. Yet, some years ago they had quite an investigation of an election in Kansas City. As a result of that election, the district attorney wrote a book in which he recounted what the investigation of that election disclosed. The investigation of that election disclosed the information, according to this district attorney, that the names of scores and scores of people had been placed upon the registration books as having resided in vacant lots or in filling stations and that votes had been cast in the names of those people.

I had a man tell me on one occasion many years ago that he was in the city of Chicago in destitute circumstances. He said that on election day he went to a party headquarters in a certain section of the city of Chicago to seek a little economic sustenance so that he might keep body and soul together a few more days. They made him a proposition that they would give him a dollar for each vote that he cast in the election.

That man gave me his solemn assurance that he was taken to 17 different precincts and voted 17 different times under 17 different names and that he received $17 for so doing.

This bill does away with every safeguard under the existing practices in the 184,000 election precincts in the United States. A man or a woman who desires to exercise his or her franchise has to go to the registrar in person and answer such questions as the registrar may put to him or to her in respect to their qualifications for voting. This bill contemplates that the State or local registrar will never see the voter whom they undertake to register by postal card. As a matter of fact, this bill contemplates that the election official will be denied access to all information about the qualifications of a person, who is called an individual, except the information which is set forth by that individual or by somebody for that individual on a postal card.

History tells us that George Washington was a truthful man and that Ananias was a monstrous liar. When we look at a written instrument which is signed by George Washington and a written instrument which is signed by Ananias, we cannot tell the difference between them. That is the reason that courts of law require that witnesses be produced in person and be subject to cross-examination, and that those who are to determine the facts see them in person, because it is very easy to tell the difference between George Washington and Ananias if one sees them in person and has an opportunity to observe their conduct and their demeanor.

It has been on this basis that all election laws have been administered down to this date. And even with such safeguards as that, we have had on occasion monstrous frauds practiced in elections. It is one of the strange things that many men who would not steal a penny of anyone else's money are willing to steal elections. And yet this bill throws into the discard every provision of existing law which is designed to enable State and local officials to determine whether or not a fraud is being practiced upon them.

As a matter of fact, under this bill, if a State or local election official receives one of these postal cards through the mail he is not even given the opportunity to find out if there is any such person in existence who bears the name which has been signed to that postal card. There is not a provision in the bill that gives him that right or that power. He is not given any right when he receives a postal card under the provisions of the bill to determine whether that postal card is a forgery or not. He is not given any power to do anything under this bill except to read the postal card and on the basis of the reading of that postal card he is required to make an adjudication.

He is required to make an adjudication without knowing whether a single human being exists whose name is signed to that postal card and without any ability to find out whether the postal card was a forgery or whether there is a word of truth in the statements made on the postal card.

But more than that, Mr. President, under this bill he is required, on the basis of this statement on the postal card, to make an adjudication on what the postal card says without investigation, with respect to a man whom he has never seen and whom he does not even know exists or even if he has been created by the Lord God Almighty from the time of the beginning of this world until the time he receives the postal card.

If he finds out there is some rascality, if he finds out there is some fraud being performed, if he finds out somebody is trying to impose upon him and get registration when he is not eligible to be registered, he cannot do a thing about it.

I say that for this reason. The language on page 19 of the bill, section 407 states:

> Prevention of fraudulent registration. (a) Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the administration—

The administrator and his two assistants here in Washington—

> and request its assistance to prevent fraudulent registration. The administration shall give such reasonable and expeditious assistance as it deems appropriate in such cases, and shall issue a report on its findings.

Who, in dickens, is it going to issue the report to? In other words, when the State or local official finds out somebody is trying to practice a fraud on him he cannot do anything about it; he has to notify some folks up here in Washington.

Well, under existing law he can go to the nearest justice of the peace, swear out a warrant against the person, and proceed against him, but where the existing law is superseded by a congressional enactment, the probability is that the court will interpret existing law to have ceased to exist. It is very interesting to read the next section. Where there is an effort to perpetuate a gigantic fraud upon the people, such as that reported by the District Attorney's office as having been perpetrated in Kansas City some years ago, what can the poor State and local official do? Nothing; not under this bill. They cannot get a warrant; they cannot consult the local prosecuting attorney. They have to come up here and take it up with the Attorney General of the United States.

Here is what section (b) states on page 19:

> (b) Whenever the Administration or a State or local official determines that there is a pattern of fraudulent registration, attempted fraudulent registration, or any activity on the part of any individuals or groups of individuals to register individuals to vote who are not qualified electors, the Administration or the State or local official may notify the Attorney General, and the Attorney General may bring a civil action suit in an appropriate United States district court or the United States District Court for the District of Columbia for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate to prevent such registration.

Mr. President, under the present law if a man fraudulently registers he can be challenged by any citizen or he can be challenged by the State or local election official, and then he has to prove his qualifications.

But that is not so under this bill when anyone thinks there is a fraud being perpetrated—that is, anyone charged with election irresponsibility. He cannot do anything in the world but consult his Attorney General.

From my experience as a practicing lawyer it usually takes the Attorney General's office about 6 months to investigate anything and by the time the 6 months has passed the election is over and the fraudulent voters have cast their votes and perhaps determined the destiny of the United States.

But if the Attorney General, after investigation, decides to do anything about it to put a stop to fraudulent voting he has to bring a lawsuit and the lawsuit amounts to nothing unless he first gets the U.S. marshal to go and find this voter and serve him with the complaint in the action.

There is not a syllable in this bill that has any reasonable tendency to prevent the gravest kind of rascality being practiced under this bill. There is no provision challenging voters; there is no provision that gives any State or election official the right to deny registration to a man whose testimony he does not believe. He is bound to act solely on the statement of that man on a postal card, without even knowing, as I said, whether the man actually exists, or, if he exists, whether the signature to the postal card is a forgery or not.

The distinguished Senator from Wyoming says that the Parliamentarian referred this bill to the Committee on Post Office and Civil Service. I concede that is so. I do not criticize the Parliamentarian for making such reference, because the truth of it is that when this bill was introduced there was not very much said about regulating the election laws. It just talked some phrases about the Bureau of the Census.

With all due deference to everybody, I say facetiously, but I also say it seriously while I say it facetiously, that they gave the Parliamentarian a wolf dressed up in sheep's clothing, and on that basis he sent this bill to a committee that has no more jurisdiction in the field of elections than I have to select lingerie for the Queen of Sheba.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. McGEE. I would be interested in the Senator's expanding more on that last disqualification of himself, which was laden with interesting ramifications.

Mr. ERVIN. Well, I would say to my distinguished friend from Wyoming that if I sought to expend my jurisdiction in a manner comparable to the expansion of the jurisdiction of the Committee on Post Office and Civil Service, I would presume the right to select lingerie for the Queen of Sheba, but I do not believe in expanding my jurisdiction even in such desirable circumstances as would be involved in that case.

Mr. McGEE. I appreciate not only his eternal sense of humor but his dry wit in so many of these situations where my good friend from North Carolina draws parallels and suggests analogies. I would like to submit that perhaps that is a bit overdrawn, but even making just allowances for it, the jurisdiction of the Committee on Post Office and Civil Service encompasses the Bureau of the Census. This bill was a simple procedure for registering individuals. The process ability of the Census Bureau was attested to by the Director of the Bureau. He said they could indeed meet the requirements of the preparation of these rolls and mailing the cards. The postal system, while it might be open to question to some persons, can deliver the post cards. So the real test comes in those being returned to the States where the recipients of the post cards claimed to be residents, and there the same procedures apply for validating the registration.

There is nothing new in the procedure. It is the device of permitting one to register because he could not get down to register in the hours during which registration was permitted, 9 to 5, because he was a laboring man on the job or he was on the road or he was traveling through the country. It was somewhat to overcome those barriers that this procedure was suggested, while the registration process remains essentially the same.

Mr. ERVIN. No. Show me any place in the bill where the registrar can summon the man before him.

Mr. McGEE. I did not hear that.

Mr. ERVIN. Show me any provision in the bill which provides the registrar with any right except to look at the postal card.

Mr. McGEE. And validate the registration. In other words, these procedures are used at the present time to validate any registration. If some stranger walks

in whom the registrar has never known, and says "I live at 4221 Sheridan," that is all the registrar knows about him.

Mr. ERVIN. There is nothing in the bill that says he may see anything except what is on the postal card, and he cannot find out whether the man who wrote the postal card actually exists, and he cannot find out whether the postal card is a forgery, and he cannot find out whether the statements on the postal card are true or false.

Mr. McGEE. The same procedures that exist for the validation of any registration pertain to this case.

Mr. ERVIN. Will the Senator accept an amendment which I might offer which provides that all the State laws which give the State or local official the opportunity to summon the man before them and to take evidence on this point shall not be affected by this bill?

Mr. McGEE. Not only that; it provides that if there is any reason to suspect fraud—and it specifies suspicion of fraud—they shall use the usual procedures which are used to validate it.

Mr. ERVIN. Here is a copy of the bill. Will the Senator show me where that appears in it? I have read the bill backward and forward, and have not found it. It says that when he suspects fraud he has to notify the people in Washington, the administrator and his two assistants.

Mr. McGEE. It says he may ask for that help only if he feels he cannot handle it at the State level, and the hope is that he will be able to handle it at the State level.

Mr. ERVIN. Where does it say he will handle it at the State level?

Mr. McGEE. Under State law today. This does not change the State law today and it says it does not change it.

Mr. ERVIN. Where does it say it?

Mr. McGEE. If it does not change State law, it need not say it does not change it. We are not altering State law.

Mr. ERVIN. Oh, yes. That is what they said when Congress passed a law in reference to conspiring to overthrow the Government by force and violence. It never said anything about changing State law. Yet when the State of Pennsylvania prosecuted a man named Nelson for conspiracy to overthrow the Government by force and violence, and the State and the Federal Government both had laws applying to that, the court here held that the Federal law entirely superseded the State law and the State had no power to prevent people from overthrowing the Government by force and violence.

Mr. McGEE. The Senator's allusion is to conspiracy to overthrow the Government. We are not dealing with conspiracy to overthrow the Government, as the Senator well knows, in this legislation.

If he will turn to page 19 of the bill, he will see there is no preemption anywhere of that law. I challenge the Senator to show any preemption of the law at the State level. It says on page 19:

Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration.

Mr. ERVIN. It says when he discovers rascality, instead of doing anything about it, he has to notify the people in Washington. That is exactly my objection.

Mr. McGEE. He does not have to; it says he may.

Mr. ERVIN. In fact, he does not have to do it; he may.

Mr. McGEE. That is correct.

Mr. ERVIN. He may not notify anybody.

Mr. McGEE. He determines the registrars' rolls.

Mr. ERVIN. Oh, no. It says that, if he discovers that individuals who are not qualified electors are attempting to register, he cannot deny them the right to register; he can only tell the administration up here about that and hope it will do something to prevent fraud.

Mr. McGEE. The Senator, of course, disagrees with me about what the intent of the committee is. Would the Senator be willing to submit an amendment that would make crystal clear the point he is making now—that this does not preempt the normal procedures of validation of registration? If the Senator would, I would be very much interested in entertaining such an amendment.

Mr. ERVIN. It is not that.

Mr. McGEE. Will the Senator submit such an amendment?

Mr. ERVIN. I will try to, if I can get off the Senate floor long enough to do so.

Mr. McGEE. If we could arrange for him to do that now, would the Senator be willing to address himself to that question? It would be very helpful if, in his judgment, as he has made very clear, there is an ambiguity.

Mr. ERVIN. Yes; it is not only ambiguous, it leaves it open for the courts to hold that the State law is entirely superseded.

Mr. McGEE. There is no one in this body who has more respect for the knowledge of constitutional law and its implications in all of our legislation, whatever it may be, that the Senator from North Carolina has always displayed than I have. I have great respect for that. That is the reason I ask sincerely for a moment or point where he would find it possible to do so. It would be helpful to the committee to have an amendment of that sort submitted.

It would be very helpful.

Mr. ERVIN. I will show the Senator. I would say, with all due respect to the committee, that I do not blame the committee. The committee has been doing what the Postmaster General used to do, seeking to stop people from reading postal cards.

Look at this, on page 17:

Registration forms shall provide adequate space on the reverse side of the form for the writing of the name and address of the individual submitting the form for registration to vote, and the second part of the form shall be completed and promptly returned by the State or local official to the applicant at the address on the form.

Promptly. He is not even allowed time to investigate. It tells him what he, the State official, has to do. There is not a syllable in this whole bill that says that the State election official has any power to do anything except to pass on what the postal card tells him. He cannot even find out whether the man who purports to sign the postal card exists, or whether the postal card is a forgery, or whether the information on the postal card purports to be true.

Mr. McGEE. Would the Senator be willing to have a quorum call right now? I would be happy to sit down with the Senator. It would be helpful to me.

