Why lies He in such mean estate—
Will you gift-wrap this, please?
Where ox and ass are feeding—
I need some more stamps.
Good Christmas, fears for sinners here—
I suppose she'll expect a present from me.
The silent word is pleading—
I can't afford much; I'm broke.

So bring Him incense, gold, and myrrh—
Artificial trees are more practical.
Come peasant, king, to own Him—
I gave at the office.
This, this is Christ the King—
These cards must have cost a lot.
Whom shepherds guard and angels sing—
I've finally got my cards mailed.

Haste, haste to bring Him laud—
The turkey won't fit in the oven.
The Babe, the Son of Mary . . .
There's a song in the air—
Can you hear it?
There's a star in the sky—
Can you see it?

HOUSE OF REPRESENTATIVES—*Thursday, January 20, 1972*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is the nation whose God is the Lord.—Psalm 33: 12.

God of peace and power, Maker and Ruler of men, we commend our country to Thee praying that we and all our people may walk in the way of Thy wisdom and be led by the light of Thy love. May all who govern do so in honesty of spirit and with uprightness of heart. Keep them ever awake to the appeal of truth and justice and have the courage to place patriotism above party and the good of all above the good of the few.

Bless our President as he speaks to us today. May he inspire us to be courageous and compassionate as we seek to meet the needs of our Nation and our world. Keep ever before us all a vision of the truth and a deep sense of the demands of righteousness that our country may be guided by wise principles and be lifted to higher ideals and nobler achievements.

In the spirit of Him whose life is the light of men we pray. 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.

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 1 minute p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 16 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 499 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable William M. Miller, announced the Vice President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber the gentleman from Louisiana, Mr. BOGGS; the gentleman from Massachusetts, Mr. O'NEILL; the gentleman from Texas, Mr. TEAGUE; the gentleman from Michigan, Mr. GERALD R. FORD; and the gentleman from Illinois, Mr. ARENDS.

The VICE PRESIDENT. Pursuant to the order of the Senate, the following Senators are appointed to escort the President of the United States into the Chamber: the Senator from Louisiana, Mr. ELLENDER; the Senator from Montana, Mr. MANSFIELD; the Senator from West Virginia, Mr. BYRD; the Senator from Arkansas, Mr. MCCLELLAN; the Senator from Pennsylvania, Mr. SCOTT; the Senator from Michigan, Mr. GRIFFIN; the Senator from Maine, Mrs. SMITH; and the Senator from Vermont, Mr. AIKEN.

The Doorkeeper announced the ambassadors, ministers, and chargés d'affaires of foreign governments.

The ambassadors, ministers, and chargés d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 30 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, I have the distinct privilege and the high personal honor of presenting to you the President of the United States.

[Applause, the Members rising.]

THE STATE OF THE UNION—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–201)

The PRESIDENT. Mr. Speaker, Mr. President, my colleagues in the Congress, our distinguished guests and my fellow Americans:

Twenty-five years ago I sat here as a freshman Congressman—along with Speaker ALBERT—and listened for the first time to the President address the State of the Union.

I shall never forget that moment. The Senate, the diplomatic corps, the Supreme Court, the Cabinet entered the Chamber, and then the President of the United States. As all of you are aware, I had some differences with President Truman; he had some with me. But I remember that on that day, the day he addressed that joint session of the newly elected Republican 80th Congress, he spoke not as a partisan but as President of all the people—calling upon the Congress to put aside partisan considerations in the national interest.

The Greek-Turkish aid program, the Marshall plan, the great foreign policy initiatives which have been responsible for avoiding a world war for over 25 years were approved by the 80th Congress, by a bipartisan majority of which I was proud to be a part.

Nineteen hundred seventy-two is now before us. It holds precious time in which to accomplish good for the Nation. We must not waste it. I know the political pressures in this session of the Congress will be great. There are more candidates for the Presidency in this Chamber today than there probably have been at any one time in the whole history of the Republic. And there is an honest difference of opinion, not only between the parties but within each party on some foreign policy issues and on some domestic policy issues.

However, there are great national problems that are so vital that they transcend partisanship. So let us have our debates. Let us have our honest differences. But let us join in keeping the national interest first. Let us join in making sure that legislation the Nation needs does not become hostage to the political interests of any party or any person.

There is ample precedent, in this election year, for me to present you with a huge list of new proposals, knowing full well that there would not be any possibility of your passing them if you worked night and day.

I shall not do that.

I have presented to the leaders of the

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Congress today a message of 15,000 words discussing in some detail where the Nation stands and setting forth specific legislative items on which I ask the Congress to act. Much of this is legislation which I proposed in 1969 and in 1970, and also in the first session of this 92d Congress, and on which I feel it is essential that action be completed this year.

I am not presenting proposals which have attractive labels but no hope of passage. I am presenting only vital programs which are within the capacity of this Congress to enact, within the capacity of the budget to finance, and which I believe should be above partisanship—programs which deal with urgent priorities for the Nation, which should and must be the subject of bipartisan action by this Congress in the interests of the country in 1972.

When I took the oath of office on the steps of this building just 3 years ago today, the Nation was ending one of the most tortured decades in its history.

The 1960's were a time of great progress in many areas. But as we all know, they were also times of great agony—the agonies of war, of inflation, of rapidly rising crime, of deteriorating cities—of hopes raised and disappointed, and of anger and frustration that led finally to violence, and to the worst civil disorder in a century.

I recall these troubles not to point any fingers of blame. The Nation was so torn in those final years of the sixties that many in both parties questioned whether America could be governed at all.

The Nation has made significant progress in these first years of the seventies.

Our cities are no longer engulfed by civil disorders.

Our colleges and universities have again become places of learning instead of battlegrounds.

A beginning has been made on preserving and protecting our environment.

The rate of increase in crime has been slowed—and here in the District of Columbia, the one city where the Federal Government has direct jurisdiction, serious crime in 1971 was actually reduced by 13 percent from the year before.

Most important, because of the beginnings that have been made, we can say today that this year, 1972, can be the year in which America may make the greatest progress in 25 years toward achieving our goal of being at peace with all the nations of the world.

As our involvement in the war in Vietnam comes to an end, we must now go on to build a generation of peace.

To achieve that goal, we must first face realistically the need to maintain our defenses.

In the past 3 years, we have reduced the burden of arms. For the first time in 20 years, spending on defense has been brought below spending on human resources.

As we look to the future, we find encouraging progress in our negotiations with the Soviet Union on limitation of strategic arms. And looking further into the future, we hope there can eventually be agreement on the mutual reduction of arms. But until there is such a mutual agreement we must maintain the strength necessary to deter war.

And that is why, because of rising research and development costs, because of increases in military and civilian pay, because of the need to proceed with new weapons systems, my budget for the coming fiscal year will provide for an increase in defense spending.

Strong military defenses are not the enemy of peace. They are the guardians of peace.

There could be no more misguided set of priorities than one which would tempt others by weakening America, and thereby endanger the peace of the world.

In our foreign policies, we have entered a new era. The world has changed greatly in the 11 years since President John F. Kennedy said, in his inaugural address, "We shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty."

Our policy has been carefully and deliberately adjusted to meet the new realities of the new world we live in.

We make today only those commitments we are able and prepared to meet.

Our commitment to freedom remains strong and unshakable. But others must bear their share of the burden of defending freedom around the world.

And so this, then, is our policy:

We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

We will help other nations develop the capability of defending themselves.

We will faithfully honor all of our treaty commitments.

We will act to defend our interests whenever and wherever they are threatened any place in the world.

But where our interests or our treaty commitments are not involved our role will be limited.

We will not intervene militarily.

But we will use our influence to prevent war. If war comes we will use our influence to stop it.

And once it is over we will do our share in helping to bind up the wounds of those who have participated in it.

As you know, I will soon be visiting the Peoples Republic of China and the Soviet Union. I go there with no illusions. We have great differences with both powers. We will continue to have great differences. But peace depends on the ability of great powers to live together on the same planet despite their differences. We would not be true to our obligation to generations yet unborn if we failed to seize this moment to do everything in our power to insure that we will be able to talk about these differences rather than to fight about them in the future.

As we look back over this century let us in the highest spirit of bipartisanship recognize that we can be proud of our Nation's record in foreign affairs.

America has given more generously of itself toward maintaining freedom, preserving peace and alleviating human suffering around the globe than any nation has ever done in the history of man.

We have fought four wars in this century, but our power has never been used to break the peace, only to keep it; never been used to destroy freedom, only to defend it. We now have within our reach the goal of ensuring that the next generation can be the first generation in this century to be spared the scourges of war.

Turning to our problems at home, we are making progress toward our goal of a new prosperity without war.

Industrial production, consumer spending, retail sales and personal income all have been rising. Total employment and real income are the highest in history. New homebuilding starts this past year reached the highest level ever. Business and consumer confidence have both been rising. Interest rates are down, and the rate of inflation is down. We can look with confidence to 1972 as the year when the back of inflation will be broken.

Now, this is a good record, but it is not good enough—not when we still have an unemployment rate of 6 percent.

It is not enough to point out that this was the rate of the early, peacetime years of the 1960's, or that, if the more than 2 million men released from the Armed Forces and defense-related industries were still on their wartime jobs, unemployment would be far lower.

Our goal in this country is full employment in peacetime—and we intend to meet that goal—and we can.

The Congress has helped to meet that goal by passing our job-creating tax program last month.

The historic monetary agreements we have reached with the major European nations, Canada and Japan will help meet it, by providing new markets for American products—new jobs for American workers.

Our budget will help meet it, by being expansionary without being inflationary—a job-producing budget that will help take up the gap as the economy expands to full employment.

Our program to raise farm income will help meet it, by helping to revitalize rural America—by giving to American farmers their fair share of America's increasing productivity.

We also will help meet our goal of full employment in peacetime with a set of major initiatives to stimulate more imaginative use of America's great capacity for technological advance, and to direct it toward improving the quality of life for every American.

In reaching the moon, we demonstrated what miracles American technology is capable of achieving. Now the time has come to move more deliberately toward making full use of that technology here on earth, in harnessing the wonders of science to the service of man.

I shall soon send to the Congress a special message proposing a new program of Federal partnership in technological research and development—with Federal incentives to increase private research, and federally supported research on projects designed to improve our everyday lives in ways that will range from improving mass transit to developing new systems of emergency health care that could save thousands of lives annually.

Historically, our superior technology

and high productivity have made it possible for America's workers to be the most highly paid in the world by far, and yet for our goods still to compete in world markets.

Now we face a new situation. As other nations are moving rapidly forward in technology, the answer to the new competition is not to build a wall around America, but rather to remain competitive by improving our own technology still further, and by increasing productivity in American industry.

Our new monetary and trade agreements will make it possible for American goods to compete fairly in the world's markets—but they still must compete. The new technology program will put to use the skills of many highly trained Americans—skills that might otherwise be wasted. It will also meet the growing technological challenge from abroad, and it will thus help to create new industries as well as creating more jobs for America's workers in producing for the world's markets.

This second session of the 92d Congress already has before it more than 90 major administration proposals which still await action.

I have discussed these in the extensive written message that I have presented to the Congress today.

They include among others our programs to improve life for the aging; to combat crime and drug abuse; to improve health services and to ensure that no one will be denied needed health care because of inability to pay; to protect workers' pension rights; to promote equal opportunity for members of minorities and others who have been left behind; to expand consumer protection; to improve the environment; to revitalize rural America; to help the cities; to launch new initiatives in education; to improve transportation, and to put an end to costly labor tieups in transportation.

The west coast dock strike is a case in point. This Nation cannot and will not tolerate that kind of irresponsible labor tieup in the future.

The messages also include basic reforms which are essential if our structure of government is to be adequate to the needs in the decades ahead.

They include reform of our wasteful and outmoded welfare system—and substitution of a new system that provides work requirements and work incentives for those who can help themselves, income support for those who cannot help themselves, and fairness for the working poor.

They include a $17.6 billion program of Federal revenue sharing with the States and localities—as an investment in their renewal, and an investment also of faith in the American people.

They also include a sweeping reorganization of the executive branch of the Federal Government, so that it will be more efficient, more responsive, and able to meet the challenges of the decades ahead.

One year ago, standing in this place, I laid before the opening session of this Congress six great goals.

One of these was welfare reform. That proposal has been before the Congress now for nearly two and a half years.

My proposals on revenue sharing, government reorganization, health care, and the environment have now been before the Congress for nearly a year. Many of the other major proposals that I have referred to have been here that long or longer.

Now, 1971, we can say, was a year of consideration of these measures. Now let us join in making 1972 a year of action on them—action by the Congress, for the Nation and for the people of America.

In addition, there is one pressing need which I have not previously covered, but which must be placed on the national agenda.

We long have looked in this Nation to the local property tax as the main source of financing for public primary and secondary education.

As a result, soaring school costs and soaring property tax rates now threaten both our communities and our schools. They threaten communities because property taxes—which more than doubled in the 10 years from 1960 to 1970—have become one of the most oppressive and discriminatory of all taxes, hitting most cruelly at the elderly and the retired; and they threaten schools, as hard-pressed voters understandably reject new bond issues at the polls.

The problem has been given even greater urgency by four recent court decisions, which have held the conventional method of financing schools through local property taxes is discriminatory and unconstitutional.

Nearly 2 years ago, I named a special Presidential Commission to study the problems of school finance, and I also directed the Federal departments to look into the same problems. We are developing comprehensive proposals to meet these problems.

This issue involves two complex and interrelated sets of problems: Support of the schools, and the basic relationships of Federal, State, and local governments in any tax reforms.

Under the leadership of the Secretary of the Treasury, we are carefully reviewing all the tax aspects; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects.

I have asked this bipartisan Commission to review our proposals for Federal action to cope with the gathering crisis of school finance and property taxes. Later in the year, when both Commissions have completed their studies, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education.

These recommendations will be revolutionary, but all these recommendations, however, will be rooted in one fundamental principle with which there can be no compromise: local school boards must have control over local schools.

As we look ahead over the coming decades, vast new growth and changes are not only certainties, they will be the dominant realities of this world and particularly of our life in America.

Surveying the certainty of rapid change, we can be like a fallen rider caught in the stirrups—or we can sit high in the saddle, the masters of change, directing it on a course that we choose.

The secret of mastering change in today's world is to reach back to old and proven principles, and to adapt them, with imagination and intelligence, to the new realities of a new age.

And that is what we have done in the proposals that I have laid before the Congress. They are rooted in basic principles that are as enduring as human nature, as robust as the American experience; and they are responsive to new conditions. Thus they represent a spirit of change that is truly renewal.

As we look back at these old principles, we find them as timely as they are timeless.

We believe in independence, and self-reliance, and the creative value of the competitive spirit.

We believe in full and equal opportunity for all Americans, and in the protection of individual rights and liberties.

We believe in the family as the keystone of the community, and in the community as the keystone of the Nation.

We believe in compassion for those in need.

We believe in a system of law, justice, and order as the basis of a genuinely free society.

We believe that a person should get what he works for—and that those who can should work for what they get.

We believe in the capacity of people to make their own decisions, in their own lives and their own communities—and we believe in their right to make those decisions.

In applying these principles, we have done so with a full understanding that what we seek in the seventies, what our quest is, is not merely for more, but for better—for a better quality of life for all Americans.

Thus, for example, we are giving a new measure of attention to cleaning up our air and water, making our surroundings more attractive. We are providing broader support for the arts, and helping stimulate a deeper appreciation of what they can contribute to the Nation's activities and to our individual lives.

But nothing really matters more to the quality of our lives than the way we treat one another—than our capacity to live respectfully together as a unified society, with a full and generous regard for the rights of others and also for the feelings of others.

As we recover from the turmoil and violence of recent years, as we learn once again to speak with one another instead of shouting at one another, we are regaining that capacity.

As is customary here, on this occasion, I have been talking about programs. Programs are important. But even more important than programs is what we are as a nation—what we mean as a nation, to ourselves and to the world.

In New York Harbor stands one of the most famous statues in the world—the Statue of Liberty, the gift in 1886 of the people of France to the people of the United States. This statue is more than a landmark; it is a symbol—a symbol of what America has meant to the world.

It reminds us that what America has meant is not its wealth and not its power,

but its spirit and purpose—a land that enshrines liberty and opportunity, and that it has held out a hand of welcome to millions in search of a better and a fuller and above all, a freer life.

The world's hopes poured into America, along with its people—and those hopes, those dreams, that have been brought here from every corner of the world, have become a part of the hope that we now hold out to the world.

Four years from now, America will celebrate the 200th anniversary of its founding as a nation.

And there are those who say that the old Spirit of '76 is dead—that we no longer have the strength of character, the idealism, and the faith in our founding purposes, that that spirit represents.

But those who say this do now know America.

We have been undergoing self-doubts and self-criticism. But these are only the other side of our growing sensitivity to the persistence of want in the midst of plenty, and our impatience with the slowness with which age-old ills are being overcome.

If we were indifferent to the shortcomings of our society, or complacent about our institutions, or blind to the lingering inequities—then we would have lost our way.

But the fact that we have those concerns is evidence that our ideals deep down are still strong. Indeed, they remind us that what is really best about America is its compassion. They remind us that in the final analysis America is great, not because it is strong, not because it is rich, but because this is a good country.

Let us reject the narrow visions of those who would tell us that we are evil because we are not yet perfect; that we are corrupt because we are not yet pure; that all the sweat and toil and sacrifice that have gone into the building of America were for naught because the building is not yet done.

Let us see that the path we are traveling is wide, with room in it for all of us, and that its direction is toward a better nation in a more peaceful world.

Never has it mattered more that we go forward together.

Look at this Chamber. The leadership of America is here today—the Supreme Court, the Cabinet, the Senate, the House of Representatives.

Together we hold the future of the nation, and the conscience of the nation, in our hands.

Because this year is an election year, it will be a time of great pressure.

If we yield to that pressure, and fail to deal seriously with the historic challenges that we face, then we will have failed the trust of millions of Americans, and shaken the confidence they have a right to place in us, in their government.

Never has a Congress had a greater opportunity to leave a legacy of profound and constructive reform for the nation than this Congress.

If we succeed in these tasks, there will be credit enough for all—not only for doing what is right, but doing it in the right way, by rising above partisan interest to serve the national interest.

If we fail, more than any one of us, America will be the loser.

That is why my call upon the Congress today is for a high statesmanship—so that in the years to come Americans will look back and say that because it withstood the intense pressures of a political year, and achieved such great good for the American people, and for the future of this Nation—this was truly a great Congress.

[Applause, the Members rising.]

The state of the Union message, referred to by the President, and submitted to the Congress, is, in its official text, as follows:

To the Congress of the United States:

It was just 3 years ago today that I took the oath of office as President. I opened my address that day by suggesting that some moments in history stand out "as moments of beginning," when "courses are set that shape decades or centuries." I went on to say that "this can be such a moment."

Looking back 3 years later, I would suggest that it was such a moment—a time in which new courses were set on which we now are traveling. Just how profoundly these new courses will shape our decade or our century is still an unanswered question, however, as we enter the fourth year of this administration. For moments of beginning will mean very little in history unless we also have the determination to follow up on those beginnings.

Setting the course is not enough. Staying the course is an equally important challenge. Good government involves both the responsibility for making fresh starts and the responsibility for perseverance.

The responsibility for perseverance is one that is shared by the President, the public, and the Congress.

—We have come a long way, for example, on the road to ending the Vietnam war and to improving relations with our adversaries. But these initiatives will depend for their lasting meaning on our persistence in seeing them through.

—The magnificent cooperation of the American people has enabled us to make substantial progress in curbing inflation and in reinvigorating our economy. But the new prosperity we seek can be completed only if the public continues in its commitment to economic responsibility and discipline.

—Encouraging new starts have also been made over the last 3 years in treating our domestic ills. But continued progress now requires the Congress to act on its large and growing backlog of pending legislation.

America's agenda for action is already well established as we enter 1972. It will grow in the weeks ahead as we present still more initiatives. But we dare not let the emergence of new business obscure the urgency of old business. Our new agenda will be little more than an empty gesture if we abandon—or even de-emphasize—that part of the old agenda which is yet unfinished.

GETTING OURSELVES TOGETHER

One measure of the Nation's progress in these first years of the Seventies is the improvement in our national morale. While the 1960's were a time of great accomplishment, they were also a time of growing confusion. Our recovery from that condition is not complete, but we have made a strong beginning.

Then we were a shaken and uncertain people, but now we are recovering our confidence. Then we were divided and suspicious, but now we are renewing our sense of common purpose. Then we were surrounded by shouting and posturing, but we have been learning once again to lower our voices. And we have also been learning to listen.

A history of the 1960's was recently published under the title, *Coming Apart*. But today we can say with confidence that we are coming apart no longer. The "center" of American life has held, and once again we are getting ourselves together.

THE SPIRIT OF REASON AND REALISM

Under the pressures of an election year, it would be easy to look upon the legislative program merely as a political device and not as a serious agenda. We must resist this temptation. The year ahead of us holds precious time in which to accomplish good for this Nation and we must not, we dare not, waste it. Our progress depends on a continuing spirit of partnership between the President and the Congress, between the House and the Senate, between Republicans and Democrats. That spirit does not require us always to agree with one another but it does require us to approach our tasks, together, in a spirit of reason and realism.

Clear words are the great servant of reason. Intemperate words are the great enemy of reason. The cute slogan, the glib headline, the clever retort, the appeal to passion—these are not the way to truth or to good public policy.

To be dedicated to clear thinking, to place the interests of all above the interests of the few, to hold to ultimate values and to curb momentary passions, to think more about the next generation and less about the next election—these are now our special challenges.

ENDING THE WAR

The condition of a nation's spirit cannot be measured with precision, but some of the factors which influence that spirit can. I believe the most dramatic single measurement of the distance we have traveled in the last 36 months is found in the statistics concerning our involvement in the war in Vietnam.

On January 20, 1969 our authorized troop ceiling in Vietnam was 549,500. And there was no withdrawal plan to bring these men home. On seven occasions since that time, I have announced withdrawal decisions—involving a total of 480,500 troops. As a result, our troop ceiling will be only 69,000 by May 1. This means that in 3 years we will have cut our troop strength in Vietnam by 87 percent. As we proceed toward our goal of a South Vietnam fully able to defend itself, we will reduce that level still further.

In this same period, expenditures connected with the war have been cut dras-

tically. There has been a drop of well over 50 percent in American air activity in all of Southeast Asia. Our ground combat role has been ended. Most importantly, there has been a reduction of 95 percent in combat deaths.

Our aim is to cut the death and casualty toll by 100 percent, to obtain the release of those who are prisoners of war, and to end the fighting altogether.

It is my hope that we can end this tragic conflict through negotiation. If we cannot, then we will end it through Vietnamization. But end it we shall—in a way which fulfills our commitment to the people of South Vietnam and which gives them the chance for which they have already sacrificed so much—the chance to choose their own future.

THE LESSONS OF CHANGE

The American people have learned many lessons in the wake of Vietnam—some helpful and some dangerous. One important lesson is that we can best serve our own interests in the world by setting realistic limits on what we try to accomplish unilaterally. For the peace of the world will be more secure, and its progress more rapid, as more nations come to share more fully in the responsibilities for peace and for progress.

At the same time, to conclude that the United States should now withdraw from all or most of its international responsibilities would be to make a dangerous error. There has been a tendency among some to swing from one extreme to the other in the wake of Vietnam, from wanting to do too much in the world to wanting to do too little. We must resist this temptation to over-react. We must stop the swinging pendulum before it moves to an opposite position, and forge instead an attitude toward the world which is balanced and sensible and realistic.

America has an important role to play in international affairs, a great influence to exert for good. As we have throughout this century, we must continue our profound concern for advancing peace and freedom, by the most effective means possible, even as we shift somewhat our view of what means are most effective.

This is our policy:

—We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

—We will help other nations develop the capability of defending themselves.

—We will faithfully honor all of our treaty commitments.

—We will act to defend our interests whenever and wherever they are threatened any place in the world.

—But where our interests or our treaty commitments are not involved our role will be limited.

—We will not intervene militarily.

—But we will use our influence to prevent war.

—If war comes we will use our influence to try to stop it.

—Once war is over we will do our share in helping to bind up the wounds of those who have participated in it.

OPENING NEW LINES OF COMMUNICATION

Even as we seek to deal more realistically with our partners, so we must also deal more realistically with those who have been our adversaries. In the last year we have made a number of notable advances toward this goal.

In our dealings with the Soviet Union, for example, we have been able, together with our allies, to reach an historic agreement concerning Berlin. We have advanced the prospects for limiting strategic armaments. We have moved toward greater cooperation in space research and toward improving our economic relationships. There have been disappointments such as South Asia and uncertainties such as the Middle East. But there has also been progress we can build on.

It is to build on the progress of the past and to lay the foundations for greater progress in the future that I will soon be visiting the capitals of both the People's Republic of China and the Soviet Union. These visits will help to fulfill the promise I made in my Inaugural address when I said "that during this administration our lines of communication will be open," so that we can help create "an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation." It is in this spirit that I will undertake these journeys.

We must also be realistic, however, about the scope of our differences with these governments. My visits will mean not that our differences have disappeared or will disappear in the near future. But peace depends on the ability of great powers to live together on the same planet despite their differences. The important thing is that we talk about these differences rather than fight about them.

It would be a serious mistake to say that nothing can come of our expanded communications with Peking and Moscow. But it would also be a mistake to expect too much too quickly.

It would also be wrong to focus so much attention on these new opportunities that we neglect our old friends. That is why I have met in the last few weeks with the leaders of two of our hemisphere neighbors, Canada and Brazil, with the leaders of three great European nations, and with the Prime Minister of Japan. I believe these meetings were extremely successful in cementing our understandings with these governments as we move forward together in a fast changing period.

Our consultations with our allies may not receive as much attention as our talks with potential adversaries. But this makes them no less important. The cornerstone of our foreign policy remains—and will remain—our close bonds with our friends around the world.

A STRONG DEFENSE: THE GUARDIAN OF PEACE

There are two additional elements which are critical to our efforts to strengthen the structure of peace.

The first of these is the military strength of the United States.

In the last 3 years we have been moving from a wartime to a peacetime footing, from a period of continued confrontation and arms competition to a period of negotiation and potential arms limitation, from a period when America often acted as policeman for the world to a period when other nations are assuming greater responsibility for their own defense. I was recently encouraged, for example, by the decision of our European allies to increase their share of the NATO defense budget by some $1 billion.

As a part of this process, we have ended the production of chemical and biological weaponry and have converted two of our largest facilities for such production to humanitarian research. We have been able to reduce and in some periods even to eliminate draft calls. In 1971, draft calls—which were as high as 382,000 at the peak of the Vietnam war—fell below 100,000, the lowest level since 1962. In the coming year they will be significantly lower. I am confident that by the middle of next year we can achieve our goal of reducing draft calls to zero.

As a result of all these developments, our defense spending has fallen to 7 percent of our gross national product in the current fiscal year, compared with 8.3 percent in 1964 and 9.5 percent in 1968. That figure will be down to 6.4 percent in fiscal year 1973. Without sacrificing any of our security interests, we have been able to bring defense spending below the level of human resource spending for the first time in 20 years. This condition is maintained in my new budget—which also, for the first time, allocates more money to the Department of Health, Education, and Welfare than to the Department of Defense.

But just as we avoid extreme reactions in our political attitudes toward the world, so we must avoid over-reacting as we plan for our defense. We have reversed spending priorities, but we have never compromised our national security. And we never will. For any step which weakens America's defenses will also weaken the prospects for peace.

Our plans for the next year call for an increase in defense spending. That increase is made necessary in part by rising research and development costs, in part by military pay increases—which, in turn, will help us eliminate the draft—and in part by the need to proceed with new weapon systems to maintain our security at an adequate level. Even as we seek with the greatest urgency stable controls on armaments, we cannot ignore the fact that others are going forward with major increases in their own arms programs.

In the year ahead we will be working to improve and protect, to diversify and disperse our strategic forces in ways which make them even less vulnerable to attack and more effective in deterring war. I will request a substantial budget increase to preserve the sufficiency of our strategic nuclear deterrent, including an allocation of over $900 million to improve our sea-based deterrent force. I recently directed the Department of Defense to develop a program to build additional missile launching submarines, carrying

a new and far more effective missile. We will also proceed with programs to reoutfit our Polaris submarines with the Poseidon missile system, to replace older land-based missiles with Minuteman III, and to deploy the SAFEGUARD Antiballistic Missile System.

At the same time, we must move to maintain our strength at sea. The Navy's budget was increased by $2 billion in the current fiscal year, and I will ask for a similar increase next year, with particular emphasis on our shipbuilding programs.

Our military research and development program must also be stepped up. Our budget in this area was increased by $594 million in the current fiscal year and I will recommend a further increase for next year of $838 million. I will also propose a substantial program to develop and procure more effective weapons systems for our land and tactical air forces, and to improve the National Guard and Reserves, providing more modern weapons and better training.

In addition, we will expand our strong program to attract volunteer career soldiers so that we can phase out the draft. With the cooperation of the Congress, we have been able to double the basic pay of first time enlistees. Further substantial military pay increases are planned. I will also submit to the Congress an overall reform of our military retirement and survivor benefit programs, raising the level of protection for military families. In addition, we will expand efforts to improve race relations, to equalize promotional opportunities, to control drug abuse, and generally to improve the quality of life in the Armed Forces.

As we take all of these steps, let us remember that strong military defenses are not the enemy of peace; they are the guardians of peace. Our ability to build a stable and tranquil world—to achieve an arms control agreement, for example—depends on our ability to negotiate from a position of strength. We seek adequate power not as an end in itself but as a means for achieving our purpose. And our purpose is peace.

In my Inaugural address 3 years ago I called for cooperation to reduce the burden of arms—and I am encouraged by the progress we have been making toward that goal. But I also added this comment: ". . . to all those who would be tempted by weakness, let us leave no doubt that we will be as strong as we need to be for as long as we need to be." Today I repeat that reminder.

A REALISTIC PROGRAM OF FOREIGN ASSISTANCE

Another important expression of America's interest and influence in the world is our foreign assistance effort. This effort has special significance at a time when we are reducing our direct military presence abroad and encouraging other countries to assume greater responsibilities. Their growing ability to undertake these responsibilities often depends on America's foreign assistance.

We have taken significant steps to reform our foreign assistance programs in recent years, to eliminate waste and to give them greater impact. Now three further imperatives rest with the Congress:

—to fund in full the levels of assistance which I have earlier recommended for the current fiscal year, before the present interim funding arrangement expires in late February;

—to act upon the fundamental aid reform proposals submitted by this administration in 1971;

—and to modify those statutes which govern our response to expropriation of American property by foreign governments, as I recommended in my recent statement on the security of overseas investments.

These actions, taken together, will constitute not an exception to the emerging pattern for a more realistic American role in the world, but rather a fully consistent and crucially important element in that pattern.

As we work to help our partners in the world community develop their economic potential and strengthen their military forces, we should also cooperate fully with them in meeting international challenges such as the menace of narcotics, the threat of pollution, the growth of population, the proper use of the seas and seabeds, and the plight of those who have been victimized by wars and natural disasters. All of these are global problems and they must be confronted on a global basis. The efforts of the United Nations to respond creatively to these challenges have been most promising, as has the work of NATO in the environmental field. Now we must build on these beginnings.

AMERICA'S INFLUENCE FOR GOOD

The United States is not the world's policeman nor the keeper of its moral conscience. But—whether we like it or not—we still represent a force for stability in what has too often been an unstable world, a force for justice in a world which is too often unjust, a force for progress in a world which desperately needs to progress, a force for peace in world that is weary of war.

We can have a great influence for good in our world—and for that reason we bear a great responsibility. Whether we fulfill that responsibility—whether we fully use our influence for good—these are questions we will be answering as we reshape our attitudes and policies toward other countries, as we determine our defensive capabilities, and as we make fundamental decisions about foreign assistance. I will soon discuss these and other concerns in greater detail in my annual report to the Congress on foreign policy.

Our influence for good in the world depends, of course, not only on decisions which touch directly on international affairs but also on our internal strength—on our sense of pride and purpose, on the vitality of our economy, on the success of our efforts to build a better life for all our people. Let us turn then from the state of the Union abroad to the state of the Union at home.

THE ECONOMY TOWARD A NEW PROSPERITY

Just as the Vietnam war occasioned much of our spiritual crisis, so it lay at the root of our economic problems 3 years ago. The attempt to finance that war through budget deficits in a period of full employment had produced a wave of price inflation as dangerous and as persistent as any in our history. It was more persistent, frankly, than I expected it would be when I first took office. And it only yielded slowly to our dual efforts to cool the war and to cool inflation.

Our challenge was further compounded by the need to reabsorb more than 2 million persons who were released from the Armed Forces and from defense-related industries and by the substantial expansion of the labor force.

In short, the escalation of the Vietnam war in the late 1960's destroyed price stability. And the de-escalation of that war in the early 1970's impeded full employment.

Throughout these years, however, I have remained convinced that both price stability and full employment were realistic goals for this country. By last summer it became apparent that our efforts to eradicate inflation without wage and price controls would either take too long or—if they were to take effect quickly—would come at the cost of persistent high unemployment. This cost was unacceptable. On August 15th I therefore announced a series of new economic policies to speed our progress toward a new prosperity without inflation in peacetime.

These policies have received the strong support of the Congress and the American people, and as a result they have been effective. To carry forward these policies, three important steps were taken this past December—all within a brief 2-week period—which will also help to make the coming year a very good year for the American economy.

On December 10, I signed into law the Revenue Act of 1971, providing tax cuts over the next 3 years of some $15 billion, cuts which I requested to stimulate the economy and to provide hundreds of thousands of new jobs. On December 22, I signed into law the Economic Stabilization Act Amendments of 1971, which will allow us to continue our program of wage and price restraints to break the back of inflation.

Between these two events, on December 18, I was able to announce a major breakthrough on the international economic front—reached in cooperation with our primary economic partners. This breakthrough will mitigate the intolerable strains which were building up in the world's monetary and payments structure and will lead to a removal of trade barriers which have impeded American exports. It also sets the stage for broader reforms in the international monetary system so that we can avoid repeated monetary crises in the future. Both the monetary realignment—the first of its scope in history—and our progress in readjusting trade conditions will mean better markets for American goods abroad and more jobs for American workers at home.

A BRIGHTER ECONOMIC PICTURE

As a result of all these steps, the economic picture—which has brightened steadily during the last 5 months—will, I believe, continue to grow brighter. This is not my judgment alone; it is widely shared by the American people. Virtually every survey and forecast in recent weeks

shows a substantial improvement in public attitudes about the economy—which are themselves so instrumental in shaping economic realities.

The inflationary psychology which gripped our Nation so tightly for so long is on the ebb. Business and consumer confidence has been rising. Businessmen are planning a 9.1 percent increase in plant and equipment expenditures in 1972, more than four times as large as the increase in 1971. Consumer spending and retail sales are on the rise. Home building is booming—housing starts last year were up more than 40 percent from 1970, setting an all-time record. Interest rates are sharply down. Both income and production are rising. Real output in our economy in the last 3 months of 1971 grew at a rate that was about double that of the previous two quarters.

Perhaps most importantly, total employment has moved above the 80 million mark—to a record high—and is growing rapidly. In the last 5 months of 1971, some 1.1 million additional jobs were created in our economy and only a very unusual increase in the size of our total labor force kept the unemployment rate from falling.

But whatever the reason, 6 percent unemployment is too high. I am determined to cut that percentage—through a variety of measures. The budget I present to the Congress next week will be an expansionary budget—reflecting the impact of new job-creating tax cuts and job-creating expenditures. We will also push to increase employment through our programs for manpower training and public service employment, through our efforts to expand foreign markets, and through other new initiatives.

Expanded employment in 1972 will be different, however, from many other periods of full prosperity. For it will come without the stimulus of war—and it will come without inflation. Our program of wage and price controls is working. The consumer price index, which rose at a yearly rate of slightly over 6 percent during 1969 and the first half of 1970, rose at a rate of only 1.7 percent from August through November of 1971.

I would emphasize once again, however, that our ultimate objective is lasting price stability without controls. When we achieve an end to the inflationary psychology which developed in the 1960's we will return to our traditional policy of relying on free market forces to determine wages and prices.

I would also emphasize that while our new budget will be in deficit, the deficit will not be irresponsible. It will be less than this year's actual deficit and would disappear entirely under full employment conditions. While Federal spending continues to grow, the rate of increase in spending has been cut very sharply—to little more than half that experienced under the previous administration. The fact that our battle against inflation has led us to adopt a new policy of wage and price restraints should not obscure the continued importance of our fiscal and monetary policies in holding down the cost of living. It is most important that the Congress join now in resisting the temptation to overspend and in accepting the discipline of a balanced full employment budget.

I will soon present a more complete discussion of all of these matters in my Budget Message and in my Economic Report.

A NEW ERA IN INTERNATIONAL ECONOMICS

Just as we have entered a new period of negotiation in world politics, so we have also moved into a new period of negotiation on the international economic front. We expect these negotiations to help us build both a new international system for the exchange of money and a new system of international trade. These accomplishments, in turn, can open a new era of fair competition and constructive interdependence in the global economy.

We have already made important strides in this direction. The realignment of exchange rates which was announced last month represents an important forward step—but now we also need basic long-range monetary reform. We have made an important beginning toward altering the conditions for international trade and investment—and we expect further substantial progress. I would emphasize that progress for some nations in these fields need not come at the expense of others. All nations will benefit from the right kind of monetary and trade reform.

Certainly the United States has a high stake in such improvements. Our international economic position has been slowly deteriorating now for some time—a condition which could have dangerous implications for both our influence abroad and our prosperity at home. It has been estimated, for example, that full employment prosperity will depend on the creation of some 20 million additional jobs in this decade. And expanding our foreign markets is a most effective way to expand domestic employment.

One of the major reasons for the weakening of our international economic position is that the ground rules for the exchange of goods and money have forced us to compete with one hand tied behind our back. One of our most important accomplishments in 1971 was our progress in changing this situation.

COMPETING MORE EFFECTIVELY

Monetary and trade reforms are only one part of this story. The ability of the United States to hold its own in world competition depends not only on the fairness of the rules, but also on the competitiveness of our economy. We have made great progress in the last few months in improving the terms of competition. Now we must also do all we can to strengthen the ability of our own economy to compete.

We stand today at a turning point in the history of our country—and in the history of our planet. On the one hand, we have the opportunity to help bring a new economic order to the world, an open order in which nations eagerly face outward to build that network of interdependence which is the best foundation for prosperity and for peace. But we will also be tempted in the months ahead to take the opposite course—to withdraw from the world economically as some would have us withdraw politically, to build an economic "Fortress America" within which our growing weakness could be concealed. Like a child who will not go out to play with other children, we would probably be saved a few minor bumps and bruises in the short run if we were to adopt this course. But in the long run the world would surely pass us by.

I reject this approach. I remain committed to that open world I discussed in my Inaugural address. That is why I have worked for a more inviting climate for America's economic activity abroad. That is why I have placed so much emphasis on increasing the productivity of our economy at home. And that is also why I believe so firmly that we must stimulate more long-range investment in our economy, find more effective ways to develop and use new technology, and do a better job of training and using skilled manpower.

An acute awareness of the international economic challenge led to the creation just one year ago of the Cabinet-level Council on International Economic Policy. This new institution has helped us to understand this challenge better and to respond to it more effectively.

As our understanding deepens, we will discover additional ways of improving our ability to compete. For example, we can enhance our competitive position by moving to implement the metric system of measurement, a proposal which the Secretary of Commerce presented in detail to the Congress last year. And we should also be doing far more to gain our fair share of the international tourism market, now estimated at $17 billion annually, one of the largest factors in world trade. A substantial part of our balance of payments deficit results from the fact that American tourists abroad spend $2.5 billion more than foreign tourists spend in the United States. We can help correct this situation by attracting more foreign tourists to our shores—especially as we enter our Bicentennial era. I am therefore requesting that the budget for the United States Travel Service be nearly doubled in the coming year.

THE UNFINISHED AGENDA

Our progress toward building a new economic order at home and abroad has been made possible by the cooperation and cohesion of the American people. I am sure that many Americans had misgivings about one aspect or another of the new economic policies I introduced last summer. But most have nevertheless been ready to accept this new effort in order to build the broad support which is essential for effective change.

The time has now come for us to apply this same sense of realism and reasonability to other reform proposals which have been languishing on our domestic agenda. As was the case with our economic policies, most Americans agree that we need a change in our welfare system, in our health strategy, in our programs to improve the environment, in the way we finance State and local government, and in the organization of government at the Federal level. Most Americans are not satisfied with the

status quo in education, in transportation, in law enforcement, in drug control, in community development. In each of these areas—and in others—I have put forward specific proposals which are responsive to this deep desire for change.

And yet achieving change has often been difficult. There has been progress in some areas, but for the most part, as a nation we have not shown the same sense of self-discipline in our response to social challenges that we have developed in meeting our economic needs. We have not been as ready as we should have been to compromise our differences and to build a broad coalition for change. And so we often have found ourselves in a situation of stalemate—doing essentially nothing even though most of us agree that nothing is the very worst thing we can do.

Two years ago this week, and again one year ago, my messages on the State of the Union contained broad proposals for domestic reform. I am presenting a number of new proposals in this year's message. But I also call once again, with renewed urgency, for action on our unfinished agenda.

WELFARE REFORM

The first item of unfinished business is welfare reform.

Since I first presented my proposals in August of 1969, some 4 million additional persons have been added to our welfare rolls. The cost of our old welfare system has grown by an additional $4.2 billion. People have not been moving as fast as they should from welfare rolls to payrolls. Too much of the traffic has been the other way.

Our antiquated welfare system is responsible for this calamity. Our new program of "workfare" would begin to end it.

Today, more than ever, we need a new program which is based on the dignity of work, which provides strong incentives for work, and which includes for those who are able to work an effective work requirement. Today, more than ever, we need a new program which helps hold families together rather than driving them apart, which provides day care services so that low income mothers can trade dependence on government for the dignity of employment, which relieves intolerable fiscal pressures on State and local governments, and which replaces 54 administrative systems with a more efficient and reliable nationwide approach.

I have now given prominent attention to this subject in three consecutive messages on the state of the Union. The House of Representatives has passed welfare reform twice. Now that the new economic legislation has been passed, I urge the Senate Finance Committee to place welfare reform at the top of its agenda. It is my earnest hope that when this Congress adjourns, welfare reform will not be an item of pending business but an accomplished reality.

REVENUE SHARING: RETURNING POWER TO THE PEOPLE

At the same time that I introduced my welfare proposals 2½ years ago, I also presented a program for sharing Federal revenues with State and local governments. Last year I greatly expanded on this concept. Yet, despite undisputed evidence of compelling needs, despite overwhelming public support, despite the endorsement of both major political parties and most of the Nation's Governors and mayors, and despite the fact that most other nations with federal systems of government already have such a program, revenue sharing still remains on the list of unfinished business.

I call again today for the enactment of revenue sharing. During its first full year of operation our proposed programs would spend $17.6 billion, both for general purposes and through six special purpose programs for law enforcement, manpower, education, transportation, rural community development, and urban community development.

As with welfare reform, the need for revenue sharing becomes more acute as time passes. The financial crisis of State and local government is deepening. The pattern of breakdown in State and municipal services grows more threatening. Inequitable tax pressures are mounting. The demand for more flexible and more responsive government—at levels closer to the problems and closer to the people—is building.

Revenue sharing can help us meet these challenges. It can help reverse what has been the flow of power and resources toward Washington by sending power and resources back to the States, to the communities, and to the people. Revenue sharing can bring a new sense of accountability, a new burst of energy and a new spirit of creativity to our federal system.

I am pleased that the House Ways and Means Committee has made revenue sharing its first order of business in the new session. I urge the Congress to enact in this session, not an empty program which bears the revenue sharing label while continuing the outworn system of categorical grants, but a bold, comprehensive program of genuine revenue sharing.

I also presented last year a $100 million program of planning and management grants to help the States and localities do a better job of analyzing their problems and carrying out solutions. I hope this program will also be quickly accepted. For only as State and local governments get a new lease on life can we hope to bring government back to the people—and with it a stronger sense that each individual can be in control of his life, that every person can make a difference.

OVERHAULING THE MACHINERY OF GOVERNMENT: EXECUTIVE REORGANIZATION

As we work to make State and local government more responsive—and more responsible—let us also seek these same goals at the Federal level. I again urge the Congress to enact my proposals for reorganizing the executive branch of the Federal Government. Here again, support from the general public—as well as from those who have served in the executive branch under several Presidents—has been most encouraging. So has the success of the important organizational reforms we have already made. These have included a restructured Executive Office of the President—with a new Domestic Council, a new Office of Management and Budget, and other units; reorganized field operations in Federal agencies; stronger mechanisms for interagency coordination, such as Federal Regional Councils; a new United States Postal Service; and new offices for such purposes as protecting the environment, coordinating communications policy, helping the consumer, and stimulating voluntary service. But the centerpiece of our efforts to streamline the executive branch still awaits approval.

How the government is put together often determines how well the government can do its job. Our Founding Fathers understood this fact—and thus gave detailed attention to the most precise structural questions. Since that time, however, and especially in recent decades, new responsibilities and new constituencies have caused the structure they established to expand enormously—and in a piecemeal and haphazard fashion.

As a result, our Federal Government today is too often a sluggish and unresponsive institution, unable to deliver a dollar's worth of service for a dollar's worth of taxes.

My answer to this problem is to streamline the executive branch by reducing the overall number of executive departments and by creating four new departments in which existing responsibilities would be refocused in a coherent and comprehensive way. The rationale which I have advanced calls for organizing these new departments around the major purposes of the government—by creating a Department of Natural Resources, a Department of Human Resources, a Department of Community Development, and a Department of Economic Affairs. I have revised my original plan so that we would not eliminate the Department of Agriculture but rather restructure that Department so it can focus more effectively on the needs of farmers.

The Congress has recently reorganized its own operations, and the Chief Justice of the United States has led a major effort to reform and restructure the judicial branch. The impulse for reorganization is strong and the need for reorganization is clear. I hope the Congress will not let this opportunity for sweeping reform of the executive branch slip away.

A NEW APPROACH TO THE DELIVERY OF SOCIAL SERVICES

As a further step to put the machinery of government in proper working order, I will also propose new legislation to reform and rationalize the way in which social services are delivered to families and individuals.

Today it often seems that our service programs are unresponsive to the recipients' needs and wasteful of the taxpayers' money. A major reason is their extreme fragmentation. Rather than pulling many services together, our present system separates them into narrow and rigid categories. The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for

nutritional help, to another for health services, and to still another for educational counseling. A community finds that it cannot transfer Federal funds from one program area to another area in which needs are more pressing.

Meanwhile, officials at all levels of government find themselves wasting enormous amounts of time, energy, and the taxpayers' money untangling Federal redtape—time and energy and dollars which could better be spent in meeting people's needs.

We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit. We need to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related problems.

The Allied Services Act which will soon be submitted to the Congress offers one set of tools for carrying out that new approach in the programs of the Department of Health, Education and Welfare. It would strengthen State and local planning and administrative capacities, allow for the transfer of funds among various HEW programs, and permit the waiver of certain cumbersome Federal requirements. By streamlining and simplifying the delivery of services, it would help more people move more rapidly from public dependency toward the dignity of being self-sufficient.

Good men and good money can be wasted on bad mechanisms. By giving those mechanisms a thorough overhaul, we can help to restore the confidence of the people in the capacities of their government.

PROTECTING THE ENVIRONMENT

A central theme of both my earlier messages on the state of the Union was the state of our environment—and the importance of making "our peace with nature." The last few years have been a time in which environmental values have become firmly embedded in our attitudes—and in our institutions. At the Federal level, we have established a new Environmental Protection Agency, a new Council on Environmental Quality and a new National Oceanic and Atmospheric Administration, and we have proposed an entire new Department of Natural Resources. New air quality standards have been set, and there is evidence that the air in many cities is becoming less polluted. Under authority granted by the Refuse Act of 1899, we have instituted a new permit program which, for the first time, allows the Federal Government to inventory all significant industrial sources of water pollution and to specify required abatement actions. Under the Refuse Act, more than 160 civil actions and 320 criminal actions to stop water pollution have been filed against alleged polluters in the last 12 months. Major programs have also been launched to build new municipal waste treatment facilities, to stop pollution from Federal facilities, to expand our wilderness areas, and to leave a legacy of parks for future generations. Our outlays for inner city parks have been significantly expanded, and 62 Federal tracts have been transferred to the States and to local governments for recreational uses. In the coming year. I hope to transfer to local park use much more Federal land which is suitable for recreation but which is now underutilized. I trust the Congress will not delay this process.

The most striking fact about environmental legislation in the early 1970's is how much has been proposed and how little has been enacted. Of the major legislative proposals I made in my special message to the Congress on the environment last winter, 18 are still awaiting final action. They include measures to regulate pesticides and toxic substances, to control noise pollution, to restrict dumping in the oceans, in coastal waters, and in the Great Lakes, to create an effective policy for the use and development of land, to regulate the siting of power plants, to control strip mining, and to help achieve many other important environmental goals. The unfinished agenda also includes our National Resource Land Management Act, and other measures to improve environmental protection on federally owned lands.

The need for action in these areas is urgent. The forces which threaten our environment will not wait while we procrastinate. Nor can we afford to rest on last year's agenda in the environmental field. For as our understanding of these problems increases, so must our range of responses. Accordingly, I will soon be sending to the Congress another message on the environment that will present further administrative and legislative initiatives. Altogether our new budget will contain more than three times as much money for environmental programs in fiscal year 1973 as we spent in fiscal year 1969. To fail in meeting the environmental challenge, however, would be even more costly.

I urge the Congress to put aside narrow partisan perspectives that merely ask "whether" we should act to protect the environment and to focus instead on the more difficult question of "how" such action can most effectively be carried out.

ABUNDANT CLEAN ENERGY

In my message to the Congress on energy policy, last June, I outlined additional steps relating to the environment which also merit renewed attention. The challenge, as I defined it, is to produce a sufficient supply of energy to fuel our industrial civilization and at the same time to protect a beautiful and healthy environment. I am convinced that we can achieve both these goals, that we can respect our good earth without turning our back on progress.

In that message last June, I presented a long list of means for assuring an ample supply of clean energy—including the liquid metal fast breeder reactor—and I again emphasize their importance. Because it often takes several years to bring new technologies into use in the energy field, there is no time for delay. Accordingly, I am including in my new budget increased funding for the most promising of these and other clean energy programs. By acting this year, we can avoid having to choose in some future year between too little energy and too much pollution.

KEEPING PEOPLE HEALTHY

The National Health Strategy I outlined last February is designed to achieve one of the Nation's most important goals for the 1970's, improving the quality and availability of medical care, while fighting the trend toward runaway costs. Important elements of that strategy have already been enacted. The Comprehensive Health Manpower Training Act and the Nurse Training Act, which I signed on November 18, represent the most far-reaching effort in our history to increase the supply of doctors, nurses, dentists, and other health professionals and to attract them to areas which are experiencing manpower shortages. The National Cancer Act, which I signed on December 23, marked the climax of a year-long effort to step up our campaign against cancer. During the past year, our cancer research budget has been increased by $100 million and the full weight of my office has been given to our all-out war on this disease. We have also expanded the fight against sickle cell anemia by an additional $5 million.

I hope that action on these significant fronts during the first session of the 92d Congress will now be matched by action in other areas during the second session. The Health Maintenance Organization Act, for example, is an essential tool for helping doctors deliver care more effectively and more efficiently with a greater emphasis on prevention and early treatment. By working to keep our people healthy instead of treating us only when we are sick, Health Maintenance Organizations can do a great deal to help us reduce medical costs.

Our National Health Insurance Partnership legislation is also essential to assure that no American is denied basic medical care because of inability to pay. Too often, present health insurance leaves critical outpatient services uncovered, distorting the way in which facilities are used. It also fails to protect adequately against catastrophic costs and to provide sufficient assistance for the poor. The answer I have suggested is a comprehensive national plan—not one that nationalizes our private health insurance industry but one that corrects the weaknesses in that system while building on its considerable strengths.

A large part of the enormous increase in the Nation's expenditures on health in recent years has gone not to additional services but merely to meet price inflation. Our efforts to balance the growing demand for care with an increased supply of services will help to change this picture. So will that part of our economic program which is designed to control medical costs. I am confident that with the continued cooperation of those who provide health services, we will succeed on this most important battlefront in our war against inflation.

Our program for the next year will also include further funding increases for health research—including substantial new sums for cancer and sickle cell anemia—as well as further increases for medical schools and for meeting special problems such as drug addiction and

alcoholism. We also plan to construct new veterans hospitals and expand the staffs at existing ones.

In addition, we will be giving increased attention to the fight against diseases of the heart, blood vessels, and lungs, which presently account for more than half of all the deaths in this country. It is deeply disturbing to realize that, largely because of heart disease, the mortality rate for men under the age of 55 is about twice as great in the United States as it is, for example, in some Scandinavian countries.

I will shortly assign a panel of distinguished experts to help us determine why heart disease is so prevalent and so menacing and what we can do about it. I will also recommend an expanded budget for the National Heart and Lung Institute. The young father struck down by a heart attack in the prime of life, the productive citizen crippled by a stroke, an older person tortured by breathing difficulties during his later years—these are tragedies which can be reduced in number and we must do all that is possible to reduce them.

NUTRITION

One of the critical areas in which we have worked to advance the health of the Nation is that of combating hunger and improving nutrition. With the increases in our new budget, expenditures on our food stamp program will have increased ninefold since 1969, to the $2.3 billion level. Spending on school lunches for needy children will have increased more than sevenfold, from $107 million in 1969 to $770 million in 1973. Because of new regulations which will be implemented in the year ahead, we will be able to increase further both the equity of our food stamp program and the adequacy of its benefits.

COPING WITH ACCIDENTS—AND PREVENTING THEM

Last year, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million more temporarily disabled. The loss to our economy from accidents last year is estimated at over $28 billion. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrading our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively.

To help in this effort, I am directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims. By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

One of the significant joint accomplishments of the Congress and this administration has been a vigorous new program to protect against job-related accidents and illnesses. Our occupational health and safety program will be further strengthened in the year ahead—as will our ongoing efforts to promote air traffic safety, boating safety, and safety on the highways.

In the last 3 years, the motor vehicle death rate has fallen by 13 percent, but we still lose some 50,000 lives on our highways *each year*—more than we have lost in combat in the entire Vietnam war.

Fully one-half of these deaths were directly linked to alcohol. This appalling reality is a blight on our entire Nation—and only the active concern of the entire Nation can remove it. The Federal Government will continue to help all it can, through its efforts to promote highway safety and automobile safety, and through stronger programs to help the problem drinker.

YESTERDAY'S GOALS: TOMORROW'S ACCOMPLISHMENTS

Welfare reform, revenue sharing, executive reorganization, environmental protection, and the new national health strategy—these, along with economic improvement, constituted the six great goals I emphasized in my last State of the Union address—six major components of a New American Revolution. They remain six areas of great concern today. With the cooperation of the Congress, they can be six areas of great accomplishment tomorrow.

But the challenges we face cannot be reduced to six categories. Our problems—and our opportunities—are manifold, and action on many fronts is required. It is partly for this reason that my State of the Union address this year includes this written message to the Congress. For it gives me the chance to discuss more fully a number of programs which also belong on our list of highest priorities.

ACTION FOR THE AGING

Last month, I joined with thousands of delegates to the White House Conference on Aging in a personal commitment to make 1972 a year of action on behalf of 21 million older Americans. Today I call on the Congress to join me in that pledge. For unless the American dream comes true for our older generation it cannot be complete for any generation.

We can begin to make this a year of action for the aging by acting on a number of proposals which have been pending since 1969. For older Americans, the most significant of these is the bill designated H.R. 1. This legislation, which also contains our general welfare reform measures, would place a national floor under the income of all older Americans, guarantee inflation-proof social security benefits, allow social security recipients to earn more from their own work, increase benefits for widows, and provide a 5-percent across-the-board increase in social security. Altogether, H.R. 1—as it now stands—would mean some $5.5 billion in increased benefits for America's older citizens. I hope the Congress will also take this opportunity to eliminate the $5.80 monthly fee now charged under Part B of Medicare—a step which would add an additional $1.5 billion to the income of the elderly. These additions would come on top of earlier social security increases totaling some $3 billion over the last 3 years.

A number of newer proposals also deserve approval. I am requesting that the budget of the Administration on Aging be increased five-fold over last year's request, to $100 million, in part so that we can expand programs which help older citizens live dignified lives in their own homes. I am recommending substantially larger budgets for those programs which give older Americans a better chance to serve their countrymen—Retired Senior Volunteers, Foster Grandparents, and others. And we will also work to ease the burden of property taxes which so many older Americans find so inequitable and so burdensome. Other initiatives, including proposals for extending and improving the Older Americans Act, will be presented as we review the recommendations of the White House Conference on Aging. Our new Cabinet-Level Domestic Council Committee on Aging has these recommendations at the top of its agenda.

We will also be following up in 1972, on one of the most important of our 1971 initiatives—the crackdown on substandard nursing homes. Our follow-through will give special attention to providing alternative arrangements for those who are victimized by such facilities.

The legislation I have submitted to provide greater financial security at retirement, both for those now covered by private pension plans and those who are not, also merits prompt action by the Congress. Only half the country's work force is now covered by tax deductible private pensions; the other half deserve a tax deduction for their retirement savings too. Those who are now covered by pension plans deserve the assurance that their plans are administered under strict fiduciary standards with full disclosure. And they should also have the security provided by prompt vesting—the assurance that even if one leaves a given job, he can still receive the pension he earned there when he retires. The legislation I have proposed would achieve these goals, and would also raise the limit on deductible pension savings for the self-employed.

The state of our Union is strong today because of what older Americans have so long been giving to their country. The state of our Union will be stronger tomorrow if we recognize how much they still can contribute. The best thing our country can give to its older citizens is the chance to be a part of it, the chance to play a contributing role in the great American adventure.

EQUAL OPPORTUNITY FOR MINORITIES

America cannot be at its best as it approaches its 200th birthday unless all Americans have the opportunity to be at their best. A free and open American society, one that is true to the ideals of its founders, must give each of its citizens an equal chance at the starting line and an equal opportunity to go as far and as high as his talents and energies will take him.

The Nation can be proud of the progress it has made in assuring equal opportunity for members of minority groups in recent years. There are many measures of our progress.

Since 1969, we have virtually eliminated the dual school system in the South. Three years ago, 68 percent of all black children in the South were attending all black schools; today only 9 percent are attending schools which are entirely black. Nationally, the number of

100 percent minority schools has decreased by 70 percent during the past 3 years. To further expand educational opportunity, my proposed budget for predominantly black colleges will exceed $200 million next year, more than double the level of 3 years ago.

On the economic front, overall Federal aid to minority business enterprise has increased threefold in the last 3 years, and I will propose a further increase of $90 million. Federal hiring among minorities has been intensified, despite cutbacks in Federal employment, so that one-fifth of all Federal employees are now members of minority groups. Building on strong efforts such as the Philadelphia Plan, we will work harder to ensure that Federal contractors meet fair hiring standards. Compliance reviews will be stepped up, to a level more than 300 percent higher than in 1969. Our proposed budget for the Equal Employment Opportunity Commission will be up 36 percent next year, while our proposed budget for enforcing fair housing laws will grow by 20 percent. I also support legislation to strengthen the enforcement powers of the EEOC by providing the Commission with authority to seek court enforcement of its decisions and by giving it jurisdiction over the hiring practices of State and local governments.

Overall, our proposed budget for civil rights activities is up 25 percent for next year, an increase which will give up nearly three times as much money for advancing civil rights as we had 3 years ago. We also plan a 42 percent increase in the budget for the Cabinet Committee on Opportunities for the Spanish speaking. And I will propose that the Congress extend the operations of the Civil Rights Commission for another 5-year period.

SELF-DETERMINATION FOR INDIANS

One of the major initiatives in the second year of my Presidency was designed to bring a new area in which the future for American Indians is determined by Indian acts and Indian decisions. The comprehensive program I put forward sought to avoid the twin dangers of paternalism on the one hand and the termination of trust responsibility on the other. Some parts of this program have now become effective, including a generous settlement of the Alaska Native Claims and the return to the Taos Pueblo Indians of the sacred lands around Blue Lake. Construction grants have been authorized to assist the Navajo Community College, the first Indian-managed institution of higher education.

We are also making progress toward Indian self-determination on the administrative front. A newly reorganized Bureau of Indian Affairs, with almost all-Indian leadership, will from now on be concentrating its resources on a program of reservation-by-reservation development, including redirection of employment assistance to strengthen reservation economies, creating local Indian Action Teams for manpower training, and increased contracting of education and other functions to Indian communities.

I again urge the Congress to join in helping Indians help themselves in fields such as health, education, the protection of land and water rights, and economic development. We have talked about injustice to the first Americans long enough. As Indian leaders themselves have put it, the time has come for more rain and less thunder.

EQUAL RIGHTS FOR WOMEN

This administration will also continue its strong efforts to open equal opportunities for women, recognizing clearly that women are often denied such opportunities today. While every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes—and an equal chance to pursue it.

We have already moved vigorously against job discrimination based on sex in both the private and public sectors. For the first time, guidelines have been issued to require that Government contractors in the private sector have action plans for the hiring and promotion of women. We are committed to strong enforcement of equal employment opportunity for women under Title VII of the Civil Rights Act. To help carry out these commitments I will propose to the Congress that the jurisdiction of the Commission on Civil Rights be broadened to encompass sex-based discrimination.

Within the Government, more women have been appointed to high posts than ever before. As the result of my directives issued in April 1971 the number of women appointed to high-level Federal positions has more than doubled—and the number of women in Federal middle management positions has also increased dramatically. More women than ever before have been appointed to Presidential boards and commissions. Our vigorous program to recruit more women for Federal service will be continued and intensified in the coming year.

OPPORTUNITY FOR VETERANS

A grateful nation owes its servicemen and servicewomen every opportunity it can open to them when they return to civilian life. The Nation may be weary of war, but we dare not grow weary of doing right by those who have borne its heaviest burdens.

