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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 93<sup>d</sup> CONGRESS, FIRST SESSION

SENATE—*Friday, June 15, 1973*

The Senate met at 11 a.m. and was called to order by Hon. JOSEPH R. BIDEN, Jr., a Senator from the State of Delaware.

## PRAYER

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

O Thou who hast said "They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; they shall walk and not faint," lift us up on wings of prayer to renew our spirits and restore our strength. Through long hours and tedious tasks keep us steadfast and strong. Hold ever before us the high vision of a nation where men are equally free under God, where justice and truth are the law of life, and citizens live to serve one another. In this place make us equal to our high trust, just in the use of power, and generous in the protection of the weak. May our deepest trust be in Thee, the Lord of nations and the King of kings. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The second assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, D.C., June 15, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOSEPH R. BIDEN, Jr., a Senator from the State of Delaware, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

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

## REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of June 14, 1973, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, with an amendment, on June 14, 1973, the bill (H.R. 7200) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to im-

prove the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, and submitted a report (No. 93-221) thereon, which was printed.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, June 14, 1973, be dispensed with.

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

## THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 205 and 206, both of which have been cleared for action on both sides of the aisle.

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

## AMENDMENT OF THE RAILROAD RETIREMENT ACT

The Senate proceeded to consider the bill (H.R. 7357) to amend section 5(1) (1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes, which had been reported jointly from the Committee on Finance and the Committee on Labor and Public Welfare with an amendment, to strike out all after the enacting clause and insert:

That section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out the word "and" after clause (ix) in the second paragraph thereof and inserting after the semicolon in clause (x) in such second paragraph the following new clauses:

"(xi) years of coverage as defined in section 215(a) of the Social Security Act for an employee who has been awarded an annuity under section 2 of this Act shall be determined only on the basis of his wages and self-employment income credited under the Social Security Act through the latter of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue; and (xii) in determining increment months for the purpose of a delayed retirement increase, section 303(w) (2)(B)(ii) of the Social Security Act shall be deemed to read as follows: "such individual was not entitled to an old-age insurance benefit";."

SEC. 2. Section 5(1)(1) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out from clause (ii) "shall not be adopted after such death by other than a stepparent, grandparent, aunt, uncle, brother, or sister";

(2) by striking out from such clause (ii) "age eighteen" and inserting in lieu thereof "age twenty-two or before the close of the eighty-fourth month following the month in which his most recent entitlement to an annuity under section 5(c) of this Act terminated because he ceased to be under such a disability";

(3) by striking from the third sentence thereof of "202(d) (3) or (4)" and inserting in lieu thereof "202(d) (3), (4), or (9)":

(4) by adding immediately after the seventh sentence thereof the following new sentence: "A child whose entitlement to an annuity under section 5(c) of this Act was terminated because he ceased to be disabled as provided in clause (ii) of this paragraph and who becomes again disabled as provided in such clause (ii), may become reentitled to an annuity on the basis of such disability upon his application for such reentitlement"; and

(5) by adding the following new paragraph at the end thereof:

"A child who attains age twenty-two at a time when he is a full-time student (as defined in subparagraph (A) of paragraph 7 of section 202(d) of the Social Security Act and without the application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year college or university shall be deemed (for purposes of determining whether his entitlement to an annuity under this section has terminated under subsection (j) and for purposes of determining his initial entitlement to such an annuity) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time, whichever first occurs)."

SEC. 3. Section 226(e) of the Social Security Act is amended—

(1) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "(as such terms are defined in section 214 of this Act)" in 2(A) thereof;

(2) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(B) thereof;

(3) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "fully or currently insured" in 2(C) thereof; and

(4) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(D) thereof.

Sec. 4. (a) The provisions of this Act, except the provisions of section 1, shall be effective as of the date the corresponding provisions of Public Law 92-603 are effective. The provisions of clauses (xi) and (xii), which are added by section 1 of this Act, shall be effective as follows: clause (xi) shall be effective with respect to calendar years after 1971 for annuities accruing after December 1972; and clause (xii) shall be effective as of the date the delayed retirement provision of Public Law 92-603 is effective.

(b) Any child (1) whose entitlement to an annuity under section 5(c) of the Railroad Retirement Act was terminated by reason of his adoption prior to the enactment of this Act, and (2) who, except for such adoption, would be entitled to an annuity under such section for a month after the month in which this Act is enacted, may upon filing application for an annuity under the Railroad Retirement Act after the date of enactment of this Act, become reentitled to such annuity; except that no child shall, by reason of the enactment of this Act, become reentitled to such annuity for any month prior to the effective date of the relevant amendments made by this Act to section 5(1)(1)(ii) of the Railroad Retirement Act.

Mr. HATHAWAY. Mr. President, H.R. 7357 would make conforming changes in the Railroad Retirement Act which are necessary because of the enactment last fall of the Social Security Amendments of 1972. As Senators are aware, there is a very close relationship between social security and railroad retirement and changes in the Social Security Act are of necessity followed by changes in the Railroad Retirement Act. The need for the changes which this bill would make were brought to our attention by the Railroad Retirement Board. They have been supported by railway labor and by railway management in hearings held by the Subcommittee on Railroad Retirement of the Committee on Labor and Public Welfare. The Office of Management and Budget has indicated that it has no objection to enactment of the legislation.

When the legislation was considered in executive session of the Committee on Labor and Public Welfare, no objection to the bill was heard, and because one section of the bill would amend the Social Security Act, it was also considered in executive session by the Committee on Finance which recommends enactment of the legislation. The joint report of these two committees (S. Rept. 93-215) recommending enactment of the House-passed bill with one amendment was filed on June 13.

Although the committee amendment to the House-passed bill is a substitute for the House bill, there is in fact only one change. And this change is to add one provision that the Railroad Retirement Board asked for after the House had passed the bill. The new provision modifies a technical change made last year under which the Railroad Retirement Board is relieved of the necessity of considering postretirement earnings in determining the amount that would be paid to an individual under the provisions of the law which guarantee railroad retirement benefits 10 percent

higher than would be paid under the Social Security Act. These postretirement earnings generally do not affect the amount of the benefit. However, as a result of last year's social security amendments, postretirement earnings would still have to be considered under two provisions of the Social Security Act. Because the same reasons that caused the exception to be made in the first place applies under the two provisions, it seems reasonable to modify the provisions as the Railroad Retirement Board has requested.

Like the House-passed bill, the committee bill would also—

First, permit a child who is receiving survivor's benefits to continue to receive the benefits if he is adopted—under the present provision the benefit continues only if the child is adopted by a close relative;

Second, childhood disability benefits will be paid if the disability begins before age 22, rather than before age 18;

Third, a child who is getting benefits because he is a full-time student could continue to get the benefits until the end of the school term in which he is 22, rather than up to the time he is 22;

Fourth, a dependent grandchild could qualify for benefits as a child; and

Fifth, the kidney disease provisions of the medicare program which become effective next month and now apply only to people covered under social security would be extended to railroad employees.

I should add that the provisions relating to childhood disability benefits and to dependent grandchildren will mean that widows under 62 who are caring for one of these children can also qualify for benefits.

Under the kidney disease provisions of the Social Security Act, people who are insured under that law, their children and their spouses are considered to be disabled for purposes of having the medicare program pay for the expensive treatments and surgery that keep these people alive. We are told that through oversight railroad employees were not included in the amendment when it was passed last year. This amendment was, as I indicated earlier, considered by the Committee on Finance and that committee recommends enactment of the amendment.

The relationship between the social security and railroad programs is a close one involving a transfer of funds between the two programs so that in effect railroad employees have the protection of the social security program while the social security trust funds are left in the same position they would have been had social security taxes and social security benefits been paid on the basis of railroad employment. Because this provision is in the law, the amendments which H.R. 7357 would make result in no financial burden to the railroad retirement fund.

Mr. President, I urge enactment of the bill as reported.

#### RAILROAD RETIREMENT

Mr. ROTH. Mr. President, before these amendments to the Railroad Retirement Act are brought to a vote, I would like to take a minute to stress to my col-

leagues the importance of the legislation to thousands of Americans and urge their support of the amendments.

Anyone who has ever come in contact with Government redtape will certainly applaud any and all efforts to simplify the administration of a program such as railroad retirement. As any of your case-workers can tell you, even after a constituent has been determined eligible for Federal benefits of one type or another, it is literally months before they ever actually receive these benefits. In the meantime, an individual is forced to survive as best he can on mostly his own ingenuity. If there is a workable method to facilitate a smoother operation in this program, let us utilize it.

The other two provisions of these amendments simply bring the act up to par with the Social Security Act in the matter of dependents' benefits. The eligibility requirements for children's benefits were liberalized in October 1972, under the Social Security Act by Public Law 92-603, and no one could deny the need to equalize those requirements in the Railroad Retirement Act.

As most of you are aware, kidney disease is a common and dangerous problem for us all. Again, we have extended kidney disease medicare coverage for persons injured under the Social Security Act; and it is only equitable that this same coverage be extended to include railroad employees, their spouses, and their dependent children on the same basis as such coverage is now provided for social security beneficiaries.

I urge my colleagues from both sides of the aisle to join me in supporting these amendments to the Railroad Retirement Act.

The amendment was agreed to.

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

The bill was read the third time, and passed.

The title was amended, so as to read: "An act to amend sections 3(e) and 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes."

#### FEDERAL SUPERVISION OVER THE KLAMATH INDIAN TRIBE

The Senate proceeded to consider the bill (H.R. 3867) to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, line 6, after "Sec. 29.", insert "(a)"; on page 2, line 2, after the word "Forest"; strike out "The condemnation action may be initiated either before or after the lands are offered for sale by the trustee. If the condemnation award is for more than \$60,000,000, the Secretary of Agriculture shall notify and submit his recommendations to the Committee on Interior and Insular Affairs and the

Committees on Appropriations of the House of Representatives and the Senate, and if any of such committees disapproves the amount of the award within twenty-one days after notice the condemnation proceedings shall be discontinued. The homesite provisions of section 2(g) shall apply to the lands acquired by the Secretary pursuant to this Act"; after line 13, insert:

(b) The condemnation action may be initiated either before or after the lands are offered for sale by the trustee, and for the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated not to exceed \$70,000,000.

And, after line 18, insert:

(c) The homesite provisions of section 28 (g) shall apply to the lands acquired by the Secretary pursuant to this Act.

Mr. HANSEN. Mr. President, at the request of the distinguished Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that a statement by him relating to the passage of H.R. 3867 today be printed in the RECORD.

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

STATEMENT BY SENATOR HATFIELD

This is the third time that the full Senate has acted to direct the Secretary of Agriculture to purchase the remaining Klamath Indian forest land so that it can be added to the Winema National Forest and managed under programs of sustained-yield forestry and multiple use of the area. The Winema National Forest was created out of lands sold to the Government by part of the Klamath Tribe shortly after that Tribe was terminated in 1954. The remaining members of the Tribe have now also voted to sell their interest in the old reservation lands.

There are two points that I want to make clear with respect to the intentions of the Committee on Interior and Insular Affairs and the Senate. First, in amending the bill to increase the amount available for the condemnation to \$70 million, we are not making a Congressional determination of fair market value. We are simply authorizing an amount that is high enough to ensure federal purchase against all contingencies. Secondly, as the Committee Report indicates, we are directing acquisition of 135,000 acres of forest land. The trustee for the Indians is offering the land for bids in 10 parcels. It is the intention of this legislation that the Department of Agriculture will proceed at once to condemn all 135,000 acres en bloc, rather than in separate parcels, in order to minimize the time and expenses of court proceedings.

I want to thank my colleagues on the Interior Committee, and especially the distinguished Chairman, Senator Jackson, who have followed this problem of the Klamath Indian forest land during the past year and who have acted with great dispatch when the situation's urgency became apparent.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. 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.

CONGRESSIONAL RECORD — SENATE

EXECUTIVE SESSION

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

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

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

DEPARTMENT OF DEFENSE

The second assistant legislative clerk proceeded to read sundry nominations in the Department of Defense.

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

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the Department of Defense are considered and confirmed en bloc.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The second assistant legislative clerk read the nomination of Charles E. Odegaard, of Washington, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the term of 4 years.

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

The second assistant legislative clerk read the nomination of Joseph D. Matarazzo, of Oregon, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the term of 4 years.

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

The second assistant legislative clerk read the nomination of Alfred A. Marquez, of California, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for the term of 4 years.

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

U.S. AIR FORCE

The second assistant legislative clerk read the nomination of Brig. Gen. Edward R. Fry, Air National Guard, to be a major general.

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

U.S. MARINE CORPS

The second assistant legislative clerk proceeded to read sundry nominations in the U.S. Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the U.S. Marine Corps be considered and confirmed en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations in the U.S. Marine Corps were considered and confirmed en bloc.

DEPARTMENT OF STATE

The second assistant legislative clerk read the nomination of Kenneth B. Keating, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The second assistant legislative clerk read the nomination of William A. Morrill, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare.

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

The second assistant legislative clerk read the nomination of Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare.

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

U.S. TARIFF COMMISSION

The second assistant legislative clerk read the nomination of George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1979.

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

SOCIAL AND REHABILITATION SERVICE

The second assistant legislative clerk read the nomination of James S. Dwight, Jr., of California, to be Administrator of the Social and Rehabilitation Service.

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

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The second assistant legislative clerk read sundry nominations in the Air Force placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations in the Air Force be considered and confirmed en bloc.

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

The second assistant legislative clerk read sundry nominations in the Navy placed on the Secretary's desk.

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

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

LEGISLATIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Sen-

ate resume the consideration of legislative business.

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

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the acting Republican leader desire to be heard?

Mr. GRIFFIN. No, Mr. President.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is recognized for not to exceed 15 minutes.

Mr. HARRY F. BYRD, JR. I suggest the absence of a quorum. I ask that the time for the quorum call be charged to the time of the Senator from Virginia.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator from Virginia yield me about 30 seconds?

Mr. HARRY F. BYRD, JR. I yield to the distinguished Senator from West Virginia.

#### QUORUM CALL

Mr. HARRY F. BYRD, JR. Mr. President, I suggest the absence of a quorum, the time for the quorum call to be charged to the time of the Senator from Virginia.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. 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.

#### VISIT TO THE UNITED STATES BY LEONID BREZHNEV

Mr. HARRY F. BYRD, JR. Mr. President, next week, the leader of the Union of Soviet Socialist Republics will visit the United States. This will be a historic meeting when Mr. Brezhnev arrives in the Capital of this country.

It is very important that he be treated appropriately, with dignity and with proper honors. I would hope that there would be no need for the tremendous security that must be provided. It is important that security arrangements be thorough, but I hope that no American citizens would attempt to interrupt his visit or make things inconvenient for Mr. Brezhnev while he is in the United States.

What concerns me about the forthcoming discussions between the President of the United States and the leader of the Soviet Union has been aptly summed, to my way of thinking, by an editorial published in the U.S. News & World Report of June 18 and by an editorial published in the New York Times of today.

The Washington Evening Star in an editorial today hit the nail on the head with the brief sentence:

We favor detente, but it is and must be a two-way street.

I am frank to say that I have some concern about these forthcoming discussions between the American President and the Russian leader.

I think back a little more than a year to the negotiations which took place in Moscow regarding intercontinental ballistic missiles. The United States came out second best. Our intercontinental ballistic missiles were frozen at 1,054, and the Soviet Union is permitted 1,618. The Soviet Union is permitted to have 50 percent more missile-carrying submarines than the United States.

Had it not been for the action of the Senate in adopting an amendment sponsored by the able Senator from Washington (Mr. JACKSON), I do not think I could have supported the interim agreement worked out by the President and Mr. Brezhnev in Moscow.

Then we come to the summer of last year, and we note the trade arrangements, specifically dealing with grain, which were negotiated between the United States and the Soviet Union.

There, again, the United States came out second best. The taxpayers subsidized that Russian grain deal to the extent of \$300 million. More than that, the American taxpayers loaned to Communist Russia the money to buy our grain.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield.

Mr. ROBERT C. BYRD. I daresay it is impossible to determine accurately the true extent to which the American taxpayers subsidized that grain deal. There are many other ramifications, costly ones, that cannot be computed in connection with that alone. For example, the railroad freight cars were tied up in shipping the grain, causing a delay in the transportation of lumber and bricks and other materials for building homes.

So not all the costs and the adverse effects of that grain deal—in connection with which the Russians "took" us—they "took" us, whether because of corruption or by shrewd bargaining—show up in the simple dollar cost category.

I thank the Senator for making the statement he is making.

Mr. HARRY F. BYRD, JR. The Senator from West Virginia makes some excellent points. He makes the point that the cost of those items is not included in the \$300 million I mentioned. Neither is the cost to the American housewife in the driving up of the prices of the food she has to buy. None of that is included in the cost.

Mr. ROBERT C. BYRD. Exactly.

Mr. HARRY F. BYRD, JR. The Senator from West Virginia said that the American people were taken in that deal with the Russians last October, and I think that is an appropriate way to express it.

Mr. ROBERT C. BYRD. I hope they do not take us this time.

Mr. HARRY F. BYRD, JR. That is the purpose of my comments today, just to express the view of one Senator. Perhaps the Senator from West Virginia and the Senator from Virginia are the only Senators who feel that way. I do not know.

I just want to express the view of one Senator, that I hope our Government ne-

gotiators will strike a hard bargain with the Russian negotiators when they are here next week.

We want to give them every courtesy. We want to assure them of all possible security.

We want to do everything appropriate to make their stay here pleasant.

But when it comes to negotiating tax funds of the American people, when it comes to negotiating a reduction in the armament and the defenses of the United States and the free world, I think it is vitally important that our negotiators take a firm, hard position.

We were taken, as the Senator from West Virginia expressed it, last October in the Russian grain deal. We came off second best in the SALT talks—the Strategic Arms Limitation Talks. We put ourselves in a position of inferiority for 5 years with the Russians vis-a-vis intercontinental ballistic missiles. Now we are coming to another discussion here, in Washington, beginning next week.

One might say that the Senator from Virginia represents a conservative viewpoint, and I do. I do not apologize for taking a conservative outlook on matters.

I want to conserve the resources of this country. I want to conserve the tax funds of this country. So I make no apologies in regard to being a conservative, and perhaps the views I express today are of a conservative nature.

However, I have today's New York Times. The New York Times, by no stretch of the imagination, can be considered a conservative publication. It is an ultra-liberal publication. It is, I would think, a pro-Russian publication. I will read portions of an editorial published in today's New York Times, and at the conclusion of my remarks I will ask to have the entire editorial printed in the RECORD.

The economic commitments Mr. Brezhnev wants are so large they could hardly gain automatic approval under any circumstances; but they require particularly microscopic scrutiny in the present period of inflation and corresponding weakness of the dollar. Whatever the ultimate advantages of the commercial arrangements Mr. Brezhnev seeks, their immediate impact over the next few years would be to create a substantial flow of American resources to the Soviet Union in return for a series of I.O.U.'s.

It sounds as though I wrote that editorial myself. I think this is one of the few times I have agreed with the New York Times in recent years. I continue reading:

Furthermore, Moscow is insisting on such favorable terms for its loans that one prominent American banker, Gabriel Haage of the Manufacturers Hanover Trust Company, has already publicly cautioned against the "dubious banking" he sees resulting from Soviet-spurred competition among Western banks for Moscow's business.

This is the New York Times urging caution, and that is what I am doing today, urging caution.

I also have an editorial from U.S. News & World Report of June 18, 1973. The editorial starts out this way:

Nobody of sound mind wants to go tearing around unfurling wet blankets but—

Right now seems to be a most appropriate time for everybody to stand off and take a

long hard look at American-Soviet relations. Where are they leading?

There is a very real danger that the tide of euphoria which could be set in motion by a Nixon-Brezhnev meeting could lead to serious miscalculations costly to America.

That is what I am attempting to warn against here in the Senate on this 15th day of June 1973.

The editorial from U.S. News & World Report goes on to say that the Russians have been and will continue to be on their good behavior for awhile. They are seeking concessions from the Americans so they will be on their good behavior. The U.S. News & World Report then states:

But that doesn't mean Russia's Communist leadership has abandoned its long-term objective—to establish the Soviet Union as the unparalleled world power. In fact, the Brezhnev strategy is designed to use Moscow's new relationship with America as a double-edged sword toward that end.

I think when we have publications such as U.S. News & World Report, one of the soundest and, in my judgment, one of the most objective in the Nation, and the New York Times, one of the most liberal publications published anywhere in the world, urging caution, it is time that we in the Senate likewise urge our Government to deal with caution in the negotiations next week.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorials from the New York Times and the U.S. News & World Report and the Washington Star-News to which I have referred.

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

[From the New York Times, June 15, 1973]

#### SOVIET TRADE GAMBLE

With only a few days to go before Leonid I. Brezhnev is scheduled to arrive in this country, vigorous efforts are being made to set the stage for his visit with predictions of important agreements to be reached between him and President Nixon. Perhaps the most spectacular to date is Moscow's announcement of a tentative agreement of what would be, if realized, the largest commercial transaction ever concluded between the United States and the Soviet Union.

The proposed \$10-billion, 25-year deal for Siberian natural gas deliveries to this country is almost equal in value to the total amount of American lend-lease deliveries to the Soviet Union in World War II. But before this mammoth gas negotiation is concluded, the United States Government and American bankers will have to promise to provide billions of dollars in long-term credits.

The economic commitments Mr. Brezhnev wants are so large they could hardly gain automatic approval under any circumstances; but they require particularly microscopic scrutiny in the present period of inflation and corresponding weakness of the dollar. Whatever the ultimate advantages of the commercial arrangements Mr. Brezhnev seeks, their immediate impact over the next few years would be to create a substantial flow of American resources to the Soviet Union in return for a series of I.O.U.'s.

Furthermore, Moscow is insisting on such favorable terms for its loans that one prominent American banker, Gabriel Hauge of the Manufacturers Hanover Trust Company, has already publicly cautioned against the "dubious banking" he sees resulting from Soviet-spurred competition among Western banks for Moscow's business.

The major Siberian deals promoted by Mr. Brezhnev involve far more than economic considerations. In a joint report to Congress earlier this year, Senator Hubert H. Humphrey of Minnesota and Representative Henry S. Reuss of Wisconsin argued that while "economic benefits would accrue to the United States via supplies of scarce gas and oil, the net economic benefits would tend to favor the Soviet Union. Therefore, only if political benefits to the United States from flexibility in the Soviet system and the shift away from Soviet military programs were added to the equation did it appear that the long-term costs and benefits of large-scale joint ventures tended to equal out for both sides" (italics added).

This analysis seems very much to the point, especially when it is remembered that vast American investments would have to be made in Siberia before any Soviet oil or gas arrived here; and in fact there would be no real guarantee of receiving this oil or gas should there be a worsening of political relations in the years ahead.

Even on the best of assumptions, oil and gas from Siberia will be high-cost fuels. It will be an enormously expensive task—both in terms of ordinary economic costs and in terms of ecological impact—to extract these energy sources from the heart of Siberia, move the raw material thousands of miles across Alaska-like terrain to ports, and then ship it more thousands of miles to American consumers. There surely exists more attractive domestic and foreign alternatives.

The most persuasive argument for these vast economic arrangements so ardently desired by Mr. Brezhnev is that somehow they would so improve the political climate of the world that the gains for peace and for increased Soviet-American cooperation would more than balance the probable economic disadvantage to the people of the United States (if not to a few American entrepreneurs). It hardly needs to be stressed that such political gains are conjectural at best, and even if achieved under Brezhnev might well be lost under his successor. The burden of proof would seem to be on those in Washington and elsewhere who favor this expensive gamble.

[From U.S. News & World Report, June 18, 1973]

#### WARM AT THE SUMMIT

(By Howard Flieger)

Nobody of sound mind wants to go tearing around unfurling wet blankets, but—

Right now seems to be most appropriate time for everybody to stand off and take a long, hard look at American-Soviet relations. Where are they leading?

There is a very real danger that the tide of euphoria which could be set in motion by a Nixon-Brezhnev meeting could lead to serious miscalculations costly to America.

It is true that, at the moment, the Soviet Union is looking to the U.S. for a way out of its own difficulties.

The Kremlin needs and wants the help of American know-how in solving Russia's problems of industrial backwardness and its lag in technological advance. The Soviets are anxious for assurance that they will be able to get American grain when their abysmally inefficient agriculture system fails again. Politically, they would like to have U.S. support in neutralizing their Communist adversary, China, and in stabilizing East Europe.

All of this tends to put the Russians on their good behavior—for now.

The reason is a simple one. What they stand to gain from friendly co-operation with the U.S. far exceeds anything that they could possibly gain through strident or clandestine adventures in the Middle East or in Southeast Asia—adventures that would jeopardize their relationship with Washington.

But that doesn't mean Russia's Communist leadership has abandoned its longterm objective—to establish the Soviet Union as the unparalleled world power. In fact, the Brezhnev strategy is designed to use Moscow's new relationship with America as a double-edged sword toward that end.

On one side, the Soviet leader sees in the aura of good feeling the best opportunity so far of solving Russia's domestic problems and perhaps eventually achieving an economic stature equal to that of America—just as the Soviets have reached a balance of nuclear power with the United States.

With the other of his two cutting edges, Brezhnev probably reasons that in an atmosphere of warmth and co-operation there is a chance of gradually tilting the political balance among U.S. allies toward Russia.

In this situation, subtle persuasion will be used on the U.S. and its free-world allies to encourage them to lose any sense of urgency about their own and mutual defense. Domestic political pressures already are being generated for them to shift their resources into other fields which urgently need attention— inflation, welfare, housing, unemployment and so on.

Russia, with its totalitarian system of government, does not face the same problem. No citizen, or group of citizens, is going to tell the Kremlin what to do about defense or anything else. Gradually, public opinion is becoming a factor in Communist Russia—but it really doesn't carry any weight at all when the chips are down.

In a democratic America, there is the ever-present danger that when Moscow and Washington talk in an amiable way, many people decide they can forget about defense and any threat of war. Soviet leaders don't have to bother about such things as public reaction.

The past has demonstrated that there can be changes in Moscow's tactics, manner and theatrics. But the goal—that of attaining preeminent world power—never changes.

Obviously, it is not easy to find fault with the idea of friendly talks between the President and Moscow's No. 1 man. But it is important to keep this point in mind:

A warming trend can pose as many risks for the U.S. as a period of cold war—perhaps even more. And it will require greater skill to cope with the new than with the old.

[From the Washington Star-News, June 15, 1973]

#### THE BREZHNEV SUMMIT

The summit meeting here next week, which will bring together Soviet Communist party boss Leonid I. Brezhnev and President Nixon, both affords great opportunities and poses serious damage.

Having achieved nuclear parity with the United States—and obtained American agreement to this situation—Brezhnev now seeks increased trade with the United States to rescue the economy of the Soviet Union from the doldrums in which it finds itself. To meet the rising expectations of the Russian people, Brezhnev needs grain, fertilizers, chemicals, computer technology and development capital. The means to attain these ends are most favored nation status and access to Export-Import Bank loans.

In a political sense, Brezhnev needs a favorable agreement with the United States both to justify the savage internecine struggles which have been going on within the Politburo and to lower tensions in Central Europe so that the Soviet Union can face up to the Chinese challenge in Central Asia.

What Brezhnev has to offer in return—and terms upon which he is prepared to offer it—is less certain. It is doubtful if Russian exports of oil, timber, chrome, manganese, copper, furs, caviar and vodka can be significantly increased. Natural gas, yes, but not on terms such as last year's grain

deal to the Soviet Union, which drove up food prices here (despite all the ballyhoo, American exports to Russia last year were worth only \$550 million, which is less than South Korea bought from us).

What the Soviet Union is seeking in the economic sphere really bears more of a relationship to trade than aid. That is fine if there are concomitant political gains for the United States such as a reduction in the level of Soviet aid to North Vietnam, Russian assistance in securing a Middle Eastern settlement, a meaningful reduction of Soviet forces in Central Europe and a liberalization in emigration policy in the Soviet Union and Eastern Europe.

The danger is that Mr. Nixon, harrassed on all sides by his Watergate critics and be-deviled by the failure of his economic policies, may seek at all cost a foreign affairs "victory" which would be more apparent than real.

Despite the economic problems which this country is undergoing, Mr. Nixon holds most of the cards when he talks economic relations with the Soviet Union. It would be both tragic and ironic if a man as skilled at diplomacy as the President were to enter into agreements which led to the strengthening of an ideologically hostile government in return for a cheap and transitory diversion. We favor detente, but it is and must be a two-way street.

The ACTING PRESIDENT pro tempore. The Senator's 15 minutes have expired.

#### 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 15 minutes, with statements limited therein to 3 minutes.

#### AMERICAN-SOVIET RELATIONS

Mr. ROBERT C. BYRD. Mr. President, the Senator from Virginia (Mr. HARRY F. BYRD, JR.) is contributing a service in urging caution with respect to the forthcoming talks. I think the American public would do well to understand that if no agreement comes out of the meetings with Mr. Brezhnev, this should not necessarily indicate a failure of those meetings. In reality, and certainly in the long run, it might be viewed as a success of those meetings.

I am not opposed to the meetings. I wish they had not been scheduled for this particular time, but having been scheduled I am not suggesting that they not go forward. I think we have to go forward with the meetings, but I do not think we ought to let ourselves become the victims of a psychology to the effect that those meetings have to produce some big deal. I am like the Senator from Virginia in that I view with some concern the export of our computer technology and our material wealth and resources—especially to the Soviet Union—in return for IOU's that may never be collected. I, of course, want to see a better rapport with the Soviet Union, and I am pleased that a detente has taken place as a result of the outstanding achievements of the President of the United States to this end. President Nixon is to be highly commended for that. But, it ought to be a two-way detente, and I want to add my

cautionary plea to that of the able Senator from Virginia. The meetings must be approached with great caution, and I again say that no agreement might be, in reality, a success if viewed in the context of the grain deal—which was a fiasco—rather than a failure.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. GRIFFIN. Mr. President, will the yield?

Mr. ROBERT C. BYRD. I yield.

Mr. GRIFFIN. Mr. President, I have listened with interest to the remarks of the distinguished Senator from Virginia. While I do not agree with everything he has said, I believe that a response should be made to some of the points he has made.

I think it would be well to recall that President Nixon has repeatedly reminded Congress that it is essential to the interests of the United States and world peace that the United States remain strong militarily. The danger, I suggest most respectfully to the Senator from Virginia, is not that the President of the United States does not understand that, but perhaps there are too many in Congress who do not understand it. There is a real danger here in Congress that we may, unilaterally, weaken the defense posture of the United States vis-a-vis the Soviet Union.

But I wish to join in the expression of concern made by the distinguished Senator from Virginia. There is justification for some expression of caution under these circumstances. On the other hand I do not want the record to go unchallenged if there is any suggestion here that President Nixon and Dr. Kissinger are not very able, very well prepared, and very tough, hard bargainers when it comes to dealing with the Soviet Union. I think, and I believe history will judge, that they have been superb. In my humble judgment, they have done an excellent job.

I recently returned from a trip to the Soviet Union with six of our colleagues in the Senate, members of the Committee on Commerce. We were in the Soviet Union primarily to study the advisability of developing more trade relations between the Soviet Union and the United States. We had the opportunity on that occasion, the seven of us, to meet for nearly 4 hours with Mr. Brezhnev in the Kremlin.

It is obviously impossible, after a short trip of that kind, to come back and claim to be an expert, and I do not. But I do come back with a strong conclusion that President Nixon is on the right path in realistically seeking to improve trade relations between the United States and the Soviet Union. I think there is a strong interest on the part of the leadership of the Soviet Union, at this point in history, looking toward this end. They find it in their national interest, I am sure, to seek some accommodation in terms of arms build-up so they may turn their attention to consumer oriented production.

I think we should encourage that as much as possible. I think we should encourage as much as we can interchange, contact, and opening up with the Soviet Union and certain Iron Curtain countries,

always to be sure, with the admonition of the Senator from Virginia in mind, that we want to be realistic in our dealings with the Soviet Union. But I would say this: If there is any President who ever has been well prepared for the job he is undertaking in this regard, it is the President who is in the White House today.

Mr. HARRY F. BYRD, JR. Mr. President, the Senator from Virginia was one of the first Members of the Senate to applaud President Nixon's decision to go to Peking, and I approved President Nixon's trip to Moscow. I think it is important that the leaders of the great nations of the world open a dialog. I favor meetings and discussions between the leaders of these great nations.

I applaud the announcement that the President decided to go to China the night he made it, and I was severely condemned in my State for doing so. I think President Nixon was right. I want to see communications opened between Communist China and the United States, and I want to see rapport developed among all great powers.

What I am speaking of is different from dialogs and different from leaders getting to know one another.

I am only calling attention to what has happened in the past, and I say that the United States came off second best in the arms limitation talks. The Senate of the United States thought so, too, because it adopted the proposal of the Senator from Washington (Mr. JACKSON) to demand that negotiators in the future insist on parity, and not settle for inferiority. So I think it is fair to say that the Senate concurred in the view expressed by the Senator from Virginia when it adopted the Jackson amendment.

Insofar as the grain deal is concerned, I think the record too is clear to warrant further discussion.

What I am suggesting today is—and I feel, as does the Senator from Michigan, it is desirable to have trade between these countries—I do not want the American taxpayers, the American housewives, to do all the financing of it. Nor do I want to see a shortage here result from it. That is what was done under the grain deal. I do not want to see that happen again. What I am concerned about is that caution be used.

As the Senator from West Virginia pointed out, we may be better off if no other dramatic announcements are made and no dramatic decisions are made, but to have the President and the leader of the Soviet Union develop rapport and dialogues and to continue to get to know one another.

I hope the Soviet leader will have a pleasant stay in the United States and that there will be no awkward incidents. I am glad to see there will be tight security, although I hope it will not be necessary.

Mr. GRIFFIN. Mr. President, I would only add to this to the colloquy. I would not want the impression to be left in the RECORD that we hope no agreements will be reached. I just want to make it clear that I hope the negotiations will be fruitful and that there will be meaningful

agreements reached during the historic visit of Mr. Brezhnev.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. ROBERT C. BYRD. Mr. President, I certainly do not want the RECORD to imply or the able Senator to infer that I meant such in what I had to say. I, too, want the meetings to be fruitful and hope something good comes out of them. I want merely to make the point that if no agreement is reached, it should not be interpreted as a failure; in the light of the unfortunate grain deal. I take the position that no agreement might be better than an agreement if such an agreement is going to be something of a repetition of the grain deal.

I share with the Senator the desire to see something fruitful come out of the meeting, and if there is, I certainly would want to see an announcement of it.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. HARRY F. BYRD, JR. Mr. President, I just want to add that the reasoning of the Senator from West Virginia is exactly the reasoning and the intent of the remarks of the Senator from Virginia. If we can get fruitful decisions from this meeting, that is fine, but the point the Senator from West Virginia raised I think is a good one—that if the President and his negotiators conclude that it cannot be done and that they cannot bring forth dramatic decisions without making too many concessions, then the American people should not regard that as being undesirable or regard that as being a failure of the meeting between the two leaders of the two great countries.

#### EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. PROXIMIRE. Mr. President, are we in the morning hour?

The ACTING PRESIDENT pro tempore. One minute remains in the morning hour.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business be extended 15 minutes and that statements be limited therein to 5 minutes.

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

#### PENTAGON'S BIOLOGICAL CLOCK GOES OFF

Mr. PROXIMIRE. Mr. President, at a certain time each year the biological clock of nature sends out a signal, as yet unknown, and with a precision and purpose that astounds men, geese make their annual migrations on great flyways in the sky; sturdy salmon begin their doomed struggle up river systems; and even the feared lamprey returns thousands of miles to a stream known only by its prior generation.

These are the mysteries of nature.

It is not surprising then that a similar biological clock goes off every year at the Pentagon. I am speaking of the

annual "scare the dickens out of 'em", "the Russians are coming" speech so precisely timed to coincide with consideration of the military budget in Congress.

At about the same time every year, and without fail, comes a rash of statements from the highest level of the Pentagon depicting the darkest motives to Soviet or Chinese military programs and hinting at strategic imbalances not yet known but clearly ominous.

This year is no exception.

#### BUDGET TO BE EXPANDED

Deputy Defense Secretary William P. Clements, in his first press conference, has stated that the record high defense budget of \$79 billion might have to be expanded.

Now let us clarify exactly what is going on. In prior years, various Secretaries of Defense would issue warnings that any cut by Congress in the military budget would endanger national security, weaken our bargaining position, place us in a position of strategic inferiority, loosen our alliance system, and show the white flag, to name a few dire consequences.

This year the strategy is somewhat different. Instead of defending the line, the Pentagon wants to pressure Congress even more by suggesting that budget levels might have to be increased.

This red herring must be seen for what it is. By calling for a higher budget, it makes it possible that a compromise might be reached at the current projected level, thereby giving the Pentagon more than they anticipated when sending the budget to Congress.

Every bureaucracy knows that it must submit a budget larger than what it actually needs since Congress could cut it back. Therefore, budget padding is a normal technique for bureaucratic survival.

This year we have an extension of that strategy designed to wring more than the normal levels out of Congress.

And this comes at the end of the war, when all of us thought we could reduce defense spending. We always have had it at the end of every other war, but not this one.

#### LOOK AT HOME FIRST

While the Deputy Secretary of Defense is busy conjuring up new threats, let me suggest that he take a closer look at his own military establishment. I would be interested in knowing why the following situations have been allowed to exist in the Department of Defense:

Why some 700 generals and admirals will continue to have enlisted men serve them as personal servants?

Why generals are allowed to outfit aircraft for their personal use at costs as high as \$430,000 per plane, with bars and all kinds of elaborate facilities for entertaining at cocktail parties?

Why there are cost overruns of \$35 billion on 45 major weapons systems?

Why there are only 54 F-4's in South Korea, but 8,300 Air Force personnel?

Why 77.5 percent of the active military force will consist of officers or non-commissioned officers?

Why there will be 2,269,000 permanent change-of-station moves in fiscal year 1974 for 2,200,000 military personnel or

more than one change for everybody in the military at an enormous expense for every change?

Why there are more 4- and 3-star officers now than in 1945 when, at that time, we had 10 million more troops?

Why there are 600,000 U.S. military personnel scattered around the world?

Why in fiscal year 1974 the United States will train more administrative specialists and clerks than infantry, guncrew, and seaman specialists? We are training far more people for supply and support than for actual combat activities.

Why has not the support level been decreased with our disengagement from Vietnam? We are still operating at Vietnam highs with regard to total support costs.

Mr. President, there are many more questions that I would like to ask, but these give an indication of the topheavy command problems the military has today.

We must have the best possible fighting force for the defense of this country. It should be extraordinarily well trained and equipped with effective weapons.

But we will never have this "lean mean" fighting force if we continue to allow a satisfied, bloated, easy life command structure to continue. Let our attention be turned to this challenge.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with an amendment:

S. 1386. A bill to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes (Rept. No. 93-222).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 1529. A bill to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Upper Snake River project, Idaho, and for other purposes (Rept. No. 93-223).

#### 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. HART:

S. 2004. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings. Referred to the Committee on Finance.

By Mr. HUMPHREY (for himself and Mr. MONDALE):

S. 2005. A bill to provide for adequate reserves of certain agricultural commodities, and for other purposes. Referred to the Committee on Agriculture and Forestry.

By Mr. HARTKE (for himself, Mr. SYMINGTON, and Mr. EAGLETON):

S. 2006. A bill to designate the Veterans Administration hospital in Columbia, Missouri, as the Harry S. Truman Memorial Veterans' Hospital, and for other purposes. Referred to the Committee on Veterans' Affairs.

## By Mr. TALMADGE:

S.J. Res. 122. Joint resolution to amend the Constitution of the United States to allow voluntary prayer or meditation. Referred to the Committee on the Judiciary.

## STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

## By Mr. HART:

S. 2004. A bill to amend the Internal Revenue Code of 1954 to remove tax incentives to plant closings. Referred to the Committee on Finance.

Mr. HART. Mr. President, the closing of a plant imposes cost on employees and on a community.

Workers lose jobs, pension plans often disappear, some families may have to move, local tax revenues decrease, and remaining businesses lose customers and sales.

Perhaps the impact can be better appreciated by an estimate made of the number of years of employee seniority involved in a plant closing announced in Detroit last year.

In this particular plant, the affected employees have accumulated more than 34,800 years of seniority.

The impact of this closing then is not only from the immediate loss of jobs, but of the difficulty older workers may have in finding new work and in the loss of accrued seniority in a pension program.

These effects are even more severe in communities already afflicted with high unemployment rates.

For that reason the Federal tax system should not give a "bonus" to firms moving plants from high unemployment areas; rather it should encourage creation of new jobs in such areas.

Also experience has shown that mergers involving the purchase of a small company by a large out-of-town corporation too often result in the closing of the acquired firm or a funneling of expansion funds to other plants of the corporation.

Because the out-of-town corporation has no close ties with the community, such decisions may be based on considerations other than the economic viability of the operation.

The fact is that many large corporations view management responsibilities and plant operations not in terms of people but, as expressed by one company official, in terms of that "of a portfolio manager."

Under such an approach, the question of closing a plant is not so much one of people or community, but rather one of adding and subtracting stocks to a portfolio.

Certainly, some mergers make sense, but the "sense" should be added efficiencies and not the desire to take advantage of some tax loopholes.

At a minimum the Federal tax code should be neutral on the question of encouraging merger involving large corporations and at best should tilt the balance in favor of mergers between small businesses.

For those reasons I reintroduce today a bill to remove tax provisions which might encourage directly or indirectly plant closings.

First, the provision granting tax-free interest on industrial development bonds

would be denied if revenue from the bonds were used to attract a plant from a high unemployment area.

A "high unemployment area" is defined as a State, metropolitan area, or other geographic labor market designated by the Secretary of Labor in which the jobless rate averaged more than 6 percent over the preceding 12 months. Counties in Michigan's Upper Peninsula, for example, could be included in the third category.

The bill then would close these "merger loopholes."

Mergers can be accomplished through the exchange of stocks between the buying and the selling firms. In certain circumstances under present provisions of the tax code, profits on such transfers are not taxed. This bill would end such an exemption.

Corporations do not have to pay taxes on profits from the sale of assets carried out within 1 year of its announced decision to liquidate the company. The bill would repeal that loophole.

Even when the sale of a business is taxable, if the price of acquisition is paid in installments, the seller can spread tax payments on profits from the sale over the period of the transaction. This proposal would make the full tax bill payable at the time of the transfer.

These loophole closings would apply only to mergers involving firms with combined assets totaling more than \$10 million. The bill provides a safeguard against a large company using a controlled "independent" firm in an attempt to make the \$10 million cutoff.

Also mergers between small businesses would remain tax free even if the exchange of assets involved some type of guaranteed debt as well as stock.

If the tax code were completely neutral on the question of mergers, large companies would continue to dominate the purchase of business assets if for no other reason than financial risks often are less for the seller if he ends up with a share of stocks in a large company rather than with stock of a smaller business. Thus, the owner of a small company could sell to another independent company and receive secured notes as well as stock without losing tax-free status for the exchange.

By continuing and expanding tax preferences for small business mergers, we can encourage such transactions and still provide a safe way for an owner to dispose of his business.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2004

*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 "Job Protection Act of 1973."*

SEC. 2. Section 103(c) of the Internal Revenue Code of 1954 (relating to the exclusion from income on governmental obligations known as industrial development bonds) is amended by adding at the end thereof the following new paragraphs:

"(8) CERTAIN FACILITIES RELATED TO PLANT DEPARTURE FROM HIGH UNEMPLOYMENT AREAS.—The exception provided in paragraph (6) shall not apply to any industrial develop-

ment bond issued by any State, territory, or possession of the United States or any political subdivision thereof if it is determined that:

"(A) the use of any facility financed in whole or part by such obligation is or will be made in connection with the closing of existing facilities or their diminished use, and

"(B) that such closing or diminished use described in subparagraph (A) has reduced or will reduce employment offered by the taxpayer in high unemployment areas.

"(9) For purposes of paragraph (8), 'high unemployment area' means any State, standard metropolitan statistical area, or other geographical area designated by the Secretary of Labor to be a 'labor market' for purposes of (42 U.S.C. 3161), in which the average unemployment rate exceeded 6 percent during the twelve-month period preceding the taxable year for which the credit permitted by section 38 is sought."

SEC. 3. (a) Section 354 of the Internal Revenue Code of 1954 (relating to exchanges of stock and securities in certain reorganizations) is amended by adding at the end thereof the following new subsection:

"(d) LIMITATION.—Subsection (a) shall not apply to an exchange in pursuance of a plan of reorganization adopted after the date of enactment of this subsection, if the total fair market value of the assets of the corporations which are parties to the reorganization exceeds \$10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

(b) Section 355 of such Code (relating to distribution of stock and securities of a controlled corporation) is amended by adding at the end thereof the following new subsection:

"(c) LIMITATION.—Subsection (a) shall not apply to a distribution after the date of the enactment of this subsection, if, immediately prior to the distribution, the total fair market value of the assets of the distributing corporation (including stock and securities of the controlled corporation) exceeds \$10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

(c) Section 361 of such Code (relating to nonrecognition of gain or loss to corporations) is amended by adding at the end thereof the following new subsection:

"(c) LIMITATION.—Subsection (a) shall not apply to an exchange in pursuance of a plan of reorganization adopted after the date of the enactment of this subsection, if the total fair market value of the assets of the corporations which are parties to the reorganization exceeds \$10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

(d) Section 337 of such Code (relating to the nonrecognition of gain or loss in connection with certain liquidations) is amended by adding at the end of subsection (c) thereof the following new paragraph:

"(3) LIQUIDATIONS FOLLOWING SALES TO CERTAIN CORPORATIONS.—This section shall not apply to any sale or exchange of assets if the total fair market value of the assets of corporations which are parties to the sale or exchange exceeds \$10,000,000. For purposes of this section, the 'assets' of a corporation shall include the total assets of any 'controlled group of corporations' of which it is a 'component member' (within the meaning of section 1563)."

SEC. 4. Section 453(b) of the Internal Revenue Code of 1954 (relating to use of installment method for certain sales) is amended by adding at the end thereof the following new paragraph:

**(4) CERTAIN SALES OF STOCK AND ASSETS OF CORPORATIONS.**—Paragraph (1) shall not apply to a sale or other disposition of substantially all of the stock or properties of a corporation to another corporation if the total fair market value of the assets of the two corporations exceeds \$10,000,000. For purposes of this section, the "assets" of a corporation shall include the total assets of any "controlled group of corporations" of which it is a "component member" (within the meaning of section 1563)."