Mr. ERVIN. May I ask the Senator how long the Senator and his committee had to review this bill?

Mr. McGEE. We spent several months on the bill. We felt this provision was clear. The Senator does not feel it is clear.

Mr. ERVIN. But does the Senator actually mean to sit down right here at this desk and write an amendment to the bill to avert the disastrous consequences of a bill that the committee took several months to draw? I do not believe I am prepared to do that right on the spur of the moment.

Mr. McGEE. When would the Senator be prepared to do it?

Mr. ERVIN. Mr. President, I would suggest to the Senator that on page 17, line 4, we add, after the word "individual.", substantially the following language:

The State or local official shall have the power to conduct such an investigation as is necessary or appropriate to enable him to determine whether the person whose name purports to be signed to the postal card exists, and if so, whether the statements made on such postal card by the person whose name is appended thereto are true or false. In so doing, the State or local election official shall notify the individual whose name purports to be signed to the postal card, and give him an opportunity to appear before the State or local election official and establish his qualifications to register under the terms of this bill.

I might also add to that:

This Act shall not be construed to repeal or impair the validity of any State law conferring upon a State or local official the power to determine by such means as the State law permits the qualifications of persons who seek to register under this Act.

Mr. McGEE. Provided that it does not deny them the right to register up to 30 days before the election.

Mr. ERVIN. Well, that would be elsewhere in the bill. It would not be needed right there.

I think something like that could be added.

Mr. McGEE. On the matter of procedure, as I understand the parliamentary situation right now, I would be out of order to request that amendment at this point, because this is, in effect, an amendment to an amendment. We do have some perfecting amendments that we want to talk about and consider as soon as we are off of this pending parliamentary question, and we could consider them in that context, and that would give us a little time to refine this language.

Mr. ERVIN. Well, I might say to my good friend from Wyoming, that is one of the reasons I am asking that this bill be referred to the Committee on the Judiciary. It is the committee which has handled virtually every election bill that has been presented to the Senate since I came to the Senate almost 18 years ago, and it has staff members who are rather

expert in drafting legislation relating to elections.

Mr. McGEE. We appreciate the expertise of the committee. We think, as I say, Mr. President, that we are not totally inept on our committee in this regard, and that is why we would appreciate the refinement of the constitutional background of the Senator from North Carolina, whose specialty in that category has heretofore been shared; he has shared it generously with almost every committee in this body, and we are asking him to share it with us now. Whatever the legislation, we can always refine it and improve it. But this does not address itself to the part of the question about the expertise for putting together this mechanism for making it easier to register for Federal elections.

Mr. ERVIN. Mr. President, one of the strange things about our legislation in this body is that Congress shows a solicitude for people who show no solicitude for themselves. The process of registering to vote is a simple process. There is no difficulty about registering. In many areas of this country, they have registration systems such as that which prevails in my county. The books are open for registration throughout the year. A man can go before the election official in my county on any day except a Sunday or holiday during the year, and register to vote. Since they have abolished the literacy test, for all practical intents and purposes the questions that are addressed to him are relatively simple, about where he resides, what precinct he resides in, how long he has resided there, and whether he has been convicted of a felony or whether he has been committed to any hospital for the insane, or is an imbecile. When he gets through with that—it takes less than 10 minutes—the man is registered.

Why, in view of that, my good friend from Wyoming is so solicitous to procure the registration of people who do not care enough about America and are not concerned enough about our Government or concerned enough about their right to vote to take the trouble to spend 15 or 20 minutes to appear before an election official and register is something I am incapable of comprehending. I would hate to see the destiny of my country entrusted to people who are so little concerned about registration that they will not take 15 or 20 minutes out of 3 or 4 years—sometimes out of a lifetime, because in many States registration is permanent.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. ERVIN. Yes.

Mr. McGEE. Had the Senator had the benefit of our rather extended deliberations on this matter, I think he would have been impressed, as I was, with the numbers of individuals who were willing to say to us things such as those I quote now from a letter from a lady which has come more recently to my attention: That she is a working woman, and when she finally got some time off from work and went down to register, she found the local official in her community at that particular moment—it happened to be in Indianapolis—had gone out for coffee, and she was asked to wait.

She had to come back, because she did not have that much time off. So she went another day. That time there was some little matter of personal convenience involved, and she finally made three trips, and got registered.

Our question was, How many would have the patience to make three trips on three different days, when it could be resolved so easily this way? The number of such cases is attested to by a survey that was made of the 47 million—not 47,000, but 47 million—who did not vote last time, which suggested that many of them did not vote because of obstacles in the path of registering, not because they were too lazy to go down there, not because they did not care, not because they were indifferent, not because they could not mobilize their energies to exercise their franchise, but because of variables between the States, surely not in North Carolina or Wyoming, but in the other 48 States where they found it difficult to register and were simply, in Federal elections, trying to remove those variables.

Mr. ERVIN. There is a great deal more to it, in my opinion, with all due respect.

I have been concerned with elections ever since I got to be 21 years of age. I have done much to register voters. I have found no great difficulty in people registering. To tell me that these people do not know about elections and where to go—in every newspaper appears information about where to go to register, every little county paper in this country. It comes over the radio; it comes over TV. Every one of these 47 million people who did not go out to vote had access to television or to radio, and they heard the politcians begging and pleading with them to come out and give them their votes; and they did not care enough about voting to go out and do it.

This sob stuff about elections—if a person cannot get registered, he can find a politician who will see that he gets registered.

Mr. McGEE. There are groups in this country that have been very active in registering voters in both political parties—the labor unions, the League of Women Voters, the voter registration committees that serve communities in civic action programs in many ways—and they will all attest to the Senator, as they did to the committee, that even as they organized those registration programs, so that the people are eligible to vote in the election, they still encountered these barriers to registration procedures. They got some; they got large numbers; but they were not able to get still larger numbers because of the variables. We have many extreme cases.

Mr. ERVIN. I say to the Senator that every community I know of has civic clubs that assist in registration drives. If a person does not have an automobile, the club will transport him to the registrar. With respect to all this stuff about difficulty getting registered, from my experience and my observation—I mean no reflection at all—I think it is so much hogwash.

Mr. McGEE. It may be hogwash that 47 million people did not vote, but it is pretty important hogwash, I say to the Senator, particularly when many of them said they could not vote because of the difficulties in registration.

Mr. ERVIN. Who talked to 70 percent of 47 million people?

Mr. McGEE. This is a sampling study of the 47 million people which George Gallup conducted, to try to pin down the difficulty as tightly as he could.

We know that there are voters in this country who could not care less. If you drove up with a car, they would not vote. We are talking about those who would like to vote and who, for many other reasons, found it impossible to register, whether it was their working hours, whether it was the inconvenience of hours in which the registrar stations were open, whether it was the early date on which they had to be registered before interest had been whipped up in an election. It varied in many different States.

We simply are seeking to remove any alibi anybody has that they did not vote because they could not register, and I think this would do it.

Mr. ERVIN. Why not amend this bill to let them vote by post card, if they are too lazy to go to the polls?

Mr. McGEE. If the Senator wants to submit an amendment to that effect, I am sure it will be in order here.

Our point is that the voting can be formalized and validated through the registration process. That is why we have it. Some areas do not even register except when and as they vote.

The Senator has suggested that we ought to say specifically that, so that we do not put the local authorities out of business. We had no intention of putting the local authorities out of business. I ask the Senator if we might not draft that language, so that in order, and in a parliamentary way, we could weigh that as an amendment; and I am hopeful that we will still go through with that, because it would be very helpful.

Mr. ERVIN. About the easiest thing a man can do in this country today is vote. It takes less time to register and vote than it does to go to a picture show or to go to a football game or a basketball game. I do not know anything that is more simple in this country than registering and voting. Everybody appeals to them to go out and vote. All the politicians ask them; the civic clubs ask them. Many people just do not care enough about this Government to take 30 minutes out of a 4-year period or a lifetime to go to a registrar and register. I really do not think you are losing too much in losing the votes of people who do not care enough about voting to take that little amount of trouble.

Going to the question of jurisdiction, let us see what the jurisdiction of the committee is that handled this bill.

The Standing Rules of the Senate, on page 37 of Rules and Manual of the United States Senate, 1971, read as follows:

> Committee on Post Office and Civil Service, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects.
>
> First. The Federal civil service generally.

This bill has nothing to do with the

Federal civil service. It does not regulate it in any respect, except incidentally, with respect to the multitude of employees that would be added to the Bureau of the Census.

Second. The status of officers and employees of the United States, including their compensation, classification, and retirement.

This has no relation whatever to that.

Third. The post service generally, including the railway mail service, and measures relating to ocean mail and pneumatic-tube service; but excluding post roads.

The bill has nothing to do with that.

Fourth. Postal-savings banks.

This bill has no reference to postal-savings banks.

Fifth. Census and the collection of statistics generally.

This bill has nothing to do with the census or the collection of statistics.

Sixth. The National Archives.

The bill does not have the remotest connection with the National Archives.

It would be just as well to introduce a bill here, to get it referred to this committee, to give the Post Office Department jurisdiction of divorce cases, on the ground that love letters go through the mails and sometimes precede the marriages which end up in divorce.

I cannot imagine a bill more alien to the jurisdiction of the committee than this bill is to the jurisdiction of the Committee on Post Office and Civil Service. This bill is to revise all the election laws in the United States, and certainly the Committee on the Judiciary has jurisdiction, as set forth on page 35 of the book to which I have referred. It has jurisdiction of "all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects."

No. 5 reads:

Revision and codification of the statutes of the United States.

This is a revision of the statutes of the United States relating to elections for Federal officials. I maintain that, as a matter of custom, the Committee on the Judiciary has had jurisdiction of bills like this; but certainly the Rules Committee has a far greater claim on this bill than does the Committee on Post Office and Civil Service.

I read from pages 38 and 39 of the book to which I have referred:

(D) Matters relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; Federal elections generally; Presidential succession.

Clearly, Mr. President, the Committee on Rules and Administration has jurisdiction—either the Rules Committee or the Judiciary Committee has jurisdiction of this bill. The committee which reported the bill had no jurisdiction whatever over the subject matter of the bill. If we can give that committee jurisdiction by making reference to the Bureau of the Census, then that committee has jurisdiction over everything, because the Bureau of the Census takes a farm census, so that would give the Post Office and Civil Service Committee jurisdiction over farming and agriculture.

Thus, I hope that the Senate, at the appropriate time, will vote in favor of referring this matter to the Judiciary Committee.

It is a right queer thing to convert the Post Office and Civil Service Committee into a committee on election laws, but that is what this bill proposes to do.

I assure my good friend from Wyoming that while I cannot shed any actual, crocodile, or political tears over people who are unwilling to take 20 to 30 minutes out of their lives to go and register to vote, I will be glad to prepare an amendment which will make certain that the preeminence doctrine shall not apply so as to oust the States from their jurisdiction in this field, and to make it clear that, any provisions in the bill notwithstanding, the right of a State or local election official to seek the truth shall not be thwarted by a postal card.

Mr. McGEE. Mr. President, I appreciate the offer of my good colleague from North Carolina because his wisdom in this field is very important to the success of a procedure like this. I would likewise hope very much that such clarifying language would be drawn in such a way that, shall we say, diliatory tactics could not be used or recourse had to avoiding the intent of the law, which we already have on the books under the Voting Rights Act of 1970 in regard to the length of residency requirements, and that sort of thing. Again, we are seeking to try to make this at the Federal level, for Federal office alone, workable so that a citizen who lived in North Carolina and moved to Wyoming, or vice versa, would not be penalized, because of the variables involved.

Mr. ERVIN. Let me say to my good colleague from Wyoming that anyone who moves from North Carolina to any other spot on earth penalizes himself most severely.

Mr. McGEE. I would agree with that. It is one of the most glorious areas I have ever found. I need more invitations to go down there. I would say that the poor judgment of quite a number of North Carolinians is reflected in the fact that we have a very large contingent of them, for some reason, that do now reside in Wyoming. They are fine citizens. Whatever the basis for their judgment was, it is not my privilege to know.

I am confident that we can work out clarifying language in that regard to protect the uncertainty, the doubt, or any misgivings the Senator has in regard to what happens through the process of validating this registration list that would become available in each of the States.

During the course of the colloquy here, I have been advised that in the election of 1968, the national average of those who voted and who were eligible was over 60 percent; that in the Senator's own State, 17 percent of white eligibles and 49 percent of black eligibles to vote did not vote.

I just cannot make strong enough the suggestion nationwide that there is something more involved in this than the indifference, the "don't care," or the laziness of many people. There are several million people whom we will never change by any kind of legislation, or even duress. But there are literally tens of millions of other Americans who would like and who say that they would like this chance to be permitted to vote and, therefore, it is only in that context that this bill was motivated.