The Federal Government is carrying out this responsibility in many ways: through the G.I. Bill for education—which will spend 2½ times more in 1973 than in 1969; through home loan programs and disability and pension benefits—which also have been expanded; through better medical services—including strong new drug treatment programs; through its budget for veterans hospitals, which is already many times the 1969 level and will be stepped up further next year.

We have been particularly concerned in the last 3 years with the employment of veterans—who experience higher unemployment rates than those who have not served in the Armed Forces. During this past year I announced a six-point national program to increase public awareness of this problem, to provide training and counseling to veterans seeking jobs and to help them find employment opportunities. Under the direction of the Secretary of Labor and with the help of our Jobs for Veterans Committee and the National Alliance of Businessmen, this program has been moving forward. During its first five months of operation, 122,000 Vietnam-era veterans were placed in jobs by the Federal-State Employment Service and 40,000 were enrolled in job training programs. During the next six months, we expect the Federal-State Employment Service to place some 200,000 additional veterans in jobs and to enroll nearly 200,000 more in manpower training programs.

But let us never forget, in this as in so many other areas, that the opportunity for any individual to contribute fully to his society depends in the final analysis on the response—in his own community—of other individuals.

GREATER ROLE FOR AMERICAN YOUTH

Full participation and first class citizenship—these must be our goals for America's young people. It was to help achieve these goals that I signed legislation to lower the minimum voting age to 18 in June of 1970, and moved to secure a court validation of its constitutionality. And I took special pleasure a year later in witnessing the certification of the amendment which placed this franchise guarantee in the Constitution.

But a voice at election time alone is not enough. Young people should have a hearing in government on a day-by-day basis. To this end, and at my direction, agencies throughout the Federal Government have stepped up their hiring of young people and have opened new youth advisory channels. We have also convened the first White House Youth Conference—a wide-open forum whose recommendations have been receiving a thorough review by the Executive departments.

Several other reforms also mean greater freedom and opportunity for America's young people. Draft calls have been substantially reduced, as a step toward our target of reducing them to zero by mid-1973. Already the lottery system and other new procedures, and the contributions of youth advisory councils and younger members on local boards have made the draft far more fair than it was. My educational reform proposals embody the principle that no qualified student who wants to go to college should be barred by lack of money—a guarantee that would open doors of opportunity for many thousands of deserving young people. Our new career education emphasis can also be a significant springboard to good jobs and rewarding lives.

Young America's "extra dimension" in the sixties and seventies has been a drive to help the less fortunate—an activist idealism bent on making the world a better place to live. Our new ACTION volunteer agency, building on the successful experiences of constituent units such as the Peace Corps and Vista, has already broadened service opportunities for the young—and more new programs are in prospect. The Congress can do its part in forwarding this positive momentum by assuring that the ACTION programs have sufficient funds to carry out their mission.

THE AMERICAN FARMER

As we face the challenge of competing more effectively abroad and of producing

more efficiently at home, our entire Nation can take the American farmer as its model. While the productivity of our non-farm industries has gone up 60 percent during the last 20 years, agricultural productivity has gone up 200 percent, or nearly 3½ times as much. One result has been better products and lower prices for American consumers. Another is that farmers have more than held their own in international markets. Figures for the last fiscal year show nearly a $900 million surplus for commercial agricultural trade.

The strength of American agriculture is at the heart of the strength of America. American farmers deserve a fair share in the fruits of our prosperity.

We still have much ground to cover before we arrive at that goal—but we have been moving steadily toward it. In 1950 the income of the average farmer was only 58 percent of that of his nonfarm counterpart. Today that figure stands at 74 percent—not nearly high enough, but moving in the right direction.

Gross farm income reached a record high in 1971, and for 1972 a further increase of $2 billion is predicted. Because of restraints on production costs, net farm income is expected to rise in 1972 by 6.4 percent or some $1 billion. Average income per farm is expected to go up 8 percent—to an all-time high—in the next 12 months.

Still there are very serious farm problems—and we are taking strong action to meet them.

I promised 3 years ago to end the sharp skid in farm exports—and I have kept that promise. In just 2 years, farm exports climbed by 37 percent, and last year they set an all-time record. Our expanded marketing programs, the agreement to sell 2 million tons of feed grains to the Soviet Union, our massive aid to South Asia under Public Law 480, and our efforts to halt transportation strikes—by doing all we can under the old law and by proposing a new and better one—these efforts and others are moving us toward our $10 billion farm export goal.

I have also promised to expand domestic markets, to improve the management of surpluses, and to help in other ways to raise the prices received by farmers. I have kept that promise, too. A surprisingly large harvest drove corn prices down last year, but they have risen sharply since last November. Prices received by dairy farmers, at the highest level in history last year, will continue strong in 1972. Soybean prices will be at their highest level in two decades. Prices received by farmers for hogs, poultry and eggs are all expected to go higher. Expanded Government purchases and other assistance will also provide a greater boost to farm income.

With the close cooperation of the Congress, we have expanded the farmer's freedom and flexibility through the Agricultural Act of 1970. We have strengthened the Farm Credit System and substantially increased the availability of farm credit. Programs for controlling plant and animal disease and for soil and water conservation have also been expanded. All these efforts will continue, as will our efforts to improve the legal climate for cooperative bargaining—an important factor in protecting the vitality of the family farm and in resisting excessive government management.

DEVELOPING RURAL AMERICA

In my address to the Congress at this time 2 years ago, I spoke of the fact that one-third of our counties had lost population in the 1960's, that many of our rural areas were slowly being emptied of their people and their promise, and that we should work to reverse this picture by including rural America in a nationwide program to foster balanced growth.

It is striking to realize that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Clearly, our problems are not so much those of numbers as they are of distribution. We must work to revitalize the American countryside.

We have begun to make progress on this front in the last 3 years. Rural housing programs have been increased by more than 450 percent from 1969 to 1973. The number of families benefiting from rural water and sewer programs is now 75 percent greater than it was in 1969. We have worked to encourage sensible growth patterns through the location of Federal facilities. The first biennial Report on National Growth, which will be released in the near future, will further describe these patterns, their policy implications and the many ways we are responding to this challenge.

But we must do more. The Congress can begin by passing my $1.1 billion program of Special Revenue Sharing for Rural Community Development. In addition, I will soon present a major proposal to expand significantly the credit authorities of the Farmers Home Administration, so that this Agency—which has done so much to help individual farmers—can also help spur commercial, industrial and community development in rural America. Hopefully, the FHA will be able to undertake this work as a part of a new Department of Community Development.

In all these ways, we can help insure that rural America will be in the years ahead what it has been from our Nation's beginning—an area which looks eagerly to the future with a sense of hope and promise.

A COMMITMENT TO OUR CITIES

Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population. I discussed these challenges in my special message to the Congress on Population Growth and the American Future in the summer of 1969—and I have often discussed them since. My recommendations for transportation, education, health, welfare, revenue sharing, planning and management assistance, executive reorganization, the environment—especially the proposed Land Use Policy Act—and my proposals in many other areas touch directly on community development.

One of the keys to better cities is better coordination of these many components. Two of my pending proposals go straight to the heart of this challenge. The first, a new Department of Community Development, would provide a single point of focus for our strategy for growth. The second, Special Revenue Sharing for Urban Community Development, would remove the rigidities of categorical project grants which now do so much to fragment planning, delay action, and discourage local responsibility. My new budget proposes a $300 million increase over the full year level which we proposed for this program a year ago.

The Department of Housing and Urban Development has been working to foster orderly growth in our cities in a number of additional ways. A Planned Variation concept has been introduced into the Model Cities program which gives localities more control over their own future. HUD's own programs have been considerably decentralized. The New Communities Program has moved forward and seven projects have received final approval. The Department's efforts to expand mortgage capital, to more than double the level of subsidized housing, and to encourage new and more efficient building techniques through programs like Operation Breakthrough have all contributed to our record level of housing starts. Still more can be done if the Congress enacts the administration's Housing Consolidation and Simplification Act, proposed in 1970.

The Federal Government is only one of many influences on development patterns across our land. Nevertheless, its influence is considerable. We must do all we can to see that its influence is good.

IMPROVING TRANSPORTATION

Although the executive branch and the Congress have been led by different parties during the last 3 years, we have cooperated with particular effectiveness in the field of transportation. Together we have shaped the Urban Mass Transportation Assistance Act of 1970—a 12-year, $10 billion effort to expand and improve our common carriers and thus make our cities more livable. We have brought into effect a 10-year, $3 billion ship construction program as well as increased research efforts and a modified program of operating subsidies to revamp our merchant marine. We have accelerated efforts to improve air travel under the new Airport and Airway Trust Fund and have been working in fresh ways to save and improve our railway passenger service. Great progress has also been made in promoting transportation safety and we have moved effectively against cargo thefts and skyjacking.

I hope this strong record will be even stronger by the time the 92nd Congress adjourns. I hope that our Special Revenue Sharing program for transportation will by then be a reality—so that cities and States can make better long-range plans with greater freedom to achieve their own proper balance among the many modes of transportation. I hope, too, that our recommendations for revitalizing surface freight transporta-

tion will by then be accepted, including measures both to modernize railway equipment and operations and to update regulatory practices. By encouraging competition, flexibility and efficiency among freight carriers, these steps could save the American people billions of dollars in freight costs every year, helping to curb inflation, expand employment and improve our balance of trade.

One of our most damaging and perplexing economic problems is that of massive and prolonged transportation strikes. There is no reason why the public should be the helpless victim of such strikes—but this is frequently what happens. The dock strike, for example, has been extremely costly for the American people, particularly for the farmer for whom a whole year's income can hinge on how promptly he can move his goods. Last year's railroad strike also dealt a severe blow to our economy.

Both of these emergencies could have been met far more effectively if the Congress had enacted my Emergency Public Interest Protection Act, which I proposed in February of 1970. By passing this legislation in this session, the Congress can give us the permanent machinery so badly needed for resolving future disputes.

Historically, our transportation systems have provided the cutting edge for our development. Now, to keep our country from falling behind the times, we must keep well ahead of events in our transportation planning. This is why we are placing more emphasis and spending more money this year on transportation research and development. For this reason, too, I will propose a 65 percent increase—to the $1 billion level—in our budget for mass transportation. Highway building has been our first priority—and our greatest success story—in the past two decades. Now we must write a similar success story for mass transportation in the 1970's.

PEACE AT HOME: FIGHTING CRIME

Our quest for peace abroad over the last 3 years has been accompanied by an intensive quest for peace at home. And our success in stabilizing developments on the international scene has been matched by a growing sense of stability in America. Civil disorders no longer engulf our cities. Colleges and universities have again become places of learning. And while crime is still increasing, the rate of increase has slowed to a 5-year low. In the one city for which the Federal Government has a special responsibility—Washington, D.C.—the picture is even brighter, for here serious crime actually fell by 13 percent in the last year. Washington was one of 52 major cities which recorded a net reduction in crime in the first 9 months of 1971, compared to 23 major cities which made comparable progress a year earlier.

This encouraging beginning is not something that has just happened by itself—I believe it results directly from strong new crime fighting efforts by this administration, by the Congress, and by State and local governments.

Federal expenditures on crime have increased 200 percent since 1969 and we are proposing another 18 percent increase in our new budget. The Organized Crime Control Act of 1970, the District of Columbia Court Reform Act, and the Omnibus Crime Control Act of 1970 have all provided new instruments for this important battle. So has our effort to expand the Federal strike force program as a weapon against organized crime. Late last year we held the first National Conference on Corrections—and we will continue to move forward in this most critical field. I will also propose legislation to improve our juvenile delinquency prevention programs. And I again urge action on my Special Revenue Sharing proposal for law enforcement.

By continuing our stepped-up assistance to local law enforcement authorities through the Law Enforcement Assistance Administration, by continuing to press for improved courts and correctional institutions, by continuing our intensified war on drug abuse, and by continuing to give vigorous support to the principles of order and respect for law, I believe that what has been achieved in the Nation's Capital can be achieved in a growing number of other communities throughout the Nation.

COMBATING DRUG ABUSE

A problem of modern life which is of deepest concern to most Americans—and of particular anguish to many—is that of drug abuse. For increasing dependence on drugs will surely sap our Nation's strength and destroy our Nation's character.

Meeting this challenge is not a task for government alone. I have been heartened by the efforts of millions of indivdiual Americans from all walks of life who are trying to communicate across the barriers created by drug use, to reach out with compassion to those who have become drug dependent. The Federal Government will continue to lead in this effort. The last 3 years have seen an increase of nearly 600 percent in Federal expenditures for treatment and rehabilitation and an increase of more than 500 percent in program levels for research, education and training. I will propose further substantial increases for these programs in the coming year.

In order to develop a national strategy for this effort and to coordinate activities which are spread through nine Federal agencies, I asked Congress last June to create a Special Action Office for Drug Abuse Prevention. I also established an interim Office by Executive order, and that unit is beginning to have an impact. But now we must have both the legislative authority and the funds I requested if this Office is to move ahead with its critical mission.

On another front, the United States will continue to press for a strong collective effort by nations throughout the world to eliminate drugs at their source. And we will intensify the worldwide attack on drug smugglers and all who protect them. The Cabinet Committee on International Narcotics Control—which I created last September—is coordinating our diplomatic and law enforcement efforts in this area.

We will also step up our program to curb illicit drug traffic at our borders and within our country. Over the last 3 years Federal expenditures for this work have more than doubled, and I will propose a further funding increase next year. In addition, I will soon initiate a major new program to drive drug traffickers and pushers off the streets of America. This program will be built around a nationwide network of investigative and prosecutive units, utilizing special grand juries established under the Organized Crime Control Act of 1970, to assist State and local agencies in detecting, arresting, and convicting those who would profit from the misery of others.

STRENGTHENING CONSUMER PROTECTION

Our plans for 1972 include further steps to protect consumers against hazardous food and drugs and other dangerous products. These efforts will carry forward the campaign I launched in 1969 to establish a "Buyer's Bill of Rights" and to strengthen consumer protection. As a part of that campaign, we have established a new Office of Consumer Affairs, directed by my Special Assistant for Consumer Affairs, to give consumers greater access to Government, to promote consumer education, to encourage voluntary efforts by business, to work with State and local governments, and to help the Federal Government improve its consumer-related activities. We have also established a new Consumer Product Information Coordinating Center in the General Services Administration to help us share a wider range of Federal research and buying expertise with the public.

But many of our plans in this field still await congressional action, including measures to insure product safety, to fight consumer fraud, to require full disclosure in warranties and guarantees, and to protect against unsafe medical devices.

REFORMING AND RENEWING EDUCATION

It was nearly 2 years ago, in March of 1970, that I presented my major proposals for reform and renewal in education. These proposals included student assistance measures to insure that no qualified person would be barred from college by a lack of money, a National Institute of Education to bring new energy and new direction to educational research, and a National Foundation for Higher Education to encourage innovation in learning beyond high school. These initiatives are still awaiting final action by the Congress. They deserve prompt approval.

I would also underscore my continuing confidence that Special Revenue Sharing for Education can do much to strengthen the backbone of our educational system, our public elementary and secondary schools. Special Revenue Sharing recognizes the Nation's interest in their improvement without compromising the principle of local control. I also call again for the enactment of my $1.5 billion program of Emergency School Aid to help local school districts desegregate wisely and well. This program has twice been approved by the House and once by the Senate in different versions. I hope the Senate will you send the legislation promptly to the conference committee so that an agreement can be reached on this important measure at an early date.

This bill is designed to help local school districts with the problems incident to

desegregation. We must have an end to the dual school system, as conscience and the Constitution both require—and we must also have good schools. In this connection, I repeat my own firm belief that educational quality—so vital to the future of all of our children—is not enhanced by unnecessary busing for the sole purpose of achieving an arbitrary racial balance.

FINANCING OUR SCHOOLS

I particularly hope that 1972 will be a year in which we resolve one of the most critical questions we face in education today: how best to finance our schools.

In recent years the growing scope and rising costs of education have so overburdened local revenues that financial crisis has become a way of life in many school districts. As a result, neither the benefits nor the burdens of education have been equitably distributed.

The brunt of the growing pressures has fallen on the property tax—one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans.

These intolerable pressures—on the property tax and on our schools—led me to establish the President's Commission on School Finance in March of 1970. I charged this Commission with the responsibility to review comprehensively both the revenue needs and the revenue resources of public and nonpublic elementary and secondary education. The Commission will make its final report to me in March.

At the same time, the Domestic Council—and particularly the Secretaries of the Treasury and of Health, Education, and Welfare—have also been studying this difficult and tangled problem. The entire question has been given even greater urgency by recent court decisions in California, Minnesota, and Texas, which have held the conventional method of financing schools through local property taxes discriminatory and unconstitutional. Similar court actions are pending in more than half of our States. While these cases have not yet been reviewed by the Supreme Court, we cannot ignore the serious questions they have raised for our States, for our local school districts, and for the entire Nation.

The overhaul of school finance involves two complex and interrelated sets of problems: those concerning support of the schools themselves, and also the basic relationships of Federal, State, and local governments in any program of tax reform.

We have been developing a set of comprehensive proposals to deal with these questions. Under the leadership of the Secretary of the Treasury, we are carefully reviewing the tax aspects of these proposals; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects. Members of the Congress and of the executive branch, Governors, State legislators, local officials, and private citizens comprise this group.

Later in the year, after I have received the reports of both the President's Commission on School Finance and the Advisory Council on Intergovernmental Relations, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education—consistent with the principle of preserving the control by local school boards over local schools.

A NEW EMPHASIS ON CAREER EDUCATION

Career education is another area of major new emphasis, an emphasis which grows out of my belief that our schools should be doing more to build self-reliance and self-sufficiency, to prepare students for a productive and fulfilling life. Too often, this has not been happening. Too many of our students, from all income groups, have been "turning off" or "turning out" on their educational experiences. And—whether they drop out of school or proceed on to college—too many young people find themselves unmotivated and ill equipped for a rewarding social role. Many other Americans, who have already entered the world of work, find that they are dissatisfied with their jobs but feel that it is too late to change directions, that they already are "locked in."

One reason for this situation is the inflexibility of our educational system, including the fact that it so rigidly separates academic and vocational curricula. Too often vocational education is foolishly stigmatized as being less desirable than academic preparation. And too often the academic curriculum offers very little preparation for viable careers. Most students are unable to combine the most valuable features of both vocational and academic education; once they have chosen one curriculum, it is difficult to move to the other.

The present approach serves the best interests of neither our students nor our society. The unhappy result is high numbers of able people who are unemployed, underemployed, or unhappily employed on the one hand—while many challenging jobs go begging on the other.

We need a new approach, and I believe the best new approach is to strengthen career education.

Career education provides people of all ages with broader exposure to and better preparation for the world of work. It not only helps the young, but also provides adults with an opportunity to adapt their skills to changing needs, changing technology, and their own changing interests. It would not prematurely force an individual into a specific area of work but would expand his ability to choose wisely from a wider range of options. Neither would it result in a slighting of academic preparation, which would remain a central part of the educational blend.

Career Education is not a single specific program. It is more usefully thought of as a goal—and one that we can pursue through many methods. What we need today is a nationwide search for such methods—a search which involves every area of education and every level of government. To help spark this venture, I will propose an intensified Federal effort to develop model programs which apply and test the best ideas in this field.

There is no more disconcerting waste than the waste of human potential. And there is no better investment than an investment in human fulfillment. Career Education can help make education and training more meaningful for the student, more rewarding for the teacher, more available to the adult, more relevant for the disadvantaged, and more productive for our country.

MANPOWER PROGRAMS: TAPPING OUR FULL POTENTIAL

Our trillion dollar economy rests in the final analysis on our 88 million member labor force. How well that force is used today, how well that force is prepared for tomorrow—these are central questions for our country.

They are particularly important questions in a time of stiff economic challenge and burgeoning economic opportunity. At such a time, we must find better ways to tap the full potential of every citizen.

This means doing all we can to open new education and employment opportunities for members of minority groups. It means a stronger effort to help the veteran find useful and satisfying work and to tap the enormous talents of the elderly. It means helping women—in whatever role they choose—to realize their full potential. It also means caring for the unemployed—sustaining them, retraining them and helping them find new employment.

This administration has grappled directly with these assignments. We began by completely revamping the Manpower Administration in the Department of Labor. We have expanded our manpower programs to record levels. We proposed—and the Congress enacted—a massive reform of unemployment insurance, adding 9 million workers to the system and expanding the size and duration of benefits. We instituted a Job Bank to match jobs with available workers. The efforts of the National Alliance of Businessmen to train and hire the hard-core unemployed were given a new nationwide focus. That organization has also joined with our Jobs for Veterans program in finding employment for returning servicemen. We have worked to open more jobs for women. Through the Philadelphia Plan and other actions, we have expanded equal opportunity in employment for members of minority groups. Summer jobs for disadvantaged youths went up by one-third last summer. And on July 12 of last year I signed the Emergency Employment Act of 1971, providing more than 130,000 jobs in the public sector.

In the manpower field, as in others, there is also an important unfinished agenda. At the top of this list is my Special Revenue Sharing program for manpower—a bill which would provide more Federal dollars for manpower training while increasing substantially the impact of each dollar by allowing States and cities to tailor training to local labor conditions. My welfare reform proposals are also pertinent in this context, since they are built around the goal of moving people from welfare rolls to payrolls. To help in this effort, H.R

1 would provide transitional opportunities in community service employment for another 200,000 persons. The Career Education program can also have an important long-range influence on the way we use our manpower. And so can a major new thrust which I am announcing today to stimulate more imaginative use of America's great strength in science and technology.

MARSHALING SCIENCE AND TECHNOLOGY

As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man.

At least from the time of Benjamin Franklin, American ingenuity has enjoyed a wide international reputation. We have been known as a people who could "build a better mousetrap"—and this capacity has been one important reason for both our domestic prosperity and our international strength.

In recent years, America has focused a large share of its technological energy on projects for defense and for space. These projects have had great value. Defense technology has helped us preserve our freedom and protect the peace. Space technology has enabled us to share unparalleled adventures and to lift our sights beyond earth's bounds. The daily life of the average man has also been improved by much of our defense and space research—for example, by work on radar, jet engines, nuclear reactors, communications and weather satellites, and computers. Defense and space projects have also enabled us to build and maintain our general technological capacity, which—as a result—can now be more readily applied to civilian purposes.

America must continue with strong and sensible programs of research and development for defense and for space. I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area.

I have also reoriented our space program so that it will have even greater domestic benefits. As a part of this effort, I recently announced support for the development of a new earth orbital vehicle that promises to introduce a new era in space research. This vehicle, the space shuttle, is one that can be recovered and used again and again, lowering significantly both the cost and the risk of space operations. The space shuttle would also open new opportunities in fields such as weather forecasting, domestic and international communications, the monitoring of natural resources, and air traffic safety.

The space shuttle is a wise national investment. I urge the Congress to approve this plan so that we can realize these substantial economies and these substantial benefits.

Over the last several months, this administration has undertaken a major review of both the problems and the opportunities for American technology. Leading scientists and researchers from our universities and from industry have contributed to this study. One important conclusion we have reached is that much more needs to be known about the process of stimulating and applying research and development. In some cases, for example, the barriers to progress are financial. In others they are technical. In still other instances, customs, habits, laws, and regulations are the chief obstacles. We need to learn more about all these considerations—and we intend to do so. One immediate step in this effort will be the White House Conference on the Industrial World Ahead which will convene next month and will devote considerable attention to research and development questions.

But while our knowledge in this field is still modest, there are nevertheless a number of important new steps which we can take at this time. I will soon present specific recommendations for such steps in a special message to the Congress. Among these proposals will be an increase next year of $700 million in civilian research and development spending, a 15 percent increase over last year's level and a 65 percent increase over 1969. We will place new emphasis on cooperation with private research and development, including new experimental programs for cost sharing and for technology transfers from the public to the private sector. Our program will include special incentives for smaller high technology firms, which have an excellent record of cost effectiveness.

In addition, our Federal agencies which are highly oriented toward technology—such as the Atomic Energy Commission and the National Aeronautics and Space Administration—will work more closely with agencies which have a primary social mission. For example, our outstanding capabilities in space technology should be used to help the Department of Transportation develop better mass transportation systems. As has been said so often in the last 2 years, a nation that can send three people across 240,000 miles of space to the moon should also be able to send 240,000 people 3 miles across a city to work.

Finally, we will seek to set clear and intelligent targets for research and development, so that our resources can be focused on projects where an extra effort is most likely to produce a breakthrough and where the breakthrough is most likely to make a difference in our lives. Our initial efforts will include new or accelerated activities aimed at:

—creating new sources of clean and abundant energy;
—developing safe, fast, pollution-free transportation;
—reducing the loss of life and property from earthquakes, hurricanes and other natural disasters;
—developing effective emergency health care systems which could lead to the saving of as many as 30,000 lives each year;
—finding new ways to curb drug traffic and rehabilitate drug users.

And these are only the beginning.

I cannot predict exactly where each of these new thrusts will eventually lead us in the years ahead. But I can say with assurance that the program I have outlined will open new employment opportunities for American workers, increase the productivity of the American economy, and expand foreign markets for American goods. I can also predict with confidence that this program will enhance our standard of living and improve the quality of our lives.

Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

A GROWING AGENDA FOR ACTION

The danger in presenting any substantial statement of concerns and requests is that any subject which is omitted from the list may for that reason be regarded as unimportant. I hope the Congress will vigorously resist any such suggestions, for there are many other important proposals before the House and the Senate which also deserve attention and enactment.

I think, for example, of our program for the District of Columbia. In addition to proposals already before the Congress. I will soon submit additional legislation outlining a special balanced program of physical and social development for the Nation's Capital as part of our Bicentennial celebration. In this and other ways, we can make that celebration both a fitting commemoration of our revolutionary origins and a bold further step to fulfill their promise.

I think, too, of our program to help small businessmen, of our proposals concerning communications, of our recommendations involving the construction of public buildings, and of our program for the arts and humanities—where the proposed new budget is 6 times the level of 3 years ago.

In all, some 90 pieces of major legislation which I have recommended to the Congress still await action. And that list is growing longer. It is now for the Congress to decide whether this agenda represents the beginning of new progress for America—or simply another false start.

THE NEED FOR REASON AND REALISM

I have covered many subjects in this message. Clearly, our challenges are many and complex. But that is the way things must be for responsible government in our diverse and complicated world.

We can choose, of course, to retreat from this world, pretending that our problems can be solved merely by trusting in a new philosophy, a single personality, or a simple formula. But such a retreat can only add to our difficulties and our disillusion.

If we are to be equal to the complexity of our times we must learn to move on

many fronts and to keep many commitments. We must learn to reckon our success not by how much we start but by how much we finish. We must learn to be tenacious. We must learn to persevere.

If we are to master our moment, we must first be masters of ourselves. We must respond to the call which has been a central theme of this message—the call to reason and to realism.

To meet the challenge of complexity we must also learn to disperse and decentralize power—at home and abroad—allowing more people in more places to release their creative energies. We must remember that the greatest resource for good in this world is the power of the people themselves—not moving in lockstep to the commands of the few—but providing their own discipline and discovering their own destiny.

Above all, we must not lose our capacity to dream, to see, amid the realities of today, the possibilities for tomorrow. And then—if we believe in our dreams—we also must wake up and work for them.

RICHARD NIXON.

THE WHITE HOUSE, *January 20, 1972.*

At 1 o'clock and 3 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 1 o'clock and 8 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. The House will stand in recess until 2:15 p.m. today.

Accordingly (at 1 o'clock and 8 minutes p.m.), the House stood in recess until 2:15 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 15 minutes p.m.

REFERENCE OF PRESIDENT'S MESSAGE

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

REQUEST TO AUTHORIZE CALL OF CONSENT CALENDAR AND MOTIONS TO SUSPEND THE RULES ON MONDAY, JANUARY 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar under clause 4, rule XIII, and the authority for the Speaker to entertain motions to suspend the rules under clause 1, rule XXVII, be made in order on Monday, January 24, 1972.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. HALL. Mr. Speaker, reserving the right to object, may I ask the distinguished majority leader if the intent of his unanimous-consent request is to make in order five suspensions on Monday, January 24, including H.R. 6730, the Land and Water Conservation Fund Act amendment?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Louisiana.

Mr. BOGGS. I intend to announce the program in just a moment. There are five suspensions on the proposed program for Monday.

Mr. HALL. I repeat my question, Mr. Speaker, under the reservation: Is the intent of the gentleman's current unanimous-consent request before the House, to make those suspensions in order on Monday next?

Mr. BOGGS. The gentleman is correct.

Mr. HALL. Mr. Speaker, continuing to reserve the right to object, this next Monday is not a regular—first and third Monday—consent and/or suspension of the rules day. Also, there are some controversial bills, but I mainly wonder if the distinguished majority leader could clarify for us whether or not this is a harbinger of things to come during the rest of the session; where we suspend the rules and/or waive points of order and/or are we going to eliminate the legislative process and go right to appropriations so we can carry out a short session and provide an extensive number of recesses?

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HALL. I am glad to yield to the gentleman from Louisiana.

Mr. BOGGS. These bills are ready, and it is the intent of the leadership to call them up for consideration. If the bills are controversial, a two-thirds vote is required to pass them, and if there is any great amount of controversy, they will not pass.

Mr. HALL. Mr. Speaker, I thoroughly understand the rules of the House and the voting on suspensions.

I object.

The SPEAKER. Objection is heard.

LEGISLATIVE PROGRAM FOR WEEK OF JANUARY 24

(Mr. ANDERSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. ANDERSON of Illinois. Mr. Speaker, I asked for this time to inquire of the distinguished majority leader if he is in a position to inform us of the program for next week and also if he has any announcements to make with respect to a holiday schedule for the coming session.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In response to the distinguished gentleman from Illinois, the program for next week is as follows:

Monday is District day. There are no bills scheduled.

The suspensions which we expected to call up will not be called up. We will consider a resolution permitting a photograph of the House while in session, House Resolution 761.

Tuesday we will consider S. 2819, the foreign assistance authorization conference report.

For Wednesday and the balance of the week, the program is as follows:

The beginning of the session on Wednesday will be taken up with the official photograph of the House of Representatives.

We will then proceed to consider H.R. 6957, the Sawtooth Recreation Area, Idaho, under an open rule with 1 hour of debate.

H.R. 8085, age requirements for civil service applicants, under an open rule, with 1 hour of debate.

Conference reports may be called up at any time and any further program will be announced later.

Mr. Speaker, will the gentleman yield further?

Mr. ANDERSON of Illinois. I yield to the gentleman from Louisiana.

Mr. BOGGS. In order to keep the Members informed and in order to inform them as soon as possible about the schedule for this second session of the 92d Congress, the leadership on both sides of the aisle met earlier this week and worked out the following schedule for this session:

Lincoln's Birthday, Saturday, February 12—from the close of business on Wednesday, February 9, until noon, Wednesday, February 16.

Washington's Birthday, Monday, Address only.

Easter, Sunday, April 2—from the close of business Wednesday, March 29, until noon, Monday, April 10.

Memorial Day, Monday, May 29—from the close of business Thursday, May 25, until noon, Tuesday, May 30.

Fourth of July, Tuesday, July 4—from the close of business Friday, June 30, until noon, Monday, July 17, Democratic Convention.

It is our hope that we will conclude the business of this session by Friday, August 18, of this year, prior to the meeting of the Republican National Convention. If this is not possible, we will adjourn for Labor Day from the close of business on August 18 until noon on September 5.

In addition, I would like to say it is the intention of the leadership to call

the House in session on the first and third Fridays of each month if there is legislation scheduled. These Fridays are: February 4 and February 18; March 3 and March 17; April 21; May 5 and May 19; June 2 and June 16; July 21; and August 4 and August 18.

Mr. ANDERSON of Illinois. I thank the distinguished majority leader.

ADJOURNMENT OVER TO MONDAY, JANUARY 24

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. BOGGS. Mr. Speaker, on behalf of the chairman of the Rules Committee, Mr. COLMER, and Mr. YOUNG of that committee, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file two privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON PUBLIC WORKS

The SPEAKER laid before the House the following communication from the chairman of the Committee on Public Works; which was referred to the Committee on Appropriations:

WASHINGTON, D.C.,
January 7, 1972.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

MY DEAR MR. SPEAKER: The House Committee on Public Works approved on December 16, 1971, an amendment to the prospectus for the proposed lease of a building to house the Social Security Administration's Payment Center and the Department of the Treasury's Disbursing Office at Birmingham, Alabama.

Sincerely yours,

JOHN A. BLATNIK,
Chairman.

HANDLING OF MILITARY CARGO

(Mr. BURTON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BURTON. Mr. Speaker, I should like to place in the RECORD at this time the text of what purports to be a memorandum circulated by the Pacific Maritime Association. A reading of the memorandum indicates that the Pacific Maritime Association refused to offer vessels for the handling of military cargo. It also appears to be obvious that they did this as an economic gambit in an attempt to bring the Defense Department into exerting pressure to decide by Federal action the collective bargaining differences that exist between the Pacific Maritime Association and the International Longshoremen's & Warehousemen's Union.

These conclusions are supported and verified by news reports which appeared in this morning's San Francisco Chronicle and the Washington Post. The chairman of the Pacific Maritime Association is quoted as saying that the refusal to accept new commitments for military cargo has been canceled. According to the chairman, the change in PMA policy was the result of a direct request from the Department of Defense in which the Department asserted that the PMA embargo would "seriously jeopardize the movement of defense cargo to the western Pacific."

Thus, Mr. Speaker, it is established that the Pacific Maritime Association did attempt to use the Nation's military needs without regard for our national interests, as a tool for achieving their own ends and purposes. This was done despite information I have received to the effect that the union offered to return to work on January 17 if any settlement eventually agreed upon was made retroactive to November 14, 1971. I am informed this offer was not accepted.

I have consistently opposed Federal intervention into free collective bargaining and I am deeply disturbed that we should find the Pacific Maritime Association seemingly attempting to manufacture an emotional situation with the hope it would create pressures for Federal intervention and permit them to accomplish by this means that which they seemed unable to accomplish in free and open collective bargaining.

I place the text of the purported memorandum in the RECORD at this time with the note to those who might try this gambit, that the public will not be so easily misled:

JANUARY 17, 1972.

To: Area managers.
From: B. H. Goodenough.

Following the conclusion of negotiations November 14, 1971, this a.m. PMA Executive Committee met and established the following policy in regard to handling of military cargo. Military commitments for this week were made last week. Therefore, any ship that was committed or is partially loaded shall be allowed to finish and sail. Discharge operations on military cargo now in progress shall be permitted to finish.

No new commitments for military cargo are to be made for next week. If offers have been made they shall be withdrawn at once. The following American Flag steamship companies, members of PMA, have all been notified by telephone prior to noon today of this policy: American Mail Line, APL, PFE, States, States Marine, U.S. Lines, Sea-Land, Seatrain and Matson. Vessels time chartered to the military and vessels of the nucleus fleet cannot be controlled by PMA and will be worked by contracting stevedores who have contracts with the military.

Member foreign line companies will not tender space to the military and will not respond favorably if requested to tender space. There is no effective control on nonmember foreign lines. However, if member stevedores can avoid handling nonmember foreign vessels without breaching military contracts they should do so.

Please advise all member companies in your area of the foregoing this afternoon by whatever means best suits your local situation. Advise me by teletype when all companies have been so advised. Wherever a member company in your area has a teletype the above message should also be teletyped to them.

A HOMESTEAD PATENT FOR RUSSELL G. WELLS

(Mr. RONCALIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. RONCALIO. Mr. Speaker, today I am introducing legislation which would authorize the Secretary of the Interior to convey certain lands in Wyoming. This proposal is in behalf of Mr. Russell G. Wells of Converse County, Wyo., who filed on these lands nearly 40 years ago, and spent the past decade trying to reinstate, establish, and prove up his homestead north of Douglas.

Russell G. Wells commenced his homestead in 1934 near Bill, Wyo. Because of the depression and drought he was unable to make a living off the homestead so he went into the Civilian Conservation Corps camp and later joined the U.S. Navy in the late 1930's. Mr. Wells served on active duty in the combat areas of the South Pacific during World War II and in Korean waters during that conflict. In 1957, he was retired and transferred to the Naval Reserve where he remains today.

In 1951, the Bureau of Land Management canceled Mr. Wells' homestead entries claiming that he failed to keep them notified of his whereabouts. It later turned out that Russell Wells was on a secret duty in Korean waters and was unable to even advise his own family of his whereabouts. When the entries were canceled in 1951 the lands in question were taken up for leasing under section 15 of the Taylor Act and have continued—even to this date—to be leased to a third party to the exclusion of the homesteader. Due to leasing, some of the fence improvements of the homestead were moved or torn down, and grazing livestock did some damage to the homesteader's cabin.

This leasing, naturally, caused Mr. Wells some difficulty in his proof. Yet, in spite of these difficulties, he has been successful in meeting the residence requirements and the cost of valuable improvements required by the Homesteader Law. After 1965 hearings, the BLM Director in Washington reversed the earlier cancellation decision of the Cheyenne Land Office, and admitted error in canceling his entries.

There are two issues remaining: First, whether or not the homesteader's cabin was "habitable" on July 8, 1966—the date

of submitting final proof; and second, whether or not the homesteader's cabin is located exactly on the entry lands, and, if not, the significance thereof.

It is a fact that Russell Wells' cabin is not luxurious; few desert cabins are; it was put there in 1934 as a homesteader's shack and has naturally deteriorated over the years. However, in the hearing record Mr. Wells and three witnesses stated that the cabin is habitable.

As to whether or not the cabin is on the entry lands, the controlling question should be the good faith of the homesteader in placing the cabin where it is, believing it to be on the entry lands. The Government has never questioned Mr. Wells' good faith in locating the cabin where he did. It may be that the cabin is not on the entry lands by possibly as far as 1,600 feet, for the custom in 1934 in the area was to establish locations as nearly as possible using existing fences and other markers, some of which were incorrect. However, Mr. Wells placed his cabin in good faith, believing it to be on his lands.

In view of the establishment by Mr. Russell G. Wells of all the other requirements of the Homestead Law and his excellent record of service to this Nation, I feel the Secretary of the Interior should convey these lands to Mr. Wells. The land involved is plain, old Wyoming dry desert sagebrush land—no water—except the wells and dikes placed on it by the homesteader—the lands are situated 65 miles from the nearest town, and contain no known mineral value—mineral right would anyway be reserved by the Government in the patents issued as provided by law. The value of the 639.52 acres involved would total approximately $6,400.

I am hopeful the Congress will see fit to act on this matter, and that it can be dispensed with equitably and promptly.

PROPOSED LEGISLATION DEALING WITH LABOR RELATIONS

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON) is recognized for 5 minutes.

Mr. THOMPSON of New Jersey. Mr. Speaker, as we enter the 37th year of the operation of the National Labor Relations Act, I think most of us can agree that on the whole that act has brought industrial peace to the private employment sector. Except for occasional prolonged disputes such as the current longshoremen's strike, tens of thousands of collective bargaining relationships are established or renewed annually in this country with a minimum of acrimony and disruption.

State and local government employees were excluded from the protections and restraints of the NLRA when it was first passed in 1935. What is the state of labor relations in the public employment sector now?

Rather than the stable and long-established collective bargaining patterns which exist in the private sector, we find increasing employee militancy, a tremendous growth in public employee unions, a spiraling wave of strikes which have seriously inconvenienced the public and, as a framework for bringing reason and order to this explosive growth situation, a crazy-quilt patterns of State laws which range from the progessive to the reactionary.

The time will come when the absence of a solid legal framework for resolving public employment labor disputes will produce such widespread instability, that we in the Congress may well be forced to impose such a legal framework.

I am not sure what kind of framework there should be, or whether it should be a Federal one. But I am sure that we must find an answer to this question: How do we alleviate the problem of strikes which may seriously affect essential public services, while at the same time guaranteeing to public employees the rights of organization and free collective bargaining?

As a beginning to the task of finding an answer, I am today announcing that March 1 the Special Subcommittee on Labor will begin public hearings on labor relations in the public sector.

We will be considering three different bills. The first is H.R. 7684, introduced by Representative CLAY, of Missouri, and others, which proposes Federal regulation of public employment labor relations through creation of a new National Public Employee Relations Commission. The second is H.R. 9324, introduced by Mr. HAWKINS of California, which proposes Federal regulation of employment relations in public schools through a new Professional Education Employee Relations Commission. The third is a bill I am introducing today which would bring public employees under the provisions of the National Labor Relations Act. I am introducing this bill to give the subcommittee and the Congress an additional alternative to help us focus more sharply on the issues involved.

We will thus be considering three options: First, coverage of public employees under our existing law, the NLRA; second, the creation of a separate Federal agency to regulate public employment labor relations; third, leaving the problem to the States, as is the case now.

We will be inviting testimony from a number of individuals and groups representing as many points of view as possible and, of course, we welcome testimony from our colleagues.

MR. O'NEILL WISHING ERNEST PETINAUD A HAPPY BIRTHDAY

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, today marks the 67th birthday of Ernest Petinaud, maitre d' of the House restaurant, and good friend to all in Congress.

Ernest Petinaud has given the Members of Congress 35 years of superb service and has graced the House restaurant with a touch of elegance. He knows every Congressman by sight and hosts the dining room with dignity, constantly striving to please all who frequent the House restaurant.

I have known Ernest for nearly 20 years. He has always shown me and my staff great consideration and courtesy. I can remember many happy moments conversing with Ernest after a weary day of legislative business.

I take this opportunity on his birthday to thank Ernest for his warm greetings and equal service to all Members of Congress who dine in the restaurant and for his graciousness to the hundreds of friends and guests who visit Capitol Hill each year.

I know that all my colleagues in the House join me in wishing Ernest a very happy birthday and extend to him our sincere appreciation for graciousness, congeniality, and friendship.

INCREASES IN MEDICARE COSTS ENCOURAGE INFLATION

The SPEAKER. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, the recent January 5 Federal Register contained a notice of premium rates for the supplementary medical insurance for the aged, part B of medicare. I am at this time calling this to the attention of my colleagues, because this voluntary doctor bill insurance program for older people will be increased once again to $5.80 for the 12-month period beginning July 1, 1972. This announcement did not go unnoticed just because Congress was in recess. I am singling out this increase in medicare costs not only because of its disastrous effects on the already fixed incomes of most senior citizens, but also because of the bad example it is for the rest of the economy during phase II.

While it might have required an act of great statesmanship on the part of the administration to defer this increase affecting 20 million elderly in our Nation, it would have at least shown the administration to have the courage of its convictions and that it really was serious about controlling inflation. With medical costs such an important budget item with every family in this Nation, especially with the elderly, it is difficult to attribute too much credibility to those entrusted with carrying out the spirit of phase II when we witness in 1 month the approval of a 22-percent hike in Blue Cross-Blue Shield insurance costs for Federal employees and a 3.6-percent increase in medicare premiums for our elderly. Medical costs must be included in any price control policies; in tying the amount of the increase to costs of furnishing service before phase I and II went into effect, the administration is committing the classic error of fanning the flames of future inflation by approving cost increases based on a previous period of high inflation. Such calculations obviously contain in themselves the seeds for future inflation and perpetuate the very problem that is under attack. As I said on November 15, the inflation we have been experiencing in this country and its impact, in particular on the elderly, is best grasped from comparing the original premium under part B of medicare back in July of 1966, when it

stood at $3 and that just announced for July of 1972 of $5.80—an increase of close to 100 percent in a period of just 6 years.

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1971

(Mr. MAHON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter and tables.)

Mr. MAHON. Mr. Speaker, I include a release highlighting the November 1971 civilian personnel report of the Joint Committee on Reduction of Federal Expenditures:

FEDERAL CIVILIAN EMPLOYMENT, NOVEMBER 1971

Total civilian employment in the Executive, Legislative and Judicial Branches of the Federal Government in the month of November was 2,868,350 as compared with 2,872,642 in the preceding month of October. This was a net decrease of 4,292.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Federal Expenditures.

EXECUTIVE BRANCH

Civilian employment in the Executive Branch in the month of November totaled 2,828,487. This was a net decrease of 4,581 as compared with employment reported in the preceding month of October. Employment by months in fiscal 1972, which began July 1, 1971, follows:

Month	Employment	Increase	Decrease
July 1971	2,903,151	20,157	
August	2,809,160		12,991
September	2,844,539		45,621
October	2,833,068		11,471
November	2,828,487		4,581

Total employment in civilian agencies of the Executive Branch for the month of November was 1,695,678, a decrease of 2,514 as compared with the October total of 1,698,192. Total civilian employment in the military agencies in November was 1,132,809, a decrease of 2,067 as compared with 1,134,876 in October.

The civilian agencies of the Executive Branch reporting the largest decreases were Agriculture Department with 3,324, Interior Department with 1,399, General Services Administration with 1,170 and Department of HEW with 1,122. The largest increases were reported by the Postal Service with 3,105 and Veterans Administration with 1,598. These changes were largely seasonal.

In the Department of Defense the largest decrease in civilian employment was reported by the Army with 1,769.

Total Executive Branch employment inside the United States in November was 2,640,271, a decrease of 2,882 as compared with October. Total employment outside the United States in November was 188,216, a decrease of 1,699 as compared with October.

The total of 2,828,487 civilian employees of the Executive Branch reported for the month of November 1971 includes 2,530,699 full time employees in permanent positions. This represents a decrease of 1,554 in such employment from the preceding month of October. (See table 2 of accompanying report.)

The Executive Branch employment total of 2,828,487 includes some foreign nationals employed abroad, but in addition there were 97,885 foreign nationals working for U.S. agencies overseas during November who were not counted in the usual personnel reports. The number in October was 97,173.

LEGISLATIVE AND JUDICIAL BRANCHES

Employment in the Legislative Branch in the month of November totaled 31,704 an increase of 192 as compared with the preceding month of October. Employment in the Judicial Branch in the month of November totaled 8,159, an increase of 97 as compared with October.

DISADVANTAGED PERSONS

The total of 2,868,350 reported by the Committee for November includes 24,316 disadvantaged persons employed under Federal Opportunity programs, an increase of 890 over the preceding month of October. (See table 4 of accompanying report.)

In addition, Mr. Speaker, I would like to include a tabulation, excerpted from the joint committee report, on personnel employed full time in permanent positions by executive branch agencies during November 1971, showing comparisons with June 1970, June 1971, and the budget estimates for June 1972:

FULL-TIME PERMANENT EMPLOYMENT

Major agencies	June 1970	June 1971	November 1971	Estimated June 30, 1972 [1]
Agriculture	82,912	84,252	84,009	87,300
Commerce	25,427	28,435	27,929	29,600
Defense:				
Civil functions	30,297	30,063	30,401	31,300
Military functions	1,129,642	1,062,741	1,067,031	1,061,600
Health, Education, and Welfare	102,297	104,283	106,289	102,100
Housing and Urban Development	14,661	16,030	15,941	16,700
Interior	59,349	57,570	57,755	59,100
Justice	38,013	42,662	42,566	46,800
Labor	10,217	11,352	11,919	12,100
State	23,618	23,398	23,110	23,700
Agency for International Development	14,486	13,477	13,046	11,100
Transportation	63,879	68,489	68,350	71,900
Treasury	86,020	90,135	92,420	100,400
Atomic Energy Commission	7,033	6,920	6,852	7,000
Civil Service Commission	5,214	5,324	5,261	5,900
Environmental Protection Agency [2]		5,959	6,584	8,900
General Services Administration	36,400	38,076	36,805	41,600
National Aeronautics and Space Administration	31,223	29,478	28,513	28,400
Office of Economic Opportunity	2,387	2,478	2,073	2,500
Panama Canal	14,635	13,967	13,982	14,900
Selective Service System	6,665	5,569	5,774	6,500
Small Business Administration	4,015	4,004	4,010	4,200
Tennessee Valley Authority	12,657	13,612	13,767	13,300
U.S. Information Agency	9,989	9,773	9,634	9,900
U.S. Postal Service	565,618	564,782	563,101	590,500
Veterans' Administration	148,497	158,635	161,033	160,800
All other agencies	27,420	28,838	30,078	31,200
Contingencies				10,000
Total	2,552,571	2,520,302	2,528,233	[3] 2,589,300
Public Service Careers (Disadvantaged persons in Federal opportunity programs—see table 4, p. 14)		1,899	2,466	
Total	2,552,571	2,522,201	2,530,699	

[1] Source: As projected in 1972 budget document; figures rounded to nearest hundred.
[2] Established as of Dec. 2, 1970, by transfer of functions and personnel from Interior, HEW, Agriculture, Federal Radiation Council and Atomic Energy Commission.
[3] Does not reflect Presidential order of Aug. 15, 1971, for 5 percent personnel reduction estimated by the Director of Office of Management and Budget on Sept. 9, 1971, at 100,000 Government-wide, exclusive of the Postal Service.

KANSAS GOVERNOR OPPOSES ATOMIC WASTE PROJECT

(Mr. SKUBITZ asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SKUBITZ. Mr. Speaker, I was gratified to learn that Governor Robert Docking in his formal address at the convening of the Kansas State legislature last week urged that every possible step be taken to prevent the Atomic Energy Commission from establishing an atomic waste dump in the State.

Docking said that the AEC has failed to prove the safety of the project and that the proposed waste repository at Lyons should be abandoned. He asked the legislature to join him in making the AEC drop the proposal and look elsewhere than Kansas for a suitable site.

While the State legislature at its last session had before it shortly before adjournment a resolution opposing the location of the waste facility at Lyons, final action could not be taken. The Kansas Governor is now in effect requesting the legislature to formally approve legislation that would reject the waste facility. Docking told the members that his opposition was premised on the formal judgment and advice to him by Kansas scientists including the Kansas State Geological Survey and the Kansas Academy of Science.

Governor Docking explained that his recommendation was premised on protection for the people of Kansas. I have no doubt that in taking the step he now has, he is acting out of a profound knowledge of what the majority of the people in Kansas feel and believe about the atomic waste facility and its inherent deadly danger for them and their progeny.

SOL ROBINSON RETIRING AS MANAGER OF WLAD

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, Sol Robinson, general manager and vice president of Radio Station WLAD, Danbury, Conn., is a dominant figure in the communications field and a leader in public affairs. I am personally familiar with Mr. Robinson's record of accomplishment in business and in community

programs. I admire his efforts and accomplishments and I consider myself fortunate to have had the benefit of his friendship and counsel for several years.

I have just read a story in the Danbury, Conn., News-Times, by Mac Overmyer, that Sol Robinson is about to retire from his radio activities. But, as Mr. Overmyer relates:

Retirement for Robinson, who is an active member of at least nine local and national civic organizations, is probably a full day's work for most other people.

I am sorry to see Sol relinquish his radio connection if, indeed, he will do so completely, but I, too, am confident that in his retirement he will devote more of his time and just as unselfishly as in the past to public service. In any case, I wish him well.

I include here Mr. Overmyer's article which appeared in the Danbury News-Times on January 11, 1972.

SOL ROBINSON RETIRING AS MANAGER OF WLAD

(By Mac Overmyer)

DANBURY.—After 21 years in the media, Sol Robinson, general manager and vice president of radio station WLAD, is retiring.

He is retiring as well as Sol Robinson is able to retire.

He joined the station as its general manager in 1951 and will be officially stepping out of his office on the fourth floor of the Danbury Motor Inn on March 1. He won't be heard on the air any more after Jan. 20.

"There comes a time in every man's life when he has to make a decision in his later years. I think the time has come. After all I am 63," he said with a smile this morning as he leaned back from his desk.

But retirement for Robinson, who is an active member of at least nine local and national civic organizations, is probably a full day's work for most other people.

In addition to his various duties as a member of these boards, he will remain as a consultant to the radio station and intends to continue writing books.

"My publisher is yelling at me. He wants more stuff," said Robinson. He has published four books—three on communications and one on banking—and is writing a fifth book on technical terminology in the electronic media which he feels will take three years to complete.

Robinson was not born to the radio media but sort of backed into it. Following World War II he began a veterans advisory service in Danbury to counsel returning veterans on their rights and opportunities.

As part of this service, he had a weekly radio broadcast. While in this position, a veteran came to him asking advice for a government loan to start a radio station in Bridgeport.

The veteran did not get the loan but Robinson saw the opportunity, pooled his resources with the veteran and several others and soon his nasal twang could be heard over WLIZ, now WICC, in Bridgeport.

The list of organizations to which he has contributed his talents reads like a city civic service directory. They include president of the former Community Chest, chairman of the Red Cross, chairman of the Salvation Army advisory board, vice president of the Regional YMCA and member of the boards of directors of the Cancer Society, Heart Association and Danbury Chamber of Commerce, to name a few.

Presently he is on the management committee of the President's Industry Advisory Commission, an incorporator for Danbury Hospital and a justice of the peace. He also is a member of the board of directors of the National Jewish Hospital in Denver, Colo., and the B'nai B'rith Anti-Defamation League.

But if you ask him he will tell you he is retiring on March 1.

A NEW WASTELAND

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extransous matter.)

Mr. MONAGAN. Mr. Speaker, the December 1971 issue of the Low-Income Housing Bulletin, quoting the Housing Affairs Letter, used the phrase, "a new wasteland" to characterize what the House Subcommittee on Legal and Monetary Affairs, which I chair, found when it conducted field hearings in Detroit last month.

"A new wasteland" is not a slogan which elicits pride, or the feeling of accomplishment. It is not likely to become a campaign slogan during the months ahead. "A new wasteland" depicits failure, if not disaster. And unfortunately, this is what the subcommittee found in that section of Detroit.

The problem is serious. And it is not limited to Detroit. If the reports which the subcommittee receives daily are at all accurate, there are many other wastelands across the country.

Since the subcommittee has oversight responsibilities of the Justice Department as well as Department of Housing and Urban Development, much time and energy will be devoted to looking into this problem. The brief article in Low-Income Housing Bulletin may assist my colleagues in making themselves aware of the seriousness of the situation.

A NEW HUD SCANDAL?

A few weeks ago, a Subcommittee of the House Government Operations Committee went to Detroit to hold hearings on the increase there in acquisitions of homes where FHA-insured mortgages have gone into default. *Housing Affairs Letter* characterized what the Subcommittee saw as "a new wasteland—of thousands of single-family units bought at often-inflated prices, with too-high appraisals, by welfare and other low-income families, then abandoned, often vandalized, with FHA holding the shells."

With the potential number of acquisitions at or exceeding 20,000, a General Accounting Office spokesman said, "We are talking about an eventual loss of $200 million" to HUD.

As *Housing Affairs* put it, "Is there a Detroit in every city's future?" That possibility is clearly bothering people who are questioning what they call the "production-orientation" of our housing programs. The national statistics on actual foreclosures don't yet signal a crisis. As of the end of October, 1971 had seen a lower rate of those (for FHA-insured home mortgages) than any of the preceding 3 years. But, the lag between default and actual foreclosure means that these may not be the best statistics to use as a warning light. The number of "defaults and potential FHA acquisitions" hit a new high of 93,000 in 1970—up 31% from '69 and 45% above the average for the period 1966–69. HUD says it doesn't have even partial-year figures on these for 1971. Meanwhile, low-income homeownership programs are again under the gun.

OVER 5 MILLION AMERICANS UNEMPLOYED

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, while in my judgment the President in his state of the Union message glossed over the magnitude of the unemployment situation facing the United States, he did say that we must convert our industrial and technological orientation from a wartime to a peacetime basis. This problem has concerned me for a long time. On February 23, 1971, I submitted H.R. 4862, Conversion Research and Education Act of 1971, which authorizes $450 million over a 3-year period for general conversion research, for retraining of defense and space-oriented scientists and technicians, and for assistance to defense-oriented small business firms. Specifically, this bill would require the National Science Foundation to sponsor conversion research and development and administer retraining programs for technical personnel. It provides further that the Economic Development Administration of the Department of Commerce sponsor conversion programs for management personnel. Finally, the Small Business Administration is asked to assist small firms in conversion by providing technical grants, loan guarantees, and interest assistance payments.

Unemployment for the year 1971 was the highest it has been in the United States since the 1961 recession. Our average annual national jobless rate was 5.9 percent with the rate for December in excess of 6 percent. As a result over 5 million Americans found themselves in the ranks of the unemployed, a fact which was emphasized in an article entitled "1971 Jobless Rate Worst in 10 Years" which appeared in the January 8, 1972, edition of the Hartford Courant.

I have been concerned with the general state of our economy and the extremely high rate of unemployment which we have experienced for some time. Our economy is not growing at a rate rapid enough to absorb newcomers in the labor market. It is only expanding at a rate of 2.7 percent while it is estimated that a growth rate of at least 4 percent is necessary for a healthy economy. As our involvement in Southeast Asia winds down, our veterans are seeking employment and at the same time defense-oriented industry is reducing production.

The New England region figure has consistently exceeded the national level of unemployment. In December, Connecticut had an unemployment rate of 8.1 percent with 114,600 persons out of work. In June there had been 146,580 unemployed, or 10.1 percent of the labor force. Although there has been some reduction in the unemployment rate this reduction has been wholly inadequate and could easily escalate. These figures do not accurately depict the full extent of the unemployment situation since only those receiving unemployment compensation are listed. There are many unemployed persons throughout Connecticut and the Nation who have exhausted their benefits.

We have recently passed emergency legislation extending the period for unemployment compensation an additional 13 weeks in certain areas. This program,

now in effect, was necessary to provide temporary assistance to our unemployed. An article which appeared in the January 8, 1972 edition of the Hartford Courant reported that in Connecticut 1,000 persons made application for these additional benefits in 1 week alone. In that week there was a total increase of 11,361 persons receiving unemployment compensation benefits for a total of 113,361. Included in the 113,361 are 14,943 extended benefit claims and 8,950 additional benefit claims. A year ago 10,631 claims were made for extended benefits and 26 claims were made for additional benefits out of a total of 112,591 claims.

In Waterbury, claims had increased 29.6 percent over the week before. In Meriden the increase was 12.4 percent and in Danbury, 17.3 percent. These programs only help to alleviate the results and do not go to the root of the problem—a change in our industrial priorities.

As our military involvement in Southeast Asia decreases, it is increasingly imperative to redirect the thrust of our technical orientation and industrial production to a peacetime basis. To provide for full employment, the means must be secured to assist industries which formerly produced wartime products in shifting their emphasis to peacetime military or civilian production. Unemployment will most certainly rise if assistance for orderly conversion is not available. While the needs of a peacetime military establishment must be adequately met we must also direct our attention and any available resources to the economic, social, and environmental problems which affect our society.

I urge my colleagues to support H.R. 4862, Conversion Research and Education Act of 1971. We can fully utilize our problem-solving resources only through the effective conversion of scientific and technical talent from disappearing defense jobs to activities devoted to the needs of the civilian economy.

The aforementioned articles follow:

[From the Hartford (Conn.) Courant, Jan. 8, 1972]

THE 1971 JOBLESS RATE WORST IN 10 YEARS

WASHINGTON.—The nation's unemployment rate crept up again to 6.1 per cent last month, leaving 1971 with an average of five million persons out of work and the worst jobless rate in 10 years.

Democrats said things are getting no better. The administration promised brighter times ahead.

The December figures, released Friday, showed a further slowing in what had been a rapid climb in the total number of jobholders, while the number of persons looking for work increased slightly.

Rank-and-file earnings went up slightly. The job picture worsened for Negroes and other non-whites but got better for whites. It was unchanged for adult men and women but got a bit worse for teen-agers.

December's 6.1 per cent overall unemployment rate is up from 6.0 in November and 5.8 in September. It nearly matches the nine-year peak of 6.2 per cent first reached in December 1970 and again a few months later.

For all of 1971 the rate averaged 5.9 per cent, meaning an average of five million Americans were out of work at any given time last year. This was the worst jobless rate since the recession year 1961, when it was 6.7 per cent.

Sen. William Proxmire, D-Wis., chairman of the Joint Economic Committee, said the job figures are "discouraging, if not bleak," and may be getting worse.

Sen. George S. McGovern, D-S.D., in a news release from his presidential campaign headquarters, said President Nixon's record "is now one of proven failure."

Democratic National Chairman Lawrence F. O'Brien said Nixon's economic program promises no improvement in unemployment. "This must be Richard Nixon's last year in the White House," he added.

But Labor Secretary James D. Hodgson said the figures show a need for the tax cuts proposed by Nixon in August and passed by Congress last month. "As the effects of these measures take hold during the year we can anticipate that improvements will occur," he said.

An organized labor spokesman said Nixon had promised a year ago that inflation would begin to recede in 1971. "Not one word of that prediction has come to pass," added AFL–CIO Secretary-Treasurer Lane Kirkland.

He said the administration should be ashamed of itself and increase government spending on public facilities and services to create more jobs.

The total number of job-holders, which had gone up by 428,000 in August, 320,000 in September and 177,000 in November, posted an increase of only 111,000 last month.

This brought total employment to 80.1 million, while total unemployment increased by 66,000 to 5.2 million.

The Bureau of Labor Statistics, while tallying the job figures, said the numbers were seasonally adjusted to remove the influence of normal month-to-month changes.

For roughly 50 million rank-and-file workers average hourly earnings increased by two cents to $3.50, up 6.1 per cent from a year earlier. Average weekly earnings were up $1.44 to $130.55, up 6.6 per cent over 12 months ago.

But prices went up 3.5 per cent in the year ending last November, latest figures show, so inflation ate up more than half the increase in earnings.

The jobless rate for nonwhites rose 1 per cent to 10.3 per cent last month, while the rate for whites dropped 0.3 per cent to 5.4 per cent.

[From the Hartford (Conn.) Courant, Jan. 8, 1972]

ADDITIONAL 13-WEEK AID

(By Barry Schiffman)

In the past week, more than 1,000 persons who exhausted unemployment benefits during 1971 applied to the state Labor Department for emergency benefits—the additional 13-weeks of unemployment compensation signed into law by President Nixon a week ago, officials said.

They will have to return to complete the filing of their renewed claims during the last week of January, although the department previously announced the renewed claims would be accepted at any time after the law was announced.

The federal law requires a 30-day waiting period before the emergency benefits can be effective. Therefore, the first benefits will be paid during the week of Feb. 7.