**Sec. 5. (a)** Section 368(a)(2) of the Internal Revenue Code of 1954 (relating to reorganizations) is amended by adding at the end thereof the following new subparagraph:

**(F) CERTAIN ACQUISITIONS OF SMALL BUSINESS CORPORATIONS.**—In the case of an acquisition by an independent corporation of stock or properties of a small business corporation in pursuance of a plan of reorganization adopted after the date of the enactment of this subparagraph, paragraphs (1)(B) and (1)(C) shall apply if the independent corporation exchanges (in addition to voting stock) its securities or other obligations for the stock or properties of the small business corporation. For purposes of this subparagraph, the term "small business corporation" has the meaning assigned to it by section 1371(a) (except that for this purpose, "one hundred shareholders" shall be substituted for "ten shareholders" in subsection 1371(a)(1)), and the term "independent corporation" means a corporation which is not a component member of a controlled group of corporations (within the meaning of section 1563)".

**(b)** Section 354(a) of such Code (relating to exchanges of stock and securities in certain reorganizations) is amended by renumbering paragraph (3) as (4) and by inserting after paragraph (2) the following new paragraph:

**"(3) CERTAIN REORGANIZATIONS INVOLVING SMALL BUSINESS CORPORATIONS.**—In the case of an exchange described in section 368(a)(2)(F), paragraph (2) shall not apply and, for purposes of this subparagraph, the term "securities" includes any interest-bearing obligation".

**Sec. 6.** The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. HUMPHREY (for himself, and Mr. MONDALE):

**S. 2005.** A bill to provide for adequate reserves of certain agricultural com-

modities, and for other purposes. Referred to the Committee on Agriculture and Forestry.

**SHORTAGES AND NO RESERVES OF FEEDSTUFFS MAY SPELL DISASTER FOR BOTH FARMER AND CONSUMER**

**Mr. HUMPHREY.** Mr. President, last week during Senate consideration of S. 1388, the proposed Agriculture and Consumer Protection Act of 1973, I offered an amendment which was designed to establish a system of national reserves of wheat, feed grains, and soybeans. As I reported on that occasion, Government supplies of these particular commodities have been totally depleted and the supplies in private hands are at the lowest level in many years.

Much to my amazement, my amendment was rejected. I have some appreciation and understanding as to why many Senators from our Nation's major grain producing States opposed my amendment. In the past, large carryover supplies of these commodities did tend to unduly depress farm prices, but due mainly in my judgment, to the fact that Government release prices applicable to them were far too low. While my amendment would have corrected that problem by providing for higher release prices than are now provided under the law, many of these Senators apparently did not understand those features of my amendment.

As to those Senators voting against my amendment who represent States having large numbers of poultry, beef, hog, and dairy producers—or having large urban constituencies—they apparently did not understand the importance of the amendment in insuring adequate supplies of these key commodities to livestock producers in times of short supply or were misled by inaccurate estimates of what it would cost to carry or maintain the level of reserves stipulated in my amendment.

Let me address myself first to the critical shortage that our Nation now faces concerning feedstuffs required by our livestock industry in order to produce the pork chops, beef steaks, turkeys, chickens, and milk we consume in this country.

The average price of all animal feedstuffs has almost tripled in just the last 12 months. The "All Feedstuff Price Index" in June of 1972 was 115. In June of this year it is 336. Feeding margins have been narrowed due to the current cost-price squeeze. In order for price ceilings to be effective, there must be an adequate supply of animal poultry and dairy products. Unless that supply is available either rationing will have to be imposed or black-marketing of some of these products may develop.

While I believe we can look forward to somewhat improved feeding ratios sometime this fall or winter, those improvements will come too late to correct the down trend in market supplies of beef, poultry, and eggs between now and the end of this calendar year.

In short, the Nixon administration has allowed this country to fall into a critical situation relating to meeting this Nation's demands for meat, poultry, and dairy products. And why? Because this administration has failed to insure livestock, poultry, and dairy producers adequate supplies of key feedstuffs at reasonable prices. It has failed to maintain adequate reserves of these feedstuffs to protect domestic users against heavy drawdowns of supplies created by poor crop conditions here at home and in other parts of the world. And unless Congress enacts legislation during this session of Congress which provides for the type of reserve system that I am advocating, it will become an accomplice in repeating this situation in the future—and possibly as early as again next year.

Mr. President, if anybody doubts the seriousness or the validity of my concerns about this situation, I ask them to carefully review the "carryover supply table" and the USDA report covering current availability of livestock feedstuffs over the next several months which I ask unanimous consent be printed in the RECORD at this point.

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

TOTAL CARRYOVER STOCKS AT END OF YEAR<sup>1</sup>

| Crop year beginning in | Wheat             | Feed-                 | Soybeans | CCC | Crop year beginning in | Wheat             | Feed-                 | Soybeans | CCC |
|------------------------|-------------------|-----------------------|----------|-----|------------------------|-------------------|-----------------------|----------|-----|
|                        | (million bushels) | grains (million tons) |          |     |                        | (million bushels) | grains (million tons) |          |     |
| 1963                   | 901               | 829                   | 69       | 42  | 67                     | 26                | 1968                  | 819      | 163 |
| 1964                   | 817               | 608                   | 55       | 31  | 30                     | 0                 | 1969                  | 885      | 301 |
| 1965                   | 535               | 262                   | 42       | 14  | 36                     | 0                 | 1970                  | 730      | 370 |
| 1966                   | 425               | 124                   | 37       | 10  | 90                     | 34                | 1971                  | 863      | 367 |
| 1967                   | 539               | 102                   | 48       | 11  | 166                    | 138               | 1972 (estimate)       | 433      | 0   |

<sup>1</sup> USDA Commodity Credit Corporation.

Source: ERS reports.

JUNE 1973.

**SPECIAL USDA FEEDSTUFF SITUATION REPORT**  
**OILSEEDS (SOYBEANS, COTTONSEED, PEANUTS AND FLAXSEED)**

(1) The stock of oilseeds, except cottonseed, remaining in open positions is extremely low. Seed and crushing firms are aggressively bidding for the soybeans that remain and many believe the supply is essentially sold or committed. Cottonseed inventory is longer and the supply is substantially greater (30 percent) than a year ago. Peanut stocks held by the CCC are being sold rapidly, and the CCC expects all re-

maining stocks suitable for crushing will be sold by June 15 at the latest.

(2) The oilseed inventory position of crushers is a mixed situation. More than half of the soybean crushers are in or attempting to move into a long position. These firms have stocks to meet crushing requirements through July or early August and commitments from sellers to meet anticipated requirements through August and in several instances early September. But there is considerable anxiety on the part of crushers about whether sellers will honor the delivery commitments. Other crushers, including several of the largest firms, are in a

less favorable position with stocks sufficient to meet requirements through June or early July. These firms are having considerable difficulty securing additional supplies. The problems seem to be inadequate financial reserves to purchase beans and uncertainty about future prices.

Cottonseed crushers have above average inventories and should not encounter any severe problems during the rest of the season.

Peanut crushers apparently have the remaining available supply on hand or committed except the quantity committed for export.

(3) Crushing activity during the balance

of the season will vary depending on the type of oilseed being crushed. Soybean crushing operations will decrease at a faster rate during the balance of the season compared to a year ago. Activity during August and September will be at a very low level, although operations are typically low during this period.

Cottonseed crushers are expected to operate at a higher level during the balance of the season compared to a year ago.

Flaxseed and peanut crushers will continue to operate at high level while stocks last. Operations will probably taper off later in the season.

(4) There is a consensus in the trade that foreign buyers will not be placing any additional large orders for old crop beans and meal. However, there is a significant backlog of unfilled orders for shipment to foreign destinations. There is speculation in the trade that some foreign commitments may be sold back to U.S. buyers. But the tight world protein situation precludes this development as an avenue of relief.

(5) Prices for old crop soybeans, meal, and oil have increased rapidly in the last 2 months and are expected to continue increasing during the rest of the season. Prices for June 5, 1972 and 1973, Decatur, are given below:

#### SOYBEANS AND PRODUCT PRICES

|                                | June 5, 1972 | June 5, 1973 |
|--------------------------------|--------------|--------------|
| Soybeans, bushel.....          | \$3.49       | \$12.27      |
| Soybean meal, ton.....         | 94.00        | 430.00       |
| Soybean oil, pound, cents..... | 11.29        | 18.63        |

Other oilseed meal prices will also increase but cottonseed meal prices are not expected to increase proportionately.

(6) The high meal prices will allocate the supply into the most profitable end uses. Supplies of meal will not be adequate to feed all U.S. livestock and poultry at traditionally recommended feeding levels during the balance of the feeding year. Feed manufacturers are or have already reduced the crude protein content of swine and poultry feeds by one or two percentage points. This is the so-called "safety margin." Further cuts in crude protein levels are being considered or recommended in order to stretch remaining supplies. The affected animals, swine and poultry, will have poorer feed conversions, be subject to more stress and disease, and require longer to grow out to market weight; in the case of hogs, approximately two weeks and one week for turkeys.

Feed manufacturers express considerable concern about the financial position of table

egg producers expecting many to be forced out of business.

(7) There will be a smaller than normal carryover of oilseeds on September 1, 1973. The soybean carryover will amount to between 35 and 50 million bushels, approximately a two week domestic requirement, and probably will be committed.

(8) Inventories of soybean meal at crusher locations appear to be a little above normal but only amount to several days of crushing output. As the crushing operations are reduced, the meal inventory will drop.

Meal inventories of feed manufacturers have been enlarged. Half the national or regional firms have stocks or commitments for soybean meal for most of the rest of the season. The rest have stocks or deliveries scheduled to meet near-term requirements but are having problems obtaining additional supplies for later in the season. The feed industry is generally convinced protein supplies will not be adequate to meet requirements through the season.

(9) It is very unlikely that there will be any uncommitted soybean meal on the market in August or early September. Cottonseed meal should be available in local areas.

(10) Any delay for any reason in the harvest of oilseeds will create extremely chaotic short-run conditions in the meal and feed ingredient markets. The soybean harvest normally commences in mid-September with the harvest at its peak in early to mid-October. Every reasonable precaution should be taken to assure that there are adequate supplies of fuel to plant, harvest, dry if necessary, and transport beans at harvest time. In addition, adequate transport equipment must be in place to minimize the time required to move beans to crushers and meal to feed manufacturers.

#### OTHER PROTEIN FEEDS

(1) Fishmeal supplies are very tight and expected to remain tight indefinitely. Resumption of anchovy fishing by Peru is not expected before the fall of 1973 or later than the fall of 1974. Peru is usually the source of 40 to 50 percent of the world's fishmeal supply. The United States, historically a net importer of fishmeal, will have to rely on the catch from its domestic fleet and some imports from Canada if available.

(2) Meat scraps, tankage, and poultry by-product meals are in tight supply and are being aggressively sought by foreign buyers, pet food manufacturers and feed manufacturers. Prices are high and increasing with the increase in soybean meal prices. There is very little indication that supplies for domestic feed use will increase during this feeding year.

(3) Distillers and brewers grains are in

very tight supply and high priced. Output is not expected to exceed year ago levels.

(4) Gluten supplies are believed to be slightly larger than a year ago, but inadequate to meet demand.

(5) Urea supplies are adequate and only a little higher in price (\$10/ton) than a year ago. Large quantities are being utilized to replace the protein meals in cattle rations and the supply should be adequate for this purpose.

#### CORN

(1) Feed manufacturers expressed considerable concern about the quality of the 1972 corn crop. Some are having difficulty obtaining the quality of corn traditionally used in complete feeds. Others took the precaution earlier of arranging for supplies for the season.

(2) The corn problems are aflatoxin, low energy, and poorer protein content. The fungus on corn results in certain toxic substances and swine generally refuse to eat the corn. However, reports of pregnant sow abortion are above normal indicating sows are consuming toxic substances on corn. The lower energy and protein content requires producers to feed larger quantities of corn to achieve weight gains on animals. The FDA is monitoring the situation.

(3) Prices for #2 old crop corn have increased significantly in the past two months (\$1.63 on 4/5 to 2.60 $\frac{1}{2}$  on 6/5). Some feed manufacturers anticipate further modest increases in old crop corn prices.

(4) There is increasing concern about both the size and quality of the corn that will be harvested this fall.

#### LIVESTOCK AND POULTRY OUTPUT

The near term livestock and poultry output calls for little if any significant increase. Higher than normal death losses of cows and calves, poor quality feed, and bad winter and spring weather will reduce anticipated supplies of beef. Poor quality feed and farrowing problems this spring will affect pork output this summer and fall. Swine farrowing during the late summer and fall is expected to be slightly below intentions. Turkey output will be below intentions and will be equal to or slightly below the 1972 level. Broiler producers are seriously considering another reduction as profit margins decrease. Table egg production will probably fall as these producers are in the most vulnerable financial position to survive the cost-price squeeze.

#### CONSUMER PRICES

With little if any expansion in the output of livestock or poultry products forthcoming, consumer prices for these items will remain constant or increase during much of the remainder of this year, depending on general economic conditions.

#### SELECTED FEED PRICES, JUNE 5 AND DEC. 18, 1972, AND JUNE 4, 1973

|   | Percent increase— |               |              |                          |           |         | Percent increase— |               |              |                          |           |  |
|---|-------------------|---------------|--------------|--------------------------|-----------|---------|-------------------|---------------|--------------|--------------------------|-----------|--|
|   | Per ton—          |               |              | 6 mo, December 1972-1973 |           |         | Per ton—          |               |              | 6 mo, December 1972-1973 |           |  |
|   | June 5, 1972      | Dec. 18, 1972 | June 5, 1973 | 1972-73                  | June 1973 |         | June 5, 1972      | Dec. 18, 1972 | June 5, 1973 | 1972-73                  | June 1973 |  |
| United Cooperative Farmers: Caged layer feed..... | \$76.89           | \$106.85      | \$155.30     | 102                      | 45        |         |                   |               |              |                          |           |  |
| Goldkist (Georgia mill): Broiler maker.....       | 100.20            | 134.80        | 217.60       | 117                      | 61        |         |                   |               |              |                          |           |  |
| Felco-Land-O-Lakes (Fort Dodge, Iowa):            |                   |               |              |                          |           |         |                   |               |              |                          |           |  |
| 13 percent—porkmaker.....                         | 62.70             | 82.30         | 115.10       | 84                       | 40        |         |                   |               |              |                          |           |  |
| 36 percent—sow and pig supp.....                  | 125.80            | 174.60        | 336.00       | 167                      | 92        |         |                   |               |              |                          |           |  |
| United Cooperative Farmers (Massachusetts):       |                   |               |              |                          |           |         |                   |               |              |                          |           |  |
| 14 percent dairy (meal).....                      | 71.73             | 97.21         | 112.80       | 57                       | 16        |         |                   |               |              |                          |           |  |
| 16 percent dairy (pellet).....                    | 67.83             | 94.07         | 106.60       | 57                       | 13        |         |                   |               |              |                          |           |  |
| AgWay (Binghamton, N.Y.):                         |                   |               |              |                          |           |         |                   |               |              |                          |           |  |
| 16 percent dairy (with urea).....                 |                   |               |              |                          |           | \$60.80 | \$84.00           | \$90.60       | 49           | 8                        |           |  |
| 16 percent dairy (without urea).....              |                   |               |              |                          |           | 66.00   | 96.40             | 102.00        | 54           | 6                        |           |  |
| All mash layer (16 percent).....                  |                   |               |              |                          |           | 71.00   | 96.80             | 127.60        | 80           | 32                       |           |  |
| Soybean meal, 44 percent, Decatur.....            |                   |               |              |                          |           | 94.00   | -----             | 430.00        | 357          | -----                    |           |  |
| Corn No. 2, per bushel, Chicago.....              |                   |               |              |                          |           | 1.285   | -----             | 2.605         | 103          | -----                    |           |  |

Mr. HUMPHREY. Mr. President, it should be noted that not only is the Government—the Commodity Credit Corporation—entirely out of food and feed grain supplies, plus soybeans but that much of the remaining supply of 1972 corn, is so high in moisture that its

quality is very low. Note that section of USDA's report which suggests that much of this corn may be suffering from problems of aflatoxin, low energy, and poor protein content. It should be further noted that the report raises the same type of concerns about size and quality

of this year's corn crop—1973—as are applied to much of last year's corn crop. Given the late planting of corn this year, the harvesting of it also will be late. This again will likely mean large quantities of this year's crop will be of high moisture and poor protein content.

These "quality" factors relating to both last year's corn crop and this year's crop are probably responsible for the unusually strong prices now being offered for both "old" and "new" crop corn.

Compounding this situation, of course, is both the current rail transportation and fuel crisis. When the large quantities of wheat, feed grains and soybeans that normally hit the market at harvest time occurs this year, there had better be sufficient fuel available to dry what needs to be dried and rail cars available to move what needs to be moved, or the crisis that we are likely to experience between now and this fall's harvest is likely to be extended beyond that period. In that regard, I call your particular attention to item 1 in the USDA report I just placed in the RECORD, under the heading of "Oilseeds."

To summarize the current crisis we face, prices of feed grains and protein meal have skyrocketed. In response to these price increases, costs of feeding livestock and poultry have increased. High protein ingredient supplies are very short and inadequate to meet optimal nutritional needs of livestock and poultry during the remaining time until harvest. Grain transportation facilities are still tied up; and availability of fuel for planting, cultivation, harvesting, drying, and movement of feed grains and soybeans to market is uncertain.

Mr. President, on June 11, 1973, the Wall Street Journal carried an article by Messrs. Norman H. Fisher and John A. Prestbo entitled "Soaring Grain Prices Seen Braking Output of Meat, Milk, Bread" which further illustrates the current dilemma that our Nation is faced with concerning the immediate future as it relates to these food products. I ask unanimous consent that this article be printed at this point in the RECORD.

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

**SOARING GRAIN PRICES SEEN BRAKING OUTPUT OF MEAT, MILK, BREAD**

(By Norman H. Fisher and John A. Prestbo)

Fast-rising prices for grains and livestock feed are threatening to brake sharply the output of meat, milk and eggs. This could lead to such gloomy possibilities as much higher food prices, potential shortages and severe economic strains for major segments of the agricultural and food industries.

"We've got a world-wide food panic on our hands," declares R. H. Uhlmann, president of Standard Milling Co. in Kansas City, "and unless something is done we're going to have shortages in this country."

Iowa Gov. Robert Ray predicted on nationwide television last week that "a meat crisis" could develop in 60 to 90 days. He blamed the controls imposed in early April on wholesale and retail prices of red meat. "With the freeze on these prices, farmers are squeamish about producing more," the Governor said.

Bread bakers also are caught between zooming costs and a government ceiling on prices for bread and other baked goods. "We didn't think the situation could get any worse but it has," says Robert Grant, chairman of the executive committee of American Bakeries, one of the biggest in the country. "If prices stay as high as they are or go higher, a big segment of the baking industry will go out of business."

**A GOVERNMENT DILEMMA**

Some Congressmen are calling for a freeze on all wages and prices, including those of foodstuffs that were exempt from earlier controls, restrictions on commodity exports and other severe measures. The Nixon administration has indicated stiffer economic controls of some sort will be imposed soon.

Clamping on food and farm price controls poses a dilemma for administration officials. If farmers, bakers and others are allowed to pass along their higher costs, retail food prices could skyrocket further from their already high levels and spark bitter consumer protests. But if they aren't allowed to pass along higher costs, production could fall and retail prices would go up anyway. If exports are curtailed, foreign trade and balance of payments deficits would worsen considerably, further imperiling the value of the dollar.

But trying to wait out the problem hasn't worked very well, either. The government index of feedstuff prices, which account for 75% of the cost of producing meat, milk and eggs, has risen 30% in the past two weeks and is nearly four times higher than it was a year ago. The index of feed grain prices, including corn, has jumped nearly 20% in the past two weeks and is nearly double the year-ago level. The price of wheat in Kansas City has climbed 25% since May 1 and is about 85% higher than in June 1972.

Much of the impetus for these booming prices comes from overseas where droughts and other calamities reduced grain and food production last year. It's too early to tell how world-wide production will fare this year, but foreign governments aren't taking any chances and are buying as much as they can from the U.S.

**STOCKING UP ABROAD**

"Some foreigners seem to think the U.S. might impose export controls, so they're buying ahead as much as they can," says one grain-industry executive. Others contend that U.S. and foreign speculators have pushed prices higher than they should be.

Whatever the reasons, high-priced grains and feedstuffs are beginning to crimp the production of food in this country:

Beef production is still running about 3% below a year ago, even though experts earlier had figured output would have increased by now. Cattlemen are expanding the nation's beef herd, and meat economists were expecting production to gain 3%-5% over 1972 by the end of this year. Now, says an official of a cattle feeding trade group, "there are indications beef output may only match last year." Some feedlot operators, pressed by high costs, say they may begin to feed their cattle to lighter weights.

Pork production had been predicted to rise 6% to 8% this year, but now a 2% to 3% gain is more likely, experts say. So far this year, pork production is 5% lower than a year ago. Livestock market sources say some farmers are so disgruntled with rising feed costs that they're sending their pregnant sows to market for slaughter instead of having them farrow.

Broiler chicken production is running 2% to 3% below a year ago. If costs don't decline soon, says an official of the Broiler Marketing Association in Jackson, Miss., "we could see a substantial cutback in broiler production in the next few weeks." Based on current feed costs and broiler prices, some chicken farmers could be losing as much as three to four cents a pound.

Egg output is down about 6% from a year ago, and some egg farmers are cutting back on the number of layers they feed. For instance, Perry McCranie of Bowen-McCrane Inc., a Tifton, Ga., firm, says he has 10% fewer hens in production now than a year ago. W. W. Taylor, who keeps 130,000 laying hens near Eastman, Ga., predicts that be-

cause of the flock cutbacks, retail prices may be \$1 a dozen by November.

There was concern several months ago about a possible milk surplus, but now milk production is running 2% below a year ago and some experts think shortages could develop in parts of the South this summer. Milk prices have gone up an average of 8% so far this year, but feed costs have risen more, causing many dairy farmers to sell their cows for beef and quit. "We're now seeing an accelerated liquidation" of dairy farms, says George L. Mehren, general manager of Associated Milk Producers Inc., a huge San Antonio-based dairy cooperative.

More than 50 independent bakers have gone out of business in the past eight months because of high costs and a ceiling on bread prices, says George Rosenthal, president of Fink Baking Co. in Long Island City, N.Y., and a spokesman for the baking industry. The price of flour jumped 18% during May alone, and prices are increasing for such other ingredients as sugar, caraway seeds, sesame seeds and raisins. In fact raisins have more than doubled in price, and many bakers have stopped making raisin bread and other items containing them.

Mr. Grant of American Bakeries said his company asked the Cost of Living Council about two weeks ago for permission to raise the price of raisin bread. The council denied the request.

"They said if you feel you must make raisin bread, then absorb the higher costs," Mr. Grant recalls. "Well, the world will get along without raisin bread, but the point is the controllers have gone beyond the law. What they should have done is let us raise prices to compensate for higher costs, and then if people didn't think raisin bread was worth it they could make the choice not to buy it rather than some bureaucrats."

Some relief for bakers is in sight as Congress moves toward taking off the "bread tax" of 75 cents that millers must pay for every bushel of wheat they grind into flour for domestic use. This would lower flour prices, but probably not enough to offset all the increase of recent months. "Bakers would still be bleeding to death, but at a slower rate," says J. Allen Mactier, president of ConAgra Inc., a diversified milling firm based in Omaha.

Mr. Mactier and many other food-industry executives are upset with what they think is gross government disregard for their problems. "It's shocking, but the authorities in power in Washington don't know what's going on," Mr. Mactier says. "The government is all wrapped up with Watergate, letting domestic problems go to hell."

Adds Mr. Grant of American Bakeries: "We were telling the controllers about all the bakeries going out of business, and they told us in effect that we've got some excess capacity in the baking industry that will be shook out by the controls and then those of us who are left will be better off. That may be true, but I daresay it's not the job of the government to run a lot of little bakers out of business."

The government has been holding firm for a couple of reasons. For one, officials don't want to upset the foreign trade leverage gained from agricultural exports, even though shipments of grains, animal feeds and meat itself are further straining domestic supplies. Of the 10% rise in retail food prices predicted for this year by the Agriculture Department, about 1.5% is the result of increased exports. Purchases by the Soviet Union, which touched off the price spiral last summer, are likely to be somewhat smaller this year because of better growing weather in Russia.

The Nixon administration has indicated it wants to adopt a free trade policy regarding farm products—eliminating U.S. import bar-

riers against foreign produce in exchange for other countries removing theirs. A study on the impact of such a move indicates the U.S. would do a lot of overseas business in grains, livestock feed and poultry but would lose out to foreign competition in dairy, sheep and peanuts.

Second, government economists are still counting on increased farm production this year to help bring down food prices. More than 40 million acres were brought out of retirement, and farmers are trying to put them into production. But cool, wet weather has delayed plantings of such key crops as corn to the point that yields might be lowered significantly.

Based on current conditions, the 1973 wheat crop would be 13% bigger than last year, corn 3% larger and soybeans 17% greater. If harvests are that bountiful, and if exports aren't any bigger than presently expected, farm economists say, prices of grain and meat probably will decline.

But there are some ifs on the negative side, too: If the weather turns bad during the summer and fall, or if the fuel shortage worsens during the critical harvest period, or if crop failures abroad strengthen foreign demand, this year's crops would be smaller than needed, and prices would stay high.

"I think meat rationing is inevitable within six months if 1973 crops are poor," Mr. Mactier of ConAgra says.

**Mr. HUMPHREY.** Mr. President, before going on to further describe the amendment that I offered to the farm bill last week, and which I am introducing as a bill today on behalf of myself and Senator MONDALE, I would like to urge the administration to take steps immediately to insure that our Nation's livestock, poultry, and dairy producers get the feed supplies they need between now and harvest time and at prices which will afford them reasonable profit margins. The administration should give serious consideration to taking the following actions in this regard:

First. Call a national conference of oilseed crushers and feed mixers to develop action plans for coping with expected shortages of soybean meal and other high protein feedstuffs between now and harvest, as well as requirements for drying and moving soybeans to crushers at harvest. Also conduct an immediate survey of available supplies of oilseeds, protein meals and urea to determine whether any supplies are being held by individual concerns, including foreign buyers, in excess of their own needs or that could be diverted to the more critical shortage area between now and harvest time.

The purpose of this particular effort should be to direct what supplies are available on an equitable basis among all livestock products between now and harvest time.

Second. Direct the Agricultural Extension Service to launch an immediate information and education program designed to encourage increased production of livestock and poultry products and to advise feeders how to get along with lower levels of protein in their feed rations between now and harvest time.

Third. Request the Interstate Commerce Commission to give top national priority regarding the availability of rail cars to shippers moving soybeans and feed grains to U.S. livestock, poultry, and dairy producers.

Fourth. Ninety-day suspension of load weights on interstate highways for trucks moving soybeans and feed grains to U.S. livestock, poultry, and dairy producers; and

Fifth. Instruct USDA to take appropriate measures to assure producers of beef, pork, poultry, and dairy products reasonable profit margins over the next several months—when the cost-price squeeze will be the greatest—to insure that breeding stocks of these animals are not reduced. For instance, one way that the Department might accomplish this objective would be to make differential payments to these producers over the next several months sufficient to insure reasonable profit margins. In return for such payments producers of these animal and poultry animals would have to show evidence of maintaining, if not expanding their sow, cow, or hen populations throughout this brief period.

In order for the price ceilings recently imposed to be effective, there must be an adequate supply of animal, poultry, and dairy products. And I believe the implementation of my recommendations will be necessary in order to make them work effectively.

If the actions or steps that I have recommended above are either insufficient or unacceptable with respect to effectively dealing with the current livestock production crisis, then I would have to reluctantly recommend that some form of allocation or export controls be imposed on high-protein animal feedstuffs until we see our way through the emergency period between now and harvest time this fall. While I believe the imposition of export embargoes on these feedstuffs—even for a brief period—would be an extreme move and should be considered only as a last resort they may nonetheless have to be imposed because of the failure of the administration in the past weeks to take the actions that should have been taken to assure U.S. producers of livestock, poultry and dairy products adequate supplies of high proteins.

Should export embargoes or controls be imposed, however, in the absence of Congress adopting a permanent system of national reserves of wheat, feed grains and soybeans this year, then I believe foreign buyers of U.S. farm products will feel most uncertain about future stability of supplies available from the United States.

It is for this and the other reasons that I alluded to earlier that Senator MONDALE and I are introducing a bill today to establish a system of what we call "Consumer and Marketing Reserves." This bill is very similar in language to the amendment I offered last week to the farm bill concerning the establishment of such reserves.

My bill would require that a total national reserve of 600 million bushels of wheat, 150 million bushels of soybeans and 40 million tons of feed grains be established. Most of these supplies could be held by farmers under the commodity price support loan programs and by the private trade. The ability of farmers to hold larger amounts of these commodities for this purpose would be made possible under my bill by their being

able—at their option—to extend their government commodity loan for an additional 2-year period beyond the currently authorized 1-year loan period. The only condition placed upon such 2 year extensions would be that the Secretary of Agriculture could call in, or terminate, such extended loans any time the Secretary determines that projected carryover stocks for any year were likely to drop below the total reserve levels specified in my bill.

Now, how does this bill provide for the accumulation of these needed total reserve levels? Any time when total reserve levels specified in the bill are below those levels, the Government would be required to purchase sufficient supplies to achieve those levels, but could only do so when the market prices for the commodities involved fall to a level of 125 percent of prevailing loan rates.

This would mean in the case of wheat that any time total reserves fall below 600 million bushels, and when—and only when—wheat market prices fall to \$1.56 per bushel—125 percent of the loan rate for wheat, which is now \$1.25 per bushel—the Government would be required to purchase whatever it could at that price level—\$1.56—to bring total reserves up to the 600 million bushel mark.

In the case of feed grains—using corn as the base—the Government—CCC—would be required to buy corn to achieve total reserve levels specified in the bill at \$1.31 per bushel.

In the case of soybeans, the Government would be required to purchase at \$2.81 per bushel sufficient beans to meet total reserve levels specified in the bill.

The Government would be required to purchase for these reserve purposes only when stocks are below the levels specified in the bill and only when market prices applicable to them drop to 125 percent of loan rates.

The likelihood is that it would take several years to achieve those total reserve levels.

Given the fact that the total "carry-in" level of stocks of wheat, feed grains, and soybeans are now below the total reserve soybeans specified in my bill, the Government would be required to do some limited amount of purchasing of these commodities beginning this year, that is, should market prices for these commodities drop to 125 percent of loan rates anytime during the coming year.

Assuming that market prices were to drop to such levels, which conceivably could occur at or shortly following harvest this year, the maximum amounts that the Government could acquire under my bill—given stocks now on hand—would be 167 million bushels of wheat, 3 million tons of feed grains, and 150 million bushels of soybeans. These amounts, when added to current "carry-in" stocks would bring total reserve levels up to those specified in my bill. However, the likelihood of market prices dropping to or remaining at 125 percent of loan rates long enough to acquire all of these stocks during just the next year is most unlikely.

As to the conditions and prices at which such Government-held stocks could be sold, I would like to point out the following:

First. Under my bill, Government-held stocks could be sold only at Government established prices for wheat—\$2.28 per bushel, specified in S. 1888—and feed grains—\$1.53 per bushel for corn specified in S. 1888—and \$3.38 per bushel for soybeans—150 percent of current \$2.25 per bushel rate—when total carryover stocks of these commodities are estimated to fall to or below those total reserve levels specified in my bill or whenever the Government's own holding of them are estimated to be less than one-third of total reserve levels specified in my bill.

Second. Whenever total carryover

stocks of these commodities are estimated to be "in excess" of those total reserve levels specified in my bill, the Government could sell stocks it has on hand at 115 percent of prevailing loan rates for such commodities. However, anytime total carryover supply of any of these three commodities is estimated to fall to or below those levels specified in my bill, the government could not sell for anything less than the Government established prices for wheat and feed grains and 150 percent in the case of soybeans.

Let us examine the costs and benefits of such a reserve system. First, I wish

to call your attention to a table I have prepared which takes the current supply situation and illustrates how my bill would operate, the amounts of wheat, feed grains, and soybeans the Government would now be required to purchase, the purchase sale prices relating thereto; and, what the net expenditure—or income—the Government would experience as a result of such a program. I ask unanimous consent to have that table printed at this point in the RECORD.

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

| Commodity                      | Current carry-in supply (million) | Total reserve level required (million) | Shortfall (million) | Purchase price (125 percent of loan rate) (per bushel) | Total Government purchase cost (million) | Minimum CCC selling price | Total amount received by U.S. Government if it sold shortfall (million) in succeeding year | Government storage, handling, and interest charges (1-year basis) (million) | Net Government gain (+) or loss (-) (million) |
|--------------------------------|-----------------------------------|--|---------------------|--|--|---------------------------|--|---|---|
| Wheat (bushel)                 | 433                               | 600                                    | 167                 | \$1.56   | \$260                                    | \$2.28                    | \$381  | \$50.1  | +\$70.9                                       |
| Feed Grains <sup>1</sup> (ton) | 437                               | 40                                     | 43                  | \$1.31   | \$141                                    | \$1.53                    | \$175  | \$32.4  | +\$18.4                                       |
| Soybeans (bushel)              | 0                                 | 150                                    | 150                 | \$2.81   | 421                                      | \$3.38                    | 507  | 45.0  | +\$41.0                                       |
| Total                          |                                   |  |                     |  | 822                                      |                           | 1,053  | 127.5   | +\$103.5                                      |

<sup>1</sup> Computed on the basis of an average total cost of 30 cents per bushel.

<sup>2</sup> Equals 150 percent of current soybean loan rate (which is currently \$2.25 per bushel).

<sup>3</sup> Guaranteed target price established in S. 1888 as passed by the Senate.

<sup>4</sup> While several commodities are involved, corn is used in this instance to simplify computations required (corn, of course being the highest priced of all feed grains).

Mr. HUMPHREY. Mr. President, in that the table, in my judgment, is very self-explanatory, I merely wish to call your attention to the last column which is headed "Net Government Gain (+) or Loss (-)." You will note that the sale of those stocks acquired by the Government under the purchase and sale conditions spelled out in my bill—based upon 1 year in storage—would net the Federal Government \$103.5 million in income.

As to the additional storage costs that would be incurred for carrying these stocks beyond 1 year, I merely would point out that established prices for wheat and feed grains would very likely be increased in subsequent years—due to the cost of production adjustment feature provided in S. 1888—which would result in an even higher CCC release price for these reserve stocks, than would now be applicable. Such increased release prices would likely offset most annual storage costs thereafter, in my judgment.

In short, Mr. President, my bill would be good for the grain farmer, good for the beef, hog, poultry and dairy producer, good for the consumer, and yes, even good for the Government and taxpayer. Furthermore, having such a reserve system would avoid our having to periodically consider imposition of "export" embargoes on such products, which could prove very damaging to our Nation in world commerce.

Mr. President, I have outlined here today two major problems now facing our Nation. One, the problem with which we are now faced concerning expected cutbacks in production of meat, and poultry products over the next several months due to the shortages of high protein feed-stuffs complicated by retail price ceilings on food. Unfortunately, President Nixon's announcement yesterday will result, in my judgment, in worsening—not alleviating this situation.

Two, the problem created by this administration and Congress, in not pro-

viding for the maintenance of a continuous and adequate reserve supply of wheat, feed grains, and soybeans to protect both the farmer and consumer against the effects of both surpluses and shortages.

I call on both the President and the Congress to address themselves forthrightly to resolving both these problems—and immediately.

I call the President's attention to the five specific suggestions that I made earlier in these remarks regarding the immediate short-term crisis we are faced with relating to expected shortages of meat and poultry products. And, I urge both the President and the Congress to support immediate adoption of my "consumer and marketing reserves" legislation which I am introducing here today on behalf of myself and Senator MONDALE to insure against a repeat of the current crisis in future years.

Mr. President, I ask unanimous consent to have my bill concerning this matter printed at this point in the RECORD.

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

S. 2005

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Act of 1970 is amended by adding at the end thereof a new title as follows:*

**"TITLE XI—CONSUMER AND MARKETING RESERVES**

"SEC. 1101. (a) Effective only with respect to the 1974 through 1978 crops of wheat, corn, grain sorghum, barley, oats, rye, and soybeans, the third sentence of section 407 of the Agricultural Act of 1949, as amended, is amended by striking out the third proviso (relating to the minimum price at which certain grains in the stocks of the Commodity Credit Corporation may be sold) and inserting in lieu thereof the following: *'And provided further, That the Commodity Credit Corporation shall not sell any of its stocks of wheat, corn, grain sorghum, barley, oats,*

or rye, respectively, at less than the so-called established price applicable by law to the crop of any such commodity, or any of its stocks of soybeans at less than 150 percent of the current national average loan rate for such commodity, adjusted (in the case of all such commodities) for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate, if the Secretary determines that the sale of such commodity will (1) cause the total estimated carryover of such commodity at the end of the current crop year for such commodity to fall below six hundred million bushels in the case of wheat, forty million tons in the case of corn, grain sorghum, barley, oats, and rye, or one hundred and fifty million bushels in the case of soybeans, or (2) reduce the Corporation's stocks of such commodity below two hundred million bushels in the case of wheat, fifteen million tons in the case of corn, grain sorghum, barley, oats, and rye, or fifty million bushels in the case of soybeans; and in no event may the Corporation sell any of its stocks of any such commodity at less than 115 percent of the current national average loan rate for the commodity, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges' when the total estimated carryover of any such commodity is in excess of that specified in this Act.

"(b) Section 407 of such Act is further amended by adding at the end thereof the following: 'In any year in which the Secretary estimates that the carry-in of stocks of wheat will be less than six hundred million bushels, the carryover stocks of feed grains will be less than forty million tons, or the carryover stocks of soybeans will be less than one hundred and fifty million bushels, the Secretary is authorized and directed, at any time that the market price falls to 125 percent of the announced nonrecourse loan level for the commodity concerned, to purchase a quantity of such commodity sufficient to bring the total reserve stocks of the commodity to six hundred million bushels in the case of wheat, forty million tons in the case of feed grains, and one hundred and fifty million bushels in the case of soybeans. Notwithstanding any other provision of law, the price support loan on any

quantity of wheat, feed grains, or soybeans stored under seal on the farm or in private commercial facilities shall be extended, at the option of the producer, for a period of two years with the condition that any such loan may be called in at any time by the Secretary prior to the expiration of the two-year period if the Secretary determines that the projected carryover stocks of the commodity concerned for the current year will drop below six hundred million bushels in the case of wheat, forty million tons in the case of feed grains, or one hundred and fifty million bushels in the case of soybeans. As used in the two preceding sentences, the term 'feed grains' means corn, grain sorghum, barley, oats, and rye."

**MR. HUMPHREY.** Mr. President, I also ask unanimous consent to have printed in the RECORD at this point another news article which appeared in today's Wall Street Journal which reflects farm and food industry concerns voiced about Mr. Nixon's recent actions and a copy of a news release I issued today highlighting some of my own personal conversations with respect to the current food shortage situation.

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

**FARMERS AND FOOD MEN BELIEVE NEW CONTROLS COULD BRING SHORTAGES**

The agriculture and food industries don't like Phase 3½.

That is the general reaction emerging from a Wall Street Journal survey yesterday of farmers, agricultural economists, food-processing executives, retailers and others in the politically-sensitive business of supplying food to the nation's consumers.

Some of them think the price freeze could result in lower production of some foods—meat and eggs for example—and, in some places, bring shortages of such items as flour for bakeries and fresh vegetables in supermarkets.

In his speech Wednesday night, President Nixon went further than he said he ever would in extending price ceilings to raw farm products. Under the new rules, wholesale and retail prices can't go higher than their highest point in the June 1-8 base period, and prices of such raw products as eggs, lettuce and other foods that are edible in their unprocessed states would be controlled after the first sale by farmers.

In addition, the President asked Congress for authority to curtail exports of commodities and foodstuffs if necessary to hold down prices of domestic supplies.

**"WILL ONLY AGGRAVATE PROBLEM"**

George Doup, president of the Indiana Farm Bureau, part of the giant American Farm Bureau Federation, calls the new program "a stopgap measure" that, in the long run, "will only aggravate the problem and certainly not solve it."

President Nixon, Mr. Doup says, "proposed things that he knows won't work."

One effect of the new rules "may be the disappearance of eggs from the grocery shelf," predicts Dale F. Butz, director of the commodities division of the Illinois Farm Bureau and a brother of Agriculture Secretary Earl Butz. Dale Butz says farmers were counting on egg prices rising to \$1 dozen this year. The ceiling price is about 60 cents a dozen, he says, "and egg producers can't make a profit at that price."

Neill Boomsma, a partner in a family-owned egg concern in Pella, Iowa, agrees. Depending on the ceiling price for livestock feed that is finally settled on, he says his operation could possibly lose two cents a dozen or maybe make only a small profit in the next 60 days. Mr. Boomsma thinks that flocks past

their prime could be culled sooner as a result of the new controls, which "could create a shorter supply situation at the end of the 60-day period."

**FARM LEVEL IMPACT**

Clarence Adamy, president of the National Association of Food Chains, says that supermarkets forced to pay profit-eroding prices for fresh fruits and vegetables during the freeze period simply won't stock many of these items. He says that from 25 to 50 meat items have been dropped from supermarkets since price ceilings on beef, pork, lamb and veal were instituted in April. Those ceilings remain in effect under the new controls.

Charles J. Carey, president of the National Canners Association, says the controls may reduce supplies of canned food products. "The 1973 packing season for major food products is just starting," he says, "but there is imminent danger that canners may not be able to afford to purchase the raw agricultural products for which they haven't already contracted. This would be exactly contrary to the President's twin goals of increasing food supplies and curbing inflation."

In his speech, President Nixon made a point of saying that food prices weren't to be controlled at the farm level, but the food industry isn't buying that line.

"Who does the government think it's kidding?" asks Roy Keppel, a hog farmer in Davenport, Iowa. "A freeze from the end product back to just short of the farm driveway effectively freeze prices on the farm, too."

"There's simply no way a food processor for very long can pay a price to a farmer that's higher than what he can recover in the marketplace," says John Butterbrodt, president of Associated Milk Producers Inc., which represents some 40,000 Midwest dairy farmers. "When such situations occur, either one or both of two things will happen and neither is good for the consumer in the long run. There'll be shortages at the ceiling prices and black-market conditions."

**HAD SCHEDULED INCREASE**

Earlier this week, Associated Milk Producers announced price increases of four cents to six cents a gallon, effective July 1. The new rules prevent the higher prices from being imposed and also require prices that have moved higher in recent days to be rolled back to their June 1-8 levels. Several supermarkets were doing just that yesterday on some 200 items.

"We're going to get clobbered," one supermarket executive says. Adds Mr. Adamy of the food-chain trade group, "We've already suffered a sharp decline in profits, and now we'll face bankruptcies."

Most food-industry executives complain that the 60-day freeze will be costly. "It is clear that one result will be continued pressure on our earnings—and those of the food industry generally—since the freeze applies to prices but not to many of our costs," says C. W. Cook, chairman and chief executive officer of General Foods Corp. Chief among the unregulated costs are wages and interest rates, both of which are important considerations throughout the agriculture and food industries.

Leonard Voss, an agricultural economist at the University of Missouri, says processors may squeeze their profits by paying farmers as much as they can if supplies are short, just to keep their production lines rolling and thereby help offset fixed costs. But others warn that processors squeezed by rising raw agricultural prices and the new ceilings might slow or suspend production, causing a chain reaction of shortages.

"What do you suppose would happen if wheat prices would keep rising?" asks one executive. "Millers could start cutting down on the flour they produce, or suspend production altogether, and that would close down some bakeries pretty fast."

Two elements of the new controls work against such a possibility, however. First, the June 1-8 base period fixes ceilings for many foodstuffs at record or near-record levels, which possibly leaves some margin for increases in prices of raw agricultural products from which they are derived.

Second, the President's request for authority to control exports is designed to dampen the strong foreign demand that has helped push prices of many commodities sharply higher in recent weeks. This move to limit exports was in fact, the single bright spot in the new control program for many food-industry executives.

"The government could open the export spigot or close it as needed," says R. H. Uhlmann, president of Standard Milling Co. in Kansas City. "If domestic prices rise too fast, they could allow less exports, and if prices drop they could allow more. I think that's a wonderful way of handling it."

But farmers, who were prodded by the government to increase production this year in part to satisfy increased foreign demand, don't think curtailing exports is so wonderful.

"Farmers are pleased with the high prices" caused partly by foreign demand, but "now the President wants more authority to curtail that demand," grumbles Harold B. Steele, president of the Illinois Farm Bureau. "Farmers will be watching what he does with that authority very carefully. The farmer's confusion, frustration and caution are greater than ever."

That view is echoed by Phillip Bradshaw, president of the Illinois Hog Producers Association: "Farmers will hold down some costs by the President's freeze order, but there isn't any incentive to expand production unless feed costs come down, and I don't see anything that is going to bring feed costs down by very much."

He repeated his prediction that pork production this year would increase by only 2% to 3% instead of by 10% or more as was expected earlier.

To some observers, the new price controls ultimately will have less effect on food prices than the weather and other factors affecting farmoutput. Ben Raskin, a speculator at the Chicago Board of Trade, the world's largest commodity futures market, says "it's the fate of this year's crops, and not price freezes and export controls, that in the end will tell the tale."

**POSSIBLE FOOD SHORTAGE THREATENS NIXON ECONOMIC POLICIES, HUMPHREY SAYS**

**WASHINGTON, D.C.**, June 15.—Senator Hubert H. Humphrey today charged that President Nixon's prescription for the nation's current economic crisis may worsen—not lessen that crisis—unless there is immediate action to expand food production, particularly animal and poultry products.

In a statement prepared for delivery on the Senate floor, Humphrey outlined five steps to insure an adequate supply of animal products for consumers later this year.

"Our nation will experience a critical shortage of protein meals and urea for livestock and poultry feeding operations until the 1973 crops are harvested," he said.

"The margin of profit for farmers is currently so unattractive, due to skyrocketing prices for animal feedstuffs—particularly protein meals, that beef, poultry, hog and dairy producers are now reducing their cattle, hen, sow and cow numbers.

"This will result by the end of the year in shortages of these animal products which in turn either will require rationing or encourage black marketing of these products.