I am just as interested in good government and responsible government, and not fraud, and not abuse, as the Senator from North Carolina is.

We are persuaded that in this procedure we do not aggravate anything not already currently aggravated in the process we have. We always have a few who will try to abuse or try to get away with it, but we try to discourage them and to apprehend those who do, if that is possible.

Mr. ERVIN. We had a controversy about trying to keep people from voting and the Civil Rights Commission reported that in the county in which I live, there were 104 and I believe it is three-tenths of 1 percent of the minority race of voting age registered. So there is no difficulty getting registered there. Notwithstanding the fact that my State has been placed in a "conquered province" status by the Voting Rights Act of 1965, in my county I would say that virtually everyone votes. We have two aggressive political parties down there. If anyone comes to my county, either Democrat or Republican, they will drag the citizens to the polls as quickly as they can, if they are found not to be registered. They will see that they are registered.

I want everyone to be allowed to vote if they want to vote, but the trouble with the post card is that some will try to vote more than once with it.

Mr. McGEE. I, too, suspect there could be abuses there. It is a specter constantly put before us, but I believe we will find those to be minimal indeed. It will be serious whenever that happens. Voting abuses are far more serious. There is nothing quite the equal of fraud in the election process, especially in a country which brags about its free elections, in a country that turns up with 47 million people not voting. That does not happen in Germany. That does not happen in France. That does not happen in Britain. That does not happen in Scandinavia.

What is the reason it happens here? Are we lazier people? Do we not care as much?

I think part of the reason is difficulty in the registration procedures in this country, and that is the explanation, not the quality of our people.

Mr. ERVIN. When we were debating the Voting Rights Act, they were going to penalize my area of the country, because a lot of citizens did not turn out to vote. I pointed out on the floor of the Senate, when Richard M. Nixon was running for the Presidency in 1960, how low the vote was in California.

I pointed out the fact that when the candidate for the Democratic nomination in Massachusetts was running for President and the Republican candidate for Vice President was running, I pointed out how low the vote was in Massachu-

setts. I asked former Senator Morse to explain that, and he said perhaps it was because of the kind of candidates running, that people did not care to come out and vote for them. I do not know. The candidates certainly did all they could to get the people to come out and vote.

I do seriously say, though, that I do not favor turning this over to the Federal Government; but I do say that this bill should be amended to make it certain that it will not be construed to let Congress preempt the powers of the States or to repeal any law of any State which gives an election official the right to determine the truth with respect to voter qualifications. There is no law which gives him the right to invoke action by the States against fraudulent voting.

Mr. McGEE. Mr. President, what would be preempted here would be only the written requirements in terms of the different intervals of time required in some of the States. There would be no difference in its application in that since then the Voting Rights Act of 1970 was passed and is already on the books.

This would simply use the same voter lists, for example, in each of the States. It is specifically spelled out in our record that none of those would preempt the State's roll in all State elections. We simply set up a uniform, minimum length of time for a residence requirement, and the voting lists are all prepared and already in the hands of the States. The cards are all mailed back within the States.

The fact that there are those who feel that there would be, the first time around at least, an excessive manpower burden is answered by the fact that under the legislation we would make available manpower assistance because of that first congestion.

It is obvious under our present procedures that the great bulk of people are still going to be registered in the old process. They are those who are already on the registration books and are already registered. And those who participate and are active in statewide and local elections would, as they do now, go down to the courthouse and register. For Federal elections we are simply adding this help, and other things are left intact at the State level.

Mr. ERVIN. Mr. President, we had some hearings before the Judiciary Committee on this problem. Most every State official that had supervision of elections came and said that it would be a most unfortunate thing to have to have two sets of registration books—one for State and the other for Federal elections.

We had the Secretary of State of New York, the Secretary of State of Nebraska, and the Secretary of State of Mississippi appear. They made a very strong case to the effect that this would do nothing but introduce confusion into the election process. And I agree with them.

Mr. McGEE. We already have those two lists. The act of 1970 set the two lists up. It is all on the list. All they have to do to create what the Senator has described as two lists is simply to put a check mark in front of those who are entitled to vote in the Federal elections. We are not adding a new list. We are simply adding the Federal offices, the Senate, and the House of Representatives, to those lists already in existence in every State by the act of 1970. Nothing new is created.

Mr. ERVIN. Nevertheless, I agree with those election officials. It would create a great deal of confusion. I think it is very unfortunate to provide for this. I will draw an amendment which I hope the Senator will accept because I do not favor the bill. I think we ought to leave stand a system that has endured since 1789 down to date, a system that has some merit in it. I would hate to see that system abolished.

I do not think that we ought to create confusion in watching over the Federal elections in 184,000 precincts.

Mr. President. I yield the floor.

Mr. McGEE. Mr. President, I will respond to the Senator for a moment and will then yield the floor to the ranking minority member of the committee.

I would say that as we look back over our history on the question, we have gone through several cycles as we have matured and grown up. Until the 1880's we had no such thing as registration. Somehow, we had a rather reputable history in this country in those days. And we brag about the roots of the Republic, our Founding Fathers, and the great leaders we had in those days. Yet, there was no registration. However, because of a sudden influx of circumstances connected with the industrial revolution and the large cities, the registration process was instituted as a stepping stone along the way. And we still insist on it. However, because of the phenomena of modern communications due to the automobiles, the airplanes, and due to the job shifting that goes on, because of the seasonal employment opportunities across the country in many sections of the country that were not available in the 1880's or the 1790's, we are simply trying to update the process of learning that we have all gone through in terms of more effective participation in the voting process in this country.

This is the next step. It does not take away what we have learned. It simply refines it in accordance with the technology and the phenomena of modern communications with respect to the number of people voting. Therefore, the purpose of S. 2574 is to take note of the new factors in our midst in the hope that we will maximize the process of election rather than minimize it.

It is not without point that 90 percent of those who have been registered to vote vote. However, those who could not register, for whatever reason, are the ones that this is aimed at. I think it is very much to the point that the only study that I know of that was made of some measurable dimension of those who did not vote in 1968, suggests that nearly three-fourths of them say that they would have voted and would have liked to have voted had they not been prevented through one registration blockage or another, depending on which State or which area of the country they liven in or the nature of their jobs that produced it. It is to those that this measure is addressed.

Mr. ERVIN. Mr. President, the people who take polls took a poll in 1948 that showed that Thomas Dewey was going to be the next President. They asked about one person out of every 100,000 how he felt about it. They then multiplied that to get 47 million. The polls are not very reliable.

Mr. McGEE. Mr. President, might I say, if I might go back as a sometimes student of political science, that no one knows better than I the variable of some polling techniques. We know a great deal more about them than we used to. It is an invaluable device. For some reason, most of us in this body pay a great deal of money to have polls taken. We learn a great deal from them. They may be off a half a percent or so. In the old days the Reader's Digest took a poll that was a catastrophe for some. The tightness of the election in 1948 was another. However, that should not detract from the science of learning that has matured and sophisticated over the years. To dismiss the polling technique as totally unreliable, I think, would deny us one of the means we have of trying to be a little wiser about some of the vast uncertainties that confront us.

I would make that personal petition, that we not dismiss the only known study on a nationwide pattern that I know of. We will probably learn, perhaps in someone's master's thesis at some university, what error was made by Mr. Gallup at that time. If we know of another, let us get it. It is the best answer that we have now. It is suggested many would have voted if the process of registration could have been mastered by them at that time for reasons that they felt would have been restrictive. I think the intent of the States has to be respected until we have much better evidence than we have now that this is a bunch of skulduggery with respect to this matter and that they were lying when they testified.

Mr. ERVIN. A man has to make up a pretty good excuse to justify not exercising his privilege to vote.

Mr. McGEE. I think so, too.

Mr. ERVIN. So all of us, when we try to justify something we fail to do or to find an excuse for something we did do, try to put the blame on someone else.

Mr. McGEE. Or some higher reason.

Mr. ERVIN. The 47 million people who did not vote did not take the trouble to go down and register.

Mr. McGEE. We are trying to remove an excuse, if one wishes to put it at the lowest motivating level. We think enough of these people are believable so that if we get only 5 or 10 percent of them, it is worth the effort. I suspect we will get more than that who will become participating voters.

Mr. ERVIN. I think the Senator is placing an awful burden on those already overburdened people to take the postal card down to the post office. Perhaps someone should pick it up from them and then they would not have to make that effort.

Mr. McGEE. The postman, of course, could pick them up. The important thing

is to get them voting. It is the voting process we are seeking to refine. We should not lose sight of that, even if we register only 2, 3, or 5 million people. In my judgment it will be much higher than that; but whatever it is, who is to fault the addition of those who are not voting to the rolls so they will vote? We are working in the right direction. We are not working in that direction if we are trying to prevent that from happening.

I yield the floor.

Mr. FONG. Mr. President, the Senate is again considering S. 2574, the National Voter Registration Act. This is the third time the 92d Congress has taken up this very bad piece of legislation. When I say "bad piece of legislation," I mean it is a very bad piece of legislation. On the two previous occasions, debate began on this bill with the full knowledge that no final vote would be taken on it.

As I stated during our last debate, I was puzzled as to the reason for taking up the bill during the rush of the closing days of the first session of the 92d Congress.

At that time there were many other more urgent pieces of legislation on which action should have been taken and we should not have been taking up the time of the Senate with fruitless debate on a bill that was not going to be acted upon at that ime.

Today we are again being asked to debate S. 2574. The passage of time has not improved the outlook for passage of the bill and has even focused more strenuously and strongly on the very harmful effects of the provisions of S. 2574. The bill is primarily intended to change the registration process so as to influence certain votes in this presidential year.

The measure, as reported by the committee, contains a very strong minority report against its enactment. Since the report was filed, I have received a number of inquiries from persons interested in the bill. All have voiced strong opposition to the enactment of this measure. Many wanted to be heard, and feel that they were not given the opportunity to voice their disapproval because they were not apprised of the limited number of hearings we would have on the bill.

Mr. President, if this bill were enacted:

First, it would change drastically the manner of voter registration in the whole United States;

Second, it would impose Federal controls and guidance on the States;

Third, it would impose Federal controls and guidance on State and local political party organizations;

Fourth, it could create an overpowering Federal Voters Registration bureaucracy to influence elections;

Fifth, it would change radically our traditional and well-established voter registration systems;

Sixth, it would multiply the opportunities for fraud in elections;

Seventh, it would impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth, it would have serious, adverse implications on our entire system of elections and our system of government.

The main thrust of S. 2754 is to establish a national voter registration system operated by a Federal agency, the National Voter Registration Administration. The NVRA would be a new Federal agency located within the Bureau of the Census, Department of Commerce.

It would utilize the services of the U.S. Postal Service to distribute Federal voter registration cards to every postal address in the United States no earlier than 45 days nor later than 30 days before every Federal election. Assumedly, such cards would be addressed to "householder" or "resident."

These mail voter registration cards would be returned by the prospective registrant to the State or local government voter registration office. The State office would process the cards, registering the applicant as a voter in the next Federal election, and billing the Federal Government for processing of the cards.

The bill sets a 30-day durational residency requirement in a State for voting in Federal elections in that State.

In other words, a person would have to be in the State at least 30 days before the Federal election.

The NVRA would also, on request, assist the State or local governments in putting the national voter registration system into effect in their States and in processing the registration cards.

Federal payments would also be made to a State if the State establishes a registration system for State and local elections similar to that instituted by the provisions of this bill for Federal elections. Payments would be 15 percent of the amount paid to the State for processing the registration cards. This amount would be increased to 30 percent if, in addition to instituting a State and local voter registration system similar to that contained in the bill for Federal elections, the State adopted a 30-day durational residency requirement for its own elections.

In other words, if the State instituted the mail registration provisions of this bill, it would get 15 percent of the card processing cost; and if it went another step further, that is, if it required only 30 days' residence in the State, then it would get 30 percent of the cost.

The bill authorizes State officials to call in the Federal Government should they suspect fraud in voter registration applications and also establishes criminal penalties for convictions of fraud.

Mr. President, there are important policy and constitutional questions involved in this bill.

Control of voter registration qualifications have traditionally been left to the States. In the past, the Congress has legislated in the field of voter rights only when it believed that voting rights were being violated by noncompliance with the due process or equal protection clauses of the Constitution.

In the absence of consistent and overwhelming evidence that such was the case, the Congress has refrained from acting in the field of voting rights.

In other words, unless there was evidence of fraud or evidence of people being refrained from exercising their voting rights the Federal Government has not interfered.

It must be pointed out that the Federal Government shares many powers with the States in this field. This is our federal system. However, it has left control of most voting rights entirely up to the States and even to the political parties. These include regulations on voting supervision, protection of voters, duties of inspectors and canvassers, publication of election returns, tallying of election returns and election of delegates to national political party conventions.