The state unemployment law requires that a claim be processed within a week and the claimant begin receiving benefits or be declared ineligible. Therefore, persons who want to refile exhausted claims must wait until the week of Jan. 24.

Claimants will not always receive a check the week after filing, but may receive a check covering two-weeks of benefits during the second week because of a staggered system of payment.

Anyone who has exhausted benefits and wishes to file his claim immediately may do so, but will be asked to come again on the last week in January. The paperwork for his claim will be kept by the local office.

Claimants still receiving jobless pay in February will automatically be eligible for the 13 weeks of emergency benefits.

Estimates of the number of people who have exhausted benefits in the past year total more than 14,000 for the first three-quarters of 1971. More than 7,000 persons were receiving additional benefits during the last week of December. Most of those will no longer be eligible after this week.

At the last count the Connecticut rate of unemployment was 8.3 per cent of the labor force.

AMERICA'S WORLD WHEAT PRICE WAR; CANADA, AUSTRALIA, AND THE EEC PLEAD FOR MERCY ON THE FARMERS

(Mr. MELCHER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MELCHER. Mr. Speaker, I have obtained tape transcripts of speeches of representatives of three other major wheat exporting nations before the 22d Convention of the National Association of Wheat Growers last week which are of so much importance in the current debate over farm commodity loan levels that I am placing them in the RECORD.

In every instance, these speakers pleaded with the United States to quit depressing world grain prices. Discarding their diplomatic language, they suggested we throw the grain trade out of the policymaking saddle and listen to our farmer producers for a while.

E. K. Turner, president of the Saskatchewan Wheat Pool, told the American wheat producers that other exporting countries are sold out of wheat and that we have the world market virtually to ourselves until after next July "so why continue to put downward pressure on it?"

"Governments ought to listen more to farmers and less to the members of the grain handling and international grain trade," he suggested.

Mr. Turner, Pierre Malve for the European Economic Community, and Mr. L. V. Price, president of the Australia Wheatgrowers' Federation, all called on us to renegotiate the World Wheat Agreement with minimum price floors that would give producers at least a chance to get a fair price that covers the cost of production and keeps them in business.

These speeches confirm what some of us have known for 2 years—that the United States is leading an international price-cutting war in farm commodities, disregarding the effect on American producers in order to increase volume and recapture a few dollars to narrow the dollar gap. They apparently have no concern about ruining grain farmers and won't even look up from their price cutting long enough to discover it is wholly unnecessary.

Among our customers for wheat, the recent dollar devaluation has been approximately 12 percent. Japan, I am told by the Library of Congress, can now buy as much wheat for about 225 yen as it was getting for 265 yen a few weeks ago.

In effect, devaluation has cut our prices for wheat in world trade about 15 cents per bushel and we not only have

not adjusted the price to recapture the producers' loss, we continue to press the price-cutting war.

If anyone thinks that we are going to increase volume by driving out competing nations, they should read what Mr. Turner told our wheat producers in Denver. He said:

Either we agree to cooperate in an international agreement in international form, or else we cut up each other in the market place on the basis of prices alone.

We're simply going to be in there, and we're going to sell, and we're going to market our grains as competitively as we know how. We tried sitting back and it cost us. I know that Canada can't match the purse that the United States has. But if we are going to go down, we're going to go down fighting on this question.

Mr. Turner suggested—as some of us have been suggesting for a long time, that it is time for U.S. farm policymakers to worry about the welfare of producers, and listen to those producers instead of the grain traders.

I am sure that many of my colleagues in both the House and Senate will want to examine the full text of the three speeches I have mentioned and I am therefore placing them in the body of the RECORD to make them quickly available.

TRANSCRIPTION FROM TAPE OF REMARKS BY E. K. TURNER, PRESIDENT, REGINA, SASKATCHEWAN WHEAT POOL, CANADA

I certainly am pleased to have this opportunity to spend a few minutes this afternoon discussing with you something of the Canadian farmers' viewpoint on wheat marketing and international agreement. I want to thank you for your kind hospitality. I have enjoyed it very much in the last day or so since I have been here, and I feel that this mutual exchange that we have can do nothing but good for us.

I am not here to offer advice, but rather to indicate what our attitude is on most of the questions that are real important to us. Hopefully, if we understand each other reasonably well, we can act in such a way that we will have mutual benefits arise out of our attitudes and performance in the marketplace.

I want to raise some questions, maybe make some suggestions. But, as I say, these I am making as much at myself and at our administration as I am with anybody else's.

I noted yesterday that Senator Curtis mentioned several times about priorities in the country—talked about the relative strength of farmers in relationship to other groups in the country. This is a real concern in Canada, because politically our numbers are decreasing and we see our political strength declining. I think we need to compensate for this by consolidating all the strength we have among farmers both in an economic and political way. I don't think it is good enough to just do this within our own country. I think we have to do it internationally, and I think this type of exchange is real useful in this regard.

There is a little incident that happened that illustrates some of the relative importances within our country. A wheat grower friend of mine was in the hospital a while back. He was pretty sick, wasn't feeling very good. He was getting a fair bit of attention from lovely young ladies in white, and he was enjoying it. But they were short of beds in this hospital, and all of a sudden he found a lady who was very frightened had moved into the room across the hall. It was obvious that it wasn't going to be long until she had her baby. So on one day there was a stream of nurses in and out of her room, and they completely ignored Jack altogether. So about five o'clock in the afternoon, one of the nurses came in and said, "We're very sorry, Jack, but you know we've been so busy that we've completely ignored you, and we're apologizing for it. Is there anything you need?" By this time he was a little resentful of all this, and said, "No. You know I'm a farmer. I've been used to this all my life. Everything for labor—nothing for the farmer."

So it may be appropriate for some of the situations you have been facing.

Really, I've been at your meeting long enough—and I was real fortunate to be invited to the Washington state meeting, and I was there long enough to realize that we have a common identity—the farmers in Canada, the farmers in the United States.

Now, north of the border we feel you've got it made, on theory, with PL 480, you've got your certificate program, you've got export subsidies. You know, you seem from our vantage point to be in, you know, downhill with a tailwind.

I suppose when you look across to the north, you see some of the programs that we have, our storage program, modified two-price system (not very good, but it is still a modified one), we've got some freight rate advantages that were negotiated a long time ago, and certainly we have some things built into our production and marketing system that help wheat growers.

But the truth of the matter is that neither one of us has done really enough or achieved nearly enough to make the economic situation on terms of what we would like to see. Maybe we can't do this alone any more. Maybe we have to do it jointly and bring pressures to bear jointly.

Now, we have enjoyed a very high marketing year in Canada, but our prime concern of the farmers is still his net realized income . . . the bucks he has left in his pocket after all the costs are paid. This is the prime concern of the Canadian farmer right now.

Looking at this, there are three main factors: you've got price in your market, you've got the price of the product, and you've got the costs that go into the producing and marketing of products.

Now we certainly are all striving to increase the price in the market. There's no doubt about that. We'd all like to do that. We're not too optimistic in Canada about getting our costs down. Certainly there are things we can do maybe to hold costs, but to ever bring them down from where they are is a pipedream. So that probably leaves us one main alternative, and that is to work on the price end of it. So we can diversify into other crops. There's been some mention this morning and at noon about the opportunities for livestock and how this would consume some of our grains and bring in added income. What we're doing, we're increasing our livestock. But even here it is obvious that this isn't going to in itself solve the total economic problem that we have in our grain areas. Our other crops, the alternative for land use, are very little. Really works out to an exchange, and they're all so inter-related that unless there is something done dramatically, we're not going to make enough alternative uses of our land to really solve the problem.

So this brings us, then, to the whole question of market price. I think one of the realities of the world marketplace for grains, particularly for hard wheats, and that is our primary interest in Canada, is that the size of the market not be limited. There are some very real and rigid constrictions on the size of the market. This might not be the case when you get into the lower quality and feeding wheat. I think then they move in and start to compete with feed grains. You may set up a bit of competition between feed grains and wheat. But generally speaking, the market simply won't absorb all of our production. You know, I think that Canada and the United States and Australia all have the ability to overproduce the *effective* market, and I think this is one of the realities that we must face.

Now, I am disturbed—and I think there are lots of people in our country saying it—that all we need to do is to get the price down and we're going to expand the market. I think we have to get rid of this low-price philosophy of exports. I can't understand exporters having this kind of a philosophy. Now, you know the arguments they put up. If you get the price down, you'll force others out of the market, and leave an enlarged market for your own products.

I ask the question: Where is this going to happen? It certainly is not going to happen in one of our three countries. It's not going to happen in the European Common Market, because for the most part, the producer doesn't even know what the world price is. He's not exposed to it. It's not going to happen in developing countries, because they're striving for self-sufficiency any way, and they simply don't have the means to go and purchase the grain that they need to feed their people. So I ask: *Where* is this going to happen simply by lowering the price?

I also ask the people that talk about this: What advantage is it to the producer? To sell 10,000 bushels for $10,000 instead of selling 8,000 bushels for $10,000. It's no advantage to the producer to get rid of 2,000 bushels more grain, but if a disaster hits you don't have 2,000 any more. But it's sure a heck of a good thing for the handling companies and exporters and everybody that's in between the farmer and the market, because they work on margin, and so on. So these are some of the questions I ask in looking at this.

Now, moving on to the whole question of international agreements:

I feel that because of our total dominance in the wheat market, that if the United States and Australia and Canada can agree on terms and conditions of an international wheat agreement that is effective and meaningful to producers, then we can have them. But I think we need to agree that there is a price below which we will not sell . . . an absolute minimum as to where we'll go on price. And if we did this, we could control the world market level for wheat. Why can't we? Canada and the United States did it for 20 years under the other agreement and consultation. But I think as producers we need to indicate clearly to our governments that we will not tolerate unduly low prices for our product.

So really, I guess we have a choice. Either we agree to cooperate in an international agreement in international form, or else we cut up each other in the market place on the basis of price alone.

We're simply going to be in there, and we're going to sell and we're going to market our grains as competitively as we know how. We tried sitting back, and it cost us. I know that Canada can't match the purse that the United States has. But if we are going to go down, we're going to go down fighting on this question. You're strong in both economic and political strength. You've got a lot of muscle in reserve. I don't know if you've lost any of your economic and political muscle in the last year or not—that's a question you should answer.

So I urge you, as producers to insist that your government take the lead in two areas:

The first one is to strengthen the world marketplace for wheat. I am suggesting it at this time because I think it is an opportune time to do it. We sold out our system. We can't sell any more grain—no significant quantities—between now and the end of July, and even beyond that. France has pretty well sold out her production. Well, less talk about what Australia's possibilities are. Russia is not a factor in the export market. She's importing this year. So, when it boils down, you have the market just about to yourselves for the balance of the year. And maybe this is a good opportunity to work the

price higher. After all, what is so magic about the price we have today? It's the lowest price we've had in 20 years. Why should we continue to put downward pressure on it?

The second thing, I think you as producers might do is urge your government to take the lead in re-negotiation of an International Wheat Agreement. I say this for two reasons: First of all, you've got a Senate resolution that I understand was passed unanimously urging that this happen. Secondly, you're the dominant nation in world wheat trade and marketing. These are good reasons why I think the United States ought to take the lead in calling for a new agreement.

Now, in Canada, we'll certainly return to the table. If countries that come are prepared to go after an agreement with realistic prices from the producer's point of view. And, also if any agreement is not going to disadvantage any of its members—you, Australia, or us, or the European Common Market, or anyone. We have to come in there in a proper frame of mind to get an agreement. You've got to *want* one.

Finally, and I think this applies to all nations, I think governments ought to listen more to farmers and less to the members of the grain handling and international grain trade, because the interests of these two groups are vastly different. I hope you don't think I'm impertinent. I speak only from a deep concern for the grain producers of all countries. Surely we have the intelligence to jointly work out our mutual problems in a way that will allow us all to survive and prosper.

INTERNATIONAL COOPERATION IN WHEAT MARKETING

(By Mr. L. V. Price)

Wheat is a very important export commodity for Australia. It is grown on about one in four Australian farms and comprises about 11 per cent of our export earnings. In fact, wheat is as important to us as the exports of wheat, flour, tobacco, meat, cotton and coarse grains in total are to the United States. Some 75% of our production of wheat eventually finds its way to export markets. In the case of the United States only 50% of your wheat production is exported.

The orderly marketing of wheat has long been a feature of the Australian wheat scene. As you may know, we have a single marketing authority, the Australian Wheat Board. Although the Board draws its powers from complementary Federal and State legislation, it is in effect grower-controlled.

Orderly marketing, backed by a pooling of returns and stabilisation arrangements designed to avoid extreme year to year fluctuations in returns to growers, gave the wheat industry in Australia a new sense of confidence and security. These arrangements, however, eventuated only after a long hard fight by organised wheat growers through the Australian Wheatgrowers' Federation. The A.W.F. is the policy making body of the Australian Wheat Industry, and has been accepted by successive governments as the mouthpiece of the Industry. Its structure is based on elected delegates from component wheat organisations in each of the five wheat growing states. At this level, twenty-two delegates represent our sixty thousand wheat growers.

The success and effectiveness of orderly marketing in Australia has not unnaturally led the Australian wheat grower to support the application of much the same underlying principles in the field of international wheat marketing.

The wheat grower is always the first to appreciate how pointless it is to have a situation where sellers of wheat are trying to cut each other's throats and buyers are continuously trying to force prices down. It can lead only to chaos. The desire to avoid such chaos has consequently been an important factor in the Australian Wheatgrowers' support for international co-operation.

With this support, the Australian Government has participated actively in the succession of wheat agreements which have regulated the world wheat trade since 1949. These agreements have operated in the interests of orderly marketing and price stability and have had the backing of the major wheat exporting and importing countries.

These agreements illustrate the basis on which international co-operation has proceeded in the past and on which I hope it can proceed in the future. Very simply it has involved the conferring of rights on both the exporting and importing countries involved.

On the one hand the right of the producer to receive a reasonable return for his labour and capital; and

On the other hand the right of the buyer to have continuity of supply at reasonable and stable prices.

To me, in essence that is what international co-operation in wheat marketing is all about.

No doubt the most sophisticated of the post-war wheat agreements was the International Grains Arrangement of 1967.

The IGA represented a considerable step forward in that it endeavoured to bring into operation more effective pricing arrangements over the whole regimen of wheats traded internationally.

In the event, however, as you well know, for a whole complex of reasons the IGA ran into deep trouble.

I think it can fairly be said though that too much blame has been levelled at the IGA for the fall in U.S. exports during 1968/69. In my view it was only one of a number of factors involved. The record will show that world trade in wheat fell by 12% or some 6 million tons in that year and your problem was accentuated by a 50% cut in aid shipments as against the three previous years average.

A comparison of figures also shows that in 1968/69 wheat exports on commercial terms fell in the U.S.A. and Australia by about the same amount.

With the benefit of hindsight however, there is no doubt also that the more sophisticated pricing provisions proved to be too rigid and adherence to the agreed price relativities between different wheats traded internationally led to some distortion of traditional trade patterns.

Exporters were threatened with a "free for all" on prices. The complete collapse of the IGA was imminent and this I believe would have resulted in absolute chaos in all wheat markets and created a real threat to continuing international cooperation. Fortunately, common sense prevailed and in a spirit of co-operation and compromise exporters were able to weather the storm.

In the process, of course, it meant some fairly hard-headed and difficult decisions on the part of a number of important exporters. It meant Operation LIFT for the Canadians; intensified acreage restrictions for you people. And for us in Australia is meant the introduction, in effect, of production restraints in the form of delivery quotas which I can assure you, given our Federal/State arrangements would not so long ago have been regarded as "unthinkable." I know all of us here would have liked to have seen others following the same example.

It was against this backdrop that negotiations for a successor agreement to the IGA took place. I personally was pleased to be able to participate in those negotiations as an adviser to the Australian delegation, representing the Australian wheat growers.

There is no real point in recounting the detail of those negotiations. Suffice to say that some extremely difficult negotiating issues were on the table, reflecting in large measure the fact that those exporting countries which considered that they had been disadvantaged by the operation of the IGA were reluctant to accept new commitments. It became very clear to me that time was needed to heal some wounds. And, in any event, the impending changeover in the Canadian wheat grading system posed additional problems when it came to the specifics of agreeing on, for example, reference wheats.

While fully appreciating the problems involved, I must say that we were disappointed with the final result.

By the same token, however, we did manage to negotiate an agreement which preserves the framework for continuing international co-operation and consultations. And no one should underestimate the importance of this. We also secured a wider membership in the Agreement—this is an equally important achievement.

But we failed to negotiate any specific provisions regarding prices. This was a major disappointment. It has always been clear Australian policy to seek firm and effective floor prices in international wheat agreements—in fact this has been an important element in our support of successive IWA's. Put simply, we believe that the prospect of an agreement achieving its basic objective of stabilising prices at remunerative levels is so much greater if there are appropriate pricing provisions incorporated in the agreement.

It seems to us that without such provisions you run a much greater risk in a period of heavy supply of relapsing into the old time cut throat competition of the wheat dealer with the freedom to sell at any price but with the growers being forced to depend on the support of their Treasuries which, as we have all come to learn, can be a rather unsatisfactory business.

The effects of price cutting will of course be reflected immediately in growers' returns but to my mind this is one of the lesser evils. The real danger would be the difficulty in holding worthwhile forms of production management in the major exporting countries. This in turn must threaten the concept of the family farm unit as the basis of agriculture.

I believe also that growers cannot expect to gain higher returns from a significant increase in the volume of exports. The world market for wheat is obviously limited and attempts by any one exporter to expand considerably its share of this market will quickly be matched up by other exporters—the end result must be detrimental to all exporters involved. It seems obvious to me, therefore, that in the area of price lies the best prospects of obtaining a more remunerative return for our wheat.

Looking ahead, we must be concerned with the prospective balance between supply and demand of wheat. You know as well as I do that the outlook for 1971/72 is not favourable, with world production estimated at a record level, world trade forecast at some 4.5 m. tons below last year's level, and with more exporters than last year competing for that smaller market. Price movements in recent months have indeed reflected the mounting pressures.

Hence we firmly believe that it is in the interests of growers to seek to strengthen the new IWA by having pricing provisions written into the agreement.

Fortunately, the IWA does leave open the possibility of returning to the negotiating table on the pricing aspect during the life of the agreement.

For our part we would hope that it will prove possible to take up this opportunity and I must say we are encouraged by the resolution which was attached to the U.S. Senate ratification of the IWA.

Let me hasten to asure you that I am not suggesting a return to inflexible, rigid or

unrealistic pricing provisions. In fact our delegation at the Geneva conference made it clear that on balance we thought the type of pricing provisions incorporated in the 1962 IWA provided the best prospect of making progress in this field.

You may remember that under this agreement the minimum and maximum prices established for the reference wheat were in the nature of a benchmark to which price levels of all other wheats were related. In fact, quality differentials between different wheats were determined by market forces and actual market prices had considerable freedom of movement according to quality, market conditions and changes in freight and exchange rates. I am assured nevertheless by those who are associated with this type of agreement that the pricing provisions did operate to achieve a measure of stability in the world wheat trade.

I would hope therefore that American wheat growers will lend their support to any moves designed to negotiate meaningful and realistic pricing provisions during the life of the present agreement. And let us face it, given the realities of the Geneva negotiating conference, if we Americans, Canadians and Australians are not prepared to grasp the nettle then the prospects of any real progress are indeed thin.

In conclusion, I must say I am convinced that international co-operation in wheat marketing has been in the continuing best interests of growers. I sincerely hope that, in a spirit of goodwill, this cooperation will be maintained in the future with a view to maintaining stable wheat prices and helping to bring more reasonable returns to growers. I repeat what I said earlier—no grower surely wants to see a return to the old-time cut throat competition where the grower is inevitably the one who misses out at the end of the day.

Speaking for Australian wheat growers, I assure you of our willingness to co-operate in every way possible in lending our unqualified support to continuing co-operation in world wheat marketing.

FOR THE DEVELOPMENT OF DYNAMIC AGRICULTURAL COOPERATION BETWEEN THE UNITED STATES AND EUROPE THROUGH NEGOTIATION OF A NEW TYPE OF INTERNATIONAL COMMODITY

(By Mr. Pierre Malve)

INTRODUCTION

I would like to thank Mr. Gene Moos, President of the National Association of Wheat Growers, Mr. Jerry Rees, his dynamic Vice-President, and the members of the National Association of Wheat Growers for giving a representative of the European Economic Community an opportunity to address its convention in Denver.

Relations between the United States and the European Economic Community, in view of the difficulties of the American balance of payments and of the enlargement negotiations of the EEC, have been a major focus of attention during 1971.

The December monetary accords in Washington have not brought an end to discussions relative to trade between the United States and the European Community and particularly to the positions taken concerning the real and supposed effects of the common agricultural policy on U.S. agricultural exports.

The common agricultural policy is seen by many Americans as an "apple of discord" between the United States and the European Economic Community. Reflection and objectivity must be exercised on both sides of the Atlantic in order to arrive at a better comprehension of the interests at hand.

But it is necessary also to use some imagination in cooperating in the search for solutions compatible with the agricultural policies of both parties and with the fundamental conditions of agricultural markets around the world.

Utilizing my past experience with the Kennedy Round and my daily confrontation with both American and European preoccupations, I would like to make some personal reflections today which may prove useful in helping to find mutually acceptable solutions. With this end in mind, it is necessary for me:

First, to examine quickly the agricultural policies of the European Community and of the United States in order to show how, in both cases, the formulation of the best possible agricultural policy is a difficult task.

Then, to try to show that finding solutions for the preoccupations expressed in the United States as well as in Europe demands commitments on the very contents of the agricultural policies and translation into international commodity agreements.

I. The difficulties in establishing an agricultural policy compatible with the farmers' interests, the demands of trade and the situation of international markets for agricultural products are real, in Europe as in the United States

A. It should be stressed that the common agricultural policy does not merit all of the criticism it receives:

1. It is easy to show the importance of agriculture in the European Community while recalling that in 1969, Community farm workers totaled 10 million as compared to 4 million in the United States. At that time, farmers comprised 14.2% of the total Community population, but only 4.8% in the United States. Agriculture represented 6.2% of the Community gross national product in 1968, as compared to 2.9% of the United States' G.N.P.

For the majority of European farmers, agriculture is not only a means of earning a living, but it is a way of life to which they remain very attached.

Even in the United States, the human and economic interest in maintaining the family farming is recognized. The new Secretary of Agriculture, Mr. Butz, before the House Agriculture Committee, declared himself to be in favor of family farms, providing they have sufficient flexibility to adapt to the conditions of the modern economy and to secure a modest profit for the farmer and his family.

European farmers ask for no more, and that is also the objective of the governments of the Member States and of the institutions of the Community.

2. It must be understood that the Community cannot renounce the principles fundamental to the common agricultural policy.

Among its fundamental principles are the Community preference and financial solidarity, both of which are absolutely essential for the integration of the different agricultural systems—German, French, Italian, Benelux, and tomorrow, British and Scandinavian—into a single market.

In a country such as the United States where the Buy American Act gives an advantage to American products in all kinds of government procurement even if the American price is 50% higher than the price of foreign products in the case of defense contracts, it is easy to understand Community preference.

As for financial solidarity, it corresponds to inclusion in the federal budget of the United States, that is, funding by all of the American taxpayers, of agricultural subsidies, the volume of which naturally varies according to state.

3. Another important element of the common agricultural policy is the variable import levy system.

The variable levies are intended to protect the level of internal prices while preventing products purchased externally to be imported at price levels lower than those judged necessary for domestic production.

The protection of internal price levels is one of the essential objectives of all agricultural policies, and only the means differ from country to country, certain countries preferring to use import quotas.

It is often forgotten that the introduction of variable levies in the Community for the most important products such as grains, has brought about the disappearance of quantitative restrictions which, in certain Member States, used to arbitrarily limit trade flows. Furthermore, the collection of variable levies on imports has positive aspects with regard to competition, for it neutralizes any attempt to penetrate the market by using abnormally low prices.

Thus, variable import levies assure the uniformity of the import conditions in the European Community, no matter the point of entry into Community territory.

However, the situation has become complicated during the past two years since the changing of certain monetary parities and with the introduction of floating exchange rates. The Community has had to impose countervailing duties, among the Member States as well, in order to maintain the uniformity of the conditions of access to the Community and the free circulation of agricultural products among Member States.

The most recent import measures have, then, no discriminatory character regarding any one trading partner, but constitute only one example of the application of the fundamental principles of the common agricultural policy.

4. In the United States, the high prices for certain agricultural products in the Community are often criticized. The effort made in recent years to limit their increase is underestimated.

The European Community willingly recognizes that cereal prices, for example, were determined originally much more on the basis of political considerations, that is, by the necessity of arriving at an accord among the Member States, than as a function of their economic rationale.

One must not forget, however, the concessions made by agricultural producers of the Federal Republic of Germany when the common prices were first set in 1966.

Since then and until March 1971, the prices of agricultural products have remained unchanged in nominal value, which represents a decrease in real value in view of rising costs of production.

Since the monetary readjustments in France and Germany during 1969, French producers have not benefitted from all of the upward readjustments of agricultural prices made possible by the devaluation of the franc in relation to the unit of account of the common agricultural policy; and German farmers have seen the prices of their agricultural products lowered by the revaluation of the Deutsche mark.

The Governments of the Member States and the institutions of the Community are confronted at this moment with a demand of revaluization of the prices of agricultural products based on the evolution of production costs, the constant rise of which has unacceptably reduced agricultural income. This situation has accelerated the rural exodus which, in the Community, will affect some 500,000 people per year.

It is however important to note that the Community is in the process of modifying progressively the method of fixing agricultural prices, basing itself, in the future, on the best run and most efficient farms. For the least competitive farmers, and notably for farmers between the ages of 45 and 55 and who would agree to retire after age 55, direct aid grants could be ultimately envisioned. Moreover, price policy is aimed at encouraging a transfer of activity toward animal pro-

duction at the expense of vegetable production.

5. The Community is already engaged in an important reform of agricultural structures.

The great architect of the common agricultural policy, Mr. Mansholt, Vice-President of the Commission of the Common Market, has for a long time stressed the limits of price policy in assuring satisfactory income for the entire agricultural population. He insisted on a reform of agricultural structures.

From 1958 to 1969, the agricultural population decreased from 15 million to 10 million farmers, but there are still 6 million farms in the Community. The average size of Community farms is only 11 hectares, of about 27 acres, and farms larger than 50 hectares or 125 acres represent only 3% of the total

It is sometimes heard in the United States that after three years of discussion, not much progress has been made in the application of this plan. This notion results from the fact that the importance of the reforms envisioned has not been recognized.

The Mansholt Plan is aimed at reducing the agricultural population of 10 million to 3 or 4 million people in about ten years, and the total acreage under cultivation by 12.4 million acres, or about 6% of the present acreage over the same period.

Mr. Mansholt is seeking also to increase the size of existing farms without however unduly increasing total production.

Among the measures envisioned for the implementation of this program, one must distinguish between the following categories: measures in favor of farmers who wish to retire from agricultural activity, selective grants for those who will be able to modernize their farms and become competitive, grants to groups of producers who apply restraints in production and marketing, and the vocational training of the sons of farmers.

The financial contribution of the Community will be 25% of the total expenses for business enterprises on the Community level. This contribution is expected to rise to 65% in the least competitive areas.

The Mansholt Plan, debated in governmental circles, in agricultural organizations, and by the public, has led to an unprecedented awareness of the magnitude and the complexity of the agricultural problem. One is now convinced that no reform is possible for agriculture without the consent of the interested parties. It is apparent also that such a reform could not succeed if it were not accompanied simultaneously by the creation of jobs industry and services, by a regional development policy, by a social policy, and by considerations relative to the environment and to soil conservation.

The first decisions implement the Mansholt Plan were made by the Council of Ministers in March 1971, but one should not underestimate autonomous actions by the Member States which precede or are inspired by the contents of the Mansholt Plan.

6. The risk of creating surpluses through the common agricultural policy is often emphasized externally as well as internally.

The preferred example was that of the accumulation of "mountains of butter" but the experience showed that this situation was only temporary; today, the dairy surplus has totally disappeared.

As for cereals, the acreage under cultivation has not increased, and the growth of production is due exclusively to the improved yields.

It is important to keep in mind that at the present time, direct control of production still presents great difficulties in the Community. The introduction of production quotas would have the effect of freezing the present situation and of opposing specialization of production in the different regions of the E.E.C.

A good example of the risks taken is given by the sugar policy. The introduction of production quotas for the cultivation of sugar beets led to the setting of quotas for each of the Member States which on the whole have permitted an increase of the total production of the Community.

Moreover, the enormous number of small farms makes it difficult to introduce in Europe a policy comparable to the American "set-aside" policy.

7. The Community feels that it has been very careful in its policy of export subsidies.

There has been too much emphasis in the U.S. on the Taiwan case which enabled some exporters, by taking advantage of loopholes in the Community rules, to export grains to the detriment of American interests. But this case was the result of an accident.

The Community has no intention of taking over traditional American markets by an aggressive use of export subsidies. It is ready to give assurances on this point.

8. The Community feels that the U.S. is too preoccupied with criticizing the CAP, while refusing to acknowledge what good markets it enjoys for its agricultural exports.

From 1960 to 1970, the U.S. had a trade surplus with the Community, averaging 2 billion dollars a year and this surplus reached $2.4 billion in 1970, for total agricultural and industrial trade with Europe.

This trade surplus toward the Community is of particular importance in view of the concern shown by the U.S. Government about the balance of payments of this country.

From July 1970 through June 1971, American agricultural exports amounted to 7.8 billion dollars, setting a new record and representing a 15% increase over the previous year. In fiscal year 1971 as compared to fiscal 1970, these exports to Japan increased by 11.5% while exports to the E.E.C. increased 27%. Total agricultural exports to Europe during the same period rose from 1.4 billion dollars to 1.8 billion dollars.

It is interesting to note that these exports toward the Community of variable-levy commodities have increased more than the nonvariable commodities, rising from one fiscal year to the next from 351 to 480 million dollars. Wheat exports rose from 42 to 82 million dollars and feed grains exports went from 248 to 348 million dollars. Exports of oilseeds and poultry, that is, both raw and processed fiscal year 1970–1971.

It is necessary that the United States recognize that the E.E.C. cannot import simultaneously grains, feedstuffs, soybeans, meat, and poultry, that is, both raw and processed commodities. Likewise, regarding raw commodities, American exporters and the U.S. Government must admit that commodities serving the same purpose in the Community like feedgrains, soybeans and feedgrains, compete against each other. Therefore, the outlets for individual commodities may fluctuate from year to year while the overall value of imports of these products continues to increase, demonstrating once again the importance of the Community market for American agricultural producers.

B. If one considers the situation of American farmers and the agricultural policy of the United States, one finds much in common with the common agricultural policy of the E.E.C.

1. Just as European producers do, American farmers complain about the inadequacy of their income. Discussions concerning the level of support prices in relation to parity prices during the reference period are a striking example of this.

European farmers noticed also the protests of their American counterparts against decreases in the October 1971 selling price of wheat as compared to the October 1970 prices—and they protested even more against the drop in corn prices.

Europeans are attentively following the development of the operations of the Commodity Credit Corporation, the plans aimed at raising price support by means of so-called strategic stockpiles of wheat and feed grains, and, especially, the proposal for a 25-per-cent increase in the support price of corn.

Happily, Community farmers have not yet had the idea of asking for a 25-per-cent increase in their guaranteed prices for wheat or corn!

2. The prices of cereals may appear high to American producers, but American milk prices are higher than those in the Community.

The support price of milk increased by 48 per cent between 1964 and 1970 in the United States but only by 5 per cent in the Community during the same period. The support price of milk has just been set at $10.27 per 100 kg in the United States, higher than the Common Market guaranteed price of $9.85 per 100 kg.

As far as American sugar producers are concerned, guaranteed prices in June 1971 were 8.4 cents a pound or nearly double the world market price at that time.

I do not mean to say that milk and sugar prices are too high in the United States; I simply want to emphasize that the European Economic Community does not have a monopoly on high agricultural prices.

Perhaps we should admit, in Europe as well as in the United States, that not only do agricultural prices respond to economic conditions but also to political and social imperatives which do not always permit adoption of the most rational policy.

3. It is surprising to find that in a country whose agriculture is as modernized and rationalized as is the United States, conflicts similar to those existing in Europe are found.

The American critics of the C.A.P. often point out that the price policy followed until now by the Community offers exaggerated profits to the most modern farming units without guaranteeing a satisfactory income to the very small farms. The Community, while pointing out that the C.A.P. is only a few years old, is more and more convinced of the limitations of a policy of high prices and of the inequities which it may cause.

However, when one hears that in 1970 out of 2.9 million farms, in this country, 226,000 or 8% receive 55% of the income from sales of agricultural commodities, one wonders whether the situation is very different in the U.S.

Also, I would like to refer briefly to the impact on American agricultural incomes of the set-aside policy which enables the biggest farming units, those which can set aside land, to receive subsidies.

In the U.S. as well as in Europe, one hears discussions of the family farm versus agribusiness. One hears too in the U.S. that the efficiency of big farms over traditional farms is debatable if it results in lower-quality products. For example, it is claimed that the quality of tomatoes has declined in the U.S. because machines can pick only hard-skinned tomatoes.

Therefore, there are a growing number of American farmers who think, as the European farmers do, that in order to determine the adequate level of agricultural prices, and the location and type of production, it is not sufficient to apply only the criteria of efficiency and profit in terms of industrial businesses.

4. It is also important to note that U.S. agricultural policy is not a policy favorable to free trade for all products. Like any other agricultural policy, it has its strong points and its weak points.

Since 1955, the U.S. has enjoyed a waiver to the G.A.T.T. rules in quantitative restrictions on imports, a situation which is no longer justified.

The U.S., while urging the opening of foreign markets to its grain exports, practically excludes dairy product imports from its own market. It has been noted in the G.A.T.T. that these quantitative restrictions are so effective that, from 1968 to 1970 imports of dairy products into the United States have been equivalent to only 1.5 to 1.7 percent of U.S. dairy production. It is feared that the political strength of the American dairy industry may worsen the present situation.

The Community has offered, so far without success, to respect a certain minimum price level when exporting cheese to the American market so as not to interfere with the American milk support policy.

The members of the National Association of Wheat Growers know very well that the U.S. policy of import quotas is not limited to dairy products.

5. When criticizing the protection and the financial support offered to Community producers, there is a tendency in the U.S. to overlook the protection and the support given to its own agriculture.

The E.E.C. had a comparative study made of agricultural support in the U.S. and in Europe. If all forms of support were eliminated on both sides of the Atlantic, the results would be a 44% decrease in income for the American farmer and a 50% decrease for the Community farmer.

Actually, support per producer would be higher in the U.S. where it averages $1,300, whereas in Europe it is only $900.

Such figures can always be challenged but the magnitude is nevertheless significant.

6. Partners of the United States are sometimes concerned by the importance placed on the role of agricultural exports in the U.S. trade balance and the balance of payments.

The set-aside policy produced unexpected results during the last crop year, if measured by the increase in acreage under cultivation, the size of the wheat and corn crops and the amount of carryover. These surplus crops may put considerable pressure on international markets.

Moreover, the goals defined for agricultural exports are a matter of concern. During FY 1970–71, the U.S. has set a new export record of 7.8 billion dollars, but from different sources one sometimes hears that everything must be done to reach a 10-billion dollar level of agricultural exports.

One may ask what are the products the U.S. plans to export to obtain, even after many years, such a result, what are the solvent markets to which they can develop their exports and what policy does the U.S. intend to follow to achieve such a goal.

The U.S. is not and cannot be the only exporter of agricultural commodities. Other countries compete with the U.S. on the E.E.C. market. Competitors include both industrial countries and developing countries. The devaluation of the dollar in relation to European currencies, is going to make it more difficult for the other exporting countries to compete against U.S. exports of non-variable levy commodities.

Let us hope that the exporting countries do not develop policies of currency devaluations to regain their competitive position on the import markets.

In this respect, the U.S. and the Community should pay more and more attention to the interdependence of agricultural and commercial policies and to the community of interests resulting therefrom.

II. The United States and Europe should be able to reconcile the particulars and the requirements of their agricultural policies and their objectives for trade in agricultural products by negotiating a new type of international commodity agreement

A. There will be no possible cooperation and consequently no real solution to the agricultural difficulties between the United States and the Community without a global approach, taking into consideration the present agricultural policies of the principal producing and exporting countries and the objectives to be reached on the world market

1. It is most important to be convinced of the limits of an aggressive export policy founded on the lowest possible prices to win new markets.

The first limits of such a policy can come from agricultural producers themselves who will judge that the export price levels do not assure them satisfactory payment. In reality, within a given country, an export policy founded on very low prices quickly results in a divergence of producers' and traders' interests. The policy is certainly easier to practice in a country where representation of commercial interests in the decision-making organisms counterbalances or outweighs the representation of agricultural producers themselves.

Such a low-price policy is only partially justified by considerations of consumer protection. The expenses in the family budget are quite different in 1971 from what they were in the recent past. The share of basic agricultural products is smaller and smaller if one compares it either to the cost of processing, preparing, and advertising the products delivered to the consumer, or to other types of expenses in the budget.

Moreover, the industrialized countries with extensively developed agricultural sectors which defend the lowest possible agricultural export prices can harm developing countries whose export resources are not as diversified and who complain bitterly about constant deterioration of the terms of exchange and the decrease of their export income.

Finally, this low-price export policy is of little interest for the countries which export to the Community as the latter protects its internal price levels by variable import levies offsetting any downward fluctuation in pseudo-world market prices.

2. For the most important agricultural products, it is no longer possible to arrive at satisfactory settlements in a bilateral framework.

Relations between the United States and the Community have provided many examples of the insufficiency of bilateralism in the case where several countries agree to grant export subsidies on a specific market. Countries that develop their production of agricultural products are numerous. As a result, there are a limited number of solvent import markets, and competition for exports is accentuated.

The agreement which the United States and the European Community will certainly reach concerns the policy of wheat stockpiling. The agreement is an indication of the good will of the American and European partners. But it is evident that the scope of such an agreement is bound to be limited if, at the same time, the other wheat producing and exporting countries do not impose the same constraints but, to the contrary, seek to profit from the policy followed by the United States and Europe.

3. It is not possible either to solve the problems of international agricultural trade without taking into consideration the content of the agricultural policies themselves—that is, production policy and price policy—together with commercial policy and the instruments of commercial policy in agriculture.

Experience in G.A.T.T. over the years should have convinced us that most countries have developed very complex agricultural policies, characterized by governmental intervention to protect the farmers and that agricultural support is generalized.

Often, a country cannot agree to negotiations dealing only with a single aspect of its import policy, because this might unbalance its entire agricultural policy. On the other hand, the negotiation of a single instrument may turn into a fruitless exercise for an exporter if the instrument is only a secondary element of the import regulations.

Future agricultural negotiations, therefore, in order to be possible and effective, must deal with the content of these policies, the nature and the amount of the support given to the producers, and all the instruments which ensure this support.

4. An agricultural negotiation must also take into account the dimension and the characteristics of what is conventionally and too often called the world market.

The world market is a myth if by this one means a market in which the law of supply and demand operates freely. The world market, or rather the various agricultural markets which comprise the world market, is a place where a balance of power and price-fixing too often depend upon the existence or non-existence of surpluses and upon the amount of export subsidies available in the exporting countries.

The U.S. and the Community should recognize that free trade is a myth in agriculture, in view of the use by both of support measures and the intervention agencies like the Commodity Credit Corporation or the European Agricultural Guidance and Guarantee Fund.

Because the United States and the Community have at their disposal financing that is not available to other countries, they have an every greater responsibility in the functioning of the world market. The U.S. and the Community should, for certain commodities, make a common effort to promote the determination of an adequate price level on the world market and to contribute to price stabilization. The result would be not only the normalization of the conditions of competition by obliging exporters to respect these prices, but also a response to the expectations of numerous developing countries.

B. The United States and the European Economic Community should consequently cooperate in the drafting of and in the negotiation of international commodity agreements which reflect their community of interests and complement their agricultural policies while offering a framework within which to conciliate those interests which may be divergent

1. It seems to me necessary to return to the proposals of the European Economic Community in the Kennedy Round for the conclusion of international agreements for a large number of agricultural products such as grains—and not only wheat—dairy products, meat, oils and oil products.

Without dwelling too long on lost opportunities in the Kennedy Round, some ideas advanced at that time might inspire reflections that would be useful for future negotiations. The most interesting example is grains.

The Community proposed simultaneously 1) to proceed with the negotiation of a minimum-price level to be respected in international trade for each kind of grain, 2) to consolidate the margin of support to be given by each country to agriculture. 3) to make a commitment on a self-sufficiency ratio, and finally 4) to accept to include in such an international agreement provisions for food aid.

The negotiation of a minimum price for grains sold on the world market appeared necessary in order to assure the maintenance of an adequate level of payment to the exporters and to avoid a competitive lowering of prices. It was hoped that under the future agreement, prices would normally remain above the minimum reference price. The Community proposed to negotiate also the quality differentials to take into account, for each grain, quality differences in relation to the reference quality chosen to be the subject of the negotiations on the minimum price level.

The margin of support represented the amount of government aid given to the commodity under consideration. The consolidation of the margin of support meant, in the case of the Community, that it was ready to freeze the difference between the internal grain prices of the E.E.C. and the new world prices negotiated, this freeze being valid for a period of three years. The Community accepted thus not to raise its internal prices during this period. The consolidation of the margin of support meant also that the amount of subsidy given to exports was henceforth limited by the requirement of respecting the level of the international minimum prices negotiated in the agreement. The commitment to a policy of Community prices doubled thus into a commitment to a policy of subsidies.

The negotiation of a self-sufficiency ratio completed the preceding agreements. By self-sufficiency ratio is meant the relationship between internal production and consumption. If the ratio were to increase in the future, resulting in an increase of internal production, the Community committed itself to refrain from offering surpluses on the commercial market. This was in fact an indirect Community commitment on production policy. Such a commitment obliged the Community to increase its stockpiles, or to increase its food aid, or, eventually, to take autonomous steps to reduce its production.

2. The international agreements would permit an easier conciliation of divergent interests of the U.S. and European agriculture.

It is important to point out that these proposals of the E.E.C. had been agreed to by the agricultural organizations of the Community after much discussion.

The sacrifices which the Community farmers had accepted concerning price policy or the eventual consequences of the ratio of self-sufficiency on production policy, were, in their opinion, balanced by the possibility of obtaining a better organization of the world market, a price level which would be recognized and respected in international trade, a confrontation of the substance of the various agricultural policies, and equitably distributed commitments for support. International agreements facilitate reciprocity and a balance in the commitments.

The notion of self-sufficiency ratio appeared as a kind of safeguard against the proliferation of anarchistic production policies and showed the interdependence of the production policies.

Such agreements, if they could have been concluded, would have been additionally important because of their development.

The observance of the commitments would have promoted acceleration of the structural reforms in the various countries. Attention could have been directed progressively to the coherence of the self-sufficiency ratios and the volume of the commercial and non-commercial demand. Food aid could have been conceived not as an obligation to assume in order to achieve signature of the Kennedy Round, but as an element of a policy of the industrialized agricultural producers in support of development assistance.

3. Considerable effort was required to persuade certain groups within the American Administration and within certain large U.S. agricultural organizations that there was a sound basis for international commodity agreements.

Actually, this is also true for the Community, for it is not at all certain today that the producers, not to mention certain Member State governments, would be prepared to make commitments on price policy of the type envisioned in the Kennedy Round, which are felt as being too constraining.

It can be difficult to go back to certain ideas advanced in the Kennedy Round without first modifying them, such as the freezing of the prices for three years. It would be necessary to find formulas for adapting them which would take into consideration modifications of the general price index, the rate of inflation, allowing some flexibility in the commitments for support. It should even be possible to vary these commitments according to the commodities, the countries and even the policies adopted as long as it is possible to prove that they are equivalent from one country to another.

In the same way, it would be necessary to find a formula giving greater flexibility to the level, in international trade, of minimum prices fixed in the agreements as well as to the quality differentials determined for each category of products. Notably, it is necessary to be able to adjust these prices and these quality differentials in the course of the duration of the agreements if adjustment proves necessary, entrusting these powers to an ad hoc committee created in the framework of the agreement, closely associating all interested countries in the decision. The international agreement in this area must be an instrument of permanent cooperation.

Commitments on production policies must certainly be very progressive. Such commitments would be easier to make if they left to the countries concerned the responsibility of independently adapting their production measures with respect to the commitments made.

Likewise, it is desirable that the agreements should not be uniform, the agreement on dairy products differing in its contents and form from the agreement on grains, and the agreement on meat being of still another type. What is essential is that the commitments deal with the actual content of the policies.

International commodity agreements must allow for change and must adapt to circumstances. To wish to organize the international markets does not mean to formulate rigid rules and a narrow framework incompatible with the expansion of trade, the dynamism of trading companies, and the constant adjustment to new situations.

4. International agreements constitute the appropriate framework for cooperation between the Untied States and Europe to expand food aid to developing countries.

In the developing countries great hopes for the increase of agricultural production have been placed in the Green Revolution. Spectacular results have been obtained in India, which is not to say that even in that country food problems have been actually solved.

In reality, the most recent studies show that improvement of agricultural production has only followed the demographic advancement. One could calculate that in Brazil, for example, if the rate of increase of agricultural production per inhabitant were maintained at its usual level of 0.7%, it would take 100 years to double a food supply that is insufficient today. In Egypt, it would take 140 years.

Present rates of growth of agricultural production are even declining in Algeria, Tunisia, and Morocco.

Food aid is not however a cure-all and should certainly not constitute an easy way of exporting surpluses. But the United States and Europe have sufficiently diversified agricultural production so that they can be adapted to the production of commodities which are most necessary to the undernourished countries.

The effect of price stabilization of products exported by developing countries by means of the negotiation of a minimum price in international agreements, combined with an improvement in the present conditions of food aid, would be to accelerate the promotion of these countries to the rank of consumers of more and more diversified agricultural products which cannot be produced on their soil, thus beginning progessively a new phase in the expansion of international trade in agricultural products.

CONCLUSION

In conclusion, the U.S. and Europe, whether it be the Europe of Six today or, very soon, the Europe of Ten, with the entry of Great Britain, Ireland, Denmark, and Norway, have many reasons to seek the means of a true cooperation in agriculture. On both sides, the number of producers is very large, the economic interests at stake very important, and the political problem cannot be underestimated.

The enlargement of the EEC requires, no doubt, a new definition of the economic and commercial relations between the U.S. and Europe, which will result notably from a large scale negotiation in which the EEC has already stated it is ready to participate at the appropriate time.

The negotiations concerning agriculture will be an important and sensitive part of these negotiations and consequently, require thorough preparation.

The negotiation of international commodity agreements, adapted to the particular characteristics of the commodities of agricultural policies and of the markets for these commodities, is desirable because it substitutes dialogue for brutal confrontation and conciliation of interests for shows of strength.

By taking into account the substance of the various agricultural policies, international commodity agreements would make it possible to take advantage of the vitality of the family farm as well as of the dynamism of the big enterprises.

Agreements would also enable rich and industrialized countries, by means of a food aid program, to help in the economic development of those parts of the world which are the most disadvantaged.

European agriculture is going through a complete transformation, but it is enough to look at American policy to realize that there is no ready-made solution and that it requires time. American and European farmers should readily admit that they cannot thrive to the detriment of each other.

Farmers, in Europe as in the U.S., are an important political force. That fact emphasizes their responsibility, along with the responsibility of governments, to develop dynamic cooperation between the U.S. and Europe in the agricultural sector.

PAY BOARD REJECTS COST OF LIVING COUNCIL'S ATTEMPT TO SUBVERT THE WILL OF CONGRESS IN EXEMPTING LOW-PAID WORKERS FROM WAGE CONTROLS

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, in enacting the Economic Stabilization Act Amendments of 1971 the Congress included a section—title II, section 203(d)—which provides:

> (W)age increases to an individual whose earnings are substandard or who is amongst the working poor shall not be limited in any manner, until such time as his earnings are no longer substandard or he is no longer a member of the working poor.

The legislative history of this provision makes it quite clear that the intent of Congress was to define "substandard earnings," and "working poor," to mean a level of income of $6,960 annually.

The language exempting low-paid workers originated in the House—my bill, H.R.11406. The House Banking and Currency Committee report states with respect to this language:

It is the intention of the Committee that this exemption from control apply to all persons whose earnings are at or below levels established by the Bureau of Labor Statistics in determining an income necessary to afford adequate food, clothing, and shelter and similar necessities. (Report No. 92-14, p. 5)

Despite this clear legislative history, the Cost of Living Council recommended that a wage rate of $1.90 per hour—less than $4,000 per year—should be used and asked for the views of the Pay Board. Yesterday, January 19, the Pay Board rejected this definition and adopted the following resolution:

It is the sense of the Pay Board that the $1.90 figure recommended by the Cost of Living Council is inconsistent with the purposes of the Amendments to the Economic Stabilization Act and supporting analysis.

It is certainly appropriate that the Pay Board did reject this recommendation by the Cost of Living Council. The memorandum, prepared by the Cost of Living Council to support the $1.90 figure, was laced with errors of fact and conceptual misunderstanding with respect to the problem of exempting the working poor.

The memorandum begins by saying that the term "working poor" is "usually associated with the low- or minimum-income level, developed annually by the Office of Management and Budget and currently at a level of $3,968 for a family of four."

This statement is wrong in several respects. The OMB figure is called the "poverty line," or "poverty level." In fact, no governmental agency has defined the term "working poor." However, the Congress did make very explicit that the $6,960 figure is what was intended.

The memorandum also states:

The legislative history (of the low-paid worker exemption) suggests that consideration should be given to the measures developed by the Bureau of Labor Statistics as modest but adequate income for a typical urban family of four, currently $6,960.

As I have indicated earlier, the legislative history does not "suggest that consideration be given." It explicitly keys the low-wage exemption to the levels established by the Bureau of Labor Statistics.

Furthermore, the BLS family budget figure of $6,960 is not described as "modest but adequate." This figure is described by the BLS as a "lower budget." It is in fact entitled "U.S. Average Budget Cost for an Urban Family of Four at a Lower Level."

This lower level budget is based on a four-person family, with one wage earner—the husband—the wife who is not employed, a 13-year-old boy and an 8-year-old girl. This is specifically considered to be a one-wage-earner family. The budget would be higher if the wife were employed, because of the additional expenses connected with her employment.

In addition, this $6,960 figure was promulgated by the BLS in 1970, and was therefore based on 1969 data. Updating it to account for cost-of-living increases through 1972 would mean an increase of up to 15 percent.

One of the most unfortunate aspects of the Cost of Living Council's rationale is its statement that employment by other family members is a means of augmenting the earnings of a low-wage prime wage earner. It states that "on a statistical average the number of workers in a family is 1.7." And then it uses this 1.7 figure to reduce $3.35 an hour—$6,960 for 2,080 hours—to $1.97 an hour. The $1.97 per hour is then rounded off to $1.90 per hour for no particular reason.

There are many errors in this analysis.

According to the Census Bureau, there was an average of 1.7 wage earners per family in 1970, but this figure represented an average of all families, whose average family income was $11,106. However, Census data on families whose incomes were less than $7,000 in 1970 show the following:

Of families with incomes below $7,000 annually, 62 percent had only one earner. Therefore, the appropriate average number of workers for these low-income families is much less than 1.7. Furthermore, a large percentage of these secondary wage earners work part time and are paid quite low for the little time they do work. So, it is certainly not appropriate to reduce the $6,960 figure on the assumption that secondary workers are in fact working very much or are paid very much.

Thus, the analysis by the Cost of Living Council is made up of a series of very serious statistical errors which all go to reducing unreasonably the BLS $6,960 figure.

In addition, from a philosophical point of view it is unacceptable to state to the working poor that they are expected to have more than one wage earner in the family, in order to be able to attain a barely adequate standard of living. Congress certainly did not intend such a perverse concept to be the benchmark for setting the definition of substandard earnings.

Another error is the assumption that the average worker works somewhat over 40 hours a week for 52 weeks a year. As a matter of fact, the average weekly working hours in the past 4 years has been less than 38. This is another example of the way the Cost of Living Council rationale chips away at BLS $6,960 figure.

Only today the Cost of Living Council exempted from any controls 40 percent of the rental housing in the country and 75 percent of the retail establishments. Thus, broad areas of the economy are being decontrolled. It is absolutely unconscionable to put the heavy hand of wage controls upon the wages of the working poor. To do so would violate the express will of Congress. I again urge that the Cost of Living Council carry out the express intent of Congress and promulgate an exemption from wage controls for workers earning less than the BLS figure of $6,960 per year.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for the week of January 17 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. SPENCE) and to revise and extend his remarks and include extraneous matter:)

Mr. HALPERN, for 5 minutes, today.

(The following Members (at the request of Mr. RUNNELS) and to revise and extend their remarks and include extraneous matter:)

Mr. THOMPSON of New Jersey, for 5 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. BURKE of Massachusetts, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MAHON and to include extraneous matter, tables and statistical data.

(The following Members (at the request of Mr. SPENCE) and to include extraneous matter:)

Mr. HOGAN in 10 instances.

Mr. SCHERLE in 10 instances.

Mr. ASHBROOK in three instances.

Mr. MCDADE.

Mr. DERWINSKI in three instances.

Mr. HALPERN in three instances.

Mr. MINSHALL.

Mr. BROOMFIELD in two instances.

Mr. SCHMITZ in three instances.

Mr. BROYHILL of Virginia in two instances.

Mrs. DWYER in five instances.

Mr. MCCLORY in three instances.

Mr. DON H. CLAUSEN.

Mr. PETTIS.

Mr. ESCH.

Mr. SMITH of New York.

(The following Members (at the request of Mr. RUNNELS) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. WALDIE in six instances.

Mr. BIAGGI.

Mrs. HICKS of Massachusetts.

Mr. MAZZOLI.

Mr. HAMILTON in two instances.

Mr. PICKLE in five instances.

Mr. MAHON.

Mr. CARNEY.

Mr. BURKE of Massachusetts.

Mr. RARICK in three instances.

Mrs. GRASSO in 10 instances.

Mr. GONZALEZ in three instances.

Mr. MILLER of California in five instances.

Mr. RODINO in two instances.

Mr. RYAN in three instances.

Mr. BRASCO.

Mr. HAGAN in three instances.

Mr. STEED in two instances.

Mr. ROGERS in five instances.

Mr. MCKAY.

Mr. ROONEY of New York in two instances.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 382. An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

ADJOURNMENT

Mr. RUNNELS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 27 minutes p.m.), under its previous order, the House adjourned until Monday, January 24, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1462. A letter from the Secretary of Agriculture, transmitting the Fiscal Year 1971 Annual Report of the Rural Electrification Administration; to the Committee on Agriculture.

1463. A letter from the Director of Civil Defense, Department of the Army, transmitting a quarterly report for the period ended December 31, 1971, on property acquisitions of emergency supplies and equipment, pursuant to section 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1464. A letter from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting certain petitions which were forwarded to the Secretary of the Navy for transmittal to the Congress; to the Committee on Foreign Affairs.

1465. A letter from the Assistant Secretary of Health, Education, and Welfare for Legislation, transmitting a report of the estimated cost of S. 1598, "The Health Rights Act of 1971"; to the Committee on Interstate and Foreign Commerce.

1466. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting a report on positions in grades GS-16, GS-17, and GS-18 in the Immigration and Naturalization Service during 1971, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

1467. A letter from the Director, National Science Foundation, transmitting notice of a planned adjustment in the National Science Foundation fiscal year 1972 program for computing activities in education and research, pursuant to section 6 of Public Law 92-86; to the Committee on Science and Astronautics.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 1552. A bill to designate the Stratified Primitive Area as a part of the Washakie Wilderness, heretofore known as the South Absaroka Wilderness, Shoshone National Forest, in the State of Wyoming, and for other purposes; with amendments (Rept. No. 92-764). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 3338. A bill to designate the Pine Mountain Wilderness, Prescott and Tonto National Forests, in the State of Arizona; with amendments (Rept. No. 92-765). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 3339. A bill to designate the Sycamore Canyon Wilderness, Coconino, Kaibab, and Prescott National Forest, State of Arizona; with amendments (Rept. No. 92-766). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 761. Resolution authorizing the U.S. Capitol Historical Society to take pictures of the House while in session (Rept. No. 92-767). Referred to the House Calendar.

Mr. COLMER: Committee on Rules. House Resolution 773. Resolution providing for the consideration of House Resolution 761. Resolution authorizing the U.S. Capitol Historical Society to take pictures of the House while in session (Rept. No. 92-768). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 774. A resolution providing for the consideration of H.R. 6957. A bill to establish the Sawtooth National Recreation Area in the State of Idaho, to temporarily withdraw certain national forest land in the State of Idaho from the operation of the United States mining laws, and for other purposes (Rept. No. 92-769). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of Alabama (for himself, Mr. HOLIFIELD, Mr. DORN, Mr. ANDERSON of Tennessee, Mr. TAYLOR, Mr. HUNT, Mr. DENHOLM, Mr. HOWARD, Mr. WHITTEN, Mr. ROBISON of New York, Mr. STRATTON, Mr. DANIELSON, Mr. GIAIMO, Mr. RODINO, Mr. BYRON, Mr. DAVIS of Georgia, Mr. DON H. CLAUSEN, Mr. DOW, Mr. GROVER, Mr. MOORHEAD, and Mrs. ABZUG):

H.R. 12510. A bill to change the name of the Columbia lock and dam, on the Chattahoochee River, Ala., to the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. ANDERSON of Tennessee:

H.R. 12511. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. COLLINS of Texas (for himself, Mr. FISHER, Mr. BOB WILSON, Mr. ANDERSON of Tennessee, Mr. ROBERTS, Mr. MANN, Mr. DOWDY, Mr. BLACKBURN, Mr. DERWINSKI, Mr. PETTIS, Mr. CAMP, Mr. BLANTON, Mr. PURCELL, Mr. LENNON, Mr. MELCHER, Mr. BUCHANAN, Mr. ARCHER, Mr. STEIGER of Arizona, and Mr. SHRIVER):

H.R. 12512. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. DELANEY:

H.R. 12513. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 12514. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. DICKINSON (for himself, Mr. MANN, Mr. PIRNIE, Mr. LANDGREBE, Mr. KEE, Mr. MONAGAN, Mr. ABERNETHY, Mr. HOSMER, Mr. MAZZOLI, Mr. REUSS, Mr. THOMSON of Wisconsin, Mr. HALEY, Mr. DEL CLAWSON, Mr. MURPHY of New York, Mr. COLLINS of Texas, Mr. SPRINGER, Mr. LENNON, Mr. MYERS, Mr. BOW, Mr. MORSE, Mr. KLUCZYNSKI, Mr. ROBINSON of Virginia, Mr. GARMATZ, and Mr. PICKLE):

H.R. 12515. A bill to provide that the Columbia lock and dam located at Columbia, Ala., shall hereafter be known as the George W. Andrews lock and dam; to the Committee on Public Works.

By Mr. DRINAN:

H.R. 12516. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for adoption fees and related costs incurred in connection with the adoption of a child by the taxpayer; to the Committee on Ways and Means.

By Mr. FAUNTROY (for himself and Mr. ASPIN):

H.R. 12517. A bill to authorize programs in the District of Columbia to combat and control the disease known as sickle cell anemia; to the Committee on the District of Columbia.

H.R. 12518. A bill to provide for the prevention of sickle cell anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. FAUNTROY:

H.R. 12519. A bill to provide financial assistance for States, District of Columbia, and local small, community-based correctional facilities; for the creation of innovative programs of vocational training, job placement, and on-the-job counseling; to develop specialized curriculums, the training of educational personnel and the funding of research and demonstration projects; to provide financial assistance to encourage the States to adopt special probation services; to establish a Federal Corrections Institute; and for other purposes; to the Committee on the Judiciary.

By Mr. FISH:

H.R. 12520. A bill to amend title 10 of the United States Code to permit the appointment by the President of certain additional persons to the service academies; to the Committee on Armed Services.

H.R. 12521. A bill to amend section 112 of the Internal Revenue Code of 1954 to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict; to the Committee on Ways and Means.

By Mr. KAZEN:

H.R. 12522. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself, Mr. MCCLOSKEY, Mr. ROSENTHAL, Mr. HALPERN, Mr. REES, Mr. DELLUMS, and Mr. HELSTOSKI):

H.R. 12523. A bill to amend title 18, United States Code, to conditionally suspend the application of certain penal provisions of law; to the Committee on the Judiciary.

By Mr. QUILLEN:

H.R. 12524. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

By Mr. ROE:

H.R. 12525. A bill to provide for greater and more efficient Federal financial assistance to certain large cities with a high incidence of crime, and for other purposes; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12526. A bill to amend title 5, United States Code, to require the heads of the respective executive agencies to provide the Congress with advance notice of certain planned organizational and other changes or actions which would affect Federal civilian employment, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SCHMITZ:

H.R. 12527. A bill to limit the jurisdiction of the Supreme Court and of the district courts in certain cases; to the Committee on the Judiciary.

By Mr. SEIBERLING:

H.R. 12528. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. SIKES:

H.R. 12529. A bill to amend title 10, United States Code, to authorize the recomputation of retired pay of certain members and former members of the Armed Forces; to the Committee on Armed Services.

By Mr. TALCOTT:

H.R. 12530. A bill to strengthen and improve the private retirement system by establishing minimum standards for participation in and for vesting of benefits under pension and profit-sharing retirement plans, by allowing deductions to individuals for personal savings for retirement, and by increasing contribution limitations for self-employed individuals and shareholder-employees of electing small business corporations; to the Committee on Ways and Means.

By Mr. TERRY:

H.R. 12531. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. THOMPSON of New Jersey:

H.R. 12532. A bill to provide that employees of States and political subdivisions thereof shall be subject to the provisions of the National Labor Relations Act; to the Committee on Education and Labor.

By Mr. THONE:

H.R. 12533. A bill to amend the Agriculture Act of 1970 to authorize the Secretary of Agriculture to make, for purposes of farm production history, appropriate adjustments in the per-acre yield of farms on which production has increased substantially as the result of the introduction of irrigation on such farms; to the Committee on Agriculture.