"The Congress should assess the need for export restrictions on certain agricultural commodities. But I recommend prompt action to secure voluntary agreements with our regular foreign customers to provide them

with an equitable share of the limited supply of animal protein feeds. However, the first call on these feed grains and protein must be reserved for our domestic needs.

"To avoid a repeat of the current crisis in future years, both the President and the Congress should support the adoption of my Consumer and Marketing Reserve legislation to provide adequate reserve stocks of wheat, feed grains and, in particular, soybeans.

"To meet the needs of animal products for consumers later this year I suggest that the President take the following actions:

(1) Call a national conference of oilseed crushers and feed mixers to determine necessary plans for coping with unexpected shortages of meal for crushing and movement of new crop soybeans to crushers at harvest time.

Conduct an immediate survey of available supplies of oilseeds, protein meals and urea to determine whether any supplies are being held by individual concerns in excess of their own needs, or by foreign buyers, that could be diverted to the more critical shortage areas between now and harvest time.

(2) Direct the Agricultural Extension Service to launch an immediate information and education program designed to encourage increased production of livestock and poultry products and to advise feeders how to reduce levels of protein in their feed rations between now and harvest time.

(3) Request the Interstate Commerce Commission to give top national priority regarding the availability of rail cars to shippers moving soybeans, wheat and feed grains to U. S. livestock, poultry, dairy producers and flour mills.

(4) Suspend for 90 days load weights on interstate highways for trucks moving soybeans, wheat and feed grains to U. S. livestock, poultry, dairy producers and millers.

(5) Instruct the U. S. Department of Agriculture to take appropriate measures to assure producers of beef, pork, poultry and dairy products reasonable profit margins over the next several months when the cost price squeeze will be the greatest.

"In order for the price ceilings to be effective, there must be an adequate supply of animal, poultry and dairy products. Thus, the implementation of my recommendations is necessary to make the Administration's program work."

By Mr. HARTKE (for himself, Mr. SYMINGTON, and Mr. EAGLETON):

S. 2006. A bill to designate the Veterans' Administration hospital in Columbia, Mo., as the Harry S. Truman Memorial Veterans' Hospital, and for other purposes. Referred to the Committee on Veterans' Affairs.

HARRY S. TRUMAN MEMORIAL VETERANS HOSPITAL

Mr. HARTKE. Mr. President, today I introduce legislation to designate the Veterans' Administration hospital at Columbia, Mo., as the "Harry S. Truman Memorial Veterans' Hospital." Enactment of this measure would represent only the fifth time that Congress has seen fit to name a Veterans' Administration medical facility in memory of an individual. Harry S. Truman, however, was a rare and great American. His memory deserves this honor not only because Mr. Truman served during World War I as a courageous and respected artillery captain in France, but because, as President, he was one of the greatest friends his fellow veterans ever had.

Harry S. Truman's Presidency is noted for the enormous change in the direction of world affairs represented by the end

of World War II, the reconstruction of Western Europe and Japan, and the beginning of the Korean conflict. It is important to remember, however, that in spite of the pressures of foreign affairs, President Truman did not forget our former fighting men and their loved ones. President Truman did not make great speeches in praise of American veterans and then allow the bureaucrats in his administration to cut their benefits. President Truman, to the contrary, was responsible for the implementation and development of the comprehensive system of benefits and services that has assisted the veterans and survivors of three major wars. The veterans of those wars who went to college on the GI bill, who bought a house with a GI loan, who enjoyed improved health care following the establishment of the Veterans' Administration Department of Medicine and Surgery in 1946, owe a special debt to President Truman. The survivors of those wars whose death compensation and pension rates were increased are also indebted to him.

It is in recognition of this special debt that the Senate Committee on Veterans' Affairs, which I am privileged to chair, wishes to honor Mr. Truman's memory by naming the excellent Veterans' Administration hospital at Columbia, Mo., after him.

The hospital at Columbia is one of four in Mr. Truman's home State, and one of the newest in the Nation. Built in 1971, it is a general hospital with 464 operating beds, of which 58 are for nursing care and 120 are for neuropsychiatric use. It is affiliated with the University of Missouri and its schools of medicine and nursing, permitting excellent sharing agreements in pathology, radiology, and other hospital programs. It is a facility that would please the man who, as President of the United States, said:

The chief responsibility of the Government is to give medical care to veterans who have been injured in the service, to assist them to assume their place in society as productive and self-reliant citizens, and to give necessary aid to the families of veterans deceased or injured from service causes. We should also provide other demobilized servicemen with timely readjustment assistance on a sound basis.

The first chairman of the Committee on World War Veteran Legislation, Royal C. Johnson, President Franklin Delano Roosevelt, Sam Rayburn, and Audie L. Murphy are the four great Americans whose memory has been honored by naming a veterans' medical facility after them.

I believe it fitting to add the name of Harry S. Truman to this select list. As President, Mr. Truman faced some of the most difficult decisions in the history of the world. He accepted the burden of responsibility for the fate of a nation, and perhaps the entire world, without ever forgetting the needs of America's veterans, their dependents, and survivors. Mr. President, I submit that we will not forget him.

Mr. President, I ask unanimous consent that the text of the bill as introduced be printed in the RECORD.

There being no objection, the text of

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

S. 2006

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Veterans' Administration hospital at Columbia, Missouri, shall hereafter be known and redesignated as the Harry S. Truman Memorial Veterans' Hospital. Any reference to such hospital in any law, regulation, document, record, or other paper of the United States shall be deemed a reference to it as the Harry S. Truman Memorial Veterans' Hospital.*

SEC. 2. The Administrator of Veterans' Affairs is authorized to provide such memorial at the above-named hospital as he may deem suitable to preserve the remembrance of the late Harry S. Truman.

By Mr. TALMADGE:

S.J. Res. 122. Joint resolution to amend the Constitution of the United States to allow voluntary prayer or meditation. Referred to the Committee on the Judiciary.

Mr. TALMADGE. Mr. President, I am honored to have this opportunity to join my colleagues in rededicating myself to the fight to restore to America's children the right to engage in voluntary prayer and Bible reading in public schools.

I do so in the knowledge that this once again puts me on a side opposite to the U.S. Supreme Court. It should not come as a secret to anyone that this is a position in which I have found myself with increasing frequency in the past decade or so.

I have indeed had my differences with the Court in the past. So have a good many Members of the Senate. So, in my judgment, have an overwhelming majority of the American people—a majority that has been ignored while the Court bent its will and twisted the Constitution in favor of a minority.

Several weeks ago, on the introduction of legislation to set forth certain requirements for service as a justice of the Supreme Court, I called the Court "a destructive nuisance." I know of no better example of this than the Court's 1962 and 1963 rulings against voluntary, non denominational prayer and Bible reading in public schools. In these cases, the Supreme Court destroyed a part of the religious freedom of the majority in order to appease the nonreligious minority.

This may have been considered a great victory by libertarians. But, it produced in the United States a situation that I find incomprehensible. On the one hand, in the interest of free speech and dissent, unruly young people can shout four-letter obscenities and fill the football stadium in the Nation's Capital with marihuana smoke and yet, on the other hand, children are forbidden to seek Divine guidance in the classroom.

The first amendment to the Constitution is so clear that any fourth-grade pupil can understand it. It states simply that—

Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof . . .

In none of the prayer and Bible-reading cases ruled upon by the Supreme Court had Congress made any law estab-

lishing or supporting any religion. Nor did the legislature of any State. Nor has there been any State action compelling children to pray or listen to the Bible against their wills.

I submit that the utterance of a voluntary, nondenominational prayer or the reading of the Bible, by those who wish to do so, in no way violates the Constitution or the principle of separation of church and state.

But, the Court has itself abused the Constitution by prohibiting the "free exercise" of religion that is guaranteed in the first amendment. I have spoken on this issue many times, and my views are well known. Justice Potter Stewart, who dissented in the New York prayer case, summed up the law and the feelings of a majority of Americans when he wrote:

I cannot see how an "official religion" is established by letting those who want to say a prayer say it. On the contrary, I think that to deny the wish of these school children in reciting this prayer is to deny them the opportunity of sharing in the spiritual heritage of our nation.

The Supreme Court itself is opened by prayer. The Senate of the United States is opened by prayer. The House of Representatives is opened by prayer. If seeking divine guidance is good enough for Supreme Court Justices, Senators, and Congressmen, and the good Lord knows we need all the help we can get these days, then I hold that there is a place for prayer and Bible reading among the school children of our Nation.

In short, we can all agree that the Constitution prohibits the Government from embracing any religion or from giving advantage to one religion over another. But, there is nothing that requires the Government to be hostile to religion.

In the past, I have introduced and supported constitutional amendments to restore the free exercise of religion to all Americans. I take this opportunity today to do so again. I know of no better way to rededicate myself to this high and worthy purpose.

I now introduce a joint resolution to amend the Constitution of the United States to allow voluntary prayer or meditation, and ask unanimous consent that the extent of the joint resolution be printed in the RECORD.

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

S.J. RES. 122

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building which is supported in whole or in part through the expenditure of public funds, to participate in voluntary prayer or meditation.*

ADDITIONAL COSPONSORS OF BILLS

S. 1125

At the request of Mr. HUGHES, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1125, to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act and other related

acts to concentrate the resources of the Nation against the problems of alcohol abuse and alcoholism.

S. 1977

At the request of Mr. KENNEDY, the Senator from Colorado (Mr. DOMINICK) and the Senator from Vermont (Mr. STAFFORD), were added as cosponsors of S. 1977, the National Science Foundation Authorization Act of 1973.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 67

At the request of Mr. KENNEDY, the Senator from Indiana (Mr. HARTKE) was added as a cosponsor of Senate Resolution 67, calling on the President to promote negotiations for a comprehensive test ban treaty.

NOTICE OF HEARINGS ON S. 1980

Mr. JOHNSTON. Mr. President, the Subcommittee on Production and Stabilization of the Committee on Banking, Housing and Urban Affairs will hold public hearings on S. 1980, a bill to amend the Defense Production Act of 1950, on Thursday and Friday, June 28 and 29, 1973, at 10 a.m., in room 5302, Dirksen Senate Office Building.

All persons wishing to testify should contact Mr. Gerald Y. Allen, room 5300, Dirksen Senate Office Building, telephone 225-7391.

NOTICE OF HEARINGS ON ENERGY RESEARCH AND DEVELOPMENT

Mr. JACKSON. Mr. President, the Senate Interior Committee will hold hearings on legislation to establish a comprehensive national energy research and development program on Thursday and Friday, June 21 and 22, and Wednesday, July 11, 1973. These hearings will focus on the provisions of S. 1283, the National Energy Research and Development Policy Act of 1973, introduced on March 19, 1973, by myself and cosponsored by 27 other Senators.

Given the critical role of energy in our society, there is need for a more aggressive Federal strategy for the development and commercial demonstration of nonnuclear energy technologies. Significant advances are called for to expand supply, through secondary and tertiary recovery of oil or the gasification of coal; to reduce demand, through more efficient conversion and utilization of energy supplies; and to reduce environmental damage caused by energy extraction, conversion and use, through fuel cleaning and stack-gas scrubbing of sulfur oxides.

Without question a greater Federal effort is required on nonnuclear options. Fossil fuel technologies appear to offer significant near-term payoffs, while nonconventional energy sources hold promise for long-term payoffs. The principal issue is not whether Federal support of this effort is needed, but the form that will be most effective in assuring industry's expertise is brought to bear on this problem.

Invited witnesses include:

Thursday, June 21:

Dr. Jerome B. Wiesner, president, Massachusetts Institute of Technology.

The Honorable Joseph C. Swidler, chairman, New York State Public Service Commission.

Dr. Chauncey Starr, president, School of Engineering and Applied Science, University of California.

Mr. John F. O'Leary, Director of Licensing, Atomic Energy Commission.

Friday, June 22:

Mr. Charles Di Bona, Special Consultant to the President.

Dr. H. Guyford Stever, Director, National Science Foundation.

The Honorable John N. Nassikas, Chairman, Federal Power Commission.

The Honorable Dixy Lee Ray, Chairman, Atomic Energy Commission.

Witnesses for July 11, 1973, will be announced at a subsequent time.

These hearings, which are being held as part of the National Fuels and Energy Policy Study (S. Res. 45, 92d Congress), will begin at 9:30 a.m., in room 3110 of the Dirksen Senate Office Building, with afternoon sessions beginning at 2 p.m. Individuals desiring to file statements for the record are requested to transmit them, in 10 copies, to the committee by July 20, 1973.

ADDITIONAL STATEMENTS

RESTORATION OF PRAYERS IN SCHOOLS IS A RIGHT—AND SHOULD NOT BE FURTHER DELAYED

Mr. HELMS. Mr. President, it is with a profound sense of the importance of the issue that I join in observing this day of rededication. Today we renew our dedication to the cause of restoring to all Americans a precious right that has been foolishly and arrogantly taken from us. I am referring to the right to participate in prayer in public schools and public buildings.

Today we mark an anniversary, a melancholy anniversary. It is the 10th anniversary of the misguided Supreme Court decision banning prayer in public schools and buildings. Today we mark this anniversary by rededicating ourselves to the task of correcting the wrong inflicted by that decision.

I believe that decision was based on a mistaken reading of the Constitution, and that many people are mistaken about what we are trying to do in correcting that decision.

Some people who support the original Court decision, and who oppose our effort to correct it, misunderstand our intentions. I have heard it said that the Court decision protects people from being "forced" to pray, and that we who oppose the decision actually want to force people to pray. Nothing could be further from the truth. We only want to restore the right to pray so that anyone who wants to exercise that right may do so. That is, we are only trying to protect—for all Americans, of all faiths—the right to what the Constitution calls "the free exercise" of religion.

The first amendment has been wrongly construed to ban public prayer. I firmly believe that a correct reading of the first amendment should emphasize two points.

First, the amendment says that "Congress shall make no law respecting an establishment of religion." The crucial word here is "establishment." The Founding Fathers wanted to prevent anyone from using the power of the Government to give any religion an official, preferred status. That is, in the first part of the first amendment the Bill of Rights declares that the Government must be neutral in treating all religions alike. But this was never intended to mean that the Government must actively disassociate itself from the worship of God.

The second half of the first amendment's language regarding religion says that there shall be no law "prohibiting the free exercise of religion." This second half of the first amendment indicates that the Government's obligation to be neutral between religions does not oblige the Government to be indifferent to the practice of religion. And it certainly does not justify the Court decision that has had the effect of making the Government an impediment to the practice of religion.

The Court's decision against prayer is especially silly and destructive, because it falls heaviest on children. That is, the principal effect of the decision, the most far-reaching effect of the decision, has been to banish the worship of God from schools.

Consider how silly that is.

When Americans pledge allegiance to the flag, they pledge allegiance to our Republic, "under God." That is, our pledge of allegiance acknowledges the fact—that it is a fact—that we are a republic of religious people. Ours is a nation of immigrants and our people represent all the great faiths of mankind. But, united in toleration of our religious differences, we are also united in our common religious spirit.

When the U.S. Senate convenes each day we begin with a prayer. This practice acknowledges the fact—and it is a fact—that we who make laws must begin by acknowledging our dependence on the God whose moral law binds us all.

When the Supreme Court itself begins its public sessions the name and blessings of God are invoked. This acknowledges the fact—and it is a fact—that judges must seek guidance from the Judge of us all.

We in the Congress, like the Justices of the Supreme Court, are required to protect the precious and inalienable rights of the American people. And what does our Declaration of Independence say about these rights? It says that we are endowed by our Creator with certain inalienable rights.

These are just a few of the examples of the public reverence for God that permeates our Nation. Today, on this day of rededication, we are reaffirming the wisdom of such public reverence. We are pledging to correct a relatively recent decision that represented a sharp departure from American tradition.

This is the point that needs emphasizing.

We want only to restore to Americans, and especially to young Americans, the right to pray in public schools and build-

ings. We are seeking to restore a traditional right. It was the Court, which struck down this right, that departed from the settled practices of centuries.

The lesson is clear.

Those who believe public prayer is contrary to the letter of the Constitution simply do not know how to read the Constitution.

Those who believe public prayer is contrary to the spirit of the Constitution simply do not understand what the Founding Fathers understood—that freedom under man's laws presupposes reverence for the laws of God.

Those who believe public prayer involves forcing people to do something simply do not understand the issue.

Those who believe public prayer is somehow contrary to the proper spirit of religion do not agree with the vast majority of American clergymen, of all faiths, who oppose the ban on public prayer.

Those who think public prayer is somehow harmful to those—be they children or adults—who participate, have not produced a shred of evidence of this harm, and they are ignoring the evidence of history. After all, America was built by, and achieved greatness through, men and women who feared God and worshipped Him. They considered it proper and even essential to profess their worship in prayer on public occasions.

This, then, is what this day of rededication is all about. It is about correcting a 10-year old Court decision that flies in the face of hundreds of years of American tradition.

This day of rededication is about restoring a right to all Americans. It has nothing to do with depriving anyone of any right.

This day of rededication is about reaffirming the principles of reverence for God that are basic to our God-fearing Republic.

I am sure that the cause to which we rededicate ourselves today will be crowned with success. I am sure that our cause represents the deepest desires of the American people.

As has been said, on Earth, God's work must truly be our own. So I say: Let us get on with the business of restoring to Americans their traditional right to public prayer.

#### SCHOOL PRAYERS

Mr. McCLELLAN. Mr. President, 10 years ago, the Supreme Court inflicted a grave injustice upon all America by banning prayers in our public schools. This decision struck at the roots of the American way of life and the source of our national character and greatness.

By its refusal to allow little children to bow their heads in morning prayers, the Court upset a balanced educational system that was not only aimed at developing their minds but also at awakening their hearts and spirits.

But I am happy to say that the restoration of prayers to the classroom is an issue that has not been allowed to die. Concerned parents all across the United States—particularly in my own State of Arkansas—have been outspoken on this issue.

These parents wish their children to have the opportunity to recognize and show their respect and reverence for a Supreme Being. These parents with their children to pause and consider their faith each day as they go about their work in pursuit of an education.

The celebration of National Rededication Day this Sunday, June 17, 1973, provides us with an opportunity to rededicate ourselves to correcting this injustice that has been imposed upon the American people. This can best be accomplished by giving approval to the School Prayer Amendment to the U.S. Constitution. The millions of children in the public schools should have the opportunity to begin their day with a prayer if they wish.

In the contemporary climate of unrest and permissiveness, I am convinced that it would be worthwhile for Americans to turn their attention to and show greater reverence for the higher values that are present in religion. Allowing students to voluntarily participate in offering prayers in the schools would greatly strengthen moral consciousness and is the best guarantee of the Nation's future greatness.

In conclusion, Mr. President, while I firmly believe in the separation of church and state, I do not believe in the separation of our children from the opportunity to publicly acknowledge their God by offering prayers in the public schools.

#### FREEDOM TO PRAY

Mr. BARTLETT. Mr. President, Sunday, June 17, will be the 10th anniversary of the Supreme Court decision banning prayer in our public schools. Regrettably, it will also mark the 10th year that Congress has failed to do anything to change that decision.

In my travels around Oklahoma, I have found that this 10-year-old Supreme Court decision is still unacceptable to the majority of our people. They cannot understand why their elected leaders have done nothing to change that decision.

Virtually every American has been taught from childhood about our religious heritage. That religious heritage is a very real and an important part of our American history. Yet our Supreme Court has interpreted our Constitution, particularly the first amendment, so as to demand sterility of prayer on the part of public schools.

Our Founding Fathers had no intention of divorcing prayer from government—much less from our children in their schools. On September 24, 1789, the very day that Congress passed the first amendment, they also passed a resolution calling on the President to proclaim a national day of thanksgiving and prayer. The issue of the first amendment was raised but was rejected. On October 3, 1789, President Washington issued the Thanksgiving proclamation, and with two exceptions, every President since has followed suit. Today, both Houses of Congress have chaplains, and our Supreme Court sessions are opened with prayer. Our history is replete with examples of Government leaders recogniz-

ing and calling for divine guidance. The first amendment reflects not congressional fear of religion, but the fear of an established church or state religion.

I strongly believe in our tradition and constitutional guarantee of separation of church and state. But separation of church and state should not prohibit a class from voluntarily beginning their day with a simple prayer of thanks.

No child should be forced to participate in classroom prayer. But at the same time, no child should be forced not to participate. We should have the freedom to pray or not to pray.

The prayer of a New York kindergarten class which the Supreme Court held repugnant to our Constitution was as follows:

Thank you for the world so sweet  
Thank you for the food we eat  
Thank you for the birds that sing  
Thank you God, for everything

There is something wrong in America when our Court forbids that particular prayer, yet sanctions all kinds of obscenities under the guise of free speech.

It is important that a prayer amendment be passed in the near future. The longer we are deprived of a freedom, the easier it will be to forget the need for that freedom.

Let us not allow 10 more years to slip by without a constitutional guarantee of our freedom to pray. We must not allow the least erosion of those liberties which our forebearers fought so valiantly to obtain.

#### PRAYER IN OUR PUBLIC SCHOOLS

Mr. SCHWEIKER. Mr. President, 10 years ago Sunday, June 17, the U.S. Supreme Court handed down the second of its two decisions banning voluntary prayer and Bible reading in the public schools of our Nation. Since that time there has been a growing wave of support for a constitutional amendment to repeal the Court's interpretation of the first amendment and reinstate voluntary prayer in our public schools and buildings.

This year June 17 will be the occasion of National Rededication Day ceremonies around the Nation, focusing on the fight to gain congressional approval of the school prayer amendments. As sponsor of Senate Joint Resolution 10 and Senate Joint Resolution 4, two of the prayer amendments introduced in the Senate, I am encouraged by this outflow of support. The vast majority of Americans are behind this effort, and Congress should give speedy approval to the prayer amendment.

The following statistics on support for the school prayer amendment are interesting.

In January 1971, Opinion Research, Inc., of Princeton, N.J., asked the following question for the television show "The Advocates":

Would you favor or oppose a Constitutional Amendment to permit the use of prayers in public schools?

Eighty percent of those who responded said they favored school prayer.

Three States have had specific refer-

endums on the school prayer issue. On November 3, 1970, Maryland voted 73 percent in favor of school prayer. On March 14, 1972, Florida voted 79 percent in favor. And on November 7, 1972, Massachusetts voted 82 percent in favor.

In addition, in my travels throughout Pennsylvania I have found that the great majority of Pennsylvania favor the restoration of school prayer.

Mr. President, it rests within the power of the Senate to reverse the Supreme Court ban on school prayer. Today, on the 10th anniversary of the Court's most recent antiprayer decision, I urge Senators to join with me in pressing for immediate consideration and approval of the school prayer amendment.

Mr. President, I ask unanimous consent to have printed in the Record statements by the Senator from Tennessee (Mr. BAKER) and the Senator from South Carolina (Mr. HOLLINGS) on the subject of prayer in our public schools.

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

#### STATEMENT BY SENATOR BAKER

This is an especially significant week for all Americans involved in the long struggle to reaffirm the right of voluntary prayer.

This week marks both the tenth anniversary of the United States Supreme Court's restrictive ruling on school prayer and the beginning of a concerted drive to bring the school prayer amendment to a vote in the Senate.

Sunday, June 17, will be observed by supporters of voluntary prayer throughout the nation as National Rededication Day. This observance is intended to underline the commitment of all who support voluntary prayer.

I am happy to join with the Senator from Pennsylvania (Mr. Schweiker) and other sponsors of S.J. Res. 84 in expressing our concern that the Senate be afforded the earliest feasible opportunity to vote on the merits of this proposed prayer amendment.

Since coming to the Senate in 1967, the prayer amendment has been one of my primary legislative priorities. The pursuit of this objective, however, has been particularly frustrating. The moments of the prayer amendment's near success on the floor of both Houses of Congress have been far exceeded by the years of its lengthy confinement in committee.

When I offered the prayer amendment as an amendment to the Equal Rights Amendment on October 13, 1970, the amendment was approved in the Senate by a roll-call vote of 50-20, a margin of more than two-thirds of those present and voting.

In the last session of Congress, a similar voluntary prayer amendment introduced in the House of Representatives by Congressman Chalmers Wylie of Ohio failed by only a narrow margin to win the two-thirds majority.

It is apparent that today, ten years after the Supreme Court decision, a determined majority of the members of Congress are ready to rededicate their efforts to achieve passage of an amendment favoring voluntary prayer.

This amendment, however, has yet to be dealt with conclusively.

Opponents of this legislation have expressed their concern that the adoption of any prayer amendment could present a conflict with the guarantee of religious freedom contained in the Bill of Rights.

Their arguments stress the first words of the First Amendment, "Congress shall make no law respecting an establishment of religion." Less emphasis, however, is usually placed on the companion clause "or prohibiting the free exercise thereof . . ."

The crucial issue with regard to the prayer amendment, however, is precisely the issue of free expression of religious belief. The prohibition of an establishment of religion in the Bill of Rights wisely ensures that no single religious denomination will gain pre-eminence as the nation's established church.

The framers of the Constitution and the Bill of Rights had observed the inequities resulting from the privileged operations of the established churches in Europe and in the various colonies. They were determined that no such arrangement be allowed to infringe on the right of all citizens to worship according to the dictates of their own consciences.

It also seems abundantly clear, though, that it was not the intent of the founding fathers to place arbitrary limits on the free expression of religious convictions through voluntary prayer in public buildings.

The Continental Congress opened with a moment of prayer, just as the Senate and the House of Representatives do today and have done since the earliest days of our Nation. The Supreme Court itself is convened with the words:

God save the United States and this Honorable Court.

The importance of the free expression of religious belief in our national life has consistently been acknowledged by our nation's leaders. It has been a recurring theme in Presidential inaugural addresses and other major statements.

George Washington in his farewell address advised: "Let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles."

In an official proclamation, Abraham Lincoln declared: "The people of the United States recognize the supreme authority and just government of Almighty God in all the affairs of men and of nations."

John Kennedy emphasized this theme in his inaugural address, saying "The people of the United States affirm that the rights of man come not from the generosity of the state but from the hand of God."

It is my contention that the voluntary prayer amendment is in keeping with this spirit of our heritage.

The prayer amendment is not designed to coerce conformity of religious belief. By its voluntary provision, it is intended only to reaffirm the right of religious expression.

Freedom of religion remains assured. Anyone wishing to participate in prayer would be free to do so; anyone not wishing to participate would be free to abstain. In any circumstance, toleration of the beliefs of others will continue as an essential element of our national heritage.

The struggle for the reaffirmation of voluntary prayer is a grassroots issue in the truest sense of the word. It is extremely unusual for such an issue to sustain the sentiment of so many people over a ten year period.

Despite a decade of discouragement, supporters of voluntary prayer have continued to work quietly and responsibly for that cause. This is evidenced in the overwhelming support for voluntary prayer expressed in state referendums, resolutions in state legislatures and town councils, and the campaigns of church, civic, fraternal, and service organizations and individual citizens.

Voluntary prayer has received the endorsement of voters in three statewide referendums in the past three years. Maryland voters, on November 3, 1970, favored the prayer amendment by 73 percent; Florida voters, on March 14, 1972, voted 79 percent in favor; Massachusetts voters, on November 7, 1972, supported the amendment with a majority vote of better than 82 percent.

The General Assembly of my home State

of Tennessee and a number of other State legislatures have passed resolutions of support for the prayer amendment, indicating the favorable reaction this amendment would receive when presented to the states for ratification.

For too long the political machinery has been unresponsive to the wishes of the overwhelming majority of the American people on this issue. I invite all our colleagues, regardless of their particular views, to join us in bringing the prayer amendment to a vote in the Senate as rapidly as is reasonably possible.

I am hopeful that this united legislative effort and the actions of supporters of voluntary prayer throughout the country will prove successful in achieving this goal.

#### STATEMENT OF SENATOR HOLLINGS

Sunday, June 17, marks the tenth anniversary of the Supreme Court's decision banning prayer and religious activities in our nation's public schools. This year, June 17 will be observed as National Rededication Day. The emphasis will be on restoring voluntary prayer in our public schools and buildings.

Ours is a religious country. Although America has no state religion, it was founded as a religious state. And throughout our history, religion has been a vital factor in giving meaning to our individual lives, in holding our people together, and in instilling a sense of community and shared experience. Without that sense of religious community—that exhilarating sense of togetherness in meeting life's challenges under God—no people can achieve greatness.

Our country has been sustained through many difficult times by the religious freedom guaranteed in the First Amendment to the Constitution of the United States. The Constitution did not create this right—rather it recognizes and upholds it. But now, under the twisted logic of so-called judges of the law, this fundamental right has been denied the people.

It is a terrible thing in our land when one can shout four-letter words in the classroom, but cannot pray the Lord's Prayer. It is a terrible thing when the Constitutional Amendment to protect the freedoms of religion and speech can allow obscenity and pornography to flood the land, while God is kept behind a curtain of tortured legalities.

We must act, and act now, to return this most precious of rights to the people of America. Some years ago it was my privilege to support the inclusion of the phrase "under God" in the Pledge of Allegiance. It was in that same vein that I became a co-sponsor of a Constitutional Amendment to restore voluntary prayer to our public places.

Let us use this time of rededication to marshal our forces and to undertake a concerted drive to have the School Prayer Amendment passed and ratified. It will take hard work and dedication, but at issue is whether this nation will preserve and replenish the religious convictions that took us to greatness. There is no more important issue before our society today.

Mr. President, the time is already late. A precious right has been denied our people for many years already. A great wrong has been done them. We must act at once to repair this wrong. In so doing, we will return to the people a right which should have been theirs all along.

#### WILL PRICES BE BETTER THE SECOND TIME AROUND?

Mr. HUMPHREY. Mr. President, the editorial in the Washington Post "Mr. Nixon's Second Freeze," is an excellent expression and analysis of the pitfalls of Nixonomics.

Over the past four and a half years the American people have suffered, at the hands of this administration, a recession, unemployment, frozen wages, skyrocketing prices, dollar devaluation, fuel shortages, meat ceilings, high interest rates, dollar speculation, stock market declines, budget cuts in people oriented programs, tax breaks for the giant corporations, rent hikes, housing priced out of the market, commodity speculation, phases, promises, peptalks, a Nixon inflation tax, and assurances from the highest authority in the land that there was enough "right with our economy" for us not to worry about what is wrong with the economy.

Mr. President, I do not preach doom and gloom. I am an optimist. I want to be optimistic on our economy. I want growth. I want high wages. I want companies to enjoy reasonable and fair profits. I want a growing stock market, and I want stabilized prices.

That is, I believe, what we all want.

Unfortunately, that is what we do not have.

Perhaps it is still one of Mr. Nixon's "great goals."

But, as the editorial in the Post points out what is important now is what follows the freeze. What kind of program will phase 4 or what ever it is called turn out to be?

And, will this program consider some of the points in the Post editorial:

Will the rhetoric about the "average worker earning more today than ever before" become a key assumption on which wage controls are predicated?

Will the flirtation on trade and international economics with the Soviet Union replace other steady customers of our foreign customers?

Will the next phase be based on an understanding of our economic picture—unhampered by fights over academic theories.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

#### MR. NIXON'S SECOND FREEZE

So far, so good. President Nixon's freeze on prices will, once again, at least keep matters from getting much worse while the economic debate goes on within the administration. If the President had not taken action against the inflation, Congress would certainly have legislated its own freeze. But the freeze is only the beginning.

We are now moving toward a renewed system of controls and, while the President has not entirely made up his mind, these controls will have to be extensive. It is a waste of time at this point to carry on the argument whether, in theory and in the abstract, controls are a good thing or a bad thing. They have become a necessary thing, like taxation. As in the case of taxation, only the detailed applications are worth discussing now.

In his customary fashion, Mr. Nixon hedged his announcement with extensive apologies for his deviation from the pure doctrine of the free market. He offered vehement assurances that the controls will be only temporary. As usual, his address was sprinkled with lines from the speech that he might have given if he were currently leading the opposition to some other President whose economic program had gone wildly inflationary.

This habit of Mr. Nixon's is no doubt harmless, as long as everyone understands that the next controls will, in fact, be far more temporary. The degree of rigidity will rise and decline with changing circumstances. But a federal prices and wages policy now deserves to be regarded as part of the permanent machinery for running the country, like the federal monetary policy. Two years ago, at the time of the first freeze, it was possible to think that one dose of economic discipline might break the cycle of inflationary expectations. To believe it today would be tantamount to believing—however unseasoned the analogy—in Santa Claus, with the elves, the reindeer and all.

Massive changes have overtaken our economic life in the past several years, and it will take some time for the scholars and analysts to sort out exactly what has happened. The rest of the world is having a much sharper impact on our internal markets than we are accustomed to. The point is nicely illustrated by the two kinds of goods that Mr. Nixon cited as special trouble: food and gasoline. Other countries are buying much more food from us than ever before, and that is helping to drive up our domestic prices. As for petroleum, we need more of it from foreign producers who are steadily raising prices through a very effective cartel.

The soybean is one of the world's most important sources of protein, and the United States is the world's most reliable source of soybeans. Americans are only slowly beginning to adjust to the new truth that other countries are now willing, and wealthy enough, to pay more for protein than we are used to paying. The price of soybeans has doubled since early spring because of a widespread suspicion that traders have now sold more than 100 per cent of the current crop.

Export quotas are an unhappy last resort and, as the administration reluctantly approaches them, it is useful to distinguish between two kinds of foreign customers. One is the steady buyer, who can be counted on year in and year out for predictable sales to which we can adjust our production in advance. Japan is usually this kind of a highly desirable customer. The other extreme is the irregular and secretive buyer who deliberately misleads the administration regarding his intentions. Previously the administration had celebrated the Russian wheat deal as the central triumph of its economic foreign policy but Mr. Nixon's Wednesday night address can be read as a concession, at last, that the wheat deal has turned out to be a fearfully expensive blunder. It has not only nearly doubled the price of wheat, but it has over-burdened our freight transportation system as well. When Mr. Brezhnev arrives here, we can expect a deluge of official enthusiasm regarding the benefits of trade between our two great nations. Those benefits are entirely real, but the wheat deal has taught us that they are not qualified. Any export control system needs to benefit the steady customer, and discriminate against the one-shot raider.

In many kinds of foodstuffs, and certainly in gasoline, the country has a choice between higher prices or shortages. Mr. Nixon has decided that, for all of the exasperation that they generate, shortages will be less unpopular than more inflation. He may well be right. But for gasoline it will mean increasingly complex and rigid allocation systems that may, in time, amount to rationing. In the case of food, the shortages will be even harder to manage. Some of the lower-priced lines of meat, for example, are already disappearing.

The President was right to leave wages out of the freeze. They are still subject to the guidelines, and they have not contributed to this year's wave of inflation. As long as the union contracts remain within reasonable limits, they deserve to be left fully in force. The President was also entirely right to

threaten to roll back prices of firms that have violated the rules in the past five months. It would be monumentally unfair to ignore these violations and reward the very companies that helped most to build up the inflation rate.

But there is one point on which the President is, unfortunately, wrong. "The average worker is earning more today than ever before," he assured the country. He does not earn more than ever before, and that is why the freeze became necessary. Several weeks ago the Labor Department published the April statistics on the buying power of the average worker's paycheck after the federal tax deductions. Real spendable earnings, as the economists term it, were half a percentage point lower than they had been a year earlier. Part of the reason was the jump in Social Security taxes. Most of the reason was inflation. A decline in the purchasing power of the paycheck is a serious sign of trouble, in the midst of a business boom. The future worth of that paycheck is the test of the controls that will go into effect later this summer.

#### THE NEW CEASE-FIRE AGREEMENT

Mr. PEARSON. Mr. President, the new cease-fire agreement in Vietnam results from intense negotiating efforts on both sides during the past weeks in Paris. While it did not resolve all the outstanding questions, the new accord does bring renewed hope for a permanent peace in Southeast Asia. It demonstrates the determination of the parties to resolve remaining disputes by diplomatic means rather than by continued military hostilities.

I am especially pleased with the particularity of the new agreement. The document signed by the United States, North and South Vietnam, and the Provisional Revolutionary Government addresses itself in detail to the concrete steps by which further deterioration of the cease-fire can be avoided. Timetables for completing mine clearances are laid down by mutual agreement, and field commanders are specifically ordered to meet and carry out cease-fire provisions. The implementation of the January 27 agreement with regard to the cooperation of both Vietnams in obtaining information about missing persons is restated.

But I am disturbed, Mr. President, over the way in which the subject of direct aid to North Vietnam seems consistently to recur in reports about the new peace agreement. I refer here not to the concept of a long-term program for the rehabilitation of war-torn Southeast Asia, or to assistance to both Vietnams, but to direct aid from the United States to North Vietnam alone.

I am not opposed to the concept of rebuilding those areas of Southeast Asia destroyed by fighting, but am sincerely alarmed over the idea that this would be some kind of payment to prevent further hostilities. It is completely unacceptable, in my judgment, that a commitment of future aid to North Vietnam would be a consideration in an agreement to obtain a cease-fire in South Vietnam.

Any discussion of reparations, or payments from victor to vanquished, is even more unacceptable. It is the firmly established policy of the United States to seek an end of the conflict in Indochina, and any suggestion of reparations can only

raise emotional issues which would impede the implementation of this policy.

One of the things that has plagued our country through the entire period of the Vietnam conflict has been the feeling that this was an executive war conducted without the full approval of Congress and the American people. Any decision to proceed with aid for the rehabilitation of Indochina must be made with the participation of Congress and the public.

Whatever course our policy takes for future relations with Southeast Asia, it must not be subjected to the divisions of public and congressional opinion which characterized the past decade.

#### THE ROLE OF EDUCATORS IN SOLVING THE DRUG ABUSE PROBLEM

Mr. BIDEN. Mr. President, it is an accepted fact that drug abuse in this country has reached epidemic proportions. The Department of Health, Education, and Welfare estimates that there are at least 250,000 heroin addicts nationally; the numbers of amphetamine and barbiturate abusers are inestimable. It is more than evident that the personal physical damage is appalling, not to mention the social costs.

Paula D. Gordon, speaking at the Delaware drug educators' retreat on June 4, 1973, in Rehoboth, Del., forcefully discusses the problem, with a primary emphasis on the role educators must play. She emphasizes the need for understanding and guidance to disoriented youths caught in the web of drug abuse. I would add that the role of the family is a determining element which cannot be minimized—nor should it be. At one point, she states:

You as educators have much to add to the self worth of youth. Your own common-sense, initiative, understanding, and humanity can contribute immeasurably to the quality of the lives of our young people; consequently what you do has a most critical bearing on the future of the young, the future of society, and on the future of the nation as well.

Mr. President, I ask unanimous consent that the text of Miss Gordon's remarks be printed in the RECORD.

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

##### WHAT SCHOOLS CAN DO ABOUT THE DRUG PROBLEM

It has often been contended that the drug abuse problem has gotten so bad that it is driving people to drink. Besides parents of adolescents and young adults, school administrators and educators would appear to be most likely candidates for such a fate. If this somewhat ironic situation does exist, there is at least one positive thing that can be said about it—if we are successful in making inroads into the drug problem, we will also be contributing to the solution of the alcoholism problem.

The question I would like to deal with today is what can be done about the drug problem—what particularly can schools do about the drug problem?

It is quite obvious that schools are currently faced with far more than their share of difficult problems. Even if there were no drug problem, there would still be numerous other difficult problems with which to contend, problems ranging from discipline and truancy to vandalism and other forms of delin-

quency; problems related to curricula—such as community concerns and pressures over sex education and other controversial content issues; to problems involving school financing, redistricting and busing to achieve racial balance. On top of all of these problems, schools are now having to grapple with the drug problem and its far reaching implications for the health and well being of the students involved, as well as that of the rest of the school population and society generally. Perhaps the most hopeful thing that can be said about the drug problem and all of the other most pressing social problems facing the schools—is that many of these problems are rooted in the same causes and if we are successful in solving the drug problem, we will be successful as well as solving many of the other most pressing problems plaguing schools and society today.

In my remarks today I will suggest positive steps that schools can take to help in solving the drug problem and hence to help in the amelioration of other pressing social problems.

Before getting into these specific recommendations, I would like to take just a few minutes to talk about how problems are solved, how things get done.

R.G.H. Siu, a contemporary American writer and an extremely sage individual who has shed much light on the problems involved in administering the affairs of society—has written in a book called "The Tao of Science" that the American way of dealing with problems is a "doing way." Extrapolating on the basis of Dr. Siu's observation, one can further generalize that just doing something does not always solve a problem or help to ameliorate it. In fact, when such action is undertaken thoughtlessly and without requisite understanding, it can have the effect of making things worse. It can have the effect of creating new problems and making the original problem even more difficult to solve.

I have a favorite story about problem solving which helps point out at least two of the major elements required in successfully solving any problem. It concerns an actual incident which occurred in a residential community in Oakland, California. One afternoon one of the men residents was sitting in the lounge reading a newspaper when he noticed that a lizard which was normally caged in a large terrarium in the corner of the room opposite him, had somehow escaped and was crawling up the outside of the cage.

Having a real aversion to lizards, he was not about to take any action himself. He did, however, walk over to the cage and stand there scratching his head, wondering what could be done to get the lizard back into the terrarium where it belonged. While he was standing there, several other male residents began to gather around and to discuss what could be done to remedy the situation. As this was going on, a young woman resident walked into the lounge and seeing that the lizard was out of the cage, walked over and said, "What's the lizard doing out of the cage?", reached up and grabbed the lizard, put it back in the cage and walked out of the room, leaving the men in a state of minor embarrassment and dismay.

Now, I do not relate this story out of any women's liberationist's motives—but rather to point out two major elements that are required in the solving of any problem—common sense and initiative. No problem, however small or however large—can be solved without these two most important ingredients.

Additional elements are also required in solving problems, particularly complex social problems and particularly problems as complicated as the drug problem. Perhaps the most important of these elements is understanding: understanding of the nature and implications of the problem—and understanding of what can be done about it—un-

derstanding why people are using drugs—particularly the young, understanding what this means in terms of their futures and the future of society, and understanding what steps can be taken which will have the effect of helping to solve the problem.

(Parenthetically I would add here that understanding must be translated into action if it is to contribute to the solution of the problem. If a person does understand what needs to be done, but acts out of political or other narrow or self serving motives, then little if any real headway can be made toward solving the problem. In fact, when people act out of an absence of understanding, the result can be to complicate the problem and render its solution more difficult.)

One of the basic prerequisites in any attempt to solve the drug problem is understanding of the underlying causes leading to drug use, the contributing factors and the reasons which underlie drug use. A theory of human needs developed by the late psychologist Abraham Maslow—can be used to shed light on the wide variety of causes underlying drug taking behavior. Maslow's theory, briefly stated, is simply that human beings have certain kinds of needs which include physiological and security needs—basic survival needs—social needs, ego needs, and self actualization needs—the need to fulfill one's potential as a human being of becoming a fully functioning and healthy personality.

In later writing, Maslow further described this state of ideal psychological and social health as being characterized by metamotivation, metamotivation being motivation which is rooted in a synthesis of concern for the welfare of others and the welfare of one's self.

Maslow's hierarchy of needs theory states that the lower level needs, beginning with physiological and security needs—food, shelter, etc.—must be met before higher level needs can come into play and that middle range needs must be met before self actualization needs and metamotivation can come fully into play.

Maslow's hierarchy of needs can be used to shed light on the wide spectrum of causes, unmet needs, and unfulfilled aspirations reflected in the entire spectrum of human behavior. His theory can be especially useful in understanding the many varieties of drug taking behavior. It is important to bear in mind, however, that just because drug taking behavior may reflect unmet needs and unfulfilled aspirations similar to those reflected in other personal and social behavior, that the effects, the implications, and the complications of drug taking behavior are often far more wideranging and of a far more serious nature than those arising as a consequence of other behavior. This is owing to the fact that drug use can affect mental functioning, mental, emotional and physical health, motivation, spiritual and characterological growth and development as well as social health generally, the health of the school, the community, and the nation.

While drug taking behavior may reflect unmet survival needs, unmet social or ego needs or unfulfilled higher level aspirations of a self actualizing character, there is one thing that bears on all varieties of drug taking behavior—that is the intrinsic humanity of each person. In some individuals, this element may be only barely distinguishable.

John Cage—whom some of you may know as a composer of experimental music—is also a writer. His book "Silence" contains numerous anecdotes, much of which share certain similarities with Zen koans. One of these anecdotes bears on our present concerns. It is about Arnold Schönberg, the famed composer, when he was teaching a class in advanced musical composition at the University of California at Los Angeles. Schönberg had asked the class to come up with a solution to a problem in composition which he had given them. One solution was offered. He asked the class for another solu-

tion, and then another and another. After a number of solutions had been provided, he charged the class to tell him what principle underlay all of those solutions.

Like the problem which Schönberg posed, the drug problem has many responses, many answers, but all of these responses share a common principle. With respect to the drug problem that principle relates to the intrinsic humanity of those engaged in drug taking behavior and the need to help redirect the growth and development of those individuals along lines which are conducive to healthy human growth and development, conducive to psychological and social health, to the cultivation and enhancement of their intrinsic humanity.

In solving the drug problem as well as our other most pressing social problems, it is imperative that our efforts be directed toward the humanization of all our societal institutions from the family to the school, from the world of work to government. Only when our efforts to deal with our problems share this common focus and direction can we hope to reverse current unhealthy and destructive trends.

Of all social institutions, however, it is the school which offers our greatest immediate hope in attempts to solve the drug problem. Because of the ever increasing fragmentation of family life, because of the difficulties involved in trying to help the family to quickly become a positive force in the development of healthy individuals, the school offers the best immediate hope for meaningful change.

Not only are the young all equally obliged to attend school, their attendance is on a continuing basis. Teachers, administrators, pupil personnel generally stand in a far better position than do many parents to provide the kind of responsive and humanizing influence that is needed if the drug problem is to yield to solution. The generation gap and the difficulties parents and children have in communicating with one another make widespread reorientation of family life highly unlikely over the short run.

These problems which so impede family harmony can be resolved, but their resolution will require a vast reductional effort and a commitment to a return to fundamental human values.

The school is more flexible than the home as at least some elements of the school experience can be easily changed to begin to make schools more human, more responsive to human needs and aspirations. Many adults working within schools share a deep concern for the welfare and health development of the young. Their understanding of the young is apt to be deeper than that of most parents because of their continuing exposure and involvement with youth. Because they do not have the same degree of continuing responsibility for youth that parents have, they can maintain far more detached and less interpersonally threatening relationships with the youth with whom they come in contact.