The legislation would inject the Federal Government into an area traditionally left to the States—that of voter registration.

The injection of the Federal Government into voter registration is done only for convenience reasons and not because a constitutional right was being violated. There is no violation of any constitutional right here. Any individual, if he wishes to vote, can register. He is not barred from registering, and there is no impairment of his constitutional rights.

This would be done for what can only be typified as convenience reasons and not because a constitutional right was being violated. It is my opinion that, in the absence of consistent and overwhelming evidence that constitutional rights are being violated in the application of voter registration laws and practices by the States, the Congress should not act in this area.

Another serious policy consideration arises out of the bill's definition of "Federal election" and the qualifications it sets for voting in such elections.

The bill defines a Federal election as—

Any primary, special, general or other election held for the purpose of nominating or electing candidates for any Federal Office, including any election for the purpose of expressing voter preference for the nomination of individuals for election to the Office of President and Vice President and any election held for the purpose of selecting delegates to a national political party nominating convention or to a caucus held for the purpose of selecting delegates for such a convention.

In other words, the Federal Government is going to inject itself into the sphere of electing delegates to the national conventions or political party caucuses.

The impact of this definition when considered together with the voter qualification provisons of this bill is staggering, unprecedented, and highly questionable.

Under the bill any individual meeting the State voter qualification laws except as to durational residency—under the bill he must be a resident of the State on and after the 30th day before a Federal election—may vote in a Federal election.

In other words, he has to be there for 30 days. As long as he is in the State, he can vote if he has been there for 30 days.

This means that any such individual can vote not only in the primary and general elections but also in elections held for the selection of State delegates to a political party's national convention regardless of political party affiliation or lack of affiliation. This would also apply to the selection of local delegates to State political conventions—and the Federal

Government is going to inject itself into that field—if the party's nominees for congressional offices would be selected by such State political party conventions.

The Congress has traditionally left such areas to State supervision and to State political party regulations. It should not overturn this longstanding tradition at this time. To do so would be to strike a critical blow to our present strong two-party political system and even destroy third parties.

A real constitutional question arises concerning the election of presidential electors. It appears from the definition of a "Federal election" under this bill that the election of presidential electors is a "Federal election," however, no mention is made of presidential electors in the bill itself. It only refers to the election of President and Vice President as a "Federal election." The question here is whether the election of presidential electors is an election of a Federal or a State official. If it is the election of a State official, then the Federal voter registration requirements contained in this bill do not apply.

In reference to presidential electors, article II, section 1, clause 2 of the Constitution provides:

> Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the Whole Number of Senators and Representatives to which the State may be entitled in the Congress . . .

The sole authority of Congress respecting presidential electors under the Constitution is to "determine the time of choosing the electors, and the day on which they shall give their votes . . ."—article II, section 1, clause 4—and not the manner of appointing electors.

The Supreme Court has held that presidential electors act by authority of the States and are not Federal officials—*In re Green*, 134 U.S. 377, 379 (1890); *Ray* v. *Blair*, 343 U.S. 214, 224–225 (1952). These were cited by Justice Harlan in his dissenting opinion in the case of *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). Therefore, this bill, although aimed particularly at voter registration for presidential elections may not accomplish its purpose at all.

Now on the subject of mailings, mailing costs and mailing list, under the provisions of this bill, the NVRA would be required to mail out Federal voter registration forms before each Federal election. This means that there would have to be at least three national mailings of such forms during presidential election years and in some States the possibility exists that even four or more mailings would have to be made. These mailings would precede elections of: first, delegates to State political party conventions; second, delegates to national political party conventions; third, candidates for Federal offices in primary elections; fourth, candidates for Federal offices in general elections. In those years when only congressional seats were being decided the number of mailings would be less.

The costs of printing, distributing, delivering, and providing postage-free return for Federal voter registration forms have been estimated by the Census Bureau to be easily in the neighborhood of $15 to $20 million per mailing. The cost for establishing an address system for these mailings is estimated at from $5 to $10 million.

Because mailings would have to be made for State political party conventions, primary elections, general elections, and possibly others, the cost per presidential election year may run in the neighborhood of $120 million. Off-year elections may cost a bit less.

These cost estimates do not include payments to the States for processing the returned registration cards; nor payments to the States for bringing State and local election registration laws into line with the Federal mail voter registration systems; nor payments to the States for adopting a 30-day durational residency requirement; nor for staffing and other administrative costs necessitated by the establishment and operation of the National Voter Registration Administration.

In other words, Mr. President, we have not taken into account the cost which would accrue to the States, and which the Federal Government would have to pay if the States complied with every provision of the Federal statute; and that would be very high.

It is obvious that the costs of operating this Federal voter registration system are very high. However, the system and its attendant costs must also be judged on the basis of how many additional qualified voters it will bring into the polling booths. And this has been one of the main arguments made by the distinguished Senator from Wyoming for this bill.

The proponents of this measure contend that approximately 47 million potential voters are being barred from voting in Federal elections because of overly stringent State voter registration requirements and procedures.

I have here, Mr. President, a list of the voter registration procedures and closing dates for each State. The list shows that these provisions are not stringent. In Alabama, for example, registration closes 10 days before election. They do not have night or Saturday registration.

Alaska, 14 days, and they have night and Saturday registration.

Arizona, the eighth Monday before election, and they have night and Saturday registration.

Arkansas, 20 days, and they infrequently have night and Saturday registration.

In California—which is a very big State—their registration closes 54 days before election. California is not backward; it is a very liberal State. They have night and Saturday registration. If you wish to register at night or on Saturday, you may go down to the registrar's office and register.

Colorado, 32 days, with no night and Saturday registration. Connecticut, 4 weeks before election, and it has night and Saturday registration.

Delaware, the third Saturday in October. Delaware is a very progressive State, but it does not have night and Saturday registration.

District of Columbia, 30 days. Florida, 50 days. Hawaii, the fifth day after the primary. Idaho, 2 days.

I ask unanimous consent that the entire list be printed in the RECORD.

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

PROPOSED FEDERAL REGISTRATION OF VOTERS—HOW THE STATES NOW PROVIDE FOR VOTER REGISTRATION

State election laws vary in considerable degree, particularly with regard to time and method of registration and to residency requirements. The latter frequently differ by county and precinct within individual States.

Given below, current to the month of publication, are relevant provisions of law for each State as published in November 1971 by the Committee on Post Office and Civil Service of the U.S. Senate.

State	When registration closes before election	Night/Saturday registration	Residency requirements		
			State	County	Precinct
Alabama	10 days	No	1 year	6 months	3 months.
Alaska	14 days	Yes	do	30 days in election district	
Arizona	8th Monday	Yes	do	30 days	
Arkansas	20 days	Infrequently	do	6 months	1 month.
California	54 days	Yes	90 days	90 days	54 days.
Colorado	32 days	No	3 months		32 days.
Connecticut	4 weeks before	Yes		6 months	
Delaware	3d Saturday in October	No	1 year	90 days	30 days.
District of Columbia	30 days	Yes	1 year (school board) 30 days other.		
Florida	do	Yes	1 year	6 months	
Georgia	50 days	Discretionary	do	do	
Hawaii	5th day after primary	Yes	do		
Idaho	2 days	Yes	6 months	30 days	
Illinois	28 days	Discretionary	60 days		30 days.
Indiana	29 days	Yes; also door to door	6 months	60 days (township)	Do.
Iowa	10 days	Yes	do	60 days	
Kansas	20 days	Only prior to last day of registration.	do	30 days (ward or township)	
Kentucky	59 days	Yes	1 year	6 months	60 days.
Louisiana	30 days	Yes	do	do	3 months.
Maine	Varies	Some	6 months	3 months	
Maryland	5th Monday before	Yes, in some counties	do	28 days	28 days.
Massachusetts	31 days	Yes		6 months	

State	When registration closes before election	Night/Saturday registration	Residency requirements		
			State	County	Precinct
Michigan	5th Friday before	Yes	6 months	5th Friday prior	
Minnesota	20 days	Yes			30 days.
Mississippi	4 months	No	1 year	1 year	6 months.
Missouri	28 days	Varies	do	60 days	
Montana	40 days	Discretionary	do	30 days	30 days.
Nebraska			6 months	40 days	10 days.
Nevada	2d Friday before	Yes	do	30 days	Do.
New Hampshire	5th Saturday before	Yes	do		
New Jersey	Varies	Checklist system	do	40 days	
New Mexico	40 days	Yes	1 year	90 days	30 days.
New York	42 days	Yes	3 months	3 months	10 days.
North Carolina	4th Saturday before	Yes	1 year		30 days.
North Dakota [1]		Yes	do	90 days	Do
Ohio	No statewide registration		6 months	40 days	40 days.
Oklahoma	40 days	At option of county	do	2 months	20 days.
Oregon	10 days	Yes	do		
Pennsylvania	30 days	Yes	90 days	60 days	60 days.
Rhode Island	50 days	Yes	1 year	6 months	
South Carolina	60 days	Yes	do	do	3 months.
South Dakota	30 days	No	180 days	90 days	30 days.
Tennessee	15 days	No	1 year	3 months	
Texas	30 days	Not specified in law	do	6 months	6 months.
Utah	do	Local option	6 months	60 days	
Vermont		Yes	90 days	90 days	
Virginia	Checklist system		6 months		30 days.
Washington	30 days	On closing Saturday	1 Year	90 days	Do.
West Virginia	do	Yes	do	60 days	
Wisconsin	do	Yes, in some counties	6 months		10 days.
Wyoming	15 days	Discretionary	1 year	60 days	Do.

[1] There is no registration for North Dakota voters. If a voter is voting for the first time, he must bring along someone who can verify that he has lived in the State, county, or precinct for the required amount of time.

Mr. AIKEN. Mr. President, will the Senator yield for a question?

Mr. FONG. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I have just been reading the bill, and to tell the truth I do not like the looks of it. I think it is an open invitation for dishonesty at election time.

I was just reading page 19, subparagraph (a):

> Whenever a State or local official has reason to believe that individuals who are not qualified electors are attempting to register to vote under the provisions of this chapter, he may notify the Administration and request its assistance to prevent fraudulent registration.

Suppose that corrupt officials in some district say, "We would like to bring in a couple of hundred voters and have them register." There is nothing here to require him to report fraudulent registration, is there?

Then I go down farther. On line 18, it says:

> The Administration or the State or local official may notify the Attorney General.

They are not required to notify the Attorney General, and there again, it seems to me you could have collusion, and by not attempting to control unqualified voters who have registered in one or two or maybe 10 different towns, where the election officials are not too honest, it seems to me that we would have an open invitation there.

Why not say, shall notify and let them be subject to punishment themselves if they do not notify the proper enforcement officials when people attempt to register dishonestly? Why should it be may here instead of shall?

Mr. FONG. Mr. President, the distinguished Senator makes two very salient points. As he points out, here you can have tremendous collusion between dishonest voters and State officials, and it is an invitation for fraud.

Mr. AIKEN. It is an open invitation, I would say.

Mr. FONG. Yes.

Mr. AIKEN. If he desires to notify the Attorney General, he can do it. If he is in collusion with the fraudulent voter, he may do it, but there is no requirement.

If he reports people who fraudulently attempt to register to the Attorney General or enforcement officer, they shall do something about it. Why not say he shall notify the enforcement officers?

I have not read the whole bill. I am just to page 19, and the more I read, the less I like it.

Mr. FONG. The Senator has put his finger on one of the important parts of the bill which——

Mr. AIKEN. There can be collusion between election officials of a community, and as many fraudulent registrations as they get, if they are not complained of, they can get away with it and then go to the next registration point, and so on. Things like that have been known to happen in the past, and I just hope that the bill can be amended to make it work, or otherwise I do not see how I could possibly support it.

Mr. FONG. I thank the distinguished Senator for bringing out this point.

Mr. McGEE. Mr. President, will the Senator yield for a comment on that point?

Mr. FONG. Yes; I am happy to yield to the Senator from Wyoming.

Mr. McGEE. The question of the Senator from Vermont is very germane to the language here that the State official may appeal to the Federal voter registration official.

Mr. AIKEN. No; they may complain.

Mr. McGEE. By appealing, I do not mean to appeal a case; I mean to call upon them for help.

Mr. AIKEN. Yes.

Mr. McGEE. The reason for the word "may," the basic condition that was written in here, was that we are not assuming that anybody is fraudulent; that the States are the commanders. The whole emphasis here is that the States are in charge of their electoral processes, that we are changing only the length of time. But if they feel that they are swamped or that something has got out of hand, they can petition. It is not crammed down their throats. They petition to the Federal Government for the extra manpower help, just as they are left the option of appealing for manpower help in processing the preparation of the registration rolls to begin with.