H.R. 12534. A bill to amend the Occupational Safety and Health Act of 1970 to exempt any nonmanufacturing business, or any business having 25 or less employees, in States having laws regulating safety in such businesses, from the Federal standards created under such act; to the Committee on Education and Labor.

By Mr. WHITEHURST:

H.R. 12535. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct expenses incurred in traveling outside the United States to obtain information concerning a member of his immediate family who is missing in acton, or who is or may be held prisoner, in the Vietnam conflict, and for other purposes; to the Committee on Ways and Means.

By Mr. HALPERN:

H.J. Res. 1021. Joint resolution proposing an amendment to the Constitution of the United States relative to neighborhood schools; to the Committee on the Judiciary.

By Mr. MILLER of Ohio:

H.J. Res. 1022. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. GUDE (for himself, Mr. BRADEMAS, Mr. COUGHLIN, Mr. ECKHARDT, Mr. EILBERG, Mr. HALPERN, Mr. KEITH, Mr. MCCLOSKEY, Mr. MORSE, Mr. MOSHER, Mr. MOSS, Mr. PODELL, Mr. REID of New York, Mr. REUSS, Mr. ROBISON of New York, Mr. RYAN, Mr. SCHEUER, Mr. SEIBERLING, Mr. SMITH of New York, and Mr. SYMINGTON):

H. Con. Res. 503. Concurrent resolution expressing the support of the Congress for the U.S. delegation to the United Nations Conference on the Human Environment; to the Committee on Foreign Affairs.

By Mr. GUDE:

H. Res. 770. Resolution to amend the Rules of the House of Representatives with respect to the membership of the Committee on the District of Columbia; to the Committee on Rules.

By Mr. KLUCZYNSKI:

H. Res. 771. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant; to the Committee on House Administration.

By Mr. SCHMITZ:

H. Res. 772. Resolution expressing the sense of the House that the authority of the President to issue Executive orders should be investigated by appropriate committee or committees of the House; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEGICH:

H.R. 12536. A bill for the relief of Jerry J. McCutcheon, of Anchorage, Alaska; to the Committee on Interior and Insular Affairs.

By Mr. EDMONDSON:

H.R. 12537. A bill for the relief of Harold M. Toler; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 12538. A bill for the relief of Caterina and Guiseppe Furnari; to the Committee on the Judiciary.

By Mr. RONCALIO:

H.R. 12539. A bill to authorize the Secretary of the Interior to convey certain lands in the State of Wyoming; to the Committee on Interior and Insular Affairs.

By Mr. SCHMITZ:

H.R. 12540. A bill to authorize the placement of Cary W. Stevenson on the retired list in the grade of commander, U.S. Naval Reserve; to the Committee on Armed Services.

SENATE—*Thursday, January 20, 1972*

The Senate met at 11:30 a.m. and was called to order by the Vice President.

PRAYER

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

O God, who has made and preserved us a nation, we thank Thee for Thy continued favor to the United States, for the improvement of the general welfare, for diminishing conflict at home and abroad, and for the promise of peace.

Grant to the President Thy higher wisdom and strength in the exercise of his office and in the leadership of the Nation. Give us ears to hear, hearts to receive, and minds to comprehend what he says. Enable us also to hear what is not said—the siren call of conscience to selfless service—the unuttered longings of the people for a life of meaning and fulfillment, the aspirations of the soul for truth and goodness, and the undying hope for Thy kingdom on earth.

Bind us together in common endeavor for the better world that is yet to be. And may goodness and mercy follow us all our days that we may abide in Thee forever. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 19, 1972, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ATTENDANCE OF SENATORS

Hon. BILL BROCK, a Senator from the State of Tennessee, Hon. EDWARD W. BROOKE, a Senator from the State of Massachusetts, Hon. PETER H. DOMINICK, a Senator from the State of Colorado, Hon. JAMES O. EASTLAND, a Senator from the State of Mississippi, Hon. HIRAM L. FONG, a Senator from the State of Hawaii, Hon. HUBERT H. HUMPHREY, a Senator from the State of Minnesota, Hon. EDWARD M. KENNEDY, a Senator from the State of Massachusetts, Hon. RUSSELL B. LONG, a Senator from the State of Louisiana, Hon. JACK MILLER, a Senator from the State of Iowa, Hon. WALTER F. MONDALE, a Senator from the State of Minnesota, Hon. JAMES B. PEARSON, a Senator from the State of Kansas, and Hon. WILLIAM B. SAXBE, a Senator from the State of Ohio, attended the session of the Senate today.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 382) entitled "An act to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes."

COMMITTEE MEETINGS DURING SENATE SESSION

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

The VICE PRESIDENT. Without objection, it is so ordered.

RESCISSION OF ORDER FOR RECOGNITION OF SENATOR PACKWOOD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the

order recognizing the distinguished Senator from Oregon (Mr. PACKWOOD) at this time be vacated.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The VICE PRESIDENT. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12:10 p.m., with a limitation of 3 minutes on each Senator being recognized.

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. TALMADGE. Mr. President, section 133B of the Legislative Reorganization Act of 1946, as added by section 130 (a) of the Legislative Reorganization Act of 1970, requires the rules of each committee to be published in the CONGRESSIONAL RECORD not later than March 1 of each year. Accordingly, I ask unanimous consent that rules of the Committee on Agriculture and Forestry be inserted in the RECORD at this point.

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

RULES OF COMMITTEE ON AGRICULTURE AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy authorized in writing for specific bills or subjects shall be allowed whenever a majority of the committee is actually present.[1]

3. Five members shall constitute a quorum for the purpose of transacting committee business: *Provided*, That one member shall constitute a quorum for the purpose of receiving sworn testimony.[1]

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON LIABILITIES AND OTHER FINANCIAL COMMITMENTS OF THE U.S. GOVERNMENT

A letter from the Secretary of the Treasury, transmitting, pursuant to law, a statement of liabilities and other financial commitments of the United States Government, as of June 30, 1971 (with an accompanying report); to the Committee on Finance.

REPORT OF THE NATIONAL MEDIATION BOARD

A letter from the Chairman, National Mediation Board, Washington, D.C., transmitting, pursuant to law, a report of that Board, including the report of the National Railroad Adjustment Board, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Agriculture and Forestry:

"SENATE CONCURRENT RESOLUTION No. 2034

"A concurrent resolution memorializing the Congress of the United States to enact appropriate legislation to enable more comprehensive and effective inspection and enforcement of hygienic standards in the preparation and processing of food products

"Whereas recent fatal events resulting from the distribution and consumption of botulism-tainted canned soup processed at a plant in this State have provided evidence that neither State nor Federal inspection procedures are adequate to guarantee the safety of consumers against such occurrences, inasmuch as it was disclosed that the plant involved in this incident had received no Federal inspection for 4 years and no State inspection for 5 years; and

"Whereas it is urgently necessary that appropriate steps, including fuller cooperation between State and Federal authorities and more frequent and energetic exercise of the inspection function and authority by both levels of government, be taken to prevent recurrences of similar fatal incidents; and

'Whereas the Commissioner of Health of this State has suggested that a comprehensive food inspection operation, consolidating and coordinating the operations of the several State and Federal agencies now exercising various segments of this vital governmental function, would do much to fill in gaps in the existing inspection system and to safeguard the public health; and

"Whereas Federal legislation is necessary to make possible the setting up of such a consolidated inspection system operating uniformly in all sections of the nation; now, therefore

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. The Congress of the United States is hereby respectfully memorialized to enact appropriate legislation to enable the setting up of a nationwide system for the more comprehensive and effective inspection and enforcement of hygienic standards for the preparation and processing of food products.

"2. Duly authenticated copies of this resolution, signed by the President of the Senate and the Speaker of the General Assembly and attested by the Secretary of the Senate and the Clerk of the General Assembly, shall be transmitted to the Vice President of the United States, the Speaker of the United States House of Representatives and the several members of Congress elected from this State."

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Commerce:

"SENATE CONCURRENT RESOLUTION No. 2027

"A concurrent resolution memorializing the Federal Aviation Administration and Congress to adopt a retrofit rule for turbofan aircraft at the earliest possible date

"Whereas, Aircraft noise in the vicinity of airports, especially airports located in densely populated areas of the State of New Jersey, has become a serious environmental problem; and

"Whereas, Reduction of aircraft noise at its source is the only meaningful solution to the aircraft noise problem in developed areas and such noise reduction can only be accomplished by Federal regulation and action; and

"Whereas, The Congress of the United States has recognized the gravity of the situation by enacting Public Law 90-411 which not only directs the Federal Aviation Administration to set noise standards for new aircraft but also, if practicable, to extend such standards to existing aircraft; and

"Whereas, Studies made by major manufacturers for the National Aeronautics and Space Administration clearly demonstrate that it is technologically feasible to modify existing turbofan aircraft to achieve significant noise reduction; and

"Whereas, The Federal Aviation Administration has issued an Advanced Notice of Proposed Rule Making soliciting comments on a proposed retrofit rule to carry out the intent of Congress as expressed in Public Law 90-411; now, therefore

"Be it resolved by the Senate of the State of New Jersey (the General Assembly concurring):

"1. The Federal Aviation Administration be and hereby is memorialized to adopt a retrofit rule with respect to turbofan aircraft at the earliest possible date to develop and to implement ways and means of facilitating the financing of the cost of retrofitting the entire United States fleet of turbofan aircraft.

"2. The Congress of the United States be and hereby is memorialized to adopt legislation requiring the Federal Aviation Administration to promulgate a retrofit rule no later than January 1, 1972.

"3. Copies of this resolution be transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives, to each member of the Congress of the United States from the State of New Jersey and to the Administrator of the Federal Aviation Administration."

A resolution adopted by the Common Council of the city of Buffalo, N.Y., praying for the enactment of legislation relating to the issuance of a commemorative stamp on the 500th Anniversary of the birth of Nicholas Copernicus; to the Committee on Post Office and Civil Service.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (S. 382) to promote fair practices in the conduct of election campaigns for Federal political offices, and for other purposes.

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. SCOTT:

S. 3039. A bill for the relief of Fernando Giovannelli. Referred to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 3040. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41 et seq.) to provide that under certain circumstances exclusive territorial arrangements shall not be unlawful; and

S. 3041. A bill for the relief of Shirley Ramkissoon. Referred to the Committee on the Judiciary.

By Mr. MONDALE:

S. 3042. A bill for the relief of Jozef Szymanski; and

S. 3043. A bill for the relief of Mrs. Shiu-

[1] For further restrictions with respect to proxies and quorums in the reporting of measures and recommendations, see section 133(d) of the Legislative Reorganization Act of 1946.

ing Chien. Referred to the Committee on the Judiciary.

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

S. 3044. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Committee on the Judiciary.

By Mr. BELLMON:

S. 3045. A bill to protect American markets for wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry, and, when reported by that committee, by unanimous consent, to the Committee on Armed Services for not to exceed 30 days.

By Mr. MONDALE:

S. 3046. A bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease. Referred to the Committee on Labor and Public Welfare.

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

S. 3047. A bill to amend section 451 of the Tariff Act of 1930 so as to exempt certain private aircraft entering or departing from the United States and Canada at night or on Sunday or a holiday from provisions requiring payment to the United States for overtime services of customs officers and employees and to treat snowmobiles as highway vehicles for the purposes of such section. Referred to the Committee on Finance.

By Mr. CASE:

S. 3048. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents. Referred to the Committee on Veterans' Affairs.

By Mr. JAVITS:

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities where personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and para-professional personnel particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes. Ordered to be held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

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

S. 3044. A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs. Referred to the Committee on the Judiciary.

TO PROTECT THE CIVIL RIGHTS OF THE HANDICAPPED

Mr. HUMPHREY. Mr. President, I introduce on behalf of myself and the senior Senator from Illinois (Mr. PERCY) a bill to amend the Civil Rights Act of 1964 to insure equal opportunities for the handicapped by prohibiting needless discrimination in programs receiving Federal financial assistance.

No longer dare we live with the hypocrisy that the promise of America should have one major exception: Millions of children, youth, and adults with mental or physical handicaps. We must now firmly establish their right to share that promise, so well described by Thomas Wolfe:

> To every man his chance; to every man, regardless of his birth, his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this, seeker, is the promise of America.

The time has come when we can no longer tolerate the invisibility of the handicapped in America. I am talking about over 1 million American children who are excluded from school. I am speaking of our poverty-stricken neighborhoods, where 75 percent of all the mental retardation in this Nation is found. I am calling for public attention to three-fourths of the Nation's institutionalized mentally retarded, who live in public and private residential facilities which are more than 50 years old, functionally inadequate, and designed simply to isolate these persons from society.

I am insisting that the civil rights of 40 million Americans now be affirmed and effectively guaranteed by Congress—our several million disabled war veterans, the 22 million people with a severe physically disabling condition, the one in every 10 Americans who has a mental condition requiring psychiatric treatment, the 6 million persons who are mentally retarded, the hundreds of thousands crippled by accidents and the destructive forces of poverty, and the 100,000 babies born with defects each year.

These people have the right to live, to work to the best of their ability—to know the dignity to which every human being is entitled. But too often we keep children, whom we regard as "different" or a "disturbing influence," out of our schools and community activities altogether, rather than help them develop their abilities in special classes and programs. Millions of young persons and adults who want to learn a trade, work like other people, and establish their self-worth through a paycheck, are barred from our vocational training programs and from countless jobs they could perform well. And yet we have sufficient statistics clearly demonstrating the benefits to the national economy and the investment return of income tax revenues resulting from vocational rehabilitation and job placement for these citizens. Where is the cost-effectiveness in consigning them to public assistance or "terminal" care in an institution?

These are people who can and must be helped to help themselves. That this is their constitutional right, is clearly affirmed in a number of recent decisions in various judicial jurisdictions. Every child—gifted, normal, and handicapped—has a fundamental right to educational opportunity and the right to health. And we know, for example, that more than one-third of the 6 million persons who are actually retarded today are capable of earning a living and being self-supporting, productive members of the community if adequate training and residential facilities are provided for them.

Let me cite certain examples documenting the need for this legislation—cases where people with a mental or physical handicap are excluded from participation in, are denied the benefits of, or are subjected to discrimination under programs or activities receiving Federal assistance.

The U.S. Office of Education has reported that less than 40 percent of the 7 million handicapped children get the special educational assistance they need—yet this Nation has made a fundamental commitment to the right of all children to education. Many of these children are classified as educable mentally retarded. But more than 1 million children are denied entry into public schools, even to participate in special classes. The National Association for Retarded Children reports, for example, that only 48 percent of the 94,000 educable mentally retarded school age children and youth in Ohio are provided for in the public school system, with the rest being in private schools or not in any school program.

We do not even have adequate statistical information on the great number of physically handicapped children who have the mental ability to attend school but are denied that right. The variety of explanations for this denial include problems of transportation and architectural barriers. But the injustice of exclusion remains. A recent report by a Task Force on Children Out of School, under the auspices of the Easter Seal Society for Crippled Children of Massachusetts, states flatly that "in general, crippled children in Boston are not allowed to attend school." And the report documents a serious nationwide problem, in commenting further that "no person, no agency, knows how many—crippled children—there are, where they are, or what happens to them once they are rejected by the Boston public school system."

Another group of handicapped children, the emotionally disturbed, are also being brought to public attention in the Boston area. As reported in the Boston Herald of December 23, 1971, a class action suit has been brought before a U.S. district court on behalf of 1,300 emotionally disturbed children, alleging that an 8-year-old girl had never received any education in or from the Boston public schools even though application had been made on her behalf for admission to speical classes or for residential placement in a State-approved school.

I have focused my attention on the handicapped child. But injustices confronted by the hidden population of millions of handicapped persons across America are being increasingly brought to light, with challenges being raised where a handicapped person cannot travel alone on an airline flight, or is denied mortgage life insurance protection or a fair wage for his work, or experi-

ences the discriminatory effect of job qualification questionnaires or employment procedures.

Justice delayed is justice denied. The Federal Government must now take firm leadership to guarantee the rights of the handicapped, through making needless discrimination illegal in programs receiving Federal financial aid.

Mr. President, I ask unanimous consent that the text of my bill, which has been introduced jointly in the other body by Representative CHARLES A. VANIK of Ohio as H.R. 12154, be printed in the RECORD, together with a statement prepared by Senator PERCY.

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

S. 3044

A bill to amend the Civil Rights Act of 1964 in order to prohibit discrimination on the basis of physical or mental handicap in federally assisted programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 601 of the Civil Rights Act of 1964 is amended by inserting "physical or mental handicap," immediately after "color," and by inserting ", unless lack of such physical or mental handicap is a bona fide qualification reasonably necessary to the normal operation of such program or activity" immediately after "Federal financial assistance".

SEC. 2. The Civil Rights Act of 1964 is amended by inserting immediately after section 605 the following new section.

"SEC. 606. For the purposes of this title, the term 'physical or mental handicap' includes mental retardation, hardness of hearing, deafness, speech impairment, visual handicap, serious emotional disturbance, being crippled, or any other health impairment which requires special education and related services."

STATEMENT BY SENATOR PERCY

Mr. President, I take great pleasure in joining Senator Humphrey in introducing this amendment to the Civil Rights Act of 1964. This landmark legislation, introduced by Congressman Vanik in the House, would prohibit discrimination against the mentally and physically handicapped in programs which receive federal aid.

In November, I introduced with Senator Cook a Concurrent Resolution calling for a declaration of rights for the mentally and physically handicapped. My action today represents a further effort to ensure that the handicapped will receive the basic rights to which every human being is entitled.

I will forego a statistical verification of the prejudices suffered by the handicapped, as this was well documented in the RECORD when the Concurrent Resolution was introduced. It had been my hope that the Concurrent Resolution would begin a national commitment to eliminate the glaring neglect of our handicapped citizens. The amendment we are introducing today would realize this commitment, guaranteeing the handicapped equal opportunity to education, job training, productive work, due process of law, a decent standard of living, and protection from exploitation, abuse and degradation.

In essence, our amendment will give the handicapped their rightful place in so[illegible]

By Mr. BELLMON:

S. 3045. A bill to protect American markets for wheat, feed grains, and soybeans. Referred to the Committee on Agriculture and Forestry, and, when reported by that committee, by unanimous consent, to the Committee on Armed Services for not to exceed 30 days.

Mr. BELLMON. Mr. President, over the years American farmers and farm product exporters have invested huge sums of money in the development of foreign markets for products which American agriculture produces more efficiently and more abundantly than any other agricultural enterprise on earth. As a result of these efforts, the huge agriculture carryovers which once burdened our Federal Treasury and dampened our national economy are no longer so great a problem. Also, as a result of these efforts, many densely populated countries which do not possess the land base to feed their own population have become heavily dependent upon the United States as a source of food for their people and feed for their livestock and poultry.

Again, in 1971, American farmers proved their ability to meet the food and feed demands of this country, as well as our overseas customers. Unfortunately, during the latter part of 1971, the export of American farm products was greatly impaired by a dock strike brought on by a disagreement between the longshoremen and the shipping companies.

While I strongly support the right of labor to strike and strongly believe in labor-management negotiations to work out differences, I have reluctantly come to the conclusion that this Nation is paying far too high a price by allowing our docks to be tied up for long periods while labor and management negotiations proceed. Also, I believe it is too much to ask American agriculture to lose the customers it has won because of a disagreement in which it has no part. At the same time we cannot expect our foreign customers to allow their people to go without food because of a labor-management disagreement in this country. If America is to continue to enlarge its role as a major supplier of food for hungry parts of the world, we must take steps now to assure reliable delivery of feed and foodstuffs which others come to depend upon.

On November 5, 1971, the Senate Agricultural Exports Subcommittee held hearings under the chairmanship of Senator LAWTON CHILES, the distinguished junior Senator from Florida. Many witnesses appeared and gave convincing testimony relating to the need for finding a means to assure dependable delivery of American agriculture products. I ask unanimous consent that the following selected portions of the proceedings be printed in the RECORD.

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

PORTIONS OF THE PROCEEDINGS

Kenneth E. Frick, Administrator, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture:

Farmers have long known that they must compete. And they know how to compete, as [illegible]icated by the fact that we are the world's [illegible]xporter of farm products. But farm[illegible]de a large investment of both effort and money, and this investment is eroded by a few over whom they have no control.

Agricultural exports reached a new high of $7.8 billion last year, and farm exports contributed more than $6 billion to the Nation's commercial trade balance last year. Without the favorable ratio of farm exports to imports, our balance of trade—payments—would have reached the crisis stage long ago.

But farmers are aware that their competitive position is in jeopardy, through no fault of theirs, if they cannot depend on our transportation industries to move their farm products. In world markets our crops have to compete directly with commodities from other countries and if buyers cannot depend upon getting a dependable quality and quantity of U.S. products they will buy what they need from others.

Raymond L. Davis, Vice President, National Association of Wheat Growers, Potter, Nebraska:

Strikes have caused great frustration and confusion in the farm community. Wheat producers have contributed millions of dollars and thousands of hours of their time to develop and maintain foreign markets for U.S. wheat. Likewise, producers have worked with the Department of Agriculture and the grain trade to build a reputation for the United States as a reliable source for quality wheats. Strikes cancel out much of the work and money that has gone into establishing and servicing overseas markets. These losses cannot be recovered.

John Rockwell, President, Kansas City Board of Trade, Kansas City, Missouri:

The grain trade at Kansas City faced certain difficulties and distortions of normal marketing procedures through the months of the dock strike on the West Coast. But the real impact came from the threat or the actual stoppages at the gulf October 1. The biggest loss in business to date has been in grain sorghum exports. Our trade with Japan offers the best example because Japan is the biggest single buyer of U.S. grain sorghums and this country normally is Japan's major supplier of this feed grain, a majority of which is fed to poultry in Japan.

This year, because of the threat of the October 1 strike at the gulf, Japan did not buy any grain sorghums for October, November, or December shipment prior to October 1. Normally, this country ships Japan around 200,000 to 250,000 tons of grain sorghum a month. This grain normally comes out of the Kansas City trade area, Texas, Kansas, Nebraska, Missouri, and a little out of Oklahoma.

Japan turned to other sources this fall for feed grains, thus Texas, Kansas, Missouri, and Nebraska farmers have lost this business for this year, a year in which record production called for maximum exports.

Matt Triggs, Assistant Legislative Director, and Dale Sherwin, Assistant Legislative Director, American Farm Bureau Federation:

The disruptive impact of transportation strikes and particularly dock and maritime strikes on the marketing of farm products is obvious. This disruptive effect reaches much further than the loss of current sales. Foreign buyers, who find the United States to be an undependable source of supplies because delivery is uncertain, are provided an incentive to look to suppliers in other countries to meet their needs on a permanent and dependable basis.

The impact of the loss of exports on farm prices is equally obvious. Inability to maintain export markets clogs domestic channels and reduces domestic farm prices.

There clearly is a need for more effective legislation not only to supplement the temporary remedies that have been applied in the current situation, but also to provide more adequate remedies for dealing with any similar problems that may arise in the future.

Kenneth D. Naden, Executive Vice President, National Council of Farmer Cooperatives:

The widespread dockwork stoppages throughout the U.S. shipping areas have caused commodity damage, reduced farm income, greatly restricted exports and hurt long

term export markets of many farmer cooperatives in the country. This action has not only contributed to already depressed farm income but has impaired the ability of the United States to recover from the foreign trade and international monetary crisis which it is now suffering.

Mr. BELLMON. Mr. President, I am today introducing a bill to protect American export markets for wheat, feed grain, and soybeans. The bill is brief, and I ask unanimous consent that the full text be printed in the RECORD.

Mr. President, I send the bill to the desk and ask unanimous consent that it be referred first to the Committee on Agriculture and Forestry and then to the Armed Services Committee for a period of not to exceed 30 days so that the military aspects of the bill can be considered.

The PRESIDING OFFICER. The Senator means after it has been reported by the Committee on Agriculture and Forestry?

Mr. BELLMON. That is correct.

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

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

S. 3045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, at any time that the shipment of wheat, feed grains, soybeans or other farm commodities from United States ports is impeded by strike or other cause and has been so impeded for 30 or more of the preceding 120 days, the Secretary of Agriculture and the Secretary of Defense shall, through the use of military personnel and other means available to them, arrange for the shipment through military installations of such quantities of wheat, feed grains, soybeans or other farm commodities from Government or private stocks as may be necessary to supply customary markets of the United States for such commodities or to preserve such markets for American agriculture.

Mr. BELLMON. Mr. President, the passage of this bill will guarantee that any customer who comes to the United States to purchase food or feed grains can be assured that these products will be delivered on schedule. The passage of this bill will not interfere with the right of longshoremen to strike, but it will assure that innocent third parties will not unfairly be hurt by an interruption of shipping services.

Clearly, neither the longshoremen nor the shipping companies benefit when American agriculture loses markets because of a dock strike. Also, neither side benefits when citizens of other countries are forced to go hungry because the food they have purchased from this country is rotting on the docks or is piled up on the ground at inland points awaiting shipment.

The passage of this legislation will in no way interfere with the right of workmen to strike. It will have the beneficial effect of assuring the maintenance of markets for American products and in this way assure the retention of cargo handling jobs for dockworkers once the strike is over.

By Mr. MONDALE:

S. 3046. A bill to provide for accelerated research, development training, and public education in the field of heart, lung, and blood disease. Referred to the Committee on Labor and Public Welfare.

NATIONAL HEART, LUNG, AND BLOOD ACT

Mr. MONDALE. Mr. President, it is my privilege today to introduce the proposed National Heart, Lung, and Blood Act of 1972. This bill should stimulate an intensive national effort to combat cardiovascular and pulmonary diseases and other heart and blood disorders. It will provide authority for a comprehensive research, educational, and preventive program in these disease areas through the National Heart and Lung Institute and other public and private agencies.

With the recent enactment of legislation to expand cancer research we have demonstrated our belief that high program visibility and the creation of a national goal, coupled with greater funds, will result in an acceleration of research and of clinical applications toward reducing deaths from a major killer disease. We now must take the opportunity to extend this commitment to saving lives by providing the legislation necessary to accelerate research and its applications in cardiovascular and pulmonary diseases and the other important programs of the National Heart and Lung Institute and of related organizations.

The major emphasis of the National Heart and Lung Institute—NHLI—include programs in arteriosclerosis and other cardiac, pulmonary, and blood disorders, as well as professional and public education and biomedical engineering. Each of these programs contributes to our struggle to reduce premature death and disability from diseases of the heart and lungs. All of them show promise of breakthroughs in understanding causation, prevention, diagnosis and treatment.

Cardiovascular disease is the No. 1 killer disease in the developed world, and in the United States alone it accounts for more than half of all deaths. As shown by the following figures, it is by no means confined to the elderly. In 1968, 1,081,391 men and women died of cardiovascular disease in the United States, nearly 300,000 of them under the age of 65. It strikes many people. especially men, in the prime years of their lives.

Together, cardiovascular and pulmonary diseases annually leave disabled over a million men and women under the age of 65, individuals whose capacity to work and care for their families is hereby restricted. And they confine to bed another two-thirds of a million men and women, half of whom are under 65.

Cardiovascular disease is regarded today as being in an epidemic stage in all of the highly developed nations. In the United States, for example, the mortality rate for this class of diseases, in 1900 was approximately 250 per 100,000 population. By 1960 this figure had risen to approximately 480 per 100,000. Part of this is due to the increase in average life span and the high rate of cardiovascular disease among older persons, but the very significant number of younger men afflicted indicates that age is not the only explanation.

It is significant that until about 1930 the heart disease mortality rates for men and women were about the same. Today, the mortality rate of women of all age groups is falling—yet that of men is increasing from the age of 40 onward, primarily from cardiovascular disease and lung cancer. This excess mortality of men has significant implications for society. It increases the number of widows and fatherless children, and society is losing large numbers of its most productive people.

Strong preventive measures are needed, calling for further and definitive studies, and requiring the cooperation of public and private agencies in bringing the results to the attention of health professionals and the public. Some of the causal factors have already been found: For example, high blood cholesterol levels, lack of exercise, and cigarette smoking have all been linked to a high fatality rate in cardiovascular disease.

An interesting paper concerning the effects of cholesterol on arteriosclerotic deposits among rhesus monkeys was recently presented at the meeting of the American Heart Association in California and reported in the New York Times on November 13, 1971. This and other studies show that individual programs of increased activity, abstention from smoking, and decreased cholesterol levels would help cut the death rate from cardiovascular disease.

Epidemiological studies must be greatly expanded and strengthened so that more can be learned about the geographical, national, cultural, dietary, occupational, racial, and environmental factors which contribute to the wide variations in death rates for various cardiovascular diseases among people in America and around the world. For example, a study in Evans County, Ga., covering more than 10 years, has revealed a wealth of data with great significance for understanding and preventing coronary heart disease. This was reported in the September 17, 1971, issue of Medical World News.

Methods of treatment of these disorders must also be improved and made available to more people through more and better equipped diagnostic and treatment facilities. In particular, the regional medical program facilities must be strengthened and enlarged. Techniques of cardiovascular surgery must be further developed and applied but they must also be adequately tested and evaluated. Rehabilitation of physically and psychologically disabled individuals must be expanded and refined to enable them to return to a more normal and useful life.

However, much further research is also required. For example, little is known about the specific development of arteriosclerosis and other forms of cardiovascular disease. A recent report prepared by the NHLI task force on arteriosclerosis presents a summary of the magnitude of the problem and recommendations for programs of action to control and prevent this disease. The report proposes:

First. A major health goal of the 1970's should be prevention and control of arteriosclerosis as well as its fatal and disabling consequences. Leadership in fulfilling this national commitment should be assumed by the Federal Government.

Second. To achieve this goal, the National Heart and Lung Institute should

be directed to develop, promote and support a national, coordinated, comprehensive program for the prevention and control of arteriosclerosis.

As indicated in a summary in the Wall Street Journal on December 10, 1971, this report calls for "a new national program to combat heart disease." The article also cites the fact that nearly 36 million adult Americans are afflicted by cardiovascular diseases.

Other cardiac diseases in which research gives hope of substantial progress include cardiac arrythmias, heart failure and shock, and congenital and rheumatic heart disease. The Myocardial Infarction Branch of NHLI is especially concerned with the reduction of deaths and disability from heart attacks, which kill almost 700,000 Americans each year.

High blood pressure is another major problem and affects approximately 22 million Americans. An estimated 10 to 15 million people suffer from this disease and do not know it. Current research in this area at the NHLI revolves around forms of therapy, study of the causative agents, and better methods of diagnosis. A major effort is needed to determine the value of reduced blood pressure in preventing cardiac episodes.

This bill would launch a major effort to improve the control of heart and blood vessel diseases. Work on cardiovascular diseases, including atherosclerosis and hypertension, will necessarily encompass an attack on the problem of stroke, which accounts for about 200,000 deaths per year. In this connection, the National Heart and Lung Institute will have to work jointly with the National Institute of Neurological Diseases and Stroke, following established lines of specialization: the former involved with the problem before the stroke occurs and the latter concerned principally with the neurological problems resulting.

The bill will permit the full implementation of the report of the task force on arteriosclerosis, including a variety of special clinical trials. It will also make possible an increase in the number of lipid research clinics to conduct other clinical trials; substantial increase in epidemiological studies, including multifactor preventive trials; and efforts to gain control of hypertension either through mass screening or through regional centers.

Pulmonary diseases are also a serious cause of death and a major cause of disability in the United States and seem to be increasing in frequency. Emphysema and bronchitis are among the most common of these diseases. Studies continue on their specific causes, and on preventive and therapeutic measures related to the already demonstrated involvement of environmental factors, heredity, and infection. Lung transplantation, now under study at the National Heart and Lung Institute, may be the only solution for a number of advanced cases of pulmonary disease.

Since the assignment of lung and heart diseases to the same Institute in 1969, a start has been made in accelerating efforts to control lung disease. This bill should greatly augment those efforts to deal with an increasingly important health problem.

Various blood disorders programs are contributing to our understanding of their cause and cure. Thromboembolisms are an important area of study at present. Sickle cell anemia is also under investigation at the NHLI. This disease has received far too little attention until recently and should be the target of intensive effort as a result of legislation passed by the Senate and now pending in the House.

In the field of blood studies, there is a current crisis in the provision of an adequate supply of blood for individuals who require it for surgery and other purposes. Included in the program to deal with this crisis are studies in the improvement of transfusion methods, blood storage and preservation, and blood fractionation into its component parts for various special uses. Hepatitis, a disease which may be acquired from blood transfusions, is receiving special attention, with studies of testing methods for the presence of the virus in blood and of antigens for control of the disease. Additional research is needed on these problems, as well as on anticoagulation, hemodilution and plasma substitutes. An educational program is urgently needed to attract blood donors from the healthiest elements of the population. All of this would be authorized under the bill.

The medical devices program of NHLI seeks to tap the potential of the new field of bioengineering. It has a mandate to aid in the development of mechanical devices to assist and monitor patients with chronic heart or lung disease. There may be great promise in the development of an artificial heart and an artificial lung to take over the function of the failing organs.

This program is coordinating the activities of the academic community, medical centers, and industry to achieve reliable and efficient mechanical devices to aid pulmonary and cardiac disease patients. I believe that a wide variety of scientific, engineering and technical manpower, much of it unemployed or underemployed, can and should be put to work on these life-saving projects which require work on materials development, control systems, miniaturization and reliable power supplies.

Specialized centers of research—SCOR—are now being developed, and must be expanded, to concentrate on high-priority programs in arteriosclerosis, hypertension, thrombosis, and pulmonary diseases.

Each center will be concerned with one particular disease area to develop new knowledge in prevention, diagnosis, and treatment, and to facilitate the clinical applications of such new knowledge.

Finally, public, professional and paraprofessional information and education programs are of the utmost importance in the dissemination of the knowledge acquired through the many programs of research and development of the National Heart and Lung Institute, the American Heart Association, the National Tuberculosis and Respiratory Disease Association and other voluntary agencies. Both the general public and health personnel need to be aware of the most recent information on the prevention, diagnosis, and treatment of heart and lung diseases. We can, in this way, best use the knowledge being gained about these diseases to promote and maintain the health of the American people.

Legislative action is required to assure that there will be no delay whatsoever in improving the means to fight cardiovascular, blood and pulmonary diseases and to provide the resources necessary to exploit the numerous leads and clues of premature disease processes in these sytems. The proposed National Heart, Lung and Blood Act of 1972 will strengthen and expand the authorities of the National Heart and Lung Institute and the Department of Health, Education, and Welfare in order to launch a comprehensive attack on heart, lung and blood diseases, in cooperation with other Federal agencies and voluntary organizations.

All together, the bill authorizes $2.5 billion for a 5-year program. For fiscal year 1973, it authorizes $270 million for cardiovascular disease, $50 million for blood diseases and blood banking, $40 million for pulmonary disease, $40 million for information, public education and professional training, and $45 million for bioengineering of devices to assist, replace or monitor the heart and lungs. These 1973 authorizations, totaling $445 million, are almost double the $232 million appropriated by the Congress for the current year.

Mr. President, the potential exists to make dramatic progress in dealing with the number one cause of death—cardiovascular disease—as well as in pulmonary and blood diseases. Now is the time to make a national commitment to do so. It is with confidence that we are ready that I introduce the National Heart, Lung and Blood Act of 1972. I ask unanimous consent that the text of the bill and of the three articles I referred to be printed in the RECORD.

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

S. 3046

A bill to provide for accelerated research, development training and public education in the field of heart, lung, and blood disease

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. That this Act shall be known as the "National Heart, Lung, and Blood Act of 1972".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares that—

(1) cardiovascular disease accounts for more than one-half of all deaths in the United States;

(2) pulmonary disease is increasing in incidence and severity and is a leading cause of disability;

(3) blood disease affects millions of Americans and a supply of wholesome blood for transfusions is essential to a healthy society;

(4) existing knowledge of preventive measures and techniques for care in cardiovascular, lung, and blood diseases is inadequately disseminated to and used by professionals and the public, thus preventing the rapid reduction in the incidence and severity of these diseases which is, or may be, possible;

(5) a great potential for improving management of these diseases is offered through the development and refinement of technological devices to assist, replace, or monitor vital organs and a substantial unused capacity exists in our engineering and scientific pools to work on such problems;

(6) there is a need to involve all appropriate elements of the Department of Health, Education, and Welfare as well as other Federal agencies and voluntary associations in order to carry out a comprehensive public health program in the field of heart, lung, and blood diseases.

(b) It is therefore the purpose of this Act to strengthen and expand the authorities of the National Heart and Lung Institute and the Department of Health, Education, and Welfare in order to permit a comprehensive attack on heart, lung, and blood diseases.

PROGRAM COORDINATION AND MANAGEMENT

SEC. 3. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") is directed to develop and implement a comprehensive program dealing with heart, lung, and blood diseases utilizing the National Heart and Lung Institute and all other appropriate elements of the Department of Health, Education, and Welfare as well as providing for cooperative efforts with other Federal agencies and voluntary associations.

ANNUAL REPORT

SEC. 4. The Secretary shall, as soon as practicable after the end of each calendar year, prepare and submit to the President for transmittal to the Congress a report on the activities of the Department during the preceding calendar year with regard to this Act.

ADMINISTRATIVE PROVISIONS

SEC. 5. The Secretary, in carrying out his functions under this Act, is authorized—

(1) to the extent that he deems such action to be necessary to the discharge of his functions under this Act, to appoint not more than 25 of the scientific, professional, and administrative personnel of the Department without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service, and he may fix the compensation of such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to pay rates, at rates not in excess of the highest rate paid for GS-18 of the General Schedule under section 5332 of such title;

(2) to the extent that he deems necessary to recruit specially qualified scientific or other professional personnel on a temporary basis without regard to the provisions concerning competitive service he may establish the entrance grade therefore at not to exceed two grades above the grade otherwise established for such personnel under such provisions and appoint not more than 50 such persons for periods of time which he deems appropriate;

(3) employ experts and consultants in accordance with section 3109 of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 6. (a) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of cardiovascular disease (including clinical trials, demonstrations, and administrative expenses) $270,000,000 for the fiscal year ending June 30, 1973, $275,000,000 for the fiscal year ending June 30, 1974, $285,000,000 for the fiscal year ending June 30, 1975, $295,000,000 for the fiscal year ending June 30, 1976, and $320,000,000 for the fiscal year ending June 30, 1977.

(b) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of lung diseases (including clinical trials, demonstrations, and administrative expenses) $40,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $60,000,000 for the fiscal year ending June 30, 1976, and $70,000,000 for the fiscal year ending June 30, 1977.

(c) There are hereby authorized to be appropriated for research into the causes, prevention, diagnosis and treatment of blood disease (including clinical trials, demonstrations, and administrative expenses) and for improvement of blood banking programs, $50,000,000 for the fiscal year ending June 30, 1973, $55,000,000 for the fiscal year ending June 30, 1974, $55,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $45,000,000 for the fiscal year ending June 30, 1977.

(d) There are hereby authorized to be appropriated for information, public education, and professional training (including training grants, fellowships, continuing education, and administrative expenses) $40,000,000 for the fiscal year ending June 30, 1973, $40,000,000 for the fiscal year ending June 30, 1974, $45,000,000 for the fiscal year ending June 30, 1975, $50,000,000 for the fiscal year ending June 30, 1976, and $55,000,000 for the fiscal year ending June 30, 1977.

(e) There are hereby authorized to be appropriated for research, development, and testing (including administrative expenses) of technological devices to assist, replace, and monitor the performance of the heart and lung, $45,000,000 for the fiscal year ending June 30, 1973, $55,000,000 for the fiscal year ending June 30, 1974, $60,000,000 for the fiscal year ending June 30, 1975, $70,000,000 for the fiscal year ending June 30, 1976, and $85,000,000 for the fiscal year ending June 30, 1977.

TRANSFER AUTHORITY

SEC. 7. Notwithstanding any limitation on appropriations for any program of activity under section 6 of this Act or any Act authorizing appropriations for such program or activity, not to exceed 15 per centum of the amount appropriated or allocated for each fiscal year from any appropriation for the purpose of allowing the Secretary to carry out any such program or activity under section 6 of this Act may be transferred and used by the Secretary for the purpose of carrying out any other such program or activity under this Act.

OTHER AUTHORITY WITH RESPECT TO HEART, LUNG, AND BLOOD DISEASES

SEC. 8. This Act shall not be construed as superseding or limiting the functions or authority of the Secretary, or of any other officer, agency, or advisory council of the United States, relating to the study of the causes, prevention, diagnosis and treatment of heart, lung, and blood diseases.

STUDY LINKS DIET TO HEART ATTACKS: TESTS ON MONKEYS SUPPORT THEORIES ON CHOLESTEROL

(By Jane E. Brody)

ANAHEIM, CALIF., Nov. 12—University of Chicago researchers have produced what is perhaps the best experimental evidence to date that the typical American diet fosters the development of severe hardening of the arteries, the main cause of heart attacks.

The study also indicated that a "prudent" modification of the American diet—with a reduction in saturated fats, cholesterol and refined sugar—could avoid the development of the artery-clogging disease known as arteriosclerosis, which accounts for more than a third of the deaths of American men between the ages of 40 and 45.

The study was done with rhesus monkeys, which are very like humans in the way their body metabolism handles various foodstuffs. When middle-aged male rhesus monkeys consumed the content of the American table diet for two years, they suffered three times as much arteriosclerotic disease in the aorta, the body's main artery, as did monkeys eating the prudent diet.

In addition, in the animals on the average American diet, the arteriosclerotic deposits were four times more severe than those found in the monkeys who ate "sensibly," Dr. Robert Wissler reported at the annual meeting of the American Heart Association here.

Dr. Wissler said that his findings supported what studies in human populations "have already strongly suggested—that diet is extremely important to the development of arteriosclerosis."

Numerous previous studies in animals have similarly indicted the American diet as one of the causes of early deaths from heart disease. But most of these studies involved such distant relatives of man as the rabbit, rat, chicken and dog.

Other studies, on closer relatives, including the rhesus monkey, have been criticized because the suspected artery-damaging ingredients were fed to the animals in abnormal ways, such as in intravenous feedings.

In the Chicago study, the monkeys ate the way they usually do, except that in place of a stock monkey diet, they received such foods as milk, eggs, roast beef and pork, chicken, cheese, butter, sugar, potatoes, carrots, cereal, fruit, cake and juice.

The "prudent" diet contained many of the same ingredients, but less or none of the foods heavily laden with cholesterol and saturated fats. These include eggs, cheese, butter and fatty beef and pork. The prudent diet also contained less than the amount of refined sugar and one-third less calories than the monkey's average American diet.

Dr. Wissler said in an interview that the monkeys "loved" both diets and consumed them with such delight that both groups gained a fair amount of weight.

Dr. Wissler, who is chairman of the department of pathology at the University of Chicago, said that the "excess calories" in the average American diet probably accelerated the arterial effects of cholesterol and saturated fats.

He noted that monkeys who eat a stock monkey diet hardly ever get arteriosclerotic lesions.

REPORT FROM THE GEORGIA HEARTLAND—WHERE BEING WHITE AND AFFLUENT HAS ITS RISKS

That blacks are generally less prone to coronary heart disease than whites has been acknowledged for several years. Nobody knows why, although both genetic and environmental factors are thought to be involved. However, the pattern is emerging more clearly as new details become available from an epidemiologic investigation begun more than a decade ago in Evans County, Ga.

This study—the only total-community, biracial study in the U.S.—was conceived and subsequently nurtured by Dr. Curtis G. Hames, a general practitioner in Claxton, the Evans County seat. Starting with a census of the population, he and outside investigators undertook a prevalence survey in the years 1960 to 1962 (MWN, Nov. 8, '63). At that time nearly all persons 40 and over were examined plus half the number of those between 15 and 39 years of age—a total of 3,102 county residents; these were then divided into ten subsamples to offset any examiner variations. Now a follow-up study (1967 to 1969) has provided not only a check on the earlier work but has explored a number of new avenues, turning up some surprises among the confirmations.

A group of papers detailing these results, some of which are still being evaluated, is scheduled for publication within the next few months in the *Archives of Internal Medicine*. They will show, among other things, that if you want to escape heart attacks, it helps to be lean, black, poor, nonsmoking, and physically active. With these qualifica-

tions, one apparently can eat animal fat, have elevated serum cholesterol levels, endure high blood pressure, and demonstrate ECG abnormalities without the high risks such factors ordinarily entail.

Checking back over statistics for the years between the original survey and the follow-up, the investigators found a total of 143 new cases of ischemic heart disease, 56 of them fatal. The incidence among white men was approximately 3½ times that among black men, confirming the prevalence survey data. This contrasts with figures for the country as a whole, which show more equality—3.8% against 3.2%. The difference is perhaps explained by the fact that few bi-racial prevalence studies and no incidence studies that include adequate numbers of blacks have been conducted outside Evans County.

One surprise finding in the incidence study was that differences noted earlier in the heart disease rates between affluent and poor whites had disappeared in the intervening years. The 1960–1962 data, applied to a social status yardstick that takes into account most modern symbols of affluence, showed a coronary heart disease rate of 99 per thousand for the more affluent portion of the white population, compared with just 40 per thousand for the less affluent. In the 1967–1969 incidence survey, though, this gap had narrowed to 84/1000 against 81/1000.

Another striking finding in the new study confirms a relationship noted in the earlier survey between coronary heart disease and physical activity—but with a twist. Not only do the highest rates of coronary heart disease occur, as might be expected, in the most sedentary segments of the population, but in the lowest-incidence group—sharecroppers and farm laborers—whites turn out to be no more coronary-prone than blacks. It appears, therefore, that physical activity rather than race may be the main protection against coronary disease. But Dr. Hames warns that there is reason to believe from some other findings that exercise may be an effective shield only above some as yet undefined threshold of exertion.

Among the black-white differences that have emerged in the study:

Hematocrit levels correlate with disease risk in white males, confirming certain of the Framingham, Mass., findings. Evans County data show that a white man with a hematocrit reading of 50 or above runs 2.3 times as much risk of coronary heart disease as one with a hematocrit of 40 or less. But no such relationship was found in blacks.

ECG abnormalities are approximately twice as common in blacks as in whites. Some 45% of black men and 54% of black women in the county show at least one ECG abnormality, compared with only 25% of white men and 22% of white women. But, oddly, the higher incidence of ECG anomalies in blacks carries no higher risk, at least not in males. The study shows that black men with "any of the specified abnormalities" had no greater CHD incidence than those with none. And no abnormality except left axis deviation carried any risk for black women. In contrast, four types of ECG findings correlate with higher rates of heart disease in white women, and any one of the specified abnormalities is enough to increase the risk in white men. The relationship of ECG abnormalities to coronary heart disease rates in white males is similar to what has been observed elsewhere in the country, but the pattern found in black men resembles more what has been found in Jamaica and South Africa.

Blood pressure was found to be higher in black men (154.0/96.5 average in ages 15 through 74) than in white men (140./87.7), and higher in black women (161.6/98.1) than white (143.6/87.3).

Cardiac enlargement and left ventricular hypertrophy both occur with greatest frequency in black females, with black males coming second in CE but white females second in LVH.

Cholesterol levels tend to be lower, on average, among blacks than whites, despite a higher consumption of animal fats by blacks. But in those blacks who do have serum cholesterol levels in the high range, the risk of CHD is less than in whites.

Beta lipoprotein are higher in white men than in black.

Triglycerides are consistently higher in whites, but gamma globulins are consistently higher in blacks in each class of immunoglobulin; this difference is significant at the 5% level in the gamma-G fraction only.

The Evans County studies have approached the relationship between smoking and coronary heart disease in several different ways. When studying the incidence of CHD among occupational groups, the investigators made one analysis showing that farmers who were smokers at the time of the survey, or had been smokers, had an age-adjusted CHD rate of 93.7 per thousand, compared with 59.6 for nonsmoking farmers, 158.2 for smoking nonfarmers, and 98.3 for nonsmoking nonfarmers. A racial comparison based on the whole of the country's adult population indicated that white nonsmokers had a CHD rate of 52.7 per thousand, black nonsmokers just 9.8, white smokers 101, and black smokers only 32.5. In other words, a black smoker seems to run a considerably smaller risk of coronary heart disease than does a white nonsmoker.

Still another study, based on questionnaires sent to a sampling of white men in the relatively affluent and therefore relatively high-risk category, turned up the following CHD incidence per thousand:

Never smoked	70
Had smoked but stopped	48
Smoke fewer than 10/day	105
Smoke 10 to 20 per day	138
Smoke more than 20 per day	160

"The interesting thing about this," notes Dr. Hames, "is that the ones who had smoked but gave it up actually had lower rates of coronary heart disease than those who had never smoked at all. We discussed this in a bull session up at the University of Vermont, and the consensus was that people who had the guts to quit probably had a little bit extra going for them."

"We saw the same thing," comments Dr. William Kannel, director of the Framingham heart project. "There wasn't a significant difference statistically, but the risk among former smokers was lower than among nonsmokers. Why? Perhaps long-time smokers who quit have passed the test; those with compromised cardiovascular systems have already fallen by the wayside. Perhaps, too, the ex-smokers are very health-conscious. But remember that health can affect smoking habits. Prospective studies might show that those who gave up smoking because a doctor told them to are still at risk and may be worse off than before."

The Evans County studies may have also resolved a question millions of smokers ask themselves every year. If I give up smoking but then put on weight, won't my risk of heart disease be just as great? The answer appears to be no. A study of white men to determine the combined effects of smoking and body weight in the seven years since the 1960–1962 survey showed that those who smoked subsequently developed coronary heart disease at the rate of 150 per thousand if they were heavy and 80 per thousand if they were lean. Heavy nonsmokers had a rate of only 64, and lean nonsmokers 51.

During the 87 months between the prevalence survey and the follow-up examination, cerebrovascular disease developed in 94 persons in Evans County, 53 of whom were still alive. The incidence of stroke among white men (4.7 per thousand per year) was almost four times that found in white women and more than twice that reported for white men in other parts of the country. The rates in black men and women were approximately equal (5.8/thousand/year), but there were too few patients of either sex to ensure statistical validity. Hypertension seemed to increase stroke risk in all groups, but not cholesterol levels.

In studying the relationship of weight to cerebrovascular disease—a somewhat controversial subject because of conflicting reports from other sources—the Evans County investigators focused on weight gain after age 30 on the theory that this might be the biologically important process in the development of this disease. They found, in effect, that both weight at age 20 and degree of subsequent weight gain exert an independent effect on the incidence of stroke in the white male population studied. Men who were comparatively lean at age 20 (less than 150 pounds) and gained less than 30 pounds in subsequent years had a stroke rate of 38 per thousand; the rate for heavy men who gained less than 30 pounds was 52. Lean men who gained more than 30 pounds had a rate of 59, heavies who gained as much, 90.

No correlation was found between weight at age 30 and subsequent weight gain, on the one hand, and ischemic heart disease.

Many of the research projects carried out with the Evans County epidemiologic data have been only peripherally related or totally unrelated to cardiovascular disease. For example, a search through the more than 20,000 blood samples collected in the county turned up one patient with Au antigens and severe hepatitis, and played a role in documenting an association between the two. And there have been ecological investigations and studies of viral-antibody prevalence. In one of the latter, blood samples are being used in an effort to link herpes virus Type II to cervical cancer.

But the primary business of the study is still cardiovascular disease, and the investigators have recently been concentrating on some heretofore insufficiently explored fields that Dr. Hames hopes will lead to a better understanding of ischemic heart disease. Interlocking studies of exercise, stress, catecholamines, and platelet aggregation are being run.

Part of the "fight-or-flight" mechanism developed in man during the process of evolution is the release of epinephrine and norepinephrine under stress—a catecholamine release accompanied by an increase in platelet stickiness, a precursor to thrombus formation. This, of course, must have been nature's way of helping prehistoric man to survive, lessening his risk of bleeding to death in combat.

Tests done in Evans County with 24-hour urine samples from a sizable segment of the population have shown that the more-affluent, coronary-prone group passes about 50% more norepinephrine than do poorer, lower-risk individuals. The theory now is that the affluent, "high-achiever" types not only lead a more stressful life but react differently to stress than do low achievers.

Recognizing that degrees of psychological stress vary widely among individuals, Dr. Hames and his collaborators have used physical stress—treadmill exercise to just below maximum cardiac output—in studying catecholamine release. Here they found that affluent whites pour out about twice as much norepinephrine as do poor blacks.

These results have led logically to studies of blood coagulation. Using the Born-O'Brien optical density method, which measures light transmitted through platelet-rich plasma, the Evans County investigators have charted the clumping of platelets in the blood of stressed individuals. Dr. Hames will be reporting on these studies later this year, but one preliminary conclusion he draws from the work is that chronic exercise appears to decrease the platelet-aggregation response to stress and is thereby protective. The sedentary person, on the other hand,

responds to a surge of unaccustomed activity with acute release of catecholamines and excessive platelet aggregation.

Also under investigation is the prevalence of the five known lipid transport systems, and the degree of morbidity and mortality associated with each. The various lipoprotein fractions are being separated out from the Evans County blood samples at Center for Disease Control laboratories in Atlanta.

Other aliquots of blood are sent regularly to Oslo, Norway, and Florence, Italy, where they are subjected to genetic marker tests that may, hopefully, isolate one or more factors involved in the genetic determination of the various lipoprotein fractions. "If we can learn more about the genetics of lipidemias," says Dr. Hames, "some time in the future, when we get to the point where we can manipulate genes, it may be possible to intervene to modify, say a genetic tendency to hypercholesteremia."

The word "intervention" is heard with increasing frequency in conversations among Evans County researchers. They have now embarked on preventive intervention studies of hypertension. With more than 1,000 cases of hypertension identified in the community, Dr. Hames believes these studies can develop data and refine methods that could serve as models for work in other parts of the country. Furthermore, the introduction of this kind of preventive medicine in Evans County adds a new wrinkle to the health care available to many of his patients. Dr. Hames, for all this research, still considers that care to be his main responsibility.

[From the Wall Street Journal, Dec. 10, 1971]

PROGRAM TO COMBAT HEART DISEASE URGED BY PANEL, CITING ARTERIOSCLEROSIS EPIDEMIC

WASHINGTON.—A National Institutes of Health advisory committee, warning that death and disease from arteriosclerosis "have reached epidemic proportions in the U.S.," called for a new national program to combat heart disease.

The committee, composed of non-government experts, urged that the President appoint a commission to plan such a program and that a major expansion in spending be undertaken by NIH's National Heart and Lung Institute for research, education and prevention.

The group, chaired by Dr. Elliot V. Newman of Vanderbilt University, estimated the first-year costs of such an undertaking at $120 million and second-year outlays at $175 million. The National Heart and Lung Institute's budget for the current year is $232 million and total NIH spending for medical research is currently $1.4 billion.

Arteriosclerosis is the thickening or "hardening" of the blood-vessel walls sometimes caused by deposits of cholesterol and other fatty substances. The condition leads to a variety of circulatory problems, producing heart attacks, strokes and other types of vascular, or blood vessel disease.

The advisory group said an estimated 845,000 Americans are hospitalized each year for heart disease, 370,000 for strokes, 288,000 for hypertension, or high blood pressure, and 104,000 for other problems produced by arteriosclerosis. The group maintained that nearly 36 million American adults are afflicted by cardiovascular diseases that produce more than one million deaths each year. Cardiovascular disease is by far the leading medical cause of death in the U.S.

AT LEAST AN INITIAL STEP

The National Heart and Lung Institute, which called for the study by the advisory group, is eager to proceed with certain recommendations as at least an initial step. Dr. Theodore Cooper, institute director, estimates that running a series of four clinical trials designed to obtain essential answers to proper prevention and treatment of heart disease would cost from $112 million to $125 million over a seven-to-10-year period.

The institute has benefited from major increases in its budget in previous years and is obviously seeking another increase in the coming fiscal year to cover the costs of some of these activities. The Nixon administration's new cancer program, on its way to being enacted by Congress, has produced an increased and fierce competition for research funds among the components of the National Institutes of Health. The National Heart and Lung Institute and heart researchers outside the government have been fearful that the emphasis on cancer will detract from the needs they foresee in the fight against heart disease.

The report on arteriosclerosis, they believe, is likely to serve as a significant document in future struggles within the administration and on Capitol Hill for allocation of medical research funds.

EFFECT OF REDUCING "RISK" FACTORS

The four clinical trials Dr. Cooper hopes to undertake would attempt to determine the effect of reducing three major "risk" factors believed to play the predominant role in producing heart disease. These factors are elevated levels of cholesterol and other fatty substances in blood serum, hypertension and cigarette smoking.

The trials would include:

A small test involving about 250 people at the National Institutes of Health's Clinical Center to determine the effect of lowering fat levels by diet and drugs.

A larger trial involving about 3,600 people conducted elsewhere for the same purpose.

A trial involving 10,000 to 11,000 people to determine the impact on heart disease of lowering high blood pressure and to find out why so many people appear to be reluctant to undergo drug treatment for this condition.

Another "multi-factor" risk trial involving 10,000 to 11,000 people to determine the effect of treating all three risk factors, fat levels, high blood pressure and cigarette smoking.

By Mr. CASE:

S. 3408. A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents. Referred to the Committee on Veterans' Affairs.

Mr. CASE. Mr. President, today I am introducing legislation that will pave the way for the development of a medical school and veterans hospital in southern New Jersey. The legislation will authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations, and residency training. Appropriated funds can be used to pay a medical school for the cost of training during the time the intern or resident serves in the Veterans' Administration hospital.

Construction of a medical school and hospital is very important and I have urged the Office of Management and Budget to set aside funds for this program. However, unless the Veterans' Administration has legislative authorization to enter into formal agreements with a medical school, the program cannot get underway. At this time the Veterans' Administration does not have the authority to do this.

The bill I am introducing today has already passed the House of Representatives and requires only Senate action. It is similar to a draft proposal submitted by the administration to the 91st Congress.

I ask unanimous consent that the text of my bill be printed at this point in the RECORD.

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

S. 3048

A bill to amend title 38 of the United States Code to authorize the Administrator of Veterans' Affairs to enter into agreements with hospitals, medical schools, or medical installations for the central administration of a program of training for interns or residents

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4114 of title 38, United States Code, is amended by deleting "(b)" at the beginning of subsection (b) and inserting in lieu thereof "(b)(1)" and by adding the following new paragraph:

"(2) In order to more efficiently carry out the provisions of paragraph (1) of this subsection, the Administrator may contract with one or more hospitals, medical schools, or medical installations having hospital facilities and participating with the Veterans' Administration in the training of interns or residents to provide for the central administration of stipend payments, provision of fringe benefits, and maintenance of records for such interns and residents by the designation of one such institution to serve as an agency for this purpose. The Administrator may pay to such designated central administration agency, without regard to any other law or regulation governing the expenditure of Government moneys either in advance or in arrears, an amount to cover the cost for the period such intern or resident serves in a Veterans' Administration hospital of (A) such stipends as fixed by the Administrator pursuant to paragraph (1) of this subsection, (B) hospitalization, medical care, and life insurance, and any other employee benefits as are agreed upon by the participating institutions for the period that such intern or resident serves in a Veterans' Administration hospital, (C) tax on employers pursuant to chapter 21 of the Internal Revenue Code of 1954, where applicable, and in addition, (D) an amount to cover a pro rata share of the cost of expense of such central administrative agency. Any amounts paid by the Administrator to such fund to cover the cost of hospitalization, medical care, or life insurance or other employee benefits shall be in lieu of any benefits of like nature to which such intern or resident may be entitled under the provisions of title 5 of the United States Code, and the acceptance of stipends and employee benefits from the designated central administrative agency shall constitute a waiver by the recipient of any claim he might have to any payment of stipends or employee benefits to which he may be entitled under this title or title 5 of the United States Code. Notwithstanding the foregoing, any period of service of any such intern or resident in a Veterans' Administration hospital shall be deemed creditable service for the purposes of section 8332 of title 5 of the United States Code. The agreement may further provide that the designated central administrative agency shall make all appropriate deductions from the stipend of each intern and resident for local, State, and Federal taxes, maintain all records pertinent thereto and make proper deposits thereof, and shall maintain all records pertinent to the leave accrued by each intern and resident of the period during which he serves in a participating hospital, including a Veterans' Administration hospital. Such leave may be pooled, and the intern or resident may be afforded leave by the hospital in which he

is serving at the time the leave is to be used to the extent of his total accumulated leave, whether or not earned at the hospital in which he is serving at the time the leave is to be afforded."

By Mr. JAVITS:

S. 3049. A bill to provide minimum standards in connection with certain Federal financial assistance to State and local correctional, penal, and pretrial detention institutions and facilities;

S. 3050. A bill to assist urban criminal justice systems on an emergency basis in those cities whose personal security, economic stability, peace and tranquility are most impaired and threatened by the alarming rise in the commission of serious crime; and

S. 3051. A bill to provide assistance to State and local criminal justice departments and agencies in alleviating critical shortages in qualified professional and paraprofessional personnel, particularly in the corrections components of such systems, in developing the most advanced and enlightened personnel recruitment training and employment standards and programs and for other purposes. Ordered to be held at the desk.

THREE-PART CRIME PACKAGE

Mr. JAVITS. Mr. President, the violence and disorder within our Nation's prisons seems only recently to have exploded in the public consciousness. Yet it has always been there—inherent to our corrections system, forever simmering beneath the surface.

Violence within the prison walls—at Attica, San Quentin, and in scores of other prisons—is the sure consequence of a criminal justice system which hardens, retards, and dehumanizes in the name of corrections. Despite the indisputable crime and human wreckage that grow out of the American penal complex, we have been unwilling as a people to act for genuine reform.

I am today introducing the remainder of a package of four anticrime bills which I believe are designed effectively to begin to cope with critical aspects of this issue. These measures deal with the problems of prisoners' rights and criminal recidivism; the shortage or qualified custodial and rehabilitative corrections personnel; and, emergency funding for local criminal justice reform. The bills are:

The National Correctional Standards Act.

The Emergency Urban Crime Reduction Act.

The Criminal Justice Professions Development Act.

The "snake pit" conditions to which we have routinely consigned incarcerated criminal offenders in a number of major prison institutions are incompatible with the fundamental ethic of any civilized society and can no longer be tolerated.