Because unusual opportunities for change exist within schools, and because the problem of drug use among youth poses such a serious threat to youth and to society, every effort needs to be made at the school level to solve the drug problem. In order to accomplish this objective, a whole hearted effort needs to be launched to bring about a basic humanization of education throughout the nation. The kind of reorientation required will be hastened greatly when there is a clarification of the long range goals of education.

Maslow wrote about the need for such long range goals for education in a little known book called "Eupsychian Management." His view was that as soon as we decided that the goal of education in our American democracy should be psychological and social health—healthy human and social development—that the ways and means of achieving that goal

would fall into place. Because no such decision has yet been made, the overall status of American education has become less and less tolerable.

A top ranking official of the Department of Health, Education, and Welfare in the late 1960's observed at that time that U.S. education was fifty years out of step with the times. I would add to this official's observations that American education has also become increasingly out of touch with basic human and social values, needs, problems, concerns, and goals.

Popular contemporary songs bring this same message home in various ways. There is the opening line of Paul Simon's new recording, "Kodachrome" which slightly abridged is "When I think back to all . . . I learned in high school, it's a wonder I can think at all." A line from "Son of My Father", a rock hit of 1972, contains the words, "surrounded and confounded by statistics-facts." The opening line of a Moody Blues hit of a while back deals with more existential concerns, "Why do I never get an answer when I am knocking at the door?"

Perhaps, this is best summed up in a line from another current hit that goes, "The things that pass for knowledge I can't understand." This line always reminds me of an incident which occurred a few years ago when I was a graduate student at the University of California at Berkeley. I had been talking with a friend who had to leave for class and got up to leave, saying, "I'm off to philosophy to find out how life isn't."

Education must begin to focus on how life is and how life can be. It must help to cultivate human understanding. It must encompass a concern for basic social, ethical, spiritual, and existential matters. It must begin to deal in a meaningful way with questions of meaning and purpose. And perhaps, most importantly, it must provide opportunities for students, for the young—to become meaningfully and responsibly involved in life.

The following kinds of approaches can be adopted in attempting to achieve these broader goals:

Classroom instruction can be made more active and less passive in its orientation—more human and responsive and less cold and anonymous.

Education can be made more relevant to the realities of today's world—and to the world of work and adult responsibilities. This can be done by providing opportunities at every grade level—to learn by doing; to become acquainted with the real world; to meet, talk, and work with adults and with youth and young adults of all ages; to engage in meaningful activities and enterprise; and to thereby gain a sense of what it means to be a fully functioning human being capable of making a contribution to society and capable of being of some service to others, of relating to others in a meaningful way, and of assuming a responsible role in life. Recent efforts on the part of the U.S. Office of Education to promote "Education for Parenthood" and "Career Education" both would seem to be quite in tune with these kinds of objectives.

Values and ideals must be emphasized and not in a mechanical way and not in a sterile, value neutral vacuum, devoid of love, humor, human feeling, and purpose. Youth need to be helped to cultivate healthy and positive values and ideals; they need to be helped to grow into whole, psychologically healthy human beings.

Current practices in grading and in assessing cognitive knowledge and skills need to be radically changed. As presently constituted, such practices appear to encourage and perpetuate narrow self centeredness and cutthroat competitive instincts—attributes which are the opposite of those we most need to survive as a civilization. These attributes which we most need would include a con-

cern for others, and a capacity and inclination to collaborate with others to achieve the common social good. Grading and assessment practices also need to be changed because of their present tendency to psychologically entrap students in a failure syndrome, a syndrome which is particularly pertinent to drug taking behavior. Such entrapment manifests in several ways. A young person may become involved in drug taking because he is failing to do well in school or he may begin to fail in his school work because he has become involved in drug use.

Either way, he can become so deeply overwhelmed and demoralized by the fact of failure that any effort to get out of that situation seems useless and impossible. By adopting any of a number of approaches to grading and evaluation suggested by William Glasser in his "Schools Without Failure," it would be possible to short circuit or circumvent such regressive tendencies and influences and to avoid perpetuation of a failure syndrome. One option to current approaches to grading is the Pass/No Pass approach. An A,B,C, No Merit approach can also be adopted where no grade is recorded on an individual's record if he gets less than a C in a course. (It is worth noting here the case of a progressive Southern California high school where a Pass/No Pass approach to grading was adopted. The school administration found out shortly after the switcheroo was made, that extensive inservice training was needed to reorient the teaching staff. It seems that grades had been used up until that time in coercive ways—primarily to keep discipline, a function which is only indirectly related to any primary educational goals.) Other approaches which seek to individualize the assessment process need also to be considered. If one of the purposes of education is to help each individual progress to the fullest extent of his capabilities, then we must stop putting senseless roadblocks in his way. There is absolutely no point or purpose in using the same criteria to measure and compare the achievement of two persons with vastly different intellectual capabilities, experimental backgrounds, talents, etc. The important thing is that each person be provided an opportunity to realize his or her potential while becoming a healthy, fully functioning personality.

A response must be made to one of the primary complaints voiced by many youth today: a lack of any place to go or anything to do. This of course reflects a failure of the family, the school, and society, to help the individual to develop his or her own inner resources so that one is able to make good use of time, one is able to engage in recreational and social activities, to relax, to find fulfillment in educational, cultural, artistic and service oriented pursuits. The school can here again be used to fulfill a remedial as well as a developmental function by providing a ready-made facility which can be used for after school hours activities—weekday afternoons and evenings and for portions of the weekend. Such form of adequately trained personnel who could be professionals, paraprofessionals, volunteers or paid—or a mixture of all of these. Activities could be as wide ranging as the interests and capabilities of students and supervisory personnel permitted. When it is not possible to use school facilities in this way, community facilities and churches and the like can be considered. The merit of using a school facility, however, lies in the fact that all who go there as students have already established some sort of tie with the school—whereas a community facility is apt to draw only the more intrepid members of certain segments of the student community.

In all that I have said thus far about the general need for a reorientation of the education experience, it would seem that the single most important thing is to help nur-

ture in youth a concern for the welfare of others and to provide them every opportunity possible to express such concern and thereby develop a sense of personal worth and a feel for what it means to be meaningfully and purposefully involved in life.

The adoption or adaptation of the kinds of approaches I have just enumerated would most certainly lead to a reduction in drug taking behavior because they would be addressing many of the unmet needs and unfulfilled aspiration which gave rise to drug taking behavior in the first place. In order to deal with the symptoms arising from drug taking behavior and in order to intervene in an effective manner after drug use or experimentation has begun, schools also need to adopt other approaches in addition to those already mentioned. These include the following innovations or reforms:

Non-punitive policies and approaches need to be adopted in schools to supplant purely legalistic actions such as expulsion and suspension. Alternatives to such action need to be provided which focus most importantly on helping the individual to break out of the cycle of drug taking behavior or to cease experimenting with drugs and other harmful substances. In lieu of prosecution, in lieu of being remanded to the juvenile authority, in lieu of suspension or expulsion, the young person can be remanded to counseling, to other forms of care or guidance that may be appropriate, and to special programs and activities designed to help redirect his or her energies and attentions along more constructive lines. Parents can also be asked or even required to take part in such activities, counseling, or programs—as a condition of waiving more typical legalistic approaches. Examples of approaches which seek to divert juvenile users (and in some cases dealers) from the justice system are found in the Clark County High School District, Las Vegas, Nevada; in a probation department sponsored program in San Diego County, California; and in the youth services division of the justice system in Grosse Pointe Woods, Michigan, and several adjacent suburban communities which have adopted a counseling oriented approach to dealing with juvenile offenders.

It is essential that special counseling be set up within the school to help in prevention efforts and to provide for earliest possible intervention in drug taking behavior. Those providing the counseling will require in most instances specialized training—whether they are professionals or paraprofessionals. They need to have basic counseling skills and to understand the symptoms and motivation involved with drug taking. They must possess maturity and be psychologically healthy and not themselves be current users or promoters of drug taking behavior. They need to be able to establish rapport with those whom they counsel. They need to be a friend and a confidante, a person who is truly concerned for the welfare and the future of the individual being counseled and befriended. The counselor must also be able and inclined to motivate those whom he or she counsels along beneficial and constructive lines. It is particularly important that such a counselor provides a positive model by his or her own behavior. It is important that he or she not use or implicitly or explicitly condone the so called "responsible" or "sensible" use of marihuana, hashish, pills, or other drugs and substances used for non medical purposes.

The use of counselors in school settings who do condone or implicitly encourage such behavior have the obvious effect of contributing to the continuance and spread of drug taking behavior. Community support for efforts which do have a permissive orientation can expect to be short lived if the community is at all informed concerning what is happening in the school.

The emphasis of counseling as well as of

educational and guidance efforts needs to be geared to the needs and level of understanding of those being counselled, educated, or provided guidance. While in many cases, it is important to spend some time in helping the young person understand the implications and the effects of drug use, it is typically far more important that attention be focussed on personal motivation, on helping the individual gain a better understanding of him or herself, of others, and of life generally. The past emphasis on a primarily or solely cognitive or informational approach has not only proved lacking but in some cases has been shown to be counterproductive, actually contributing to drug taking behavior, rather than leading to its decrease. Swisher and others have drawn such a conclusion from their studies. They write, "An approach (to drug education and prevention) that relies on information alone may not be sufficient to reduce or prevent the use of drugs, and in fact, may have the opposite effect." (P. 340.) A study conducted in the 1960's in Southern California to evaluate the effectiveness of health educational approaches to help stop smoking showed that smokers were far more apt to cease smoking when a noncognitive approach rather than a cognitive approach was taken. Health educators had far greater success when they focussed on helping the smoker understand his or her motives for use rather than when they focussed on informing smokers concerning the effects of smoking. Drug educational efforts have tended to have a cognitive orientation until recent times. Consequently they have not proven very successful with adults or with youth. The informational approach is generally predicated on the nearly wholly erroneous assumption that drug taking behavior is based upon a rational decision making process. This is not only far from true in the case of most of the adult population, it is even less true in the younger generation where an even wider range of non-rational factors tend to contribute to drug taking behavior. These factors relate to what is often a far more existential and anxiety producing mixture of unmet needs, social pressures, and unfulfilled aspirations than is found in most adults.

Because of the increasingly criminogenic and pathological character of the drug culture and of drug taking, provision for various forms of confidentiality and immunity from prosecution will be required to make sure that users are able to receive the counseling, guidance, care, etc. that they need. Such policies are needed to protect those who provide the services as well as those who partake of them. Policies providing for pre- or post parental permission (before or after the fact of use has been admitted, recognized, or established) provide one way of handling such matters.

There is a need to focus on attitudes and values and on increasing self worth and motivation, and on meaningful pursuits. There is a need for helping an individual gain a better sense of him or herself, and to find satisfaction in being of service to others, of being a contributing member of society. One of the most noteworthy studies on this subject is a preliminary report on Operation Future, a drug control project of Kings-Tulare County (Visalia, California). In this project, definite relationship exists between the abuse data has been gathered which shows that "a of drugs and the lack of values on the part of today's young people." As a result of these findings, Operation Future has been experimenting with a variety of approaches designed to help enhance personal value concepts. They have demonstrated that drug abuse can be ameliorated by adopting approaches which focus on the enhancement of personal value concepts. An increasing number of schools have adopted such a focus in their efforts to ameliorate the drug problem. The Coronado School District in San Diego County in California, a pioneer in this area,

has been particularly successful in this regard. Schools in North Dakota have also been engaged in implementing a self enhancement approach to education which serves to address many of the unmet needs and unfulfilled aspirations which give rise to drug taking behavior.

In bringing these remarks to a close, I would like to tell you briefly about a recently launched nationwide movement whose purpose is to contribute to the solution of the drug problem by promoting adoption or adaptation of many of the same alternatives, reforms, approaches and policies I have touched on here. This would be the ALFY effort which grew out of two conferences held under the auspices of the Bureau of Narcotics and Dangerous Drugs of the U.S. Department of Justice in 1972 and 1973. I would commend to your attention the publications resulting from those conferences, particularly the booklet entitled "Alternative Programs—A Grapevine Survey" and the "Proceedings" from the first and second Conferences on Alternatives to Drugs. Much material is contained in these publications concerning school-based, community-based, and criminal justice system-based approaches and policies—all of which are humanistic in orientation and all of which are designed to be responsive to human needs and to take positive steps to prevent drug use and to help deal with the problems reflected in and arising from drug taking behavior.

I would like to quote from comments made at the last conference held at Airlie House in Airlie, Virginia in early January of 1973. These comments providing a fitting note upon which to conclude. The man speaking has had a long history of involvement with the law as well as with drugs. In fact he related the story of his first involvement with the law at the first Alternatives conference. It seems he had pushed a flower pot off a third story terrace when he was only three years old. It narrowly missed two policemen who were standing on the sidewalk below—who immediately rushed upstairs to find out who was responsible. After his long history of involvement with the law, this person has merged one of the most "together" individuals I have ever had the opportunity to know—I share with you his insights:

I really go for the idea where people (begin) to learn what it's really like to feel comfortable on a gut level and not practice what we call, what I like to call, the "cloak of respectability".

I dare say right here before all of you that that's seemingly our biggest problem: that we're taught from the cradle to the grave to wear a cloak of respectability rather than to develop true respectability; and the young people today just are not going for that. They see the cloak does not work. With all the power we have and all the influence, we're thirty-second in terms of health delivery in the world today. We're kind of backwards, and the young people recognize that, so they're not listening to us; they're looking for their own thing.

It's just unfortunate many of them do not have the guidance and the direction and the road models to get caught up in the right thing, but when you really get right down to it, it's a matter of learning what the most valuable thing that any human being possesses is. And that is his own self-worth and how he carries himself; how he feels about himself; what he's doing in terms of adding to those feelings. It either takes that self-worth away or adds to it.

You as educators have much to add to the self worth of youth. Your own common sense, initiative, understanding and humanity can contribute immeasurably to the quality of the lives of our young people; consequently what you do has a most critical bearing on the future of the young, the future of society, and on the future of the nation as well.

#### ARMY CORPS OF ENGINEERS OBSERVES 198 YEARS OF SERVICE TO AMERICA—PROTECTIVE WORKS HELP MISSISSIPPI VALLEY IN RECENT FLOODS

Mr. RANDOLPH. Mr. President, there is practically no part of the United States where there is not evidence of the involvement of the Army Corps of Engineers in building a better country for our people.

The Corps is unique in our Nation in that it fulfills both a military and a civil function. It is essential to the successful achievement of military objectives, and it performs an equally vital role in a variety of activities that are outside the normal scope of the Armed Forces.

Earlier this year, the states along the Mississippi River were stricken by disastrous flood. Damage to homes, farms and industry totaled about \$500 million. The Corps of Engineers was on hand at once to assist in recovery efforts and to help rebuild the devastated area. The Corps, however, has been present in the Mississippi Valley for many years, building flood protection facilities that kept the damage from being even greater. Without these facilities, it was estimated that losses would have amounted to at least \$7.6 billion. The return during this single flood season was substantial for the less than \$2 billion that has been invested in flood protection in the Mississippi Valley.

This is but one example. Throughout the United States the Corps has improved navigation, built recreational areas, and enabled communities to be secure from floods.

The Corps of Engineers is one of the oldest branches of the U.S. Army. Back in 1775, even before the Declaration of Independence was signed, the U.S. Army was created. The following day, June 16, 1775, the Corps of Engineers was created to be a main part of the new Army.

Many of the Nation's greatest soldiers have belonged to the Corps of Engineers. Both commanders at the Battle of Gettysburg, Gen. Robert E. Lee on the Confederate side, and Gen. George Meade on the Union side, were engineer officers. So were many other famous soldiers, including Gen. Douglas MacArthur, in our own times.

During World War II, the Army Engineers played such an important part in landings and invasions that General MacArthur said: "Modern war is engineers' war."

In peacetime, the Corps of Engineers builds almost all the Nation's harbors. It digs canals, and dredges out rivers, so that they can carry large freight boats and pleasure boats. The Corps of Engineers also builds dams which create beautiful manmade lakes. These lakes are good for many things besides the swimming, fishing, and camping they provide. They hold back flood waters, and thus save farms and homes and towns from ugly damage and destruction all along the river. The provide pure fresh water for use in homes and industries, and for irrigating farms and gardens. Sometimes the water, as it falls over or through a dam, is made to turn water-wheels called tur-

bines, which in turn generate huge amounts of electric power. These dams also help keep pollution from getting too bad in the river. All of these things help to make America a more prosperous and beautiful country.

Many people ask: How did the Army enter into the business of building lakes, dams, waterways, and harbors?

The answer goes back in history to the time of George Washington—who was an engineer as well as a soldier and statesman. At that time the 13 colonies were made up mainly of farmers, with some craftsmen and traders in the towns. There were practically no trained, professional engineers. But George Washington created a corps of skilled engineers to serve in the Army during the Revolutionary War. After the war was over, our new Nation needed roads, lighthouses, bridges, and many other engineering works; so it looked to those same engineers to serve the country in peacetime as well as in wartime. On March 16, 1802, President Jefferson signed a bill directing the Army Engineers to "constitute a military academy at West Point." The first engineering school in the United States, West Point was the leading one under the direction of the Army Engineers until the Civil War.

All through American history the Army Engineers have carried out many unusual and important jobs for the American people. They built and operated the first railroads, opened most of the main highway routes, and explored and helped open the West. They built many of the imposing and beautiful buildings and park spaces in the Nation's Capital, Washington, D.C. They preserved Niagara Falls in its present beautiful form, kept the Mississippi River from seeking a new channel to the sea, built the famous Soo Locks and the St. Lawrence Seaway, and tamed the Missouri, the Columbia, and many other mighty rivers. An Engineer officer, Col. George Goethals, completed the Panama Canal. Another, Maj. Gen. Leslie Groves, directed the construction of the first atomic bomb. Meanwhile, the Corps of Engineers also has built most of America's Army posts and Air Force bases, including the great base at Thule, only a few hundred miles from the North Pole. More recently, the Army Engineers built the missile defense systems and the launch facilities for our space program.

The Corps of Engineers has been one of the leaders of American conservation. Its studies of natural resources in the West and in the Nation's river basins helped pave the way for the launching of the conservation movement under President Theodore Roosevelt. Today, Army Engineer dams, reservoirs, and river-basin programs form a big part of all kinds of conservation work.

During the rainy seasons and when snow is melting each spring, flood waters coming down the streambeds are caught and saved, or conserved, behind the dams. Later in the year, when water is low in the rivers, and lawns and fields get dry, this conserved water is let out from the dams to help keep the rivers full and the fish healthy. Meanwhile, the lakes provide fish and wildlife con-

servation. Often forest conservation areas and game management areas and preserves are established around their shores. At the dams, mud and silt are trapped out of the river, and the water that flows down the stream is cool and clear.

These Army Engineer conservation projects have saved many lives and have kept millions and billions of dollars worth of property from being destroyed by floods. They have enabled our businesses and cities to manufacture and transport their goods and supplies more efficiently and economically. The savings and earnings of these projects amount to many times their cost, and thus they have proven to be wise investments of public money. Even more important, however, are their contributions to conservation and to the strength, happiness, and well-being of the Nation and its people.

#### GENOCIDE: A MODERN THREAT

Mr. PROXMIRE. Mr. President, the Carnegie Endowment for International Peace has just released a carefully prepared report on the events of the last year in the Central African state of Burundi. From numerous reports in the press, the report of United Nations observers to Secretary General Waldheim, and from the facts gathered by the Carnegie Endowment, it is evident that a human disaster of incredible magnitude has occurred in Burundi.

Although the original responsibility for the events which have precipitated such widespread suffering are as yet undetermined, it seems clear that the ruling minority in Burundi, the Tutsi, following an attempted coup, embarked upon the elimination of virtually every member of the majority Hutu tribe occupying a responsible position with the society. The Carnegie report indicates that the extermination of the Hutu elite was essentially complete some 10 months ago, the victims comprising:

The four Hutu members of the cabinet, all the Hutu officers and virtually all the Hutu soldiers in the armed forces; half of Burundi's primary school teachers; and thousands of civil servants, bank clerks, small businessmen, and domestic servants; at present (August) there is only one Hutu nurse left in the entire country, and only a thousand secondary school students survive.

An article in the New York Times of June 11, 1973, reports that the mass killing is today continuing, creating thousands of Hutu refugees who are fleeing from the slaughter and destruction toward Burundi's neighbors.

#### "SELECTIVE GENOCIDE" IN BURUNDI

These acts have been described as "selective genocide" by the U.S. Charge d'Affaires in Burundi. To many, the term "genocide" represents the abhorrent deeds of Nazi Germany. Few realize that the word has real applications in our present world. Yet that is precisely the lesson of Burundi: Genocide exists today.

One of the most distressing aspects of the Burundi situation is the public silence and ineffective action on the part of the U.S. Government. Included in the Carnegie report is a copy of a memorandum

written by Mr. B. Keith Huffman, the Assistant Legal Adviser for African Affairs at the State Department, which was apparently intended to stimulate stronger action on the part of the United States. Mr. Huffman attempted in this memo to define our legal obligation under the U.N. Charter in terms of the Universal Declaration of Human Rights which, in contrast to the Charter, does not impose legal duties.

He did this because of the substantially stronger language contained in the Declaration, which provides that "no one shall be subjected to cruel, inhuman or degrading treatment or punishment."

#### UNITED STATES FAILS TO ACT

Unfortunately for the Hutus of Burundi, Mr. Huffman was unsuccessful in promoting a stronger response by the United States. Yet I believe, Mr. President, that had Mr. Huffman had the Genocide Treaty to add to his legal argument his associates in the State Department might well have been persuaded to suggest the potential economic sanctions outlined in the Carnegie Report. In view of the fact that the United States accounts for 65 percent of Burundi's export earnings, the mere threat of sanctions might have had an influence upon the leaders of Burundi.

Burundi has not ratified the Genocide Convention. Yet since article I of the Convention makes genocide a crime which participating nations "undertake to prevent," ratification by the United States might have inhibited the massacre in Burundi. Although this provision would not have obligated the United States to take any affirmative action, it would certainly have been an additional moral incentive toward effective steps on the part of our Government.

The actions which the State Department did take proved to be a woefully inadequate response to a human rights disaster of this size. The State Department initially urged the United Nations, the Organization of African Unity—OAU—and neighboring African states to bring pressure to bear upon the Tutsi leaders. Although the U.N. did send observers to Burundi, the OAU and the neighboring nations were unwilling to interfere in what was considered by them to be the internal affairs of a sovereign state. Later the Burundian Ambassador reportedly was informed quietly of the United States displeasure over the course of events.

#### WE SHOULD HAVE DONE MORE

I wonder, Mr. President, whether our behind-the-scene efforts to terminate the killings might have been more forceful had the United States ratified the Genocide Treaty. I cannot help but suspect that nations which we approach on issues of this nature detect an element of hypocrisy in our actions. Although we appear sensitive to acts of genocide in the world today, our sensitivity does not extend to a formal expression of support for a treaty which makes genocide a crime, punishable by law. While we attempt to inculcate a sense of responsibility for human rights among the international community, we refuse to affirm our obligations here at home.

It is time that we move to obviate this

hypocrisy and to encourage stronger action on the part of our Government in the face of what is an offense against mankind. The Genocide Convention arose principally as a result of the persecution of millions of innocent people, particularly the Jews, by Nazi Germany. It took a disaster of that size, to motivate the brotherhood of nations, through the United Nations, to verbalize their common horror in the Genocide Convention. Although adopted by the General Assembly by a vote of 55 to 0 and since ratified by the legislatures of 76 nations, the Genocide Convention has for 24 years awaited ratification by the U.S. Senate.

Need we wait until the murder of the 13 million people by the Nazis is surpassed by some new catastrophe? Or is the slaughter of an estimated quarter of a million people sufficient to move us toward a vote which will serve to join the United States with those nations who have demonstrated their abhorrence for genocide?

#### AMERICA CAN LEARN FROM LITHUANIA: MAN'S LIBERTY IS TOO PRECIOUS TO LOSE

Mr. HELMS. Mr. President, during an era in which the United States has poured so much into the defense of freedom around the globe, it is important that we are mindful of once-independent peoples who failed in the battle against communism.

Lithuania is such a state, existing within the walls of the Soviet Union, stripped of her nationhood and denied the rights which we so complacently enjoy.

Today, June 15, marks the anniversary of the final Communist occupation of Lithuania in 1940. Despite typical Soviet attempts to impress the rest of the world with the success of their program in the Baltic States, word has filtered out to the contrary. Their atheistic "russification" scheme has met with dissent, both subtle and sharp.

It is all too easy in a country where the right to worship is both politically guaranteed and socially sanctioned, to forget that in Lithuania religious persecution is a fact of life. Children are often forbidden to attend religious services and may receive religious instruction only under severely restricted circumstances. Seminary enrollment is limited to a number well below replacement level. Adults who are suspected of being believers are prohibited from obtaining jobs or advancement. There have been cases of people being imprisoned for practicing their religion. Terror and fraud are common devices utilized by the Communists in stifling the religious tradition, particularly with children. The printing of prayerbooks is government-controlled and thus subject to inadequate volume and inaccurate content.

Lithuania is a particularly brutal example of Soviet domination. The Russians are perpetrating genocide: The culture of Lithuania will be subjugated—and even destroyed—in order to provide for its total integration into the U.S.S.R. as a "constituent republic." To date, the United States, Great Britain and several

other Western nations have not recognized "the devious processes whereunder the political independence and territorial integrity of Lithuania—[was] to be deliberately annihilated by one of their more powerful neighbors."

By 1970, over 10 percent of the primary and secondary students in Lithuania were attending schools in which the spoken language was Russian, not Lithuanian. Lithuanians living in other parts of the Soviet Union are subjected to more flagrant discrimination yet. Their names must be Russianized, they are denied responsible positions, and they can speak their native tongue only in private.

They cannot deny that this is, indeed, a grim picture—but not barren of hope. Beginning with the uprising in June 1941, the guerrilla war from 1944 to 1953, the demonstrations during the upheaval in Eastern Europe in 1956 and the continuing unyielding protests against religious persecutions, the history of Soviet rule in Lithuania has been fraught with blood and discontent. For the Lithuanians, a proud and freedom-loving people, the struggle goes on. And it is the young, born and educated under the hand of communism, who are rising to the challenge of their parents' efforts. They are braving imprisonment and worse to express their hatred of the Soviet oppressors and their desire for the freedom of Lithuania. Self-immolations—occurring rather coincidentally at the time of President Nixon's visit to Russia in May of 1972—touched off massive anti-Soviet demonstrations.

The two decades of independence in the early twentieth century have almost cruelly denied Lithuania the ability to accept forced Soviet domination. I admire these brave people for their perseverance and patriotism in the face of such an enormous and insidious adversary. Maybe, with God's will, their efforts will be fruitful and she will once again be free.

For us in America, approaching our two hundredth year of independence, the lesson is clear: the price of freedom is eternal vigilance.

#### INFLATION AND NIXON'S ADMINISTRATION

Mr. HUMPHREY. Mr. President, it is painfully obvious that the newest phase of the Nixon economic program reflects the frustration of a President whose previous attempts to control the economy have been an utter failure. Mr. Nixon's inability to establish economic stability is highlighted by Edwin L. Dale, Jr., in his article "Frustration Marks Nixon's Efforts to Curb Inflation" which appeared in the New York Times on June 15, 1973. Mr. Dale illustrates that despite numerous and varied game plans, inflation still roars out of control, and one certainly must question whether the most recently announced program has come soon enough to provide a solution.

Examples of the previous errors in economic management by the Nixon administration are glaring. The original game plan designed to curb inflation, instead of easing the strains of a boom economy, actually turned the economy downward.

Next, the administration moved to re-invigorate the economy, but again inflation increased uncontrollably, and in an almost desperate decision the President imposed his widespread controls of August 1971.

While the initial two phases met mixed success, the facade of stability crumbled with the announcement of phase III. The consumer was faced with what seemed like continuous increases in items which took the largest bite out of the family budget, with staggering jumps in food prices leading the way. The most recent announcement that the industrial commodities index climbed at an annual rate of 16 percent in the preceding quarter, the worst peacetime inflation since World War II, only served to confirm what consumers already knew.

In a mood of frustration, the President again imposed controls, and we have reason to ask whether they will work more effectively than his original controls.

Mr. President, it is time that the administration listened to the words of the worker and the average consumer in devising its economic policies. It is time that economic policies were aimed at benefiting the mass of consumers rather than a specially favored few who have access to the President's ear. As Mr. Dale states:

Whether a combination of a slower-paced economy and a tougher controls program will moderate the new wave of inflation only time will tell.

But time has already told that the priorities exemplified in the multiple phases of Nixonomics should have been, and hopefully will be rearranged in order to meet the needs of the majority of the American people rather than a select few.

I ask unanimous consent that Mr. Dale's analysis be printed at this point in the RECORD.

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

[From the New York Times, June 15, 1973]

#### FRUSTRATION MARKS NIXON'S EFFORTS TO CURB INFLATION

(By Edwin L. Dale, Jr.)

WASHINGTON, June 14.—When Richard M. Nixon took office in early 1969, he inherited a boom in the economy with low unemployment but an inflation that seemed then of grave proportions—6 per cent a year.

Now, after numerous phases in his frustrating struggle against rising prices, Mr. Nixon finds himself with an inflation rate of 9 per cent, measured by the movement of the Consumer Price Index over the last three months, though there was some better news in between.

Mr. Nixon is not alone in his frustration. The Government of nearly every industrial country has found inflation to be just as intractable a problem or more so.

#### MORE THAN INTENDED

The Nixon Administration's first "game plan" for curbing inflation was a classic one, and at first it was generally approved by economists and others of various persuasions. The idea was to slow the inflationary boom by use of restrictive Government fiscal, or budget, policy and Federal Reserve monetary policy.

The budget, aided by an income tax surcharge, passed late in the Johnson Admini-

stration, swung into balance. The Federal Reserve all but halted the growth in the nation's money supply (demand deposits and currency), credit became more difficult to get and interest rates soared.

The slowdown was late in coming, but when it came in the winter of 1969-70, the economy swung much more than the President wanted or intended. Instead of just "cooling," the economy turned downward, with a small decline in total production and a sharp rise in unemployment. It was the fifth recession of the period since World War II.

But the object of the exercise was not achieved. While the rate of inflation slowed a little, at no point did it drop below about 4 per cent. By late 1970, the Administration was already moving to pump the economy up again, with a big budget deficit and a much easier monetary policy.

The hope was that the inflation rate would decline in 1971 as a belated response to the recession. But it didn't. In that period, massive wage increases, won by unions, of 10 to 12 per cent a year were an important factor, though not the only one.

The President decided in August 1971 to do something that he had always abhorred—impose wage and price controls. In an announcement that achieved total surprise, the President imposed on Aug. 15 a 90-day freeze on prices, wages and rents, with raw agricultural products and a few other things like used cars and art objects exempted.

It worked well. Consumer prices during the freeze rose only five-tenths of 1 per cent, or an annual rate of 2 per cent. But the President had said from the beginning that a permanent freeze was not workable, and that a Phase 2 would succeed it.

Phase 2, beginning in mid-November, was a system of more flexible, though still mandatory, controls. Prices could go up if costs, such as labor and materials, justified higher prices and if profit margins did not exceed those of a base period.

Wages were to be held to annual increases of 5.5 percent, but with some "catch-up" exceptions. Some rates were decontrolled, others permitted to rise within specific limits. Agricultural products at the farm gate were exempt.

Phase 2 worked fairly well, too, despite some bad luck on food prices, particularly meat prices. After a fully expected "bulge" in the first two months after the end of the freeze, prices in the 12 months from January, 1972, to January, 1973, rose by only 3.5 percent, and much of this was accounted for by food, which was largely uncontrolled.

Then in January, 1973, Phase 3 was announced—and the roof fell in.

Phase 3 retained standards for prices and wages very similar to those of Phase 2, but they were to be "voluntary" or self-administered, with provision for re-imposition of mandatory controls if there were flagrant violations of the standards or guidelines.

The initial presentation of the program, the Administration now concedes, was a bad mistake. The new program seemed to amount to the end of all controls, though it was not intended that way. From the evidence now at hand, it seems that smaller businesses, in particular, began raising prices regardless of the new guidelines, taking advantage of what was by now booming demand in a booming economy.

Quite apart from the impact of the change in the program, inflationary winds blew from all directions. Reacting to high consumer demand, terrible weather and roaring exports (spurred by a big export deal with the Soviet Union and the impact of the two-part devaluation of the dollar), farm and food prices rose at the highest rate since modern statistics were started.

The boom in other countries, together with the United States boom, produced a classic inflationary effect on many commodities

traded around the world, such as copper and other metals.

And, finally, when Congress began to mull a new freeze, there was apparently a binge of "anticipatory" price increases by those businesses able to raise prices without losing sales.

In any event, the price statistics began to look worse and worse. The Wholesale Price Index for May, released last week, showed, for example, that the closely watched index of industrial (nonfarm) commodities rose in the last three months at an annual rate of just under 16 percent, much the worst peacetime inflation since World War II and one of the worst on record.

The Government's monetary and fiscal policies had again turned in a moderately restrictive direction, with the aim of cooling the new boom, and this represented the main hope of the President's advisers and the President himself for checking the new and raging inflation.

But Mr. Nixon, under heavy pressure from Congress and public opinion, decided yesterday that he could not wait. Despite many reservations among his advisers about tighter controls at a time of high demand, he imposed a new freeze for 60 days and announced that there would be a new Phase 4 after that, "tougher" and "more mandatory" than Phase 3.

Whether a combination of a slower-paced economy and a tougher controls program will moderate the new wave of inflation only time will tell.

#### THE KANSAS SPECIAL OLYMPICS

Mr. DOLE. Mr. President, last weekend—June 8 and 9—marked the fourth annual Kansas Special Olympics. I had the privilege of attending the Kansas Special Olympics held at Washburn University in Topeka, Kans., and it was truly inspirational.

The Special Olympics are the first national sports program for the retarded. Presently, over 250,000 children and 100,000 volunteers participate.

Children and young adults at all levels of retardation are eligible to take part in the program and because they compete with others of their own age and capability, they all have a chance to win. At the top level of ability, these children outdo many normal children. In the performance of our national recordholders a retarded lad ran the mile in 4:54 minutes, two young athletes tied for first place in the high jump at 5 feet 10 inches, and another swam the 50-yard freestyle in 33.4 seconds. Special Olympics has proven that children who are mentally retarded need not be physically retarded as well. But they must be given the opportunity, encouragement, and the training if they are to succeed in sports.

The goal of the Special Olympics is to create opportunities for sports training and athletic competition for retarded children and young adults.

Recent scientific research has shown that physical activities, sports, and competitive athletics are a major means of reaching the retarded. Here is an area where he can succeed and start building a positive self-image, gaining confidence and self-mastery as well as physical development. As a child improves his performance in the gymnasium and on the playing field, he improves his perform-

ance in the classroom, at home, and eventually on the job.

It is hoped that the special olympics program will serve as a motivational framework within which physical education, recreation, and sports activities can take place. The specific objectives sponsored by the Kansas Association for Retarded Children, the Developmental Disabilities Act of 1970, and the Joseph P. Kennedy, Jr., Foundation, are:

First. Provide motivation for the initiation of physical education and athletic programs where none exist.

Second. Provide supplementary materials which will aid those currently conducting such programs.

Third. Provide opportunities for athletic competition through local, State, regional, and international special olympics.

Fourth. Give each retarded child a "feeling of belonging" by offering him membership in a national athletic club with membership certificates, periodic newsletters, etc.

Fifth. Instill in the retarded child a "sense of pride" by giving him a chance to win an award, be honored at a school assembly, or to have his picture in a newspaper—by giving him a chance to know success.

#### BRIEF HISTORY OF KANSAS SPECIAL OLYMPICS

A delegation of six students from Holy Family Center, Wichita, who participated in the 1968 International Special Olympics at Chicago were the forerunners of the Kansas Special Olympics. Within a few months after the first olympics, a committee was formed to plan a State olympics in 1969. Members of the committee were: Mr. Dennis Popp, Sister Veronice Born, Mr. Charles Myers, Mr. Charles Watson, and Mrs. Lyman Wiley. Due to the lack of funds and other problems the meet was canceled. But as Kansans are not a group to be discouraged, it was reset for 1970.

With financial and other support from the Joseph P. Kennedy, Jr. Foundation, the Kansas Association for Retarded Children, the Kansas Recreation and Park Association, Parson's Jaycees, and the four State institutions for the mentally retarded, the first Kansas Special Olympics was held at Parsons State Hospital and Training Center, May 30, 1970. Mr. Bill Blackwell and Mr. Charles Watson were appointed as codirectors. There were approximately 300 mentally retarded persons involved.

Mr. Charles Myers was named olympics director for 1971. Wichita State University was the site of the olympics for that year and there were over 600 contestants. Ethel Kennedy was a special guest at the 1971 Olympics and, along with the other dignitaries and sports figures, added much to the excitement of the occasion.

In the 1972 Kansas Special Olympics, over 1,200 mentally retarded young people from Kansas participated. They were held at Southwestern College in Winfield, Kans., the codirectors being Mr. Charles Myers and Mr. Charles Watson.

#### 1973 KANSAS SPECIAL OLYMPICS

In the 1973 Kansas Special Olympics there were approximately 1,500 partici-

pants. This year I was privileged to present a special trophy to the first-place winner of the Kansas Special Olympics mile run, Timothy Webb of Wichita West High School, Wichita, Kans. He ran the mile in 5:59.5.

Timothy was assisted by his coaches, but did most training on his own—running 5 miles three times a week. He had a great desire to achieve and his efforts were rewarded with a victorious mile run.

At this point I ask unanimous consent that the following list of Special Olympics' winners be inserted in the RECORD.

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

#### LIST OF WINNERS—1973 KANSAS SPECIAL OLYMPICS

##### I. SWIMMING—25-YARD FREESTYLE

Girls, age 8-9, Division IV:

1. Gina Lockhart, 46.5; Topeka Public Schools, Topeka.

Girls, age 10-12, Division IV:

1. Peggy Arnett, 33.2; Lincoln School, McPherson.

Girls, age 10-12, Division II:

1. Winnouna Lannum, 22.0; Reno Co. ARC, Hutchinson.

2. Lisa Thyfault, 25.8; Marshall Co. ARC, Marysville.

Girls, age 13-15, Division IV:

1. Mary Fritz, 22.7; Wichita Public Schools.

2. Patty Cooke, 23.2; Lakemary, Paola.

3. Rose Todd, 26.5; Wichita Public Schools.

Girls, age 13-15, Division III:

1. Loretta Fitzgerald, 22.2; Dodge City ARC, Dodge City.

Girls, age 13-15, Division II:

1. Dana Lamb, 20.0; Topeka ARC, Topeka.

2. Patty Tharp, 22.0; Reno Co. ARC, Hutchinson.

Girls, aged 13-15, Division I:

1. Eileen Fagan, 19.7; Lakemary, Paola.

Girls, age 16-18, Division III:

1. Jan Hixon, 23.3; Lakemary, Paola.

2. Janice Sovorns, 28.8; Kansas City ARC, Kansas City.

3. Shawn Green, 28.9; Parsons State Hosp., Parsons.

Girls, age 16-18, Division IV:

1. R. Brown, 33.8; Dodge City ARC, Dodge City.

2. Nancy Schroeder, 35.8; Lakemary, Paola.

3. Margaret Davidson, 40.3; Lakemary, Paola.

Girls, age 16-18, Division II:

1. Martha Opat, 20.0; McPherson Co. ARC, McPherson.

2. Sharon Spaulding, 21.8; Kansas City ARC, Kansas City.

3. Mary Yardley, 24.8; Parsons St. Hosp., Parsons.

Girls, age 16-18, Division I:

1. Junella Stoops, 17.9; Wichita Public Schools.

Girls, age 19+, Division IV:

1. Linda Reid, 29.0; Winfield St. Hosp., Winfield.

2. Hope Allen, 30.1; Topeka ARC, Topeka.

Girls, age 19+, Division III:

1. Joanne Wheat, 26.0; Winfield St. Hosp., Winfield.

2. Kathy Vanderver, 26.6; Winfield St. Hosp., Winfield.

##### II. SWIMMING—50-YARD FREESTYLE

Girls, age 16-18, Division IV:

1. Cheryl Walsh, 36.5; Johnson Co. MR.

1. Jan Hixon, 57.3; Lakemary, Paola.

Girls, age 16-18, Division I:

1. Junella Stoops, 49.3; Wichita Public Schools.

## III. SWIMMING—25-YARD BACKSTROKE

Girls, age 10-12, Division I:

1. Virginia Silas, 30.4; Reno Co. ARC, Hutchinson.

Girls, age 13-15, Division I:

1. Patty Tharp, 24.8; Reno Co. ARC, Hutchinson.

Girls, age 16-18, Division IV:

1. Sharon Spaulding, 27.5; Kansas City ARC, Kansas City.

2. Nancy Schroeder, 35.8; Lakemary, Paola.

3. Margaret Davidson, 50.5; Lakemary, Paola.

Girls, Age 19+, Division I:

1. Chris Grothuson, 55.2; Emporia.

Girls, age 19+, Division II:

1. Hope Allen, 34.1; Topeka ARC, Topeka.

## IV. SWIMMING—100-YARD FREESTYLE RELAY

1. Nancy Schroeder, Patty Cooke, Jan Hixon, Eileen Fagan, 1:44.2; Lakemary, Paola.

## V. SPECIAL SWIM

1. Marilyn Weinhold, 30.0; Winfield State Hospital, Winfield.

## VI. SWIMMING—25-YARD FREESTYLE

Boys, age 8-9, Division I:

1. Mark Hedburg, 28.1; Lincoln School, McPherson.

Boys, age 8-9, Division II:

1. Duane Fielder, 34.1; Lincoln School, McPherson.

Boys, age 10-12, Division IV:

1. Brady Cole, 26.5; Reno Co. ARC, Hutchinson.

Boys, age 10-12, Division III:

1. Rick Huff, 26.0; Lincoln School, McPherson.

2. Ronnie Robinson, 28.2; McPherson Co. ARC, McPherson.

Boys, age 10-12, Division II:

1. Tim Gillard, 21.5; Lincoln School, McPherson.

Boys, age 10-12, Division I:

1. Russell Burdette, 18.0; Emporia.

2. Donald Huff, 18.9; McPherson Co. ARC, McPherson.

3. Randy Porter, 20.0; Reno Co. ARC, Hutchinson.

Boys, age 13-15, Division IV:

1. Jamie Oliver, 36.3; Derby.

2. Jimmy Smith, 53.1; Peru.

Boys, age 13-15, Division III:

1. Norman Korbe, 15.0; McPherson Co. ARC, McPherson.

2. Curtis Balzer, 18.1; McPherson Co. ARC, McPherson.

3. David Davidson, 20.0; McPherson Co. ARC, McPherson.

Boys, age 13-15, Division II:

1. Rocky Cole, 15.6; Reno Co. ARC, Hutchinson.

2. Nelson Taylor, 17.0; Lakemary, Paola.

3. Billy Davis, 22.5; Reno Co. ARC, Hutchinson.

Boys, age 13-15, Division I:

1. Dwight Asher, 19.6; Wichita Public Schools.

Boys, age 16-18, Division IV:

1. Ronnie Huff, 17.1; McPherson Co. ARC, McPherson.

2. Curtis Allen, 21.5; Derby.

3. Dick Spaulding, 24.4; Kansas City ARC, Kansas City.

Boys, age 16-18, Division III:

1. Michael Wade, 16.4; Parsons St. Hosp., Parsons.

2. Danny Goves, 19.6; Lakemary, Paola.

3. Jackie Crump, 21.0; Parsons St. Hosp., Parsons.

Boys, age 16-18, Division I:

1. David Knott, 14.5; Wichita Public Schools.

Boys, age 16-18, Division II:

1. Robert Carey, 15.3; Parsons St. Hosp., Parsons.

2. Rick Schultz, 16.1; Lakemary, Paola.

3. Carl Akin, 16.6; Parsons St. Hosp., Parsons.

## Boys, age 19+—Division II:

1. Fred McKinnis, 22.6; KNI, Topeka. Jerry Neilhaus 22.6; Topeka ARC, Topeka.

2. Donny Anders, 25.7; Topeka ARC, Topeka.

3. George Custenborder, 25.8; Topeka ARC, Topeka.

## Boys, age 19+—Division II:

1. Rick Phares, 17.0; Lakemary, Paola.

2. Roland Stielow, 18.5; Emporia.

## Boys, age 19+—Division III:

1. Craig Frazier, 16.6; Jo. Co. MR Center, Overland Park.

2. Ben Bearly, 19.1; Jo. Co. MR Center, Overland Park.

3. Ray Shellor, 22.8; Norton St. Hosp., Norton.

## VIII. SWIMMING—50-YARD FREESTYLE

Boys, age 13-15, Division I:

1. Norman Korbe, 45.5; McPherson Co. ARC, McPherson.

2. Dwight Asher, 45.7; Wichita Public Schools.

## Boys, age 16-18, Division III:

1. Danny Goves, 43.7; Lakemary, Paola.

2. Dennis Pointelin, 46.9; Kansas City ARC, Kansas City.

3. Jackie Crump, 47.0; Parsons St. Hosp., Parsons.

## Boys, age 16-18, Division II:

1. Tom Svenram, 36.9; McPherson ARC, McPherson.

2. Mike Haynes, 37.3; Holy Family, Wichita.

## Boys, age 16-18, Division I:

1. Glen Underwood, 33.5; Holy family, Wichita.

2. Carl Akin, 43.0; Parsons St. Hospital, Parsons.

## Boys, age 19+, Division IV:

1. Larry Herman, 58.6; Emporia.

2. Roy Stielow, 107.5; Emporia.

## Boys, age 19+—Division III:

1. Robert Jones, 55.0; Emporia.

2. Fred McKinnis, 59.8; KNI, Topeka.

## Boys, age 19+—Division II:

1. Ray Shellor, 50.2; Norton St. Hospital, Norton.

## IX. SWIMMING—25-YARD BACKSTROKE

Boys, age 10-12, Division IV:

1. Mark Shipley, 39.5; Reno Co. ARC, Hutchinson.

## Boys, age 13-15, Division III:

1. Curtis Balzer, 21.8 McPherson Co. ARC, McPherson.

## Boys, age 13-15, Division IV:

1. Rick Janssen, 20.8, McPherson ARC, McPherson.

## Boys, age 16-18, Division II:

1. Michael Wade, 23.1 Parsons St. Hospital, Parsons.

## Boys, age 16-18, Division I:

1. Robert Carey, 19.4, Parsons St. Hospital, Parsons.

2. Rick Schultz, 19.8; Lakemary, Paola.

3. Rick Phares, 22.0; Lakemary, Paola.

## Boys, age 19+—Division I:

1. John Wright, 30.7; Emporia.

## Boys, age 19+—Division II:

1. Lon Swenson, 32.0; Emporia.

## X. SWIMMING—50-YARD FREESTYLE RELAY

Boys, age 10-12, Division II:

1. Randy Porter, 47.6; Reno Co. ARC, Hutchinson.

## Boys, age 13-15, Division III:

1. Nelson Taylor, 41.5; Lakemary, Paola.

## XI. SWIMMING—100-YARD FREESTYLE RELAY

1. Rick Schultz, 1:09; Rick Phares, Danny Goves, Nelson Taylor; Lakemary, Paola.

1. Jackie Crump, 1:09; Mike Wade, Robert Carey, Carl Aikins, Parsons St. Hosp., Parsons.

2. David Davidson, 1:10; Curtis Blazer, Norman Korbe, Rick Janssen, McPherson ARC, McPherson.

3. Tom Svenram, 1:14; Ronnie Huff, Miles

Hoffman, Reyn Redger, McPherson ARC, McPherson.