Mr. AIKEN. This says "State or local official may."

Mr. McGEE. We were advised that in some States the jurisdiction for that lay at the local level, and in some States there was a State central electoral commission. To cover whatever the situation was in each State, it was left in that vernacular.

Mr. AIKEN. We know that in the distant past there have been occasions of fraudulent voting, fraudulent mass voting. I am happy to say that it has been disappearing in the last generation.

I do not think we want to take a chance on bringing back what some might call the good old days and make that practice possible. Let us tighten it up, if we are going to enact the bill.

Mr. McGEE. That is a good point. But I think we ought to bear in mind that most of the frauds were in the voting process, not in the registration process. We have known of a few cases—the Kansas City case was cited, in which they were registering tombstone names, and this sort of thing, in order to get people qualified to vote. These are the rare instances. They are no longer with us. There is nothing here that incites that kind of procedure.

In any State where this may be resorted to, it gives them the option of seeking help if they feel it is out of hand.

The basic assumption in any free society, such as this, is that you start with the mechanism assuming that it is not prostituted or broken down in some other way.

Mr. AIKEN. I hope we will remove all temptation we possibly can.

Mr. McGEE. I would hope so, too. It may be that the Senator would want to offer a refining amendment on that.

Mr. AIKEN. I am not expert in this field. But I do recall that even in simonpure New England, a bundle of ballots

was picked up on the sidewalk 2 years ago this November, in a very good town. So some still have the idea, anyway.

We have to teach them to exercise restraint and remove temptation from their path.

Mr. McGEE. There is an understandable misapprehension or misgiving about it. I agree.

Mr. FONG. The Senator from Vermont has touched upon a very sensitive part of this bill—the question of opening opportunities for fraud.

In the present-day situation, the person who registers has to appear personally and swears under oath that this is he and that what he has said is correct. Here we have a situation in which the post office, under the Census Bureau, will send you a card. Suppose it is sent to the distinguished Senator from Vermont and the Senator wishes to register a tombstone—say, Mr. A. Tombstone—and sends it in.

Mr. AIKEN. He might just want to register as John Smith.

Mr. FONG. Or Mary Doe, and sends that name in. Who knows that the distinguished Senator from Vermont was the man who instigated that postcard? That postcard goes in, and they receive it, and it is supposed to be correct in every detail, and they register that name—John Smith. Then, on election day someone comes around who says, "I am John Smith," and he votes.

This really opens a great deal of opportunity for fraud, and I am afraid that we are going to be registering many tombstones.

Mr. AIKEN. I think we have made some improvement in the last generation or more, because in the past there were frequent demands for recount of ballots after an election, and frequently the recount would change the result. However, in the last few years—I would say the last 10, 15, 18, or 20 years—demands for recount have seldom changed the result of the election. In fact, sometimes the one who challenges comes out with a few less votes than he had before.

There are only a few places in the country I suspect today, and I would not name them, because we hope that conscience will get the best of them and that we will not have any places where there is fraudulent counting of ballots or fraudulent registration.

The effort is very laudable, but a good many places have been paved with good intentions that did not work out too well.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. McGEE. I say to the senior Senator from Vermont that there is a tendency, in viewing any of the new processes, to lump fraud into a pretty broad category. Most of the fraud in our political history has generally been at the ballot box, not at the registration level. So we hope to separate that concept.

There have been frauds at the registration level. They commit frauds today, under the present system, at the registration level. A voter who wants to register fraudulently now can do so. Therefore, I am suggesting that we not overdraw this particular prospect. We try to discourage it. As the Senator has said, we try to improve. But none of it quite equates, even then, the fraud, I suspect, of so many millions of people who do not vote in our system, because of the variables in registration procedures among the States; and the contrast, as we mentioned earlier, between the percentage of our voters eligible to vote who do vote is so much higher in the other English-speaking countries, or the democratically-structured countries, than in ours.

We are trying to get at some of the reasons why. It cannot be that our people are more indifferent or are less capable or have other negative qualities that make this percentage lower. We have reason to suspect that one of the explanations lies in the variability among the registration procedures among the States, in a population that is so mobile, that moves around so rapidly in so many different areas, or the phenomenon of the accumulated population centers. It is an attempt to get at that as one of the factors that may change the percentage of participation in what we loosely call free elections.

Mr. AIKEN. I have noticed that sometimes what appears to be fraud turns out to be error or misunderstanding or something like that. I do not think people even at election time are any less honest. In fact, I think they are more honest, on the whole. Perhaps they are watched closer. That helps, too. But let us make it as easy as possible for everybody to be honest in the registration and the counting of the vote.

Mr. McGEE. This system does not tamper with any of the present procedures for validating the voters, for checking the registration lists or the rolls. This all goes to the appropriate election officials. The poll watchers are there; the checkers of the rolls are there; the validation of the address is there. None of that is changed.

Mr. AIKEN. But this would eliminate the necessity for a would-be voter to appear before the proper person in a community. In Vermont, he has to swear that he is going to be a good man.

Mr. McGEE. The signature on the card is the same validation under oath as on the income tax return, which we do by mail.

Mr. AIKEN. In Vermont, we have the Freeman's Oath; and he would not have to register under any party, under this.

Mr. FONG. He could register as to party.

Mr. AIKEN. Or as an independent, as a good share of the people in Connecticut do.

Mr. McGEE. That would be up to the procedures.

Mr. AIKEN. He would have to comply with State law before he got registered by mail.

Mr. McGEE. No. He would have to be eligible to vote regardless of that, in a Federal election. That would mean that others in the State who had registered, not in this fashion, would be eligible under all regular procedures.

Mr. AIKEN. That would be for local and State officials, he would not be required.

Mr. McGEE. That is right. He would not be eligible to vote for them.

Mr. AIKEN. For President, Vice President, the Senate, and the House.

Mr. McGEE. Yes, President, Vice President, the Senate, and the House.

Mr. FONG. Also delegates to Congress—presidential electors; delegates to the national political party conventions and delegates to political party caucuses. It goes far beyond just voting for President and Vice President and congressional delegations.

Mr. AIKEN. Is it contemplated that there will be a vote on this today?

Mr. McGEE. No. We have an agreement that there will be no vote on it tonight.

Mr. AIKEN. Very good. That will give me an opportunity to look at the bill.

I thank the Senators from Hawaii and Wyoming very much for their information.

Mr. FONG. Mr. President, addressing myself to the question of why so many people do not register, the proponents of this measure contend that approximately 47 million potential voters are being barred from voting in Federal elections because of overly stringent State voter-registration requirements and procedures.

The Bureau of the Census took a survey of 50,000 households in November 1968—note the figure, Mr. President—50,000. It is not like the Gallup poll, of 1,500, 1,300, or 400 people. This is a survey taken by the Bureau of the Census of 50,000 households in November 1968, to determine the extent of voter participation and the reasons for such participation or nonparticipation in that year's presidential elections.

Of the 50,000 households surveyed, 26,942 households reported they did not register to vote. The question asked on voter nonregistration was, "What was the main reason—this person—was not registered to vote?"

The answers were recorded in one of the following categories:

Not a citizen of the United States—10.6 percent—10.6 percent that did not vote because they were not citizens of the United States.

Had not lived here long enough to be qualified to vote—11.2 percent—11.2 percent said they had not lived here long enough to be qualified to vote.

Not interested, just never got around to it, dislikes politics, and so forth—53.3 percent—53.3 percent said they were not interested, or they never got around to it or they did not like politics.

Unable to register because of illness, no transportation, could not take time off from work, and so forth—13.5 percent—13.5 percent said they were unable to register because of illness, or they did not have transportation, or they could not take off time from work.

Other reason—9.5 percent.

Do not know—2.2 percent.

About 53.3 percent of those not registered said they did not register, because they were not interested, never got around to registering or disliked politics: 11.2 percent said they did not meet the residence requirements; 13.5 percent said they were ill, did not have transportation or could not get off from work; 10.6 percent were not citizens; 9.5 percent gave other reasons; and 2.2 percent did not know.

The 53.3-percent figure is most revealing and flies in the face of the reasons given by the proponents of this bill for its enactment. To put the blame for the majority of nonregistrants on State registration requirements or procedures is not substantiated by this comprehensive Census Bureau survey, that is, of over 50,000 households in America.

In addition, even if this bill were enacted, it is highly questionable that it alone would persuade the 53.3 percent and possibly some of the others to actually register to vote in Federal elections.

Certainly there must be some other less expensive and less bureaucratic way to register the 10 to 25 percent who gave indication that they would have registered had it not been illness, lack of transportation, or inability to get off work or other reasons.

Another very serious policy consideration is the question of whether a Federal agency should be established and involved in national voter registration efforts.

The NVRA would be empowered to establish and administer a national voter registration program for Federal elections in all their ramifications. Its duties would also include collecting, analyzing and arranging for publication of voting data; assisting State and local officials in operating the Federal voter registration system; assisting State and local officials in establishing such a system in their local elections, if requested; and, also, assisting State and local officials in solving election problems generally.

The breeding of an overpowering Federal bureaucracy involving itself in a number of aspects of not only Federal, but State and local elections as well, is entirely possible under the provisions of this bill. It becomes an even greater possibility when consideration is given to the possible collusion of National and State or local political party organizations or State and local government officials and Federal officials, should the national administration be of the same political faith as a State or local administration.

The free passage of voter registration and party affiliation information between State and local officials on one hand and the national administration on the other becomes an awesome tool for controlling elections and amassing great political power in our country.

Marshaling the great manpower and technical resources of the Federal Government with the information on voter registration and participation gathered by State and local government sources in this voter registration system presents a picture that the Congress should consider very carefully.

As to registration by mail and the opportunities it presents for fraud, this bill multiplies the opportunities for fraud.

At present, except in very unusual circumstances voter registration procedures by most States require the individual desiring to register to appear in person before a registrar at the time of registration. This bill allows prospective voters to register by mail for Federal elections. No personal appearances before any government official are necessary until the time of voting.

In view of the fact that the residency requirement under the bill is only 30 days before election day and registration is accomplished by mail, the opportunities for fraud are increased tremendously. The time allowed for checking registration rolls is cut to a minimum, especially if a precinct or voting district has a large voter population.

The bill has no cutoff date as to when registration cards must be received by the registration office in order for the voters to be put on the registration rolls. The bill only cites that the cards are to be mailed out to addressee no earlier than 45 days or later than 30 days before election day.

It is entirely possible that only a few days will be available for registration list inspectors to have the opportunity to inspect such lists before election day. It is entirely possible cards would not be returned until election day.

It is obvious that the opportunities for fraud under the provisions of this bill are many, and the safeguards for prevention of such fraud as the bill is written are few. These reasons alone are sufficient for defeat of this measure.

The present Federal law which imposes no durational residency requirement would also be changed. The bill reinstates a durational residency requirement for presidential and other Federal elections despite the abolition of such a requirement in the Voter Rights Act of 1970. This would appear to be the case because section 404(a) of S. 2574 states that—

> An individual who is a qualified elector under State law except as to duration of residency but who is a resident of a State on or after the thirtieth day before Federal election, shall be entitled to register and vote in a Federal election in that State.

We doubt that Congress intends to undo such a fundamental aspect of the 1970 law as this for presidential elections.

Other sections of the bill also raise serious problems.

First, section 305(b)(4)(B) appears to establish an absolute requirement of bona fide residency, whereas present Federal law—42 United States Code 1973aa-1(3)—permits a certain class of nonresidents—that is, those who have left a State less than 30 days before a Presidential election—to vote in the State of their former residence. A liberal reading of this provision would disenfranchise such persons before they have ever had the opportunity to exercise the franchise extended in 1970.

Second, section 308 imposes a penalty of not more than $10,000 or imprisonment of not more than 5 years, or both, for falsifying information given on the registration forms or for conspiring with others for the purpose of encouraging such fraud. It also imposes a fine of not more than $5,000 or imprisonment of not more than 5 years or both for depriving or attempting to deprive anyone of his rights to register under the provisions of this bill. It then imposes the criminal penalty provisions of section 1001 of title 18, United States Code, to additionally enforce the provisions of this bill.

There are two problems raised by this penalty section. One, section 1001 of title 18, United States Code, imposes these penalties for false representations in "any matter within the jurisdiction of any department or agency of the United States." The question arises whether because the registration forms are filed with State or local officials and not Federal officials, they fall within the coverage of section 1001.

The Federal Government under the provisions of this bill appears to be a mailing institution. Once the registration cards are delivered, the responsibility of the National Voter Registration Administration ceases. The cards are not to be returned to the NVRA or any other Federal agency. Instead, they are to be returned to the State or other local official charged with registering voters.