I believe it is time to recognize that our punishment of the incarcerated has sometimes been vicious and almost always unproductive. We have been content with self-deception and half truths concerning the fate of those ever-increasing streams of men who pour into our prisons, and out, and then back again in a mindless and tragic cycle of psychic and physical violence.

Three years ago, the Congress set a priority for national crime control, a priority for making our streets safe, and our homes secure. The Nixon administration and many State and local criminal justice agencies have made some real progress toward that goal.

But there can be no real safety or security, or any lasting solution to the problem of increasing rates of crime until we deal effectively with the problem of the repeat offender. And we cannot begin to deal with recidivism as long as we fail to recognize that a basic respect for the humanity of every man must be the hallmark of any humane system of justice.

The corrections component of our criminal justice system still suffers from a plethora of ills: a lack of public support and understanding, piecemeal programing and understaffing, overcrowded, and unsanitary conditions, universal treatment of the prisoner as having few rights, a lack of facilities for job training and education, and totally inadequate funding.

The Congress must finally give immediate and careful attention to this issue in all of its aspects. This includes corrections manpower development, corrections rehabilitation services, including job training and job placement—and only last week I introduced with Senator HART "the Comprehensive Correctional Training and Employment Act"—corrections education services, construction, and renovation of correctional facilities, decentralized community corrections programs, and in my view, the critically important and traditionally neglected issue of prisoners' rights.

I have no illusions about the size of the problems attendant to effective correctional rehabilitation. And, there are hardened criminal offenders who are beyond any hope of peaceful reintegration into our society, and who will stubbornly resist our best efforts. And our people have a right to insist that they be protected from such offenders.

But there are many who can be rehabilitated and yet inhuman prison conditions inconsistent with our sense of justice and with any commonsense approach to the problem only lead to recidivism. The failure to recognize this, and to make it a fundamental operating principle within every jail, prison, correction, and detention facility in the Nation makes no sense from a moral, legal, or pragmatic view.

Morally, there is no basis for the proposition that the commission of a crime against society allows society to destroy the personal integrity of human beings by stripping away all of their legal and human rights. The idea that we should use prisons to sweep away what some might consider "human garbage" is repugnant to the very ethics upon which our Nation was founded.

Legally, the Federal courts have held that proportionality in punishment is a constitutional requisite and that inmates are protected from unreasonable action by corrections authorities by the due process and equal-protection provisions of the 14th amendment. The view that conditions in a jail alone can be so bad as to violate the eighth amendment ban against cruel and unusual punishment has gained new support in State and Federal courts in recent years.

Pragmatically, too, inmates should be treated as human beings. It violates commonsense to expect a man who has been brutalized and hardened to be kindly disposed to a society which has not only imprisoned him—and in some instances "caged" would be the more apt word—but which has tormented him as well.

Our corrections system cannot hope to do its job under the kind of conditions which are common in many prisons and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food, heat, and medical attention to the despair of men without hope debases and degrades our society as a whole in their eyes. Unless our corrections system can impart to inmates a sense of ethical values—which is to say, some genuine belief in the humaneness of society, and its willingness to accept them as members if they will abide by its rules—no amount of new funding will reform the system and rehabilitate those who are within it.

Mr. President, we must therefore alter the structure of the prison system itself. The overall philosophy and policy that governs that system and the attitudes of the public, of corrections administrators and custodial personnel, and of inmates themselves are central to this issue. The relationship between staff and inmates, and a reexamination and sharpening of goals and fundamental objectives are matters which are really at the core of our problem with the American prison system. The Nation's corrections administrators, and those who have been committed to criminal justice reform must take a primary leadership role in this effort.

The first bill I introduce today, the National Correctional Standards Act, would establish national minimum standards of policy for the treatment of inmates and improved institution-inmate relationships.

The standards would be developed—consistent with 13 general objectives set out in the bill—following public hearings, by an independent Commission appointed by the President, with the advice and consent of the Senate. Its members would be broadly representative of experience in fields related to corrections and criminal justice at the Federal, State, and local level.

Following presentation to the Attorney General, the standards could not be changed, except by majority vote of the Commission. It is important to emphasize that the standards would not be developed, legislated and mandated by Congress, but rather by those who have been closest to the problem.

The standards would then be applicable to LEAA which would administer all of its corrections grant programs under the act in accordance with the standards. They would also be applicable to the Federal prison system. The Commission would be required to complete its work within 1 year from the time of its appointment.

The bill provides that all State and local correctional departments must promulgate and implement within a reasonable time the minimum standards so established, or face a cutoff of Federal funds from the Law Enforcement Assistance Administration.

The standards will deal not only with "legal rights," but also with the administrative policy standards that govern significant aspects of the daily existence of the inmate. The 13 general objectives that the bill sets out for consideration by the Commission can be summarized in four categories:

First, minimum standards to promote respect for the human rights of inmates. Here we are dealing with the basic needs of the prisoner for adequate food and medical care, sanitary living conditions, recreation facilitations, hygienic needs and freedom from sexual attacks and abuse. They will also cover regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscation of correspondence, the right to communicate with the outside world, at least with family and friends, access to legal assistance, the right to vote, and visting privileges.

Second, here standards will apply to the establishment of mechanisms to raise issues relating to the basic conditions under which inmates live, the improvement of such conditions and the resolution of grievances of all kinds. There is a critical lack of communication between prisons. Some prison systems are now experimenting with a citizen ombuds- the inmates and the policymakers in the man who fulfills this function. They will also deal with the publication and notice to inmates of rules governing their conduct and the conduct of correctional personnel, and procedures to be followed in adjudicating charges for violations, minimum and maximum penalties, and forms of punishment.

Third, here standards will relate to the utilization and employment of professional and paraprofessional minority group personnel and to the provision of bilingual minimum education services. Race is clearly an extremely dangerous problem. Nearly all of the guards and prison officials in many prisons are white. Increasing numbers of inmates are black, Puerto Rican, and Mexican-American. Racial antagonism is thereby reinforced and frequently sparks the flash point of prisoner unrest.

Fourth, here standards will relate to special rules applicable to the incarceration or detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex. In many local corrections systems, including New York City's thousands of persons detained prior to trial—all presumed to be innocent until proven guilty—live under more serious deprivation than those who have been convicted. We must begin to address this situation and provide realistically for the rights of such persons.

Mr. President, at the Federal level, President Nixon has moved to establish corrections reform as an important priority of his administration. The expenditures of the Law Enforcement Assistance Administration for this purpose have increased from 6 percent of its total spending in fiscal 1969 to more than 32 percent in fiscal year 1971. In its first year of operations, 1969 LEAA spent $2.5 million on corrections. In fiscal 1971 it allocated $59 million, and in fiscal 1971 that figure rose to $178 million. In the current fiscal year, LEAA corrections spending is expected to reach $250,000,000.

In 1971, the Amendments to the Omnibus Crime Control and Safe Streets Act, while providing substantial new program and funding authority under part E, required that States and localities give particular attention to developing and operating community-based facilities, including diagnostic services, halfway houses, probation, and work release programs. I believe that rehabilitation programs of this nature have the greatest chance of succeeding. I applaud this significant progress, but am gravely concerned about other aspects of this problem.

I have been advised that LEAA's first national jail census revealed that more than one-half of the inmates of these institutions had not been convicted of a crime, but were either awaiting trial or were being held for other authorities. These jails held more than 160,000 prisoners, almost 8,000 of whom were juveniles.

Of the 3,300 jails in cities and counties of more than 25,000 population, 85 percent had no recreational or education facilities, 50 percent had no medical facilities, and 25 percent had no visiting facilities. More than 25 percent of the cells were in buildings more than 50 years old, and 6 percent of the cells were in buildings more than 100 years old.

In my own city of New York, inferior medical care in our overcrowded jails has been identified as a key factor in several of the 25 deaths—including eight suicides—that have occurred in New York jails so far this year. Six of the eight inmates who committed suicide were heroin addicts, seven were less than 23 years old, and seven had not been convicted, but were awaiting trial. The New York City jail system operates at 161 percent capacity. Seventy percent of the inmates there are awaiting trial, 50 percent of them are heroin addicts, and there are only 171 hospital beds available for the more than 400 inmates who require psychiatric care.

Beyond the questions of minimal medical care and overcrowded facilities, lie the even more basic issues of adequate food, heat, and sanitary conditions, uniform disciplinary rules, recreation, visiting privileges, procedures for the mediation of grievances and the establishment of rights for inmates. These are the same issues which have bred a deep and resentful disrespect for the social order, and have caused the explosions and disorders at Attica, Rahway State Prison, San Quentin, and so many other prisons and detention facilities throughout the Nation.

In many such facilities there is no systematic plan for inmate recreation, indoor or out, and no education or job training program of any kind. Inmates remain locked in their cell blocks virtually all day; many of the toilet and shower facilities are unusable or unsanitary, and discipline is enforced and punishment awarded without regard to any uniformly applied criteria and system of rational procedures. Meaningful communication and understanding between inmates and correctional officials is lacking.

The New York City Department of Corrections is addressing this latter problem, and has recently submited to LEAA a proposal for a program to train and hire some 200 correction assistants, who would provide a communications link between inmates and officers, and provide assistance to both in seeking better relations, and more meaningful and frequent contact for the inmate with his family and community. The New York City Legal Aid Society is also seeking solutions to these problems. Working with a $163,000 grant from the New York State Office of Crime Control Planning, it has established a special prisoners' rights litigation unit to represent inmates in city and State prisons in disputes concerning treatment and living conditions. These are innovative and promising programs and deserve our maximum support.

The National Correctional Standards Act, if it becomes law, will assist and facilitate the transformation of our corrections system in a most substantial way. Many of the reforms which would be the subject of the Commission's attention have already been initiated in various ways in local correctional departments.

New York City, for example, has published and issues to all inmates coming into the Manhattan House of Detention a compilation of its rules and regulations, in the English and Spanish languages. But, there is a great deal more that most be done. I urge every Member of the Senate to consider this bill carefully.

Mr. President, my second bill is the Criminal Justice Professions Development Act of 1971. I believe it to be an indispensable part of any comprehensive strategy to improve our performance in correctional rehabilitation. It is a necessary complement to the National Correctional Standards Act, which I have just introduced.

We cannot continue to ask our correctional departments and agencies at the State and local level to accept the kinds of responsibility we have long given to them without providing adequate resources for recruitment, training, and employment of their professional personnel.

We cannot ask them to raise their standards of performance and to take on more ambitious goals and profoundly difficult objectives without a commitment to respond on their issue.

The bill would amend the Omnibus Crime Control and Safe Streets Act of 1968 by creating a new part J, "Criminal Justice Professions Development." It would establish and support a national network of regional crime and delin-

quency centers which would serve as training institutions for students and practitioners of criminal justice, centralized channels for recruitment of criminal justice personnel, consultation centers for criminal justice agencies and relevant professional schools, and research centers for basic and applied studies of criminal justice.

The professional staff of such centers would be composed of personnel drawn both from the academic community, primarily in the fields of law, clinicial psychology, psychiatry, social work, and public administration, as well as, from the practicing agencies of criminal justice.

The bill would also provide increased academic assistance for corrections systems professional personnel, including probation and parole officers. A 3-year $35,000,000 authorization is recommended to provide such assistance for study and training in academic subjects related to correctional administration and rehabilitative services.

The bill would also provide for the establishment of a Presidential Advisory Council on Criminal Justice Professions Development, an annual assessment of criminal justice manpower needs by the Attorney General, and authorize a national criminal justice professions recruitment program.

Recognizing that recruitment and compensation of new personnel is an absolute necessity, the bill would also authorize LEAA to make grants to State and local corrections departments and agencies to assist them in the recruitment, employment, and compensation of professional and paraprofessional personnel.

This would apply to administrative, custodial, rehabilitative, medical, and other personnel, consistent with criteria established by LEAA. In any event, not more than one-third of any grant could be expended for the compensation of custodial personnel.

Also, any grantee would have to provide adequate assurances that—

First, Federal funds would not be used to supplant State and local funds;

Second, personnel standards and programs reflect the most advanced and enlightened practices and objectives; and

Third, the applicant is making progress in improving the recruiting, organization training, and education of personnel engaged in correctional activities.

In 1971 LEAA will expend in bloc grants and discretionary funding a total of $18,144,000 for personnel, recruitment, and training throughout the national criminal justice system. Under part E, providing exclusively for corrections improvements, the total expenditure is only $3,350,000. While there is some additional spending for corrections under part C of the act, the largest share of funds in this area has gone to the law enforcement component of criminal justice.

My bill would authorize an additional $40,000,000 for corrections during the next 3 years.

Mr. President, my third bill, the Emergency Urban Crime Reduction Act of 1971, seeks two basic objectives which I think are essential to any new grant-in-aid legislation in the criminal justice area:

First. Specific priority uses to which the funds must, in part, be put which are reasonably calculated to produce short-term results in reducing crime rates in urban areas.

Second. The initiation of some genuine long-term reform in each of the three component parts of the local criminal justice system—police, courts, and corrections.

The measure would concentrate a proposed authorization of $300 million for each of the next 3 years in the central cities having the highest crime rates in the country. The President would designate as many as 25 cities as "emergency crime areas."

This designation would be based upon the number of crimes per 1,000 inhabitants committed in each particular city. The figures used would be taken from the uniform crime reports published each year by the FBI. During each year, the selected cities would receive a direct grant based upon two factors: first, population; and second, rank in the crime index. Particular allocations would be based on both of these factors.

On the city level the funds will be administered by a commission to be appointed by the mayor of each designated city. The commission shall consist of a representative from the police force, a representative from the judiciary, a representative from the corrections department, and selected community representatives to reflect a cross section of the city on the commission. The commission will have flexibility within the three stated areas to determine the specific projects and the specific ways in which the city's grant funds will be spent. The cities will be encouraged to develop innovative programs in the three target areas and to make every effort drastically to reduce the crime rate on an emergency basis.

The basic purpose of this legislation is to sharpen the focus of the fight against crime and to direct the necessary funds into areas where they are most needed. The overall administration of the program will be in the hands of the Justice Department and each year the designated cities will be required to file a report detailing what has been done in the three critical areas.

The only restriction on the use of the money allocated to the cities is that it must be used in three areas, for upgrading the police force, improving the court system, and revamping the correctional system.

The bill establishes priorities for specific anticrime programs, with one-third of each city's total allotment going for police, one-third for courts and one-third for corrections. In each of these three areas priority projects may include, but are not limited to programs designed to:

First, strengthen the police component of the criminal justice system by utilizing civilian, unarmed, surveillance, and patrol teams in local areas, working under the direct supervision of police authorities, new police narcotics enforcement programs in city school systems, and administrative machinery of law enforcement agencies;

Second, improving the courts component by increasing the efficiency of criminal court procedures, providing alternatives to the bail bond system and establishing, on a trial basis, pretrial services agencies; and

Third, improving the corrections component by facilitating the recruitment and training of custodial and rehabilitative correctional personnel, as well as parole and probation officers, providing separate detention facilities for juveniles, including authorization to renovate existing correctional facilities and leasing additional facilities for such purposes.

Mr. President, these three bills or any other legislation are not the whole answer. The issue of crime in our society is the outgrowth of dramatic change in our society which must be confronted, in a larger sense, by the Congress, the States, our local communities, and the people themselves.

But so long as the misguided maiming of human beings remains institutionalized in our criminal justice system, so will the cycle of crime and punishment, and more crime, accelerate and trap us all.

The roots of the chaos in our penal system are in a misconception of what that system and our society should and must do for those who are consigned to exist with it. While the requirements of both human dignity and order within our prisons must be met, the lesson of the prison tragedies must be that human dignity and mutual respect cannot become the casualties of our emotions. For those on both sides of the issue who would use terror, fear, accusations, and polarizations we must deny them their opportunity to dictate our policy.

We need, instead, to be a people who will sustain a strong effort to insure a system of justice which will respect and encourage the full humanity of each man and woman within the prison walls, as well as kin and friends outside, and raise the moral health of the community—while recognizing the frustration and difficulties of those who are charged with the responsibility of true rehabilitation.

Mr. President, I send the three bills to the desk for introduction and ask unanimous consent that they be printed in the RECORD. I further ask unanimous consent that the bills be held at the desk without being referred or printed until the close of business on Monday.

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

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

S. 3049

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

DECLARATION OF POLICY

SEC. 2(a) The Congress finds and declares that the problems symptomized by riots and disorder in federal, state and local correctional institutions, spring in part, from a failure of the corrections system to cope ef-

fectively with the dehumanizing causes of discontent within our prisons. Our corrections system cannot hope to do its job under the kind of conditions which are common in many prison and detention facilities throughout the country. The variety of indignities commonly suffered by inmates ranging from sexual attacks, inadequate food and medical attention to the despair of men without hope debase and degrade our society as a whole. Unless our corrections system can impart to a larger proportion of inmates a sense of ethical values—combined with effective rehabilitative services, including job training and placement—no amount of new funding will reform the system, rehabilitate inmates, and reduce the escalating rates of recidivism and violent crime in our society.

(b) It is the purpose of the Act to require the formulation and application of a more explicit and responsive set of national standards to guide the federal role in the reform of the corrections component of federal, state and local criminal justice systems.

SEC. 3. Section 454 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 454 (a) The President shall, within sixty days after enactment of this section, in consultation with the Attorney General, appoint, without regard to the provisions of title 5, United States Code, a national Advisory Commission on Correctional Standards.

(b) The Commission shall consist of fifteen members, who shall be appointed, by and with the advise and consent of the Senate, from among persons who are broadly representative of experience in the fields of correctional administration and rehabilitation at the federal, state and local level, probation and parole services, correctional manpower and training activities, law, the social and behavioral sciences, and public and private agencies and organizations engaged in correctional rehabilitation programs and overall correctional reform. The Chairman of the Commission shall be selected by the President from among the members, except that such Chairman shall be selected from the private sector and shall not be an officer of any federal, state or local governmental department or agency.

(1) It shall be the duty of the Commission within one year of its appointment to establish minimum standards relating to the administration of correctional and pre-trial detention institutions and facilities, consistent with the provisions of subparagraph (d) of this section, and to hold public hearings on the proposed standards prior to submitting its final recommendations to the Attorney General for his approval. Eight members of the Commission shall constitute a quorum, but a lesser number may conduct hearings.

(2) The Commission shall cease to exist sixty days after its final recommendations are submitted under this section.

(3) The Commission shall meet at the call of the Chairman, or at the call of a majority of the members thereof.

(c) The Attorney General shall approve the standards as a whole or secure the concurrence of the Commission by majority vote of its members to changes therein. Upon approval, such standards shall be published and shall be applicable to all correctional and pre-trial detention facilities receiving federal financial assistance, or in which programs receiving federal financial assistance are operated pursuant to this Act.

(1) The Administration shall not make any grant under this Act to any State planning agency, unit of general local government, or combination of such units, unless the applicant (a) provides satisfactory assurances that such grant will be employed to implement the minimum standards established under this section by the Commission within a reasonable time, and (b) demonstrates, following the establishment of such minimum standards, that such standards are being implemented to the reasonable satisfaction of the Administrator.

(2) The Attorney General shall take whatever action is necessary to assure that all federal correctional institutions meet the standards established by the Commission under this section.

(d) To the extent practicable and consistent with the findings of the Commission and of other public and private organizations and agencies the minimum standards established pursuant to subsection (b)(1) of this section shall relate to—

(1) the maintenance of the physical and mental health of persons detained within correctional departments and agencies including the quality of medical, hospital, and infirmary facilities and services, and the availability of physicians, psychiatric and psychological counselling, therapy for drug users and alcoholics, adequate food services and appropriate facilities for exercise and recreation;

(2) the personal, hygienic necessities of inmates, including availability of soap, towels, showers, laundry services, and the inspection and compliance of correctional and detention facilities with local health and sanitary codes;

(3) the availability of bilingual programs for the basic and vocational education and training of inmates, including library services;

(4) the publication and notice to inmates of rules governing the conduct of persons detained in correctional institutions and detention facilities, and of correctional, custodial and administrative personnel, and the procedures to be followed in adjudicating charges for violations of such rules, and the minimum and maximum penalties applicable to such violations;

(5) the impartial hearings and adjudication of complaints and grievances concerning discipline or other actions, policies or practices of a correctional department or agency, or any employee thereof, including the feasibility of ombudsman or similar services;

(6) the forms of discipline and punishment that may be administered as well as the procedural practices applicable to the disposition of disciplinary actions against inmates resulting in loss of good time, loss of privileges, restricted confinement within the general population, or punitive segregation for a specified period;

(7) rules and regulations pertaining to the sending and receiving of mail, including the opening, censoring, and confiscating of correspondence, and the transmitting of written material for publication;

(8) rules and regulations pertaining to visitation opportunities afforded to inmates, and the use of telephone service for communication with family, attorneys, and others;

(9) rules and regulations governing eligibility for parole and probation, the disposition of applications for such action and the publication and notice to inmates of such procedures;

(10) rules and regulations pertaining to the registration of inmates eligible to vote consistent with the provisions of state and local law;

(11) rules and regulations pertaining to the availability and frequency of religious services, including counseling;

(12) the employment and utilization of custodial, administrative and rehabilitative professional and para-professional personnel who are representative of minority groups, and

(13) special rules and regulations applicable to the incarceration and detention of those who have been charged with, but not convicted of any crime, those who are juvenile delinquents and youth offenders, those who are felons and misdemeanants, and persons of different sex.

(e)(1) Members of the Commission who are full time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence and other necessary expenses incurred in the performance of the duties vested in the Commission. Members of the Commission from private life shall receive $125 per diem while engaged in the actual performance of the duties vested in the Commission, plus remibursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(2) The Commission shall have the power to appoint and fix the compensation of such mission, plus reimbursement for travel, subgard to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 5, and Subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants. Persons so employed shall receive compensation at a rate to be fixed by the Commission, but not in excess of $75 per diem, including travel time. While away from his home or regular place of business in the performance of services for the Commission, such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(4) The Commission shall secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the chairman, such department or agency shall furnish such information expeditiously to the Commission.

(f) There are hereby authorized to be appropriated $500,000 for the purpose of carrying out this Act.

S. 3050

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 "Emergency Urban Crime Reduction Act".

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the security, economic stability, peace and tranquility of many of the cities of the Nation are threatened by an alarming rise in the commission of serious crime, and by an incidence of personal injury and death from crime which is higher in the United States than in any other industrial nation in the world;

(2) the only genuine, long-range solution to the problem of crime is (A) a comprehensive approach to the causes of crime and the conditions which breed despair and social and economic deprivation, (B) a more effective and better equipped law enforcement capability, (C) a vastly improved correctional system which actually rehabilitate a significantly larger number of offenders than are currently being rehabilitated under present programs, (D) a more efficient court system, adequately supported by the collateral services so vital to the effective administration of justice, including the prosecution, defense, probation and parole of offenders, and (E) a more effective treatment and comprehensive, rehabilitation of individuals who are addicted to narcotic drugs, particularly heroin, together with the elimination of the illicit sources of supply of such drugs;

(3) experience has shown that the development, administration, and delivery of effective programs designed to bring about

reform of the entire criminal justice system pose extremely difficult, complex and long term problems for the offender, the state, and the local community. These difficulties require a comprehensive approach, and the wholesale cooperation of law enforcement, correctional and judicial authorities at the local, state and national level, the mass media, the professions, civic action groups, employers, employees, and other public and private agencies, individuals, and organizations;

(4) the escalating rates of violent crime, particularly within the victim communities of the economically disadvantaged in our major cities, require emergency financial assistance designed to bring about some reasonably rapid reduction in the level of crime.

(b) It is the purpose of this Act to authorize the Attorney General to make grants and provide technical assistance to cities in the United States where the need to combat crime is greatest, in order to permit those cities to strengthen police protection, to improve the administration of the local courts, and to reform and rehabilitate the local correctional system, thereby effecting a demonstrable reduction in the level of serious crime in such areas within a reasonable period of time.

AUTHORIZATION

SEC. 3. (a) There is authorized to be appropriated to carry out the purposes of this Act $300,000,000 for the fiscal year ending June 30, 1972, and for each of the two fiscal years thereafter.

(b) The Attorney General is authorized to make grants to eligible cities that have applications approved under section 5 to pay the Federal share of the costs of carrying out the projects described in such applications.

ALLOTMENTS TO ELIGIBLE CITIES

SEC. 4. (a) Funds appropriated to carry out this Act shall be allotted by the Attorney General to eligible cities on the basis of the population and crime index of each such city, as provided in subsection (b) of this section.

(b) For the purpose of this Act—

(1) the term "eligible city" means any city determined by the Attorney General to be among the first twenty-five cities in the United States on a crime index prepared by him for the purposes of this Act;

(2) the term "crime index" means a listing of designated cities in the United States, having a population of at least 250,000 persons, which shall be determined by the Attorney General after consultation with the Director of the Federal Bureau of Investigation, and shall be based upon the number of reported homicides, rapes, robberies, aggravated assaults, burglaries, arsons, larcenies over $50, kidnappings, auto thefts and other felonies accompanied by the use or threatened use of force or violence per 100,000 inhabitants of each such city.

(c) The crime index and the population of each eligible city shall be determined by the Attorney General in accordance with the provisions of this Act on the basis of the most satisfactory data available to him for each fiscal year.

(d) If the Attorney General determines that any portion of an eligible city's allotment for a fiscal year will not be required by such city for the period such allotment is available, that portion shall be available for reallotment from time to time, on such dates and during such period as the Attorney General may fix, to other eligible cities in proportion to the original allotments to such eligible cities for such year, but with such proportionate amount for any of such other eligible cities being reduced to the extent it exceeds the sum which the Attorney General estimates such eligible city needs and will be able to use for such period for carrying out such portion of its application approved under this Act, and the total of such reductions shall be similarly reallotted among the eligible cities whose proportionate amounts are not so reduced. Any amount reallotted to an eligible city under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

APPLICATION

SEC. 5. (a) An eligible city desiring to receive its allotment of federal funds under this Act shall submit an application, consistent with the provisions of this section and other requirements as the Attorney General may establish under section 6. Each such application shall—

(1) provide for the administration of the programs and projects to a Criminal Justice Coordinating Council consisting of fifteen persons appointed by the chief executive of such city from among persons who are broadly representative of and experienced in the fields of law enforcement, courts, probation and parole, correctional institutions, education, law, the social sciences, the behavioral sciences, and the general public;

(2) set forth a program for—

(A) strengthening the police component of the criminal justice system within such city, including but not limited to projects designed to—

(i) facilitate the recruitment and training of new law enforcement personnel;

(ii) improve the organizational systems and administrative machinery of law entraining and utilizing, where feasible, civilian personnel to perform administrative and clerical and other duties heretofore performed by professional law enforcement personnel;

(iii) establish, organize and support auxiliary police organizations, consisting of unarmed citizen volunteers, whose purpose is to assist and supplement the efforts of duly constituted law enforcement agencies in patrolling, surveillance and other crime prevention activities, under the direct supervision of law enforcement authorities; and

(iv) avoid and prevent the use and distribution of narcotics and improve the enforcement of narcotics laws generally, and in cooperation with local boards of education, provide for more effective identification and elimination of sources of the supply of narcotics within elementary and secondary school systems and institutions of higher learning.

(B) reforming the courts components of the criminal justice systems within such city, including but not limited to projects designed to—

(i) improve the efficiency of criminal court procedures, including the appointment of professional court administrators;

(ii) improve the efficiency of, and where needed, increase the number of judges trying criminal cases, and of professional personnel engaged in prosecution, defense, probation, parole, and social welfare work in connection with the disposition of criminal cases;

(iii) refine and apply uniformly criteria for the pretrial detention of persons charged with criminal offenses who are held without bail or who are unable to obtain bail;

(iv) provide alternatives to the bail bond system, including but not limited to model demonstration programs involving the funding of bail by non-profit, private corporations, and community release programs, and

(v) establish, on a demonstration basis, pretrial services agencies authorized to maintain effective supervision and control over, and to provide supportive services to defendants released prior to trial, including the collection, verification and reporting of information pertaining to the conditions of release of such persons, and the operating or leasing of appropriate facilities for the custody or care of such persons, including, but not limited to, residential halfway houses, narcotic addict and alcoholic treatment centers, and counseling services;

(C) improving the corrections component of the criminal justice system within such city, including but not limited to projects designed to—

(i) establish appropriate qualifications and standards for correctional officers, including custodial and rehabilitation personnel, as well as probation and parole officers;

(ii) facilitate the recruitment and training of such professional correctional officers;

(iii) provide separate detention facilities for juveniles, including shelter facilities outside the correctional system for abandoned, neglected or run-away children; and

(iv) relieve the overcrowded and oppressive conditions in correctional facilities, jails, juvenile training schools and detention facilities by renovating and remodeling existing correctional facilities and leasing additional facilities for such purposes;

(3) provide assurances that not more than one-third of the funds made available to such city will be expended for projects described in clause (A) of the preceding paragraph, not more than one-third of such funds shall be expended for programs described in clause (B) of such paragraph, and not more than one-third of such funds shall be expended for programs described in clause (C) of such paragraph.

(4) provide assurances that the city will pay from non-Federal sources the remaining costs of such a program;

(5) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disposal and accounting of Federal funds paid to the eligible city (including such funds paid by the eligible city to any agency of a political subdivision of such eligible city) under this Act; and

(6) provide for making such reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his functions under this Act and for keeping such records and for affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

(b) The Attorney General shall approve any application and any notification thereof which complies with the provisions of subsection (a).

BASIC CRITERIA

SEC. 6. As soon as practicable after the enactment of this Act, the Attorney General shall by regulations prescribe basic criteria for the full range of projects for which funds may be used under clauses (A), (B), and (C) of section 5(a)(2).

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In order to carry out the provisions of this Act, the Attorney General is authorized—

(1) to promulgate such rules and regulations as may be necessary;

(2) to employ experts and consultants in accordance with section 3109 of title 5, United States Code;

(3) to appoint one or more advisory committees composed of such private citizens and officials of state and local governments as he deems desirable;

(4) to utilize, with their consent, the services, equipment, personnel, information, and facilities of other Federal, State, local, and private agencies and instrumentalities with or without reimbursement therefor;

(5) without regard to section 529 of title 31, United States Code, to enter into and perform such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of his functions, with any public agency, or with any person, firm, association, corporation, or educational institution, and make grants to any public agency or private nonprofit organization;

(6) to accept voluntary and uncompensated services, notwithstanding the provi-

sions of section 665(b) of title 31, United States Code; and

(7) to request such information, data, and reports from any Federal agency as the Attorney General may from time to time require and as may be produced consistent with other law.

(b) Upon request made by the Attorney General each Federal agency is authorized and directed to make its services, equipment, personnel, facilities, and information (including suggestions, estimates, and statistics) available to the greatest practicable extent to the Attorney General in the performance of his functions.

(c) Each member of a committee appointed pursuant to paragraph (3) of subsection (a) of this section shall receive $135 a day, including travel time, for each day he is engaged in the actual performance of his duties as a member of a committee. Each such member shall also be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of his duties.

(d) In carrying out the provisions of this Act, the Attorney General may establish within the Department of Justice such additional offices as may be necessary, except that the Law Enforcement Administration may not be used to carry out the provisions of this Act.

DISAPPROVAL OF CITY PLANS

SEC. 8. (a) The Attorney General shall not finally disapprove any city plan submitted under this Act, or any modification thereof without first affording the City Coordinating Council submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Attorney General after reasonable notice and opportunity for hearing to the Council administering a plan of an eligible city approved under section 5, finds that—

(1) the plan has been so changed that it no longer complies with the provisions of such action, or

(2) in the administration of the plan there is a failure to comply substantially with any such provision, the Attorney General shall notify the Council that the city will not be eligible to participate in the program under this Act and no payments may be made to such city by the Attorney General until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 9. (a) If any city is dissatisfied with the Attorney General's final action with respect to the approval of its plan submitted under section 5 or with his final action under section 8, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such city is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Attorney General. The Attorney General thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Attorney General if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Attorney General to take further evidence, and the Attorney General may thereupon make new or modified findings of fact and may notify his previous action and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition the court shall have jurisdiction to affirm the action of the Attorney General or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

PAYMENTS

SEC. 10. (a) Payments under this Act shall be made from an eligible city's allotment to any such city which administers an application approved under section 5. Such payments shall not exceed 90 per centum of the cost of carrying out such application. In determining the cost of carrying out an application, there shall be excluded any cost with respect to which payments were received under any other Federal program.

(b) Payments to an eligible city under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to an eligible city or to one or more public agencies within such city designated for this purpose by the chief executive of such city, or to both.

(c) The Comptroller General of the United States or any of his duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this Act.

SAVINGS PROVISION

SEC. 11. Nothing contained in this Act shall be construed to prevent or impair the administration or the enforcement of any other provision of Federal law.

S. 3051

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 at the "Criminal Justice Professions Development Act of 1971."

THE CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT ACT OF 1971—FINDINGS AND DECLARATIONS OF POLICY

SEC. 2. The Congress hereby finds and declares that (1) there is an urgent need to alleviate the critical shortage in qualified manpower for criminal justice systems at all levels of government, and most critically, in the corrections component of such systems; (2) personnel recruitment, training and employment standards and programs within such systems must reflect the most advanced and enlightened practices, and objectives; (3) immediate steps are required to devise new institutional means to accomplish this goal; (4) the need for trained criminal justice personnel is apt to increase as the population expands, and crime rates remain at unacceptable levels; and (5) regional crime and delinquency centers, providing broad based services to the entire criminal justice system, can reduce such shortages and promote the solution of critical problems that confront the various components of criminal justice.

SEC. 3. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (hereinafter referred to as "the Act") is amended by inserting immediately after Part I the following:

"PART J—CRIMINAL JUSTICE PROFESSIONS DEVELOPMENT

"SEC. 671. The Administration is authorized to make grants to State and local governmental agencies and to institutions of higher education and private nonprofit organizations for the purpose of paying not more than 85 per centum of the cost of establishing, staffing, and operating regional crime and delinquency centers in various areas of the country. As used in this section, the term 'crime and delinquency center' means a public or private nonprofit agency, institution, or organization which serves as—

"(A) a training institution for students and practitioners of criminal justice;

"(B) a centralized channel for the recruitment of criminal justice personnel in conjunction with Federal, State, and local criminal justice agencies;

"(C) a consultation center for criminal justice agencies and relevant professional schools; and

"(D) a research center for basic and applied studies of criminal justice."

No payment shall be made to any State, local governmental agency, institution of higher learning or private, nonprofit organization pursuant to this section, unless and until (1) the eligible grantee submits an appropriate proposal providing for the purposes, objectives, administration, staffing, organization, and curriculums of the proposed crime and delinquency center, consistent with criteria established by the Administration; *Provided,* That the professional staff of such centers shall be composed of persons drawn both from practicing agencies of criminal justice, and from persons who have broad experience primarily in the fields of law, psychiatry, clinical psychology, social work, and public administration, and (2) the Administration finds that the eligible grantee will have available for expenditure an amount equal to not less than the non-Federal share of the costs with respect to which payment is sought." No part of any grant made pursuant to this section may be used for the acquisition of land or for capital construction.

ACADEMIC ASSISTANCE FOR CORRECTIONS SYSTEMS PROFESSIONAL PERSONNEL

SEC. 672(a) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, or other appropriate public and private nonprofit organizations, including regional crime and delinquency centers to assist them in planning, developing, strengthening or carrying out programs designed to provide training or academic educational assistance to persons for study in academic subjects related to correctional administration and rehabilitative services.

(b) There is authorized to be appropriated to carry out the provisions of this section, $5,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973, and $15,000,000 for the fiscal year ending June 30, 1974.

SEC. 673. (a) The President shall, within ninety days after the enactment of this title, appoint a National Advisory Council on Criminal Justice Professions Development (hereinafter in this section referred to as the "Council") for the purpose of reviewing the operation of this part, and of other Federal programs for the training and development of criminal justice professional personnel, evaluating their effectiveness in meeting the purposes of the part and in achieving improved quality in such training programs, and personnel recruitment, training and performance standards generally. The Council shall, in addition advise the Attorney General, with respect to policy matters arising in the administration of this part and any other matters, relating to the purposes of the part, on which its advice may be requested.

(b) The Council shall be appointed by the President, without regard to the civil service and classification laws, and shall consist of fifteen persons. The members, one of whom shall be designated by the President as Chairman, shall include persons broadly representative of any experience in the fields of law enforcement, courts, probation and parole, correctional administration, education, law, the social sciences, and the behavioral sciences.

(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to criminal justice personnel training) to the

President and the Congress not later than January 31 of each calendar year beginning after the enactment of the section. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

(d) Members of the Council who are not in the regular full-time employ of the United States shall, while serving on the business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate per day specified at the time of such service for GS-18 under section 5332 of title 5, United States Code, including travel time, and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

(f) There is authorized to be appropriated to carry out the purposes of this section the sum of $150,000 for the fiscal year ending June 30, 1972, and the sum of $250,000 for each of the two succeeding fiscal years.

APPRAISING CRIMINAL JUSTICE PERSONNEL NEEDS

SEC. 674 (a) The Attorney General shall, from time to time, appraise existing and future personnel needs of the Nation in the field of criminal justice, and the adequacy of the Nation's efforts to meet those needs. In carrying out the provisions of this section, the Attorney General shall consult with, and make maximum use of statistical and other related information of, the Department of Labor, the Department of Health, Education, and Welfare, Federal and State and local criminal justice agencies, and other appropriate public and private agencies.

(b) The Attorney General shall prepare and publish annually a report on the criminal justice professions, in which he shall present in detail his views on the state of the criminal justice professions, the trends and the future complexion of programs in the field of criminal justice, and the need for highly trained and qualified personnel to staff such programs.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF CRIMINAL JUSTICE

SEC. 675 (a) The Law Enforcement Assistance Administration of the Department of Justice is authorized to make grants to, or contracts with, State or local criminal justice agencies, institutions of higher education, or other public or nonprofit agencies, organizations, or institutions, whenever the Administration, after consultation with the National Advisory Council on Criminal Justice Professions Development, considers that such contract will make an especially significant contribution to attaining the objectives of this section, for the purpose of—

(1) identifying capable persons in secondary schools and institutions of higher learning who may be interested in careers in criminal justice particularly in correctional administration and rehabilitation, and encouraging them to pursue postsecondary education in preparation for such careers;

(2) publicizing available opportunities for careers in the field of criminal justice; and

(3) encouraging qualified persons to enter the field of criminal justice.

The Administration is authorized to enter into contracts with private agencies, institutions, or organizations to carry out the purposes of this section.

(b) There is authorized to be appropriated to carry out the purposes of this section the sum of $2,500,000 for the fiscal year ending June 30, 1972, and the sum of $5,000,000 for each of the two succeeding fiscal years.

RECRUITMENT, EMPLOYMENT AND COMPENSATION OF CORRECTIONS SYSTEMS PROFESSIONAL AND PARAPROFESSIONAL PERSONNEL

SEC. 676(a) The Administration is authorized to make grants to state and local corrections departments and agencies, including probation and parole agencies, to assist them in the recruitment, employment and compensation of professional and paraprofessional administrative, custodial, rehabilitative, medical and other personnel, consistent with criteria established by the Administration.

(b) Not more than one-third of any grant made under this section may be expended for the compensation of custodial personnel.

(c) No grant shall be made to any prospective grantee, unless and until such applicant—

(1) provides satisfactory assurances that Federal funds made available pursuant to this section will be used so as not to supplant state or local funds, but to supplement and to the extent practicable, to increase the amounts of such funds that would in the absence of such Federal funds be made available for the purposes of this section;

(2) provides satisfactory assurances that the personnel standards and programs of the applicant reflect the most advanced and enlightened practices and objectives, and

(3) provides satisfactory assurances that such applicant is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including probation, parole and rehabilitation.

(d) There is authorized to be appropriated to carry out the purpose of this section, $15,000,000 for the fiscal year ending June 30, 1972 and $20,000,000 in each of the two succeeding fiscal years.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1592

At the request of Mr. MCGEE, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 1592, a bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands.

S. 2465

At the request of Mr. CHILES, the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Hawaii (Mr. INOUYE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2465, a bill to establish the Everglades-Big Cypress National Recreation Area in the State of Florida.

S. 2738

At the request of Mr. HUGHES, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2738, a bill to provide for equality of treatment for military personnel in the application of dependency criteria.

S. 2943

At the request of Mr. HUMPHREY, the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 2943, a bill to designate the Department of Health, Education, and Welfare South Building in Washington, D.C., as the "Mary Switzer Memorial Building."

S. 2956

At the request of Mr. JAVITS, the Senator from Ohio (Mr. TAFT) and the Senator from Texas (Mr. BENTSEN) were added as cosponsors of S. 2956, a bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress.

S. 2981

Mr. AIKEN. Mr. President, at the end of the last session, I introduced, on behalf of Senator TALMADGE and myself, S. 2981, a bill to amend the Bankhead-Jones Farm Tenant Act and the Watershed Protection and Flood Prevention Act, and at that time announced that others who wanted to become cosponsors could submit their names.

I ask unanimous consent that, at the next printing, the names of Senators MCGOVERN, RIBICOFF, THURMOND, ELLENDER, GAMBRELL, BURDICK, HUMPHREY, PROXMIRE, and ANDERSON be added to the list of cosponsors.

The VICE PRESIDENT. Without objection, it is so ordered.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Oklahoma (Mr. HARRIS), the Senator from Arizona (Mr. FANNIN), the Senator from Vermont (Mr. STAFFORD), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2994, a bill to provide for the compensation of innocent victims of violent crime in need; to make grants to States for the payment of such compensation, to authorize an insurance program and death and disability benefits for public safety officers; to provide civil remedies for victims of racketeering activity; and for other purposes.

SENATE JOINT RESOLUTION 4

At the request of Mr. JAVITS, the Senator from Vermont (Mr. STAFFORD) was added as a cosponsor of Senate Joint Resolution 4, relating to School Bus Safety Week.

SENATE JOINT RESOLUTION 8

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 8, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE JOINT RESOLUTION 150

At his own request, Mr. GRIFFIN was added as a cosponsor of Senate Joint Resolution 150, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

SENATE RESOLUTION 226—ORIGINAL RESOLUTION REPORTED PROVIDING ADDITIONAL FUNDS FOR THE COMMITTEE ON AGRICULTURE AND FORESTRY

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 226

Resolved, That the Committee on Agriculture and Forestry is authorized to expend from the contingent fund of the Senate, during the Ninety-second Congress, $30,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946.

SENATE RESOLUTION 227—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON AGRICULTURE AND FORESTRY FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. TALMADGE, from the Committee on Agriculture and Forestry, reported the following resolution:

S. RES. 227

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $150,000, of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SENATE RESOLUTION 228—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE DISTRICT OF COLUMBIA FOR INQUIRIES AND INVESTIGATIONS

(Referred to the Committee on Rules and Administration.)

Mr. EAGLETON, from the Committee on the District of Columbia, reported the following resolution:

S. RES. 228

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on the District of Columbia, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $155,850, of which amount not to exceed $4,000 shall be available for the training of the professional staff of such committee, or any subcommittee thereof (under procedures specified by section 202(j) of such Act).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 798

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

Mr. AIKEN. Mr. President, today I offer an amendment to the social security law which would extend coverage to some of our most unfortunate citizens.

Fortunately, the condition my amendment would correct is to be found in relatively few persons, but those who are stricken with a serious illness, have to stop working and subsequently lose disability benefits, desperately need help.

It is for these persons that I speak today.

This inequity under the law, which was of course never intended, first came to my attention when one of my constituents, a victim of multiple sclerosis, told me how the law barred her from social security benefits she urgently needs.

Under present law, an individual is eligible for social security disability insurance benefits only if he is totally disabled and has worked in employment covered under social security for 5 of the 10 years before he became totally disabled.

It sometimes happens that an individual becomes disabled enough that he is unable to continue in his regular employment, even though he does not meet the strict test of disability under the social security program.

If the disabling condition is degenerative, it may happen that total disability does not occur until after the individual can no longer meet the test of 5 years of covered employment out of the 10 years preceding total disability. In this case, the individual is not eligible for social security benefits even though he worked regularly under social security and even though he is totally disabled due to a condition which began when he was currently insured for disability benefits.

The attached amendment would solve this problem by making an individual eligible for disability insurance benefits if he is totally disabled and if his disability is due to a condition which began at a time when he was currently insured for disability insurance benefits even though he no longer is currently insured.

I hope the Finance Committee will include my proposal in the Social Security Amendments of 1972.

AMENDMENT OF INTERNAL REVENUE CODE OF 1954—AMENDMENT

AMENDMENT NO. 799

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

Mr. McCLELLAN submitted an amendment intended to be proposed by him to the bill (S. 2944) to exclude from gross income the entire amount of the compensation of members of the Armed Forces of the United States and of civilian employees who are prisoners of war, missing in action, or in a detained status during the Vietnam conflict.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 800 AND 801

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

ASSISTANCE FOR THE AGED, BLIND, AND DISABLED

Mr. EAGLETON. Mr. President, I am today introducing, for the consideration of the Senate Finance Committee, two amendments to title III of H.R. 1.

Title III would abolish the existing Federal-State programs of public assistance to the aged, blind, and disabled, and would establish in their place a new federally financed, federally administered program of assistance with uniform benefit levels and eligibility standards.

Each person who has attained age 65, and each person who is blind or disabled as defined by the Social Security Act, would be eligible for supplemental assistance through the Social Security Administration if his or her social security benefit and other income totaled less than the income floor established by title III.

This legislation is of the greatest importance to the almost 5 million older Americans who now live in poverty. I believe title III should be enacted and the new program implemented at the earliest possible date.

However, I also believe that the Senate should improve title III in two important respects.

BENEFIT LEVELS

First, as passed by the House of Representatives, the floor of income in the adult assistance program, to be phased in over a 3-year period, would never reach official poverty levels.

For an individual, the benefit level would be $130 in the first year, $140 in the second year, and $150 in the third and succeeding years. For a couple, the benefit would be $195 in the first year, and $200 in the second and succeeding years. By the third year, benefits would approximate only 1970 poverty levels.

My first amendment would set the initial benefit levels at $150 for an individual and $200 for a couple, and would provide for annual cost-of-living adjustments in those benefit levels.

In addition, this amendment would direct the Secretary of Health, Education, and Welfare, to conduct a study to determine the amounts of income required to provide for the basic needs of the aged, and to submit to Congress his recommendations for appropriate adjustments in the benefit levels under the adult assistance program.

PROTECTION OF CURRENT RECIPIENTS

Second, as we make the transition from the many diverse State programs to one uniform Federal program, I believe it is imperative that we guarantee

absolutely that no current recipient of assistance will be adversely affected. The transitional provisions and fiscal incentives now in the bill cannot provide that guarantee.

In 17 States, all recipients would receive more assistance under title III than they now do. A majority of recipients in as many as 12 other States would also benefit from the new program.

But all or some of the recipients in at least 30 States would receive less assistance under the new Federal program than they now receive unless the Federal benefit were supplemented by the State.

Under title III, as now written, such supplementation is optional. No Federal matching funds are provided for supplemental payments. A State would only be guaranteed that its supplemental benefits would cost it no more than its expenditures for the same purpose in calendar 1971.

An additional provision, designed to prevent any automatic reduction in assistance at the time of the transition to the Federal program, was added to the bill on the House floor. Section 509 provides for maintenance of assistance levels until a State takes affirmative action to reduce or stop its supplemental payments.

Given the fiscal pressures on many State governments and the lack of real fiscal relief in H.R. 1, I do not believe we should assume that, with those options, no State will act to reduce or discontinue its supplemental payments.

An additional concern has been brought to my attention by the American Council of the Blind and the Missouri Federation of the Blind. In certain States, the blind have traditionally been permitted income and resources in excess of what will be allowable under the new program. Apparently, a blind couple in Missouri with savings totaling $3,000 would have to dispose of half of their savings in order to be eligible for the Federal benefit and/or State supplementation.

Mr. President, I believe it is untenable that any aged, blind, or disabled person who now relies upon public assistance should be subjected to uncertainties and anxieties about what will happen to that assistance either at the time of the transition to the new program or at some time in the future when a State government may change its policy.

My second amendment would guarantee the continued eligibility for assistance, and maintenance of assistance levels, for all those receiving aid to the aged, blind, and disabled under an approved State plan at the time of the transition to the new Federal program. It would in effect "grandfather" all such persons into the new program. The States would be required to provide the supplemental payments necessary to maintain the level of assistance these people had been receiving. The supplemental payments would be administered by the Federal Government, and the Federal Government would bear 30 percent of their cost.

Mr. President, I am hopeful that these two amendments—to make the income floor for the aged, blind, and disabled immediately effective, and to protect current recipients in the transition to the new program—will have the support of other Senators, and will be adopted by the Senate Finance Committee.

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

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

AMENDMENT No. 800

Beginning on page 282, line 23, strike out all through page 283, line 7, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $900; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $1,800, or (II) the amount determined for such year under subsection (h); and".

On page 283, strike out lines 14 through 23, and insert in lieu thereof the following:

"(i) for the 6-month period ending December 31, 1972, $1,200; or

"(ii) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (I) $2,400, or (II) the amount determined under subsection (h) for such year; and".

On page 284, strike out lines 8 through 17, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972, $900; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $1,800, or (ii) the amount determined under subsection (h) for such year;".

Beginning on page 284, line 22, strike out all through page 285, line 3, and insert in lieu thereof the following:

"(A) for the 6-month period ending December 31, 1972; and

"(B) for the calendar year 1973, or any calendar year thereafter, whichever of the following is the greater: (i) $2,400, or (ii) the amount determined under subsection (h) for such year;".

On page 289, between lines 12 and 13, insert the following new subsections:

"Adjustments, to Reflect Increases in the Cost of Living, of Amounts Used to Determine Eligibility for and Amount of Benefits

"(h)(1) As soon after enactment of this Act as may be feasible, and thereafter between July 1 and September 30 of each year, the Secretary (A) shall adjust the amounts used to determine eligibility for and amount of benefits as set forth in subsection (a)(1)(A)(ii) and (2)(A)(ii) and subsection (b)(1)(B) and (2)(B) by increasing such amounts by the percentage by which the average level of the price index for the months in the most recent preceding calendar year exceeds the average level of the price index for the months in calendar year 1970, and (B) shall thereupon promulgate the amounts so adjusted as the amounts to be used to determine eligibility for and amount of benefits under this title for the fiscal year beginning July 1 next succeeding such promulgations.

"(2) As used in this subsection, the term 'price index' means the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics.

"Study of Minimum Income Required by Aged

"(i) The Secretary of Health, Education, and Welfare shall conduct a study to establish the amounts of income required to provide for the basic needs of individuals and married couples who have attained age 65, and shall, on or before January 1, 1974, report to the Congress the results of such study, together with his findings and recommendations for adjustments in the amounts used to determine eligibility for and amount of benfits under this title."

AMENDMENT No. 801

On page 306, between lines 13 and 14, insert the following new section:

SPECIAL STATE SUPPLEMENTARY PAYMENTS TO ASSURE THAT INDIVIDUALS WHO WERE RECIPIENTS OF AID OR ASSISTANCE TO THE AGED, BLIND, OR DISABLED FOR JUNE 1972 WILL NOT SUFFER REDUCTIONS IN BENEFITS FOR FUTURE MONTHS

SEC. 2017. (a) In order to be eligible for any payments pursuant to title IV, V, XVI, or XIX of the Social Security Act with respect to expenditures for any quarter beginning after June 30, 1972, and for the purpose of assuring that individuals who, for the month of June 1972 were recipients of aid or assistance under State plans approved under title I, X, XIV, or XVI of the Social Security Act, will not suffer a reduction in their aid or assistance by reason of the enactment of this Act, each State shall enter into an agreement with the Secretary which provides that the Secretary will, on behalf of such State, make supplementary payments in accordance with such agreement to all individuals in the State who, for the month of June 1972, were recipients of aid or assistance under a plan of such State approved under title I, X, XIV, or XVI of the Social Security Act.

(b) Amounts payable to any individual pursuant to an agreement under this section shall be in addition to the amounts (if any) payable to such individual under title XX of the Social Security Act. Supplementary payments made pursuant to an agreement under this section shall be considered to be assistance which is excludable from income under section 2012(b)(4) of the Social Security Act.

(c)(1) The supplementary payments payable under any agreement with a State under this section shall be payable—

(A) for months after June 1972, and

(B) only to individuals who—

(i) are residents of such State; and

(ii) for the month of June 1972 were recipients of aid or assistance under a State plan, of such State, approved under title I, X, XIV, or XVI, of the Social Security Act.

(2) The amount of the supplementary benefits payable for any month to any individual under an agreement under this section shall be equal to the excess of—

(A) the aggregate of (i) the amount of the aid or assistance which would be payable to such individual under the appropriate plan of such State approved under title I, X, XIV, or XVI of the Social Security Act, as in effect June 1, 1972 if such plan (as so in effect) had continued in effect for such month, and (ii) the bonus value of the food stamps which were provided (or were available) to such individual under the Food Stamp Act of 1964 for the month of June 1972, over

(B) the amount of the monthly benefits (if any) payable for such month under title XX of the Social Security Act.

(3) For purposes of paragraph (2)(A)(ii), the term "bonus value of food stamps" with respect to an individual means—

(A) the face value of the coupon allotment which wolud have been provided to such an individual for a month, reduced by

(B) the charge which such an individual would have paid for such coupon allotment. The total face value of food stamps and the cost thereof in June 1972 shall be determined in accordance with rules prescribed by the Secretary of Agriculture in effect in such month.

(d) Any State which has entered into an agreement with the Secretary under this section shall, at such times and in such installments as may be agreed upon between the Secretary and such State, pay to the Secretary an amount equal to 70 per centum of the expenditures made by the Secretary as supple-

mentary payments, on behalf of the State, under such agreement.

STRATEGIC STORABLE AGRICULTURAL COMMODITIES ACT OF 1971—AMENDMENTS

AMENDMENTS NOS. 802 AND 803

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

Mr. TOWER. Mr. President, I am introducing today two amendments to H.R. 1163, presently pending before the Committee on Agriculture and Forestry. The purpose of H.R. 1163 is to establish, maintain, and dispose of a separate strategic reserve of corn, grain sorghum, barley, oats, and wheat. The bill also provides for a 25-percent increase in loan levels on the 1971 and 1972 grain crops. I firmly believe that the two changes I propose would increase the value of this legislation immeasurably. One amendment directs the Secretary of Agriculture to store the grain purchased under the reserve program on the farms of the individuals from whom it is purchased, as far as practical. The other amendment would set the release price of the grain held in reserve at 100 percent of parity.

We have an opportunity here to go one step further in helping to increase farm income by $120 million over a 2-year period. Facilities for the storage of these commodities are already available on thousands of farms; however, where such facilities are not available, farmers may obtain Government loans to install on-farm storage facilities. I would like to point out that not only would this amendment provide increased income to producers, but it would also allow for wider distribution of the reserves, which would, in turn, facilitate their dispersal in case of emergency. In addition, there are many commercial grain elevators which are not set up to provide for extended storage periods, but rather operate on a short-term storage basis depending on a large turnover. In contrast, the most profitable usage of on-farm storage is when there is a constant use of the facilities to provide income to help offset the cost of the storage bins.

The prices received by the American farmer were 6 percent less in 1971 than the prices received in 1951. At the same time, the prices for nonagricultural products paid in 1971 were 45 percent more than in 1951, according to U.S. Department of Agriculture figures. For every six farms that go out of business, there is one nonfarm business that is forced to close its doors. Consequently, while experiencing the burden of a higher cost of living, the farmer still does not receive a higher price for his goods. The preceding 5-year average price—estimate—for corn in 1971 was $1.17 per bushel, or 71 cents below parity. Even though this is a 9-cent increase over 1964, the increased cost of goods is gaining more rapidly than the price received. There had been a sharp decline in the 5-year average price of wheat until the last 2 years, when it remained steady. It still remains at $1.29 below parity. Because these figures indicate a definite need to increase farm income, I feel that if there is to be a reserve of grain stored for emergency use, the farmer who produces it should be the one to profit from the storage.

I think it is important that we note here that not just a few farmers, but literally thousands can share in the income to be derived from on-farm storage. To provide the necessary storage for 900 million bushels of grain, it would take 900,000 1,000-bushel bins. There are thousands of farmers in the United States who presently have such bins or other storage which would be satisfactory. In order that the Nation's farmers should receive full benefit from the intent of this bill, I feel that passage of this amendment is imperative.

When reserves of any type are stored there comes a time when these reserves must be released; however, there is never a time when such a release will have a beneficial effect upon the price being received for these commodities by the farmers. A fair price for agricultural products is partially the intent of H.R. 1163, but unless the release price is high enough to prevent indiscriminate dumping, it could have the reverse effect.

To prevent the reserve from acting as a threat to farmers and causing a distinct drop in prices in a few years, there needs to be additional stipulations in the strategic grain reserve bill to better regulate the release time. To assure release at the best possible time, the amendment I propose, to allow for release at 100 percent of parity, is essential. The amendment will insure the farmer of a reasonable return for his product on the market before the strategic reserve, held by the Government, is released.

The estimated wheat figures for 1971 show the 120-percent release price now provided in the bill to be $1.64, while parity is $2.92. This is a difference of $1.29 which could be received by the farmers before the reserves are released on the market.

Parity for corn in 1971 was $1.88, while the preceding 5-year average was $1.40—a 48-cent difference. This marked difference in price received for commodities will result in a tremendous boost to the income of the American farmer. There needs to be an allowance for more than a 20-percent price increase before reserves are permitted to be released on the market. H.R. 1163 would provide a reserve should disaster strike this Nation; nevertheless, we must not provide this reserve at the expense of the farmer. He is the one who produces our food and needs to be protected.

I feel the adoption of these two amendments is imperative to the protection of the Nation's farmers. If the farmer is protected from a great market drop, and is in control of the storage by means of on-farm stored commodities, then he is assured of a fair price for his products. We must realize the far-reaching conditions established by this bill and take appropriate steps now to provide for the future protection and income of the farmer.

AMENDMENT OF FISHERMEN'S PROTECTIVE ACT OF 1967—AMENDMENT

AMENDMENT NO. 804

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

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (H.R. 7117) to amend the Fishermen's Protective Act of 1967 to expedite the reimbursement of U.S. vessel owners for charges paid by them for the release of vessels and crews illegally seized by foreign countries, to strengthen the provisions therein relating to the collection of claims against such foreign countries for amounts so reimbursed and for certain other amounts, and for other purposes.

SUBCOMMITTEE ON CHILDREN AND YOUTH ANNOUNCES HEARINGS ON SUDDEN INFANT DEATH SYNDROME

Mr. MONDALE. Mr. President, on Tuesday, January 25, 1972, at 9:30 a.m., in room 4200 of the New Senate Office Building, the Subcommittee on Children and Youth will hold a hearing on the sudden infant death syndrome.

The subcommittee wants to explore this mysterious disease—commonly called crib death or cot death—which kills at least 10,000 infants each year and is the leading cause of death for children between the ages of 1 month and 1 year of age.

An excellent article on this subject by Colman McCarthy appeared in the Washington Post recently. I ask unanimous consent that the article be printed in the RECORD.

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

NEITHER PREDICTABLE NOR PREVENTABLE: THE SUDDEN INFANT DEATH MYSTERY

(By Colman McCarthy)

Perhaps no other death is more difficult for the survivors to bear or the community to understand than the death of an infant. The special kind of funeral—the white coffin the size of a toy box—the mother's grief on carrying a baby inside her for nine months only to lose the child after it is soon outside, the straining of religious faith that says the infant's death is somehow in "God's plan": little of this helps. Yet, about 10,000 to 15,000 babies die of what is called sudden infant death syndrome (SIDS) every year in the U.S. One infant in 350 is a victim. According to HEW figures, 77 infants died of SIDS in the District of Columbia in 1969; 220 died of it in Virginia and 169 in Maryland. Popularly called crib death, SIDS is a major American health problem. Excluding the first week of life when infants die from complications of prematurity, SIDS is the nation's largest cause of death in infants under one year and second only to accidents as the largest cause of death to children under age 15. A news story occasionally appears on the subject and magazine "health columns" refer to it periodically; but the ones who know it best are the parents of the victims. The subject is topical this week because the National Foundation for Sudden Infant Death in New York has announced that Dr. Abraham Bergman is its new president. Bergman is a Seattle pediatrician who for years was a leader in the fight to get flammable clothing off the market.

The mystery of crib death is that it always occurs in sleep. It is neither predictable nor preventable. Parents who give their infant its last feeding of the day—either by bottle or breast—never dream that death is about to strike. The child runs no fever, is not coughing and sounds no louder than usual in the final cry before falling off to sleep. Not many parents even know about SIDS, but, even if they did, obsessive worrying about it would be neurotic. Research groups at the University of Washington and Children's Orthopedic Hospital in Seattle, where Bergman teaches, believe that SIDS babies die from a sudden spasm of the vocal cords that close off the airway during sleep. This is often associated with a viral infection. Yet the viral infection does not cause the death, only causes the vocal cords to be more susceptible to a sudden spasm. Even more mysterious is why a viral infection in a 2- or 3-month baby is different than in a 3- or 4-year-old, or an adult. One researcher has reported that sudden unexplained infant deaths "tend to occur most frequently during cold weather in a sleeping 2- to 4-month-old infant born prematurely or of low birth weight, who at the time had an upper respiratory infection. However, one of the major problems that continues to require solution concerns the means by which these characteristics result or lead to SIDS."

Two international conferences, in 1963 and 1969, were held on crib death, but research is only beginning. Although Bergman reports that some critics say the federal government is purposely doing nothing in the field, he believes the opposite is true. To date he says the National Institutes of Child Health and Human Development has never turned down a qualified research application on SIDS. "The problem," noted Dr. Gerald LaVeck, the Institute's director, "is mostly a lack of trained scientific investigators interested in conducting research into the problem."