## XII. SWIMMING—SPECIAL SWIM

1. Pat Underwood, 2:20; Norton St. Hosp., Norton.

## I. BOWLING—MALE

Boys, age 8-9, Division I:

No entries.

Boys, age 8-9, Division II:

1. Gordon Barr, 252; Saline Co. ARC, Salina.

2. Lyle Stephens, 221; Salina Co. ARC, Salina.

Boys, age 10-12, Division I:

1. Zoltan Csendes, 312; Reno Co. ARC, Hutchinson.

2. Ricky Wallace, 298; Reno Co. ARC, Hutchinson.

3. Jim Keller, 282; Saline Co. ARC, Salina.

Boys, age 10-12, Division II:

1. Kelley Minks, 609; Pratt.

2. Bill Erdman, 314; Pratt.

3. Harold Brooks, Jr., 310; Peabody.

Boys, age 13-15, Division I:

1. Dennis Knott, 592; Wichita Public Schools.

2. Ricky Purvis, 582; Reno Co. ARC, Hutchinson.

3. Mike Montgomery, 569; Topeka ARC, Topeka.

Boys, age 13-15, Division II:

1. Steven Jansen, 605; Pratt.

2. Wayne Bishop, 603; Pratt.

3. Kevin O'More, 580; Pratt.

Boys, age 16-18, Division I:

1. Leonard Arveson, 603; Junction City.

2. David Knott, 590; Wichita Public Schools.

3. Ray Schmeidler, 582; Wichita Public Schools.

Boys, age 16-18, Division II:

1. Dick Spaulding, 631; Kansas City ARC, Kansas City.

2. Wesley Stiner, 598; Emporia.

3. Mike Okeson, 585; Atwood.

Boys, age 19+—Division I:

1. Clifford Harger, 665; Lenexa.

2. Gailen Furman, 612; Reno Co. ARC, Hutchinson.

3. Donald Puckett, 604; Lenexa.

Boys, age 19+—Division II:

1. Loy Harper, 611; Topeka ARC, Topeka.

2. Raymond Davis, 611; Saline Co. ARC, Salina.

3. Ivan Lutz, 571; Saline Co. ARC, Salina.

## II. BOWLING—FEMALE

Girls, age 8-9, Division II:

1. Grinda Stout, 222; Pratt.

Girls, age 10-12, Division II:

1. Linda Mason, 277; Junction City.

2. Brenda Spunaugle, 253; Saline Co. ARC, Salina.

3. Jacque Shelman, 246; Pratt.

Girls, age 13-15, Division I:

1. Teresa Walker, 610; Wichita.

2. Laura Griswold, 522; Holy Family, Wichita.

3. Anne Marie Gravatt, 511; Saline Co. ARC, Salina.

Girls, age 13-15, Division II:

1. Debbie Stout, 566; Pratt.

2. Debbie Presley, 562; Junction City.

3. Mary E. Fritz, 560; Wichita Public Schools.

Girls, age 16-18, Division I:

1. Connie Avers, 600; Reno Co. ARC, Hutchinson.

2. Sue Clark, 593; Reno Co. ARC, Hutchinson.

3. Donna Harvey, 575; Reno Co. ARC, Hutchinson.

Girls, age 16-18, Division II:

1. Clara Rush, 596; Wyandotte Co. ARC, Kansas City.

2. Janice Sovorns, 543; Kansas City ARC, Kansas City.  
 3. Deborah Johnson, 540; Saline Co. ARC, Salina.  
 Girls, age 19+, Division I:  
 1. Debbie Reed, 633; Reno Co. ARC, Hutchinson.  
 2. Margaret Ash, 606; Saline Co. ARC, Salina.  
 3. Susan Baker, 604; Wichita.  
 Girls, age 19+, Division II:  
 1. Jane Knight, 596; Wichita.  
 2. Marilyn Quested, 582; Saline Co. ARC, Salina.  
 3. Kathleen Hughes, 579; Saline Co. ARC, Salina.

**I. SKATING—MALE (SPEED)**  
 Boys, age 10–12, 330 yard:  
 1. Mike Sweger, 48.6; Wichita Public Schools.  
 Boys, age 13–15, 440 yard:  
 1. Danny Moss, 1:14.0; Topeka Public Schools.  
 2. Frank Lander, 1:20.9; Holy Family, Wichita.  
 3. Jeff Chairs, 1:22.4; Wichita.  
 Boys, age 16–18, 660 yard:  
 1. Jack Gurley, 1:41.4; Holy Family, Wichita.  
 2. Jim Read, 3:13.2; KNI, Topeka.  
 3. Jim Chapman, 3:54.0; KNI, Topeka.  
 Boys, age 19+, 660 yard:  
 1. Randall Buchanan, 2:09.0; Norton St. Hosp., Norton.  
 2. Steve Collins, 2:09.6; Winfield.

**II. SKATING—FEMALE (SPEED)**  
 Girls, age 10–12, 330 yard:  
 1. Shirley Dean, 1:10.9; Wichita Public Schools.  
 2. Kim Smith, 1:12.1; Wichita Public Schools.  
 3. Loretta Eves, 1:22.7; Rice Co. Special Ed.  
 Girls, age 13–15, 440 yard:  
 1. Janet Walker, 1:12.6; Wichita Public Schools.  
 2. Teresa Walker, 1:18.8; Wichita Public Schools.  
 3. Sheryl Weast, 1:39.0; Wichita Public Schools.  
 Girls, age 16–18, 660 yard:  
 1. Connie Christie, 2:23.0; Pratt.  
 2. Brenda Taylor, 2:39.1; Wichita Public Schools.  
 Girls, age 19+, 660 yard:  
 1. Ruth Lange, 2:38.1; Winfield.

**III. SKATING—MALE (LIMBO)**  
 Boys, age 10–12:  
 1. Mike Sweger, 1' 6 3/8"; Wichita Public Schools.  
 Boys, age 19+:  
 1. Steve Collins, 2'4"; Winfield.

**Girls, age 13–15:**  
 1. Janet Walker, 1' 6 3/8"; Wichita Public Schools.  
 Girls, age 16–18:  
 1. Debora Miller, 1' 8 1/2"; Wichita Public Schools.  
 2. Connie Christy 2'4"; Pratt.  
 Girls, age 19+:  
 1. Kathy Vanderver, 2'; Winfield.

**IV. TRACK—440 RELAY, FEMALE, DIVISION I**  
 1. Topeka Assoc., Retarded Children, 67.6.  
 2. Reno Co. Assoc., Retarded Children, 67.8.  
 3. So. Central Kansas, 1, 68.7.

**TRACK—440 RELAY, FEMALE, DIVISION II**  
 1. Lakemary Center, Paola, 72.7; Norton State Hosp., Norton, 72.7.  
 2. Sheldon School, Topeka, 75.2.

**II. TRACK—440 WALKING, FEMALE, DIVISION I**  
 1. Beverly Wedgewood, 3:37; Pratt.  
 2. Mary Barrett, 3:39.5; Norton St. Hosp., Norton.  
 3. Mary Vanlandingham, 3:47.3; Pratt.

**TRACK—440 WALKING, FEMALE, DIVISION II**  
 1. Bonnie Simms, 2:34.2; Emporia.

2. Marie Sullivan, 3:11.8, Winfield.  
 3. Connie Gleason, 3:36.3, Emporia.

**III. PENTATHLON—FEMALE**  
 Girls, age 13–15, Division I:  
 1. J. Thomas, 14 points.  
 2. J. Lingo, 10 points.  
 3. K. Lennon, 6 points.  
 Girls, age 16–18, Division I:  
 1. K. Baker, 5 points.  
 Girls, age 19+, Division I:  
 1. B. Altenburg, 10 points.  
 2. B. Hostettler, 5 points.

**IV. BASKETBALL FREE THROW—FEMALE**  
 Girls, age 10–12, Division III:  
 1. Beverly Hill, 2/10; Kansas City Public Schools.  
 Girls, age 13–15, Division III:  
 1. Susie Alverado, 1/10; Emporia.  
 Girls, age 16–18, Division I:  
 1. Thilts Souter, 2/10; Pratt.  
 Girls, age 19+, Division I:  
 1. Coleen Galloup, 2/10; Wichita.  
 2. Lenona Stanfield, 1/10; Norton St. Hosp., Norton.  
 Girls, age 19+, Division II:  
 1. Margaret Ash, 2/10; Saline Co. ARC, Salina.  
 2. Mary Wolfe, 1/10; Lenexa.  
 Girls, age 19+, Division III:  
 1. Carol Williams, 3/10; Winfield St. Hosp., Winfield.  
 2. Patricia Austin, 0/10, Saline Co. ARC, Salina.

**V. 2-YARD WHEELCHAIR**  
 Girls, age 8–9, Division I:  
 1. Ronada Blanchett, 32 seconds; Dodge City ARC, Dodge City.

**VI. STANDING LONG JUMP**  
 Girls, age 8–9, Division I:  
 1. Renee Kelly, 2'10 1/2"; Kansas City Public Schools.  
 2. Diane Boylen, 3'5 1/4"; Lawrence P & R.  
 3. Ruth LaMountain, 3'5 1/4".  
 Girls, age 8–9, Division II:  
 1. Debbie Fallis, 3'4 1/2"; Reno Co. ARC, Hutchinson.  
 Girls, age 8–9, Division III:  
 1. Karla Union, 3'6"; Kansas City Public Schools.  
 2. Margaret Tebbs, 2'6 1/2"; Norton U.S.D.  
 Girls, age 10–12, Division I:  
 1. Sharon Small, 6'7 1/4"; Kansas City.  
 2. Winnona Lannam, 5'9 1/2"; Hutchinson.  
 3. Jeanine Brown, 5'; Paola.  
 Girls, age 10–12, Division II:  
 1. Laurie Ewing, 5'5 1/4"; Kansas City.  
 2. Barbara Fortin, 5'4"; Wichita.  
 3. Paula Herman, 5'1"; Wichita.  
 Girls, age 10–12, Division III:  
 1. Ellen Carlson, 4'6 1/4"; Kansas City.  
 2. Diane Mable, 4'4"; Pratt.  
 3. Darlene LaMountain, 4'2"; Topeka.  
 Girls, age 10–12, Division IV:  
 1. Valerie Caddell, 4'9"; Wichita.  
 2. Roberta Hendel, 3'9"; Paola.  
 3. Lisa Jones, 3'7 1/2"; Derby.  
 Girls, age 13–15, Division II:  
 1. Opal Deal, 5'8"; Oakley.  
 2. Dianne Bayless, 5'7"; Pratt.  
 3. Beth Rogers, 5'1"; Derby.  
 Girls, age 13–15, Division I:  
 1. Dana Judge, 5'11"; Topeka.  
 2. Janell Wallace, 5'8 1/4"; Parsons.  
 3. Teresa Boone, 5'2"; Derby.  
 Girls, age 13–15, Division III:  
 1. Ramona Schmitt, 5'9"; Horace Mann, Wichita.  
 2. Betty Mackey, 5'6 1/2"; Starkley, Wichita.  
 3. Julie Wynn, 5'1 1/4"; Dodge City ARC, Dodge City.  
 Girls, age 13–15, Division IV:  
 1. Tina Forel, 3'9"; Parsons State Hosp., Parsons.  
 2. Brenda Smith, 3'1"; St. Mary's, Topeka.  
 3. Beverly Buchanan, 2'9"; Dodge City ARC, Dodge City.  
 Girls, age 16–18, Division II:

1. Elvie Pierce, 4'6 1/2"; Parsons State Hosp., Parsons.  
 2. Peggy Seeney, 4'1 1/2"; St. Mary's, Topeka.  
 Girls, age 16–18, Division III:  
 1. Pam Runer, 4'2 1/4"; Parsons State Hosp., Parsons.  
 2. Dinah Turnbull, 4'1 1/2"; St. Mary's, Topeka.  
 3. Dianna Schaich, 3'10".  
 Girls, age 16–18, Division IV:  
 1. Nancy Ashenfelter, 3'4"; Holy Family, Topeka.  
 2. Shelley Keeley, 3'1"; Dodge City ARC, Dodge City.  
 3. Shawn Green, 3'1 1/2"; Parsons State Hosp., Parsons.  
 Girls, age 19+, Division I:  
 1. Judy Kempker, 4'1 1/2"; Starkey, Wichita.  
 2. Corinna Stephenson, 4'11 1/2"; Norton.  
 3. Janet Byrd, 3'2 3/4"; KNI, Topeka.  
 Girls, age 19+, Division II:  
 1. Linda Winfrey, 4'9 1/2"; Winfield State Hosp., Winfield.  
 2. Sharon Yianakotulos, 4'6 1/2"; Winfield State Hosp., Winfield.  
 3. Nancy Barrows, 3'10 1/2"; Kansas City ARC, Kansas City.

**VII. 50-YARD DASH—FEMALE**  
 Girls, age 8–9, Division IV:  
 1. Tammy Creed, 10.2; Parsons State Hosp., Parsons.  
 2. Tena Horn, 10.5; Dodge City ARC, Dodge City.  
 3. Margaret Tebbs, 11.0; Norton USD No. 211, Norton.  
 Girls, age 8–9, Division III:  
 1. Teresa Sullivan, 9.3; Kansas City Public Schools, K.C.  
 2. Edith Pitts, 9.9; Reno Co. ARC, Hutchinson.  
 Girls, age 8–9, Division II:  
 1. Grinda Stout, 9.0; Pratt.  
 Girls, age 8–9, Division I:  
 1. Patricia Jones, 7.9; Kansas City Public Schools, K.C.  
 2. Diane Boylen, 8.3; Lawrence.  
 3. Renee Kelly, 8.7; Kansas City Public Schools, K.C.  
 Girls, age 10–12, Division I:  
 1. Jenine Brown, 7.4; Paola.  
 2. Barbara Fortin, 9.1; Wichita.  
 Girls, age 10–12, Division II:  
 1. Paula Herrman, 7.8; Hoxie.  
 2. Carolyn Bardwell, 7.9; Kansas City.  
 2. Ramona Tippins, 7.9; Kansas City.  
 2. Teresa Brown, 7.9; Reno Co., Hutchinson.  
 3. Ruth Ann Garner, 8.0; Topeka.  
 Girls, age 10–12, Division III:  
 1. Laurie Ewing, 8.1; Kansas City.  
 2. Patricia Lowery, 8.2; Kansas City.  
 3. Brenda Spunaugle, 8.6.  
 Girls, age 10–12, Division IV:  
 1. Valerie Cabbell, 7.8; Wichita.  
 2. Terri Schwalit, 8.4; Topeka.  
 3. Patricia Palmer, 8.5; Topeka.  
 Girls, age 13–15, Division I:  
 1. Marcia Tremble, 7.6; A.N.W. Coop, Yates Center.  
 2. Pam Jackson, 8.1; Topeka P.S., Topeka.  
 3. Dona Misner, 8.2; Lawrence.  
 Girls, age 13–15, Division II:  
 1. Kathy Hughes, 7.5; Parsons State Hosp., Parsons.  
 2. Terri Escudero, 7.6; Goodland H.S., Goodland.  
 2. Irene Childs, 7.6; McPherson ARC, McPherson.  
 3. Opal Deal, 7.7; Oakley.  
 Girls, age 13–15, Division III:  
 1. Barbara Private, 8.0; Wichita Enterprise Group, Wichita.  
 2. Shawna Pittle, 8.3; Topeka P.S., Topeka.  
 3. Karen Oler, 8.4; Parsons State Hospital, Parsons.  
 Girls, age 13–15, Division IV:  
 1. Brenda Stark, 7.9; McPherson ARC, McPherson.  
 2. Kathy Southerds, 8.0; Reno Co. ORC, Hutchinson.

2. Beth Rogers, 8.0; Holy Family, Wichita.  
 3. Brenda Jackson, 8.1; Topeka ARC, Topeka.  
 Girls, age 16-18, Division I:  
 1. Pam Potte, 7.9; Holy Family, Wichita.  
 2. Marie Martinez, 7.9; Reno Co. ARC, Hutchinson.  
 Girls, 16-18, Division II:  
 1. Janet Haines, 7.6; Topeka ARC, Topeka.  
 2. Pam Rumer, 7.8; Parsons State Hosp., Parsons.  
 3. Debbie Isaacs, 7.9; Dodge City ARC, Dodge City.  
 Girls, 16-18, Division III:  
 1. Mary Yardley, 7.3; Parsons State Hosp., Parsons.  
 2. Linda Schreiner, 8.2; Pratt S. C., Pratt.  
 2. Clara Rush, 8.2; Kansas City S.E., K.C.  
 3. Debra Zimmerman, 8.3; Pratt.  
 Girls, age 19+, Division I:  
 1. Betty Jones, 7.8; Norton USD, #211, Norton.  
 2. Corrina Muir, 8.6; Parsons State Hosp., Parsons.  
 3. Anette Norman, 9.0; Winfield.  
 Girls, age 19+, Division II:  
 1. Judy Leiker, 8.2; Hays Ctr. Plains ARC, Hays.  
 2. Joanne Wheat, 8.9; Winfield.  
 3. Linda Winfrey, 9.3; Winfield.  
 Girls, age 19+, Division III:  
 1. Judy Harris, 8.7; Starkey, Wichita.  
 2. Beverly Gilbert, 8.8; Starkey, Wichita.  
 3. Judy Kempker, 8.9; Starkey, Wichita.

**VIII. HIGH JUMP—FEMALE**

Girls, age 13-15, Division I:  
 1. Rose Walker, 3'10"; Horace Mann Jr. High, Wichita.  
 2. Julie Cunningham, 3'8"; Reno Co. ARC, Hutchinson.  
 3. Betty MacKey, 3'8"; Horace Mann Jr. High, Wichita.  
 Girls, age 16-18, Division I:  
 1. Jannita Ozburn, 3'10"; Wichita.  
 2. Trella Konkel, 4'1".  
 Girls, age 19+, Division I:  
 1. Sharon Yianakopoulos, 2'10"; Winfield St. Hosp., Winfield.  
 2. Carol Weatherman, 2'8"; Norton State Hosp., Norton.

**IX. 300 YARD RUN—FEMALE**

Girls, age 8-9, Division I:  
 1. Patricia Jones, 59.1; K.C. Spec. Ed., Kansas City.  
 2. Karla Union, 1:01.9; K.C. Spec. Ed., Kansas City.  
 3. Lisa Edison, 1:10.5; K.C. Spec. Ed., Kansas City.  
 Girls, age 10-12, Division I:  
 1. Sharon Small, 48.1; K.C. Spec. Ed., Kansas City.  
 2. Shirley Dean, 49.2; Levy Spec. Ed., Wichita.  
 Girls, age 10-12, Division II:  
 1. Carolyn Bardwell, 51.2; K.C. Spec. Ed., Kansas City.  
 2. Patricia Lowery, 57.3; K.C. Spec. Ed., Kansas City.  
 3. Virginia Hansen, 1:04.0; Parsons State Hosp., Parsons.  
 Girls, age 10-12, Division III:  
 1. Teresa Brown, 51.5; Reno Co. ARC, Hutchinson.  
 2. Ruth Ann Garner, 52.0; Topeka Public Schools, Topeka.  
 3. Cindy Bishop, 54.7; Holy Family Ctr., Wichita.  
 Girls, age 13-15, Division I:  
 1. Carol Dye, 47.2; Parsons State Hosp., Parsons.  
 2. Charlene Mitchell, 54.2; K.C. Spec. Ed., Kansas City.  
 3. Kathy Hamlin, 1:11.2; Parsons State Hosp., Parsons.  
 Girls, age 13-15, Division II:  
 1. Karen Oler, 57.0; Parsons State Hosp., Parsons.  
 Girls, age 13-15, Division III:  
 1. Mary Alice Dugan, 1:03.0; Parsons State Hosp., Parsons.

2. Peggy Beasley, 1:03.0; Parsons State Hosp., Parsons.  
 3. Rosemary Dorr, 1:04.4; Wyandotte Co. Spec. Ed., K.C.  
 Girls, age 13-15, Division IV:  
 1. Brenda Parker, 50.3; Enterprise Group, Wichita.  
 2. Irene Childs, 53.4; McPherson ARC, McPherson.  
 3. Linda Borrow, 56.0; Holy Family Center, Wichita.  
 Girls, age 16-18, Division I:  
 1. Janet Haines, 46.8; Topeka ARC, Topeka.  
 2. Carol Clelland, 49.0; Parsons State Hosp., Parsons.  
 3. Elvie Pierce, 53.4; Parsons State Hosp., Parsons.  
 Girls, age 16-18, Division II:  
 1. Karen Throne, 1:01.5; Parsons State Hosp., Parsons.  
 2. Melba Moran, 1:04.6; Parsons State Hosp., Parsons.  
 Girls, age 16-18, Division III:  
 1. Pam Cotts, 50.6; Holy Family Center, Wichita.  
 2. Ronda Reger, 50.7; McPherson ARC, McPherson.  
 3. Kathy Teter, 56.0; Holy Family Center, Wichita.  
 Girls, age 19+, Division I:  
 1. Corinda Muir, 57.4; Parsons State Hosp., Parsons.  
 2. Teresa Self, 58.1; Parsons State Hosp., Parsons.  
 3. Sandra Davidson, 59.0; Parsons State Hosp., Parsons.  
 Girl, age 19+, Division II:  
 1. Shirley Snodgrass, 1:03.9; KNI, Topeka.  
 2. Joan Duree, 1:10.7; Parsons State Hosp., Parsons.  
 Girls, age 19+, Division III:  
 1. Ruth Lange, 1:01.0; Winfield State Hosp., Winfield.  
 2. Karla Edge, 1:08.9; Topeka ARC, Topeka.

**X. WHEELCHAIR SOFTBALL THROW—FEMALE**

Girls, age 13-15, Division I:  
 1. R. Blanchett, 12'4"; Marion.  
 2. S. Mock, 10'11"; Lakin.  
 3. M. Brown, 7'6"; Sheldon Elem. School, Topeka.  
 Girls, age 16-18, Division I:  
 1. M. Rohrig, 10'2"; Marion.

**XI. SOFTBALL THROW—FEMALE**

Girls, age 8-9, Division I:  
 1. Ruth LaMountain, 78'2"; Sheldon Elem. School, Topeka.  
 2. Carman Smith, 50'4"; Topeka Public Schools, Topeka.  
 3. Nancy Erksin, 81'11".  
 Girls, age 8-9, Division II:  
 1. Pam Sunley, 34'5"; Hays Ctr. ARC, Hays.  
 2. Edith Tipps, 20'6"; Reno Co. ARC, Hutchinson.  
 Girls, age 10-12, Division I:  
 1. Elizabeth Luton, 100'3"; Parsons State Hosp., Parsons.  
 2. Joanne O'Donnell, 72'8"; Lake Mary Center, Paola.  
 Girls, age 10-12, Division II:  
 1. Ylonda Young, 104'5"; K.C. Spec. Ed., Kansas City.  
 2. Lydia Morgan, 84; K.C. Spec. Ed., Kansas City.  
 3. Naomi Kelly, 81'8"; K.C. Spec. Ed., Kansas City.  
 Girls, age 10-12, Division III:  
 1. Mary Lake, 47'4"; Parsons State Hosp., Parsons.  
 2. Loretta Eves, 47'1"; Rice Co. Spec. Ed., Lyons.  
 3. Ellen Carlson, 45'8"; K.C. Spec. Ed., Kansas City.  
 Girls, age 13-15, Division I:  
 1. Barbara Private, 122'11"; Wichita P.S., Wichita.  
 2. Carol Dye, 118'7 1/2"; Parsons State Hosp., Parsons.  
 3. Shawna Pittle, 115'6 1/2"; Topeka P.S., Topeka.

Girls, age 13-15, Division II:  
 1. Janelle Wallace, 106'7"; Parsons State Hosp., Parsons.  
 2. Barbara Fitzgerald, 83'7"; Dodge City ARC, Dodge City.  
 3. Kathy Hughes, 80'4 1/2"; Parsons State Hosp., Parsons.  
 Girls, age 13-15, Division III:  
 1. Cindy Klassen, 72'4 1/2"; McPherson ARC, McPherson.  
 2. Rose Todd, 62'6"; Jardine Jr. High, Wichita.  
 3. Patty Lamonds, 54'8 1/2"; Rice Co. Spec. Ed., Lyons.  
 Girls, age 13-15, Division IV:  
 1. Terri Escuero, 74'7 1/2"; Goodland High School, Goodland.  
 2. Judy Melcher, 59'11 1/2"; Topeka ARC, Topeka.  
 3. Peggy Beasley, 47"; Parsons State Hosp., Parsons.  
 Girls, age 16-18, Division I:  
 1. Brenda Taylor, 113'10"; Wichita P.S., Wichita.  
 2. Carol Clelland, 93'10"; Parsons State Hosp., Parsons.  
 3. Gail Monroe, 81'4 1/2"; Lyons.  
 Girls, age 16-18, division II:  
 1. Teena Stone, 92'4"; Pratt.  
 2. Cathy Peter, 91'7"; Holy Family Center, Wichita.  
 3. Debbie Isaacs, 88'4.5"; Dodge City.  
 Girls, age 16-18, Division III:  
 1. Rhonda Redger, 71'6"; McPherson.  
 2. Carla Aimes, 68'3"; Derby.  
 3. Dianna Schaich, 60'11"; Parsons State Hosp., Parsons.  
 Girls, age 16-18, Division IV:  
 1. Betty Neufeld, 64'8 1/2"; McPherson.  
 2. Dinah Turnbull, 50'1"; St. Mary's.  
 3. Cheryl Floop, 48'7"; Emporia.  
 Girls, age 19+, division II:  
 1. Kathy Sames, 88'3"; Winfield.  
 2. Sarah Hammond, 76'3"; Emporia.  
 3. Corinna Stephenson, 63'1"; Norton.  
 Girls, age 19+, Division I:  
 1. Susan Baker, 90'; Wichita.  
 2. Pam Greenman, 89'2"; Wichita.  
 3. Betty Jones, 84'9"; Norton.  
 Girls, age 19+, Division III:  
 1. Judy Harris, 49'3 1/2"; Wichita.  
 2. Reva Williams, 48'3"; Winfield.  
 3. Betty Miller, 42'4 1/2"; Winfield.

**XII. 440 YARD RELAY—MALE**

Boys, Division I:  
 1. Parsons State Hosp., 52.0.  
 2. Holy Family Center, 55.0.  
 3. Wichita Public Schools, 55.6.  
 Boys, Division II:  
 1. E. Topeka, 63.7.  
 2. Marshall Co. ARC, 64.0.  
 3. S. Central Kansas No. 1, 64.4.

**XIII. 440 YARD WALK—MALE**

Boys, open, Division I:  
 1. Terry Hammerschmidt, 2:19.4; Hays.  
 2. Harold Baldwin, 2:31.6; Norton.  
 3. Wesley Tuttle, 2:33.6; Hays.

**XIV. PENTATHLON—MALE**

Boys, age 13-15, Division I:  
 1. D. Thompson, 12 points.  
 2. G. McDonald, 11 points.  
 3. J. Osburn, 7 points.  
 Boys, age 16-18, Division I:  
 1. E. Johnson, 27 points.  
 2. C. Levalley, 23 points.  
 3. M. Heyen, 17 points.

**XV. WHEEL CHAIR RACE 25 YARD—MALE**

Boys, age 10-12, Division I:  
 1. Wendall Bean, 1:38.6; Winfield State Hosp., Winfield.  
 Boys, age 13-15, Division I:  
 1. Pat Kane, 18.7; Wyandotte Co. Spec. Ed., K.C.  
 2. Craig Vidrois, 53.5; Winfield State Hosp., Winfield.  
 Boys, Age 19+, Division I:  
 1. Henry Waymire, 8.3; Levy Spec. Ed. Ctr., Wichita.

2. Doc Smith, 50.3; Winfield State Hosp., Winfield.

XVI. BASKETBALL FREE THROW—MALE

Boys, age 10-12, Division I:

- Steve Smith, 4 out of 15.
- Tim Dodd, 3 out of 15.

Boys, Age 10-12, Division II:

- Kelvin Quinn, 3 out of 15.

2. Marvin Loob, 0 out of 15.

Boys, Age 13-15, Division I:

- R. Powen, 3 out of 15.
- C. Adams, 2 out of 15.

Boys, Age 13-15, Division II:

- S. Shrag, 8 out of 15.
- E. Garzio, 1 out of 15.

Boys, Age 13-15, Division III:

- R. Williams, 8 out of 15.
- S. Paine, 4 out of 15.
- M. Lopez, 4 out of 15.

Boys, Age 16-18, Division I:

- C. Duft, 2 out of 15.
- T. Dixon, 1 out of 15.
- V. Powers, 0 out of 15.

Boys, Age 16-18, Division II:

- M. Queson, 6 out of 15.
- P. Bennett, 3 out of 15.
- R. Briley, 1 out of 15.

Boys, Age 16-18, Division III:

- E. Legliefer, 6 out of 15.
- K. Warner, 4 out of 15.
- R. Baxter, 4 out of 15.

Boys, age 19+, Division I:

- J. Weishaer, 9 out of 15.
- E. Ford, 6 out of 15.
- C. Watkins, 5 out of 15.

Boys, age 19+, Division II:

- J. Miller, 9 out of 15.
- S. Kever, 5 out of 15.
- D. Brent, 4 out of 15.

Boys, age 19+, Division III:

- T. Timmons, 5 out of 15.
- D. Roseman, 5 out of 15.
- M. Crothers, 4 out of 15.

XVII. STANDING LONG JUMP—MALE

Boys, age 8-9, Division I:

- Jerry Evans, 5'0".
- Victory Ellis, 4'9".
- Doug Landon, 4'8 1/2".

Boys, age 8-9, Division II:

- Kevin Stephenson, 4'3 1/2".
- Edward Nelson, 4'3".
- Bobby Cornely, 3'11".

Boys, age 8-9, Division III:

- Phillip Moore, 4'3 1/4"; Lake Mary Center, Paola.
- Curtis Pfitzer, 2'11 1/4"; K.C. Public Schools, Kansas City.
- Byron Barnhill, 2'3 1/4"; Central Park, Topeka.

Boys, age 10-12, Division I:

- H. Shomaker, 4'10".
- J. Goudy, 4'9".

Boys, age 10-12, Division IV:

- K. Minks, 5'2".
- R. Flaming, 4'9".
- B. Jones, 4'1 1/4".

Boys, age 10-12, Division II:

- James Colby, 5'10 1/2".
- Curtis Sykes, 5'6 1/2".
- Leslie Hall, 5'5 3/4".

Boys, age 10-12, Division III:

- I. Wolfgang, 5'1 1/4".
- J. Barrett, 4'11".
- S. Brown, 4'9".

Boys, age 10-12, Division V:

- David Kellog, 5'2".
- David Cromwell, 4'4".
- Gary Walk, 4'1".

Boys, age 13-15, Division II:

- Rocky Cole, 6'2".
- Tracy Swanson, 6".
- Wave Garner, 5'7".

Boys, age 13-15, Division V:

- D. Webster, 5'1 1/4".
- P. Neely, 4'1 1/4".
- D. Shifted, 3'7 1/4".

Boys, age 13-15, Division IV:

- Ken Maurer, 5'7".
- Jim Tucker, 5".

3. Roy Clifford, 4'9".

Boys, age 16-18, Division I:

- Phil Henderson, 8'6"; Goodland.
- Richard Morris, 7'5 1/2"; Parsons State Hospital, Parsons.

3. Mark Jacobs, 7'5"; Wyandotte Co. Spec. Ed., Kansas City.

Boys, age 16-18, Division II:

- George Chambers, 5'7"; Reno Co. ARC, Hutchinson.
- Phil Dodge, 5'4"; Reno Co. ARC, Hutchinson.

3. Frank Van Hoot, 4'5"; Kansas City ARC, Kansas City.

Boys, age 16-18, Division III:

- Herman Gibson, 6'4"; Oakley Public School, Oakley.
- Burton Emery, 5'11 1/4"; Topeka Public Schools, Topeka.

3. Robert French, 5'9 1/4"; Parsons State Hospital, Parsons.

Boys, age 19+, Division I:

- A. Dwire, 6'11".
- R. Edelman, 6'4".
- G. McKenzie, 6'3".

Boys, age 19 plus, Division II:

- Shannon Woolsey, 6'5".
- Alain Lang, 5'8".
- Robert Jones, 5'3 1/4".

Boys, age 19 plus, Division III:

- C. Mohan, 6'.
- G. Cooper, 5'10".
- R. Brooks, 5'2".

Boys, age 19 plus, Division IV:

- Donald Puckett, 4'11".
- Ken Goodwin, 4'9 1/2".
- Bill Young, 4'7".

XVIII. 50 YARD DASH—MALE

Boys, age 8-9, Division I:

- Victor Ellis, 8.0.
- David Hilt, 8.3.
- Phil Moore, 8.4.

Boys, age 8-9, Division II:

- Daren Henderson, 8.6.
- Jerry Reed, 8.7.
- David Mackie, 8.8.

Boys, age 8-9, Division III:

- Robert Parker, 8.3.
- Ronnie Jenson, 9.5.
- Galen Kern, 9.7.

Boys, age 10-12, Division I:

- Mike Smith, 7.3.
- Kelvin Johnson, 7.4.
- Felix Wilson, 7.4.

Boys, age 10-12, Division III:

- Ricky Overbaugh, 7.5; K.C. Public Schools, Kansas City.
- Anthony Wilson, 7.7; K.C. Public Schools, Kansas City.
- Leroy Sovorns, 7.8; K.C. Public Schools, Kansas City.

Boys, age 13-15, Division I:

- Dennis Day, 6.6.
- Emanual Young, 7.0.
- Keith Hearn, 7.2.

Boys, age 13-15, Division II:

- Jack Hall, 6.9.
- Rudy Thomas, 7.0.
- Lee Rodgers, 7.0.

Boys, age 13-15, Division III:

- Lamel Adams, 7.3.
- Ronnie Marshall, 7.4.
- Wave Garner, 7.5.

Boys, age 13-15, Division IV:

- Mark Gillette, 6.6.
- Rick Jonssen, 6.8.
- Don Crewley, 7.3.

Boys, age 16-18, Division I:

- Phil Henderson, 5.7.
- Sam Bardenaire, 6.5.
- Sandy Quinn, 6.7.

Boys, age 16-18, Division II:

- Mike McIntosh, 6.5.
- Jess Moore, 6.6.
- Robert Cotton, 6.6.

Boys, age 16-18, Division III:

- Ronnie Huff, 6.6.
- Leroy McElroy, 6.7.
- Boys, age 16-18, Division III:

1. Butch Medovich, 7.1.

1. Eddie Parks, 7.1.

2. Phillip Dodge, 7.4.

3. Steve Becker, 7.5.

3. Steve Barnhill, 7.5.

Boys, age 16-18, Division IV:

1. Dennis Pointelin, 7.2.

2. John Warner, 7.5.

3. Ben Geers, 7.7.

Boys, age 19+, Division I:

1. Arlon Waber, 7.0; KNI—Topeka.

2. Willie Joe Kennedy, 7.1; KNI—Topeka.

3. James Ulery, 7.2; Winfield.

Boys, age 19+, Division II:

1. Daniel Watkins, 6.9; Plainville.

2. Ernest Ford, 7.1; Lenexa.

3. Bobby Heard, 7.2; Norton.

3. James Loranze, 7.2; Starkey-Wichita.

3. David Boese—Parsons.

Boys, age 19+, Division III:

1. Avon Smith, 7.0; Newton.

2. Jesse Graham, 7.3; Winfield.

3. Doug Scarbrough, 7.7; Topeka ARC—Topeka.

XIX. HIGH JUMP—MALE

Boys, age 13-15, Division I:

1. Mark Gillette, 4'9"; Wichita Public Schools, Wichita.

2. Rudy Thomas, 4'6"; Wichita Public Schools, Wichita.

3. Sonny Mackey, 4'6"; Wichita Public Schools, Wichita.

Boys, age 16-18, Division I:

1. Jerome Banks, 5'8 1/2".

2. Billy Van Campen, 5'4".

3. Raymond Schmeidler, 5'4".

XX. 300-YARD RUN—MALE

Boys, age 8-9, division I:

1. Leonard Thomas, 54.0; K.C. Spec. Ed., Kansas City.

2. David Hilt, 59.5; Reno Co. ARC, Hutchinson.

3. Donnie Luton, 59.7; Parsons State Hosp., Parsons.

Boys, age 8-9, Division II:

1. David Mackie, 69.0; K.C. Spec. Ed., Kansas City.

Boys, age 8-9, Division III:

1. Robert Parker, 54.0; Levy Spec. Ed. Center, Wichita.

2. Reginald Sipple, 54.9; K.C. Spec. Ed., Kansas City.

3. Augustine Gomez, 1:04.1; K.C. Spec. Ed., Kansas City.

3. Terry Couston, 1:04.1; Whitson Elem. Scho., Topeka.

Boys, age 10-12, Division I:

1. Felix Wilson, 46.7.

2. Ronnie Wilson, 51.8.

Boys, age 10-12, Division II:

1. Alrick Braxton, 47.8.

2. Mark Mansker, 50.2.

3. David Cope, 50.5.

Boys, age 13-15, Division I:

1. Alonzo Smith, 44.0; Parsons State Hosp., Parsons.

2. Darrin Seeger, 57.9; Reno Co. ARC, Hutchinson.

3. Bill Bradfield, 105.8; Lake Mary Center, Paola.

Boys, age 13-15, Division II:

1. Greg Manning, 42.7; Truesdell, Wichita.

2. Sean Rork, 43.3; Topeka ARC, Topeka.

3. Ronnie Marshall, 43.5; Parsons State Hosp., Parsons.

Boys, age 13-15, Division III:

1. Ken Carson, 41.5.

2. Charles Quinn, 46.1; Wyandotte Spec. Ed., Kansas City.

3. Micky Algaler, 46.4; Parsons State Hosp., Parsons.

Boys, age 13-15, Division IV:

1. Lee Rogers, 42.6; Oakley.

2. Ronnie Bennett, 43.7; Topeka Public Schools, Topeka.

3. Ricky Powers, 44.0; Sedan, Boys, age 16-18, Division I: 1. Robert Edwards, 39.8. 2. George Chambers, 40.9. 3. Carl Tull, 41.2. Boys, age 16-18, Division II: 1. Robert Cotton, 40.2. 2. Bob Horesky, 40.3. 3. Sandy Quinn, 41.4. Boys, age 16-18, Division III: 1. Joell Gurley, 40.1. 2. Tim Beckwith, 40.4. 3. Tom Suenram, 40.9. Boys, age 19+, Division I: 1. Larry Beverly, 46.2; Norton State Hosp., Norton. Boys, age 19+, Division II: 1. David Boese, 42.0; Parsons State Hosp., Parsons. 2. Arlan Weber, 48.6; KNI, Topeka. 3. Rodney Hughey, 49.9; KNI, Topeka. Boys, age 19+, Division III: 1. Robert Murphy, 42.5; Shannon, Emporia. 2. Terry Thomas, 45.0; Hays ARC, Hays. 3. Steve Bulk, 46.0; Topeka ARC, Topeka. Boys, age 19+, Division IV: 1. H. Morris, 48.0; Topeka ARC, Topeka. 2. Jerry Snook, 49.5; Shannon, Emporia. Boys, age 19+, Division III: 1. Bobbie Johnson, 43.6; Norton State Hosp., Norton. 2. Mike Cowell, 44.1; Norton State Hosp., Norton. 3. Bobbie Heard, 45.9; Norton State Hosp., Norton. Boys, age 19+, Division IV: 1. Chuck Alexander, 102; Norton State Hosp., Norton.

## XXI. SOFTBALL THROW—MALE

Boys, age 8-9, Division I: Mark Hedberg, 88'8 1/2". 2. D. Feilder, 83'10". Boys, age 8-9, Division II: 1. R. Jensen, 78'11". 2. J. Reed, 76'7". 3. G. Addis, 70'11". Boys, age 8-9, Division III: 1. G. Illiard, 104'8". 2. G. Kern, 97'2". 3. J. Bouton, 76'2". Boys, age 8-9, Division IV: 1. Ricky Castetter, 53'1 1/4". 2. Mike Werth, 48'1 1/4". 3. Curtis Pfister, 38'9 1/4". Boys, age 10-12, Division I: 1. Kelvin Johnson, 159'5"; Parsons State Hosp., Parsons. 2. Mark Mansket, 154'1"; K.C. Public Schools, Kansas City. 3. Anthony Wilson, 142'2 1/2"; K.C. Public Schools, Kansas City. Boys, age 10-12, Division II: 1. George Blerthaler, 123"; S. Central Ks. Spec. Ed., Pratt. 2. Leonard Duncan, 111'1"; Topeka Public Schools, Topeka. 3. David Cope, 109'6"; Derby. Boys, age 10-12, Division III: 1. Donnie Ballman, 107'10"; Marshall Co. ARC, Marysville. 2. Mike Barrett, 99'10"; Reno County ARC, Hutchinson. 3. Darrell Grove, 96'5"; Norton Schools, Norton. Boys, age 10-12, Division IV: 1. Bill Erdman, 96'2 1/2"; Pratt. 2. Galen Perting, 91'10"; Marshall Co. ARC, Marysville. 3. Cedrick Pletger, 89'4"; K.C. Public Schools, Kansas City.

Boys, age 13-15, Division I:

1. C. Morris, 209'11 1/2". 2. D. Pierce, 183'6 1/2". 3. A. Smith, 175'1 1/2".

Boys, age 13-15, Division II:

1. T. Butcher, 147". 2. D. Knott, 145'10". 3. K. Aden, 143'1".

Boys, age 13-15, Division III:

1. Loyd Allen, 135'3". 2. V. Ratzloff, 128'3". 3. D. Simmons, 113'9". Boys, age 13-15, Division IV:

1. Dan Clair, 130'11 1/4"; Industrial Rehab., Lenexa.

2. Keith Hilliard, 119'9"; Peabody U.S.D., Peabody.

3. Kenneth Maurer, 115'7"; Oakley Public Schools, Oakley.

Boys, age 16-18, Division I:

1. J. Banks, 240'7"; Parsons State Hospital, Parsons.

2. Billy Vancampen, 237'4"; Reno Co. ARC, Hutchinson.

3. Richard Morris, 231'3"; Parsons State Hospital, Parsons.

Boys, age 16-18, Division II:

1. Reynolds Redger, 166'4"; McPherson.

2. Bob Horesky, 157'5"; Norton P.S., Norton.

3. Rodger Kraft, 151'5"; Parsons State Hosp., Parsons.

Boys, age 16-18, Division III:

1. Clarence Catt, 125'5 1/2"; Topeka P.S., Topeka.

2. Curtis Allen, 115'2 1/4"; Derby.

3. Frank Van Hoet, 108'11"; K.C. ARC, Kansas City.

Boys, age 19 plus, Division I:

1. Dave Saunstaire, 190'.

2. Jack Gore, 174'10".

3. Joe Petry, 143'7".

Boys, age 19 plus, Division II:

1. Tom Burch, 170'.

2. Jim Lorance, 142'4".

3. Merrill Maddy, 137'.

Boys, age 19 plus, Division III:

1. Billy Ray Young, 119'5".

2. Paul Pool, 116'8".

3. Claude McGee, 114'1".

Boys, age 19 plus, Division IV:

1. David Kever, 93'.

2. Larry Moler, 90'.

3. Thomas Patterson, 77'.

## XXII. WHEEL CHAIR SOFTBALL THROW—MALE

Boys, age 10-12, Division I:

1. W. Bean, 8'1"; Sheldon Elem. School, Topeka.

Boys, age 13-15, Division I:

1. C. Vidrois, 21'5"; Goodland.

2. P. Kane, 12'0"; Lakin.

Boys, age 19 plus, Division I:

1. D. Smith, 5'6"; Lakin Grade School, Lakin.

## XXIII. MEN'S BOWLING

Boys, age 19+, Division I:

1. Henry Waymire, Top Score, Wichita.

## XXIV. BOYS MILE RUN—MALE

Boys, age 19+, Division I:

1. Timothy Webb, 5:59.5; Wichita High West, Wichita.

2. James Ulery, 6:07.2; Winfield.

3. Jerry Foster, 6:24.9; Marshall Co. ARC, Marysville.

Mr. DOLE. Mr. President, a great deal of effort went into making the 1973 Kansas Special Olympics a success. I commend all those who participated and who volunteered their services.

## THE DROUGHT IN AFRICA

Mr. HUMPHREY. Mr. President, today the Africa Subcommittee held hearings on the catastrophic drought in West Africa.

The subcommittee examined the human and economic dimensions of the crisis, the adequacy of international relief assistance and the effectiveness of international coordination in this relief effort. We were greatly reassured by the testimony of Mr. David D. Newsom, Assistant Secretary of State for African

Affairs and Mr. Donald S. Brown, Deputy Assistant Administrator, Bureau of Africa, Agency for International Development.

I am pleased that State Department, AID, and the Department of Agriculture are working on this serious problem. However, it appears from the testimony today that the crisis is growing more and more severe and that a significant increase in assistance may soon be necessary.

It will also take massive long-term assistance to enable these extremely poor countries to recover from 4 years of drought.

I want the administration to know that I will be following this matter closely to make sure we are doing our part in the relief and revitalization of these areas.