Therefore, because section 1001 mandates its criminal penalties only on matters "within the jurisdiction of any department or agency of the United States," and the forms once delivered to the addresses are no longer the responsibility of the NVRA, it appears not to fall within NVRA's jurisdiction, and the penalties cited in section 1001 cannot be levied on registrants who submit false information on the cards.

Third, it is interesting to note that only a State official may request Federal assistance to prevent fraud. And we have discussed this problem with the distinguished Senator from Vermont. As the bill reads, this precludes any type of Federal investigations for fraud except when a State official requests it. Because Federal investigations in such instances are dependent upon a State request, for practical purposes there would be no remedy where the State official is himself involved in fraud, since it is highly unlikely he would request the investigation on himself.

Fourth, with respect to the same section, any suit filed by the Federal Government after an investigation requested by a State official would be filed in the District of Columbia or any other U.S. court of competent jurisdiction. However, the ability to subpena witnesses to appear in person is in serious doubt as rule 4(f) Federal Rules of Civil Procedure allows a witness to be subpenaed only within 100 miles of the court. In some cases the location of the fraud may well be beyond 100 miles from where the appropriate U.S. court sits.

The difficulties imposed by this section in such cases is a very real one and should not be handled as lightly as it is in this bill.

A severe indictment can be made of this bill on the basis of committee jurisdiction and expertise. And this is the question which is before us today.

Rule 25-1"1" states that matters relating to civil liberties shall be referred to the Committee on the Judiciary. Bills dealing with voting rights and registration for Federal elections have in the past been referred to and considered by the Committee on the Judiciary.

Page 35 of the Standing Rules of the U.S. Senate, dated January 3, 1971, reads as follows:

> Committee on the Judiciary, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and

other matter relating to the following subject:

1. Judicial proceedings, civil and criminal, generally.

The Senate Committee on Post Office and Civil Service received this bill on voter registration because contained in it were references to the U.S. Postal Service and Bureau of the Census. These two Federal agencies were to produce, distribute, monitor, and deliver Federal voter-registration cards. However, the primary thrust of the bill was to establish a national voter-registration system.

The discussions in the Committee on Post Office and Civil Service on this measure centered not around the participation of the U.S. Postal Service or the Bureau of the Census in the national voter-registration system, but rather whether or not such a national voter-registration system should be established.

It is essential in considering legislation of this importance that the Judiciary Committee, which has the expertise arising out of many years of experience in the field, consider such legislation. Constitutional questions, impact on State laws, imposition of criminal penalties, and a multitude of other questions attending the establishment of a national voter-registration system should be given much greater consideration in the Judiciary Committee than the Post Office and Civil Service Committee gave S. 2574. The Post Office and Civil Service Committee had one executive session of less than 1 hour's duration on the bill.

The Civil Rights Act amendments of the 1960's, the Voting Rights Act of 1965, the Voting Rights Act of 1970—all of these were considered by the Senate Judiciary Committee. The Federal agency charged with overseeing voting rights is the Justice Department. Here the bill seeks to establish a National Voting Rights Administration in the Bureau of the Census, Commerce Department. This appears to be setting up a system without coordination between Federal agencies and is inviting problems that can and must be avoided.

With all due respect to the expertise of the committee members and staff of the Post Office and Civil Service Committee in attempting to write legislation on voter rights and registration, the bill continues to have many deficiencies and should be re-referred to the Judiciary Committee for hearings and careful examination.

In conclusion, Mr. President, I wish to repeat what I said at the outset: If this bill were enacted—

First. It would change drastically the manner of voter registration in the whole United States;

Second. It would impose Federal controls and guidance on the States;

Third. It would impose Federal controls and guidance on State and local political party organizations;

Fourth. It could create an overpowering Federal voter registration bureaucracy to influence elections;

Fifth. It would change radically our traditional and well-established voter registration systems;

Sixth. It would multiply the opportunities for fraud in elections;

Seventh. It could impose Federal registration costs in excess of a hundred million dollars per presidential election year; and

Eighth. It would have serious, adverse implications on our entire system of elections and our system of government.

The bill, as I stated before, is primarily intended to change the registration process so as to influence certain votes in this presidential year.

The 1972 election year is now upon us. The aspirants to the office of President of the United States have taken to the campaign trail. Most of the State legislatures are already meeting and will probably have adjourned their 1972 sessions before the measure now before us will have been fully debated by the Senate. This is critical to the implementation of the provisions of S. 2574 because of the effects this bill would have on their State election laws. If enacted, the various State legislatures would either have to be called into special sessions for consideration of possible changes in their State laws to comply with the mandates in this bill or allow their 1972 elections to be held in accordance with the provisions of S. 2574, thereby insuring mass confusion in not only the 1972 presidential elections but also in the congressional elections and the selection of State delegates to the national political party conventions.

I say mass confusion because the provisions of the bill would go into effect immediately upon enactment. The Federal Government would have to establish and put into operation a vast new bureaucracy which would have to research every State's laws regarding the selection of presidential candidates; members of the electoral college; candidates for U.S. Senate seats; candidates for U.S. House of Representative seats; State delegates to political party conventions; special election possibilities for those seats; and, the further possibility of challenges to the actions of the national political party conventions themselves.

This bureaucracy would then have to implement the provisions of this bill by telling all of the State and local voting registrars of the provisions of this bill and how they would be implemented. Among the instructions to be issued from this Federal bureaucracy would be the striking of all State, county, and precinct residency requirement laws in excess of 30 days. From the table on residency requirements printed in the majority report on S. 2574—which I have presented here as part of the RECORD—this would affect all except one State. The mass confusion that would result from such action alone even this far into the election year is not only obvious but shocking. This problem becomes more acute with every passing day.

The State and local political party organizations and conventions would likewise be in convulsive throes of confusion because S. 2574 dictates that any eligible voter in the particular State could vote in the selection of the party delegates to the national political party conventions. This would be done in utter disregard of the voters' political party affiliations or nonaffiliations—all of this would have to be done prior to the July or August national conventions—either that or face the possibility of innumerable court challenges because of noncompliance with the law as stated in this bill.

It must be pointed out that the possibility of court challenges and suits against the Federal Government, the several States and the political party organizations for noncompliance with the provisions of this bill should it become law before the 1972 general election.

Nor should the fact that utter confusion on the State and local levels will probably occur if this bill becomes law in 1972. The critical time problem of disseminating this information to the precinct level for all of the elections which this bill affects is in my estimation absolutely impossible.

Evidence of this can be seen by referring to the 1970 Voting Rights Act. I have been advised by the Civil Rights Division of the Justice Department that many States have not been able to implement the provisions of that act even 2 years after it became law. I understand even the Congress in writing the new election law for the District of Columbia violated provisions of the 1970 act.

I have asked the Justice Department for more information on this problem and shall advise the Senate on it when I receive this additional information.

Even if this legislation were enacted tomorrow the massive job of establishing and putting into operation the Federal Voter Registration Administration, disseminating information on all of the charges mandated by this bill to the various States and other political subdivisions and then attempting to insure compliance is an impossible task for 1972.

Mr. President, as it is an impossible task to implement this law for this year's presidential election, it is reasonable and makes good sense, and it is logical to refer this bill to the Committee on the Judiciary to take a good look at it. There are many matters in this bill which come within the jurisdiction of the Committee on the Judiciary: Constitutional questions, impact on State laws, the heavy criminal penalties of $10,000 or 5 years in jail, are precedents for this voting rights bill to be referred to the judiciary committee.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I am pleased to give my strong support to the bill on which the Senate begins debate today—S. 2574, the National Voter Registration Act. I commend Senator GALE MCGEE, the chairman of the Committee on Post Office and Civil Service, for the excellent work he has done in bringing this measure to the Senate floor, and I hope that it will receive the prompt enactment it deserves.

In large part, the story of American democracy has been written in the long line of successful efforts throughout our history to expand the franchise and to broaden the base of political participation in our society. Six of the last 12 amendments to the Constitution have been concerned with extending the right

to vote. Hand in hand with these great amendments have come a series of landmark decisions by the Supreme Court and far-reaching laws enacted by Congress—each a historic victory in our continuing effort to insure the broadest possible exercise of the right to vote.

Now we have reached the next great frontier—the archaic and obsolete system of voter registration that operates each year to deny the vote to millions of our citizens. Not for more than half a century, not since 1920, when the Nation adopted the 19th amendment and extended the vote to women, have we had the opportunity to take a step capable of expanding the franchise for so many millions of our citizens. The bill before the Senate today has the potential to become another major milestone in our democracy, and I hope that Congress will be equal to the challenge.

SUMMARY OF S. 2574, THE NATIONAL VOTER REGISTRATION ACT

S. 2574, the National Voter Registration Act, contains seven principal provisions:

First, it establishes a simple post card system for voter registration in all Federal elections throughout the Nation. Any citizens otherwise qualified to vote will be able to register to vote in such elections merely by filling out a post card form and mailing it to the local registration office.

Voting lists and lists of registered voters will continue to be compiled by local officials, as they are today. There will be no Federal compilation of voters, no centralized Federal registration file, no Federal takeover of local procedures, and no Federal encroachment on State rights.

Second, the bill establishes a period of 30 days residence prior to an election as the maximum residence qualification that may be imposed for voting in Federal elections. In effect, the 30-day ceiling already applies to voters in presidential elections, in accord with title II of the Voting Rights Act of 1970, which was sponsored by Senator BARRY GOLDWATER of Arizona as a Senate floor amendment that year and was overwhelmingly approved by the Senate. Thus, this provision of S. 2574 extends the Goldwater amendment to Senate and House elections. If adopted, the provision would reduce the impact of burdensome residence requirements, which operate now to disfranchise millions of mobile Americans who change their residence every year and are thereby prevented from voting for their Senator or Representative.

Third, the bill requires State and local registration officials to permit a qualified applicant to register to vote in all Federal elections up to 30 days prior to such elections, thereby maximizing the opportunities for eligible voters to participate in the election process.

Fourth, the bill includes strong civil and criminal provisions to prevent fraudulent voter registration. The maximum criminal penalty for fraud is a fine of $5,000 and imprisonment for 5 years. In addition, State and local officials are authorized to request Federal assistance for the prevention of fraud, and the Attorney General is authorized to bring appropriate civil actions in such cases.

Fifth, the bill provides financial reimbursement to the States to pay the full cost of processing the post card registration forms. Thus, the bill imposes no financial burden on the States.

Sixth, the bill contains specific financial incentives to encourage State and local governments to accept the post card form for registration in non-Federal elections, and additional incentives to reduce residence requirements for voting in such elections. States which accept the post card form for non-Federal elections may receive an extra 15 percent in addition to the Federal payment they receive to cover the cost of processing the post card forms for Federal elections. States which not only accept the post card form for non-Federal elections, but also reduce their residence requirements to 30 days for such elections may receive an extra 30 percent.

Seventh, to carry out the program, the bill establishes a National Voter Registration Administration within the Census Bureau in the Department of Commerce. The functions of the new Administration will be to administer the Federal program, to assist State and local officials in carrying out the program, and to compile and publish voting information and statistics.

THE SHAME OF VOTER REGISTRATION IN AMERICA

For a nation that likes to call itself the greatest democracy in the history of the world, the present system of voter registration in America is a national scandal, a stain on our basic political process. Incredible as it may seem, of all the fundamental rights that Americans hold dear, the way we exercise the right to vote is the one we have neglected most.

Time and again, we have fought to extend the franchise, in order to insure that every citizen has the right to share in the political life of the Nation through participation at the polls.

But after every milestone, we always rested on our laurels. We left the job half done. For millions of Americans, the right to vote they had newly won was a thing they could admire, but never use.

And registration was the villain. For generations—indeed, throughout the 20th century—every American who sought to exercise his right to vote has had to run a gauntlet of arbitrary, unfair, and obsolete requirements of voter registration. Confronted by such requirements, millions of potential voters fall by the wayside at each election, and millions more refuse to even try.

And when I say millions, I mean millions. Take the figures for presidential elections, the elections in which Americans traditionally have the strongest incentive to participate. In the election of 1960, 39 million eligible American voters failed to go to the polls. In 1964, the figure rose to 43 million. In 1968, it rose to 47 million. By 1972, if the trend continues, there will be 56 million Americans who do not vote.

If any single figure has come to symbolize the crisis of voter turnout in America, it is the figure for 1968—47 million lost voters. Of the 120 million potential voters in the presidential election that year, only 73 million—or 61 percent—actually went to the polls. Forty-seven million people stayed home, at a time when the candidates of the two major parties were receiving only 31 million votes each.

The voting record of America becomes even more dismal when we compare it to the record of other Western democracies; 2 years ago in Britain, 72 percent of the eligible voters went to the polls, and they called it one of the lowest turnouts in British history. In recent elections in other European nations, the turnout has been even higher—75 percent in Ireland, 76 percent in Canada, 80 percent in France, 87 percent in West Germany, and 89 percent in Sweden and Denmark.