While the physical mysteries of crib death are explored, there is no confusion about the emotional and social pains suffered by the surviving family. "There is a large amount of ignorance in the U.S. medical profession and the lay public about SIDS," says Bergman. "In the majority of communities, parents who lose children to SIDS are treated as criminals. In many places, they can't get autopsies or else must pay themselves. Usually, families must wait many monhs to hear the results of these autopsies from a medical examiner's or coroner's office. Many examiners and coroners still call the disease 'suffocation' or a variety of other wrong names. This only reinforces the natural guilt that parents feel anyway. Many are subjected to coroner's inquests and questioned by police. This is a national scandal and must cease."

The destructive emotional effects of crib death can last long after the regular mourning period. Tremendous after-guilt may be felt by fathers or mothers who did not "go in to check" when the baby cried during its last night; physically, though, it would have made no difference, because crying does not occur during the baby's agonal period. Other parents suffer excessive guilt at not having taken the infant to the pediatrician, especially if coughing or a fever was present. If they did just visit the doctor and the baby dies, parents wonder "what the doctor missed." Curiously, Bergman reports, "physicians themselves harbor the same doubts, often for many years. A discussion of SIDS at a medical meeting invariably turns into a confessional for physicians who feel the need to stand up and re-live their traumatic experience and be convinced of the known facts."

It is not that easy for parents. Occasionally, divorce follows a crib death, the father refusing to live with the mother who "let a baby die." If a babysitter or relative was home at the time, they may be blamed, with the parents always feeling guilty about going out for the evening. "In the weeks following the death," Bergman says, "there is often marked change of moods. The parents have difficulty concentrating and frequently express hostile feelings toward their closest friends and relatives. Denial of death is common; the mother may continue to draw the baby's bath or prepare his food. Dreams about the dead child are common, as is a fear of being left alone in the house . . . Other common reactions are anger, helplessness and loss of meaning of life. Parents are fearful, particularly about the safety of their surviving children. A fear of 'going insane' often occurs in the first few days and may last for several weeks. Guilt is universal and pervasive. Whether they say so or not, most if not all the parents feel responsible for the death of their babies."

The last point is the most crucial if the surviving parents are to lead normal lives. In medical fact, they are not responsible. Doctors, medical examiners, counselors and friends have the obligation to inform the parents that they did nothing wrong and could not have prevented the death. Guilt or anxiety may never be totally removed, but at least it can be lessened so that life can go on. If families can be consoled after a member dies of cancer, a car crash or other common causes of death, why not with SIDS? Perhaps if the disease is recognized as a disease, and not as a form of suffocation or pneumonia, more can be learned about it. Preventive medicine has conquered other diseases of mystery; it can conquer this one too.

NOTICE OF HEARINGS BY SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, I should like to announce that the Subcommittee on Criminal Laws and Procedures will continue its series of hearings on the recommendations of the National Commission on Reform of the Federal Criminal Laws on February 15, 16, and 17, 1972. The hearings will begin each day at 10 a.m., in room 2228, New Senate Office Building. Further information on the hearings can be obtained from the subcommittee staff in room 2204, extension 3281.

NOTICE OF HEARING ON SUPREME COURT JUSTICES SURVIVORS BENEFITS

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 2854 and S. 1480, both of which propose to bring Justices of the Supreme Court under the provisions of the existing Judicial Survivors Annuity System (28 U.S.C. 376).

The hearing will be held on February 2, 1972, beginning at 10 a.m. in room 2228 of the New Senate Office Building.

Those who wish to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, 6306 New Senate Office Building, extension 3618.

ANNOUNCEMENT OF HEARING ON PROGRAMS FOR WHEAT AND FEED GRAINS

Mr. TALMADGE. Mr. President, I wish to announce that the Committee on Agriculture and Forestry will hold a hearing Monday, January 24, on H.R. 1163, the Strategic Storable Commodity Reserve Act, and Senate Joint Resolution 172, concerning the 1971 and 1972 programs for wheat and feed grains. The hearing will begin at 9:30 a.m., in room 324, Old Senate Office Building. In view of the urgency of this legislation, the committee is unable to give 1 week's notice as provided in section 133A of the Legislative Reorganization Act of 1946. Anyone wishing to testify should contact the committee clerk as soon as possible. Oral statements will be limited to 10 minutes, but witnesses may file written statements of any reasonable length. A synopsis of the statement, along with the statement, should be submitted to the committee by 10 a.m., Saturday, January 22.

ADDITIONAL STATEMENTS

TRIBUTE TO GOULD LINCOLN

Mr. THURMOND. Mr. President, I should like to pay tribute to the dean of American political reporters, Gould Lincoln.

His newspaper career has lasted almost 70 years, and at the age of 90, Mr. Lincoln is still writing a political column.

Gould Lincoln is a most outstanding man with an extraordinary talent for reporting the news.

He is respected among his colleagues for his ability and experience, and he has distinguished himself within the news media.

Mr. President, an article about Mr. Lincoln's career and achievements was published in the Washington Post of December 28, 1971. I ask unanimous consent that this newspaper account be printed in the RECORD.

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

GOULD LINCOLN AT 90, STILL GOING STRONG

(By Edward T. Folliard)

The extraordinary thing about miracles, Gilbert K. Chesterton once said, is that they happen. I suppose that when he said it, his mind was on the realm of the spiritual, the supernatural. But if we switch the idea to the mundane, it seems sort of miraculous to me that we have here in Washington a newspaperman who remembers the horse cars, who talked to President Theodore Roosevelt in the White House in the early 1900's and who is still banging away at a typewriter and turning out a political column at the age of 90.

Our nonagenarian is, of course, Gould Lincoln, dean of American political reporters. He has been a newspaperman for almost 70 years, 62 of them with the Evening Star, Washington's oldest newspaper. He is 5 feet, 11, has acquiline features, a bald head, and is skinny, which recalls the old saying: lean horse for a long race. He admits to having had his share of whiskey over the years, but says he never indulged to the point of falling down. He used to smoke, too, cigars and a pipe.

Gould was hit by a heart attack in 1957, but at that time he was only 77 and recovered nicely, and was soon back on the job at full speed. His political column now appears once a week, in the Saturday issue. He probably could write it at the Kennedy-Warren, where he lives with his daughter, Marjorie (Peggy) Lincoln; but he still has a lot of the old fire horse in him, and so he goes to the Star office several times a week, and also prowls around the Capitol and the White House in quest of material.

Lincoln is probably in a class by himself as a runner. As a 17-year-old student at Sidwell Friends School here he ran the 100-yard dash in 10.2 seconds, then a school record. He next distinguished himself as a sprinter on March 1, 1954, which was 57 years later.

It was a day of melodrama on Capitol Hill, the day that four Puerto Rican fanatics (three men and a woman) stood up in the gallery of the House of Representatives and opened fire on the lawmakers in the chamber below, wounding five of them.

President Nixon remembers the excitement very well, and he talked about it on the evening of April 22, 1970, when he awarded Gould Lincoln, along with seven other journalists, the Medal of Freedom in the East Room of the White House. He recalled that he was then Vice President, and that the Senate on that particular day confirmed Earl Warren of California as Chief Justice of the United States.

Mr. Nixon went on to say:

"Gould Lincoln was in the Senate (Press) Gallery covering the event. That was a rather easy assignment. Those were the good old days when the President advised and the Senate consented.

"But word flashed over from the House of Representatives that a radical group of Puerto Rican Nationalists were shooting up the House. Mr. Gould Lincoln, who was then 73 years old, beat all the reporters in the Senate Gallery over to the House Gallery in record time and held the fort until reinforcements had arrived."

President Nixon is sometimes given to blarney and hyperbole, but he was not guilty on this occasion. A newspaperman who was around at the time reported that Gould "hustled to the House side of the long Capitol Building and was interviewing doorkeepers before some of his younger associates reached the scene."

Gould Lincoln is a rarity in Washington journalism, a native. He was born here July 23, 1880, the son of Dr. Nathan Smith Lincoln and Jeanie Gould Lincoln. He lived as a boy at 1514 H st. nw., just around the corner from the old Cosmos Club. Lafayette Park, then enclosed by a high iron fence, was his playground.

This was before cable and trolley cars had arrived, and Gould remembers the horse-drawn car that used to pass his house, turn north on Connecticut Avenue and end up at Dupont Circle. Of course, there were no automobiles, and airlines, radio and television were far in the future.

Gould, as has been noted, attended Sidwell Friends School, graduating in 1898. Four years later he received his A.B. degree at Yale College. He rowed at Yale, and as a senior helped coach the freshmen crew.

Leaving Yale, and after a four-month prospecting expedition in the Canadian woods, he set out to find a job. This was in 1902, and he found the job at the old Washington Times. The editor who hired him was Count Maxmillian Gebhard Seckendorf, a former Washington correspondent for the New York Tribune. Gould recalls that Count Seckendorf had a long saber scar on his cheek, and the story was that he had fled Germany after killing a man in a duel.

Gould signed on with the Times for $8 a week, and did all the things expected of a cub. The paper, it should be said, was owned by Frank Munsey, whom William Allen White was later to describe in a celebrated obituary as the "undertaker of journalism"—this because of the newspapers Munsey wrecked and prepared for burial.

In 1906 Gould moved over to The Washington Post, then owned by John R. McLean and housed in a Gothic-Romanesque building at 1337 E St NW, where Newspaper Row and Rum Row converged. Gould must have shown promise because he was given a starting salary of $31.50 a week, respectable for the times.

It was while he was on The Post that Gould went to the White House and encountered President Theodore Roosevelt. The year was 1907. Gould had not been assigned to interview T.R., and he never claimed to have interviewed him. Reminiscing at the National Press Club several years ago, he recalled that The Post sent him to the White House to get some information from the Rough Rider's secretary.

Gould was descending a stairway of the West Wing, then new, when he saw a man looking up at him. The man was barrel-chested, bespectacled, wearing a sweater, and carrying a tennis racket. It was the President.

"What do you want?" T.R. asked. When Lincoln explained that he was looking for his secretary, he was told how to find him.

What amazes Lincoln in retrospect is not his encounter with Teddy Roosevelt but the security conditions—or lack of them—that he found at the White House that day. No guard was at the door of the West Wing, which T.R. had ordered built. Gould had no identification card, nor was one required. He just went in. There was no receptionist. He walked into the secretary's office, and it was empty. On through the Cabinet Room and the President's office he went, and then descending the stairway ran into the barrel-chested man with the tennis racket.

Gould was married to Hester Shepard in the spring of 1909, a time when he was covering the House of Representatives for The Post. He decided that his working hours—from noon or thereabouts until 1 a.m. or 3 a.m. the next day—were crazy hours for a newlywed. He didn't like the idea of taking the owl car to get home, sometimes arriving with the milk man. And so that November he went over to The Evening Star for what turned out to be "a life job which I have never regretted." Gould's assignment on The Star was not the House, but Police Court. He never complained, and he still likes to talk about an interview he had at the court with Carrie Nation, the little woman who went around wrecking saloons with her hatchet.

A year after Gould went to The Star—that is to say, in 1910 in the Taft Administration—two reporters came to town who were to achieve the peak of eminence in the newspaper world, Arthur Krock and David Lawrence. They too were awarded the Presidential Medal of Freedom the night their old friend Gould was honored. Both are junior to him, Krock being 85 and Lawrence 83.

Gould Lincoln agrees with what Krock says about certain newspapermen in his latest book, "Consent of the Governed," which followed his 1968 best-seller, "Memoirs—Sixty Years on the Firing Line." Krock says that the top men in the Washington corps of correspondents when he arrived were Frank R. Kent of the Baltimore Sun, Richard V. Oulihan, Krock's immediate predecessor as the Times correspondent here, and John Callan O'Laughlin of the Chicago Tribune.

Krock says that Oulihan, a native of Washington, had the presence of a born leader, and adds: "He was witty, handsome, charming and a great gentleman."

Gould Lincoln says that Oulihan was all of that and that he loved him for something else. He recalled hearing Oulihan say that a newspaperman ought to be proud of the title of "reporter"—that the reporter was as necessary to a newspaper as a rifleman to an army.

And so if you want to please the old guy, don't refer to him as a moulder of public opinion, a pundit, a commentator or even columnist. Just think of Gould Lincoln, Reporter.

APPRECIATION DINNER FOR SENATOR JOHN SPARKMAN

Mr. BYRD of West Virginia. Mr. President, last evening I spoke at an appreciation dinner for U.S. Senator JOHN SPARKMAN in Huntsville, Ala.

I ask unanimous consent that my speech on that occasion be printed in the RECORD.

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

SPEECH OF SENATOR BYRD OF WEST VIRGINIA

Mr. Chairman, Senator Sparkman, Ladies and Gentlemen:

It need hardly be said that I am delighted to be in the city of Huntsville for the purpose of being with my friend and your senior Senator from Alabama—John Sparkman.

I am also acutely aware of the difficulties inherent in finding anything to say about a native son that everyone present doesn't know already. Perhaps an intelligent way to start would be to offer my congratulations to all of you for having had the good judgment to elect to office for the first time, in 1936, the man who still so ably represents you in this year of grace 1972. I have no doubt that the good people of Alabama will continue that eminently sensible habit in the future. Senator John Stennis asked me to state that he joins in saying this.

John Sparkman was born on a farm and has always been proud of his heritage as a son of the soil. During his distinguished career in the United States Congress, he has been known by his colleagues as a man who ploughed a straight furrow. I feel sure that Alabamians are rightfully proud of that impeccable reputation. If a country boy from the hills of West Virginia can make so bold as to offer advice on agriculture to the people of a great farming state—remember—you can't plough a straight furrow with a blunt plough.

John Sparkman is one of those key Senators who have built their high reputations through long years of service, through membership and hard work on important Senate committees, through their legislative skills and tireless energy; and, above all, through the respect and co-operation given them by their colleagues in the Senate. These last—the respect and co-operation—are not accorded to every Senator. When a Senator has them, he has won them on his own merits. They are never given on demand. But John Sparkman has more. He has his colleagues' friendship and that—leaving aside for a moment legislative skills, hard work, experience and his invaluable seniority—is, when combined with character, the measure of the man as a human being. Both John and I have known Senators who could not be faulted as legislators, but who lacked that vital spark of humanness and integrity that inspires colleagues to infuse the orthodoxy of respect and co-operation with the mellow warmth of friendship.

The great contribution of John Sparkman during his service in Congress has been primarily in building the significant economic programs that strengthen Alabama and the nation. For John Sparkman knows that the backbone of national defense, the foundation of world leadership, and the source of a healthy, prosperous people is a productive economy. He has long been the

Senate's expert on housing and related financial matters. For the past five years he has been Chairman of the Senate Banking, Housing, and Urban Affairs Committee, with significant responsibility for the economic health of the nation, for housing, for deposit insurance and for federal lending programs which support and stimulate industrial growth. This Chairmanship coincides with his present responsibilities as Chairman of the Subcommittee on Financing and Investment of the Senate Small Business Committee, Vice Chairman of the Joint Committee on Defense Production and ranking majority member of the Joint Economic Committee. These are not just titles—they mean hard work, constant attendance at frequently lengthy meetings and a responsibility for keeping a watchful eye on all programs directed toward the maintenance of the country's economic well-being.

But John is not only a man of dollars and cents, of housing starts and insurance statistics. He is also ranking majority member of the Committee on Foreign Relations. In that capacity, his strong realistic voice has been heard many times over the last ten, difficult years in which we have been struggling with the highly controversial war in Vietnam. There have been times when John Sparkman has not seen eye-to-eye with others on his Committee regarding the conduct of the American struggle to combat the spread of Communism in Southeast Asia. His tough stands against some Committee opinions have sometimes separated him from the consensus of the Committee, but these differences have never lessened his colleagues' respect. They know that he is 100% against Communist aggression, and though their ideas about how to defeat it may be different from John Sparkman's, they value his wisdom and experience.

The senior Senator from Alabama is a man with multiple Senate duties and national responsibilities. He is also a man who, as Rudyard Kipling wrote: "Can walk with Kings—nor lose the common touch . . ." for John still lives a plain-spoken, farm-bred son of Alabama. And Alabama today is a living monument to his dedicated service to the people of his State.

An Alabama newspaper once said: "Stand on any street in an Alabama city, ride along any Alabama highway and one sees on every side the handiwork of John Sparkman in building a greater, healthier and more prosperous State.

"Every Alabamian stands in his debt."

John, you should feel very proud of these words. They omit nothing—except perhaps that you are a man of unswerving loyalties to your country, to your State, and to your Party. As a matter of fact, I am informed by Congressman Bob Jones, an old and tried friend of yours, that there is only one area in which you ever show the slightest sign of wavering between two loves. Despite your pride in being a distinguished alumnus of the University of Alabama, I am told that you stay curiously silent and almost free of demonstrative partisanship when your alma mater plays Auburn on the football field. And this has been true long before Pat Sullivan won the Heisman Trophy. However, it must be a pleasant quandary to be in—to have not one, but two superb teams going for you. I have only one and much as I admire the Mountaineers of West Virginia University, perhaps I'd better get to work for another school for the State so we can be upsides with the Crimson Tide and the Tigers.

I mentioned a moment ago how much the people of Alabama owed John Sparkman. But however great the temptation might be, he is not a man to rest and point with pride at his past accomplishments. He works for the future. For example, he is currently much involved in plans to create a capital bank for small businesses, to provide a separate division of the U.S. Tax Court for the nation's smaller taxpayers—so that they can have their claims settled rapidly—and plans to stimulate the flow of mortgage credit for financing F.H.A. and V.A. home construction. Senator Sparkman is also sponsoring constitutional amendments to permit prayer in our public schools and to revise the way in which we elect our President and Vice President. One might think that a man who has been through the mill of public service for as long as John Sparkman has, would be content to rest on his many laurels and coast along on his well-recognized list of achievements. Exactly the opposite is the case with this fine Southern gentleman we honor tonight. He is still looking for fresh fields to tread and fresh tasks to perform. And talking about Southern gentlemen—just in case you good folks think we West Virginians don't know the important things in life—I take this opportunity to salute the memory of another great Southern gentleman whose birthday this happens to be. I refer, of course, to General Robert E. Lee.

Since John Sparkman's first years in the House of Representatives as Congressman from the 8th District—which, I understand, has been unchanged for 90 years—he has worked diligently for the things that build Alabama industry and strengthen her agriculture. He knows that only through thriving, businesses, productive factories and prosperous farming can the people of Alabama maintain a rising standard of living and the income levels which give them and their families the benefits of modern life. Senator Sparkman saw Alabama's economic growth as a fundamental cycle; he saw the wisdom of resource development to attract industry to the State which in its turn helps support a profitable agriculture. His first objective—and a wise one—was the development of Alabama's natural potential. John Sparkman was an early champion of the Tennessee Valley Authority, with its low-cost power, and of R.E.A. which took this power into the rural sections of the nation. He fought valiantly for the funds to develop Alabama's waterways and fully utilize the port of Mobile, now sixth in shipping volume in the entire United States. He has been a leading architect of the industrial revolution that has revitalized the South. The growth of manufacturing in the Tennessee Valley has been over twice the national rate of growth. The growth of a diversified agriculture has kept pace with the growth of industry, and it is due in no small measure to the programs authored and supported by your senior Senator. The list is so long—T.V.A., rural electrification, rural telephones, the Cotton Labeling Act, soil conservation, support prices, crop loan insurance, farm housing, the Rural Library Act, vocational education, the National Defense Education Act—I could go on for an hour detailing all the legislation that owes its existence to the dedication and hard work of a farm-boy from Hartselle, Alabama.

In this connection, I would be remiss in failing to point out the significance of some research I did before coming down to Huntsville. The total congressional seniority of the Alabama delegation in Washington—both House and Senate—represents 95 years of service. John Sparkman's seniority alone represents almost 40% of all of the seniority Alabama has in Washington! My friends, make no mistake about the importance of this fact: above all else, it gets things done in Washington.

Now, you know that I spend a great deal of time on the Senate floor—perhaps more than any other Senator, because my job as Majority Whip demands it, and I have had an opportunity over the years to watch John Sparkman put his seniority on the line to work for Alabama and the Nation. He is a master at legislation. In fact, to my knowledge, he has never lost a bill on the floor of the Senate. John Sparkman bats 1000!

It is a measure of John Sparkman's stature as a human being that while he walks daily in the company of the mighty, he has never forgotten the tenant farm where he was born. He has always believed that growth, prosperity and contentment in living depend on the purchasing power of all consumers—among them the working men and women of Alabama. He knows that the benefits of rising productivity must be shared by the working people who produce the goods and services. He has said: "The Alabama worker is entitled to everything he needs as a first-class citizen—a good income and security in his job; to own his home, to look forward to security after retirement and to have the chance to give his children a good education. It is my job to see that he gets these things and keeps them." Those are John Sparkman's words, and there is no doubt that John Sparkman has his job.

But lest we think that this son of the soil has no wider interests and influence, let us also remember his important contributions to a wider world than that bordered by Mississippi, Georgia, Louisiana, and the Gulf. Let us not forget that he has always acted in the firm conviction that the United States can best contribute to the peace of the world by maintaining military strength—for the language of strength is the language the Communist world best understands.

Take a look at the George C. Marshall Space Flight Center and Redstone Arsenal right here in Huntsville; the Air University at Maxwell Field; the helicopter training fields at Fort Rucker, Gunter Field, Craig Field, and Fort McClellan. These installations play key roles in the nation's military security and are a significant reminder of the foresight and conscientiousness of the Sparkman defense policy. Fort Rucker was the pioneer base in developing the use of the helicopter in modern limited warfare. The training first given there in the use of the chopper for rapid troop movement and close air combat has been invaluable in saving American lives in Vietnam. Without John Sparkman, I have my serious doubts that any of these strategically vital installations would have found their home in Alabama. They might even have been located in West Virginia.

And military installations mean people; and jobs; and people mean houses. As the acknowledged leader in the housing field in the Senate, Senator Sparkman has been personally responsible for housing programs over the past 19 years that have assured modern homes, not only for thousands of Alabamians, but also for millions of other Americans. These programs have meant better financing and stable loan plans benefiting the home buyer, the home builder and the lending institution.

But lest we think that John Sparkman lives only in a world of figures and dull statistics, let us always remember his work in the field of health and education. He has not forgotten the days when he sent himself through the University of Alabama by selling his own cotton crop. He knows the inestimable value of a good education, and the necessity of good health to enable the young people of today to make use of it. He strongly supported the National Defense Education Act of 1958. Perhaps no other Act since the Land-Grant College Act of a century ago, has contributed so much to education in the United States. Senator Sparkman was also an early sponsor of the "impacted areas" law which provides for financial aid to local school systems where defense and other installations have increased the load in pupil enrollments. The teachers have also benefited from his championing of their cause for better sal-

aries and improved status and working conditions.

For many years, until the retirement of Senator Lister Hill, John Sparkman was half of one of the greatest "one-two punches" ever enjoyed by any State in the Union. With Lister Hill, the former Chairman of the Senate Committee on Labor and Public Welfare—himself a most distinguished Senator—as his colleague and friend, the gentleman we honor tonight helped bring countless health programs to Alabama. Today, your State is a leader in making use of the Hospital Construction program. Nearly all Alabama counties have benefited in the legislation, with more than 500 hospitals, health centers, nursing homes and dormitories having been built. In this connection, I would be amiss if I did not say that in Lister Hill's successor, Senator Jim Allen, the State of Alabama has once again come up with an outstanding man whose abilities and dedication to his duties on the Senate floor and in committee promise a very bright future in the Senate of the United States. Alabama has a blue ribbon team in the U.S. Senate.

When I think of all that John Sparkman and others have done over the years to improve education and educational facilities for all Americans, I view with extreme regret the retrogressive attitudes and actions of our courts and certain Federal officials that are going a long way toward undoing these constructive beginnings. The myopia which characterizes those who place forced integration in schools ahead of improving education for all pupils of both races is something that appalls me, as I am sure it does you.

This mania for forced integration by mass busing is the most recent gem of social engineering. The federal courts have become so infatuated with busing as an educational end-in-all that it probably would surprise no one if they just did away with traditional concepts of schools altogether and ordered classrooms on wheels. They could have mathematics buses, chemistry buses, study hall buses, activity period buses and so on. It would make about as much sense as some of the half-baked social experimenting to which the nation's children are now being subjected.

John Sparkman is a veteran and he has never forgotten the needs and the problems of veterans. He has fought wholeheartedly for the rights of veterans and their families. He was a sponsor of the original G.I. Bill of Rights and the Korean Veterans' Act, and in 1965 sponsored the "Cold War G.I. Bill"—which extends the same benefits to the servicemen from the Vietnam war. He is the author of the law—the Soldiers and Sailors Civil Relief Act—which protects servicemens' insurance, automobiles, appliances and other property while they are in the service. As befits his status as a retired Colonel in the Army Reserve and a member of the American Legion, John has also been active in obtaining passage of the National Guard and Reserve Officers Retirement Act.

To those of you who may not be familiar with the everyday workings of the United States Senate, I can assure you that it is a constant source of amazement to me how a Senator who combines the endless duties of a Committee Chairman with the hours he must spend in other Committees and on the Senate floor manages to find time to eat and sleep. To most of us mere mortals, the Good Lord granted only twenty-four hours in a day. Perhaps he made special dispensation for a few extra hours every day to those lucky enough to be born in Hartselle, Alabama.

Perhaps, as Majority Whip of the United States Senate, I feel a special kinship for John. For he, too, had that sometimes thankless job during his last term in the House of Representatives. As many of you know, John Sparkman is the only man in United States history to be elected simultaneously to both Houses of Congress. I have frequently thought that if it were allowed under the Constitution, John Sparkman could well have had the energy and dedication to have held both seats and handled both with the success he has always shown in the one.

Of necessity, I have dwelt mostly on John Sparkman's outstanding accomplishments as a Senator and as a legislator. When a man's life has been dedicated to the making of laws and the representation of the people who elected him, it is always too easy to think of him only in these two mantles. But John Sparkman is much more. He is a warm, friendly human being; and his successes and the admiration of his peers have not changed him. Whatever distinctions he may have gained during his years in Washington—and they are many—he still remains a man of the people and in the true sense of the words, a Southern gentleman. It is my earnest hope that the friendship and affection I feel for him will be further cemented in the United States Senate in the years to come. The Senate, the State of Alabama, and the Nation need John Sparkman. I have never asked him whether he has ever chosen words to live by, though most of us have our favorites. But perhaps I may be allowed to suggest for him the words of William Shakespeare in his play "King John"—

"The day shall not be up as soon as I, To try the fair adventure of Tomorrow. . . ."

THE USE OF SECRET INFORMATION

Mr. FULBRIGHT. Mr. President, two recent television commentaries, one by Joseph McCaffrey, WMAL-TV, Washington, and another by David Brinkley, of NBC News, are, I believe, worthy of our thought and attention.

Mr. McCaffrey, in a commentary broadcast on January 4, offered some strong, but appropriate comments on the increased bombing by the United States in Vietnam during the Christmas season.

On the NBC nightly news of that same date, Mr. Brinkley made some discerning comments about a rather ironical situation in regard to the use of so-called secret information.

In view of the fact that these commentaries were broadcast during the adjournment, a number of Senators may have missed them. I, therefore, ask unanimous consent that they be printed in the RECORD.

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

COMMENTARY BY JOSEPH MCCAFFREY

As if to show that we might be as pagan as they are, the United States—with great irony—picked the week of Christmas to drop more and more and more bombs on the heathen North Vietnamese. This seemed to be our way to signal the men in Peking for the upcoming visit of President Nixon, saying, "See, we are just as pagan as you are."

We choose the time of year when we talk about Peace on Earth, good will to men, as the time to really saturate North Vietnam with our bombing. And then we become indignant that the North Vietnamese have the nerve, the gall to send up fighter pilots in an effort to head us off.

Why are we doing this?

To help get our prisoners of war back from Hanoi?

To protect the remaining troops we have in South Vietnam?

To buy more time for the Saigon government?

Yet, over the years since 1969 we have bombed, and bombed and bombed . . . and now it is 1972, and the North Vietnamese still have our prisoners; North Vietnam is still determined to keep fighting.

Will the fact that we picked Christmas week, the time of peace on earth, as the time for our bombing have any more influence on Hanoi?

Or is the situation in Vietnam—perhaps—a little worse than we have been led to believe?

We really aren't sure—all we know is that, wind it up or wind it down, whatever one wants to call the present situation, the war still goes on . . . still goes on.

NBC NIGHTLY NEWS BY DAVID BRINKLEY

Daniel Ellsberg was arraigned today under his second indictment for passing out material from the Pentagon papers to the newspapers. And he could wind up in prison.

On sale now in bookstores in Washington and elsewhere is a book by Lyndon Johnson called The Vantage Point . . selling for 15 dollars. It also makes public material from the Pentagon Papers.

A Roman Senator . . in the year 575 BC . . said, "Laws like cobwebs, entangle the weak but are broken by the strong."

What Ellsberg made available to the American people was theirs already . . since they paid for the writing of the Pentagon papers—the salaries of the writers, as well as buying even the typewriters and the paper.

As for damaging the country by giving out secrets, the Federal Government's lawyers have been able to show no damage whatever.

As for their being stamped secret in the first place, one of the Pentagon's experts told Congress that 99 and ½ per cent of what is classified secret should not be.

President Nixon himself, years ago when he was a Senator, said a lot of what was stamped secret . . ostensibly to protect the national security . . was actually stamped secret to protect the bureaucrats' own security.

So . . what we have is this:

Papers in the Pentagon stamped secret, probably wrongly . . owned by the American people, who paid for them.

Ellsberg passed them out free.

Johnson took some of the same material already owned by the American people and put it into his book to be sold back to the American people for 15 dollars a copy.

Ellsberg is threatened with prison. Johnson is relaxing on his ranch, collecting royalties.

PEACE CORPS SCHOOL PARTNERSHIP PROGRAM

Mr. BOGGS. Mr. President, I shall address myself for a moment to the recent cutbacks in funding for the Peace Corps. For 7 months of the current fiscal year the Peace Corps operated on a budget based on the administration's request of $82 million. Late last year the House voted an appropriation of only $60 million which the Senate then raised to $72 million. The result is that the Peace Corps, at a point more than halfway through the fiscal year, finds that it must operate for the remainder of that year with $10 million less than it had expected. Action Director Joseph Blatchford estimates that this cut will cause the Peace Corps to recall 4,000, or roughly half, of its volunteers from their overseas posts.

I sincerely hope, Mr. President, that this reduction does not signify a permanent downgrading of the Peace Corps in terms of our foreign aid priorities. Popular support for this program has not diminished nor, do I believe, has its original appeal to the young people of this country. I offer as evidence of their con-

tinuing support the Peace Corps school partnership program which has been quietly lending voluntary financial support to Peace Corps projects since 1965.

Under this program schools, civic organizations and youth groups make contact with needy communities in developing countries which are planning to build schools and hospitals with the assistance of Peace Corps volunteers. So far, over 1,700 organizations have aided communities in 49 Latin American, Asian, and African countries.

In my own State of Delaware six schools have contributed over $4,000 to Peace Corps projects. Middletown High School in Middletown has contributed $882 for a project in Varjota, Brazil, and $118 for one in Dhulkot Tahli, India. The John Dickinson High School, in Wilmington, has given $300 to assist the community of Manoluk on the island of Truk in Micronesia. Brandywine High School, in Wilmington, has contributed $500 for a project in Kyark, India, and Concord High School, also of Wilmington, has donated $1,000 to Cardona, Uruguay.

In addition, Laurel High School, in Laurel, has given $200 for a project in Santo Nino, Philippines. Warner Junior High School, in Wilmington, has contributed $78.60 to La Nueva, Guatemala, and $70 to El Toro, Guatemala. The Wilmer Shue School, in Newark, has raised $870.44 for a project in Pitucancha, Peru, and $129.56 for one in Logonono, Botswana. Without the Peace Corps and the Peace Corps school partnership program, none of these projects would have been undertaken.

I salute the efforts of our young people who have worked hard to raise this money. Their faith in the Peace Corps speaks eloquently of the ideals to which it gives life, and is one of the strongest recommendations I can think of that this program receive the full support of Congress. During the coming session I urge Senators to restore funds for the Peace Corps to an adequate level.

SENATOR RANDOLPH SUPPORTS IMPROVED PUBLIC TRANSPORTATION FINANCING

Mr. RANDOLPH. Mr. President, yesterday, I sent the following letter to Senator Weicker:

U.S. SENATE,
Washington, D.C., January 19, 1972.

Hon. LOWELL P. WEICKER, Jr.,
U.S. Senate,
Washington, D.C.

DEAR LOWELL: Thanks for your letter of January 13 requesting that I cosponsor legislation which you introduced today relative to changing the purposes for which Highway Trust Fund revenues can be expended.

While I did not co-sponsor your bill, please know of my continued, genuine concern for the relationship between public transportation and the highway program. As you know, on December 22, 1969, I introduced S. 3293, a proposal to allow the use of highway funds to support public transportation operations under certain conditions. This proposal was considered for inclusion in the Federal-aid Highway Act of 1970 but was not made a part of the bill reported at that time.

I am strongly convinced that action must be taken to significantly improve financing for public transportation. This effort is especially needed as to highway-oriented public transportation since an estimated 75 percent of the country's transit requirements will have to be met by buses. The need for strengthening public transportation throughout the United States becomes urgent when we realize that approximately 260 cities have lost their transit systems in the past 18 years.

Be assured of my desire to work closely with you this year, both in the Committee on Public Works and elsewhere, to develop legislation that will help assure continued and improved public transportation services for the American people.

With personal regards and official esteem, I am

Truly,

JENNINGS RANDOLPH,
Chairman.

CLEARCUTTING

Mr. McGEE. Mr. President, in rapid succession lately, the public learned of the impending issue of an Executive order aimed at insuring a high level of environmental integrity in all timber harvesting operations on the public lands of the United States; then of the proposed order's early demise.

In this instance, the news reports were entirely accurate. There was a proposed Executive order, drawn up by the President's Council on Environmental Quality following a study conducted with the help of five distinguished heads of forestry schools in various parts of the country. The order did at last face up to the complexity of the clearcutting issue, and it did move toward the imposition of entirely reasonable restraints on this practice of leveling all the growth within a forest tract marked for timber harvest.

For more than 2 years, I have concerned myself with this practice, at first because of the concern expressed to me by many citizens of my own State and others, and more recently because my on-the-spot investigation of conditions in our national forests have clearly revealed the utter ugliness and destruction wrought in the recent past by clearcutting.

In an attempt to cut through the conflicting points of view held by sincere and competent authorities, I have advocated the creation of an independent interdisciplinary study commission to thoroughly investigate the entire clearcutting issue so that we can proceed with forest management policies that will afford us reasonable assurance that the long-term benefits of our invaluable forest resources will not be wantonly diminished. I have never argued that clearcutting should be forever banned from all our national forests. Indeed, different soil conditions, different climatic conditions, different species of trees, different elevations, and a host of other factors will affect the choice of any harvesting method to be used. But we do need more assurance that the methods used make sense—not just economic sense but environmental sense as well. Thus, my bill would temporarily halt clearcutting, pending completion of the study.

The Executive order prepared for the President by his Council on Environmental Quality would not have banned clearcutting either. Its purpose was to provide some measure of leadership in the development and application of environmentally sound forestry practices and assure that environmental considerations were given full weight by those charged with the responsibility of administering our forest resources.

Without exception, the criteria in the Executive order were sensible and reasonable. Let me state them:

First. Clearcutting for the particular tree species and specific area in question must have a silvicultural justification.

Second. There will be no clearcutting in areas of outstanding scenic beauty, nor in areas where clearcutting would adversely affect existing or projected intensive recreation use or critical wildlife habitat.

Third. Clearcutting will not be used on sites where slope, elevation, and soil type, considered together, indicate severe erosion may result.

Fourth. No area will be clearcut unless there is assurance that the area can be regenerated promptly.

When those conditions were met, clearcutting was to be further constrained by the following:

First. The area to be clearcut will be kept to a size that will minimize harm to the biota, including diversity of species, and will maximize total resource management benefits.

Second. To minimize aesthetic impact, clearcut areas will where possible be shaped to blend with the landscape.

Third. Adequate precautions will be taken to assure protection of water quality and biological productivity in neighboring streams and lakes.

Fourth. Adequate attention will be given to the impact of road construction which would be necessitated by the timber harvest.

The proposed Executive order also would have directed the Secretaries of Agriculture and Interior to issue revised regulations so that timber sale contracts in the future would reflect these environmental goals. Further, it would have provided a spur to the improvement of management plans and procedures, the administration of timber sales, and the development and use of more advanced and less harmful technology. Finally, it would have directed the particularly fragile areas unable to withstand such intensive uses as timber harvesting to be identified and protected, at least until the technology was available to permit their exploitation without harm to the resource base.

All that, Mr. President, seems perfectly reasonable and sensible. Yet, following a high level meeting between representatives of the timber industry and the departments involved, which I understand took place in the office of Agriculture Secretary Earl L. Butz, the decision was made to kill the Executive order. Business as usual, in other words, was what the industry wanted and apparently what it is going to get unless Congress intervenes to protect the future of forest resources.

All of this activity, which occurred in the week prior to the reconvening of Congress, indicated to me that the need is greater than ever for a thorough and independent assessment of this complex environmental issue. That reassessment can be had with the passage of S. 1592,

which I introduced last year and which has the cosponsorship of 16 Senators.

CELEBRATION ON VETERANS DAY

Mr. THURMOND. Mr. President, the Veterans Affairs Organization of Lexington County, S.C., recently passed a resolution concerning the celebration of Veterans Day.

Veterans Day was set aside to mark the end of World War I on November 11, 1918. This is a date which has great meaning to all veterans and Americans alike. Because of the Monday holiday bill, the holiday was changed to the fourth Monday in October. The date, November 11, is deep in the heart of our Nation as many patriotic Americans gave their lives to achieve the event this date denotes. The resolution deserves the consideration of Congress.

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

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

A RESOLUTION

Whereas, by Act of The Congress of The United States, Veterans Day was moved from November 11th to the fourth Monday in October of each year, and

Whereas, November 11th marked the end of hostilities of World War I, and

Whereas, such date, by tradition has deep significance to War Veterans, especially World War I Veterans, and

Whereas, the changing of this date has diminished the meaning of Veterans Day, and

Whereas, a holiday for the convenience of the general public has replaced a day which was originally set aside for patriotic rededication by War Veterans

Now therefore, be it resolved: that Lexington County Voiture 1211 of the 40 & 8 deplores such change of Veterans Day, and

Therefore, we as members of Voiture 1211 respectfully request that November 11th be reestablished as Veterans Day.

CHILD DEVELOPMENT: LITTLE ROCK'S KRAMER SCHOOL

Mr. MONDALE. Mr. President, Parade magazine for January 9, contains an inspiring and encouraging report of Little Rock's Kramer school.

This day care-child development project is run by Dr. Bettye Caldwell, one of the Nation's most respected authorities in the field of preschool education and child development. The school is supported by the State Department of Education, the Little Rock school system, and the University of Arkansas, and has been awarded a $2 million grant from the Office of Child Development.

The project, now in its second year of operation, is based on the belief that it is essential to provide educational opportunities to the nearly 6 million young children in this country whose mothers are working.

This innovative experiment takes place in the same building as the elementary school these children will later attend. By encouraging the students from the school to act as aids, this project gives older children a much-needed understanding of youngsters, and an early introduction to some of the responsibilities of adulthood and parenthood.

After a year's operation the article reports that the children attending this project "registered a gain of 12 IQ points compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts center children gained 16 scaled points more than other youngsters."

Contrary to many fears expressed about child care programs, Dr. Caldwell reports that the family ties of these children have been substantially strengthened by their participation in the program.

Mr. President, in view of the fears and misconceptions that have been raised and nurtured during the consideration of child care legislation, I think it is important for my colleagues in the Senate to have a chance to understand the values of one kind of quality day care which could have been funded under the child development legislation that was recently vetoed. I ask unanimous consent that the article be printed in the RECORD.

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

A PIONEERING DAY-CARE PROGRAM—HOW MUCH CAN A 6-MONTH INFANT LEARN IN SCHOOL?

(By Ted Irwin)

LITTLE ROCK, ARK.—A day-care center in Little Rock has come up with the revolutionary idea of using the time that small children are left in its custody to educate them, rather than wasting it in aimless activities.

This concept of early, continuous, away-from-home education for youngsters starting almost in infancy is attracting deep interest elsewhere and, if it spreads, could change the face of American education.

Unlike many other day-care centers, which are merely places where working mothers park their toddlers all day and pick them up at night, Little Rock's Kramer School, a renovated structure in a mixed black-and-white neighborhood, is a hive of purposeful activity where three-year-olds learn numbers and four-year-olds explore basic math concepts. And all the while the building also functions as a regular elementary school through the sixth grade.

FIRST YEARS CRITICAL

"Ours is a new kind of educational delivery system," says Dr. Bettye Caldwell, the petite redhead educator in charge of the Center for Early Development, which runs the innovative Kramer project. "The first few years of life are critical for normal development as a human being. In this process, day care should not be separated from education. We're striving for a setup which can be adopted or adapted in other communities through the nation."

So important do educational authorities regard the Little Rock experiment that the Office of Child Development is investing $2 million in it, and the participants include the State Department of Education, the Little Rock school system, and the University of Arkansas.

Central to the project, initiated by Bettye Caldwell two years ago, is the conviction that it is not only possible but essential to give formal education to very young children whose mothers are separated from them all day. By providing instruction in the same building where they'll later be enrolled as elementary school pupils, the program gives them a running start on their formal education.

"An early enrichment program can't touch the lives of children in a significant way unless it's linked to public education," says Bettye, who is the wife of a surgeon. "Only in the public schools can you reach a large number of day-care children, and give them educational continuity, starting with infancy. Like this, there is no danger of a child losing out later, as some children in other programs have lost their early gains."

For the day-care children, school starts early at the center—at 7 a.m., two hours before the regular elementary grade children arrive. Their parents drop them off on the way to their jobs. Care starts at the age of six months, with very small children spending their day in the "Baby House," a maple-paneled structure with playpens, cribs, a feeding table, playground equipment, and even a diaper-changing room. Teachers and aides are on hand to blow bubbles and play games.

REWARD SYSTEM

Special rooms are reserved for three- four-, and five-year-olds, where learning begins in earnest. Teaching techniques are adapted to age groups. Three-year-olds, for instance, learn numbers by being handed small dolls and taught to give back one, two, and three at a time. A successful performance brings a feeling of pride and a special snack for reward. Children six and over go to the school's regular classes, their day-care blended in imperceptibly with education.

One of the center's most intriguing rooms is the "Learning Library," where special equipment has been installed to help slow learners. A projector flashes letters, numbers and geometric patterns for the child to identify or copy. The latest in audiovisual apparatus helps speed up language proficiency and development. Activities go right on for these youngsters after the regular school pupils leave at 3:15, with the children remaining until their parents pick them up at 5 p.m.

"Most day-care centers," says Bettye Caldwell, "look at their function from the standpoint of the mother's benefit—relieving them from custodial care of their children during working hours. We look at it from the standpoint of the child's enrichment. Our day care actually strengthens the bonds between mothers and children. In many cases, we take enough of a load off a mother so that she can be more loving, more patient, and take more time to play with the child. Separation during the day can heighten the enjoyment and appreciation of each other when they are together. The quality of the relationship is improved."

Dr. Caldwell, herself the mother of 13-year-old twins and a professor at the University of Arkansas, says the day-care program emphasizes emotional stability, mental health, and mutual understanding, as well as academic subjects. The result is improved behavior and a warm attitude toward school. One three-year-old named Billy, who threw temper tantrums regularly when he first came, has now turned into a creative and constructive leader of other small fry at the Center. Eighteen-month old Janice, pale, underweight, and unsmiling, seemed destined to be retarded, like her older brother. At the Center, before long she was laughing, verbalizing, clapping her hands to music.

It's the same story for older day-care children who attend regular classes at the Kramer School. Says 11-year-old Tommy, the product of a broken home: "Every one treats me like an animal except the people here at school." Says nine-year-old Martha: "In my old school you couldn't even stand up without being yelled at."

Parents are delighted with the results they have observed in their youngsters. Says Mrs. Pauline Trotter: "If my two-year-old daughter Paula were left with a baby-sitter, she'd be kept in front of the TV all day, scared to move. At the Center she's learning to play

with others." Mrs. Vivian Runyon, mother of six, is so happy with the Center that she's returned to the neighborhood just to be near it, after moving away for a while.

"I thought no one could take care of my kids like I could," she explains. "But I'm amazed at how much Rodney, who's only two, was able to learn at the Center. I'm sure that my older boys would be better students today if they had been in the program when they were very young." Adds a waitress with two youngsters at the Center: "My kids are getting a lot better start in life than I or my husband ever did."

The effect on the children also is measurable in objective tests. After one year at the Center, day-care pre-schoolers registered a gain of 12 I.Q. points as compared to 2 points for a control group on the outside. On achievement tests involving language and numbers concepts, Center children gained 16 scaled points more than other youngsters. In a test that involved associating spoken words with pictures, day-care four-year-olds outscored a control group in the same age range.

With results like these—and with an estimated 6 million pre-school children with working mothers in the U.S.—it's no wonder that education and child psychologists from all over the country, and some from countries like Brazil, Israel, Taiwan and Ghana, have been flocking to Little Rock to see the Center for Early Development in action.

ENTHUSIASTIC RESPONSE

One of these visiting experts, Prof. Joan Costello of Yale's Child Study Center, sums up the prevalent feeling this way: "This is one of the most exciting educational demonstrations going on in the country today. In this combination of day care and school, elementary grade pupils have a chance to learn about little children and parenthood. The day-care children were deeply interested in what they were doing and learning a lot. What impressed me is that it is a happy place. I see the Kramer program as potentially a model for the schools of the future."

To Bettye Caldwell, the promise of her day-care venture extends far beyond proficiency in schoolwork.

SOCIAL AWARENESS STRESSED

"Before a child leaves us we hope he will have acquired a love of learning and be able to meet all later school experiences," she says. "But we want him also to have made substantial progress toward becoming a responsible citizen. We must think big about what kind of children we want to have in the next generation, about which kind of human characteristics will stand them in good stead in this rapidly changing world. Early child care, such as is being practiced at this Center, can be a powerful instrument for influencing the quality of life."

IN DEFENSE OF THE PEACE CORPS

Mr. HUMPHREY. Mr. President, just before Congress adjourned, it passed a continuing resolution for foreign aid which contained funding for the Peace Corps at an annual rate of $72 million, $10 million short of its original request and $5 million short of the authorization approved by Congress in October. Immediately thereafter, Mr. Blatchford, director of the Peace Corps, issued a statement indicating a provisional plan to cut the volunteer force strength in half. The plan would go into effect if the final appropriation were at the level of the present continuing resolution.

I, in turn, wrote a letter to the President urging him to take whatever action necessary, including the use of emergency funds, to avoid cutbacks and to convince Members of Congress of the importance of passing an appropriation bill with full funding for the Peace Corps. I ask unanimous consent that my letter to the President be printed at this point in the RECORD.

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

JANUARY 13, 1972.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am seriously concerned by the Peace Corps' reported plans to cut its volunteer force in half. I appeal to you to take whatever action is required, including the use of emergency funds if possible, to enable the Peace Corps to maintain its present strength until the Congress decides upon a final 1972 appropriation.

Under the Continuing Resolution for Foreign Aid, the Peace Corps' appropriation is funded at an annual rate of $72 million—$10 million short of the Administration's request for this year. It is my understanding that Senate action on the pending fiscal year 1972 appropriation bill could result in bringing the total figure closer to the budget request. I would hope that additional Presidential assistance would make it possible for the Peace Corps to hold off any reductions pending final passage of the Foreign Aid appropriations.

With the appropriation bill as an early item on the agenda when Congress reconvenes, I urge you to appeal to members of Congress on behalf of the Peace Corps. I will do everything I can to see that the Peace Corps is funded as close to its budget request as possible.

I hope you agree that there is still a vital need for Peace Corps programs. As you know, there has been a resurgence of interest in the Peace Corps throughout the country. Volunteer applications have jumped from 19,000 last year to 26,500 this year. There are 8,213 volunteers now working in the field at the invitation of 56 countries around the world. They continue to have an important technological assistance and an ambassadorial role to play in promoting development and international understanding.

Having played a leading role in its birth and having closely followed its progress and success, I strongly support continuance of the Peace Corps. I believe a strong majority of the Congress wants to continue its outstanding work. With your assistance, I am confident we will be able to permit the Peace Corps to continue its vitally important work for peace and development.

Respectfully,

HUBERT H. HUMPHREY.

Mr. HUMPHREY. Mr. President, I strongly believe we must give adequate funding to the Peace Corps in recognition of the important role it has played and will continue to play in development assistance and international understanding.

We in the Congress have been talking, and I think rather responsibly, about the need to revise our foreign assistance program. The Senate was particularly emphatic about its concern over our military assistance program. Economic development experts have for quite some time now been talking about the increasing importance of multilateral assistance and the dwindling importance of bilateral assistance.

But rarely is the suggestion made that bilateral programs be dumped entirely. They have a utility all their own, which is not just to provide us with the means of maintaining American influence abroad. In many instances it has been found that working under national auspices is more efficient and beneficial for all parties concerned. What I am suggesting is that bilateral programs have their place and will continue to have a special utility, which complements, not conflicts with, the work of international organizations.

In my opinion, and I know in the opinion of the majority of the American public, no single American aid institution merits a more secure place than the Peace Corps. I am not saying this out of pride of authorship, although I do take great pride in the fact that I introduced and floor managed the bill which established the Peace Corps. I am saying it in recognition of the achievements already made by the Peace Corps. I am saying it out of a conviction that the Peace Corps still has an important role to play.

How can we think otherwise? Let me just read to the Senate section 2 of title I—The Peace Corps.

The Congress of the United States declares that it is the policy of the United States and the purpose of this Act to promote world peace and friendship through a Peace Corps, which shall make available to interested countries and areas men and women of the United States qualified for service abroad and willing to serve, under conditions of hardship if necessary, to help the peoples of such countries and areas in meeting their needs for trained manpower, and to help promote a better understanding of the American people on the part of the peoples served and a better understanding of other peoples on the part of the American people.

I, too, would recommend the demise of the Peace Corps if there had been a sharp discrepancy between this high purpose and what the Peace Corps has actually accomplished. But there is not. Admittedly, there have been some unfortunate incidents in the history of the Peace Corps, but I contend that this is a part of a growing process. Today, the Peace Corps is in good shape. It has over 8,000 volunteers stationed in 56 different countries. It offers a greater variety of programs now to developing countries than ever before. Finally, it does not impose itself on these countries, but is invited.

That is a far cry from some other forms of American representation, where we are present but not welcome. Here is a voluntary program that has worked. The only way it can continue to work, however, is through the support of Congress. I call upon Senators and Members of the House of Representatives to pass an appropriation bill at the full level of funding already authorized by Congress. We owe it to ourselves and to developing countries. We owe it to the finest of American traditions.

NORTH VIETNAM'S STRATEGY

Mr. McGEE. Mr. President, in the Washington Post of January 7, 1972, columnists Rowland Evans and Robert Novak warn of possible consequences arising from an incident predicted to occur in Vietnam in the near future.

They predict the North Vietnamese regulars could possibly occupy the pro-

vincial capital of Kontum in South Vietnam's central highlands and may even hold that city for several days.

In assessing the prediction, the columnist pointed out that such an incident could have a completely distorted impact on the U.S. Congress in that it could be interpreted as an indication the President's program of Vietnamization is a total failure.

However, as Evans and Novak state, the whole North Vietnamese strategy at this time is to hit the South Vietnamese at their weakest point in order to score a psychological victory with the U.S. Congress. But one must consider that in the past the vulnerable spots in South Vietnam included the Mekong Delta, the central Vietnam coastal provinces, and along the demilitarized zone. Therefore, it is a tribute to the Vietnamization program that these areas are no longer vulnerable to Vietcong or North Vietnamese domination.

In sum, a North Vietnamese occupation of Kontum, even for a short period of time, would hardly constitute ample evidence that Vietnamization has failed. On the contrary, it is apparent that Kontum represents the only area in which the North Vietnamese could attack in South Vietnam with some measure of success.

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

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

HANOI'S OFFENSIVE IN 1972

(By Rowland Evans and Robert Novak)

Within a few weeks, invading North Vietnamese regulars probably will fight their way into the provincial capital of Kontum in South Vietnam's central highlands and may well hold it several days—an event of miniscule military importance but a potentially portentous development in the seemingly endless war.

Whether or not Communist troops briefly occupy Kontum has no relationship to the overall military situation. Indeed, the annual dry season Communist offensive in the sparsely settled central highlands just about to begin is peripheral to the vital question of who controls the populated regions of South Vietnam.

The politburo in Hanoi is just as aware of these military facts of life as the Pentagon in Washington. The reason it is willing to expend precious supplies and crack troops in the central highlands is the impact any kind of Communist victory might have on the shaky U.S. Congress. Headlines about North Vietnamese troops capturing a provincial capital might heap rich benefits on Capitol Hill.

This is what is truly behind the Communist military offensive now under way throughout Indochina. Strike at the weakest points of anti-Communist resistance, attempting to give the Congress in Washington the false impression that President Nixon's Vietnamization policy is a colossal failure. Even more than embarrassing Mr. Nixon before his Feb. 21 journey to Peking, influencing Congress is Hanoi's top goal.

Such a priority represents a shift in Hanoi's grand strategy. North Vietnam's leaders have soured on their ability to undermine the Nixon administration's support of the South Vietnamese government by working through American antiwar protestors.

The trouble, from Hanoi's standpoint, is that it cannot manage a successful military offensive in the rice-rich Mekong Delta or even in traditionally troublesome central Vietnam coastal provinces or along the demilitarized zone. Overall, the North Vietnamese military position has never been weaker, despite the now total absence of U.S. infantry.

Thus, the Communists are attacking weak spots: Laos, Cambodia and, most important, the central highlands in South Vietnam, a vast region defended by the 22nd and 23rd divisions, commanded by the reputedly two worst divisional commanders in the South Vietnamese army.

That is why the Communists are massing in exceptional numbers for an offensive in the highlands, quietly bringing in additional North Vietnamese regiments.

Even so, Communist victory in the central highlands is not assured, in the opinion of the region's senior U.S. official, John Paul Vann, who deservedly has a reputation for unsurpassed expertise in Vietnam and clear-headed realism.

Conferring with Secretary of Defense Melvin R. Laird here this week while on his annual home leave, Vann painted a picture of the Communists walking into a bloody trap. He contended that the lightly regarded 22nd and 23rd divisions, hopefully reinforced by elite airborne troops from Saigon, are good enough to hand the Communists frightfully heavily casualties as they storm fortified positions.

In return for such bloodshed, the Communists may make some militarily limited but politically exploitable gains. One or two thinly defended border rangers' camps may fall. Fire Base Five and Fire Base Six, which staved off Communist siege a year ago, may fall to heavier assault this time. And, as Vann privately acknowledges, Kontum may be entered temporarily.

The possibility of these setbacks in early 1972 were acknowledged without great distress last September, when we visited the central highlands. Such defeats in the wilderness have occurred before without influencing the country's populated areas. No responsible military man, U.S. or Vietnamese, believes the central highlands offensive could lead to the Communists' slicing through to the sea to cut the country in half.

There is, however, worry today at the highest levels of the government over the prospect that limited military engagements may be greatly magnified by the American media and thereby cause more and more congressmen to misunderstand the true course of the Vietnam war. For that reason only, Hanoi's 1972 offensive in the central highlands is awaited with apprehension in Pentagon and State Department offices.

OUR DIMINISHING DEFENSE

Mr. THURMOND. Mr. President, in the past few years I have often spoken on the floor of the Senate and in other forums about the declining military power of the United States.

Just recently the Association of the U.S. Army issued a position paper on this subject, entitled "Our Diminishing Defense."

This paper takes into account recent defense developments such as the 50,000 man-year personnel cut imposed on the Army during fiscal year 1972 on top of an Army initiated reduction.

This cut will take Army strength to around 860,000 by the end of the year, the lowest point since prior to the Korean War in 1950, although Army strength did hover near the 860,000 point in 1961, just before the Berlin crisis.

As we begin the new year the Army association paper also notes that both the Army Reserve and Army National Guard are below authorized strength. This is a trend which will likely accelerate.

Mr. President, this AUSA paper is well written and deserves the attention of the Congress and the Nation. Each candidate for President should read it carefully and weigh his defense position accordingly. I ask unanimous consent that the article be printed in the RECORD.

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

JANUARY 15, 1972.

OUR DIMINISHING DEFENSE

The Secretary of Defense has stated that our basic National Security objective is to preserve the United States as a free and independent nation, to safeguard its fundamental institutions and values, and to protect its people. Through its foreign policy and collective security arrangements, the United States seeks an environment in which its security objectives can be attained.

Our continuing ability to carry out these objectives is a matter of serious concern. In the past twelve months we have seen the most drastic and rapid decimation of our fighting forces since World War II, this in the face of growing defense capabilities by those whose national goals are the antithesis of ours.

The politics of strength are little understood in our country and in the present climate are equated with a desire to fight rather than as a major deterrent to war.

1972 is a Presidential Election year. There will be an understandable effort by politicians of both sides to minimize National Defense needs to lay greater stress on the "other priorities" which are presumed to be much more attractive to the electorate. But unless we can defend our status as a world power, these other priorities will never come to fruition. Like it or not, we live in a time when little wars and revolutions can escalate and major wars can develop on short notice. So, an adequate defense becomes more than a luxury.

1972 is a crucial period in our defense posture. We believe that cuts in personnel and budgets which have already occurred, and those reportedly being processed, go beyond all prudence and constitute a threat to the security of our Nation. The ability of our Nation to determine its own destiny can well be in the balance.

President Nixon summed it up very well when he said, "It needs to be understood with total clarity that Defense Programs are not infinitely adjustable—there is an absolute point below which our security forces must never be allowed to go. This is the level of sufficiency. Above or at that level, our defense forces protect National Security adequately. Below that level is one vast undifferentiated area of no security at all. *For it serves no purpose in conflicts between nations to have been almost strong enough.*" We believe that our National Security forces have already gone below the level of sufficiency necessary to meet our commitments. The remainder of this statement will outline the reasons why.

The basis for our current National Stategy is summarized in the Nixon Doctrine. The first of the three pillars of that doctrine states flatly that "the United States will keep its treaty commitments."

Through treaties and assurances of mutual assistance given in other forms, the United States is committed to come to the aid of some 48 nations in every segment of the globe. And in many of these areas, the dangers of escalation of minor conflicts is indeed a serious concern.

NATO stands, after twenty-two years, our most apparent success in the deterrence of

war and aggression. The uneasy detente which exists in Europe may, in time, give way to truly productive agreements with the Soviet Union. But there are a variety of sound reasons why our strength and continued presence in Europe are essential to provide the stability and credibility to this important collective security arrangement.

As a recent Brookings Institution study points out, "the size and character of American force deployments in Western Europe do not fit a precisely calculable military requirement. How much is enough is not the issue. It is rather how many and what kinds of forces will satisfy a number of considerations, some political, others strategic. These considerations should not be seen as short term. They have to do rather with the kind of world order the United States seeks to encourage; with the kind of lasting relationship we wish to establish with Western Europe; with how to impart greater stability to the East-West environment while avoiding steps that might encourage latent instabilities."

Our investment in NATO continues to be a most effective insurance policy for this country and one that offers great possibility for future contributions to improved world stability. This after all, is our ultimate goal.

We should be ever mindful, however, that a segment of our society, including some leaders in the Congress, pursues a continuing and determined effort to emasculate the United States presence in Europe—which in turn would upset the tenuous detente we now enjoy there.

While we are not bound by treaty arrangements that are apt to draw us into the Mid-East conflict between Israel and the United Arab Republic, it remains a tinder box which could ignite a most serious conflagration with great danger to both the Communist and the Free World. With the great powers as directly involved, as the United States and the Soviet Union are, in efforts to maintain some sort of balance of military power between countries with such basic animosities as Israel and the Arab states, the potential for trouble is great indeed.

If the outbreak of hostilities between India and Pakistan goes no further, this may not present any danger of escalation in which we would become involved. However, the sub-continent seethes with misery and unrest and must always be an area of concern.

In the rest of Asia, our problems are more diverse. Some view our involvement in southeast Asia as transient—something which we ultimately can wind up once and for all. They seem to forget that three times in a single generation Americans have crossed the Pacific to fight in Asia and we are still fighting there. No single area of the world has engaged more of our energies in the post World War II period. The President has made it clear in his report to the Congress on United States foreign policy in the 1970's, that it will continue to be in the national interest for the United States to remain involved in Asia. In the President's words, "We are a Pacific power. We have learned that peace for us is much less likely if there is no peace in Asia."

The ANZUS treaty merely reaffirms our long-standing friendship and affinity for our loyal allies in Australia and New Zealand.

Our 1951 bilateral treaty with our long time friends and allies in the Philippines could be the source of either great embarrassment or considerable difficulty in the years ahead while that young nation seeks maturity and stability.

Our bilateral treaty with the Japanese only creates a problem if Nippon's less affluent neighbors should institute war-like action against a nation we have discouraged from developing an adequate defense establishment; or if, on the other hand, Japan enters into a treaty with Red China that would be detrimental to our national interests.

Our treaty with the Republic of Korea remains a viable one, and the growing strength of that nation has permitted us, during the past year, to make a reduction of U.S. troops stationed there. We have only to recall our earlier conflict on that peninsula to know how quickly an enemy miscalculation can change the picture as far as the need for U.S. Army strength is concerned.

The SEATO treaty is more ambiguous than most. It lets us reserve judgment on whether or not an attack against one of the treaty nations constitutes enough of a threat to our national interests for us to help out. As long as we wish to remain a Pacific Nation—and the President says we will—it is difficult to imagine our disregarding a serious attack against a SEATO Nation.

Our bilateral treaty with the Republic of China (Formosa) which was signed in 1954, certainly has taken on a new significance in recent months with our support of Red China for a seat in the United Nations—and President Nixon's scheduled visit to this sworn enemy of our treaty partner. But the treaty is still there and as long as it exists we must be prepared to live up to it.