Mr. President, I ask unanimous consent that my opening statement, the statements of Mr. Newsom and Mr. Brown, and William Raspberry's article from today's Washington Post on this issue be printed in the RECORD.

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

## OPENING STATEMENT OF SENATOR HUBERT H. HUMPHREY

Six nations in West Africa are suffering a catastrophic drought.

The situation there has been described by U.N. Secretary-General Waldheim as "every bit as serious as the famine situation in Bangladesh last year."

We have seen the pictures of suffering and devastation.

We have been told of starving migrants in search of food, their animals and crops dead. We have read the statistics of economic disaster in six of the poorest countries of the world. Together, they tell a story as tragic as any of the disasters of the past decade.

First, let us look at the human dimensions of the crisis.

The FAO fact-finding team estimated that at least five and possibly ten million people are threatened by starvation—that two million could face starvation in the next few weeks.

There are between 25 and 30 million people living in this area. Even in the best of times, many of them live on the edge of starvation. Now, further weakened by the food shortage, they are highly vulnerable to epidemics such as the current outbreaks of measles.

Many of these people live in areas which are extremely hard to reach under the best conditions. The rains which started this month will make these areas totally inaccessible to ground transport. Unless some other way is found of getting food to the inhabitants, millions will die of starvation.

Thousands of people have left their homes in search of food and water. Whole villages have been deserted—or left to the care of those too weak to travel. Villages have become cities overnight, bordered by starving migrants waiting to be fed.

Migrations of people and cattle have caused overgrazing in the areas where there is still water and violent clashes between the owners of the land and the newcomers.

Farmers have left their lands and will not return in time to plant crops for the next harvest—even if the rains do return to their normal level. The hunger will continue.

Second, the economic dimension:

These countries, whose economies are primarily agricultural and pastoral, have suffered four years of drought. Rainfall this year was in some countries only 30% of its

normal level. The wells have dried up in many areas. The rivers did not flood. The salt content of inland waters is unusually high. Lake Chad, the richest fishing lake in the world, has shrunk to  $\frac{1}{3}$  its normal size.

Depending on the country, between 33% and 80% of the cattle have died.

The zebu cattle that remain have been moved south into areas ridden with diseases to which they have no immunity.

Every attempt is made to slaughter cattle before they die; but meat smoking and storage facilities are inadequate. Most of the meat goes to waste.

It will take years to rebuild the herds—and will require healthy breeding stock which does not now exist. Calves compete with starving people for milk. Pregnant cows are slaughtered by owners who need money to live.

Farmers have planted as many as seven times without harvesting a single crop. Production of the basic food crops and the export crops needed to import food has fallen by thirty to eighty percent.

Food reserves in these countries are completely exhausted.

Government revenues and foreign exchange reserves have fallen drastically.

With normal per capita incomes of \$60 to \$100, these countries have nowhere near the resources to deal with this crisis—let alone rebuild their economies when it is over.

Despite these tragic dimensions, this has been a "quiet crisis."

Not so dramatic as an earthquake or a civil war and occurring in an area of minor political importance, it went unnoticed until much of the damage was done.

It isn't that there was no warning. Four years of drought in some of the poorest countries in the world—countries where the majority of the population barely subsisted on what they produced in a good year—should have been warning enough.

But it was not until February, 1973, when food reserves were exhausted and people already starving, that these countries asked for relief assistance.

It was not until March that an international relief mechanism was established through the FAO.

International and bilateral emergency relief institutions must share the blame for this tragic delay. They are set up to move in once a catastrophe has occurred, when thousands of lives have already been lost. They must be made more sensitive to avoidable catastrophes. They must develop the capacity to foresee food shortages and to begin relief efforts before it is too late.

The central tragedy of this crisis is that much of the suffering could have been avoided.

The central purpose of this hearing is to make certain that this catastrophe is no longer played down or overlooked—and that this kind of unnecessary suffering does not recur in this part of the world or any other.

It is my hope that our witnesses will be able to assess realistically the short and long range needs of the stricken area.

We will want to examine the need for an early warning system to predict food shortages, for better transport facilities, for improving water resources, for rebuilding herds, for restoring crop production and for reclaiming land taken over by the desert.

We will also want to assess the adequacy of world food reserves for meeting such crises and the effectiveness of international mechanisms for relief coordination.

Finally, we must look at the contribution multilateral and bilateral assistance should make to increasing the productivity of the poorest people in the poorest areas. I believe that bringing these people into the development process could minimize the threat of famine.

A number of proposals have been made for restoring this area to economic health.

I hope our witnesses will evaluate these proposals.

The Subcommittee must then determine what role the United States should play in the relief of human suffering and in the task of economic revitalization in these six countries.

STATEMENT BY DAVID D. NEWSOM

Mr. Chairman, I am most grateful for the opportunity to discuss the disastrous effects of the worst drought in this century in several West and Central African states, a geographic zone called the Sahel. The disaster has not had the dramatically sudden impact of an earthquake, a tidal wave or a flood but it is nonetheless a true disaster: famine and misery face millions of persons. Because the effects of the drought have been creeping, world attention has not focused on it until recently.

The countries thus far most seriously affected are Mauritania, Senegal, Mali, Upper Volta, Niger and Chad. Neighboring states have been hurt as well but to a lesser extent. We enjoy excellent relations with all of these governments. Over a period of years, we have worked with them on the problems of their economic development. Trust and confidence mark these efforts. Several years of unusual dryness capped by a severe drought this past year have brought large expanses in this region to the edge of disaster.

On November 2, 1972, we drew the attention of high level authorities of our own government to the seriousness of the problem which was developing, and later that month inter-agency efforts began to deal with the problem. Our response, which my colleague Don Brown will present in detail, springs from fundamental humanitarian considerations as well as our friendly relations with these admirable people. What many Americans do not realize is that from the earliest middle ages until the coming of the European colonizers this area of Africa was the home of great kingdoms which flourished on world trade. In the fourth century AD the Kingdom of Ghana which spread into the Sahel zone was already a rich and powerful state. In the middle ages, the University of Timbuctu in the Kingdom of Mali was renowned as one of the world's great centers of learning. Tides of history shift and modern history left these kingdoms behind, so that poverty and illiteracy predominate today and the countries stricken by this drought are, under the best of circumstances, among the economically poorest in the world, by all the usual standards of judgment, such as gross national product and per capita annual income. The latter would scarcely average \$100. They remain, however, proud and self-reliant people.

Approximately 25 million people inhabit the six countries which I have mentioned above. Most of the population is rural and has been affected by the drought. Farmers, herders and nomads have seen their crops fail; forage disappear, wells dry up, and their livestock suffer and, in serious proportion, die. The way of life for millions has been severely dislocated. We do not have firm evidence that actual starvation has yet caused the death of significant numbers of people, but in this vast area solid statistics are hard to obtain. It is clear from all reports that hunger and malnutrition are widespread and will grow. The drought has thus struck heavily at the resource base of these nations. Moreover, commercial crops such as peanuts in Senegal and cotton in Mali have been greatly reduced. Thus, the local food base has been greatly diminished, exports have fallen, foreign exchange reserves reduced, and the entire productive framework weakened.

Preoccupying as well to the area's leaders is a grave fiscal threat; tax collections based on agriculture have dropped drastically. In some instances it has been necessary simply to waive tax obligations of the hard-hit farm-

ers and herders. This will have serious repercussions on the total economy of each of these countries.

There has been an energetic response from the donor community. US efforts to provide food and other forms of assistance have thus far surpassed twenty million dollars. The European Community has had a more important role, a leadership role, which is appropriate in view of the many ties which it has with the region. Also participating are the USSR, The People's Republic of China, Saudi Arabia, Japan, several neighboring African nations, and others. UN Secretary General Waldheim, deeply concerned by the situation, designated Director General Boerma of the FAO to coordinate donor activities and has appealed to the US and other donors for more help.

Recipient governments have been deeply grateful for US assistance thus far rendered. For example, the Senegalese Government has publicly acknowledged its thanks. Ambassadors from the area, who are here today, have told me personally of their gratitude. And President Diori of Niger has written President Nixon stating in part:

"I wish to express to you, on behalf of my government, that of the people of Niger and of myself personally, our profound gratitude for the extent, effectiveness and speed of the various forms of assistance which the United States has willingly given Niger for the relief of its suffering people."

"Since the nutritional equilibrium in Niger can hardly be re-established before October, we must continue to rely on international cooperation, notably that of the friendly Government of the United States."

While the foregoing may appear to be an impressive response to a human tragedy, it is not enough. The next few weeks are critical, as the rainy season begins in this area and the need to plant crops recurs. The farmers must be strong enough to plant, tend, and eventually harvest their crops. In many areas the ablebodied must be returned to their normal settlements to carry out the planting. Feeding assistance must continue through the rainy season until harvests begin in September and October, and thereafter, a major rehabilitation effort must be undertaken. Herds must be reconstituted, grazing areas restored, water sources re-established and a dispirited population encouraged to go on.

To review rehabilitation needs of the months and years ahead, the United Nations has called for a conference in Geneva at the end of June. From this meeting and from the needs which we will identify through the efforts of our missions in the Sahel we will define our proper role in a multi-donor program. And at the same time as we participate in rehabilitation we will encourage other donors to join with us in a long-range attack on the basic problem of the desertification of the Sahelian zone. From the present tragedy we hope to seize an initiative which will demonstrate our interest in coping with the natural problems of man living in the arid lands of the Sahel.

Parenthetically, Mr. Chairman, I think this crisis and the need for a comprehensive response—short-term emergency feeding, medium-term rehabilitation and long-range preventative measures to help overcome human and natural deficiencies—point up the merits of a functional approach on a regional basis to a major human problem. This approach is, as I understand it, one of the key objectives of the amendments to the Foreign Assistance Act which have been tabled by a majority of the membership of the House Foreign Affairs Committee. I heartily endorse this objective.

Before concluding, I would like to stress that the drought crisis and our response is not just an effort to help friends who have turned to us in their misfortunes but it is also a demonstration that we, the richest

peoples of the earth, can extend a helping hand to the poorest. We need your Committee's sympathetic support in meeting the responsibilities which this crisis places on us today and in the future.

STATEMENT BY THE HONORABLE DONALD S. BROWN

Mr. Chairman and Distinguished Members of the Subcommittee: I welcome this chance to talk with you about the catastrophic drought now causing such deep suffering in the Sahelian region of Africa and to say something about what other donors and ourselves are seeking to do about it.

As Mr. Newsom has already indicated, the conditions which prevail in the Sahel today are the cumulative effect of several years of inadequate rainfall, capped by a particularly poor season this year. While this has been a gradually evolving problem, it has now reached a point where the lives and livelihood of the entire region are deeply threatened.

There is an immediate need to feed those who have depended on grain crops that failed or on livestock that have died or are dying due to lack of water and forage. However, even if these immediate needs are met and if the rains come this season, there will be need for a recovery program lasting several years to help those so deeply affected to restore their lives and to rebuild the economic base of the region. Totally apart from the immediate effects of the drought, there are also clear signs of a gradual deterioration of the ecological base of the region which requires an important, long-term development effort if the people and the nations affected are to have a chance for improvement in their well-being in the decades to come.

A.I.D. has been involved for several years in programs of livestock improvement and grain stabilization in West and Central Africa, since these countries are predominantly agriculturally based, with 85% of their population deriving their income from grain and livestock production. Our grain stabilization program has depended heavily on PL 480, Title II cereals, both to meet production deficits and to stabilize market conditions as an incentive for increased local production.

It was through our involvement in these programs that A.I.D. early became aware that the poor rains of last summer and fall portended serious problems for the region. Our technicians then observed areas where farmers planted six or seven times without results. We observed nomadic herdsman searching in vain for forage and water in traditional areas and being forced to move their livestock into disease infested areas where forage was available.

By October, 1972, A.I.D. and State officials had begun systematic contacts with African officials and with other donors to gain better recognition of the impending catastrophe. While full understanding of the process underway took time, this has come about and has led to a massive effort by the Africans themselves and by their friends in many parts of the world.

For our own part, we established a Drought Emergency Task Force in November, 1972, bringing together officials in A.I.D., the State Department and USDA to coordinate our efforts. We had already planned to provide some 48,000 tons of grain to the area within the framework of our Grain Stabilization program. Acting on the reports of our Embassies and A.I.D. missions in the area, the Task Force arranged for programming of an additional 108,000 tons of grain, both for direct U.S. disaster programs and for support of World Food Program disaster efforts. Thus, a total of 156,000 metric tons of grain, valued at \$21,000,000 has been programmed. Annex A to this statement gives details of these commitments.

In addition to our efforts, others heeded African appeals for grains. The European Economic Community committed deliveries

of over 90,000 tons of food while France, Germany, Canada, Russia and China also made important commitments. Details of these food commitments are given in Annex B to this statement.

While the provision of food was the first concern of most donors, it soon became apparent that other forms of help were needed. Problems of internal transport of these large amounts of grain required special efforts—hire and purchase of trucks, special railway arrangements, use of airlifts in certain circumstances, and the like. Supplementary livestock feed and water improvement programs were needed to maintain at least a breeding herd for future development. Seed stocks were depleted so seeds had to be purchased and transported to farmers for the next planting season. Medicines for ill-nourished people and vaccines for weakened livestock were required.

Thus, a major non-food aid program has been important. Here, the European Economic Community has led the way, providing a total of over \$22 million for the various types of programs indicated above. The United States, Germany, Russia, France and Belgium provided aircraft for emergency movement of grains, while Algeria and Spain provided trucks for local transport. Other nations are now contributing to the FAO Sahelian Zone Trust Fund described further below.

The United States has so far committed \$3.0 million in disaster relief funds for various types of non-food aid. Additional funds are expected to be committed this fiscal year and FY 1974 contingency funds will also probably be required as additional specific needs are identified. Our disaster relief funds have been used first for airlifts in Chad and Mali to speed distribution of grain to outlying and inaccessible areas before the rainy season begins. The Department of Defense has been extremely efficient in mounting this airlift. Our disaster funds are also being used to finance additional ground transport, medicines and medical services and livestock feeds and vaccines. In addition, the United States has speeded up the delivery of measles vaccines which had been planned under a regional health project, but the demand for which has become more urgent because of the drought.

Annex C gives details of U.S. and other donor non-food aid contributions. In March of this year, the Chiefs of State of the six affected countries officially designated the region as a disaster area. They requested that the United Nations assist in strengthening the flow of aid to the area. On the basis of this action, FAO Director General Boerma issued an urgent appeal for contributions to a \$15 million Sahelian Zone Trust Fund to supplement aid already committed. The major donors already engaged in the area have generally continued their programs on a direct basis but have made arrangements to coordinate these efforts with the FAO Trust Fund. Several other nations, not already directly engaged in relief efforts in the region, have made commitments to the Trust Fund. These now amount to approximately \$3.5 million.

The task of moving this amount of aid into this land-locked region has been immense. While there have inevitably been some slippages, I think we can be proud of our own efforts. Despite difficulties caused by competing demands for scarce grain and shipping compounded by transport delays within the United States due to our own Mississippi floods, we have already shipped 90,000 tons of the 156,000 tons committed, and we expect the rest to be en route by the end of July. I want to pay particular tribute to our colleagues in USDA who worked with the A.I.D. Food For Peace Staff countless extra hours in arranging and rearranging shipping, diverting ships to open African ports on short notice, making special arrangements for bagging of U.S. grains, and similar actions. As a result, only one country—Niger—has ac-

tually experienced a temporary period when available grain supplies were inadequate and we are taking particular steps right now to step up the rhythm of deliveries to that country.

There has been deep concern about the capacity of African ports and transport systems to move this much grain. So far the system has worked well. We exchange reports with other donors about grain shipments, to avoid port blockages. We have assigned logistics experts to the area and have provided FAO with a disaster relief expert. Several donors have financed procurement or rental of trucks. The coastal states of Africa have taken exceptional measures, often to their own inconvenience, to move grains through their ports and on their own transport systems to these land-locked countries. The governments of the affected states have generally done an excellent job of organizing themselves to manage the distribution process. Several countries, including the United States, have provided aircraft to move grains from capital cities to inland distribution points where ground transport is too slow.

There are some who feel this airlift capacity should be greatly expanded. However, we feel first priority must be given to strengthening ground transport which can move greater quantities at lower cost. We realize there may be temporary breakdowns in ground transport—particularly once the rains begin—and we are ready to provide additional airlift capacity where other transport means simply can not do the job.

So far the Africans and others have concerned themselves foremost with the problems of immediate human needs. But there is no question this drought will have economic consequences which will endure for years. An important recovery program will be needed. Livestock herds have been depleted and must be rebuilt. Rangelands must be restored. New water resources must be developed and dry wells improved. A resettlement program may be required. Those whose lives have been torn asunder must be given a hand to start again. And all this must be done when budgetary resources available to the governments are diminished because of the drought.

We believe our disaster relief efforts are now moving smoothly. Along with other donors, we are now turning to the question of recovery. The United Nations has asked others to join with it at an initial meeting in Geneva later this month for this purpose. FAO has already organized study groups to begin developing concepts upon which a recovery program might be based. The French Government has announced its willingness to work with Africans and other donors in such a recovery effort. The IBRD has expressed its interest in revising its programs to support recovery needs. We are now formulating plans on how we, in conjunction with the efforts of other donors, might play a role in such an effort. As that becomes clearer, we will know better just what resources may be needed.

But simple recovery is not enough. As I said earlier, there appears to be underway a basic deterioration of the ecological and economic base of the region and a continual encroachment of the desert on productive lands. Some of this is caused by natural events, some is man-made. But unless there is a reversal of the process, this vast region can become sterile and barren and its people will have no future.

We need to know more clearly what are the causes of this deterioration. We need to try to determine what new scientific and technological resources can be directed towards reversing the trends presently underway. We have already begun discussing these questions with African leaders and other donors. We have undertaken efforts to get a wide range of American scientists to begin considering the problem. We hope, as we move from immediate concerns about the drought and recovery from it, that we can

be helpful to our African friends in analyzing the problems and formulating programs that can have an important effect in changing the underlying circumstances which so threaten the long-term well-being of the area's people.

The crisis in the Sahel underscores the importance of the United States being prepared to deal with these unforeseen events of nature in a timely way. Our development assistance programs are needed to help build economic systems which can withstand or minimize the effects of such catastrophes. But when they occur, we must be ready to help ease the human suffering involved and to prepare the way for recovery.

For the most part, we believe our current resources are appropriate to meet immediate disaster needs. The PL 480 program, especially Title II, has been an essential element in our ability to respond to such disasters. In the current crisis, fortunately, the problem is not availability of U.S. food resources, although as I've indicated there remain some problems in assuring the food gets to the people who need it at the right time.

There have been proposals in the past, especially by FAO, to establish a form of world food reserves. A.I.D. has been aware of

these proposals. There have been more recent discussions on these FAO proposals in ECOSOC, where each member nation was urged to ensure, within their own national food programs that adequate food resources are maintained. We think this is a useful approach, emphasizing both to developed and less developed countries the need to meet world food requirements.

However, there are other proposals which can help improve our capacity to deal with short-term needs in the non-food area. The emergency food contributions are supplemented by donations funded from the Contingency Fund under Section 451 of the Foreign Assistance Act which enables us to cover urgent needs for transport of food and temporary shelter. This year we are seeking an additional authority which will deal with short-term needs. This proposed change is an amendment to Section 451 of the Foreign Assistance Act authorizing, in addition to specified amounts for the Contingency Fund, additional amounts of funds as may be needed from time to time for extraordinary disaster situations. If adopted, this provision could expedite action on legislative requirements for funds to meet disaster needs. In addition, we are requesting additional au-

thority under Section 639 of the Act to permit greater flexibility in responding to emergency situations without the usual restriction imposed on other forms of assistance. We would appreciate the support of the members of this Sub-committee for both of these changes.

As I have indicated, we must concern ourselves not only with the drought disaster in the Sahel, but also with the longer-term recovery and development needs of the region. The essence of those longer-term programs must be reinforcement of our programs to improve food production. The legislative proposals introduced by the House Foreign Affairs Committee are consistent with our proposals in their ability to provide the basis for efforts aimed at reducing poverty and need in this region. Secretary Rogers and Dr. Hannah have both indicated in testimony to the House Committee that they generally favor the approach proposed by a majority of the Committee. It seems important to me, from a humanitarian point of view, that there exist legislation which assures that we can play a role, along with others, in helping the Sahelian governments to bring a better way of life to their people.

Thank you Mr. Chairman.

ATTACHMENT A  
STATUS OF WEST AFRICA DROUGHT EMERGENCY AND GRAIN STABILIZATION SHIPMENTS AS OF JUNE 13, 1973

|                                   | Delivered to country | En route at sea | Booked for June/July loading |              | Unbooked | Booked for June/July loading |                      |                 |              |          | Unbooked             |  |
|-----------------------------------|----------------------|-----------------|------------------------------|--------------|----------|------------------------------|----------------------|-----------------|--------------|----------|----------------------|--|
|                                   |                      |                 | Total                        | WFP: Sorghum |          | Subtotal                     | Delivered to country | En route at sea | WFP: Sorghum | Subtotal | Delivered to country |  |
| <b>NIGER</b>                      |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Grain stabilization:              |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Corn.....                         | 1,000                | 0               | 0                            | 0            | 1,000    |                              |                      |                 |              |          |                      |  |
| Sorghum.....                      | 25,000               | 14,500          | 5,000                        | 1,500        | 4,000    |                              |                      |                 |              |          |                      |  |
| Emergency:                        |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Sorghum.....                      | 7,000                | 0               | 3,000                        | 0            | 4,000    |                              |                      |                 |              |          |                      |  |
| Corn.....                         | 1,000                | 0               | 0                            | 0            | 1,000    |                              |                      |                 |              |          |                      |  |
| Cornmeal.....                     | 2,000                | 0               | 0                            | 0            | 2,000    |                              |                      |                 |              |          |                      |  |
| WFP: Sorghum                      | 10,000               | 0               | 4,500                        | 0            | 5,500    |                              |                      |                 |              |          |                      |  |
| Subtotal                          | 46,000               | 14,500          | 12,500                       | 1,500        | 17,500   |                              |                      |                 |              |          |                      |  |
| <b>UPPER VOLTA</b>                |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Grain stabilization: Sorghum..... | 12,000               | 5,859           | 3,000                        | 2,500        | 641      |                              |                      |                 |              |          |                      |  |
| Emergency: Sorghum.....           | 9,000                | 0               | 3,500                        | 0            | 5,500    |                              |                      |                 |              |          |                      |  |
| WFP: Cornmeal.....                | 4,000                | 0               | 0                            | 3,585        | 415      |                              |                      |                 |              |          |                      |  |
| Subtotal                          | 25,000               | 5,859           | 6,500                        | 6,085        | 6,556    |                              |                      |                 |              |          |                      |  |
| <b>MALI</b>                       |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Grain stabilization: Sorghum..... | 10,000               | 10,000          | 0                            | 0            | 0        |                              |                      |                 |              |          |                      |  |
| Emergency: Sorghum.....           | 15,000               | 6,000           | 3,000                        | 0            | 6,000    |                              |                      |                 |              |          |                      |  |
| <b>SENEGAL</b>                    |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Emergency:                        |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| I—Sorghum.....                    | 5,000                | 5,000           | 0                            | 0            | 0        |                              |                      |                 |              |          |                      |  |
| II—Sorghum.....                   | 10,000               | 6,811           | 3,189                        | 0            | 0        |                              |                      |                 |              |          |                      |  |
| III—Sorghum.....                  | 10,000               | 0               | 2,000                        | 0            | 8,000    |                              |                      |                 |              |          |                      |  |
| WFP: Sorghum                      | 25,000               | 11,811          | 5,189                        | 0            | 8,000    |                              |                      |                 |              |          |                      |  |
| Subtotal                          | 5,000                | 0               | 5,000                        | 0            | 0        |                              |                      |                 |              |          |                      |  |
| Subtotal                          | 30,000               | 11,811          | 10,189                       | 0            | 8,000    |                              |                      |                 |              |          |                      |  |
| <b>MAURITANIA</b>                 |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| WFP:                              |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Corn.....                         | 4,000                | 2,766           | 0                            | 0            | 1,234    |                              |                      |                 |              |          |                      |  |
| Sorghum.....                      | 11,000               | 11,000          | 0                            | 0            | 0        |                              |                      |                 |              |          |                      |  |
| <b>CHAD</b>                       |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| WFP: 1                            |                      |                 |                              |              |          |                              |                      |                 |              |          |                      |  |
| Sorghum.....                      | 3,000                | 3,000           | 0                            | 0            | 0        |                              |                      |                 |              |          |                      |  |
| Wheat.....                        | 2,000                | 0               | 0                            | 0            | 2,000    |                              |                      |                 |              |          |                      |  |
| Total                             | 156,000              | 66,436          | 37,689                       | 7,585        | 44,290   |                              |                      |                 |              |          |                      |  |
| Total delivered/enroute           | 104,125              |                 |                              |              |          |                              |                      |                 |              |          |                      |  |

<sup>1</sup> This project also includes 300 MT CSM—not part of 156,000 total tonnage.

<sup>2</sup> Not yet called forward.

ATTACHMENT B  
FOOD AID TO SAHELIAN COUNTRIES

[In million tons]

| U.S.                             | Delivered | En route | Booked/ to be booked | Total   |
|----------------------------------|-----------|----------|----------------------|---------|
| Grain stabilization.....         | 30,359    | 7,500    | 10,141               | 47,997  |
| Emergency.....                   | 17,811    | 3,307    | 37,882               | 59,000  |
| WFP.....                         | 18,266    | 12,500   | 18,237               | 49,003  |
| Subtotal                         | 66,436    | 23,307   | 66,257               | 156,000 |
| China.....                       |           |          | 30,000               |         |
| France.....                      |           |          | 38,000               |         |
| Canada.....                      |           |          | 26,000               |         |
| Federal Republic of Germany..... |           |          | 22,500               |         |
| Others.....                      |           |          | 17,000               |         |
| Imports.....                     |           |          | 10,000               |         |
| U.S.S.R.....                     |           |          | 10,000               |         |
| WFP.....                         |           |          | 8,000                |         |
| EEC:                             |           |          |                      |         |
| 1971/72 program.....             |           |          | 44,555               |         |
| 1972/73 program.....             |           |          | 248,500              |         |
| Subtotal                         |           |          | 254,555              |         |
| Grand total                      |           |          | 410,555              |         |

<sup>1</sup> Cost of grains \$8,800,000 and cost of transportation \$12,200,000. Total \$21,000,000.

<sup>2</sup> Figures based on WFP information.

OTHER DONOR NONFOOD AID TO THE SAHEL REGION DROUGHT EMERGENCY

European Economic Community—the EEC, through the emergency provisions of the Yaounde Convention with the African states, has made available approximately \$22 million in support of emergency programs. The funds are being used primarily for the following activities: provision of supplementary livestock feed, livestock medicines, and vaccines; provision of transportation to move grain in-country; provision of seed, and transport, to allow planting as normal; provision of funds to allow well depending, or drilling; and to provide cash for estimated tax revenue lost as a result of the drought's impact on livestock.

Belgium—five C-130s have been ferrying grain and other supplies in the region for the past two weeks. The planes have now returned to Belgium. A convoy of 18 four-wheel-drive vehicles, loaded with relief supplies, is transiting the Sahara, and will go to Niger, Mali, and Upper Volta, with five trucks and supplies each donated to each of the countries.

France—has promised two aircraft per country for two weeks each. French aircraft

have been flying in Mali and Chad to date. The French have also made available budgetary support and assistance to the countries as part of their emergency and regular programs.

Germany—has promised planes (nine) on an "as needed" basis. German planes have flown U.S. grain from Ghana to Upper Volta (292 tons), and are now flying grain in Niger. Germany has also made available \$1 million for purchase of German trucks to assist Upper Volta.

Canada—has promised to drill/deepen 250 wells in Senegal. May do the same in Mali and Mauritania. Is considering providing a few C-130s to airlift commodities, subject to clarification of the need for such assistance.

Zaire—gave \$110,000 to Upper Volta. Reputed to be considering airlift of grain in Chad.

USSR—provided two weeks of airlift by one plane in Mali.

South Korea, Taiwan, the USSR, and several other countries, have each given \$50,000, or less, to Upper Volta.

The United Kingdom—considering sup-

plying an unspecified number of aircraft to assist in commodity movement.

FAO Sahelian Zone Trust Fund Contributions:

|                         |           |
|-------------------------|-----------|
| Australia               | \$25,000  |
| Denmark                 | 161,000   |
| F.R. Germany            | 1,060,000 |
| Netherlands             | 150,000   |
| Italy                   | 25,000    |
| Sweden                  | 1,098,000 |
| United Kingdom          | 750,000   |
| German Catholic Bishops | 210,000   |

Grand total 3,479,000

NONFOOD AID ASSISTANCE TO THE SAHEL REGION

U.S. obligations through June 15, 1973

Senegal

|                              |          |
|------------------------------|----------|
| Ambassador's fund            | \$25,000 |
| Supplementary livestock feed | 176,000  |

Mali

|                                  |         |
|----------------------------------|---------|
| Ambassador's fund                | 25,000  |
| Temporary grain storage, Abidjan | 10,000  |
| Airlift of grain in Mali         | 420,000 |

Mauritania

|   |        |
|---|--------|
| Ambassador's fund                               | 25,000 |
| Truck leasing for transport of grain in country | -----  |

Niger

|                              |         |
|------------------------------|---------|
| Ambassador's fund            | 36,000  |
| Supplementary livestock feed | 430,000 |
| Medicines for human use      | 16,000  |

Chad

|                       |         |
|-----------------------|---------|
| Ambassador's fund     | 25,000  |
| Airlift grain in Chad | 170,000 |

Upper Volta

|                              |         |
|------------------------------|---------|
| Ambassador's fund            | 25,000  |
| Supplementary livestock feed | 156,000 |
| Livestock medicine           | 75,000  |

Miscellaneous

|   |        |
|---|--------|
| TDY personnel in Dakar, Niamey, Abidjan and at FAO Headquarters in Rome | 44,000 |
|---|--------|

Total 1,933,000

Additional funding is contemplated for the following actions in the coming week: U.S. contribution to the FAO to cover costs of airlifting seeds to Chad from Sudan \$300,000 Increase in funds for airlift of grain in Mali 600,000 Livestock medicines for Niger 75,000 Medicines for human use, Niger 34,000 Cattle salt licks for Upper Volta 50,000

Total 1,059,000

[From the Washington Post, June 15, 1973]

A DISASTER IN AFRICA

(By William Raspberry)

Major disaster is no longer just a prospect in Central and West Africa. It is a daily fact. Millions of heads of cattle already have succumbed to the area's worst drought this century; and there is the gruesome possibility—perhaps even probability—that as many as half of the area's 20 million human inhabitants may be wiped out by famine.

There is little food, nor much prospect of growing food, much of the seed grain already having been consumed by farmers trying to stave off starvation.

It is a desperate situation. Yet there is, in this country, no air of crisis, no sense of the magnitude of the problem and hardly any knowledge of the catastrophe that has befallen Senegal on the African west coast and five countries on the southern edge of the Sahara: Chad, Niger, Mali, Upper Volta and Mauritania.

African diplomats in Washington are torn between their desire not to seem ungrateful for what help the United States and other countries have furnished and their need to stress the urgency of their countries' plight.

It's difficult for an American to appreciate how desperate the situation is.

"In my country, a farmer keeps his seed religiously," one diplomat told me. "Year after year, he selects the very best grain from his crop and keeps that for seed. But this year, they are eating the seed. I never saw that in my life."

So emergency food supplies would seem the first order of business—except for this fact: The planting season is here, and there is no seed to plant. Unless some new seed supplies are flown in very soon, there won't be any crops to harvest next year either.

As one ambassador put it, with only modest exaggeration: "It is a question not of weeks or even days, but of hours." In some parts of the region, it may still be possible to plant sorghum, millet and other staple grains up to mid-July. For other areas, 10 days from now may be too late.

There have been requests, largely through the United Nations' Food and Agriculture Organization (FAO) for American help in airlifting seed grains to the drought-stricken area. But according to American officials, it's not as simple as it seems.

"In the first place, when we got the request from the FAO, we checked on the places where the seed was supposed to go (Mauritania and Chad)," said Dr. Samuel C. Adams Jr., assistant administrator for Africa of the U.S. Agency for International Development (AID). "In order for the seed to have done any good, it would have needed to be there two weeks earlier."

But it's more complicated even than that. Fermina J. Spencer, director of AID's office of Central and West African regional affairs, explains:

"You have to understand something about the seed itself. Seed that may thrive on, say, the coast of Liberia may not grow at all 100 miles upcountry. Fertility can be that localized. The FAO was talking about our airlifting 3,500 tons of seed from the Sudan. That would take 20 C-130s at \$1,000-per-hour-of-flight, which is in itself prohibitive."

"But besides that, our scientists thought that the Sudan seed might not work in the drought areas. And where are you if you ship the seed, plant it and it doesn't come up?"

FAO has lowered the allotment from 3,500 to 1,000 tons, and has hired a private carrier, Alaska Airlines, to haul it. U.S. AID will back the effort with a grant of \$300,000.

Dr. Adams, who rankles at any suggestion that the U.S. government should be doing a good deal more than it is, tells critics: "It's much easier for persons to be glib about what is not being done than to be reasonably knowledgeable about what is being done."

Sometimes the two things get mixed up. One of the things that has been done, for instance, is that the United States has made available to Niger some 46,000 tons of sorghum. But only 14,500 has reached that country. Most of the rest is still in the United States awaiting shipment.

According to Spencer, one of the problems is that most of the ports around Texas, from which much of the grain would be shipped, are "pretty well blocked up" with Russia-bound wheat. He noted, however, that shipping schedules for West Africa have been stepped up so that most of the shipments should arrive this month and next.

Spencer, who visited the area last month, reports a "tremendous deterioration" since his previous visit in January.

"Fortunately," he said, "I think the grain that we have been providing in the area has prevented starvation. This is what the officials of the countries are saying."

AID officials express pride in the fact that the United States was one of the first major contributors to relief in the stricken area, and presently ranks as the second largest contributor next to the European Common

Market. They think some of the criticism of the U.S. effort is unfair.

The truth is, most of the African diplomats with whom I have spoken aren't so much critical as desperate.

"Look, we recognized that there is no political obligation for the United States to do more," one of them said. "But our need is so great. Can't they find 12 ships—two ships per country—to send as much grain as they possibly can? If they can do that by this week, it would certainly lessen the gravity of the immediate problem."

That's the sad part. For all the pooling of effort and resources it will take to avoid impending catastrophe, the result will be a return to the familiar day-to-day crisis of fighting off the encroaching desert.

#### THE CASE OF THE FORT WORTH FIVE—A MICROCOSM OF GRAND JURY ABUSE

Mr. KENNEDY. Mr. President, in June of 1972, five Irish Americans from New York City were hauled halfway across the country to Fort Worth, Tex., far from their homes and friends and jobs and families, to testify before a grand jury inquiry into the purchase of arms for Northern Ireland.

All the available evidence indicates that the five witnesses could just as easily have been called before a grand jury in New York City then conducting a closely related, if not identical, investigation. Because the men refused to testify in Fort Worth, they were imprisoned for contempt, and they remain in a Texas jail today, martyrs to a gross injustice by the Department of Justice. The details of the Fort Worth case make clear that their plight is a microcosm of grand jury abuse that deserves the close attention of every Member of Congress and all Americans who believe in justice.

There is no substantial dispute as to the facts of the Fort Worth case.

In June of 1972, five Irish Americans—Kenneth Tierney, Thomas Laffey, Matthias Reilly, Paschal Morahan and Daniel Crawford—all from the New York City area, were subpoenaed to Fort Worth, Tex., to appear before a Federal grand jury investigating the possible shipment of arms from this country to Northern Ireland.

At the time, seven other Irish Americans who were also New York residents, including four high officials of the Irish Northern Aid Society, an active Irish-American group headquartered in New York City, were also called to testify, but their subpoenas were subsequently withdrawn.

The Fort Worth Five—Tierney, Laffey, Reilly, Morahan, and Crawford—all appeared before the grand jury, but they refused to answer any questions, on the ground that the investigation was politically inspired and violated a number of their basic rights.

No witnesses from the State of Texas were subpoenaed to appear before the grand jury. Apart from the 12 New York Irish Americans, only one other witness was called, a resident of the State of Florida.

The injustice of the situation in which the Fort Worth Five found themselves was exacerbated by the peculiar and questionable manner in which the initial Department of Justice investigation

was carried out. Ignoring the most elementary investigative techniques, the Department never sought to have the witnesses interviewed or questioned in advance by Federal investigators. Instead, the Department preferred simply to slap the Fort Worth Five with grand jury subpoenas, thereby fueling the suspicion that the primary purpose of the investigation was harassment, rather than law enforcement.

Another distressing aspect of these initial stages of the Fort Worth proceedings was the harassment and shabby treatment accorded James McKeon, one of the seven Irish Americans from the New York area who traveled to Fort Worth but whose subpoena was withdrawn.

McKeon, a 45-year-old disabled veteran with a serious heart condition, had earned seven battle citations during the Korean war. A hunter, he had purchased a Winchester repeater shotgun in the New York area in late 1971, which he still possesses. He was also a neighbor and coworker of Mathias Reilly, one of the Fort Worth Five.

The unsavory ethnic implication of his subpoena is clear. Apparently, the dragnet character of the Federal investigation caught James McKeon because he had an Irish surname, because he was an associate and neighbor of another subpoenaed witness, and because he had purchased a gun from a New York arms dealer.

And for this, James McKeon, with his heart condition, was subpoenaed to Fort Worth, at the insistence of a U.S. attorney who told him he was required to come to Fort Worth even if he dropped dead on the way.

In fact, James McKeon's subpoena was withdrawn after he reached Fort Worth, and he was never called before the grand jury. Presumably, the Department of Justice finally realized that he was truly innocent, a victim of their dragnet.

But that was small comfort to James McKeon, who had collapsed with a heart seizure in the courtroom corridor outside the grand jury room.

Fortunately, he survived. His ordeal is now a memory.

Unfortunately for the Fort Worth Five, however, when James McKeon's ordeal had ended, their own ordeal was just beginning.

After receiving grants of so-called "use" immunity, the Fort Worth Five continued to refuse to testify, and were immediately jailed for civil contempt.

Last September, after 3 months in prison, the men were granted bail by Justice William O. Douglas, pending action by the Supreme Court on the legal challenges they had raised. On January 22 of this year, the Supreme Court declined to hear the case, and on January 29 the men were again jailed in Texas on the contempt citation, where they now remain.

So far, they have spent a total of 7 months in prison, yet they stand charged with no crime, convicted of no offense. Unless the Department of Justice relents, or Congress or the courts intervene, their imprisonment may well continue throughout the life of the current grand jury, which expires on November 2.

And, on November 3, as the Department of Justice has shown it is fully capable of doing within the letter of existing law, a new grand jury may be convened in Texas. They may be subpoenaed and held in contempt again, and the imprisonment of the Fort Worth Five may go on this way forever.

Of course, gunrunning is a serious charge, and I want to emphasize that in no sense do I condone any form of such activity. As I have stated many times in the past, and as I repeat today, I firmly condemn the activities of extremists on both sides in Northern Ireland. I have made these views clear both to the Prime Minister of Great Britain and to the Prime Minister of the Republic of Ireland. And I have also made clear to each of them, as well as to the Attorney General of the United States that I give my full support to all legitimate activities, grand jury investigations, and other actions by law enforcement authorities in both Britain and the United States to shut off the flow of any arms—or any funds for arms—from this country to Northern Ireland.

I am fully aware that a substantial number of weapons found in Northern Ireland have been traced to this country or to purchases made through this country. There is no question in my mind that there is a legitimate basis for an intensive investigation by the Department of Justice into these activities.

But I also believe that the Department of Justice has the obligation to obey the law in conducting any investigation it undertakes. That obligation is not only to obey the letter of the law, but the spirit of the law as well, so that the actions of the Department are fair according to the Constitution and statutes of the United States, and are seen to be fair by reasonable law-abiding citizens throughout the country.

Nearly half a century ago, this principle, that Government must obey the law, was stated eloquently by one of our greatest Supreme Court Justices, Louis Brandeis:

Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a law breaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the Government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution."

Judged by that standard, I believe that the actions of the Justice Department in Fort Worth in the present case can be weighed and found severely wanting.

Look at the record. Are these the actions of a Department of Justice that has a decent respect for the rights of its citizens? Are these five men being treated fairly under the Constitution and Bill of Rights? Or are they the innocent victims of a new and frightening form of secret inquisition?

Kenneth Tierney, 45, is a registered nurse and physical therapist at Columbia-Presbyterian Hospital in New York City. He lives in Yonkers with his wife

and four young children. He has never been to Texas. In a sworn affidavit, he states that his only connection with Texas is that he once wrote a letter to President Lyndon Johnson.

Thomas Laffey, 34, is a real estate salesman who lives in Williston Park, N.Y., with his wife and three young children. He has never been to Texas or had any connection with Texas.

Mathias Reilly, 37, is a Manhattan busdriver who lives in Blauvelt, N.Y., with his wife and three young children. He has never been to Texas or had any connection with Texas.

Paschal Morahan, 26, is a carpenter who lives in the Bronx. He has never had any connection with Texas.

Daniel Crawford is a housepainter who lives in Manhattan. He has never had any connection with Texas.

There they are—five Irish Americans from New York City, none of them having any connection with Texas. Yet, in the spring of 1972, these five individuals were subpoenaed before a grand jury and imprisoned in Fort Worth, far from their friends and homes and families and jobs, in circumstances imposing special hardship and privation, not only on the men themselves, but also on their families. Indeed, for some of the families, the only alternative to welfare has been the financial assistance for rent and food provided by Irish American community groups in New York City concerned about their plight.

For the men themselves, the concern they have for their families has been compounded by the dismal conditions of their own imprisonment. For the first 4 months of their incarceration, the Fort Worth five were confined in the Tarrant County Jail in Fort Worth—a local, not a Federal, jail. Their imprisonment was carried out under especially harsh conditions, partaking of solitary confinement, with the men being denied exercise and even contact by telephone with their family or their legal counsel.

Last March, the five were transferred to Seagoville, a renovated Federal correctional institution outside Dallas, where they are now incarcerated under less objectionable conditions.

Seagoville, of course, has other memories. In World War II, it was one of the sites of the infamous detention centers of resident American aliens. The years have passed, the facilities may be more modern, but as the present case makes clear, Seagoville still retains its image of injustice and repression.

Several weeks ago, the Federal district judge presiding over the case in Texas denied a motion by the Fort Worth Five for transfer to a Federal correctional institution in the New York area in order that they might be closer to their families. So the Fort Worth Five remain in their Texas prison, victims of the Justice Department's monumental injustice, denied their freedom because of an irresponsible manipulation of the grand jury and a shocking insensitivity by Federal prosecutors to basic human rights.

The Fort Worth case demonstrates three flagrant aspects of grand jury abuse, for each of which the Department of Justice stands itself indicted.

## VENUE

The most obvious abuse is the venue in Fort Worth. What possible justification exists for separating these men from their homes and families and friends and jobs in New York, and hauling them 1,400 miles to Texas, to appear before an alien grand jury and a hostile prosecutor?

For months, the only suggested link to Texas was the rumor that the Department of Justice had been informed by the Government of Great Britain that the Irish Republican Army in Ulster had in some fashion attempted to purchase arms in Texas, and that, knowing nothing more, the Department had decided to launch a deep sea fishing expedition in Texas to see what they could learn from the leaders of the Irish Northern Aid Society in New York.

Then, at a hearing held last March on the Fort Worth case before Congressman JOSHUA EILBERG's House Judiciary Subcommittee, the Department of Justice broke its long unconscionable silence on the case and attempted to establish a basis to justify calling the Fort Worth Five to Texas. At the House hearing, Assistant Attorney General A. William Olson of the Internal Security Division of the Department of Justice told the subcommittee that he had information indicating that "certain individuals apparently from New York City, using aliases, were attempting in Fort Worth, Tex., to purchase large numbers of illegal weapons from sources in Mexico for shipment to Ireland," and that the witnesses subpoenaed before the grand jury in Fort Worth had information relating to the Department's investigation of the matter.

Yet, for reasons known only to itself, the Department of Justice withdrew the subpoenas to Fort Worth for the witnesses most likely to have any information at all about the investigation, the officials of the Irish Northern Aid Society. Instead, they chose only to pursue the five hardworking New York Irishmen who are now in prison, men who have no official relationship to the Irish Northern Aid Society and who have no connection at all to Texas.

Thus, whatever conceivable justification may have existed for the initiation of a grand jury investigation in Fort Worth into the possible purchase of arms in the Fort Worth area, no justification whatever has been revealed for requiring the Fort Worth Five to travel from New York to Texas to appear before the grand jury.

Simply put, I believe the Department is holding the wrong men in Texas and would not admit it. The Department prefers to let innocent citizens endure the pain of jail, rather than confess that its prosecutors have blundered and abused their vast discretion.

There is not one shred of fact in any of the known aspects of this grand jury proceeding to suggest any possible connection between Texas and these five Irish Americans.

We do know one thing, however. A Federal grand jury in the Southern District of New York, in the very area in which these men reside, has been conducting a separate investigation of the

shipment of arms to Northern Ireland from the United States. A number of indictments have already been returned in that investigation, one as recently as February of this year.

Why could the Fort Worth Five not have been subpoenaed to testify before that grand jury in New York City? Why were they railroaded to Fort Worth in such oppressive circumstances, serving no apparent law enforcement purpose? Would not New York have been more convenient for any law enforcement purposes? Would not New York have been more convenient for all concerned—convenient for the witnesses, and convenient for the Department of Justice, too?

Perhaps that question answers itself. From the beginning, the circumstances of this case have strongly suggested that it had little to do with Texas, and a great deal to do with a thinly veiled attempt by the Department of Justice, at the request of the Government of Great Britain, to harass Irish Americans in the New York City area engaged in peaceful protests against British policy toward Ulster.

Given the intensely political nature of the investigation, the predictably outraged response of the Irish American community in New York, and the likelihood that New York might be a critical battleground in the 1972 Presidential election year, the convening of the grand jury in Texas may have had a great deal less to do with effective law enforcement than it did with partisan American politics and the 1970 census, which reveals nearly 400,000 first- and second-generation Irish Americans living in New York State, most of them in New York City, but only 12,000 in Texas, and very few in Fort Worth.