We know that the situation has not always been this way in the United States. Consistently, throughout the latter half of the 19th century, voter turnout in our presidential elections ranged in the neighborhood of 70 to 80 percent. Twice, it exceeded 80 percent. Only once did it drop as low as 70 percent.

Since 1900, however, we have not seen even the 70-percent level again. Seven times in this century, the turnout fell below 60 percent. Twice it fell below 50 percent. Clearly, in spite of the enormous progress that the 20th century has brought us in so many other areas, we have moved backward in the crucial area of voter participation.

The cause is not far to seek. Study after study in recent years has demonstrated that the heart of the problem is our archaic system of voter registration. It is no accident that the sharp decline in voter turnout at the beginning of the 20th century coincided precisely with the advent of voter registration legislation.

As historians have shown, the present pattern of voter registration in literally every State is a legacy of the wave of electoral reform that swept America at the turn of the century. In part, registration was adopted as a means to end widespread voting frauds and other abuses that marred elections in city after city across the Nation. In part, registration was also adopted for the darker purpose of discouraging minorities and other ethnic groups from going to the polls, especially black citizens in the South.

Today, in spite of the enormous progress we have made in so many other areas of public life, we are still using voter registration methods which were, perhaps, sophisticated at the turn of the century, but which are generations out of date today.

To paraphrase the famous epigram of Justice Oliver Wendell Holmes, it is revolting to have no better reason for a rule of law than the fact that it was laid down in the time of William McKinley. It is still more revolting if the grounds upon which it was laid down have vanished long since, and the rule simply persists from blind imitation of the past.

In almost every other sphere in which governments now operate—at the Federal, State, or local level—they use the tools of the modern world, especially in the area of communications with the people. If governments collected taxes the way they register voters today, they

would be so bankrupt that neither revenue sharing nor the value-added tax could bail them out. Why is it that Americans pay their taxes by mail, when they still have to register to vote by methods as obsolete as the Pony Express or the Model T?

There is ample evidence that reform in voter registration is the key to improvement in voter turnout. The figure I have cited—61 percent voter participation in 1968—does not tell the whole story. In fact, 82 million Americans were registered to vote in 1968. Of that number, fully 73 million—or 89 percent—went to the polls and cast their ballots on election day.

Put another way, of the 47 million citizens who stayed home on election day in 1968, the vast majority—38 million or 81 percent—were not registered to vote. They could not have voted, even if they had wanted to. Only 19 percent of those who stayed home on election day were registered to vote.

This is the real lesson for the future. Americans who register are Americans who vote. If our goal is to bring America to the polls, the place to start is with voter registration.

Again and again in recent years, detailed studies have demonstrated that the crisis in voter turnout is caused by voter registration, not voter apathy. An extensive study of voting behavior in 104 cities in the 1960 election concluded that registration requirements are a more effective deterrent to voting than anything that normally operates to deter citizens from voting once they have registered. According to the study, 80 percent of those who failed to vote in 1960 were disfranchised by the burden of existing registration requirements.

Similar studies on the 1968 election also concluded that the most significant impediment to the exercise of the franchise is the registration requirement. On the basis of a survey conducted in December 1969, for example, Dr. George Gallup found that registration requirements, rather than lack of interest, explained the minimal voter turnout. Similarly, the report of the Freedom To Vote Task Force, published in 1969, found that registration systems posed the most serious single impediment to full participation in the Nation's elections. And, in Texas, which until this year was notorious for its early closing deadline for voter registration, a recent study concluded that for every additional month the registration books stay open before election day, an additional 2.7 percent of the population would be registered.

The results of the current population survey taken by the Bureau of the Census after the 1968 election are not to the contrary. The minority views in the Senate committee report on S. 2574 point to the survey's finding that, of those who were not registered in 1968, 53.3 percent said they had not registered because they were: "Not interested, just never got around to it, dislike politics, et cetera;" 13.4 percent said they were "Unable to register because of illness, no transportation, couldn't take time off from work, et cetera."

Surely, these figures do not make the case that voter apathy is the major cause or even a principal cause of low voter registration. In the first place, 13.4 percent of the persons in the sample, representing several million potential voters nationally, are admittedly disfranchised by obstacles to registration. These persons alone deserve the immediate assistance of the registration procedures that would be available under S. 2574. In the second place, the 53.3 percent figure in the sample is misleading and inconclusive. We do not know, for example how many persons in that category found the existing registration procedures so cumbersome and confusing that they "just never got around to it."

And small wonder they did not get around to it. In State after State throughout the country, we see the chaos and confusion in our present registration system. Wherever we look, we find that registration is an obstacle course for the voter instead of the highway to the polls it ought to be.

The defects of the present system are not confined to any State or geographic region. They go by names like early closing deadlines, unreasonable purges of the voting rolls, unfair reregistration requirements, inaccessible registration offices, and lack of absentee registration. The burdens are almost endless:

In some States, registration closes months before the election. A recent study cited 15 States in which the registration books closed more than a month before the election. Often, the closing date is much earlier. Such early closing deadlines serve no legitimate administrative purpose. In 1968 in Idaho, for example, the registration books were closed only 2 days before the election, and 72 percent of the eligible voters cast their ballots on election day.

In many of the Nation's cities and counties, there is no real local registration office. The only place a citizen can register to vote is at city hall or at the central downtown office of the board of elections.

In other cities, the problem is even worse. The only place to register may be the county courthouse outside the city limits.

In thousands of rural areas, registration means a long and time-consuming journey into town.

For millions of residents in communities like these, the inconvenience of a trip downtown or out of town or into town is an insurmountable barrier to registration. Often, the expense of the trip or the loss of income or time away from the job is sufficient by itself to inhibit registration—in effect, a tax that denies the right to vote as surely as the outlawed poll taxes used to do.

For millions of the Nation's elderly, disabled, or sick—those who simply do not have the physical ability to travel to the registration office to register in person—the lack of any effective procedure for absentee registration means that they are denied the right to vote at all.

And, those who find their way to the registration office often learn that their problems have just begun. Frequently, the office is open only a few hours a day, or a day or two a week. Sometimes, it may be necessary to make an appointment in advance. Other times, the registrar simply shuts the office early, if no applicants arrive that day. In still other cases, all but the most determined voters give up in the face of the endless lines and waiting periods they find inside the door of the registration office.

Such examples are legion. The ones I have cited could be multiplied many times over. They are found in almost every State. But they are enough, I think, to identify the problem and to demonstrate the need for early and effective action by Congress.

At a single stroke, by enacting the simple procedure of post card registration—registration by mail—S. 2574 would end virtually all of the manifold injustices and intolerable burdens that now exist. Left to individual State initiative, the reform we need will never happen. Registration is a national problem, and it demands a national solution. Without legislation at the Federal level, the inertia of nearly a century of past and present practice will continue and we shall lose this timely and fertile opportunity to make Government more responsive to the people.

As in so many other situations, the burden of our complex and capricious registration system weighs especially heavily on disadvantaged groups in our society.

Only 66 percent of the Nation's black citizens were registered in 1968, while the figure was 76 percent for the white population.

Only 53 percent of those in families with incomes of less than $3,000 were registered in 1968, while 82 percent of those in families with incomes between $10,000 and $15,000 were registered.

Only 69 percent of the nation's manual workers were registered to vote, while 83 percent of the Nation's white collar workers were registered.

Only 49 percent of those with a formal education of 1 to 4 years were registered in 1968, while 87 percent of those with a college degree were registered.

Clearly, on the basis of these statistics, the burden of our present registration system falls most unfairly on the poor, the black, the less educated, and the blue collar workers.

But it is not just the disadvantaged and the working man who are caught by the existing system. The chaos and the defects of the system are not confined to any single population group or geographic region. They trap us all—the businessman in his office, the housewife in her suburb, the worker in his factory, the doctor in his clinic. Rarely, in fact, has any movement for reform so clearly cut across all political, economic and social lines.

Nor is the movement for reform a partisan affair. As the Freedom To Vote Task Force so eloquently stated in its report in 1969:

> Registration efforts must not be concerned with how people vote. The important consideration is that they vote. We can live with decisions made by a full electorate, but those who do not participate may be unwilling to live with decisions they have no voice in making. We must do everything within our

power to encourage them to vote. Let the people choose.

Indeed, it is a tribute to the growing bipartisan interest in the problem that the man who has done the most so far in this area is Senator BARRY GOLDWATER, whose amendment in the Senate in 1970 accomplished important reforms in registration requirements for voting in presidential elections. That amendment was a major landmark in congressional recognition of the problem, and it serves as an important precedent for the goal we seek today.

Now, in S. 2574, Congress has the opportunity to breathe new life into the political process in America. There is perhaps no more important step we can now take to make our democracy responsive to all the people. If we act to end the morass of voter registration, we can revitalize all our public institutions and build a stronger nation to meet all the other great challenges we face at home and overseas.

THE BURDEN OF UNFAIR RESIDENCE REQUIREMENTS

Impediments to the right to vote of a different sort, but no less burdensome for millions of citizens, are the hundreds of different State and local residence requirements that now exist throughout the Nation. Typically, under present voting laws, a potential voter must fulfill three different residence requirements before he is entitled to vote—he must have resided in his State for periods ranging from 6 months to a year; he must have resided in his county for periods from 30 days to 6 months; and, he must have resided in his precinct for periods from 10 to 30 days. In some jurisdictions, the minimum residence requirement is lower; in many, it is substantially higher.

Decades ago, perhaps, in a quieter and less mobile era of our history when these residence requirements were imposed, their burden was not as large as it is today. But now, the burden is immense. The Census Bureau estimates that every year, 20 million Americans, or 10 percent of the population, move their residence from one State to another. On the average, each family in the Nation moves its residence once every 4 years.

The plight of the disfranchised mobile voter in America is well known. As many experts have emphasized, the right of a citizen to travel freely from State to State is one of our fundamental rights protected by the Constitution. Too often, however, the exercise of that right triggers the loss of an even more basic constitutional right, the right to vote.

In the Goldwater amendment of 1970, Congress took a significant step to alleviate the burden of these so-called durational residence requirements by, in effect, reducing such requirements to 30 days for voting in presidential elections.

Now the time is ripe for Congress to go further. S. 2574 shows the way by making the same 30-day requirement applicable to all Federal elections.

VOTER REGISTRATION AND THE PREVENTION OF ELECTION FRAUD

There can be no legitimate concern that adoption of S. 2574 will in any way enhance the likelihood of election fraud. As noted, the bill contains ample antifraud provisions to prevent abuse of the postcard system. In addition, the bill preserves the most effective fraud-prevention device that is widely used today—the ability to compare the signature of the voter at the polling place with the signature on his registration card in the official files. Thus, the signature on the post card form mailed by the registrant under S. 2574 will be available at the polling place to verify his identity on election day.

It is difficult to believe that the face-to-face registration procedure used in virtually every State today can be any more effective in preventing election fraud than the post card registration procedure proposed by S. 2574. The voter arrives at the polling place long after the face-to-face encounter is forgotten. Inevitably, the official at the polling place is not the official who registered the voter weeks or months before. All that exists to verify the identity of the voter on election day is his signature card in the registration file—precisely the same procedure that will be available under S. 2574.

An additional significant point on this issue is the experience of certain States in recent years. North Dakota has no system of voter registration at all, yet detailed studies have concluded that election fraud is negligible in that State. The same conclusion has been reached on the basis of experience in States like California, Idaho, and South Carolina, which have experimented in recent years with universal voter enrollment programs. By contrast, as the hearings on S. 2574 brought out, the incidence of election fraud tends to be greatest in those States that have the most complicated systems of voter registration.

The import of this point is clear. The fraud we have to fear today is not the sort of "individual" fraud that any reasonable system of voter registration can prevent. The real fraud we have to fear is the so-called "institutional fraud"—fraud carried out with the connivance or acquiescence of unscrupulous local officials at the polling places on election day. That is a problem which will exist whether or not we enact S. 2574. No serious contention can be made that the pending bill will contribute in any substantial way to that or any other kind of fraud.

CONSTITUTIONAL JUSTIFICATION

1. GENERAL LEGAL PRINCIPLES

Both the Constitution itself and a long line of decisions by the Supreme Court clearly demonstrate that Congress has ample authority to enact uniform registration and residence requirements to protect and enhance a citizen's right to vote in Federal elections. In light of the strong precedents, no substantial doubt can be raised against the constitutionality of S. 2574, the National Voter Registration Act.

To be sure, the Constitution grants to the States the primary authority to establish qualifications for voting. Article I, section 2 of the Constitution and the 17th amendment specifically provide that the voting qualifications established by a State for members of the most numerous branches of the State legislature shall also be used to determine the qualifications of those who may vote for U.S. Senators and Representatives. Although the Constitution contains no specific reference to qualifications for voting in presidential elections, it has traditionally been accepted that the States also have primary authority to set the qualifications for voting in this area as well.