We have a special relationship with our neighbors in Latin America and certainly there are compelling reasons for strengthening our ties. The instability in some areas of Latin America poses a threat to peace in the Western Hemisphere which we would be foolish to ignore. The past confrontations regarding possible Russian missile and submarine bases in Cuba are examples of the kinds of problems which can crop up in our own backyard.

Even so, our RIO Pact is not normally considered a source of potential danger although the continuing unrest throughout Latin America provides a seedbeed for serious mischief which conceivably could make demands on us for some future military effort.

Thus our treaty commitments are rather extensive and involve some risks, but are not more than the inevitable involvement of a world power. The Soviet Union and Red China make no secret of their national policy to exploit unrest and trouble, wherever they find it, to further the expansion of their national goals and power. Knowing this, we have no alternative to remaining strong unless we choose a course of ultimate subjugation to the will of others. Hopefully, our national leadership will continue to steer us past this shoal.

The real threat to our National Defense may not stem from our treaties or pacts of mutual assistance. It may very well be in the weakening will of our people to face up to the realities of our world today.

It seems incredible that politicians could attack National Defense or advocate seriously weakening it without suffering a serious loss of constituent support. Such politicians recognize that the activists and those who speak out and work in the political arena of their communities are more concerned about "other priorities" than they are about National Defense. They are aware of the fact that there is a serious lack of understanding and knowledge about the importance of our defense needs, and that these needs are unlikely to receive much favorable publicity. They assume that the public will continue to ignore the seriousness of the threat which confronts us and that those who support an adequate National Defense will be unable to overcome the apathy and inertia which exists.

The willingness of many, including some elected to the Congress, to accept without protest second-class status for our Nation, may well signal the beginning of our demise as a world power. Certainly with a seriously weakened military capability, the credibility of our deterrent capability and the acceptance of our will to keep our word comes into serious doubt. In that climate, much can be won by our international adversaries without firing a shot.

The budget proposals for FY 73 are only now being readied for announcement. However, the recently completed action by the Congress on the FY 72 budget already provides cause for serious concern about the rapid decimation of our military strength.

What has happened to the Active Army strength is best graphically depicted in this chart—not printed in the RECORD.

Note that for FY 72 the Administration had programmed the Army for a strength of 942,000. Halfway through the budget year, Congress proceeded to cut funds for 50,000 man years out of that program which will force the Active Army far below the programmed strength with an end strength somewhere between 850—860,000—the lowest strength for the Army since 1950 just before the Korean War.

Because this rapid cut (almost in half in 3 years) is taking place in the Active Army, and because the war in Vietnam is drawing to a close, there has been far less use of Selective Service as a source of manpower.

This in turn has been reflected in the serious personnel problems affecting the Army National Guard and the Army Reserve. At the beginning of January 1972, the Army National Guard strength was 19,000 below its authorized 400,000. The Army Reserve units were down in strength by 6,000 from their authorized 260,000.

Moreover, the situation in those two components may worsen appreciably this year because during 1965 many thousands of young men took a six-year enlistment in a reserve component as an alternative to active service. Those enlistments will run out this year and current retention figures are not good enough to keep the total strength from dropping further. So, a very real problem centers on getting the quality people the Army needs in sufficient numbers.

The Army continues to pursue a most vigorous and imaginative All-Volunteer Program, and has had some notable success. However, the pay raises recently passed by Congress have not as yet had any really significant impact on new enlistments. Moreover, All-Volunteer Programs, particularly those that are soldier-oriented such as fixing up barracks and civilianizing KP have been seriously reduced in the budget process. If service attractiveness cannot continue to be improved, the volunteer program cannot be expected to meet its objectives. Both in the Congress, as well as in the executive department budgeting process, the All-Volunteer effort does not have the dynamic and sustained support that are requisites for success. There is insufficient evidence that we can maintain a volunteer force of the size and quality required to protect our National Security.

This is further complicated by growing costs. A high proportion of the Defense Budget is required for manpower costs. This cost is increasing and it means less is available for research and less for replacement of weapon systems. In FY 68, 41% of the Defense Budget was devoted to manpower costs. In FY 72, with more than a million fewer men under arms, the percentage increased to 52%. In the mid-seventies, with the addition of All-Volunteer costs, it could approach two-thirds of the budget—even with the drastic cuts in personnel which have already taken place.

With personnel costs rising, not only in the military but in all sectors of our society, the amount available for weapons and equipment is decreasing, even as the cost of these weapons is mounting dramatically. Growing complexity and sophistication play a part in these increased costs but more than 25% of the increase has been attributed to inflation itself.

Even with the tightest management procedures possible, present funding will be

inadequate to provide adequate stocks of modern equipment for our Army.

Meanwhile, it is most important to note that the overall trend of defense spending is definitely downward. Whether you measure it in terms of percentage of the Gross National Product or as a portion of total budget, defense outlays continue to go down. For example, in FY 64, considered the last peacetime year, the defense expenditure represented 8.3% of the Gross National Product and 41.8% of the Federal Budget. In 1968, the peak spending year for Vietnam, took 9.5% of the Gross National Product and 42.5% of the Federal Budget. FY 72 was programmed for defense outlays of 6.8% of the Gross National Product and 32.1% of the total National Budget. A Nation as great as this can afford something more than one-third of its Federal Budget for an adequate National Defense.

In 1953, the peak for the Korean War, the Defense Budget hit 13.3% of the Gross National Product and 62.1% of the total Federal Budget. This was due in large measure to the fact that we had permitted our Armed Forces to get so low in strength and equipment inventory that our credibility was seriously doubted—the North Koreans and their backers didn't think we had the strength or the will to retaliate, hence that costly misadventure. This is an awfully high price to pay for unpreparedness.

The late Dean Acheson, former Secretary of State, had some interesting observations on this point in testimony before Congressional Committees in 1969.

"I see no basis for the notion that we tend to overdo the military aspects."

To the contrary, the nation has repeatedly neglected to provide a military basis to match its policy or to cope with aggressive forces. We tried unilateral arms reduction in the inter-war period. We got Pearl Harbor. We reverted to habit after World War II. We got the Korean War. With respect to military power, I do not share the worries of those who discern and deplore dangers of too much. We had a temporary advantage in ratios of available military resources at the time of the Cuban missile crisis. Some would have called it a redundancy. That margin was not a surplus. It provided a basis on which President Kennedy was able to bring off an acceptable outcome—

General Marshall used to drill into me the vast importance of maintaining a means of preparedness in armaments at all times and not to raise it to terrific heights during times of trouble and then to scrap the whole thing and go down to almost zero between crises. We have always been unprepared for conflict. Our wars as a result have lasted too long. The casualties have been too high."

At the Annual Meeting of this Association in October 1971, we took the position that with the winddown of the war in Vietnam, that the U.S. Army total force strength—Active, National Guard, Reserve—should not be reduced below a minimum of 1.6 million. It is our firm view that the Active Army should not be reduced below 900,000. As indicated earlier, Active Army strength will this year drop to the 850–860,000 range and the Reserve Forces are already down to 635,000. In our view this 100,000 deficit presents unacceptable risks.

In the preamble to our Resolutions, we took cognizance of this growing problem. We were particularly struck by a passage in the Supplemental Statement to the Report of the Blue Ribbon Defense Panel which was submitted to the President on 30 September 1970:

"Within a span of less than two decades we have moved from complete security to perilous insecurity.

"Yet, the response of the public generally, much of the media and many political leaders ranges from apathy and complacency to affirmative hostility—not against the potential enemies which threaten us—but toward our own military establishment and the very concept of providing defense capabilities adequate to protect this country and its vital interest. . . . Thus, we respond as a nation—not by appropriate measures to strengthen our defense, but by significant curtailments which widen the gap.

"In short, the mood of the people and much of the Congress is almost one of precipitous retreat from the challenge. This paradox in response to possible national peril is without precedent in the history of this country."

Our task at hand is to reduce the apathy and create an awareness of the essentiality for an adequate defense posture if the freedoms and liberties we now enjoy are to be preserved.

Mr. Acheson gave Congress a very simple explanation of the position of this nation in the world where he said "the power of the United States alone blocks the Sino-Soviet ambitions in this world. They may fall out between themselves, they may have difficulties, they may fight with one another in a minor way, but on one matter they are completely and wholly agreed. The United States is the enemy.

"It is our power which stands in the way of their ambitions and they have no doubt about that at all. We are alone at this pinnacle of power."

Our announced National Policy precludes further weakening of our National Defense. The Nixon Doctrine does not espouse isolationism. It recognizes that the United States has commitments which must be honored. The extent of these commitments must be clearly understood by other nations. We must maintain a level of credible military power sufficient to make deterrence a reality.

We need a strong Army for the future and the stronger it is the less likely we are to have to use it. The cause of peace has no more ardent advocates than those who have been to war. The soldier above all other people prays for peace, for he must suffer and bear the deepest wounds and scars of war. We therefore agree with President Nixon when he says that America's strength is one of the pillars in the structure of a durable peace. He puts it this way: "Peace requires strength. So long as there are those who would threaten our vital interests and those of our Allies with military force, we must be strong. American weakness could tempt would-be aggressors to make dangerous miscalculations." He goes on to say that we cannot trust our future entirely to the self restraint of countries that have not hesitated to use their power even against their allies.

It is our firm conviction that we have already reduced our Army strength below acceptable security minimums. The cause of prudence and safety demand a reversal of the current downward trend in our ability to protect our national interests and to continue as the masters of our fate.

The principal objective of United States military power is to deter war by having sufficient and credible power to maintain peace. We cannot have this without paying for it. We cannot afford to be without it.

CHILD DEVELOPMENT VETO

Mr. MONDALE. Mr. President, following President Nixon's veto of the OEO-child development bill in December, Mrs. Ben W. Heineman, president of the Child Welfare League of America, issued an excellent statement comparing the day care provisions in that legislation with those in H.R. 1, the administration's proposed welfare reform bill.

The comparison she makes between these bills with respect to whether they authorize voluntary or mandatory services and with respect to the quality of services provided, will be of interest to anyone concerned with child care.

In order that Senators may have an opportunity to review this excellent statement, I ask unanimous consent that it be printed in the RECORD.

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

CHILD WELFARE LEAGUE
OF AMERICA, INC.,
New York, N.Y.

(Mrs. Ben W. Heineman, president of the Child Welfare League of America, Inc., issued the following statement in the wake of President Nixon's veto of legislation that would have established a national system of child development and day care programs. A copy of Mrs. Heineman's statement is being forwarded to the White House.)

"The Child Welfare League of America, Inc., deeply deplores the action of President Nixon in vetoing legislation that would have established a national system of child development and day care services," Mrs. Heineman said. "We view the President's action as a cruel blow to children and working parents all across the nation, particularly those single parents who must work or go on welfare. We believe the legislation would have been a giant step toward alleviating the problems of children in low income families by providing for their adequate care while their parents work to earn a living. We believed this was a goal of the President as well."

"We find it incredible that in vetoing this legislation and stating that the veto was the sign of the President's concern about the family as 'the keystone of our civilization,' the President would then cite the day care programs contained in his welfare bill, H.R. 1. The provisions of the Administration's welfare bill are truly 'family-weakening;' poor mothers have no practical choice but to hand their children over to day care centers. And the kinds of services poor mothers must use—or lose their welfare benefits—will be harmful to children because the Administration is not budgeting sufficient funds for these centers. These damaging, cheap programs are the kind that parents would not place their children in if they had any choice," Mrs. Heineman said.

"The bill vetoed by the President had two very important features: participation by families was voluntary; the programs for children were of good quality. Under H.R. 1, participation by family is not voluntary; parents are forced to give up their children to whatever programs are available. The day care under H.R. 1 will be of low quality and, unlike the services that would have been provided under the bill President Nixon vetoed, H.R. 1 day care will be harmful," Mrs. Heineman said.

"We do not wish to speak to the other issues raised by the President's veto," Mrs. Heineman said, "but we believe no one should be misled about the reasons for the veto of the child development programs."

LEAKAGE OF GOVERNMENT DOCUMENTS

Mr. McGEE. Mr. President, the recent publication of the so-called Anderson papers gives rise to questions of serious ramification.

One cannot, and should not, fault columnist Jack Anderson for his publication of the memorandums and minutes surrounding high-level administration discussion of possible U.S. policy formulation in reaction to the India-Pakistan war. However, the individual or individuals responsible for leaking these docu-

ments to Anderson are guilty of a breach of confidentiality which is indispensable in government.

In the end, the leaking of these documents can only lead to a reluctance on the part of policymakers to candidly participate in honest discussions concerning U.S. foreign policy formulation.

I ask unanimous consent that columns by Joseph Kraft and Tom Braden for the Washington Post of January 11 and the column written by James Kilpatrick for the Evening Star of January 11 be printed in the RECORD.

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

UNDERMINING KISSINGER

(By Joseph Kraft)

High policy differences are widely supposed to have prompted the leak of secret documents on the Indo-Pakistani crisis to Jack Anderson. But most of the evidence suggests that the true cause is a vulgar bureaucratic row aimed at getting the President's chief assistant for national security affairs, Henry Kissinger.

The most striking evidence is like the evidence of the dog that didn't bark in the Sherlock Holmes story. The fact is that no enduring policy issue of high importance is involved in the leaks.

The fight over East Bengal is largely a one-shot affair. Hardly anything that happens on the subcontinent is central to international politics. The United States had already tipped toward Pakistan—and practically everybody knew it—when the leaks were sprung. At the time, as some of Dr. Kissinger's comments make plain, the administration was anticipating a return to more normal relations with New Delhi.

A second bit of evidence involves Mr. Anderson himself. He is not deeply versed in foreign affairs. No one who aimed to change a line of international policy would single out Mr. Anderson as the agent for defecting that result through the leak of secret information.

Mr. Anderson's specialty—and it is an important specialty—is putting the journalistic arm on wrong-doers.

By no mere accident the chief fruit of his disclosures was not something that affected policy. The chief consequence was to impugn the integrity of Dr. Kissinger.

As a third bit of evidence there is the state of relations among senior officials and principal agencies of the foreign affairs community in the Nixon administration. Washington veterans tell me that to find a fit counterpart they have to go back to 1950, and the deadly you-or-met rivalry between Dean Acheson who was then at the State Department, and Louis Johnson, who then ruled the roost at the Pentagon. In any case, relations nowadays are marked by paranoia, jealousy and hatred.

The chief target for most of the venom is Dr. Kissinger, and some of the fault is his. He has a sharp tongue, and he has been unnecessarily unkind in comments about some of the senior officials of the most prestigous departments.

But most of the resentment has been caused by what Dr. Kissinger does in the service of the President. The present administration has expanded the job of special assistant for national security affairs way beyond what it was under Walt Rostow and McGeorge Bundy. Dr. Kissinger has virtually eliminated from the decisionmaking business some of the most high-powered men and agencies in town.

The office of Secretary of Defense is perhaps the chief victim. Secretary of Defense Melvin Laird is going to be stepping down soon with practically nothing to his credit. Even his claim (which has at least some foundation) to be the author of the policy for getting out of Vietnam is not widely believed.

He seems hostile to the administration's policy on an arms control agreement, and he was completely cut out of plans for the President's visit to China. His general reputation for trickiness has caused the cognoscenti, rightly or wrongly, to establish him as the short-odds favorite for almost all leaks regarding national security these days. Indeed, some White House officials at first believed Mr. Laird leaked the Pentagon papers.

The uniformed military comes a close second in the odds. Many of them do not like the way the White House is winding down the war in Vietnam. Almost all are opposed to the arms control agreement which the White House is now negotiating with the Russians. Some are hostile to the Okinawa reversion agreement which the White House has negotiated with Japan. And far, far more than civilians in the government, the uniformed military are in the habit of leaking classified information to serve their own interests.

Not that the State Department or other civilian agencies can be entirely exempted from suspicion. Except as regards the Near East, Dr. Kissinger has taken over the whole realm of foreign policy—including even negotiation with foreign officials. This assumption of The State Department's traditional role is bitterly resented by many of the department's leading officials. Indeed, one of them, not long ago, voiced the suspicion that Dr. Kissinger spent an extra day on his last trip to China in order to embarrass the State Department which was handling The United Nations vote on Chinese admission.

With suspicions at that level, there is every reason to figure bureaucratic rivalry as the key element in the background of the Anderson papers. There is no case for lionizing, or even protecting the sources of the leaks.

On the contrary, for once there is a case for a presidential crackdown. Mr. Nixon's interest—and that of the country—is to find the source of the leaks and fire them fast.

NET EFFECT OF THE ANDERSON LEAKS

(By Tom Braden)

It is already fashionable to say that the secret and private papers leaked to columnist Jack Anderson told us nothing we did not already know. In fact, they remind us of important truths we have insufficiently learned.

The first of these is that President Nixon and Dr. Kissinger are embarked upon a major change in United States foreign policy. What the American people had presumed was a polite how-do-you-do to China turns out to be a firm understanding.

The Anderson papers strongly suggest that part of this understanding was to back Pakistan against India. The papers have so far not revealed two additional pieces of evidence which buttress this view.

Last October 12, U.S. Ambassador Kenneth Keating called upon Indian Premier Gandhi with the warning that if India did not cease aid to dissidents in East Pakistan, Pakistan would attack from the West. Somewhat taken aback by receiving this word from a friendly power, Madam Gandhi inquired what, in the event of such an attack would be the attitude of the United States. Keating replied that he had fulfilled his instructions and was empowered to say nothing more.

Kissinger also took a hand in attempting to frighten the Indians. He told the Indian ambassador here that if India became involved in war with both Pakistan and China, the United States could be of no assistance. The implication that Mr. Nixon's chief foreign policy aide was delivering a message from the Chinese seemed clear, and it hastened Madam Gandhi's determination to formal alliance with Moscow.

The second truth which emerges from the Anderson papers is that somebody in the United States government—and at a high level—is opposed to the new China policy and is not averse to destroying Kissinger in the process of opposing the policy. If Kissinger's influence is weakened as a result of the leak, it will be the nation's loss.

The President's assistant has been a brilliant, as well as an efficient public servant. In three years he has managed to turn the foreign policy making of the nation from obsession with ideology to judgment of power. If, in the course of this turn-around, options have not always been made clear, the fault lies not with Kissinger but with Mr. Nixon's determination that the cold war ideology still required lip service.

It may be argued whether the new China policy required quite the brusqueness which the United States displayed towards its oldest friend in the East, but the Anderson papers seem to show Kissinger as a somewhat reluctant follower of the hard line. "The President is blaming me" and "He wants to tilt towards Pakistan" are not the remarks of a man with sole responsibility for each step in an agreed course. Indeed, they seem slightly plaintive, and have set Indian representatives here in Washington to wondering what they have done to arouse Mr. Nixon's personal pique.

Finally the Anderson papers are a reminder that public exposure of private conversations among government officials can be almost as destructive of government as the reporting of actual life and death military secrets.

Minutes of high level meetings may never be as frank again, and those who attend high level meetings may wonder whether they should say what they think or say what their enemies in the room might approve.

To reduce men to such a choice makes a mockery of government. Nobody will argue against the public's right to know the logic behind its foreign policy. But the difference between reporting the making of foreign policy and reporting private conversations is the difference between the reported and the spy.

LEAK OF PAPERS TO ANDERSON A GRAVE BREACH

(By James J. Kilpatrick)

We are in the midst of another of those great ruffled flaps involving the press, the government, and the ethics of public and private conduct. This one is serious.

The story goes back to the first week in December, when the Washington Special Action Group met at the White House to discuss the suddenly flaming war launched by India against East Pakistan. The WSAG, in effect, is the super-National Security Council of this administration—a top-level coordinating body intended to serve the President with the best advice and intelligence that can be pulled together by skilled and experienced men.

The three WSAG meetings of Dec. 3, 4 and 6 were held in confidence, of course, behind locked doors, but written minutes were prepared. These minutes were stamped "secret-sensitive," which is the classification level just below "top secret," and then were distributed among an estimated 50 to 75 persons in the Pentagon, State Department, CIA, and the White House.

A person or persons unknown made copies of the memoranda and gave them to columnist Jack Anderson. He excerpted them for use in his column, and a few days later supplied the texts for use by newspapers generally. In one view—it is the view of anti-Nixon liberals—Anderson performed a great public service, and his anonymous informant was a man of noble character who risked his job in the name of truth and honesty in government.

There is another view. The importance of this disquieting affair does not lie in the memoranda themselves. The importance lies in the leak. Make no mistake: This leak must be found, and it must be stopped. This is a breach of trust, and a breach of security, of the most profound implications.

The memoranda are embarrassing, no more. For the most part, the minutes reflect the discussion of men trying to find out what is going on, and seeking to decide what best to do about it. The President, they are advised, is angry at India for its aggressive action; he wants "a tilt toward Pakistan." There is much talk of the futility of the United Nations. One detects sympathy for the plight of the emerging nation of Bangladesh; it promises to become "an international basket case." The conferees come to no particular decisions. They agree to prepare certain papers for the President. Their discussion is candid, spontaneous, unreserved.

Subsequent to these private meetings, the White House was publicly to assert its neutrality in the India-Pakistan war. Obviously the White House was not neutral. This was self-evident to every editor and critic in the country.

It is a fair surmise that every government in history has taken public positions inconsistent with its private wishes. Diplomats know this.

What matters, to repeat, is the leak itself. This is not to be compared with the action of the Washington Post last month in blowing Henry Kissinger's cover as the source of a recent backgrounder; that was no more than an ill-mannered breach of professional rules. Neither is it to be compared with Daniel Eilsberg's clandestine distribution last spring of the aging "Pentagon Papers." Eilsberg was then out of the government.

We must infer, in this instance, that someone still employed at the very highest levels of confidence—someone holding top secret clearance, with access to other memoranda of immense importance—has wantonly violated the trust reposed in him. This goes beyond disloyalty; it sails close to the windward edge of treason. What other documents one must wonder, has this person secretly copied? Where will he peddle them next? This is the alarming aspect. Anderson thinks it "funny," but then Anderson would. It is not funny at all.

AN ADMIRABLE YOUTH PROGRAM

Mr. JAVITS. Mr. President, a most admirable program on behalf of American youth has come to my attention, and I shall enter a brief outline of its aims and goals in the RECORD.

A quarter-million-dollar "Help Young America" program has been announced by David R. Foster, president of Colgate-Palmolive Co., as a major 1972 campaign by that company to help five of America's leading youth groups reach their current goals.

The Boy Scouts of America, Girl Scouts of the U.S.A., Boys' Clubs of America, Girls' Clubs of America, and the Camp Fire Girls will share in the $250,000 contribution following a national vote to be conducted by the company in early 1972. These groups have a combined membership of more than 9 million.

Mrs. Richard Nixon has accepted the honorary chairmanship of the "Help Young America" program, and Joseph H. Blatchford, Director of Action, which includes both VISTA and the Peace Corps, is national chairman.

The "Help Young America" program marks the first time that these five leading youth groups have joined into a single youth promotion effort. In announcing the program Mr. Foster stated:

The Colgate-Palmolive Company is pleased to initiate this cooperative program between American business and American youth. Our aims are common—to help our young people help themselves to a better America. Too often the progress potential of our ambitious youth is lost sight of today, amid the concern for the problems of this generation. We, at Colgate, hope that this program will help lead these young people to achieve a better tomorrow. We want, also, to focus national interest on their needs and to suggest new avenues for others to follow in supporting the goals of young America.

These stated 1972 goals of the youth groups are:

Boy Scouts: "To help today's boypower become tomorrow's manpower."

Girl Scouts: "To help more girls in their growing-up years."

Boys' Clubs: "To help guide 1,000,000 boys."

Girls Clubs: "To open more club centers for girls."

Camp Fire Girls: "To help more girls become better citizens."

Mrs. Nixon commended Mr. Foster and the Colgate-Palmolive Co. for "this innovative and sweeping approach to the encouragement of constructive youth activities," and applauded the concept of uniting the five groups in a common effort. She said:

Most significantly, because each participating organization is given the opportunity to grow and expand through its own creative powers at its desired pace, I am especially impressed with this very kind of freedom—one which encourages increased initiative within a young person's personally chosen group while contributing to the vitality of the entire society as well.

I feel that such an innovative program as this one conceived by the Colgate-Palmolive Co., merits our every recognition because it points up the vital role enlightened business leadership can play in our society. Hopefully, it will be an example to other major corporations to contribute to our Nation's social needs by way of similar programs.

SENATOR GAYLORD NELSON—PROMOTER OF ENVIRONMENTAL QUALITY

Mr. MONDALE. Mr. President, today I speak in recognition of a distinguished Senator from my neighboring State of Wisconsin—Senator GAYLORD NELSON.

As the founder of Earth Day and author of many other legislative proposals relating to environmental protection, Senator NELSON has truly been one of the leaders in the effort to make environmental quality a part of the national political dialog in this country.

The success of his efforts is evidenced by a number of legislative concepts the Senator originally introduced, which have subsequently been enacted into law. For example, he was the first to propose, in 1966, that the Federal Government provide 90-percent funding for local and regional sewer construction. This past year the Senate finally adopted a formula which provided up to 80-percent public money for sewer construction in the water pollution control amendments.

Also, the Senator from Wisconsin was the first to propose tough emission standards for automobiles as a means of controlling urban air pollution which were largely incorporated into the Air Quality Amendments of 1970, and restrictions on the discharge of wastes into the oceans, as well as a long-term, $800-million program of low-interest loans for otherwise healthy businesses that were adversely affected by water pollution legislation, which were made part of the Water Pollution Control Amendments of 1971.

Lastly, the Senator played a significant role in the passage of the National Environmental Policy Act of 1969. This legislation has forced the stoppage of a number of Federal projects on the basis of environmental considerations and has been instrumental in bringing environmental impact into the Federal planning process.

Recently, Environmental Quality magazine had an exclusive interview with Senator NELSON where he discussed the evolution of the environmental movement and commented on the issues which have formed the basis of the escalating national debate on environmental quality. I ask unanimous consent that the interview be printed in the RECORD.

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

INTERVIEW: SENATOR GAYLORD NELSON

(NOTE.—The founder of Earth Day, Senator Nelson is the leading environmentalist in the U.S. Senate. His activities are uniquely conservation-oriented, including the sponsorship of numerous bills for protection of America's natural resources. Recently, EQM's Washington Bureau Chief Mary Sanderson visited Senator Nelson for an interview in his offices at the nation's Capitol.)

Working to preserve the environment has been a life long career for you, Senator Nelson. What influence in your life caused you to become so actively involved?

Well, I grew up in northwestern Wisconsin, a relatively isolated area not far from the Minnesota border, where the heavy intrusion of civilization has yet to mutilate and destroy the rich farmland, forests and lakes. The woods, the fields and the lakes were my home and the village of Clear Lake with only 700 population was almost like living in the country. It wasn't until I left that area to go to college in California that I discovered the majority of the people in the country lived in a depressing environment, rapidly deteriorating, and continually spreading.

Today the environment is one of the major political issues. What do you think is the major breakthrough that made ecology a national concern?

There is no question in my mind that the major breakthrough was Earth Day, in the Spring of 1970. It represented the first opportunity for the public to display its concern about the status of our environment. This concern had been growing for more than a decade.

Senator Nelson, it is well known that you were the founder of Earth Day. How did you conceive of the idea?

As it turned out, literally tens of millions of people participated in Earth Day, from grade school students to elder citizens. The best part of it was that Earth Day was a nonpolitical, grassroots demonstration. All we did was supply the idea and all across the nation groups became involved in their own way.

For several years I had been wondering how to convince the political leaders of the country that the status of the environment was a critically important matter, and that the people of the country were in fact deeply interested. In the summer of 1969, while in Santa Barbara at an environmental confer-

ence, I read an article that mentioned the Vietnam "Teach-Ins," held on numerous campuses two or three years previously.

It occurred to me then that one way to demonstrate the public interest in this issue would be a nationwide environmental teach-in. After returning to Washington, I spent a month developing the concept and then announced the plan at a speech in Seattle on September 20. The media carried the story and the response was immediately favorable. Sometime after that I invited Rep. Paul (Pete) McCloskey of California to join me as a co-chairman, and Sydney Howe of the Conservation Foundation to be a member of the Executive Board.

Who else worked with you on Earth Day?

The three of us selected the balance of the Board and created Environmental Teach-In, Inc., as a non-profit, tax-exempt organization and established a national office. Then, a month or so later, after interviewing a number of college students, we selected Denis Hayes, a Harvard graduate student, to manage the national office which functioned as a clearing house and information center. Hayes and a talented group of young people who worked with him began responding to the heavy flow of requests for information that were coming in. Everyone had his own ideas and we didn't have to sell people on the idea of Earth Day. There was virtually automatic acceptance from the beginning.

What was the most significant achievement of Earth Day?

The objective of Earth Day was to make the environment part of the political dialogue of the country, and that is what happened. Earth Day was a massive nationwide demonstration that showed the political leaders of the country that there was a genuine grassroots, deeply-felt interest in the environmental issue, that crossed all political lines and all age groups.

It was my conviction that nothing significant could be accomplished until the politicians understood this. In other words, the issue had to become a part of the political dialogue of the nation before we could hope to accomplish anything. It has now become part of the political dialogue and that is, in my judgment, the most significant environmental event in the history of the movement. Until that happened, the environmentalists would continue to gather and talk only to each other for the next 50 years, as they have in the past 50.

Do you think that the political impact will be lasting?

Yes! Earth Day marked the birth of a new issue that is here to stay. It is a strange phenomenon, however, that during the whole germinating period of this environmental concern the politicians, the establishment, the press and the media were, for the most part, quite unaware of what was happening. But, you can be sure there will never be another political campaign like the one in 1968, when not one of the three candidates for President considered the environment an issue worthy of a major speech. It is nothing short of remarkable how rapidly this issue has been thrust into the politics, the conversation and the literature of the country.

The environment is an issue that is here to stay because the environment is here and its quality is measurably and visibly deteriorating at an ever accelerating pace. Now, for the first time, the issue is in the political arena, and is a necessary part of the political dialogue between political parties and among candidates for office from the courthouse to the nation's Capitol. Without this kind of political status, meaningful action on a broad scale was simply impossible.

Are you satisfied that Earth Day had sufficient impact on political leaders to successfully turn the environmental awareness into legislative reality?

I think the results speak for themselves. In the last half of the 91st Congress, far more environmental legislation was considered, and more important legislation passed, than in any comparable period in the nation's history. Just a very incomplete list includes:

The toughest Clean Air Act in history was signed into law requiring manufacturers to clean up the internal combustion engine by 1975.

The Environmental Protection Act passed requiring every Federal agency to file careful studies and reports on the possible environmental impact of their programs.

Dramatic restrictions on the use of DDT and other persistent pesticides were enacted.

In a series of dramatic events, a proposed jetport for the Florida Everglades was halted and the Corps of Engineers was forced to insure the wilderness area would have an adequate supply of water.

Excuse me, Senator Nelson, but you didn't include the defeat of the SST in your listing. Don't you think the issue made defeat of the SST possible?

I'm sorry, I didn't mean to forget the SST. That vote to stop funding for two prototype supersonic transport planes marked the first major crunch in the battle to come between those who believe that quality in American life is more important than development for the sake of development, or exploitation for the sake of exploitation.

Regardless of the merits of the issue, the great significance of the House and the Senate vote was that the environmental issue was the deciding factor. It marked the first time in any country that a major, ongoing technology was voted down on environmental grounds. In the long pull, the most significant thing about the vote is the strong indication that henceforth in this country we intend to crank the environmental test into the process of our decision making.

If Earth Day was such a successful event, why did you think it necessary to develop an Earth Week this year?

I felt Earth Week was necessary to sustain our effort. The objective was to step beyond the one-day spectacular that Earth Day represented. I wanted to have a period of time set aside each year to inventory the progress of the past year and to plan for the next; a time set aside for the nation, the media and the environmental groups to pay special attention to the issue. In particular, my objective was to set aside a period when all the grade and high schools could bring to fruition their education efforts of the year.

Although there seems to be genuine, wide-ranging concern demanding that the environment be cleaned up, many are also beginning to argue that the price of cleaning up the environment will be too expensive. Is this true?

To begin with, the environmental clean up will take a $20 to $25 billion annual investment over the current spending level. That equals about one-third of the defense budget or about what this country is annually wasting in Vietnam.

Yes, the price of cleaning up the environment will be expensive, but not cleaning it up is a price and a sacrifice in the quality of life that no society can afford to pay.

Under the absurd economy of pollution status quo, dirty air does $13 to $15 billion in property damage in the United States annually. Yet, for $7.5 billion, or half the damage cost, some 80 percent of the problem could be eliminated.

Or, if the air pollution levels in major urban areas were reduced by 50 percent, the country would save an estimated $2 billion in health bills alone.

Water pollution does an estimated $12 billion in property damage each year, not considering the immeasurable loss of a Lake Erie, or a wetland, or an estuarine area or the productivity of the ocean itself.

The list is endless . . . billions lost in wasted resources and solid waste problems, strip mining destroying whole regions, pesticides poisoning other forms of life.

You have introduced an environmental package of bills and resolutions in the Senate this year. How did you pinpoint which areas you wanted to cover?

Well, as you know, the bills cover a wide range of subjects from ocean dumping to funds for mass transportation to recycling to a comprehensive testing of food additives. Congress is going to be the major battle ground on all the environmental issues, and I was attempting to provide Congress with a broad, if not all-inclusive range of environmental issues.

I have been dealing with a number of the proposals for some time. As you know, the legislative process takes time, from the date an idea is conceived, drafted and introduced, to the time when Congress gets around to considering and passing it.

For example, I introduced the first legislation on DDT in the Senate about five years ago. I couldn't get any sponsors in the Senate or in the House to go along with the idea of banning DDT, because it was considered to be the miracle pesticide. Over the past five years, however, the dangers of this chlorinated hydrocarbon have become known, and the possibility of banning DDT grows ever nearer. This is also true of detergent legislation which I introduced 7 or 8 years ago and other environmental proposals.

In your environmental agenda, you emphasized the need for strip mining legislation. What does your bill propose?

This is one of the most urgent items on the agenda. We must enact a tough statute with firm deadlines setting environmental controls on all surface mining and requiring land reclamation. I have introduced this legislation in three Congresses. In this Congress, I also introduced a bill to prohibit strip mining for coal. This bill poses the question whether reclamation is anything more than wishful thinking, particularly in mountainous areas.

Is this country willing to trade away the future of whole regions and their people just to provide the supposed easiest and cheapest way to answer a resource demand? In the meantime, the deep gouges of all present strip mines, if put together, would total a 1,500,000 mile-long trench 100 feet wide.

In spite of all the warnings about pesticides, their use increases daily. Your pesticide control bill, considered a model, was introduced for the second time this year. How was it received?

It was better received than ever before. For this is the first time Senate hearings were held, and the number of Senate cosponsors has increased significantly, including several key Senators from agricultural states that are heavy users of pesticides. There is a growing awareness that fundamental reforms to require all pesticides and pest control devices to be thoroughly tested for their environmental and health effects are necessary before they are released on the market. The fact of the matter is that the indiscriminate use of pesticides has been an agricultural, economic and environmental failure. The chemical companies have continued to reap billions of dollars from unwary farmers who have paid for ever more expensive pest control programs which in the long run are self defeating. As pests develop greater resistance to a pesticide, larger doses are used. Finally, an entirely new pesticide must be developed and the frustrating and costly circle starts anew.

Is there an alternative to the use of pesticides?

Yes. We are now trying to establish pilot field projects for research on a variety of crops to control agricultural and forest pests by integrated biological-cultural methods. This means that these pests are controlled by nature primarily, utilizing beneficial

predator insects and parasites of harmful insects. This method has worked and is working. Everett Dietrick, for example, operates an insectary in Riverside, California, and has been providing insect management service to farmers in the Coachella Valley for 11 years. Letters to my office attest that the crops are of high quality and quantity, and are showing better profit margins than those in the same areas which continue to use sprays on the same type of crops. A number of farmers and entomologists throughout the country are turning to biological controls, but the effort suffers from inadequate funding and lack of effective leadership. Our legislation proposes financing a series of pilot projects to demonstrate integrated pest control on a variety of crops.

Some of your other legislation already in this year's proposed bills would place our untapped coastal oil reserves in a National Marine Mineral Resources Trust. What is the purpose of this?

The oil spills of the coast of California and the Gulf of Mexico have been disastrous environmental events, providing that in our present state of ignorance about the ocean environment, we are taking grave risks in exploiting it now. If we keep accelerating this exploitation pace, we will be drilling 3000 to 5000 new undersea oil wells each year by 1980. Then, as the President's Panel on Oil Spills reported in 1968, we can expect a Santa Barbara-scale disaster once a year.

What should the government do regarding continental shelf lands it has already leased for oil?

We should stop drilling new ocean oil wells until we develop the technology to prevent future Santa Barbaras and until we need the oil, and my proposal would do this.

In the first place, the Federal government is entitled to adopt comprehensive environmental protection plans for all the outer continental shelf, which is owned by the U.S. public. That is one thing we can do in order to avoid making the same mess of the sea as we have of the land. And the states should do the same thing for their undersea lands.

And in cases where we know it is dangerous to extract the oil, as in the Santa Barbara Channel, we must simply buy up the leases. The price we would pay would be an extremely wise investment in the future of one of the most vital resources on earth—the sea itself, with all its productive life.

Senator, you paint both a depressing and optimistic picture about the environment as a potent political issue. Are you optimistic?

Yes, I am optimistic in that we have witnessed unprecedented accomplishments in public environmental awareness and in the areas of political and legal activities, such as in the growth of public interest environmental law firms and the growth of numerous environmental groups active in nearly every community. But these successes must be measured in the context of the vast, complex and pervasive national and global environmental events of the past few years. They must be measured as beginnings, as we pose the question, do we have to destroy tomorrow in order to live today. The answer to that question must be no.

Obviously the answer is more complex. It strikes at the most vital center of the traditional American belief about unlimited abundance, "progress" without end and a limitless frontier with an inexhaustible supply of expendable resources. It is time we started managing our resources in recognition of the fact that there is no such thing as "unlimited abundance" nor is there a "limitless frontier."

SUPPORT OF SPACE SHUTTLE PROGRAM

Mr. ALLEN. Mr. President, I was pleased with the President's decision, announced during the congressional adjournment, to proceed at once to develop the Nation's space shuttle program. I am convinced that this is a logical progression based on the solid foundations of our past technological achievements.

Many words have already been written and spoken by proponents for, and opponents of, further space exploration and development, and doubtless there certainly will be more in the future.

An editorial entitled "The Space Shuttle," published in the Washington Post of Friday, January 14, 1972, properly makes the point that this is the year of decision whether the United States goes ahead with a sensible, long-range, well-planned, and properly financed space program or whether this country will allow Russia to take over space by virtue of default by the United States.

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:

THE SPACE SHUTTLE

With the President's announcement that he will support NASA's request for funds to develop a space shuttle, you can bet on a confrontation in Congress this year not unlike last year's battle over the supersonic transport. Senator Mondale, for example, has already called the President's decision "another example of perverse priorities and colossal waste in government spending." To be sure, Senator Mondale has tried unsuccessfully in the past to eliminate planning funds for the space shuttle from the budget, but the attempt to kill the program, in the House as well as in the Senate, will be far more vigorous this year because this is the point at which a real choice can be made.

The choice involves, in large measure, the kind of space program the United States will have in the future. A decision to build the space shuttle would mean this country's proceeding to develop both manned and unmanned space equipment as recommended a couple of years ago by the President's Science Advisory Committee. A decision not to build the shuttle at all or to postpone a start on it for several years would almost certainly mean that the country would go out of the *manned* space business before the end of this decade. Thus, many of the arguments heard in the next few months will sound like reruns of the SST debate. However, the issues are quite different.

The space shuttle is a vehicle designed to deliver a cargo of men and equipment into earth orbit and then be flown back to earth for use again. It would be employed to supply floating laboratories, when and if they are developed. It could also be used to service, repair, set in place and retrieve satellites like those now in orbit for communications and other purposes. In addition, it might have military uses about which NASA does not speak, since the shuttle is a joint military-civilian project. Finally, its development would provide some of the technology required for manned exploration of other parts of the solar system.

The justification set forth for starting to build the space shuttle now combines technical and economic factors. A perfected shuttle would reduce the costs of each space launching since the same craft could be used over and over; eventually, the booster rocket would also be flown back to earth and reused, further cutting costs. At the same time, one shuttle could place several satellites in position, thus reducing the number of launchings. (The United States has sent up around 700 satellites in the last 10 years and the Air Force puts up a new one every couple of weeks.) According to the spacemen, this aspect of the shuttle alone would make its development worthwhile. It would increase costs in the next few years but cut them sharply in the 1980s and '90s. The opponents of the shuttle, on the other hand, dispute NASA's economic analysis, claiming NASA has underestimated shuttle costs and overestimated long-run savings.

The second basic justification for starting the program now rests in the role of man in space. The spacemen see this as a great future field, with men in laboratories conducting all kinds of scientific work and, eventually, going in spaceships to explore other parts of the solar system. They claim that without the space shuttle, the American manned flight capability will have to be given up about the middle of this decade because of the high costs of the Apollo missions and that once given up, this capability will be hard to retrieve at a later date. For their part, the opponents think man does not now have, and may never have, a legitimate role in space; rather, they believe that machines can be designed to do whatever jobs need doing at a cost far less than that involved in maintaining a manned space capability. The President's committee said two years ago that no one knew enough to predict accurately what man's role in space ought to be and until more is known the decision should be left open.

After these two principal arguments come others, which you will be hearing this spring. On the one hand, it will be argued that the nation's industry needs the technological spur of this space program to maintain its place in the world, that the country needs the jobs the program would create, and that the Russians will take over space if the United States stops now. On the other, it will be said that this program is only a gimmick to save the aerospace industry and that there is little or nothing of practical value to be learned from space research.

None of these arguments on either side is error-free since the major ones rest on projections into the future which are exceedingly difficult to make and others rest on basically undemonstrable assumptions about the quest for knowledge. Part of the difficulty springs from the fact that no one can know what space-based research will discover. Is the key to the hydrogen atom and thus to unlimited energy out here, as some scientists think? Will the world some day need to import minerals from space to sustain life here? Will man have to be in space to accomplish things such as these or can machines do them all? Above all, where does this kind of program fit in a national budget that cannot provide for doing all the things at home that ought to be done?

It is owing to questions like these that this year's debate over the space shuttle will be quite different in character and significance from last year's debate over the SST, although they will bear some superficial resemblances. The standards applied to a project which involves scienific research and military considerations, as does the space shuttle, must be somewhat different from those applied to a project, such as the SST, which involved only another way to move people from place to place.

LEGISLATION AFFECTING PRIVATE PENSION PLANS

Mr. JAVITS. Mr. President, on December 15, 1971, my administrative assistant, Frank Cummings, delivered an address to the 17th Annual Conference of the National Foundation of Health, Welfare, and Pension Plans, giving an overview, worthy of the consideration of every Senator, of the problems which have

arisen in the private pension industry, and an analysis of S. 2, my bill for the reform of the system, and the other various legislative proposals.

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

There being no objection, the remarks were ordered to be printed in the RECORD.

LEGISLATION AFFECTING PRIVATE PENSION PLANS—THE PRESENT AND THE OUTLOOK FOR THE FUTURE

INTRODUCTION—THE PRACTICAL PROBLEMS OF PENSION PARTICIPANTS

Remarks of Frank Cummings, Administrative Assistant to Senator Jacob K. Javits (R-N.Y.), prepared for delivery at the 17th Annual Conference of the National Foundation of Health, Welfare and Pension Plans, Miami, Fla., December 15, 1971.

The major premise, upon which the legislative battle now forming in the House and Senate is founded is: Too few participants who work under private pension plans actually get a pension; and too many who work long years—10, 20, 25 or more years—get nothing. They get nothing because far too few plans provide vested non-forfeitable interests, even after long years of work, unless the employee actually reaches retirement age in the employ of the same employer. And Americans no longer typically do that—instead, they are mobile, moving from job to job, and forfeiting pension after pension along the way. That is what the legislative battle is mostly about.

As most of us are already aware, there is a substantial statistical controversy, of recent origin, whirling around the question "who gets what from private pensions?"[1] We cannot resolve that controversy here.[2] But some of the numbers are well established, and I believe most of us have a decent assurance of the validity of others.

We know that there is now a reserve of upwards to 120 billion dollars held by private pension funds.[3] We know that that money is being held to pay pensions to those who become eligible from among 25 to 30 million active employees "covered" by private pension plans.[4]

Looking ahead, we estimate that, by 1980, these plans will hold about 225 billion dollars in reserve assets, and that some 42 million active employees will be working "under" these plans, and with the expectation that they will get something when they retire.[5]

But as things now stand, the overwhelming majority of those employees will be disappointed, will not get a pension, and will wonder what happened.[6] And the answer is: No one stole it from them; no one tricked them; and in most cases no one terminated the pension plan prematurely. These "participants" will be out in cold because the terms of their pension plans simply did not provide them with a pension.

They will feel tricked because they were unwilling, and in most cases unable, to read and understand the "fine print" setting forth the terms of those plans.[7] And I suggest to you that the supposition that additional disclosure requirements would somehow make participants "aware" of their impending economic disaster is simply a delusion. Pensioners and pension participants are not stockbrokers, not underwriters, not sophisticated investors. The Securities Act approach to pension regulation is no protection at all in most cases—and one need only examine the sorry experience under the 1958 Welfare and Pension Plans Disclosure Act, even as amended, to reach that conclusion. What does it mean to supply a blue collar worker with a statistical analysis, or a set of actuarial assumptions? What does it mean to supply him with a copy of a trust agreement drawn up by a skilled pension lawyer? It takes the average law student or accountant 3 years to gain competence in the field, and even those lawyers that are not pension specialists often get lost in the maze of definitions and qualifications found in the average plan and trust.

Compounding the difficulty is the fact—proven again and again in recent hearings—that the average worker does not really begin to worry about retirement income until he is 40 or 50, which is too often too late to do anything about it.[8] At that age, he is in a group which represents a distinct minority of the work force, a minority pressure group within his own union, and at that age, he is rarely in a position to "swing" the union toward better vesting provisions. If he is laid off, he is in a very difficult position with respect to attaining a new job, and particularly so with employers who have pension plans, and even more so with employees who have pension plans providing early vesting.[9]

Those are the generalizations upon which we have built the pending legislation, particularly S. 2, Senator Javits' comprehensive pension reform bill. Of course, there are other categories of the dispute, also covered in the bill: in addition to vesting, the bill deals with minimum standards for funding, federal "reinsurance", a voluntary clearing house of pension credits to provide some additional "portability" of vested credits, a comprehensive set of fiduciary standards for pension trustees and administrators, some additional disclosure, administrative and judicial procedure for enforcement of rights under pension plans and fiduciary responsibilities, and a number of other technical matters. These are interrelated and tie themselves to the question of vesting in various ways, yet each also stands on its own feet. And we hope *and expect* that, in 1972, a comprehensive legislative package will be enacted into law.

So I will turn to the specifics of the bills under consideration: In the Senate, that means, at the moment, the Javits Bill (S. 2). There are other Senate bills pending—most noticeably the Griffin bills (S. 2485, dealing with vesting, and S. 2486 dealing with fiduciary standards). In addition, as these remarks are being prepared, the Administration's proposals are about to be sent up to the Hill—and may well have been introduced at the time of our meeting. The advance reports of those bills suggest that there will be two bills: one dealing with fiduciary standards, and another dealing with vesting and related matters, the latter to proceed by way of amendment to the Internal Revenue Code, as the Griffin bill also does, which would result in referral to the Senate Finance Committee and the House Ways and Means Committee—where they are not likely to receive warm welcomes.

Thus, the *live* bill in the Senate is the Javits bill (S. 2), which is in friendly territory (the Senate Labor Subcommittee), and this is likely to be joined, very shortly, by a bill introduced by Senator Williams, the Chairman, who has expressed generally favorable reactions to much of the substance of the Javits bill.

VESTING

A. *What the Bills Do Not Propose.*

First, as to vesting. This is the controversial category of the dispute, in which the most "radical" proposals are *said* to have been made, and where the dispute tends to become most heated. So let me begin by stating what we do *not* propose in this legislation:

We do *not* propose to vest 100% from the first day.

We do *not* propose that every employee who works under a given pension plan, no matter how briefly, shall get a vested pension from that plan.[10]

We do *not* even propose that a majority of employees who work under each pension plan shall necessarily get vested pension rights.[11]

B. *The Vesting Schedule.*

What we *do* propose is that *some minimum standard* be applied, so that after a *reasonable substantial number of years* of credited service, an employee will get a vested pension right to *something*.

Under the Senate bill (S. 2), a system of deferred graded or graduated vesting would be established: After 6 years, an employee would be guaranteed a vested right to a pension measured by 10% of his credits, and that figure would increase 10% per year until full vesting at 15 years.

On the House side, the "Dent bill" (H.R. 1269), would set the vesting deadline at ten years—that is, no employee could be denied a pension based upon his ten years of credited service, after that period of time.

The fundamental difference between the two approaches is that the Dent bill is still "all-or-nothing" at a certain point: an employee can work 9 years, 11 months, 29 days, but if he loses his job on that last day for whatever reason, he may get absolutely nothing. The Javits bill, on the other hand, would never leave the employee in an all-or-nothing situation: whenever the employee leaves covered employment (after at least 6 years of work), he may just miss part of his pension, but what he missed will just be a little bit more than what he already just got. That "all-or-nothing" problem has been a recurrent source of hundreds of complaints received in Congress and we feel that, wherever the line is drawn, it can never solve that problem in the absence of graduating vesting.

One other major point of difference concerns the so-called "Rule of 50" which, if rumor is to be believed, is to be the core of the forthcoming Administration vesting bill—and in any event is supported by a substantial body of opinion. My own view is that the Rule of 59, which is certainly better than no vesting at all, is *far* from the most desirable standard, for two reasons. First, it tends to give an incentive to age discrimination in hiring which, though illegal, nevertheless is common and would likely become more common when a job applicant in his late forties presents himself to a prospective employer, because the latter will know that this new employee will obtain a vested pension much faster than a younger one. Second, the Rule of 50 tends to develop a maximum of one pension per lifetime—a pension from the employee's *last employer*—because the early working years (ages 20 to 30) tend to be a wash-out if the employee changes jobs; he cannot vest any credits at age 30 unless he began to work for his employer at age 10! Conversely, a simple service requirement of a stated number of years makes the early working years *worth something*, which in turn takes some of the burden off the last employer—the employer who hires a man in his late 40's and would like to provide this man with *some* pension credits, if only the man already earned some *other* pension credits.

That is the "core" provision of the vesting title of the Javits bill. But there are a great many other important technical provisions, of which you should be aware, because, as this legislation goes into active consideration in Committee and on the Senate Floor next year—as I believe it will—technicalities may prove almost as important as the basic substantive core.

C. OTHER TECHICAL PROVISIONS RELATING TO VESTING

First, note that the provisions of this bill (S. 2) are not an amendment to the Internal Revenue Code, and therefore not a condition of tax qualification alone.[12] These are affirmative requirements, and they are applicable to every pension plan, unless specifically exempted, whether or not funded, whether or not "qualified" under the Code. Note that the bill, as drafted, precludes extensive "preparticipation" periods of employ-

Footnotes at end of article.

ment: a plan may not provide for exclusion of an otherwise eligible employee for more than six months after he becomes such an employee.[13]

Note also that the bill is based upon "aggregate service", not the more common "continuous" service.[14] Satisfaction of the number of years of aggregate service be deemed qualification for vesting, without regard to "breaks in service" of any kind.

Next, note the limited exemptions in the bill.[15] The Javits bill (unlike the Dent bill) does not apply to pension plans established by Federal, State or municipal governments.[16] (There are many deficiencies in those plans, but it was our judgment that, if regulations were to apply to such plans, it should be tailored differently than legislation dealing with private plans.)

Finally, note that there is an exemption in S. 2 for some unfunded or "unqualified" plans, but the exemption is very limited, providing only an exemption for those unfunded plans which are established by an employer primarily for the purpose of providing deferred compensation for a "select group of management employees."[17] Unfunded plans of broader scope would *not* be exempt. Indeed, they would be required to be funded.[18]

D. COST

The question of costs arises, as a *legislative* matter, only as the vesting requirements are tied to specific funding requirements. Assuming, however, that vesting *would* be coupled with funding (as it evidently would *not* be under the Griffin bill [19], or under the bill now being prepared, reportedly, by the Administration task force,[20] but as it would be under the Javits [21] and Dent [22] bills), the cost of this sort of legislation would not be anything like the exaggerated predictions which we have heard from some management representatives.[23] Why not? First, understand that the great bulk of pension "forfeitures" occur with the departure of very short-term "casual" employees,[24] who would not vest under this bill or any of the other bills proposed in the Congress. Next, understand that amount of vesting required even under the Javits bill is very limited in the earlier years: The 10% vesting requirement in the sixth year is really minimal [25] and the ascending curve does not really begin "to bite" until the later years of employment. Our experience in recent hearings is that the number of employees and the cost of this sort of provision would be nowhere near as expensive as might have been feared without careful study of the terms of the bill.[26] And finally, note that any bill must necessarily have a very substantial phase-in, or other provisions to avoid *excessive* cost to the pension industry. The Javits bill itself does not require vesting of any credits earned before the effective date of the act,[27] so that it has no automatic immediate cost whatever. Other bills have ten year phase-ins,[28] and those two approaches could easily be combined. In addition, the Javits bill contains provisions for special exemptions in cases where the application of the strict vesting provisions of the title would jeopardize the plan itself or impose excessive costs.[29] And we are still working on refinements of those special provisions.

In sum, we recognize that cost is a legitimate concern—but it is a challenge, not an insurmountable obstacle. The challenge to the draftsman is to design provisions which will accomplish vesting where it is right, and possible, and not excessively costly; and to design flexibility—exemptions, in whole or in part, if necessary—where the cost would make the application of the vesting requirements counter-productive. We think we have accomplished that, but we are prepared to go further, in any case in which a proper showing of need is made.

Footnotes at end of article.

FUNDING

A. The funding schedules

The funding schedule in the Javits bill is basically 30 years,[30] except that 40 years would be allowed in the case of initial unfunded liabilities existing on the effective date of the act.[31] That can hardly be characterized as a burdensome funding schedule—though it is certainly an improvement over the minimum funding schedule now required by the Treasury Department, compliance with which can be achieved simply by payment of current service costs plus interest only on unfunded liabilities.[32]

There is only one short-term funding requirement in the bill, and that has to do with deficiencies resulting from inaccurate actuarial projections. It was our view that it was almost impossible to guarantee the soundness of the actuarial assumptions which are so critical to the determination of unfunded liabilities. But one means we *could* develop to "keep these assumptions honest" was to provide that, in the case on any liability resulting from an experience deficiency based upon unsound actuarial assumptions, special payments would be required to liquidate that experienced deficiency in not more than five years.[33]

B. Multiemployer plans

It has been argued vociferously by the representatives of multiemployer plans that they stand on a special footing, and ought to be exempted altogether from the provisions of any forthcoming legislation.[34] We do not accept that argument, but we understand its basis, and we have provided some special treatment for *some* of those plans. As to vesting, the Javits bill treats multiemployer plans the same as single-employer plans. We recognize the truth of the argument that there is a kind of "portability" inherent in a multiemployer plan, because employees can transfer from one employer to another, provided both are under the plan, without forfeiture. But that is an argument for establishing such plans; it is not any protection whatever for the employee who transfers out of the multiemployer group before vesting: he is just as unfairly denied benefits as would be an employee transferring out of a single-employer plan.

When it comes to funding, however, we do believe that some special provision could be made for some multiemployer plans, based on an entirely different theory—that if a multiemployer plan is broad enough in scope, the chances of the plan collapsing (as distinguished from the chance of a single member-employer collapsing) are much less, and therefore, the need for faster funding is alleviated. The bill itself (S. 2) provides that if such a plan represents at least 25% of the employees in the industry, either nationally or regionally, and if no one employer employs more than 20% of the employees covered by the plan, and further, if the history and present business condition of the industry make it "improbable that there will be a substantial decrease in employment in the industry within the foreseeable future," then the plan may be qualified on the basis of funding of current service costs plus merely interest on unfunded liabilities (plus payment of reinsurance premiums, as discussed further on).[35]

C. Other funding provisions

Obviously, the key to funding is the soundness of actuarial projections. As things now stand, there is no licensing of actuaries in the United States, and the bill takes account of that fact by providing that, as to any actuarial certificates filed with a pension plan report, the person executing such certificates must hold what amounts to a license issued by the Pension Committee,[36] and the Commission could set some standards for actuarial assumptions as well.[37] In addition, it should be noted that this bill not only sets minimum standards for duning but requires funding as well. It is not left to the plan to decide whether it shall be funded or unfunded: If the plan is covered by the act at all, funding is an affirmative requirement.[38] Finally it should be noted that reinsurance, discussed below, is a necessary corollary of funding, and vice versa. While funding is required, it is always possible to have termination short of full funding, and reinsurance is designed to take care of that. Conversely, while reinsurance is required, it ought never to be deemed a substitute for the funds of the plan, and minimum funding standards are therefore a necessary corollary or sensible reinsurance.

REINSURANCE

The bill also provides, as already mentioned, for the establishment of a federal "reinsurance" fund, built on the model of the Federal Deposit Insurance Corporation, which insures bank deposits.[39] The original impetus for reinsurance of private pension plans came from the tragic collapse of the Studebaker plan after the shutdown of the Studebaker factory in South Bend, Indiana a decade ago. We are all too well aware of the personal tragedies which followed, the forfeiture by employees with over 40 years of service of 85% of their benefits, and the suicides which followed.[40] The real question, at this point, is whether some sort of reinsurance system is feasible and economical. What evidence we have suggests an affirmative answer. One study of pension plan terminations over an 11 year period showed the termination of some 4,300 plans covering approximately 225,000 employees at a time of termination—about 20,000 workers a year or only about 1/10th of one percent of total pension plan coverage.[41] That is not an unmanageable number, and we have every reason to believe that the cost of reinsuring the vested unfunded liabilities of those plans would be minimal, if mutalized among all the plans having unfunded liabilities. The main objection would be, as we understand it, that such a device forces the sound and solvent plans to pay the costs of insolvency of the unsound plans.

The answer to that, we believe, is that, with general application of this statute, there would be no unsound plans—or at least none as unsound as some of them now are. Indeed, it was interesting to me to note, during hearings before the Senate Labor Committee this fall, that the representative of one of the soundest plans and richest companies in the nation, who argued exemption of the rich plans from the reinsurance program because of his inherent solvency, was unwilling to agree that plans so exempted should, instead, pledge the general credit of the corporation as a means of reinsuring the unfunded liabilities of the fund.[42] In the absence of that kind of pledge, why should the government assume that the solvency of these corporations necessarily implies the solvency of their pension funds? Terminations, moreover, occur in many ways beyond collapse in the ordinary sense: Too many plans have terminated in the course of corporate reorganizations, mergers and the like. In any event, the bill (S. 2), as written limits the exposure under the reinsurance provisions by limiting the premium rate for reinsurance to a maximum of 1% of unfunded liabilities,[43] and limiting reinsurance of individual benefits to $500 per month.[44]

In addition, S. 2 avoids one of the problems which beset the Studebaker Corporation—unfunded liabilities resulting from repeated increases in benefits which dilute previous funding levels. S. 2 provides, first, that reinsurance does not take effect until the plan has been in operation for at least 5 years,[45] and then further provides that any amendment or addition to a reinsured pension plan shall, if such amendment involves a significant increase in unfunded liabilities of the pension plan, be regarded as a new and dis-

tinct pension plan for reinsurance purposes, which can become effectively reinsured only after the amendment meets the 5 year test.[46] Thus, the bill precludes the likelihood that a pension administrator might decide to raise benefits drastically, thereby increasing unfunded liabilities, and then collapse the plan for the purpose of having the Federal government pay the difference.

PORTABILITY

The Javits bill contains, in Title 3, a *voluntary* federal clearinghouse of vested pension credits. I emphasize the word voluntary because it is voluntary in a very literal sense—no pension plan need participate in it except by its own voluntary choice.[47] Thus, no pension plan need worry about it at all—if you don't like it, just forget it. The theory of the clearinghouse is that *vested* credits by definition have some value, and it is not too difficult to compute the current *discounted* value of any such credit. An employee leaving one plan and transferring to another *may* wish to transfer the value of his vested credits, through the clearinghouse, into another plan, to purchase credits of an equivalent value in the second plan, under which he begins to work. He need not, but if both plans are voluntarily participating in the clearing house, and if the individual employee wishes the transfer, the bill provides a mechanism to accomplish it.

Why would an employee wish to make that kind of a transfer? Put another way, why would an employee want all his money "in one bank account"? The reason is a practical one, not a legal one. We have seen in many cases employees who leave a plan and, when they leave it, lose all their leverage with respect to increasing benefits purchaseable by the money already contributed with respect to their service. An employee working *under* a plan is in a much better position to keep an eye on it, and to bargain with his employer as to what kind of benefits, and how much, the fund should purchase for him. In the pure leverage sense, we believe that it *may be* (though it need not necessarily be) of practical advantage to an employee to keep all of his vested credits under his last pension plan—the plan in which he is currently working.

That is all the portability provisions of the bill do. It is not, in my view, the major provision of the bill. But I see no reason why it ought not to be tried, on a purely voluntary basis.

DISCLOSURE, FIDUCIARY STANDARDS, AND ENFORCEMENT

Title IV of the bill deals with the least controversial aspect of pension reform—disclosure and fiduciary standards. And this title applies not only to pension plans, but also to all employee benefit plans, as does the current version of the Welfare and Pension Plans Disclosure Act. I am not and never have been a great advocate of the disclosure device *alone*, for it has become clear beyond question that disclosure is no solution to pension problems.[48] Given the rest of the comprehensive reform package, however, disclosure will become an indispensable ingredient in effective enforcement of fiduciary standards and the rest of the bill.

As to fiduciary standards, while the various bills tend to be in general agreement, there are some important differences, and some important features which require a little discussion.