The conclusion that the Texas venue was improper for this investigation is also compelled by the analysis of the questions asked each of the Fort Worth Five before the grand jury. I intend to insert a copy of those questions in the Record at the conclusion of these remarks. Virtually every question that reveals enough information to disclose specific facts also reveals, without exception, that the facts relate solely to persons and places in the New York City area, and have nothing to do with Texas. The only questions that even relate at all to Texas are blunderbuss questions of the sort that begin, "Have you ever known any person in New York, Texas, or elsewhere?"

The circumstances of the present case thus closely parallel the situation in *Brown v. United States*, 245 F. 2d 549 (1957). In that case, the court of appeals held that a Federal grand jury investigation in Nebraska had been conducted in bad faith, because the prosecutor's questions related exclusively to conduct in Missouri.

The same reasoning applies to the pending case, since the prosecutor's questions, stripped of the transparent effort to mask his true intent, related exclusively to conduct in New York. Whatever validity the Texas venue may have had at the time the 12 subpoenas were originally served in New York to commence this investigation in Texas, there was no such

validity by the time the Fort Worth Five went into the jury room.

If the Department of Justice still genuinely wants the testimony of the Fort Worth Five today, the only fair and rational course to follow is to discontinue this abusive grand jury investigation in Fort Worth, and continue it in New York City, where it should have been held all along.

## PUNISHMENT

The second abuse of the grand jury in the Fort Worth case is that the Department of Justice is punishing these men with lengthy prison terms under the guise of civil contempt. One of the principal causes of the violence and friction in Northern Ireland has been Britain's policy of internment without trial. Yet, today in Fort Worth, we find the administration practicing its own version of internment without trial in Texas.

In a series of recent decisions, the Supreme Court has imposed strict controls on the length of sentences that can be meted out by a judge without a trial by jury in cases involving criminal contempt. The standard now is that a judge, acting alone, cannot impose a sentence longer than 6 months for criminal contempt unless the defendant is afforded a right to trial by jury.

I believe that a similar right, or some similar control, should also be available in cases involving civil contempt, in order to prevent precisely the sort of obnoxious and excessive punishment that exists in the present case. Perhaps a time limit of 6 months should be imposed on any incarceration for civil contempt, including any period of incarceration for so-called reiterated contempt, in which a witness released from contempt upon the expiration of one grand jury term is called before a subsequent grand jury and held in contempt again.

Of course, the courts have usually allowed broad leeway for prosecutors to use the tool of civil contempt, on the traditional theory that the imprisonment is remedial, not punitive, since the prisoners hold the key to the jail in their pockets. But that ancient maxim is no longer adequate to do justice in the modern world.

Four months ago, in the Grumbles case, the third circuit court of appeals moved strongly in the right direction, sustaining an order by a Federal district judge in Camden, N.J., requiring the release of a husband and wife from prison for civil contempt, on the ground that the imprisonment had clearly reached a punitive stage. The couple had already pleaded guilty to criminal charges arising out of a separate case involving a raid on a local draft board in New Jersey. Yet, the Grumbles had also been incarcerated for 13 months for civil contempt, arising out of their refusal to testify in an investigation of other antiwar and anti-draft activities. Their release from jail came a month before the grand jury was to expire, although the Department of Justice had announced its plans to subpoena them before a new grand jury if they were released.

This recent decision is a promising new precedent for the Fort Worth Five. In fact, the precedent may be sufficient in

itself to secure their prompt release from Texas, if the fifth circuit follows the lead of its sister circuit. Just as the imprisonment of the Grumbles for civil contempt had reached a punitive state in New Jersey, so the imprisonment of the Fort Worth Five has now clearly reached that stage in Texas.

In the Fort Worth case, the Department of Justice still seeks to hide behind the traditional distinction between civil and criminal contempt. They argue that the current incarceration is not punitive because the Fort Worth Five can end their imprisonment as soon as they agree to testify before the grand jury.

But if their subpoenas and the terms of their imprisonment are illegal, why should they have to testify or give up any other basic rights to gain their freedom? The condition the Justice Department seeks to impose as the price of freedom is too high—it is no more valid than if the Department agreed to release them on the condition that they henceforth refrain from exercising their first amendment right to criticize British policy in Northern Ireland.

Indeed, that sort of first amendment harassment is widely regarded as the Department's real goal in this present grand jury inquiry, just as the same allegation has been raised against many other grand juries convened by the Department of Justice in recent years to harass individuals and groups whose politics and philosophy do not sit comfortably with the present administration.

The suspicion is very great, therefore, that the current investigation has two aspects—the first aspect, the grand jury in New York City, is engaged in a professional and lawyer-like investigation of gunrunning to Northern Ireland. Indictments have been returned and trials will follow. But the second aspect, more unsavory, is the Texas grand jury, convened for no apparent law enforcement purpose, a political grand jury sitting to harass and intimidate individuals and organizations in New York opposed to British policy in Ulster. As these proceedings demonstrate, there is a heavy burden on the Department of Justice to prove that the first amendment rights and other rights of the Fort Worth Five have not been infringed, that their continued incarceration is not punitive and that it violates no guarantees of due process of law.

Two further points should be made on the question of punishment. One concerns the innocence or guilt of the witnesses themselves. The other concerns the status of the Justice Department's ongoing investigation, or lack thereof.

I do not know, and I suspect the Department of Justice does not know either, whether the Fort Worth Five are guilty of any offense. But I do know, unless our system of justice is being stood on its head by the administration, that they are innocent until proven guilty.

Now the O'Gara case in New York, in which an indictment has been returned, mentions three members of the Fort Worth Five, but in circumstances making no implication of their guilt. The indictment states simply that in purchasing arms illegally in the New York area on three separate occasions, the defendant,

O'Gara, identified himself as one of the Fort Worth Five and displayed a driver's license in that name.

The indictment does not list any of the Fort Worth Five as codefendants, and it does not name any of them as co-conspirators. If the Department of Justice thinks these men are guilty of some offense, let it indict them. Let it bring them to trial. But at least, let it end this cruel charade in Texas, by which these men are being punished without ever being charged or tried.

Lewis Carroll had words for this behavior. In the final chapter of *Alice in Wonderland*, just before Alice awakens from her dream, we read these lines about the trial by the King and Queen of Hearts:

"Let the jury consider their verdict," the King said, for the twentieth time that day.

"No, no!" said the Queen. "Sentence first, verdict afterward."

"Stuff and nonsense," said Alice loudly. "The idea of having the sentence first."

"Hold your tongue!" said the Queen, turning purple.

"I won't!" said Alice.

"Off with her head!" the Queen shouted at the top of her voice.

But this is no dream or game of cards in Texas. Real human beings are in jail, their rights denied, their families torn apart in violation of the law. I say, it is long past time the Department of Justice stopped playing the Queen of Hearts in Texas and started behaving like a Department of Justice by freeing the Fort Worth Five.

With respect to the current status, or lack thereof, of the Department's investigation in Texas, the issue is equally serious. It appears that the Fort Worth grand jury has long since discontinued its investigation of this case. There is no indication that the grand jury has sat for a single additional hour, or heard a single additional witness in this investigation since these five men were originally held in contempt in June of 1972. The seven other witnesses originally called before the grand jury are long forgotten, their subpoenas withdrawn. There appears to be no reasonable possibility that the investigation will ever be resumed, or that additional witnesses will ever be called in.

In this situation, the continued imprisonment of the Fort Worth Five is punishment pure and simple. Justice demands that they be freed at once, but the Department of Justice allows them to rot in jail. The truth is unmistakable. The Department in punishing the Fort Worth Five in the guise of civil contempt.

In similar cases in the past, the Department of Justice has not always been so obstinate and unyielding. Last November in Boston, the Department released Prof. Samuel Popkin of Harvard University from jail in somewhat similar circumstances. Professor Popkin had been imprisoned for contempt for refusing to testify before a grand jury investigating various aspects of the Pentagon Papers case. Freed on bail pending his legal challenge to the contempt citation, Popkin was imprisoned again when a Boston Federal judge denied the challenge. But he was released after only 7 more days in jail, when the Department

of Justice, reviewing the case, found that the grand jury was about to expire and was no longer actively pursuing the investigation.

Why does not the Department apply this policy to the Fort Worth Five? A large price in human suffering has already been exacted from these men for no apparent purpose. If the investigation is over, they should be released from prison now, and allowed to return to New York to rejoin their friends and families. It would be a travesty of justice and evenhanded law enforcement for five ordinary Irish-American citizens to remain in jail because their plight has not received the national notoriety and attention generated by the imprisonment of a professor at Harvard University.

#### POSTINDICTMENT INVESTIGATIONS

The third abuse of the grand jury in Fort Worth is that the Department of Justice is continuing the incarceration of these men after three indictments have already been returned in related investigations in New York. Perhaps the most obvious abuse in this respect concerns the O'Gara case in New York. It appears that the Department is using the grand jury in Fort Worth to gain further evidence to bolster its case against O'Gara when he goes to trial in New York. If the Department wants this information, let it subpoena the Fort Worth Five to appear at the O'Gara trial in New York City.

It is unconscionable for the Department to use a grand jury to seek additional evidence on a case after an indictment has been returned. Going back over many years, courts throughout the country, including the Supreme Court, have condemned the practice. It is my understanding that the Department itself has consistently avoided this objectionable practice in the past. Why does it not adhere to that consistent tradition today?

Apart from the O'Gara case, two other indictments are also involved in the present case. One of the questions the Fort Worth Five refused to answer before the Texas grand jury concerned a notorious arms dealer named Agramonte, who does business in Yonkers, N.Y. Agramonte was indicted in New York City in August 1972. In January 1973, he pleaded guilty to reduced charges, thereby closing the case.

Another of the questions the Fort Worth Five refused to answer concerned Patrick Purcell, who was indicted in September 1972, for firearms violations and was convicted in November 1972, thereby closing the case.

Yet, the Fort Worth Five are still in jail, months after two of the obvious and principal targets of the Texas grand jury investigation had been indicted and pleaded guilty or convicted.

It is bad enough for the Department to use the grand jury to seek evidence for the upcoming O'Gara trial, but it defies reason and the Constitution for the Department to use the grand jury to investigate cases that have already been closed by the Department's own actions.

On this latter ground alone, it appears to me that the Fort Worth Five may well be entitled at least to their temporary freedom now, as soon as a new appli-

cation for bail can be brought pending resolution of this issue.

On January 17, 1973, the Supreme Court granted bail in the Meisel case, arising in San Francisco. One of the principal issues in that case concerned the fact that the imprisonment of two witnesses for civil contempt had been allowed to continue beyond the indictment of the person who was the obvious target of the investigation. Surely, on that issue, the Fort Worth Five also deserve the benefit of bail.

Taken separately, each of these areas I have discussed demonstrates a clear abuse of the grand jury in Fort Worth. Taken together, they make an overwhelming case for the immediate freedom of the Fort Worth Five.

Indeed, if the Department does not itself respond as a result of the new interest generated in this case, I would hope that the foreman of the grand jury and the other members of the Fort Worth panel would take the initiative themselves, in accord with the ancient time-honored role of grand jurors, and demand an explanation from the prosecutor as to why these five men must remain in jail.

In any event, I suggest the five may soon regain their freedom as a result of new legal challenges filed by habeas corpus and other petitions in the courts. And perhaps, if the abuse has become sufficiently manifest by the time they regain their freedom, an action for false imprisonment and damages may also lie against the offending officials responsible for their plight.

There is an additional approach that can and should be tried. With the Internal Security Division now extinct as a separate division in the Department of Justice, with an outstanding new Attorney General in charge of the Department, there is a new opportunity for officials in the Department to reexamine the case of the Fort Worth Five. Such a fresh examination should proceed forthwith. Now that the passions of an election year have subsided, now that the Internal Security Division has passed into history and its overzealous prosecutors may no longer have the free rein they used to have, it is not too much to hope that justice may soon be done in the case of the Fort Worth Five, and that this sorry and petty chapter in the history of Federal law enforcement will be ended.

Back in 1776, one of the specific grievances cited in the Declaration of Independence against George III was the King's repressive practice of hauling colonists off to England for trial. In the shabby treatment given the Fort Worth Five, the Justice Department is borrowing a leaf from King George's book, and it should not be allowed to continue.

Two final words on the Fort Worth Five:

The first concerns the essential arbitrariness of the Department's actions in the present case. Peter Finegan, one of the 12 Irish Americans originally subpoenaed to Fort Worth, is a subway transit maintenance worker in New York. When he arrived in Texas, his subpoena was dismissed by the Department of Justice, along with those of James McKeon and the five other per-

sons called to Texas but never required to testify. We do not know the Department's motive in discharging Mr. Finegan. He is not an officer of Irish Northern Aid, and he has not been charged by the Department with any offense arising out of the investigation. But, like Crawford, Morahan and Reilly, Finegan is mentioned in the O'Gara indictment as one of the persons whose driver's license O'Gara used in the illegal purchase of arms.

The contrast between Finegan and the Fort Worth Five shows how wantonly and freakishly the Fort Worth Five are being made to suffer. Peter Finegan is a free man today, as he has been throughout the Fort Worth Five's ordeal. Yet, on the basis of involvement apparently no greater than Finegan's, Daniel Crawford, Patrick Morahan, and Matthias Reilly have now served 6 months in a Texas prison, without charge or trial. And, most ironic of all, Peter Finegan, who is free, was Daniel Crawford's roommate in New York.

Finally, there is one other incident that illustrates the treatment of the Fort Worth Five. Matthias Reilly and his wife, Mary, who are immigrants to this country from Ireland, were scheduled to attend an important ceremony last March, to be held in New York, N.Y. at the courthouse for Rockland County. At that ceremony, following in the great tradition of generations of immigrants before them, they were to salute the American flag, and take the solemn oath to become citizens of the United States.

But the Department of Justice cancelled the ceremony for Matthias Reilly. He could not attend, they said, because he is in the custody of the Attorney General of the United States in a Texas jail.

And, in perhaps the unkindest stroke of all, the Department of Justice tried to cancel Mary Reilly's ceremony, too, for reasons which are unknown to me, but which, I suspect, the Department would not care to spread upon the public record.

But Mary Reilly shares her husband's courage and strong spirit. She insisted that her own ceremony should go on, and it did. So at 10 a.m. on a Friday morning last March, Mary Reilly stood before Justice Joseph Hawkins of the Supreme Court of the State of New York and became an American citizen, while her three young children tried to understand the meaning of the rights their family now had earned.

Mr. President, I ask unanimous consent to have the questions asked the Fort Worth Five by the grand jury printed in the *Recon* at this point.

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

QUESTIONS ASKED THE FORT WORTH FIVE BY  
THE GRAND JURY  
KENNETH TIERNEY

Q. Mr. Tierney, do you collect firearms?  
Q. Mr. Tierney, have you ever purchased firearms from a weapons dealer in Westchester County, New York, named Edward Agramonte?

Q. Mr. Tierney, have you ever given your driver's license to any other individual to be used as identification in the purchase of firearms?

Q. Mr. Tierney, have you ever accompanied any other individual at which time firearms or explosives were purchased?

Q. Mr. Tierney, are you engaged with any other person in New York, in Texas, or any other place in the purchase of illegal weapons or explosives or the purchase of legal weapons illegally?

Q. Mr. Tierney, do you have any knowledge of any person or person (sic) who, in New York, Texas, and elsewhere are engaged in the purchase of illegal weapons and explosives or in the purchase of legal weapons illegally?

Q. Mr. Tierney, have you ever purchased any weapons?

Q. Mr. Tierney, have you ever given your driver's license to any other individual to be used in the purchase of any weapons?

Q. Mr. Tierney, are you acquainted with a Peter Finegan?

Q. Are you acquainted with a Mr. Daniel Crawford?

Q. Have you ever accompanied either one of these men or any other men to purchase weapons or explosives?

Q. Mr. Tierney, are you acquainted with a Patrick Purcell?

Q. Have you ever been to a firearms dealer whose name is John Jalowsky?

MATTHIAS REILLY

Q. Mr. Reilly, are you presently licensed to drive a car in the State of New York?

Q. Have you ever furnished your driver's license, given it to any other individual for the purpose of purchasing firearms?

Q. Mr. Reilly, have you ever purchased a number of armalite rifles, and to aid you in this matter, these are commonly referred to as AR-180 from a licensed firearms dealer?

Q. Have you ever purchased or acquired illegal firearms or explosives or purchased otherwise legal firearms illegally or engaged in such activities in the New York or Texas or other areas?

Q. Mr. Reilly, have you ever knowingly allowed your name to be used in connection with the purchase of any firearms?

Q. Mr. Reilly, has James O'Gara ever given you money for the purchase of Armalite rifles?

Q. Mr. Reilly, do you have any knowledge of any person or persons who have purchased or acquired illegal firearms or explosives or have legally (sic) purchased otherwise legal firearms in New York or Texas or other areas?

Q. Do you have any knowledge of any other people or individuals who have purchased or acquired in any fashion illegal firearms or explosives or have purchased legal firearms illegally?

Q. Have you ever furnished your driver's license, given it to another individual for the purpose of purchasing firearms?

Q. Have you ever purchased or acquired illegal firearms or explosives or purchased otherwise legal firearms illegally?

Q. Mr. Reilly, have you ever knowingly allowed your name to be used in connection with the purchase of firearms?

Q. Mr. Reilly, have you ever purchased or acquired illegal firearms or explosives, or purchased illegal firearms or explosives, or purchased otherwise legal firearms illegally or engaged in such activities in the State of New York or Texas?

DANIEL CRAWFORD

Q. Mr. Crawford, are you presently licensed to drive a car in the State of New York?

Q. Do you have any knowledge of persons engaging in the purchase of illegal weapons or explosives or . . . the illegal purchase of legal weapons in New York or Texas or other place?

Q. Mr. Crawford, are you acquainted with a Charles or Liam Murphy?

PASCUAL MORAHAN

Q. Mr. Morahan, have you ever aided any person or persons in the illegal purchase of firearms?

Q. Mr. Morahan, do you know James O'Gara?

Q. Mr. Morahan, have you ever given your driver's license to another individual for the purpose of purchasing firearms illegally?

Q. Mr. Morahan, do you have knowledge of any person or persons who have engaged in the illegal purchase of otherwise legal firearms in the State of New York and Texas or who may have acquired or purchased illegal firearms or explosives in those two states or other places?

Q. Mr. Morahan, have you ever engaged in activities involving the acquisition or purchase of illegal firearms or explosives in the States of Texas, New York, or elsewhere, or the purchase of otherwise legal firearms illegally in those locations?

Q. Mr. Morahan, do you have knowledge of any person or persons who have engaged in the illegal purchase of otherwise legal firearms in the States of New York and Texas or who have acquired or purchased illegal firearms or explosives in those two states or other places?

THOMAS LAFFEY

Q. Mr. Laffey, have you ever purchased any firearms or explosives?

Q. Mr. Laffey, have you ever purchased Armalite rifles designated AR-180's from a gun dealer in New York operating under the name of Edleman's?

Q. Mr. Witness, I show you what appears to be a Thermofax copy of a document, It's Alcohol, Tobacco and Treasury Form 4473. I call your attention to the buyer's signature and ask if that is your signature?

Q. Mr. Laffey, have you ever received any money from any person for the purpose of purchasing weapons or explosives?

Q. Mr. Laffey, have you ever used the driver's license of any other individual for the purpose of identification in purchasing firearms?

Q. Mr. Laffey, have you any knowledge of any person or persons in the States of New York or Texas or elsewhere who are engaged in the purchase of legal weapons illegally or the illegal purchase of weapons or explosives?

Q. Mr. Laffey, have you ever received any money from any person for the purpose of purchasing weapons or explosives?

Q. Mr. Laffey, have you ever used the driver's license of any other individual for the purpose of identification in purchasing firearms?

Q. Mr. Laffey, have you any knowledge of any person or persons in the State of Texas, State of New York or elsewhere who are engaged in the purchase of legal weapons illegally or the illegal purchase of weapons or explosives?

Q. Have you any knowledge of any person or persons in the State of Texas, the State of New York, or any other State of the United States of America who are engaged in the purchase of legal weapons illegally or in the illegal purchase of weapons and explosives?

Q. Mr. Laffey, have you any knowledge of any person or persons in the State of New York or Texas or elsewhere who are engaged in the purchase of legal weapons illegally or the illegal purchase of weapons or explosives?

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

#### INCREASED AUTHORIZATIONS FOR COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Sen-

ate proceed to the consideration of the bill, S. 1413, which has been cleared on both sides of the aisle, that there be a time limitation thereon of 15 minutes to be under the control of the distinguished senior Senator from West Virginia (Mr. RANDOLPH) that rule XII be waived, and that upon the disposition of this measure the Chair lay before the Senate the unfinished business.

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

The legislative clerk read as follows:

Calendar No. 191, a bill (S. 1413) to increase the authorization for fiscal year 1974 for the committee for purchase of products and services of the blind and other severely handicapped.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped, I am glad to support S. 1413, the Wagner-O'Day Act Amendment of 1973, which was introduced by Senator JAVITS. This legislation increases the authorization for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped by \$40,000—from \$200,000 to \$240,000—for fiscal year 1974. The present authorization, under Public Law 92-28, was made before this committee had very much operating experience. The past 2 years have shown that the committee needs extra funding in order to cover increased administrative costs, including recent pay raises for Federal employees and increased travel expenses for staff who need to visit workshops to work on and verify qualification compliance.

The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped is the successor to the Committee on the Purchase of Blind-Made Products, which was established by the Wagner-O'Day Act of 1938. This act gave the blind a special priority in selling certain products to the Federal Government. In the years since, the Wagner-O'Day Act was amended only once, in 1971. That amendment, Public Law 92-28, extended the coverage of the act to other severely handicapped persons and broadened its scope to include services as well as commodities.

In the past 2 years, 35 new commodities, 12 new military resale items, and 7 new services—such as furniture rehabilitation—have been approved; the number of workshops for the blind participating in the program has increased from 78 to 83, and it is expected that 120 additional new workshops will seek to enter the program in the coming years.

During fiscal year 1972, Federal Government purchases from workshops for the blind amounted to \$21 million, which was approximately 37 percent of the products made by these workshops. These products range from automobile safety belts, signal flags, and ballpoint pens to mattresses and bedsprings. Over the past 2 years, new items have added an annual sales value of over \$6 million to the list of approved products and will create jobs for approximately 384 handicapped persons.

All of this means, Mr. President, that more blind and other severely handicapped persons will have jobs, will become more self-sufficient and independent, and will have the opportunity to live worthwhile, meaningful lives.

The Wagner-O'Day program, the Randolph-Sheppard program which I sponsored in 1936, and others like it, give disabled individuals an opportunity to contribute to society and receive its rewards. I feel that when we spend money to help a handicapped person, we always get something in return. We are making an investment. In this particular case, we are investing in a program which has had 35 years of successful operation and which provides a significantly increased number of opportunities for work for those who otherwise might be institutionalized, on welfare, or supported by overburdened families. It is my genuine hope that the Subcommittee on the Handicapped will always strengthen programs such as this one.

Also, I would like to express my gratification to the Senator from New York and the ranking minority member of the Committee on Labor and Public Welfare, Mr. JAVITS, for sponsoring this legislation. As we all know, he has been one of the chief proponents of this legislation, having introduced not only this bill, but also the 1971 amendments.

I appreciate his compassionate interest in the handicapped in general, and his productive work on this legislation in particular.

Finally, Mr. President, I wish to urge my colleagues to vote for the passage of the Wagner-O'Day Act Amendment of 1973. The handicapped need the help of the Congress in order that they may help themselves.

Mr. RANDOLPH. Mr. President, what is the situation with reference to time?

The PRESIDING OFFICER. All time on the bill has expired.

Mr. ROBERT C. BYRD. Mr. President, does the Senator wish a little additional time?

Mr. RANDOLPH. No; I have concluded, I say to the able assistant majority leader, but I was not just sure of the time frame.

Mr. GRIFFIN. Mr. President, in response to the inquiry of the able assistant majority leader, I ask unanimous consent for an additional 5 minutes, so that I might comment on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered, and without objection rule XII is waived.

Mr. GRIFFIN. Mr. President, I want to thank the able Senator from West Virginia for his leadership over the years in connection with legislation for the help of the blind and handicapped, and to commend him and the distinguished Senator from New York (Mr. JAVITS) for their work in connection with this particular bill.

As the Senator has already pointed out, this is legislation which is a good investment. For a rather modest appropriation, we are supporting machinery which is making it possible for blind and handicapped people to help themselves.

This particular program makes it possible for blind-operated workshops to sell their products, in certain circumstances,

to the Government. During fiscal year 1972, 19 new commodities and 9 new military resale items were approved for production by blind workshops under this program.

The inclusion of the new items created jobs for an additional 147 blind persons, and have an annual sales value of nearly \$3 1/2 million. During fiscal year 1973, 16 new commodities, 7 services, and 3 new military resale commodities were approved, and these have an annual sales value of over \$2 1/2 million. They have created jobs for 237 blind persons.

This legislation is before us now because of a revision in the original cost estimate for operating the committee which administers the program. Since 2 years ago, when the original estimate was submitted, the staff has been completed and has become operational. The operational costs have somewhat exceeded the estimates, due to the recent pay raises for Federal employees, increased travel requirements of the staff to assist workshops in qualifying for participation in the programs and to verify their compliance with the act, the requirement to budget for the rent of office space, and increases in other administrative costs.

The increased authorization provided in the bill was requested by the administration. The increased funding in the bill to benefit the blind and the handicapped is included in the administration's budget request submitted by President Nixon.

Mr. President, I urge the passage of the bill.

Mr. ROBERT C. BYRD. Mr. President, I wish to join the distinguished assistant Republican leader in associating myself with his remarks and those of my senior colleague from West Virginia (Mr. RANDOLPH). I commend Mr. RANDOLPH as I do the distinguished senior Senator from New York (Mr. JAVITS) on the work they have done in connection with this legislation and in bringing it to the floor.

Mr. DOLE. Mr. President, today I join in support of S. 1413, the Wagner-O'Day Act Amendment of 1973, introduced by the distinguished Senator JAVITS of New York. This legislation amends Public Law 92-28 to increase the authorized appropriation for fiscal year 1974 from \$200,000 to \$240,000 for the Committee for Purchase of Products and Services of the Blind and other severely handicapped.

The original cost estimates for operating the committee, when enacted in June of 1971, was based on little actual funding experience. Since the estimates were developed it has been found that the committee needs additional funding to be able to cover increased space rental costs, administrative costs, travel expenses for staff who need to visit workshops in order to verify qualification compliance, and higher than expected postage costs.

The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, Public Law 92-28, enacted by Congress in June 1971, amended the original Wagner-O'Day Act of 1938, in which the Committee on the Purchase of Blind-Made Products was established. This act gave the blind a special priority in selling certain products

to the Federal Government. The new act extended to other severely handicapped persons the special priority in selling certain products to the Federal Government, previously reserved for the blind and expanded its scope of contracts under the act to include services as well as products.

During the past 2 years, 19 new products and nine new military resale items were approved for production by blind workshops. By adding these new items, 147 additional blind people have jobs. During fiscal year 1973, 16 new products, seven services, and three new military resale products have been approved, creating jobs for 237 blind and other severely handicapped people. Mr. President, it is evident that more blind and other severely handicapped persons have and will have jobs, which will enable them to become more self-sufficient and independent. This will help restore many of the severely disabled people of our Nation to more meaningful and productive lives, giving them the opportunity to contribute to society.

The Wagner-O'Day Act is one of the many valuable programs serving the handicapped and it is my sincere hope that we will continue to strengthen programs such as this one.

I have long been dedicated to the handicapped citizens of this Nation and I encourage my colleagues to support the proposed increase in funding for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. The proposed changes in the bill before us will permit the agency to carry out the duties and functions charged by the Congress so the blind and other severely handicapped will have better opportunities to become self-supporting.

The PRESIDING OFFICER. All time on the bill has now expired. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

S. 1413

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of June 25, 1938 (52 Stat. 1196), as amended by Public Law 92-28, dated June 23, 1971 (85 Stat. 77), is hereby amended as follows:*

By striking out in section 6 the words "and the next two succeeding fiscal years" and inserting in lieu thereof "and the next succeeding fiscal year, and \$240,000 for the fiscal year ending June 30, 1974".

Mr. RANDOLPH. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. GRIFFIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### OBSERVATION OF A PERIOD TO HONOR AMERICA

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 27.

The PRESIDING OFFICER (Mr.

JOHNSTON) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 27) to observe a period of 21 days to honor America, which was to strike out the preamble.

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

#### LAND USE POLICY AND PLANNING ASSISTANCE ACT

The PRESIDING OFFICER (Mr. JOHNSTON). The Chair now lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

S. 268, to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

The Senate resumed the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, while the distinguished manager of the bill is awaiting the arrival of a staff member on the floor, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) may be recognized to speak out of order—notwithstanding the Pastore rule of germaneness—for not to exceed 15 minutes.

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

The Senator from West Virginia (Mr. RANDOLPH) is recognized.

#### THE FIRST 100 DAYS OF THE DEMOCRATIC NEW DEAL

Mr. RANDOLPH. Mr. President, there are perhaps few people who are guests in the Capitol today who would remember that the first 100 days of the Democratic New Deal ended exactly 40 years ago today. My remarks are in nowise for the purpose of indulging in nostalgia, when I discuss what transpired during those 100 days of the New Deal under the inspired leadership of Franklin D. Roosevelt.

I was a Member of the 73d Congress, and we adjourned with a record of legislative programs and policy decisions unlike anything that had been known before that time or has been known since that time, in the history of our Republic.

That period of the first 100 days of

the New Deal under Franklin D. Roosevelt had promised the American people the belief, as expressed by Roosevelt, himself, the previous June, that he would think anew, that he would act anew to aid the United States of America, strengthen its economy, and bring hope once again to the American people.

I think it is important, as I have indicated, to call attention today to those first 100 days of that administration, which ended 40 years ago today.

On the day following adjournment, President Roosevelt signed into law four major bills, part of a mammoth legislative package of 15 important measures enacted during those 100 days following his inauguration on March 4, 1933.

Mr. President, in the parlance of poker, a new deal means something has gone wrong with the game. The cards may not be falling right, or one or more of the players is suspicious of the dealer. A player may not be satisfied with what he is holding in his hands. So a new deck of cards is introduced into the game, and a new deal is begun.

That situation was exactly what took place in the political campaign of 1932, when the total economic structure of America tottered. There may be some persons today who do not know what the situation was. The economy faltered, and the structure threatened to fall. That was the depth of the Great Depression. Not so many people today recall it. It was when the very philosophy of what we know as rugged individualism and capitalistic enterprise was, in a sense, being called into question. The bubble of unlimited prosperity had burst, and hardly a person in America was immune from its effects.

I think statistics sometimes, if properly used in relation to a complex question, give the extent of a problem, and I am going to do that in connection with this almost total collapse within our country 40 years ago. Of course, today, any figures I might state would not adequately portray the human misery created in those years.

Between 1929 and 1932, the gross national product, the total measured income of the American economy, fell from \$104 billion to \$58 billion.

Wages in this country in the period 1929 to 1932—dropped from \$45 billion to \$25 billion. The production of consumer goods, such as automobiles and refrigerators, dropped 70 percent during this period. One out of every four Americans was without a job; and those lucky enough to be employed in industry—what was their average weekly wage? Just \$22. Clearly, "a New Deal for the American people" was called for, and under the dynamic leadership of Franklin Roosevelt the 73d Congress became a part part of that leadership.

We hear so much today about the administration and about Congress. The 73d Congress was a cooperative, coordinated effort with the President—the administration—and Congress.

I add as a historic note, that there are only two Members of the present Congress who are members of the 73d Congress and who served in those first 100 days of the New Deal administration. One of the two individuals is my beloved

colleague WRIGHT PATMAN, who serves today in the House of Representatives. He came to the House in 1929, having been elected in 1928. He continues as the active, alert, and very progressive chairman of the House Committee on Banking and Currency.

The other Member serving in this Congress at the present time is the Senator from West Virginia who is now speaking. I was inducted into office, as was the President of the United States, on March 4, 1933.

Mr. President, all of us recognize those troublesome days. We knew that Draconian measures had to be taken; no timid steps would suffice. There had to be an all-out effort by the administration and Congress because the American system was being sorely tested and in some instances, of course, there was a realization that we had not built a strong enough foundation, but we were not found wanting. This is important to remember because we corrected the deficiencies in our system, laws were passed, later reviewed, and some were corrected, but in the historical perspective let it be known in this Chamber 40 years later that at a time of extreme crisis in America the U.S. Congress acted.

Sometimes as we hear about the Congress I refer to what took place on that occasion.

Historian Arthur M. Schlesinger, Jr., wrote of that period:

Before March 4, America was in a state of extreme shock. No one will ever know, General Hugh S. Johnson later said, "how close were we to collapse and revolution." (Administration advisor, Rex Tugwell stated: "I do not think it is too much to say that on March 4 we were confronted with a choice between an orderly revolution—a peaceful and rapid departure from past precepts—and a violent and disorderly overthrow of the whole capitalist structure."

For the record, here are the major pieces of legislation which were enacted into law during those perilous times of national crisis. I will not list them in detail but merely give the substance of them:

The Emergency Banking Act of March 9, 1933, authorizing the President to regulate or prohibit transactions in foreign exchange, transfers of credits between or payments by banking institutions, the export, hoarding, melting, or earmarking of gold or silver coin or bullion. The act further provided for the appointment of conservators by the Comptroller of the Currency where necessary, to conserve the assets of banks for the benefit of depositors and other creditors.

A person was guaranteed if he had money in the bank that \$5,000 of that money would be guaranteed if the bank closed. The Federal Government, the United States itself, was standing behind the depositor. Since then we have increased the guarantee to \$15,000.

The Reforestation Act of March 31, 1933, authorizing the President to provide for employing unemployed persons in the construction of works of a public nature in the reforestation of lands belonging to the United States, and creating the Civilian Conservation Corps. Literally hundreds of thousands of young men and older men, in some instances, were moved

from the streets into the fields and forests of America.

Agricultural Adjustment Act of May 12, 1933, authorizing the Secretary of Agriculture to acquire stocks of cotton, and giving broad powers for the purpose of establishing parity between agriculture and other industries, and other provisions.

Inflation Act of May 12, 1933, authorizing the President to direct the Secretary of the Treasury to enter into agreements with Federal Reserve Banks for the purchase of U.S. obligations up to \$3 billion, or to issue U.S. notes up to the same amount, to meet maturing U.S. obligations, and other provisions.

Federal Emergency Relief Act of May 12, 1933, created the Federal Emergency Relief Administration which was designed to cooperate with the States and territories in relieving hardships resulting from unemployment and drought, and other provisions.

Tennessee Valley Authority Act of May 18, 1933, which created the Tennessee Valley Authority, a corporation for the operation of properties at Muscle Shoals in the interest of national defense, and for agricultural and industrial development.

Securities Act of May 27, 1933, which provided for regulation of the sale or offering for sale of securities through the mail or in interstate commerce, under supervision of the Federal Trade Commission.

Gold Clause Repeal Resolution of June 5, 1933, repealing the right of payment in gold, and declaring that all obligations shall be discharged upon payment in any coin or currency which at the time of payment is legal tender for public and private debts.

National Employment System Act of June 6, 1933, which created the U.S. Employment Service in the Department of Labor to develop a national system of employment offices, to maintain a service devoted to securing employment for veterans, and other provisions.

Homeowners' Loan Act of June 13, 1933, providing for the creation of a loan corporation by the Federal Home Loan Board, with power to issue bonds, and charters to Federal savings and loan associations to make loans on local homes and business properties.

I report today what some people should know and that is that the loans made to homeowners were repaid. The Federal Government did not lose on the loans which were made. Today, as I read about the loans made under the Small Business Administration, I read about sums of money, a half million dollars, a million dollars, not being repaid to the Federal Government, in hundreds and hundreds of cases.

There was a fiber within the American character and even though people were up against it, they recognize their obligation when a loan or loans were made.

National Industrial Recovery Act of June 16, 1933, which empowered the President to establish agencies to remove obstacles to the free flow of commerce, to approve codes of fair competition for trade and industry involving such things as maximum hours, minimum wages, collective bargaining, labor conditions and

fair trade practices, to promote the fullest possible utilization of the productive capacities of industry, and other provisions.

All over the country there were projects which would strengthen the community and also provide gainful employment to men and women. Some might say the work was always of a type that was not the best. It was in many cases menial labor. I say today that people were working. They were doing something, even though perhaps they were not skilled in what they were doing. They were making contributions, and all over this country today in the small towns and in the larger towns, I move over streets, roads, and sidewalks that were constructed by people who were given employment, not just given an amount of money, but who worked to help America stand strong in an hour of crisis.

**THE PRESIDING OFFICER.** The Senator's 15 minutes have expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to the Senator from West Virginia to speak out of order, notwithstanding the rule of germaneness, be extended for not to exceed 5 minutes.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. RANDOLPH. I thank the Senator.

**THE PRESIDING OFFICER.** The Senator may proceed.

Mr. RANDOLPH. I am very appreciative to the able assistant majority leader, and I am conscious of the presence of the chairman of the Committee on Interior and Insular Affairs as he waits to bring a bill to the floor of the Senate.

Then, as I have indicated, there was also: Act of June 16, 1933, providing the creation of a Federal Emergency Administration of Public Works and authorizing an appropriation of \$3.3 billion for carrying out the program.

Farm Credit Act of June 16, 1933, authorizing the Governor of the Farm Credit Administration to organize Production Credit Associations from which farmers may borrow money, and a Central Bank of Cooperatives to make loans to cooperative associations.

Banking Act of June 16, 1933, creating the Federal Deposit Insurance Corporation with capital of \$150 million, and authorizing the Corporation to insure bank deposits of Federal Reserve member banks and other banks wishing to participate in the system.

Other significant legislation included: The Economy Act of March, 1933; the Emergency Farm Mortgage Act of May 12, 1933; the U.S. Employment Service Act of June 6, 1933; and the Railroad Coordination Act of June 16, creating a Federal Coordinator of Transportation.

Mr. President, I remind you that these were bills that were given careful consideration and bills that were passed and that became law, bills that provided for America the leadership and brought back confidence to millions of Americans. These are the major efforts of those first 100 days.

There will be those who will ask "Why give this attention in the Senate of the United States and why recall what happened then?" Mr. President, I think it is very important if we are to under-

stand the point we now have reached that we understand some of the history that has gone before in reference to the problems that have faced this country.

These were emergency efforts in those first 100 days, and it is important to note that some of this emergency legislation, such as the Tennessee Valley Authority and the FDIC, have survived over the past four decades. More important, I think, is the fact that these decisive actions signaled the beginning of a new era of social legislation which, on impact, changed the pace and face of America in a time when the American people challenged the ability of the Federal Government to govern. These were drastic measures and there were more to come. The major goals of the first 100 days of the "New Deal" were immediate relief of a suffering populace, recovery and reform of economic imbalances, and the restoration of faith in American government.

Mr. President, the first 100 days of the New Deal transpired in a period of national crisis. It is important to remember that much of the moves and motives of that period have subsequently been embodied in permanent legislation, such as the monumental Social Security Act of 1935. To those who today refer loosely to events of constitutional crises and the end of the American dream, I would recall the words of historian Schlesinger, who wrote of those first 100 days:

For a deceptive moment in 1933, clouds of inertia and selfishness seemed to lift. A despairing land had a vision of America as it might some day be.

This vision has not been reached, and possibly it will never be, but on this significant anniversary, let it be recorded that, for 100 days of another era, our system of government was on trial and won a clear victory for the American people.

#### NOTIFICATION TO PRESIDENT OF CONFIRMATION OF NOMINATION OF GEORGE M. MOORE, OF MARYLAND, TO BE A MEMBER OF THE U.S. TARIFF COMMISSION

Mr. ROBERT C. BYRD. Mr. President, as in executive session, in connection with the nomination of Mr. George M. Moore, of Maryland—confirmed earlier today—to be a member of the U.S. Tariff Commission for the term expiring June 16, 1979, it has been called to my attention by the distinguished senior Senator from Georgia (Mr. TALMADGE) that there is a factor of urgency in connection with this nomination.

I therefore ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Mr. George M. Moore.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had passed the bill (S. 795) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other

purposes, with an amendment, in which it requested the concurrence of the Senate.

#### LAND USE POLICY AND PLANNING ASSISTANCE ACT

The Senate continued with the consideration of the bill (S. 268) to establish a national land use policy, to authorize the Secretary of the Interior to make grants to assist the States to develop and implement State land use programs, to coordinate Federal programs and policies which have a land use impact, to coordinate planning and management of Federal lands and planning and management of adjacent non-Federal lands, and to establish an Office of Land Use Policy Administration in the Department of the Interior, and for other purposes.

Mr. JACKSON. Mr. President, I ask unanimous consent that during Senate consideration and voting in S. 268, the Land Use Policy and Planning Assistance Act, Jerry Verkler, Bill Van Ness, Steven Quarles, Suzanne Reed, Forrest Gerrard, and Michael Harvey, members of the professional staff of the Interior and Insular Affairs Committee, be accorded the privileges of the floor.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. JACKSON. Mr. President, today we consider S. 268, the Land Use Policy and Planning Assistance Act. The purpose of this measure is to provide assistance to State and local governments in dealing with increasingly complex and difficult problems of accommodating competing uses for limited land resources.

#### INTRODUCTION

S. 268 as ordered favorably reported by the Interior and Insular Affairs Committee is closely patterned after S. 632 which was passed by the Senate in the 92d Congress. S. 268 provides grant-in-aid money to State and local governments to enable them to inventory their land resources, retain competent professional staff, develop planning and institutional procedures to both avoid and resolve land use conflicts, and to develop land use programs for critical areas and uses of more than local concern. It also provides financial assistance to States to coordinate planning in interstate regions, to Indian tribes to plan Indian land, and to universities and other non-profit institutions for research on and training in land use related subjects.

S. 268 is a reasonable, carefully considered measure. It is the product of 20 days of hearings in the Senate in three committees over the last three Congresses. It has now been reported three times; this last time after 11 markup sessions. Last year, the Senate passed S. 268's very similar predecessor by a vote of 60 to 18. The Land Use Policy and Planning Assistance Act is ready for Senate passage.

#### NEED

For over a century after the birth of our Nation, Americans enjoyed a superabundance of relatively free land.

Today, however, land is our most valuable resource—an all too finite resource. Unlike air and water and many minerals, land cannot be recycled. Mountains

carved by strip mines, wetlands dredged and filled, or streams channelized can seldom be returned to their former use or beauty. Land once committed to a use today is often unable to support a different use in the future more closely attuned to the then prevailing national values or goals.

Mr. President, the country can no longer afford to absorb the enormous costs in economic losses, delays, resource misallocations, and adverse social and environmental effects which have been exacted by the failure of Federal, State, and local government to plan for the sound and balanced use of our land. Our Nation's economy and environment can no longer bear the burden of the chaotic, ad hoc, short-term, case-by-case, crisis-to-crisis land use decisionmaking which all levels of government have indulged in in the past.

The land use crisis is bearing down on America with the inexorable force of a tidal wave. Land use problems which once appeared only local are now national in compass. We are now faced with a national crisis in land use decisionmaking. Consider these statistics:

By 1990, urban sprawl will consume an area of land approximately equal to all the urbanized land now within the 228 standard metropolitan statistical area—the equivalent of the total area of New Hampshire, Vermont, Massachusetts, and Rhode Island;

Each decade alone, new urban growth will absorb an area greater than the entire State of New Jersey;

The equivalent of two and half times the housing in the Oakland-San Francisco metropolitan region must be built each year to meet the Nation's housing goals;

In the next two decades, one industry alone—the electrical power industry—will need 3 million acres of new rights-of-way for additional high voltage transmission lines and more than 140,000 acres of potential prime industrial sites for over 200 new major generating stations.

In short between now and the year 2000, we must build again all that we have built before. We must build as many homes, schools, hospitals, and office buildings in the next three decades as we built in the previous three centuries.

Costs rise and needs go unmet while the courts attempt to deal with a growing backlog of hotly contested cases involving land use for new suburban housing developments, highways, airports, factories, powerplants, transmission lines, and pipelines. Failure to pass this legislation when it was first introduced 3 years ago has already resulted in needless, costly waste, inefficiency, and environmental damage.

It has now become obvious to environmentalists and industrialists alike, to both urban and rural interests, and to most Members of Congress, that this 20th century problem of exponential growth cannot be met with 19th century laws, institutions, and procedures.

There are, however, a few who still contend that social and environmental change cannot or should not be consciously planned or given direction. They make dire predictions of ruin—destruction of property values, surrender of local

control, rampant socialism—should the laws of the free market be amended, no matter how slightly, by the laws of society. They argue that public planning and implementation of policies to protect the public interest and the environment somehow invade constitutionally protected rights.

Their contentions are wrapped in constitutional phrases to obscure the simple fact that the vested and special interests want to maintain the status quo. The Nation, however, can no longer afford the status quo. In all parts of the country, conflicting demands over limited land resources are placing severe strains upon economic, social, and political institutions and processes and upon the natural environment. The status quo is conflict, waste, and inefficiency; it is farmers' groups opposing real estate developers; environmentalists fighting the electric power industry; homeowners colliding with highway planners; the mining and timber industries struggling with conservationists; shoreline and water recreation interests pitted against oil companies; cities opposing the States; and suburbs opposing the cities.

The Land Use Policy and Planning Assistance Act is the Nation's best and probably last chance to preserve and to invigorate State and local land use decisionmaking and to insure that basic property rights are not infringed by faceless Washington bureaucrats in places far removed from the sites of land use problems.

The Land Use Policy and Planning Assistance Act is an affirmation of States rights. It provides grants to the States to assist them to develop their own innovative land use policies and procedures to meet the land use crisis. It is a statement of belief that, if urged and aided, State, and local government, working together can provide a better design for tomorrow—a design which embodies all legitimate values and goals, local, regional, and national.

If State and local governments do not accept this challenge and do not implement this bill, the only solution will be the usual solution for national problems: Federal control. No one wants national zoning; but, I say here today, that if we turn our backs on the opportunity and shirk our responsibility to improve land use decisionmaking, that is what we will have by the end of the decade.

#### PURPOSE OF S. 268

The Land Use Policy and Planning Assistance Act has as its basic purpose the improvement of State and local land use procedures and institutions to provide for a truly balanced, democratic land use decisionmaking. It fosters regional and Statewide decisionmaking about those land uses which are of more than local concern. The act is designed to balance all competing demands for the land—economic and noneconomic. It further provides for the participation of all people who would feel the impacts of land use decisions and of their elected representatives in State and local government.