But, Article I, section 2 and the 17th amendment are only the beginning of the analysis, not the end. The power of the States to set voting qualifications is not unlimited. The scope of State power must be read in light of all the other great provisions of the Constitution, including the 14th and 15th amendments. Clearly, the States cannot adopt voting qualifications that contravene these amendments. No one believes, for example, that the States have the power under article I, section 2 or the 17th amendment to deny the vote to a person because of his race or religion.

In fact, the Supreme Court has consistently and specifically held that the Equal Protection Clause of the 14th amendment prohibits certain unreasonable State restrictions on the franchise:

In *Carrington* v. *Rash*, 380 U.S. 89 (1965), the Court held that a State could not withhold the franchise from residents merely because they were members of the Armed Forces.

In *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Court held that a State could not impose a poll tax as a condition of voting.

In *Kramer* v. *Union School District*, 395 U.S. 621 (1969), the Court held that a State could not deny the vote to residents in school district elections merely because they owned no property in the district or had no children attending district schools.

It was in the Kramer case that the Supreme Court most clearly stated the constitutional test that applies to State and local laws restricting or denying the franchise:

> Any unjustified discrimination in determining who may participate in political affairs . . . undermines the legitimacy of representative government. Therefore, as the Court made clear, it is not enough that a law limiting the franchise may arguably serve some *permissible* interest of the State. Rather, as the Court stated, a more exacting standard applies: "the Court must determine whether the exclusions are necessary to promote a *compelling* State interest." *Kramer v. Union School District*, supra, at 626, 627. (Emphasis added.)

In addition to decisions like those in the Carrington, Harper, and Kramer cases, in which the Supreme Court held that the equal protection clause itself was sufficient to invalidate State laws unreasonably restricting the franchise, another important line of cases establishes that Congress has broad power to legislate in this area as well, pursuant to authority delegated by various provisions of the Constitution.

In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Court unanimously upheld the constitutionality of the Voting Rights Act of 1965, including, specifically, the provision authorizing Federal

registrars to be used to register voters in States falling under the requirements of the Act.

In *Katzenbach* v. *Morgan*, 384 U.S. 541 (1966), by a majority of 7 to 2, the Court upheld the constitutionality of a statute passed by Congress overriding State literacy requirements in English and conferring the franchise on Puerto Rican voters in New York who were literate in Spanish.

And, in the most recent and most important precedent for S. 2574, *Oregon* v. *Mitchell*, 400 U.S. 112 (1970), the Court not only sustained the constitutionality of a Federal statute lowering the voting age to 18 for Federal elections, but also upheld the constitutionality of two other important provisions in the Voting Rights Act of 1970.

The provision abolishing State literacy requirements altogether, not only for Federal elections, but for State and local elections as well, the Court sustained this provision unanimously, by the vote of 9 to 0.

And, the Goldwater amendment, reducing residence requirements for voting in presidential elections to 30 days, and requiring the States to make available appropriate absentee registration and absentee voting procedures for such elections. The Court sustained this provision by the overwhelming majority of 8 to 1, with only Justice Harlan dissenting.

The Mitchell case is especially significant with regard to the constitutionality of S. 2574, not only because of the wide latitude the Supreme Court gave to Congress in the specific area of establishing residence requirements for voting, but also because it is a recent decision of the Burger court giving a strong indication that the present members of the Supreme Court will adhere to the earlier decisions establishing basic protections for the right to vote. Given these well established legal principles it is clear that the two most important constitutional questions potentially raised by S. 2574—the powers of Congress to legislate in the area of registration and residence requirements—are easily answered in a way that gives ample justification for their constitutionality.

2. THE CONSTITUTIONALITY OF THE VOTER REGISTRATION PROVISIONS OF S. 2574

With respect to voter registration, the source of the authority of Congress to act by statute is article I, section 4 of the Constitution, which provides:

> The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof but the Congress may at any time by law make or alter such Regulations, except as to the Place of Choosing Senators.

Forty years ago, in *Smiley* v. *Holm*, 285 U.S. 355 (1932), the Supreme Court considered the extent to which article I, section 4 confers power on Congress to regulate Federal elections. Speaking for a unanimous Court, Chief Justice Charles Evans Hughes established a broad reach for that power which has been unchallenged in subsequent years, and which uses language directly applicable to the authority of Congress to enact legislation in the area of voter registration. As Chief Justice Hughes stated:

> It cannot be doubted that these comprehensive words (the words of Article I, Section 4. . . . "Times, Places and Manner of holding elections for Senators and Representatives") embrace authority to provide a complete code for congressional elections, not only as to times and places, but in relation to notices, *registration*, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved, 285 U.S., at 366 (Emphasis added.)

Subsequently, in United States versus Classic, 313 U.S. 299 (1941), the Supreme Court ruled that Congress had ample constitutional power to protect congressional elections from fraud committed either by the State or by an individual. In explaining its decision, the Court emphasized that the exercise of the franchise derives from the States only "to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under article I, section 4. Id. at 315.

In other words, the States have the power under article I, section 2 to establish voter registration requirements in the first instance, but Congress has the power to modify or alter those requirements under article I, section 4.

As these historic decisions make clear, article I, section 4 of the Constitution provides Congress with sufficient power to establish registration requirements for Federal elections. Such requirements are clearly part of the "Manner" of holding Federal elections, and there is no substantial constitutional issue involved in S. 2574, insofar as the authority of Congress to legislate in the area of voter registration is concerned.

3. THE CONSTITUTIONALITY OF THE RESIDENCE PROVISIONS OF S. 2574

The constitutional power of Congress to enact uniform residence requirements for voters in Federal elections is equally clear. As the Court observed nearly a century ago in the *Slaughter-House* cases, 16 Wall. 36, 80 (1879), the right to travel from State to State—to become a resident of any State, whether for purposes of voting or other reasons and to enjoy the same rights as other residents of the State—is a privilege of national citizenship. See also *Crandall* v. *Nevada*, 6 Wall. 35 (1868); *Passenger Cases*, 7 How. 283 (1849). Recent decisions by the Court, such as *Shapiro* v. *Thompson*, 394 U.S. 618 (1969), and *United States* v. *Guest*, 383 U.S. at 757–760 (1966) have amply confirmed this basic constitutional right: the right to travel.

In Oregon against Mitchell, supra, as already noted, the Burger Court sustained the constitutionality of the Goldwater amendment to the Voting Rights Act of 1970, and ruled that Congress has authority to reduce residence requirements for voters in presidential elections. The basis of the Court's decision was the broad power of Congress to protect the right to travel.

The reasoning of the Justices in Oregon against Mitchell with respect to the power of Congress to set residence requirements for presidential elections is equally applicable to other Federal elections as well. Existing residence requirements for congressional elections are no less restrictive of the right to travel than those for presidential elections. Indeed, in discussing the validity of the residence provision for presidential elections in Oregon against Mitchell, Justice Stewart, in an opinion joined by Chief Justice Burger and Justice Blackmun, observed that:

> ". . . While Section 202 applies only to presidential elections, nothing in the Constitution prevents Congress from protecting those who have moved from one State to another from disenfranchisement in any Federal election, whether congressional or presidential."

No clearer words could be found to sustain the constitutionality of the residence provisions of S. 2574. Indeed, the language of Justice Stewart is so squarely in point that it may be read as an invitation to Congress to complete the task it began in 1970, and to extend the 30-day residence requirement to all Federal elections.

If any further support were needed, it is sufficient to point out that all three Justices in the Mitchell case who subscribed to the statement quoted—Justice Stewart and Blackmun and Chief Justice Burger—were dissenters from the separate 5 to 4 ruling of the Court in the same case holding that Congress had the power to reduce the voting age to 18 as a qualification for voting in Federal elections. Thus, although legislation by Congress in certain areas of voting qualifications, such as the voting age, may raise a substantial constitutional issue, no such issue arises in the case of legislation in the area of residence qualifications. Clearly, there is broad agreement among the present members of the Burger Court that such legislation is a valid exercise by Congress of its powers under the Constitution, and no substantial issue can be raised on this point with respect to the constitutionality of S. 2574.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ROTH). The Chair, on behalf of the Vice President pursuant to the provisions of section 123(a), Public Law 91–605, appoints the following Senator as a member of the Commission on Highway Beautification: the Senator from Vermont (Mr. STAFFORD), in lieu of the Senator from Connecticut (Mr. WEICKER).

ORDER FOR RECOGNITION OF SENATOR WEICKER ON FRIDAY, MARCH 10, 1972

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order recognizing the distinguished Senator from Connecticut (Mr. WEICKER) tomorrow for not to exceed 15 minutes be vacated and that that order be transferred to Friday with respect to the same Senator.

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

ORDERS FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE THE UNFINISHED BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following the remarks of the two leaders under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, and that at the conclusion of the morning business the Chair lay before the Senate the unfinished business.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume this will be the final quorum call today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the Senate will convene tomorrow at 12 o'clock noon. After the two leaders have been recognized under the standing order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Chair will lay before the Senate the unfinished business, S. 2574, a bill to establish a voter registration program.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 4:34 p.m. the Senate adjourned until tomorrow, Thursday, March 9, 1972, at 12 o'clock meridian.

CONFIRMATION

Executive nomination confirmed by the Senate March 8, 1972:

OFFICE OF ECONOMIC OPPORTUNITY

Bert A. Gallegos, of Colorado, to be an Assistant Director of the Office of Economic Opportunity.

HOUSE OF REPRESENTATIVES—*Wednesday, March 8, 1972*

The House met at 12 o'clock noon.

Father Joseph Inverardi, of the Consolata Society for Foreign Missions, Washington, D.C., offered the following prayer:

God, Father of Wisdom, of Life, of Justice, and of Peace, we bow before You in prayer. We seek Your light, that we may legislate according to what is good and well-pleasing in Your sight.

Keep us open, we pray, to the wishes, the needs, and the pleas of those who elected us. Help us to build for them a truly human community, rich in goodness and freedom, and safe from all dangers.

We ask for Your help, that, through the wisdom of our vision and of our laws we may always be a new people, a new beginning of hope and peace in this wide, uncertain world.

You are the future of men. Be our helper and our protector, both now and for all generations, and forever and ever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 1163. An act to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal projects, nutrition training and education projects, opportunity for social contacts, and for other purposes; and

S. 2423. An act to amend the Federal Aviation Act of 1958 to provide for the suspension and rejection of rates and practices of carriers and foreign air carriers in foreign air transportation, and for other puposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1058. An act to amend the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, so as to authorize certain grapefruit marketing orders which provide for an assessment against handlers for the purpose of financing a marketing promotion program to also provide for a credit against such assessment in the case of handlers who expend directly for marketing promotion.

The message also announced that the Vice President, pursuant to Public Law 85–474, appointed Mr. METCALF, Mr. BAYH, Mr. HOLLINGS, Mr. HUGHES, Mr. SCOTT, and Mr. SAXBE to be delegates on the part of the Senate to attend the Interparliamentary Union Meeting to be held in Yaounde, Cameroon, April 3 to 9, 1972.

WE SHOULD GRANT NO AMNESTY TO DRAFT DODGERS

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I view with great distaste and moral indignation the proposals by some to grant amnesty, conditional or otherwise, to those American citizens who have fled the United States to avoid being drafted.

Many men who served in Vietnam differed with our Government's decision to send them there, but they went anyway. Thousands of them were wounded, a large number maimed for life; too many were killed. Some are being held as prisoners of war. In the face of these sacrifices how can we possibly consider amnesty for those who took the unlawful way out by evading the draft or deserting?

Lawlessness is one of the serious ills of our society. Strict enforcement of the law and just punishment of offenders are absolutely necessary and are demanded under our constitutional system of government. We should apply the same system of justice to those who break the law requiring military service as we apply it to those who break any other law.

BEST WISHES TO ARTHUR BRANDEL

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, I would like to direct the attention of my colleagues on the House Post Office and Civil Service Committee, as well as every Member of Congress, to the recent notice in the financial section of one of the Washington metropolitan daily newspapers, of the newly established Washington newsletter for mail users—Post Age.

Editing this weekly "inside" Washington newsletter for mail users is a veteran Washington correspondent, Arthur Brandel. "Art" has covered the House Post Office and Civil Service Committee, as well as Capitol Hill and the Federal agencies for a number of years.

I am certain the important mail users will welcome this new publication which will highlight information for mail users concerning developments at the U.S. Postal Service, the Postal Rate Commission, the House and Senate Post Office and Civil Service Committees, as well as the House and Senate Judiciary Committees.

I am sure all "Art" Brandel's friends extend to him their best wishes in his new endeavor.