#### GRANTS TO STATES

In recognition that many land use decisions today have major impacts on the citizens, the economy, and the environ-

ment beyond the jurisdiction of local zoning bodies, S. 268 encourages the States, as representatives of wider public interests, to formulate State land use programs for five categories of critical areas and uses of more than local concern. These categories are: first, areas of critical environmental concern—flood plains, shorelands, wildlife habitats, historic areas; second, key facilities—major airports, highway interchanges, recreation facilities, and energy facilities; third, large scale development—large industrial parks or subdivisions; fourth, public facilities or utilities of regional benefits; and fifth, land sales or development projects—installment land sales and massive recreational homesite projects in rural areas. S. 268 provides grants totaling \$100 million per year for 8 years, at 90 percent Federal share of cost for 5 years, 66 2/3 percent thereafter, to the States to develop these programs.

#### OTHER GRANT PROGRAMS

In addition, the States are asked to coordinate both State and local land use planning in interstate regions—\$15 million annually for 8 years at 90 percent. Indian tribes are provided funds to develop programs for Indian land similar to the State land use programs—\$10 million annually for 8 years at 100 percent. The act also provides \$2 million a year in grants or contracts for research and training in land use related subjects. Mechanisms are established by S. 268 to coordinate planning and management of Federal lands with State and local planning and management of adjacent non-Federal lands.

#### RELATION TO OTHER LAND USE AND ENVIRONMENTAL LAWS

Various provisions in the act protect, in fact strengthen, existing planning assistance and land use related laws, including section 701 of the Housing Act of 1954, as amended, the Coastal Zone Management Act of 1972, and the Federal Water Pollution Control and Clean Air Acts.

#### NEW CONSIDERATION IN S. 268

Several amendments added by committee during markup reflect concerns raised by several of my distinguished colleagues during Senate consideration of the measure last year. Among the amendments are new provisions which: ensure the safeguarding of the traditional rights of property owners; give sensitive consideration to the protection of the local property tax base and revenues; and guarantee full participation of all interested parties—property owners, users of the land, and the public.

At the urging of several Senators, a number of Governors and leading environmental organizations, the committee adopted an amendment which established a fifth category of land uses which must be included in the State's land use program—"land sales of development projects." We presently have a Federal law which attempts to end the fraud and misrepresentation too frequently associated with the selling of large-scale installment lands sales and recreational homesite projects. But the regulation this law calls for is remedial and has as its principal purpose the protection of the consumer. It comes too late for the pur-

poses of protection of the environment and for insuring adequate public services, such as education, police, and fire protection, and sewer and water systems. Full and intelligent consideration must be accorded projects at the initial stages of development rather than at the later sales stage. The decision to site and develop a project comes before the selling begins; it is this first decision which determines the eventual environmental and public service impacts of the proposed projects. New provisions in the act require the States to assist rural, local governments to assess the full range of favorable and adverse impacts of proposed projects, and to hold developers of these projects to a number of substantive standards concerning environmental quality, provision of public services, and financial capability to complete all promised improvements.

The act also mandates the Council on Environmental Quality to conduct a 1-year study of the feasibility and possible substance of national land use policies. The results of that study, together with the reports of State and local governments must be submitted to Congress within 3 years of enactment of S. 268. To insure an in depth rather than a pro forma study, the act identifies 12 possible national standards which must be considered by all the parties to the study.

Finally, new amendments, adopted by the committee, would provide grant assistance to Indian tribes to plan Indian land; funds for research on and training in land use planning and management; and give, for the first time, statutory recognition to and consideration of the inefficient, costly, time-consuming, and conflicting licensing requirements at all levels of government.

STATE AND LOCAL LAND USE DECISIONMAKING  
ENCOURAGED BY S. 268

I wish to make clear that the act does not contemplate sweeping changes in the traditional responsibility of local government for land use management. Decisions of local concern will continue to be made by local government. However, for land use decisions which would have significant impacts beyond the jurisdiction of the local public or private decision-makers, the act provides for wider public participation and review by the State, as the representative of the larger constituency affected by those decisions.

The procedures for, and the nature of, State involvement in land use decisions are left to the determination of the individual States, subject only to certain due process procedural requirements concerning participation of property owners and the public, appeals, dissemination of data, et cetera, and to certain requirements concerning the establishment of authority to implement the decisions. To insure flexibility to the States to develop their own procedures and methods, two alternative but not mutually exclusive techniques of implementation of State land use programs are given: local implementation pursuant to State guidelines and direct State planning. However, the act contains language endorsed by the League of Cities and Conference of Mayors which expresses a preference for the former alternative.

The more innovative State land use laws of recent years support the local government-State government approach of the former alternative. The authority of local governments—the level of government closest to the people—to conduct land use planning and management is in fact bolstered in the great majority of laws of some 40 States concerning areas and uses of more than local concern—wetlands, coastal zone, flood plain, powerplant siting, open space, and strip mining laws. The localities, in these laws, are encouraged to employ fully their land use controls. State administrative review is provided only in accordance with flexible State guidelines relating only to those decisions on areas and uses that are of clearly more than local concern. And, even should disapproval of a local government action result from such a review, State preemption of the decisionmaking authority does not necessarily occur; rather, under most of these State laws, the local government would be provided full opportunity to take any of numerous actions which would comply with the State's guidelines. This form of decisionmaking is encouraged by S. 268.

LIMITED FEDERAL ROLE

Another point which should be emphasized is that the Federal review of State land use programs is to focus not on the substance of each program, but on whether each State has authority to develop and implement its program and whether it is making good faith efforts to do so. This is in keeping with the proposal's purpose to encourage better and effective land use decisionmaking at the State and local levels, and not to provide substantial new land use decisionmaking authority on the Federal level.

Guidelines for the act are to be promulgated through an interagency process with the principal responsibility of formulating those guidelines residing in the Executive Office of the President. Federal determination of State grant eligibility is also not a line agency responsibility. The act provides for an interagency review, with particular additional duties for the Administrator of the Environmental Protection Agency and the Secretaries of Housing and Urban Development and the Interior. Finally, an automatic appeal from an initial determination of ineligibility to an independent ad hoc hearing board is provided. As S. 268 does establish grant-in-aid programs of major dimensions which require administration by line agency personnel daily administrative responsibility is given to the Department of the Interior. To insure the absence of the mission-oriented bias of any existing office or bureau in the daily administration of S. 268, the measure creates a new Office of Land Use Policy Administration within the Department, separate from any such office or bureau.

PROTECTION OF PROPERTY RIGHTS

During the markup of S. 268 the committee gave careful consideration to the possible impact of the legislation on the traditional rights of private property owners. A conscious effort was made to remove any provision or ambiguity which would permit any interpretation that the

act in any way provides authority to either diminish or enhance property rights under State constitutions and the Constitution of the United States.

The authority of the States—and local governments, through the delegation of State power—to regulate the use of land to achieve public goals is well established. This authority, however, is clearly not absolute. The extent of the restriction on this authority—the line between permissible and impermissible regulation; regulation which does not require compensation and regulation which, either because of the magnitude of the diminution of property value or the purposes to be achieved, does require compensation—is different in each State. The permissibility of government regulation of private property in each and every case is subject to review by the courts against the fifth amendment's prohibition of "takings" of property without "just compensation," which applies to the States by virtue of the 14th amendment, and against similar provisions of State constitutions. Thus, the Constitution is, as it has always been, the ultimate bulwark for protection of individual property rights.

To make absolutely certain that the act does not by implication alter or amend the constitutional guarantees of the rights of the property owner or diminish the courts' authority to protect those rights, the committee adopted an amendment to subsection 203(f) in S. 268. That subsection reads:

Nothing in this Act shall be construed as enhancing or diminishing the rights of owners of property as provided by the Constitution of the United States or the constitution of the State in which the property is located.

In short, by this amendment, the committee has declared that S. 268 should not directly or indirectly, by implication or otherwise, interfere with the development of constitutional doctrine on land use and property rights in the 50 States.

RELATIONSHIP TO OTHER LEGISLATION

Finally, what is this measure's relationship to other past or pending land use legislation? Congress has enacted several laws which emphasize land use planning, particularly section 701 of the Housing Act of 1954, as amended, and the Coastal Zone Management Act of 1972. Numerous bills relating to land use policy have been introduced in the 93d Congress. They relate to the public lands, energy facilities, powerplant siting, surface mining, Federal lands rights-of-way, open space, and deepwater port facilities measures. Most of these bills focus on individual uses or areas of critical concern and more than local significance, and encourage the States to assume a degree of control over them. In addition, the Congress is giving increasing attention to national growth policy, in general, and various specific aspects of growth policy, such as rural revitalization. In relation to the myriad of land use and growth policy considerations and legislative proposals before Congress, the Land Use Policy and Planning Assistance Act is expected to serve as an "enabling act" which would encourage the States to develop the financial, institutional, and human resources, and require the State legislation to establish

the necessary machinery and procedures, to insure that: first, the States will be receptive to any of those considerations or proposals which become law, and second, the many planning tasks which such laws will require will be conducted in an informed, democratic, and effective manner and not in isolation one from another.

#### CONCLUSION

Mr. President, I urge favorable Senate action on this measure. It is the product of long and careful study by the Interior Committee and the full Senate. This legislation has been under active consideration for over 3½ years. This measure has been the subject of 20 days of hearing, it has been reported three times, and it was passed by the Senate in the last Congress. I introduced the first national land use policy legislation in January 1970. After 4 days of hearings, it was reported by the Interior Committee in December of that year. As no floor action was taken in the 91st Congress, I again introduced the proposal early in 1971. The administration proposed a similar measure which was featured in the President's 1971 and 1972 environmental messages to Congress. Ten days of hearings were held on the Land Use Policy and Planning Assistance Act in the Senate during the 92d Congress, four by the Interior Committee and three each by the Commerce and the Banking, Housing, and Urban Affairs Committees.

Reported once again by the Interior Committee, the measure passed the Senate on September 19, 1972, after the addition of several excellent amendments offered by my distinguished colleagues Mr. MUSKIE, Mr. RANDOLPH, Mr. SPARKMAN, Mr. BAYH, Mr. BOGGS, Mr. BUCKLEY, Mr. COOPER, Mr. FANNIN, and Mr. TALMADGE.

This year, S. 268 was the subject of 6 more days of hearings and 11 days of markup in open public session. S. 268, as reported, contains several additional amendments added by the committee which reflect careful consideration of a number of issues raised on the floor last year. I believe that these new amendments not only answer my colleagues' concerns but also measurably strengthen the act. Among the amendments are new provisions which: First, insure the safeguarding of the traditional rights of property owners; second, give sensitive consideration to the protection of the local property tax base and revenues; third, guarantee full participation of all interested parties—property owners, users of the land, and the public; fourth, provide for regulation of massive installment land sales and recreational homesite projects in rural areas; fifth, establish a grant-in-aid program to Indian tribes to plan tribal land; and sixth, mandate a 3-year feasibility study by the Council on Environmental Quality, the States, and local governments of a set of specific national land use policies which the Congress may wish to incorporate into future legislation if the concepts of assistance to State and local government provided for in S. 268 do not resolve the critical land use problems we face.

Mr. President, the Land Use Policy and Planning Assistance Act is a realistic and widely favored proposal. It has

received the endorsement of the administration, the National Governors' Conference, 30 individual Governors, and the Council of State Governments, the National Association of Counties, the League of Cities, the Conference of Mayors, the AFL-CIO, the National Farmers Union, National Association of Industrial Parks, League of New Community Developers, and all the major environmental organizations and such diverse publications as the New York Times, Wall Street Journal, the Washington Post, and Business Week.

The need for land use policy legislation has been identified by the Douglas Commission, the Kerner Commission, the Kaiser committee, the Advisory Commission on Intergovernmental Relations, the National Estuarine Pollution Study and the National Estuarine inventory, the Task Force on Land Use and Urban Growth of the Citizens Advisory Commission on Environmental Quality, and numerous other study commissions. Congress recognizes and must respond to this need.

Mr. President, the chaotic land use decisionmaking of today will insure an unsightly, unproductive, and unrewarding land resource for future generations of Americans. To avoid this unfortunate tomorrow, we must improve our land use policy, procedures, and institutions. I commend the Land Use Policy and Planning Assistance Act to the Senate as the best vehicle to achieve this improvement.

Mr. President, I am particularly pleased to announce that the National Governors' Conference unanimously supports this legislation. This very month, at their annual meeting, the Governors gave a unanimous vote to a resolution supporting S. 268.

I ask unanimous consent to print in the RECORD at this point telegrams I received today from the present and immediate past chairmen of the National Governors' Conference: Governor Evans and Governor Mandel.

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

WASHINGTON, D.C., June 15, 1973.  
Hon. HENRY M. JACKSON,  
Chairman, Senate Committee on Interior and  
Insular Affairs, Capitol Hill, D.C.

The National Governors' Conference at its 1973 annual meeting this month unanimously affirmed its support for Federal legislation to assist State land use planning programs.

We support the Land Use Policy and Planning Assistance Act as reported by your committee and urge its enactment.

DANIEL J. EVANS,  
Governor of Washington and Chairman  
National Governors' Conference.

Washington, D.C., June 15, 1973.  
Hon. HENRY M. JACKSON,  
Chairman, Senate Committee on Interior and  
Insular Affairs, Capitol Hill, D.C.

The National Governors' Conference at its 1973 annual meeting this month unanimously affirmed its support for Federal legislation to assist State land use planning programs.

I join Governor Daniel Evans of Washington, in my capacity as immediate past Chairman of the National Governors' Conference, in supporting the Land Use Policy and Planning Assistance Act as reported by your committee and urge its enactment.

MARVIN MANDEL,  
Governor of Maryland.

Mr. JACKSON. Mr. President, the Land Use Policy and Planning Assistance Act is long and complex and the various provisions of the bill are interrelated. The length and complexity of the bill result from a conscious effort to protect the existing rights and responsibilities of State and local government and to insure maximum coordination between Federal and State governments. Also, the committee was scrupulously careful to insure that the provisions of S. 268 did not in any way impinge upon or conflict with the provisions of existing Federal laws on planning and on environmental protection.

Because of the many days of careful consideration the committee has given this measure and because of its complexity and interrelatedness, the committee does not intend to accept any amendments the effect of which could be to upset the careful balance which has been designed into the bill.

Mr. President, I also ask unanimous consent that a brief review of the history of Government involvement in land-use planning and a discussion of what S. 268 does and does not do be printed in the RECORD at this point. This review and discussion was prepared last year to assist my colleagues in the floor discussion of S. 632—S. 268's predecessor. It was updated to reflect the changes in S. 268, as reported, and placed in the report on S. 268.

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

#### REVIEW

##### REVIEW OF THE HISTORY OF LAND USE CONTROLS

(1) The police power of the respective States is an inherent power of government to take such actions as are necessary and Constitutionally permissible to protect public health, safety and welfare.

(2) The power to plan for and to regulate land use derives from the police powers of the individual States.

(3) The Federal government has no police power to regulate lands within a State which are privately owned or owned by the State. Only the State has constitutional authority to control and regulate these lands.

(4) The Federal government does have police power authority as well as express Constitutional authority to regulate the use of the public lands.

(5) The States have exercised land use controls for hundreds of years in one form or another. It was only in the early part of the 20th Century, however, that the States began to do so in a broad and general way. This came with the adoption of model State laws which generally delegated zoning authority—a part of the State's inherent police powers—to units of local government. The purpose of this delegation of police power authority to counties, cities, and other units of local government was to enable them to develop master plans, to zone for permissible uses, and to establish local planning bodies.

(6) The development of local land use planning and zoning was in response to very real land use problems and conflicts which had costly, wasteful, and undesirable impacts upon the public:

Dirty industrial activities would develop in the middle of residential communities;

Unsightly and aesthetically offensive developments—slaughterhouses, tanneries, etc.—would drive down the value of adjacent business and residential property;

Business activities thought by many to be undesirable if not closely regulated—taverns, movie theatres, dance halls, nightclubs—

would be located near schools or churches or in quiet residential areas.

Land use planning and the exercise of zoning authority were designed to deal with these and other problems of a purely local nature.

(7) Prior to the development of a statutory framework for land use planning and controls, the principal remedy available to injured parties was litigation in the courts based upon the inadequate common law doctrines of "nuisance" and "trespass."

(8) Today, as injured parties are again resorting to litigation over land use questions of increasing regional and national significance—power plant siting, location of heavy industry, projects such as the trans-Alaska pipeline, etc.—land use problems no longer appear entirely local in scope and the planning concepts of the 1920's appear inadequate to reflect the changing public values, and meet the increasingly complex problems, of the 1970's.

(9) Today, after a half a century of experience, many public officials and citizens feel that traditional zoning concepts and practices leave a great deal of room for improvement. The Act recognizes this, but does not require radical or sweeping changes in the traditional relationship and responsibility of local government for land use management. The Act does not propose Federal zoning as it is both unconstitutional and unwise. Nor does it propose "statewide zoning" or "comprehensive State master planning" which would only result in costly, dilatory, duplicative and often inflexible regulation of the vast majority of land use problems which are of concern, interest and knowledge only to the local units of government.

(10) Instead, the Act encourages a continual "process of planning" wherein the right of local government to exercise land use powers is reasserted on all land use decisions and the State government is asked to join in partnership with local government on land use decisions of more than local concern, both governments acting in response to the decisions of State and local legislative bodies on substantive issues and with full citizen participation.

(11) In the Act, the State governments are encouraged to assist localities with guidelines for local planning or through cooperative planning only on those land use questions which are of *more than local concern*, which go beyond the boundaries of only one locality and have an impact upon a number of local units of government, and which determine the shape of the future environment—decisions concerning highways, airports, and mass transit systems; major power plants and transmission corridors; areas to be preserved or closely regulated (environmental areas, flood plains); and areas for intense development (housing complexes or industrial parks).

reverse the process begun in the 1920's of delegating all land use planning authority to units of local government. Increasingly States

(12) The trend in most States today is to are selectively assuming an important role with respect to land use problems which are of more than local concern such as power plant siting, location of industrial parks, open space, surface mining, and the protection of park, beach, coastal or estuarine areas. Over 40 States now have laws regulating one or more critical areas or uses of more than local concern. The Act encourages this trend toward active State responsibility and the elevation of land use decisions of more than local concern to the level of government—county, regional or State—most appropriately suited to decide the question in view of all legitimate values and interests.

#### WHAT THE ACT DOES AND DOES NOT DO

The Act does not do any of the following:

(1) Does not mandate, require, or allow "Federal planning" or "Federal zoning." The zoning power is based on the State's police

power and the Federal government does not have authority to zone State or privately owned lands (with the exception of the District of Columbia which is a special and unique case).

(2) Does not permit a substantial increase in Federal authority over, or a wide-ranging Federal review of, State and local decisions concerning the use of State and local lands. The Act is an "enabling act" which encourages the States to exercise "States' rights" and develop State land use programs. Consistent with the enabling act concept, the Federal government is to focus its review on the procedures to develop, and the States' ability to implement, the State land use programs and not on the substance of those programs.

(3) Does not require State planning over all land within the State. The State land use program definitely is not required to be a statewide program which preempts the myriad of local decisions, but rather one focused on five categories of critical areas and uses of clearly more than local concern; areas of critical environmental concern (shorelines, flood plains, historic areas), key facilities (airports, major highway interchanges, power plants) large scale development (industrial parks), public facilities or utilities of regional benefit, and land sales or development projects.

(4) Does not mandate State zoning, rather reasserts local zoning powers. The States are encouraged to develop their programs not by zoning or by producing a master plan, but by reasserting the whole range of local governments' land use authority, and providing guidelines for the exercise of that authority. For example, a State would not, could not, make a basic zoning decision such as on which corner shall the gas station be. But it would have a duty to provide guidelines for local decisionmaking to insure for example, that one community does not site a massive industrial park directly adjacent to another community's recreational park or wildlife refuge.

(5) Not only does not impinge upon or alter the traditional land use responsibilities of urban government, but also does not focus on urban lands. Unlike traditional urban and housing planning legislation this Act does not focus on only one category of land: the intensely developed land. The Act encourages a balanced and rational planning process for all categories of land, including the so-called "opportunity areas"—those areas where irreversible ill-effects of incremental land use decisionmaking have not already become legion—i.e., the rural areas and areas on the urban periphery.

(6) Does not tell a State how much or what specific land must be included in the State land use program. The extent of and type of land use to be included in the critical areas and uses of more than local concern is dependent upon how the State defines those five areas or uses, e.g., does a shoreline run in from the water's edge 100 feet or a mile? Does large scale development include a subdivision of 20 units or 200?

(7) Does not alter any landowner's rights to seek judicial redress for what he regards as a "taking." The provisions of the Act do not change the body of law—Federal and State constitutions, statutes and judicial decisions—regarding the police powers and eminent domain. The right of a landowner to petition a court of competent jurisdiction for a determination of whether a particular exercise of State police power diminishing the use of land requires compensation is guaranteed in every State by the constitutional requirements of due process.

The Act does do the following:

(1) Does require States to exercise "State's rights" and State responsibility over those land use planning and policy decisions which are of "more than local concern" and which provide the framework upon which the shape of the future is determined.

(2) Does require State governments to develop a process of planning and a State land use program which is "balanced"; that is, a program which protects the environment and assures recreational opportunity, but at the same time provides for necessary social services and essential economic activities—for transportation facilities, reliable energy systems, housing, and residential development.

(3) Does contain provisions which insure its compatibility with the HUD 701 planning program, the Clean Air and Water Pollution Control Acts, other Federal legislation, and the Coastal Zone Management law enacted last year.

(4) Does provide State government with funds—\$800 million over eight years—to develop land use data inventories, to improve the size and competence of professional staffs, to establish appropriate State planning agencies, and to develop State land use programs.

(5) Does provide the States with wide latitude in determining the method of implementing the Act—reassertion of all local land use powers with State administrative review under State guidelines such as in most State coastal zone, wetlands, flood plain and power plant siting laws, or the rarer direct State planning, as in Hawaii or Vermont or the unincorporated areas of Alaska. An amendment added to the measure last year and endorsed by the League of Cities clearly establishes an intent that "selection of methods of implementation shall be made so as to encourage the employment of land use controls by local governments." However, the State need not concur with this expression of intent and can adopt any number of innovative implementation methods.

(6) Does endorse the concept that local land use decisions should be made by local government.

(7) Does encourage coordination of Federal planning and management of Federal lands and State and local planning and regulation of non-Federal lands.

(8) Does provide Indian tribes with funds—\$10 million a year for eight years—to develop land use programs for reservation and other tribal lands.

(9) Does provide States with funds—\$15 million a year for eight years—to coordinate or conduct land use planning in interstate regions.

(10) Does provide funds through grants or contracts—\$2 million a year for eight years—to support research on and training in land use related subjects.

(11) Does provide for a two year feasibility study of national land use policies by the Council on Environmental Quality, the Interagency Advisory Board on Land Use Policy, and State and local government.

Mr. JACKSON. Mr. President, on behalf of myself and Senator FANNIN, who is necessarily absent, I ask unanimous consent that Harrison Loesch, W. O. Craft, Jr., Maureen Finnerty of the Minority Counsel's Office; Joseph S. Jencs of Senator FANNIN's office, and Brent Kunz of Senator HANSEN's office be granted floor privileges during the debate and votes on the amendments and final passage of S. 268.

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

Mr. JACKSON. Mr. President, I yield to the distinguished Senator from Colorado (Mr. HASKELL).

Mr. HASKELL. Mr. President, I ask unanimous consent that during the debate and consideration of S. 268, Betsy Moler, of my staff, be allowed access to the floor.

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

Mr. MCCLURE. Mr. President, will the distinguished Senator from Colorado yield?

Mr. HASKELL. Mr. President, I yield to the Senator from Idaho for a question.

Mr. MCCLURE. Mr. President, I thank the Senator from Colorado for yielding.

Mr. President, I asked for this particular privilege so that I might engage for a moment in a colloquy with the distinguished Senator from Washington, the chairman of the full committee, in regard to the general purposes of the act and the efforts made by the committee in the entire mark-up and the history that is shown in the committee report to preserve the rights of the State and local governments to do the planning process.

I ask the Senator from Washington if it is not a fact that what we have done throughout the entire mark-up and structuring of this bill is seek to stimulate the State processes, rather than substitute a Federal process for them.

Mr. JACKSON. Yes, I would say the Senator is basically correct.

I could put it another way: If the States had been able to do the job in this area, we would not have any Federal legislation pending before the U.S. Senate. I think that is the simplest way to put it. This is an effort to provide appropriate inducement and encouragement to the States, in effect, to exercise what has always been their constitutional right under the police power of the States.

Mr. MCCLURE. The Senator has made that point repeatedly in his speeches on this floor and at other points, as well as in the mark-up sessions, and the reason I asked the question is that there are a number of critics of the legislation who are saying that we are invading the rights of the States to engage in the land planning process.

As I view the legislation and the intention of the chairman of the committee, we would require certain things to be considered by the States and require a good faith effort to implement the planning process, but leave the results of the planning process to the States. That is my understanding of the intent of this legislation, rather than an attempt to inject the Federal Government into the decisionmaking process.

Mr. JACKSON. I think that is generally correct. As the Senator knows, the great push behind this legislation stems from the National Governors' Conference. S. 268—I am not speaking of every detail, but the bill in general—has the endorsement on a unanimous basis of the Governors Conference, including its basic concept of a land use planning approach.

Mr. MCCLURE. That speaks rather loudly of the Governors' own view of the purpose of the legislation. I am sure they would not have done that had they felt this bill represented a Federal takeover of the planning process.

The Senator had several points in his introductory statement that made reference to the fact that this does not make sweeping changes in the police power application at the State and local levels, that it is not an effort by the Federal Government to take over, but

that the Federal role is that of a catalyst, that the legislation is in the nature of an action-forcing device, to make certain that the States do perform the role, which many people are suggesting they have not done. But it is not an attempt to put the States aside and have the Federal Government do the job, and I thought the Senator said it well when he said this may be our best and perhaps our last opportunity to enact legislation that preserves the rights to the States and does not inject the element of Federal control.

Mr. JACKSON. We not only endeavored in this bill as reported to get the States moving, but, as the Senator knows—and I appreciate his strong support of the bill—we have gone out of our way to get all public and private sectors within the 50 States to participate in the process.

It is obvious to me that if a program of this kind is to be successful, it must involve citizen participation, starting right in the local community with public hearings. That is fundamental to the concept of democratic land use decision-making which we had in mind. We not only provided inducement for local government and public participation, but we, in the case of Indian lands, endeavored to get the Indians involved so that they can manage and zone their land in such a way that they can protect their natural resources, and improve their quality of life, and at the same time conduct their activities in harmony with the uses of adjoining non-Indian lands, and vice-versa.

We also, of course, have provisions to insure the direct involvement of the propertyowners who will be affected by this measure.

It is an action-forcing—the Senator used that term, and I think it is descriptive of what we are trying to establish here—procedure, in which the States, local government and citizens will be involved, to meet the problems which are cascading down on them.

The problem really is related to the incredible rate of economic growth that is taking place in our country. Let me illustrate with one figure: The gross national product reached the \$1 trillion level 3 years ago in December. It took us 200 years—this is in current dollars—to get the first trillion. It took us 185 years to get the first one-half trillion, and only 15 years to get the second half trillion. Now we are talking about doubling all of that, which took 200 years to achieve, in the next 50 years. How are we going to do it if we do not have some kind—not a fixed, but a flexible, democratic blueprint, plan, or road map of where we are headed?

To me, it is just good, sound common-sense. The environmentalists, who are doing a great job in protecting areas that should be conserved, and the developers and industrialists, who are providing economic growth to help eliminate poverty in America, both in my judgment will benefit, from this kind of legislation which identifies the areas to be set aside by proper planning for the environmental protection and economic development in the future.

Mr. MCCLURE. It not only provides a

nudge, but it also provides the very essential ingredient of assistance to the States and local governments in their planning efforts, without which assistance the nudge might be meaningless. And I think it is significant to note that the committee, in its wisdom, did provide for substantial assistance, and assistance much more meaningful and a much larger grant program than was suggested in the administration's message with respect to land use planning.

I certainly concur with what the chairman has said with respect to the individual participation and the public procedures which are required, the involvement of the public in every step of the proceedings in the development of land plans; and I want to underscore again what the Senator has just said in regard to the tremendous growth in this country.

As I recall the figures, in 1930 we had something like 130 million people in this land. In all of our history before that time we had grown to 130 million people. In the 40 years that followed that time, we grew from 130 million people to slightly over 200 million people. In the next 30 years we will grow to 300 million people in this country. Even though our birth rate has slowed and population growth is reaching stability, the fact that we do have very many young people in our population indicates that as they form families, the population will continue to grow, and even though we have reached relative stability, we will have almost 100 million more people at the end of this century than we have now.

That simply underscores the necessity for some kind of rational, objective look at the use of our resources. But, again, the thing that I think is most important to remember in this legislation is that we are not undertaking to have the Federal Government make all these decisions.

This legislation merely guides, directs, stimulates, and assists the States in doing their job. As a matter of fact, without getting into the details of the amendments which were offered in committee, we tried to make that plain at every stage of the proceedings as we went through them. Again, without attempting to get into the details of the amendments which might be offered here, there will be an attempt later on, I understand, to provide some sanctions, that is, sanctions which will be directed not to the results of the State process or to details of their plans, but sanctions that will require the States to get involved in the job of what we think should be done in State and local planning; is that not correct, I ask the Senator?

Mr. JACKSON. That is correct, I intend, as stated on page 105 of the report accompanying the bill, to introduce an amendment—it was announced during the committee mark up sessions—to provide for incentives or sanctions to the States to encourage them to act.

This, to me, is not new. I do not like to say it, but as a matter of realism it needs to be done in order to provide the kind of push that is required.

I must say, in response to the distinguished Senator's comments, that if we do not follow a course of this kind on

land use legislation—I am not referring to sanctions now, but the course that we have laid out in the bill in general—then we will get some kind of Federal land use planning in the future which I would not want to see. We are trying to avoid that, as I indicated in my opening remarks, by urging the States to exercise their constitutional responsibility in connection with land use decisionmaking.

Mr. McCCLURE. I appreciate the remarks of the Senator from Washington, because we had a number of amendments offered during committee consideration of the bill that were directed toward making it plain that the Federal Government was not preempting the planning field, that we were trying to assist the States. Those who suggested that we have not perfected that job, I have suggested to them that if, indeed, we have not made it plain in the bill, they should come up with specific amendments that we could consider. But certainly all our efforts were directed toward making certain that the Federal Government did not take over and play the role of assisting the States in getting the job done.

That is the reason I have taken the time now to make certain, at the outset, in the discussion of this bill, to note that people throughout the country will be looking at what we may be doing here, so that we must have a proper framework that will make them understand that all we are trying to do is to help the States and not trying to take over from the States what has been traditionally the role of State and local governments.

Mr. JACKSON. I thank the distinguished Senator from Idaho for his helpful questions and his comments. I believe that the record to date and the record that will be made on the floor will corroborate his basic thesis that there is no intention here to invade the rights of the States but only to nudge or prod them to exercise those rights.

May I say that that is not new in American history. We have had to nudge the States from time to time on various matters.

There are other problems in this area where we have legislation that will cause the preemption of certain States' rights on energy sites, port facilities, and so forth; this bill would not do that. I think the Senator's comments have been very helpful, and I want to thank him for his help on the bill and his valuable assistance.

I also want to thank the able Senator from Colorado (Mr. HASKELL) who worked so long and hard on the pending measure and has taken such a great, keen, continuing, and personal interest in this bill and is acting flood manager in connection with this debate.

Mr. McCCLURE. I thank the Senator from Washington for his comments, and I also thank the Senator from Colorado for his courtesy in yielding me this time in order that we might have this colloquy.

Mr. HASKELL. Mr. President, the comments of both the distinguished Senator from Idaho (Mr. McCCLURE) and the distinguished Senator from Washington (Mr. JACKSON), the chairman of the Committee on Interior and Insular Af-

fairs, have put the pending bill in its proper context.

We all know that growth in this country is inevitable. The question we must address today is whether that growth will be planned and livable or whether it will result in destroying our land of which there is obviously a finite quantity, and the result will be unbelievable.

As the distinguished Senator from Idaho (Mr. McCCLURE) mentioned, S. 268 as reported, does not create a Federal planning monster which will control us. It does not create an unmanageable bureaucracy which will frustrate sound land use planning. It reflects, on the contrary, the view that the proper and logical planning unit is the State which will balance competing land use pressures and will administer sound land use programs.

The mechanism created, as has been stated, is an action-forcing mechanism.

The bill would give each State complete freedom to administer its own program and to enact legislation responsive to its own situation.

At the option of each State, land use planning can be on a statewide basis, a regional basis, or a local basis. The bill does, however, stipulate that the State itself must address five categories defined as "areas and uses of more than local concern." These five categories should be highlighted, and they are:

First, areas of critical environmental concern such as flood plains, significant wildlife habitats, and historic areas;

Second, key facilities such as major airports, highway interchanges and frontage access highways, recreational facilities, and facilities for the development, generation and transmission of electric power;

Third, large-scale developments such as industrial parks or major subdivisions;

Fourth, public facilities or utilities of regional benefit such as solid waste disposal or sewerage systems; and

Fifth, and finally, land sales or development projects such as major recreational or second homesite developments in rural areas.

Now, due to the significance of these five categories, which obviously only the State can address itself to, the State is asked in the pending bill to do so.

The States, in any event, would have the obligation to do this kind of planning if they are in fact to carry forward a sound, effective State program. The remainder of the planning can be done by the local government unit, whether county, regional government, or any other unit, and coordinated at the State level.

On the other hand, if a State so desires, it may plan on a statewide basis, at the State level.

In short, we are not usurping any of the States basic, constitutional rights to do the planning. Nor are we telling the States to take that right away from regional or local governments.

The act itself would require that the States set up a planning process within 3 years. A statewide agency must be instituted so that the State can collect the data and develop the expertise to make or assist in making decisions con-

cerning those critical areas and uses. After the planning mechanism is set up, the States are allowed 2 years to formulate, together with the local governmental units, a State land use program. If the State desires to proceed faster, obviously, it may do so.

After the State land use programs are developed, S. 268 would require their submission by the States to a new Office of Land Use Policy Administration in the Department of the Interior for an interagency review to determine State eligibility for further grants. The review is limited, as has been stated here before, first, to a determination of whether a State has instituted a satisfactory process and, second, whether the five critical areas and uses of more than local concern have been considered, and whether the State program addresses itself to the problem.

The bill does not have—I repeat—does not have substantive Federal standards.

There was a discussion within the committee as to whether or not there should be substantive Federal standards. I, for one, felt that probably there should be. But upon consideration, I think the view adopted in the bill is a thoughtful compromise between those who want comprehensive Federal standards now and those who never want any at any time.

The bill asks for each State and the Council on Environmental Quality, within a limited period of time and addressing themselves to specific problems set forth in the bill, to come up with a recommendation: Do we want Federal standards? Perhaps we do not. If we do want them, what should they be? Then Congress, hearing the report of the States and the Council on Environmental Quality, can either act and adopt Federal standards or, in the alternative, may decide not to do so.

As has been said, the act provides a very substantial Federal help to the States. A 90-percent fund grant-in-aid program is contained in the bill. This is similar to aid given States in areas such as the interstate highway program and should enable the States, without any hardship, to carry forward.

Mr. President, it is impossible to overstate the importance of this legislation and the need for its swift enactment. By the year 2000, the United States, as has been said, will again build everything we have built before. If S. 268 is not adopted, I submit that this building will be unplanned and many parts of our country will be unlivable. If the bill is passed, I think we will have orderly and planned growth. So I repeat that I am heartily in support of S. 268.

Mr. BARTLETT. Mr. President, I ask unanimous consent that during the consideration of the debate and votes on S. 268, two members of my staff, Mr. Russell and Mr. Frank, be given the privilege of the floor.

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

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

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

**ORDER FOR RECOGNITION OF SENATOR BROCK, MONDAY, JUNE 18**

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, immediately after the two leaders or their designees have been recognized under the standing order, the distinguished Senator from Tennessee (Mr. BROCK) be recognized for not to exceed 15 minutes.

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

**ORDER FOR ADJOURNMENT FROM MONDAY TO 9:30 A.M., TUESDAY, JUNE 19, 1973**

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday, it stand in adjournment until 9:30 a.m. Tuesday.

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

**ORDER FOR THE SENATE TO CONVENE AT 10 A.M. ON WEDNESDAY, THURSDAY, AND FRIDAY, JUNE 20, 21, AND 22, 1973**

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, Wednesday, and Thursday next, it stand in adjournment until the hour of 10 a.m. Wednesday, Thursday, and Friday next, respectively.

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

**ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY AND FOR THE CONSIDERATION OF S. 907**

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the recognition of the distinguished Senator from Tennessee (Mr. BROCK) on Monday, there be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate proceed to the consideration of S. 907, and that the unfinished business be temporarily laid aside and remain in a temporarily laid aside status until the disposition of S. 907 or the close of business on Monday, whichever is earlier.

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

**QUORUM CALL**

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

**PROGRESS IN LEGISLATION TODAY**

Mr. ROBERT C. BYRD. Mr. President, the Senate today disposed of all nominations on the executive calendar:

It also passed three bills:

S. 1413, a bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped.

H.R. 7357, to amend section 5(1)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes.

H.R. 3867, to amend the act terminating Federal supervision over the Klamath Indian Tribe by providing for Federal acquisition of that part of the tribal lands described herein, and for other purposes.

Additionally, the Senate has resumed its consideration of the unfinished business, S. 268, the land use policy bill, and opening statements have been made thereon.

The Senate has had a good day today. Progress has been made with respect to the legislative calendar.

**PROGRAM**

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will convene at 11 o'clock a.m. After the two leaders or their designees have been recognized under the standing order, the distinguished junior Senator from Tennessee (Mr. BROCK) will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business of not to exceed 15 minutes, with statements limited therein to 3 minutes, at the conclusion of which the Senate will proceed to the consideration of S. 907, the Arctic winter games bill. The bill will be taken up at about 11:30 a.m. There is a time limitation on the bill and on amendments thereto. Yea and nay votes are expected to occur on the bill and/or on amendments thereto.

The unfinished business will be temporarily laid aside and will remain in a temporarily laid aside status until the disposition of S. 907 or until the close of business on Monday, whichever is the earlier. I would not anticipate that the time necessary to complete action on S. 907 would take the entire afternoon, however.

On the disposition of S. 907, depending upon the time, it is the intention of the distinguished majority leader then to move to take up another measure, either S. 925, the Federal financing bank bill or S. 470, to amend the Investment Company Act and the Investment Advisers Act.

Yea-and-nay votes will occur on Mon-

day on either or both of those measures, I am confident.

On Tuesday, the Senate will convene at the hour of 9:30 a.m. It is anticipated that at no later than 10 o'clock a.m., the Senate will resume its consideration of the unfinished business, the land-use policy bill. Yea-and-nay votes will occur that day on amendments to that bill. It is hoped that final action may be completed on the land-use policy bill on Tuesday.

In any event, on Wednesday, the distinguished majority leader expects to call up the NASA authorization bill, and yea-and-nay votes will occur thereon and on amendments thereto.

Any uncompleted measures among those which I have enumerated will be continued to completion on Thursday and Friday.

Also, next week, the Senate is expected to take up S. 1443, to authorize the furnishing of defense articles and services to foreign countries and international organizations. Also, as a possible first-track item, even as early as Tuesday or Wednesday, there may be S. 1125, dealing with alcohol abuse and alcoholism. Other measures will be cleared for action by the time Thursday and Friday arrive.

Yea-and-nay votes can be expected daily Monday through Friday of next week—and also on Saturday if a Saturday session becomes necessary.

The foregoing sequence of measures may have to be altered from time to time depending upon the floor situation. The listing I have set forth is merely for the convenience of Senators so that they may anticipate a busy week ahead with yea-and-nay votes occurring daily, as I have already indicated.

An order has already been entered for early meetings on all of the days of next week, Monday through Friday, so that, in accordance with the usual practice when the Senate goes on a double track or a multiple track system, we come in early and stay in reasonably late, if necessary, to get the work done.

I also wish to add this important footnote. Senators should be prepared to attend possible Saturday sessions prior to the July 4 recess. Some Saturday sessions can and quite likely will occur during July, prior to the August recess, in view of the fact that there will be a glut of appropriation bills coming over from the House of Representatives during the remaining days in June. Consequently, before the August recess, the Senate will want to attend to six, seven, or eight regular appropriation bills. These and other measures that will be on the calendar will necessitate the likelihood of some Saturday sessions prior to the August recess and also some Saturday sessions are quite likely in September after the August recess.

Mr. DOMINICK. Mr. President, I must admit that whatever authorization or appropriation bill the Senator mentioned which he said might come up later in the week does not appear on my calendar.

Mr. ROBERT C. BYRD. That is H.R. 7528, an act to authorize appropriations to the National Aeronautics and Space Administration calendar No. 169. That is the bill that will be coming up next week. That bill was reported on May 30, 1973.

Mr. DOMINICK. Mr. President, I thank the Senator.

ADJOURNMENT TO 11 A.M., MONDAY, JUNE 18, 1973

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until the hour of 11 a.m., Monday next.

The motion was agreed to; and at 1:42 p.m. the Senate adjourned until Monday, June 18, 1973, at 11 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 15, 1973:

##### DEPARTMENT OF DEFENSE

Terence E. McClary, of Massachusetts, to be an Assistant Secretary of Defense.

Arthur I. Mendolia, of Delaware, to be an Assistant Secretary of Defense.

Malcolm R. Currie, of California, to be Director of Defense Research and Engineering.

Jack L. Bowers, of California, to be Assistant Secretary of the Navy.

##### DEPARTMENT OF STATE

Kenneth B. Keating, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

##### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

William A. Morrill, of Virginia, to be an Assistant Secretary of Health, Education, and Welfare.

Lewis M. Helm, of Maryland, to be an Assistant Secretary of Health, Education, and Welfare.

##### U.S. TARIFF COMMISSION

George M. Moore, of Maryland, to be a member of the U.S. Tariff Commission for the term expiring June 16, 1979.

##### SOCIAL AND REHABILITATION SERVICE

James S. Dwight, Jr., of California, to be Administrator of the Social and Rehabilitation Service.

(The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

##### UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be Members of the Board of Regents of the Uniformed Services University of the Health Sciences for the terms indicated:

For a term of 4 years:

Charles E. Odegaard, of Washington.  
Joseph D. Matarazzo, of Oregon.

For a term of 6 years:

Alfred A. Marquez, of California.

##### U.S. AIR FORCE

The following officer for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of chapters 35, 831, and 837, title 10, United States Code:

##### To be major general

Brig. Gen. Edward R. Fry, ~~xxx-xx-xxxx~~ PG, Air National Guard.

##### U.S. MARINE CORPS

The following-named officers of the Marine Corps for permanent appointment to the grade of major general:

Samuel Jaskilka Robert H. Barrow  
Edward S. Fris Herbert L. Beckington  
Thomas H. Miller, Jr.

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of major general:

Richard Mulberry, J. Louis Conti

The following named officers of the Marine Corps of permanent appointment to the grade of brigadier general:

William L. McCulloch William H. Lanagan, Jr.  
Robert W. Taylor Francis W. Vaughn  
Adolph G. Schwenk Robert L. Nichols

##### IN THE AIR FORCE AND NAVY

Air Force nominations beginning Richard L. Frymire, Jr., to be lieutenant colonel, and ending Terry L. Young, to be first lieutenant, which nominations were received by the Senate and appeared in the Congressional Record on April 30, 1973.

Air Force nominations beginning George B. Aaron, to be lieutenant colonel, and ending William E. Wilson, Jr., to be lieutenant colonel, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 1973.

Navy nominations beginning Steven A. Klein, to be ensign, and ending William E. Short, Jr., to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 7, 1973.

## HOUSE OF REPRESENTATIVES—Friday, June 15, 1973

The House met at 12 o'clock noon. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Seek ye first the kingdom of God and His righteousness; and all these things shall be added unto you.*—Matthew 6: 33.

O Lord, we pray for guidance and wisdom as we meet in this troubled hour of our national life. Let not differences of opinion make a difference in our relationships, let not the divisions of party divide us in principle, let not the difficulties of daily life make us difficult to live with. Now and always may we seek first Thy kingdom of peace, truth, and love in our Nation and in our world. This is not easy to do, but with Thy spirit we will work to make it a reality in our day. So help us, God. 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 had passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 110. Concurrent resolution providing for the printing, as a House docu-

ment, of the eulogies and encomiums of the late President of the United States, Harry S. Truman; and

H. Con. Res. 200. Concurrent resolution providing for the printing of the compilation of the social security laws.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill and concurrent resolution of the House of the following title:

H. R. 7645. An act to authorize appropriations for the Department of State, and for other purposes; and

H. Con. Res. 132. Concurrent resolution providing for the printing as a House document of a revised edition of "The Capitol."

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7645) entitled "An act to authorize appropriations for the Department of State, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FULBRIGHT, Mr. SPARKMAN, Mr. CHURCH, Mr. PELL, Mr. AIKEN, Mr. CASE, and Mr. JAVITS to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 271. An act to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes;

S. 797. An act to direct the Secretary of Transportation to make a comprehensive study of a high-speed ground transportation

system between Washington, D.C., and Annapolis, Md., and a high-speed marine vessel transportation system between the Baltimore-Annapolis area in Maryland and the Yorktown-Williamsburg-Norfolk area in Virginia, and to authorize the construction of such system if such study demonstrates their feasibility;

S. 1585. An act to prevent the unauthorized manufacture and use of the character "Woody Owl," and for other purposes; and

S. Con. Res. 29. Concurrent resolution authorizing the printing of additional copies of Senate hearings on illegal, improper, or unethical activities during the Presidential election of 1972.

#### THE 10TH ANNIVERSARY OF LOSS OF VOLUNTARY PRAYERS IN OUR SCHOOLS

(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 would like to commend my good friend and capable colleague, Congressman WYLIE, who will bring to the attention of the House that it was 10 years ago Sunday that American youth attending public schools lost their right to voluntary freedom of prayer. This loss happened, when the Supreme Court ruled that prayer would no longer be permitted in the public schools of the United States. I disagreed with this decision when it was issued and I disagree with it just as strongly today. I have been happy to join with Congressman WYLIE in past Congresses to enact a proposed constitutional amendment allowing public prayer on a