First and foremost, we ought to be aware that, even if these bills did nothing more than create as a matter of federal law what already exists under the law of trusts and the common law of contracts in every state, the federal law would be a great step forward, when it is coupled with the administrative enforcement procedures provided along with it. As a practical matter, whatever one's legal rights are is now a state matter under state trust law. Those rights are unenforceable in many cases, because of the practical difficulties inherent in enforcing them.[49] I put to you the following hypothesis—which I think is generally applicable unless you have a class action or a union willing to finance a law suit at considerable expense to itself.

Consider the average problem faced by a lawyer—and I tend to think as a lawyer, having been one for a number of years—when a potential client walks through his door and says either "they owe me a pension," or "they are misusing the money in the pension fund". The lawyer asks, "Who are *they?*" How many employees know the corporate name of the employer, the exact name and location of the trust and trustees and the location of the bank holding the money, the name of the insurance company through which the plan is funded, if it is funded that way, the identity and addresses of the unions involved, including the international and local unions, and their officers, and those of the officers who have been designated as trustees? How many employees even know the real name of the plan or the trust or its technical terms?

But assume, as you have *no right* to assume in most cases, that the employee knows the answers to all those questions, then the legal problems have just begun. Whose law applies? The bank is one state, the corporation is another state, the employees are in several other states, the union in another state, and the contract may not specify a choice of law.

But even if you could decide (probably after costly litigation) what law applies, what court would have jurisdiction to serve process in all those states, and bring in all the necessary parties? I know of none—and that includes any federal court, which many of you know, can serve process only within the state in which it sits.[50]

But assume further, as you have *no right* to assume in most cases, that you could find a court able to serve process on all the necessary parties. What would you sue for?

If you're suing not for a pension but to stop misuse of the money by the trustees, the recovery goes not to the plaintiff employee but back into the fund. It is essentially a derivative action, from which the plaintiff recovers nothing but increased security for his pension expectancy.

If, on the other hand, the employee is suing for a pension, the recovery is *the discounted value of one pension* (unless the lawyer is lucky enough to pick up a rare class action, or unless a union is financing the law suit at substantial expense to itself). Now consider the cost of litigating those very complex questions of law which I have just discussed. How much is the lawyer going to charge for this law suit? In most cases, even if the lawyer takes only a minimal fee for this elaborate lawsuit, his fee will necessarily far exceed the amount of recovery (the discounted value of one pension). And to compound the problem, keep in mind that most misdeeds by pension administrators are brought to light in lawsuits by employees who have yet to vest, so that even if you win, your client doesn't get the recovery, and he may not even get a pension either.

In short, private lawsuits, even if the state law is on your side, do not provide a meaningful remedy for the employee in most pension cases. What is needed is a national law, with a national agency to enforce it, which will get this whole matter out of the area of ordinary, garden variety, litigation, which simply does not work. Aside from federalizing fiduciary standards, the Javits bill—and most of the others bills—go quite a few steps farther along.

Ordinary trust law (unlike these bills), only applies to trustee in the classic sense, and most of us already know that key decisions in pension administration are often made by persons not holding the legal status of trustees. Pension administrators need not be trustees. Investment discretion may be vested in labor-management committees who are not trustees in the legal sense. All sorts of other persons—investment counselors, actuaries, accountants, employers, unions, and others—may effectively be making fiduciary decisions while not occuping the legal position of a fiduciary. What these bills do is to apply the term "fiduciary" (and the liabilities and the responsibilities that go with it) to all those persons who exercise any power of control, management, or disposition with respect to any monies or other property of an employee benefit fund. S. 2 applies the "prudent man" rule to such fiduciaries.[51] Beyond that, the Javits bill itemizes certain prohibited transactions—mostly in the nature of self-dealing: leasing, purchasing, selling, or dealing with one's self, or, with a "party in interest" with respect to the pension fund, or receiving any consideration in any such transaction.[52] What we have *not* done, so far, is to become involved in the "legal list" concept of investments, or otherwise to restrict the honest judgment of the trustee, once he has been prohibited from dealing with himself in his own interest. The bill proceeds on the assumption that, if competent men act only in the interests of the fund, their judgment will be sufficient to protect the interests of the fund. One provision which appears in the Dent bill but not in the Javits bill would make every fiduciary a co-insurer of the acts of every other fiduciary.[53] It was our judgment that that provision is unrealistic in the pension context. While true trustees may be responsible for each other's misdeeds, the various functions in administering a pension fund are so diverse and spread out that it struck us as unrealistic that every bank would be responsible for any breach by any insurance company or vice versa, or any pension committee of an employer or vice versa, and so on. Thus the Javits bill provides that while presumptively fiduciaries undertaking joint responsibility are responsible for each other's misconduct, through agreement they may provide for the "allocating of specific duties or responsibilities among the fiduciaries", subject to approval by the commission.[54] We think that is a more realistic approach to the realities of the situation.

The *procedural* aspects of the enforcement title are, in our judgment, critical to the viability of the rest of the bill, and contain many things which I suggest are not really as controversial as they might seem at a first glance.

As to fiduciary standards, the title provides that, whenever the commission has reasonable cause to believe that a fund (that is, either a pension fund or any other employees' benefit fund) is being administered in violation of the fiduciary requirements of the bill, the commission may petition any district court having jurisdiction of the parties for an order requiring return to the fund of the assets illegally transferred out of it, or requiring payment of benefits denied to any beneficiary in violation of the title or of its fiduciary requirements. The court is given discretion to put any such fund into receivership, in order to preserve the assets, in an action brought by the commission.[55]

The bill also permits private lawsuits, in a federal court, to recover pension benefits, or to restrain a violation of fiduciary standards; but in private actions, the court has discretion to allow attorney's fees as costs *either way*, so that a pensioner bringing a patently frivilous action could incur substantial legal costs not only for his own lawyer but for the pension plan's lawyer as well.[56]

A great many other detailed but important provisions are included in, or keyed-into, this title—and the need for them ought to be obvious.

Footnotes at end of article.

For example, the bill provides that, whenever a participant leaves an employer after earning a vested pension right, the employer must give him a certificate setting forth the benefits to which he is entitled, including the name and location of the bank or insurance company responsible for payment, the amount of benefits, and the date when payments shall begin, and the certificate (a copy of which is filed with the Government like a "W-2") is deemed prima facie evidence of the facts in it.[57] That little certificate ought to be easy to provide, and would make it *possible* to sue to recover benefits without hiring a private investigator first.

Another example: The bill provides that every plan covered by the Act must file with the Government a certificate designating the Commission as agent to receive service of process on the necessary parties to a lawsuit,[58] making a bona fide lawsuit at least *possible*.

And there are many more technical provisions, which we would hope the industry would examine most carefully, and to the extent they need refinement or modification, we would also hope that the industry would come forward with its comments and suggestions.

Finally, there is the "Commission"—and in that respect the Javits bill is unique. The Dent bill (H.R. 1269) would put enforcement in the Department of Labor. The Griffin bills (S. 2485, S. 2486) would divide enforcement between the Department of Labor and Treasury. But the Javits bill would create a new independent agency, on the SEC model, called the United States Pension and Employee Benefit Plan Commission.

I can almost anticipate the anti-bureaucratic groans: "Not another Government agency! I grant you anyone who wants to create a new Government agency has a great burden of proof to carry, but I think in this instance those of us who *oppose* unnecessary bureaucracy ought to *support* the Commission idea. Consider where enforcement now is: The Justice Department enforces the applicable provisions of the Taft-Hartley Act (Section 302); Treasury enforces the applicable provisions of the Internal Revenue Code (Section 401); the Labor Department enforces the Welfare and Pension Plans Disclosure Act; and the SEC is also in the picture, at least with respect to variable annuities and the like. So there is *already* a multiple bureaucracy spread out throughout the government, with more to come as these new substantive requirements are enacted.

The question is not *whether* there will be bureaucracies, but whether they can be consolidated in one place, as free as possible from political influence, so that at least they can become efficient and provide interested parties with "one-stop service". That is the basis for the Pension Commission, which would consolidate in itself enforcement of *all* laws bearing on this subject. We think that idea ought to have considerable appeal to the pension industry itself, and we hope very much, as this legislation moves along, that industry will realize that the Commission is infinitely preferable to diverse fragmented enforcement by agencies which, up to now, have not really done too good a job even with the limited regulation now on the books.

CONCLUSION

As supporters of this legislation, we are determined, but not pig-headed. A strong effort will be made to pass a reasonable bill—but certainly not to "steam-roller" a bill without regard to the consequences.

No doubt there will be legitimate complaint, legitimate requests for total or partial exemption, or for special treatment. I have the impression that the authors of this legislation are more than willing to accommodate reasonable requests of that type.

Up to now the debate has tended to polarize: you are either "for" or "against" the bill—the *whole* bill.

But I have the impression that, as this bill moves further along the legislative process this year and next year, and it becomes clear that a bill will pass, the debate will become, as it ought to become, much more concerned with detail than with the overall feasibility of federal pension standards.

That is the time—and the sooner the better—for experts like yourselves, to come forward and give us the benefit of your advice, so that when this bill passes, as I believe it inevitably will, it will be the best bill which we, together, can devise.

FOOTNOTES

[1] See, *e.g.*, *"Private Pensions Scored by Study,"* The New York Times, April 1, 1971, p. 27; *"Pension Plan Study Reveals Big Majority Get No Benefits,"* The Washington Post, April 1, 1971, p. A-3; compare *"Disputed Study Hails Private Pension Plans,"* The Washington Post, May 19, 1971; *"Most Employees Can Get Pension Plan Benefits,"* The Journal of Commerce, May 19, 1971; *"Pension Consultants Rip Senators' Probe,"* The Chicago Tribune, April 12, 1971. The controversy has its origin in the 1965 Cabinet Committee Report, *"Public Policy and Private Pension Programs,"* (U.S., 1965).

[2] A general review of the 'studies" and "counter-studies" is attached as an Appendix to these remarks.

[3] See, *e.g.*, *Private Welfare and Pension Plan Legislation, Hearings Before the General Subcommittee on Labor, Committee on Education, House of Representatives*, 91st Congress, 1st and 2nd Sess. 145 (1970) (hereafter cited as *"1970 House Hearings"*). As of 1969, reserves of *noninsured* plans were $92.70 billion (market value). *Institutional Investor Study Report of the SEC*, Volume 3, H. Doc. No. 92-64, Part 3, 92nd Congress, 1st Sess. 1004 n. 62 (1971); SEC. Stat. Bull. 19(1970).

[4] *Pension and Welfare Plans, Hearing Before the Subcommittee On Labor, Committee on Labor and Public Welfare*, U.S. Senate, 90th Congress, 2nd Sess. 225 (1968) (hereafter cited as *"1968 Senate Hearings"*).

[5] *Ibid.*

[6] *Private Welfare and Pension Plan Study, 1971, Hearings Before the Subcommittee on Labor, Committee on Labor and Public Welfare*, U.S. Senate 92nd Congress, 1st Sess. Part I, at 5, 11-13 (1971) (hereafter cited as *"1971 Senate Hearings"*).

[7] See *1971 Senate Hearings, supra* note 6, part I at 111-117.

[8] See *e.g.*, *1970 House Hearings, supra* note 3, at 619-21.

[9] See Bernstein, *"The Pension Potential of Displaced Employees,"* in American Enterprise Institute of Public Policy Research, *Private Pensions and the Public Interest* 189-190 (1970); U.S. Arms Control and Disarmament Agency, *The Post-Layoff Market Experiences of Former Republic Aviation Corporation Workers* 26-27 (1966).

[10] S. 2, 92nd Congress, 1st Sess. Sec. 107 (1971).

[11] Clearly, the largest percentage of turnover without vesting occurs in the first 5 years of employment—which would not be subject to vesting under any of the pending bills. See *1971 Senate Hearings, supra* note 6, part I, at 372-81.

[12] Qualification under the bill *is* a condition of tax qualification (S. 2, sec. 111), but a plan is *not* given the option to proceed on a "non-qualified" basis, unless specifically exempt from the bill. (S. 2, Sec. 107, 108).

[13] S. 2, Sec. 107(a)(3).

[14] S. 2, Sec. 107(f).

[15] S. 2, Sec. 101(b).

[16] S. 2, Sec. 101(b)(1).

[17] Not supplied.

[18] S. 2, Sec. 108(a).

[19] S. 2485, 92nd Congress, 1st Sess. (1971). Senator Griffin's companion bill, S. 2486, is limited to fiduciary standards and disclosure. S. 2485 amends the Internal Revenue Code, and was referred to the Finance Committee; S. 2486 was referred to the Committee on Labor and Public Welfare.

[20] Unpublished remarks of Peter Flanigan, Assistant to the President, delivered at the Pension Conference of Donaldson, Lufkin and Jenrette, New York, Nov. 4, 1971.

[21] S. 2, Sec. 107-108.

[22] H.R. 1269, Sec. 201-305.

[23] See comments by corporate executives in *"The Great Pension Controversy," Dun's Review*, May 1971, beginning at p. 33.

[24] *1971 Senate Hearings, supra* note 6, part 1, at 372 (Table 1, line 13).

[25] S. 2, Sec. 107.

[26] *1971 Senate Hearings, supra* note 6, Part 2, page 495.

[27] S. 2, Sec. 107(a).

[28] H.R. 1269, Secs. 203(a), 302 (Dent bill); 5.2485, Sec. 102 (Griffin bill).

[29] S. 2, Sec. 114.

[30] S. 2, Sec. 108(b)(2)(B).

[31] S. 2, Sec. 108(b)(2)(A).

[32] Speech of Isadore Goodman, Chief of Pension Trust Branch, I.R.S., Nov. 15, 1960, Prentice-Hall Pension and Profit-Sharing Service, para. 19014.7.

[33] S. 2, Sec. 108(b)(3). In addition, the bill would "license" actuaries, Sec. 4(c), and set *same* standards for actuarial assumptions. Sec. 4(d).

[34] See AFL-CIO policy resolution adapted Dec. 1967, in *1970 House Hearings, supra* note 3, at 104.

[35] S. 2, Sec. 108(f).

[36] S. 2, Sec. 4(c).

[37] S. 2, Sec. 4(f).

[38] S. 2, Sec. 108(a).

[39] "Reinsurance" is actually a misnomer, as it really is "insurance", not "reinsurance", unless the fund's primary medium of funding is insurance.

[40] *1971 Senate Hearings, supra* note 6, part I, at 208-214. See also *Private Pension Plans, Hearings Before the Subcommittee on Fiscal Policy, Joint Economic Committee*, 89th Congress, 2nd Sess. 127(1966).

[41] Beier, *Terminations of Pension Plans—11 Year's Experience*, Daily Labor Report No. 105, May 31, 1967, Part B.

[42] *1971 Senate Hearings, supra* note 6, Part II, at 860.

[43] S.2, Sec. 203(a).

[44] S.2, Sec. 202(b)(1).

[45] S.2, Sec. 2(a)(15).

[46] *Ibid.*

[47] S.2, Sec. 301(a).

[48] One of the worst pension scandals in recent years was "disclosed" under the Disclosure Act, but no one noticed! *Diversion of Union Welfare-Pension Funds of Allied Trades Council and Teamsters Local 815, Hearings Before the Permanent Subcommittee on Investigations, Committee on Government Operations*, 89th Congress, 1st Sess. 483(1965).

[49] Elliott, *Federal Fiduciary Standards for Welfare and Pension Plans*, 366 (1968) (published by the Association of Life Insurance Counsel). See also Levin, *Proposals to Eliminate Inequitable Loss of Pension Benefits*, 15 Villanova L. Rev. 527, 566 (1970).

[50] Fed. R. Civ. P., Rule 4(f).

[51] S. 2, Secs. 2(b)(6), 402(b)(1)(B).

[52] S. 2, Sec. 402(b)(2).

[53] H.R. 1269, Sec. 111 *et seq.*

[54] S. 2, Sec. 402(f).

[55] S. 2, Secs. 502-505.

[56] S. 2, Sec. 504(A).

[57] S. 2, Sec. 106(b).

[58] S. 2, Sec. 401(c).

SUPPLEMENTAL MEMORANDUM ON THE ADMINISTRATION'S PENSION REFORM PROPOSAL

On December 8, 1971, the President, as anticipated, sent to the Congress a message on retirement security (H. Doc. No. 92-182), and bills implementing that message are expected to follow. The message contains a "five-point program": (1) tax deductions for employee who wish to set up their own retirement programs or to contribute to employer-financed pensions; (2) more substantial tax deductions for self-employed persons contributing to pension plans (H.R. 10 or "Keough" plans); (3) amendment of the Internal Revenue Code to require, as a condition of tax qualification, that a plan provide for vesting under the so-called "rule of 50" (50% vesting when age and service total 50 years, plus full vesting 5 years thereafter); (4) federal fiduciary standards as provided in a measure proposed by the President in substantially the same form in 1970 (S. 3589, 91st Cong., 2d Sess., introduced at that time by Senator Javits, on request); and (5) a direction to the Departments of the Treasury and Labor to undertake a study of the problem of benefit losses under plans which have terminated.

No doubt the Administration's initiative will help substantially in building the already-substantial momentum for comprehensive pension reform. Nevertheless, We ought to be aware of the problems inherent in the Administration's legislative "package". Specifically, these are:

(1) *The "Rule of 50":* This rule, while it is a great improvement over no vesting at all, nevertheless tends to encourage age discrimination. A 50-year-old job applicant would vest almost immediately, while a 20-year-old job applicant would not vest for 15 years—a substantial incentive not to hire the 50-year-old. Further, this rule tends to put all the burden of providing a pension on the last employer, and to make it most unlikely that an employee would get several pensions from a sequence of employers, because the years 20–30 tend to be a wash-out, unless the employee works for the same employer from the age of 20 until age 35, which is most unlikely in a mobile society.

(2) *No funding:* requiring vesting without requiring funding is a little like saying to a plan: "You must make a promise; you need not keep it".

(3) *No reinsurance:* certainly the tragedy of the Studebaker shut-down, the 85% loss of vested pensions, and the suicides which followed; and the subsequent testimony of union leaders that this was not an isolated case, suggests that overlooking reinsurance is avoiding a great slice of the problem. Indeed, the only Senator on the Senate Finance Committee who has heretofore shown any great interest in pension reform has been Senator Hartke of Indiana, and his primary interest, as he represents the State involved in the Studebaker case, has been in reinsurance, which the bill leaves out.

(4) *Amending the Internal Revenue Code:* As mentioned above, this proposal proceeds, except as to fiduciary standards, by way of amendment to the tax laws, which puts the matter within the jurisdiction of the Senate Finance Committee, which is not the Committee where real interest and support has been shown for pension reform. Further, it divides and further fragments the bureaucracy dealing with pension plans, instead of consolidating it in a single Commission. Moreover, the Treasury is hardly the best choice for an enforcement agency, as it really is not equipped to deal with individual complaints against pension plans for loss of benefits; on the contrary, the Treasury's principal concern is claims by the Government against private entities for taxes.

Those are some of the problems. But, in my own view, they are not really obstacles to passing a good pension bill, because the Senate Labor Committee will no doubt proceed to deal with all these problems, whatever becomes of the Administration bills, and in the meantime the mere *presence* of those bills, even with all of their deficiencies will help keep the ball rolling, indeed, rolling with even more momentum than before.

APPENDIX: A BRIEF REVIEW OF SOME OF THE PENSION PLAN "STUDIES"

What follows is a brief review of some (certainly not all) of the studies and "counter-studies" which have been the subject of argument in recent months.

A. The Senate Labor Sub-Committee Studies

1. The preliminary vesting study

On April 5, 1971, Senators Williams and Javits introduced into the Congressional Record (later published as a "Committee Print") the preliminary results of a study conducted by the Senate Labor Subcommittee concerning the extent of vesting, or conversely, the extent of "forfeiture"[1] of pension rights under private pension plans.

Unfortunately, much of the criticism—indeed, some of the praise—concerning this preliminary study has been written without paying much attention to the *actual content* of the release.

The release itself is based upon *some* of the results of an elaborate questionnaire sent to a carefully picked cross-section of the pension plan "universe". Fifteen hundred of these questionnaires were sent out, and 1000 were returned by the date of the release. But of the 1000, only 87 were studied in the preliminary release. These 87 were picked because they were the questionnaires that were complete and internally consistent on their face, as to the data relating to forfeitures. Thus the 87 plans studied in the preliminary study are *not* statistically representative, although we insist that they are significant. The significance, in fact, rests with our assumption that the plans with the "best" vesting were those who supplied the complete data in response to the questions on vesting, and I think we have a right to assume that those who did not respond, or had no information on vesting, or supplied answers which were obviously incorrect and internally inconsistent, probably had "worse" or at least less vesting, and more forfeitures, than those included in the 87 plan release.

Nevertheless, the 87 plans did cover a substantial number of participants, and a large aggregate of assets. We divided the 87 plans into two groups—"early vesting" and "late" or "no" vesting. Together, the two groups represent reserve pension assets of 16 billion dollars, and "cover" some 9.8 million workers who participated in those plans over a 20 year period between 1950 and 1970. The first group (51 plans with "late" vesting) included only plans which required 11 or more years of vesting; the second group (36 plans with "early" vesting) included only plans with vesting in 10 years or less. The 51 plans covered 6.9 million participants since 1950, and over that period of time, precisely 253,118 employees received any kind of normal, early or deferred vested retirement benefit. Four and eight-tenths (4.8) million participants (or 70%) left those plans during that 20 year period without receiving any benefits whatever. Indeed, only 147,364 (or 3%) actually received normal retirement benefits. From that figure, the press made much of the fact that there was a "forfeiture" rate of over 90%. We think that is a significant figure, but we think other facts in the study are much more significant, and of much more concern in the legislative process. I make that statement because our critics have been insisting, again and again, that the statistics are meaningless because most of those forfeitures were by employees who were essentially "casual"—that is, they were short-timers who would not vest under *anyone's* theory of vesting. And we *agree* with that. But if you *read* the study instead of listening to the critics or the proponents of it, you will discover that, included in those forfeitures were *115,573 employees who worked 15 years or more* under one or another of these plans and *got nothing;* and 280,017 who worked ten years or more under one or another of those plans and got nothing.

Those numbers do not represent large percentages, but in absolute terms they are large numbers of people who have a right to feel very disappointed. And those numbers cannot seriously be challenged as *numbers* (as distinguished from percentages). No one "made up" those numbers—they come from the questionnaires that were filled out and signed by the administrators of the pension plans involved.

Numbers and percentages are somewhat better in the "early" vesting plans. Of those 36 plans covered by the preliminary release, 1,500,000 participants left the scope of the plans during the 20 year period from 1950 to 1970. Of those 242,510 (or 16%) received some benefits, whether normal, early, or vested. The balance, presumably forfeited, and of those, 9,931 got nothing after 15 years of service. That is only 7%, but it is significant in absolute numerical terms.

As I said before, the percentages in this data are certainly not conclusive, as the sample is far from complete. But we *suspect* that when the full data is in, the extent of forfeiture will be even worse, because the "best" plans are probably those that reported most fully. *In any event,* forfeitures of hundreds of thousands of pensions by employees with more than 15 years of service is a significant and sufficient base for legislation, in our view, and we have seen nothing in any of the criticisms of the study to suggest that this data is invalid. Indeed, the recent hearings before the Senate Labor Subcommittee give case history after case history of employees whose lives and futures were most seriously damaged, and who appear only as "mere numbers" on the Subcommittee's preliminary analysis.

2. The release of benefit level data

On Monday, November 8, 1971, Senators Williams and Javits released a second phase of their study: data dealing with budget levels under private pension plans. It was much less surprising, though equally depressing. The cross-section of pension plans covered in the second release was much broader and much more statistically significant, as it covered 764 pension plans out of the 1500 in the original survey, and these 764 plans covered 11.6 million participants and reserve assets exceeding 30.7 billion dollars. It was the judgment of the Subcommittee experts, moreover, that the 764 plans *are* statistically representative of the whole pension plan "universe". As a complete cross-section, the median benefit paid by private pension plans in 1970, regardless of date of retirement, was less than $100 a month. For smaller plans—those with less than 1,000 participants—the median monthly benefit for normal retirement was $96, and for early and disability retirement, less than $50 a month. For larger plans—those with more than 1,000 participants—the median normal retirement benefit was $121 a month; for early retirement $99 a month, and for disability retirement $79 a month.

We found these numbers significant because, when the median for normal retirement of $99 a month is added to the median social security benefit of $129 a month, the total ($228) is *less* than the $241 monthly income required to sustain a retired urban couple, as reported by the Bureau of Labor Statistics in January 1970. In short, take your private pension and your public pension under social security, and put them together,

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[1] We use the term "forfeiture" in a non-technical sense (failure to get a benefit). Technically, failure to vest would not be "forfeiture", because the employee cannot "forfeit" what he never really had.

and the retired couple today is still living below the poverty line.

That fact, in my own judgment, is particularly relevant to the theory underlying the Javits Bill. The theory of early vesting and graduated vesting, *without regard to any age limitation*, has as its objective providing pension participants with *a number* of pensions upon retirement, not just one from the employee's last employer. Private pension plans, by themselves, *are not sufficient* to provide a decent retirement income if each employee counts on receiving *only one* pension, and that one only from the last of a number of employers. On the average, he will not vest *at all* under that last plan—but even if he does vest, vesting under one plan is unlikely to be sufficient, whereas vesting of lesser benefits under *a number of plans may* and probably *will* meet his needs.

B. The A. S. Hansen Study

Much of the criticism of the Senate Labor Subcommittee study is based on a study prepared by A. S. Hansen, Inc. purporting to deal with the same subject. The study itself does not purport to be a cross-section of pension plans, but a cross-section of Hansen's pension plans—those which are managed or structured by the Hansen firm. That is not to say that the study proves nothing; it simply does not represent plans other than those managed by Hansen—and we cannot know how representative of other plans that sample is. Further, the statistical approach taken in the Hansen study is based on assumptions, not facts. First, they directed their study to the number of *current employees* covered by their plans and purported to ascertain the number of *those* current employees who could be "expected to vest". Out of 864 plans surveyed, with 881,281 current active participants, Hansen asserted that 132,466 were retired and vested, 265,817 were vested, 319,239 were "expected to vest". Thus, the percentage vested and expected to vest is 66%; the percentage expected to forfeit is 34%. With respect to the percentage expected to forfeit, Hansen asserts that it is anticipated that these employees will "find future employment with firms with pension coverage". Aside from the fact that the percentage expected to forfeit (34%) is not exactly insubstantial, and that many of these may very well be long service employees, we think the major defects in the Hansen study are these:

1. Since it is only directed at current employees, it necessarily results in exaggerating the quota for vesting, because the total number "expected to vest" is stated as a percentage of current employees, instead of being stated as a percentage of the *much larger number of participants who will come into and pass out of the plans during the years ahead, when these current employees are earning their vested interest*. Those employees who pass through will never show up in the Hansen study, but they were the primary emphasis of the Senate-Labor Subcommittee study, which took account of *all* participants who *flowed through* the plans over a period of time.

2. In determining the number of employees "expected to vest", Hansen made *estimates* on the basis of "typical" employee turnover rates which Hansen itself characterizes as "arm-chair" assumptions which can be made applicable to all plans regardless of specific experience. The Labor Subcommittee study did not "assume" turnover, forfeiture, or anything else: it simply added up the statistics supplied by the plans themselves.

C. The Griffin-Trowbridge Study

A study of some substantial significance was issued by the Pension Research Council, written by Griffin and Trowbridge, in 1969, and entitled "Status of Funding under Private Pension Plans." That study has had substantial and wide circulation tending to show that private pension plans are already well-funded and that funding regulation is therefore not necessary.

There is reason to question the validity of the data supplied by Griffin and Trowbridge, in so far as it shows what it *says* it is showing. But the chief economist of the Bureau of Labor Statistics stated in 1969, with respect to the data in the study, which had been supplied by a number of actuaries: "The actuaries who supplied the data for the study succeeded in persuading their client plans to adopt conscientious funding programs. But the actuaries who did not supply any data—particularly those who advise multi-employer plans—may not have been as successful. In other words, it is impossible to determine whether the plans included in the survey are representative of those who by the nature of the survey had to be excluded." [2]

We take the data as *some* evidence that funding is improving. It suggests that most plans would not have any difficulty in complying with a reasonable funding schedule set forth in a statute. It also shows us that these plans ought not to complain when the few "fly by night" plans are required, as a matter of law, to fly by day.

D. Banker's Trust Company: 1970 Study of Industrial Retirement Plans

In 1970 the Bankers Trust Company of New York issued a 300 page analysis of a group of retirement pension plans. The overall sample is in the vicinity of 200 plans, although parts of the analysis are based upon segments of that overall sample. The introduction to the study makes it clear that the information in the study is not information gleaned from Bankers Trust's own knowledge, but is simply taken from "material . . . received from employers, pension consultants, insurance companies, actuarial firms, and various published sources." Data in the study compare plans during the period 1960 through 1965, with plans during the period 1965 through 1970, and show some liberalization of vesting. For example, one table in the study shows that, in the earlier period, 12% of the plans provided vesting in ten years or less, with improvement to 21% during the later period. 10% provided vesting in 15 years in the earlier period, and this improved to 11% in the later period. The study also shows some lowering of the age requirements, which were coupled with service requirements, as time went by.

This data is of some value, but subject to certain qualifications: First, the sample is based only upon the information supplied to Bankers Trust by other firms. Second, the study is of plans, not people, and so it does not show who worked how long and got something or nothing under the various plans in the study. There is no doubt that the study *does* show a trend, in the right direction. Whether that trend has substantially ameliorated the problems arising from growing labor mobility in this nation cannot be proven or disproven by the results of the study.

E. *Davis and Strasser: Private Pension Plans 1960–1969—An Overview (Monthly Labor Review, July 1970)*

In 1970, the Labor Department published a study, done by Harry E. Davis and Arnold Strasser, of a good sample—1,433 plans—which analyzed coverage and benefit formulas. It did not analyze "who gets what from private pension plans", in the sense that it did not count people, only plans. That is to say it counted people "covered", but it did not count people who actually vested, or who actually forfeited. As to coverage, the study concluded that, although there had been a substantial expansion in coverage over the ten year period, "most of the added coverage under both multi-employer and single employer plans resulted from increased employment in firms already having plans and, to a *lesser* extent, from the establishment of new plans covering workers who had previously been without private pension coverage."

As to vesting, the general conclusion was: "under the 1969 provisions, if these workers, who represent all covered workers, remain with their plan for ten years, only 31 (out of 100 who entered covered employment at age 25) of them will have gained a non-forfeitable right to a pension benefit; if they remained for 15 years, 51 of them will have achieved such a right; and after 20 years, only 57 of them would attain a non-forfeitable right to a pension benefit." Looking at the negative side of it, what that means is that on the average, after 20 years, 43% of "covered employees" would get nothing. That result seems to me put in question the validity of the limited findings of the Banker Trust study.

F. *Fischer: Vesting and Termination Provisions in Private Pension Plans (American Enterprise Institute for Public Policy Research, 1970)*

In 1970, the American Enterprise Institute for Public Policy Research published a study by Carl H. Fischer, Professor of Insurance and Actuarial Mathematics at the Graduate School of Business Administration, the University of Michigan, entitled "Vesting and Termination Provisions in Private Pension Plans." This study is based upon a sample of 320 private pension plans, of which 39 were multi-employer and 281 were single employer. The study contains a percentage analysis of *plans* (not employees) which shows that in the single employer category, 28% vest in ten years or less, 45% vest between in 11 and 20 years, and 25% vest in 21 years or more. In multi-employer plans, 7% vest in ten years or less, 35% vest between 11 and 20 years, and 58% vest after 21 years or more. The statistics speak for themselves: there is some good vesting, some "fair" vesting and just as much very poor vesting or no vesting. The findings seem fairly consistent with the Labor Department's findings.

G. *American Enterprise Institute: Legislative Analysis—"Issues Affecting Private Pensions" (April 1971)*

In April 1971, the American Enterprise Institute for Public Policy Research published a legislative analysis, "Issues Affecting Private Pensions" prepared by the Institute with the advice of its Advisory Committee on Pension Studies.

After surveying the various studies which had been done in the field on vesting, the analysis concludes that the gist of all the findings, in general terms, is that a great deal of change has occurred toward reasonably early vesting of private pension rights. Nevertheless, the data show that substantial numbers of the pension plans still elect to defer vesting for individual employees until they have worked for the same employer for nearly half or more of their lifetime working spans.

[2] American Enterprise Institute, *Private Pensions and the Public Interest* 165–66 (1970).

COACHING RECORD OF STEWART McWHORTER CHAMPION, HEAD FOOTBALL COACH, MONROEVILLE ACADEMY

Mr. ALLEN. Mr. President, in these days of football superbowls and super college and professional football coaches, the accomplishments of the high school coach and his tremendous influence upon the young men who become the college and professional football stars of tomorrow are, quite understandably, often overlooked or missed entirely.

I am pleased to invite the attention of the Senate to the remarkable, almost un-

believable, coaching record of Stewart McWhorter Champion, headmaster and head football coach at Monroe Academy, Monroeville, Ala.

In 10 years of high school coaching, Mac Champion has amassed a staggering record of 99 wins, four losses, and one tie, a record that undoubtedly would make, say, Alabama's Paul "Bear" Bryant, Nebraska's Bob Devaney, or even Washington Redskins Coach George Allen drool with envy. To those who know him and to those in Alabama's sports circles who are familiar with Coach Champion's decade of football success, they are surprised, not that he has won 99 games, but that somewhere along the line his teams have lost four times.

Off and on the gridiron, Mac Champion believes in unity of purpose and dedication. Without it, he feels that his players and his students would have little to prepare them for life after graduation. In an interview last year, Coach Champion said:

All we have talked about is football, but you know we try to run a good school out here. Our policy at all times is to be firm and fair with our students. We let them know what to expect. They all know our standards, and we expect them to live up to them. I am always ready to listen to any student, but not necessarily to agree with him. He must respect me as an adult seeking the truth.

Our teachers are asked to teach a "purpose in life" as well as their subject. We expect teachers to be an example for our children.

Classes should be 50 minutes of learning to live. I believe students are proud of their learning accomplishments when they know how it will help them in life. Another goal is that of learning how to learn as well as to think as students prepare to accept the responsibilities of living in the world of today.

In conclusion, Coach Champion said:

There's really nothing new under the sun. We try to teach children in school to have confidence by learning how to do things well. Once they learn how, then they realize nothing can hold them back. It is just the same as with our team.

Mr. President, the Birmingham Post Herald of December 27, 1971, published an article containing the account of Mac Champion's outstanding coaching career. I ask unanimous consent that the article be printed in the RECORD.

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

MAC CHAMPION: SUPER ALL-STATE COACH

(By Roy Riley)

Once upon a time a team coached by Mac Champion lost a football game. At least, it seems that somewhere back in the dim, dark past that Champion was the loser, rather than the winner. Perhaps his losses have been mirages.

Perhaps he never has lost a game. The record book shows that high school football teams coached by the former Auburn quarterback (1957 national champion team) have lost four games.

That averages out to .25 losses per year.

He's been at it 10 years.

He's won 99 times. There has been one tie.

Seven times his teams have been unbeaten.

Champion, the head coach at Monroe Academy of the Alabama Private School Association, started his coaching career at his hometown school of Hayneville and went from there to Lowndes Academy, a private school a stone's throw from Hayneville High.

Then he made the switch to Monroe Academy when the private school league was formed and Monroe has won the state title both years.

"We like to win them all," Champion said of his philosophy in coaching. "If we don't, we haven't accomplished our goal. We don't like an 8–1 or a 9–1 season.

"This puts a lot of pressure on our players. We have played 28 straight now without a loss and we're shooting for more. Everybody talks about our winning streak and some people ask if anybody will ever beat Monroe. It takes a lot of courage to go on the field every game thinking you can win them all.

"Our team this year didn't have a lot of super college prospects. We just put 11 players together who believed in themselves and we went through 13 games without a loss (there was one tie)."

Champion started his coaching career at Floyd Junior High School in South Montgomery. He was the first coach in the school's history and after losing two games his first year, he finished with a 21–3 slate, winning the city title his third year with an unbeaten record.

He went from there to Hayneville High where his teams were awesome. He lost one game his first year 14–13 and in that one a man dropped a TD pass in the end zone. The other game he lost at Hayneville was 6–0 against Linden.

The only teams who beat Champion while he was coach at Lowndes Academy were Meridian, Miss. (a big school) and Robert E. Lee of Montgomery.

The Lee game was the worst loss ever inflicted on a Champion team and Lee had to do it in the second half, 36–0. It was 7–0 at the half and Lee just wore them down in the second half.

When he moved to Lowndes Academy, the school did not have a football field or even plans for one. So Champion gave them one. He donated his own land.

"It was about 10 acres worth of land," he said. "Somebody had to do it."

"When I first started out as a coach, I wanted to be the best coach in the state," Champion said. "But that's something you can never measure. But I didn't know my teams would win 99 games in 10 years.

"We want to beat the state winning streak record of 57. We got up to 49 one time before we lost. In modern times it's difficult to put together a winning streak that long and it's a credit to the players I've had over the years."

Champion has never coached at a big school. But rumors are always rampant that he is headed to one school or another. Some rumors even put him in a college position.

"I'd like to coach in college some day," he said. "And I'm sure the time will come. After coaching 10 years and having seven unbeaten teams you'd think somebody would be interested. But I've never had an offer but I've never really gone out to get one, either."

So what about next year?

"We've got half of our boys back," he said. "I think we'll still be in business."

THE EMANCIPATION OF BLACK SCHOLARS

Mr. HOLLINGS. Mr. President, I call the Senate's attention to the December issue of the respected publication, Saturday Review. In an article titled "The Emancipation of Black Scholars," writer Roger M. Williams observes that today many black scholars are choosing teaching careers at black institutions, forgoing the sometimes better pay and "more prestigious" jobs at well-known white schools. I am proud that he finds "an outstanding example of the trend" at Benedict College in South Carolina. After studying this article, it is clear why Benedict's President Payton has recently won a South Carolina Citizen of the Year citation. I ask that the following excerpt from Mr. Williams' article be printed in today's RECORD.

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

While younger men and women have led the way, the movement involves established middle-aged scholars as well. Few of them, it is interesting to note, cite racial discrimination or racial slights as a reason for shifting; service to black people, including involvement with the black community, is the reason most often given.

An outstanding example of the trend is found at Benedict College in Columbia, South Carolina. In the past two years, Benedict has lured several black academics away from jobs at white institutions. Among them are political scientist Freddie Colston, from Ohio State; economist Ivory Lyons, from Northeastern; "community education" specialist Dan Young, from the University of Washington; and William Owens, who was chairman of the speech department at the State University of New York at Brockport. The luring was done by Benedict's thirty-eight-year-old president, Benjamin Payton, who has mounted a quiet campaign to bring top-notch blacks to his faculty. "For a period," says Payton, "the brightest blacks were heading for jobs at white schools. Now bright, well-trained black people are deliberately choosing black institutions. It is no stampede, nor do I want it to be one. And it is not a question of choosing an incompetent black teacher over a competent white one. But if white schools can attract black scholars, doggone it, we should be able to do so too."

Part of the attraction at Benedict is an improved salary scale; Payton has raised the top salary from $10,000 to $19,700. (Benedict and other black colleges soon should be able to raise salaries considerably higher, thanks to a recent Ford Foundation grant of $100-million over a six-year period.) A larger part is Payton's commitment to a broad, active role for black colleges in the local community. Then there is the powerful appeal, which Payton does not need to articulate, of being able to impart knowledge and skills to other black people, providing students with what Payton calls "healthy role models" that they can pattern themselves after. White missionary-educators provided role models in the early decades of the Negro colleges, but they were hardly models for black students to emulate.

Ivory Lyons, who went to Benedict in 1971 after twelve years at Northeastern, was drawn there largely by its record of community involvement. "Many of us thought we would have an impact at the black schools in that respect," says Lyons, "but they are oriented toward the idea that the college does not play an important role in the community. They are still dealing fundamentally with the classroom and lecture situation. I was getting rather fed up with that." Lyons still lectures at Benedict, of course, but he also directs the college's Community Development Institute, which works with local blacks in economic development, social welfare, and education; students and faculty members, for instance, instruct black businessmen in modern accounting, cooperative warehousing, and the like, and they also study ways to remedy such tangible and pressing problems as the displacement of black teachers and principals by school desegregation. One result of Payton's campaign has been a dramatic upgrading of

the Benedict faculty: When Payton arrived in 1967, the faculty included only one black Ph.D.; now there are twenty.

THE 1971 HEW SCHOOL ENROLLMENT SURVEY

Mr. STENNIS. Mr. President, on November 9, 1971, I wrote to the Secretary of Health, Education, and Welfare requesting that the results of the survey of racial enrollment in public schools for the current year be made available as soon as possible, so that they could be used by the Congress in considering pending legislation.

On November 23, not having received a reply to my letter, I commented on the Senate floor on the need for this data, and placed in the RECORD a copy of my letter to Secretary Richardson.

Later, I received a reply from the Secretary, bearing the date of November 23, but I felt that it fell short of being responsive to the needs of Congress with respect to providing necessary and available data on school enrollment for the 1971–72 school year. I so stated in remarks in the Senate on December 11. The Secretary's letter, however, afforded me an opportunity to request specific data from Mr. J. Stanley Pottinger, which I did, under date of December 7, and that letter was placed in the RECORD on December 11. I simplified the request as much as possible, asking for only a part of the format of the previous HEW surveys in 1968 and 1970. I requested data in three categories—Negro enrollment in majority-white schools, in 80 to 100 percent Negro schools, and in 95 to 100 percent Negro schools—and I asked for it by region and for the 100 largest school districts.

On January 11, I received the data from HEW, and on the following day it was contained in a press release by Secretary Richardson. I ask unanimous consent that the tabular data on racial enrollment in public schools be printed in the RECORD at the conclusion of my remarks, so that it will be available for ready reference when the education bill is considered later this month.

The data is very useful, and I wish to thank Mr. Pottinger for taking the necessary steps to make it available. In one respect it falls somewhat short of what I requested, in that the information on schools of 100 percent Negro enrollment is provided, in lieu of that for schools of 95 to 100 percent Negro enrollment. The latter category was used to eliminate any distortions of data that might have resulted from token desegregations of 1 or 2 percent, to get out of the category of being a 100 percent minority school. However, I have been told that it would take several weeks to get the additional category I requested, and unfortunately conclude that we must do without it. Nevertheless, as I said, the data provided will be useful to our purposes.

Mr. President, I wish to comment on some of the more meaningful figures in the school survey. They illustrate vividly a premise that I have been emphasizing to the Members of this body. Over the last several years I have been speaking regularly on the Senate floor regarding the dual standards of school desegregation that exist in our country. I have pointed out the destruction of effective school systems in the South, undertaken in the name of obliteration of de jure segregation, while racial isolation in schools continued in the North on a massive and increasing scale, and was left untouched because it was said to be de facto segregation. I have said that in many places in the North and West, this racial isolation is really de jure segregation because it originated in actual official actions of school boards and local governments, although sometimes subtle and disguised, in establishing school district lines, housing programs, and the like. I have also said that if and when the time should come that the citizens of the North and West should be required to accept the enforced racial balance that is imposed on Southern schools, they would reject it out of hand, and would make their views known to Congress. I have expressed the hope and belief that this national hypocrisy will in due time give way to a single national policy; and that, because everyone will have to follow it, it will have to be moderate, practical, sensible, and aimed at the true purpose of schools, which is to educate children.

The HEW school survey figures illustrate that the dual standard still exists; that token steps are seen in the Northern and Western States, while the South is obliged to follow standards of great rigidity, regardless of the effect on elementary and secondary education.

Comparing the last two surveys, the regional figures indicate only minimal desegregation took place in the 32 Northern and Western States. In every category the change was less than 1 percent. The six border States and the District of Columbia showed even less progress. In fact, there was an actual increase in the percentage of Negro students in 80 to 100 percent Negro schools, and in 100 percent Negro schools.

In the South, on the contrary, extensive desegregation continued. On a percentage basis, comparing the 11 Southern States with the 32 Northern and Western States, there was 16 times as much change in the South in the percentage of Negro students in majority-white schools. There was 14 times as much decrease in the South in Negroes enrolled in 80 to 100 percent black schools and seven times as much decrease in all-black schools. In numbers, rather than percentage, the contrast is even more striking. In the 1-year period, about 147,000 black students were enrolled in majority-white schools as against about 17,000 in the North. In the South, Negro enrollment in 80 to 100 percent black schools decreased by 230,000, but in the North only by about 1,100.

Bear in mind that in the Southern States the proportion of the school population that is black is three times what it is in the Northern and Western States. Nevertheless, the South has a smaller percentage of Negroes enrolled in all-black schools.

For the entire continental United States, the percentage figures show desegregation continuing in each of the three categories. However, if the figures for the 11 Southern States are taken out of the total, the changes for the rest of the country drop to about a seventh of what is shown to around a half of 1 percent in each category.

Examinations of the figures for the 100 largest school districts confirm little or no change in the North and West, while the South is obliged to tear up its schools for the sake of racial balance.

This year, Boston has fewer black students in majority-white schools than last year. Charlotte-Mecklenburg County, in North Carolina, has the same proportion of black to white in their school system as Boston but 97.9 percent of the blacks are in majority-white schools. In Compton, Calif., 97.8 percent of the Negroes are in schools that are more than 80 percent black, and in Gary, Ind., it is 95.7 percent; in Detroit and Dayton it is 78 percent; in Kansas City and Los Angeles 86 percent; in Newark, Cleveland, and St. Louis 90 percent. But in Tampa, 97.8 percent of the blacks are in majority-white schools and in Clearwater, Fla., it is 94.8 percent, with no Negroes in schools that are 80 percent or more black. Winston-Salem and Toledo are quite similar in the size and composition of the pupil population, but Winston-Salem has about 96 percent of their Negro students in majority-white schools; while in Toledo about 60 percent of the Negroes are in schools that are more than 80 percent black. In Los Angeles, Cleveland, Detroit, and other Northern and Western cities, there are fewer Negroes in majority-white schools than in those that are all-black schools, let alone majority-black schools.

There is much more that could be said about the figures, but they are there for all to see.

Mr. President, the continuance of this dual standard—this national hypocrisy based upon alleged differences between de facto and de jure systems—should not continue, and I do not believe that it will. The U.S. Supreme Court, on January 17, agreed for the first time to hear arguments on a northern school segregation case. Action is long overdue by the Supreme Court. Action is long overdue by Congress. Action is long overdue by the administration. Each candidate for President should make his position clear with respect to a constitutional amendment submitting this question to the people. When these actions are taken, the school systems of our country will be on the way back to a moderate and sensible policy that is based on the neighborhood school concept, and the attentions and energies of children, parents, and teachers can turn again toward education as the purpose of schools.

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

TABLE 1.—FALL 1971 ESTIMATED PROJECTIONS OF PUBLIC SCHOOL NEGRO ENROLLMENT COMPARED WITH FINAL FALL 1968 AND 1970 DATA [1]

Geographic area	Total pupils	Negro pupils		Negro pupils attending schools which are— 0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Continental United States:									
1968	43,353,568	6,282,173	14.5	1,467,291	23.4	4,274,461	68.0	2,493,398	39.7
1970	44,877,547	6,707,411	14.9	2,223,506	33.1	3,311,372	49.4	941,111	14.0
1971 estimate	44,691,675	6,724,956	15.0	2,393,824	35.6	3,084,785	45.9	778,832	11.6
Difference 1970–71	−185,782	17,000	.1	170,318	2.5	−226,587	−3.5	−162,279	−2.4
32 North and West: [2]									
1968	28,579,766	2,703,056	9.5	746,030	27.6	1,550,440	57.4	332,408	12.3
1970	29,451,976	2,889,858	9.8	793,979	27.5	1,665,926	57.6	343,629	11.9
1971 estimate	29,299,586	2,913,047	9.9	810,985	27.8	1,664,771	57.1	325,874	11.2
Difference 1970–71	−152,390	23,189	.1	16,916	.3	−1,155	−.5	−17,755	.7
11 South: [3]									
1968	11,043,485	2,942,960	26.6	540,692	18.4	2,317,850	78.8	2,000,486	68.0
1970	11,570,351	3,150,192	27.2	1,230,868	39.1	1,241,050	39.4	443,073	14.1
1971 estimate	11,551,697	3,139,436	27.2	1,377,847	43.9	1,010,558	32.2	290,390	9.2
Difference 1970–71	−18,654	−10,756	0	146,979	4.8	−230,492	−7.2	−152,683	−4.9
6 border and District of Columbia: [4]									
1968	3,730,317	636,157	17.1	180,569	28.4	406,171	63.8	160,504	25.2
1970	3,855,221	667,362	17.3	198,659	29.8	404,396	60.6	154,409	23.1
1971 estimate	3,840,392	672,473	17.5	205,082	30.5	409,456	60.9	162,568	24.2
Difference 1970–71	−14,829	5,111	.2	6,423	.7	5,060	.3	8,159	1.1

[1] 1971 figures are estimations based on latest available data and are subject to change upon final compilation.

[2] Alaska, Arizona, California, Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming.

[3] Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina Tennessee, Texas, Virginia.

[4] Delaware, District of Columbia, Kentucky, Maryland, Missouri, Oklahoma, West Virginia.

TABLE 1-C.—FALL 1971 SURVEY DISTRICTS REPORTING BY NOV. 19, 1971, COMPARED WITH FALL 1970 DATA FOR THESE SAME DISTRICTS (FALL 1971 DATA IS UNEDITED)

NEGRO PUPILS IN 77 OF THE 100 LARGEST (1970) SCHOOL DISTRICTS

District	Total pupils	Negro pupils		Negro pupils attending schools which are— 0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Akron, Ohio:									
1970	56,426	15,413	27.3	5,624	36.5	7,594	49.3	0	0
1971	55,570	15,454	27.8	5,208	33.7	6,214	40.2	454	2.9
Albuquerque, N. Mex.:									
1970	83,781	2,048	2.4	742	36.2	779	38.0	0	0
1971	85,473	2,180	2.6	750	34.4	1,022	46.9	0	0
Anne Arundel County, Md. (Annapolis):									
1970	74,021	9,587	13.0	7,547	78.7	335	3.5	0	0
1971	75,654	9,783	12.9	7,716	78.9	305	3.1	0	0
Atlanta, Ga.:									
1970	105,598	72,523	68.7	4,777	6.6	63,111	87.0	24,332	33.6
1971	100,316	72,321	72.1	5,768	8.0	62,131	85.9	15,625	21.6
Austin, Tex.:									
1970	54,974	8,284	15.1	1,323	16.0	6,507	78.5	1,216	14.7
1971	55,565	8,147	14.7	2,938	36.1	4,735	58.1	697	8.6
Boston, Mass.:									
1970	96,696	28,822	29.8	5,174	18.0	18,757	65.1	3,172	11.0
1972	96,583	30,654	31.7	4,574	14.9	19,381	63.2	398	1.3
Brevard County, Fla. (Titusville):									
1970	61,908	6,618	10.7	5,876	88.8	742	11.2	0	0
1971	61,979	6,872	11.1	6,151	89.5	721	10.5	0	0
Broward County, Fla. (Fort Lauderdale):									
1970	117,324	27,230	23.2	14,189	52.1	11,201	41.1	4,303	15.8
1971	122,376	28,554	23.3	22,467	78.7	2,291	8.0	650	2.3
Caddo Parish, La. (Shreveport):									
1970	53,866	26,401	49.0	6,777	25.7	17,959	68.0	11,740	44.5
1971	53,420	26,489	49.6	6,748	25.5	17,653	66.6	8,023	30.3
Charleston County, S.C.:									
1970	57,410	27,059	47.1	8,332	30.8	16,197	59.9	3,675	13.6
1971	57,128	27,445	48.0	7,866	28.7	17,113	62.4	6,838	24.9
Charlotte-Mecklenburg County, N.C.:									
1970	82,507	25,404	30.8	23,050	90.7	1,053	4.1	0	0
1971	81,042	25,796	31.8	25,253	97.9	399	1.5	0	0
Chatham County, Ga. (Savannah):									
1970	40,897	17,963	43.9	3,499	19.5	12,058	67.1	2,804	15.6
1971	37,712	18,195	48.2	10,809	59.4	1,385	7.6	0	0
Cincinnati, Ohio:									
1970	84,199	37,853	45.0	6,399	16.9	20,661	54.6	5,924	15.7
1971	81,879	37,731	46.1	5,159	13.7	20,696	54.9	3,986	10.6
Clark County, Nev. (Las Vegas):									
1970	73,822	9,567	13.0	5,960	62.3	2,870	30.0	515	5.4
1971	73,745	9,499	12.9	6,420	67.6	1,774	18.7	353	3.7
Cleveland, Ohio:									
1970	153,619	88,558	57.6	3,725	4.2	80,505	90.9	30,852	34.8
1971	148,854	85,291	57.3	3,931	4.6	77,841	91.3	30,232	35.4
Cobb County, Ga. (Marietta):									
1970	44,504	1,397	3.1	1,397	100.0	0	0	0	0
1971	45,661	1,336	2.9	1,336	100.0	0	0	0	0
Columbus, Ohio:									
1970	109,329	29,440	26.9	7,614	25.9	15,604	53.0	655	2.2
1971	110,735	31,279	28.2	8,788	28.1	16,862	53.9	205	.7
Compton, Calif.:									
1970	40,364	33,486	83.0	0	0	31,056	92.7	5,303	15.8
1971	39,356	33,471	84.0	0	0	32,740	97.8	2,483	7.4
Corpus Christi, Tex.:									
1970	46,292	2,590	5.6	71	2.7	2,176	84.0	12	.5
1971	45,900	2,601	5.7	143	5.5	2,080	80.0	15	.6
Dade County, Fla. (Miami):									
1970	240,447	60,957	25.4	13,254	21.7	32,352	53.1	7,498	12.3
1971	244,765	62,974	25.7	14,507	23.0	33,485	53.2	8,129	12.9
Dallas, Tex.:									
1970	164,736	55,648	33.8	1,528	2.7	52,380	94.1	12,899	23.2
1971	157,799	57,338	36.3	8,617	15.0	47,843	83.4	6,028	10.5

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Dayton, Ohio:									
1970	56,609	23,013	40.7	2,990	13.0	17,900	77.8	2,183	9.5
1971	55,041	23,489	42.7	3,670	15.6	18,343	78.1	3,431	14.6
De Kalb County, Ga. (Decatur):									
1970	85,859	5,379	6.3	3,793	70.5	793	14.7	48	.9
1971	88,012	6,351	7.2	4,462	70.3	1,412	22.2	0	0
Denver, Colo.:									
1970	97,928	14,434	14.7	6,431	44.6	6,426	44.5	0	0
1971	94,808	14,901	15.7	6,755	45.3	5,443	36.5	0	0
Des Moines, Iowa:									
1970	45,375	3,751	8.3	2,193	58.5	24	0.6	0	0
1971	44,340	3,738	8.4	2,137	57.2	298	8.0	0	0
Detroit, Mich:									
1970	284,396	181,538	63.8	10,618	5.8	143,946	79.3	24,809	13.7
1971	282,076	183,262	65.0	11,629	6.3	143,992	78.6	22,105	12.1
Duval County, Fla. (Jacksonville):									
1970	122,493	36,054	29.4	9,237	25.6	20,747	57.5	13,345	37.0
1971	117,576	36,769	31.3	13,229	36.0	14,042	38.2	8,549	23.3
East Baton Rouge Parish, La.:									
1970	64,198	24,785	38.6	5,457	22.0	17,810	71.9	7,211	29.1
1971	65,906	25,723	39.0	5,897	22.9	18,531	72.0	5,399	21.0
El Paso, Tex.:									
1970	62,545	1,887	3.0	1,090	57.8	383	20.3	60	3.2
1971	62,960	1,915	3.0	1,358	70.9	355	18.5	0	0
Escambia County, Fla. (Pensacola):									
1970	46,987	13,443	28.6	5,548	41.3	2,225	16.6	0	0
1971	44,723	12,713	28.4	5,391	42.4	1,938	15.2	1	0
Flint, Mich.:									
1970	45,659	18,475	40,5	3,512	19.0	7,051	38.2	385	2.1
1971	41,899	17,116	40.9	3,494	20.4	7,973	46.6	319	1.9
Fort Wayne, Ind.:									
1970	43,400	6,492	15.0	1,921	29.6	3,194	49.2	0	0
1971	42,963	6,720	15.6	3,440	51.2	2,429	36.1	0	0
Fort Worth, Tex.:									
1970	88,095	23,542	26.7	2,309	9.8	18,845	80.0	11,399	48.4
1971	82,418	23,311	28.3	4,993	21.4	15,623	67.0	4,767	20.4
Fresno, Calif.:									
1970	57,508	5,133	8.9	1,255	24.4	3,441	67.0	16	3
1971	55,783	5,190	9.3	1,506	29.0	3,322	64.0	13	3
Garden Grove, Calif.:									
1970	52,684	110	0.2	110	100.0	0	0	0	0
1971	51,983	170	.3	170	100.0	0	0	0	0
Gary, Ind.:									
1970	46,595	30,169	64.7	1,060	3.5	27,673	91.7	11,781	39.1
1971	45,332	30,593	67.5	1,177	3.8	29,272	95.7	5,336	17.4
Greenville County, S.C.:									
1970	57,222	12,788	22.3	12,594	98.5	72	.6	0	0
1971	57,559	12,770	22.2	12,654	99.1	0	0	0	0
Hillsborough County, Fla. (Tampa):									
1970	105,347	20,417	19.4	4,771	23.4	12,832	62.8	2,303	11.3
1971	101,298	19,769	19.5	19,335	97.8	90	.5	0	0
Houston, Tex.:									
1970	241,139	85,965	35.6	7,202	8.4	73,373	85.4	7,604	8.8
1971	225,681	85,276	37.8	7,398	8.7	73,351	86.0	7,391	8.7
Indianapolis, Ind.:									
1970	106,239	38,044	35.8	7,785	20.5	22,925	60.3	3,318	8.7
1971	102,326	38,542	37.7	9,060	23.5	23,180	60.1	4,889	12.7
Jefferson County, Ala. (Birmingham area):									
1970	59,717	16,776	28.1	3,240	19.3	13,159	78.4	8,020	47.8
1971	56,573	15,110	26.7	5,952	39.4	8,563	56.7	4,528	30.0
Jefferson County, Ky. (Louisville):									
1970	93,454	3,382	3.6	2,738	81.0	644	19.0	0	0
1971	95,660	3,590	3.8	3,082	85.8	508	14.2	0	0
Jefferson Parish, La. (Gretna):									
1970	63,572	13,201	20.8	6,425	48.7	4,791	36.3	2,577	19.5
1971	61,763	12,790	20.7	12,015	93.9	80	.6	0	0
Kanawha County, W. Va. (Charleston):									
1970	52,888	3,404	6.4	2,934	86.2	0	0	0	0
1971	52,617	3,450	6.6	3,017	87.4	0	0	0	0
Kansas City, Mo.:									
1970	70,503	35,375	50.2	3,301	9.3	29,504	83.4	5,275	14.9
1971	68,335	35,657	52.2	3,468	9.7	30,793	86.4	8,871	24.9
Long Beach, Calif.:									
1970	69,927	6,349	9.1	2,219	35.0	0	0	0	0
1971	69,205	6,972	10.1	2,405	34.5	0	0	0	0
Los Angeles, Calif.:									
1970	642,895	154,926	24.1	9,121	5.9	134,889	87.1	13,551	8.7
1971	633,951	157,589	24.9	10,712	6.8	136,459	86.6	12,046	7.6
Louisville, Ky.:									
1970	53,197	25,674	48.3	3,013	11.7	19,884	77.4	1,094	4.3
1971	50,440	24,591	48.8	3,120	12.7	20,246	82.3	3,830	15.6
Milwaukee, Wis.:									
1970	132,349	34,355	26.0	4,197	12.2	26,193	76.2	0	0
1971	131,815	36,930	28.0	5,467	14.8	29,111	78.8	2,059	5.6
Minneapolis, Minn.:									
1970	66,938	5,935	8.9	3,416	57.6	0	0	0	0
1971	65,201	6,351	9.7	4,118	64.8	428	6.7	0	0
Muscogee County, Ga. (Columbus):									
1970	42,010	13,074	31.1	1,564	12.0	11,214	85.8	8,093	61.9
1971	40,341	13,126	32.5	12,602	96.0	211	1.6	211	1.6
Nashville-Davidson County, Tenn.:									
1970	95,313	23,473	24.6	5,877	25.0	15,727	67.0	4,942	21.1
1971	88,190	23,963	27.2	19,820	82.7	0	0	0	0
Newark, N.J.:									
1970	78,456	56,651	72.2	1,620	2.9	51,685	91.2	11,217	19.8
1971	79,661	57,358	72.0	1,463	2.6	52,359	91.3	12,888	22.5
Norfolk, Va.:									
1970	55,117	24,757	44.9	8,139	32.9	13,827	55.9	6,457	26.1
1971	50,791	24,341	47.9	12,280	50.4	285	1.2	0	0
Oakland, Calif.:									
1970	67,830	38,567	56.9	2,498	6.5	28,988	75.2	991	2.6
1971	67,323	39,102	58.1	2,480	6.3	28,582	73.1	634	1.6
Oklahoma City, Okla.:									
1970	70,042	16,109	23.0	3,442	21.4	12,095	75.1	3,672	22.8
1971	69,130	16,309	23.6	3,576	21.9	11,135	68.3	5,235	32.1

TABLE 1-C.—FALL 1971 SURVEY DISTRICTS REPORTING BY NOV. 19, 1971, COMPARED WITH FALL 1970 DATA FOR THESE SAME DISTRICTS (FALL 1971 DATA IS UNEDITED)—Continued

NEGRO PUPILS IN 77 OF THE 100 LARGEST (1970) SCHOOL DISTRICTS—Continued

District	Total pupils	Negro pupils		Negro pupils attending schools which are—					
				0 to 49.9 percent minority		80 to 100 percent minority		100 percent minority	
		Number	Percent	Number	Percent	Number	Percent	Number	Percent
Orange County, Fla. (Orlando):									
1970	85,270	15,398	18.1	6,265	40.7	8,005	52.0	2,553	16.6
1971	84,928	15,638	18.4	8,173	52.3	4,428	28.3	772	4.9
Orleans Parish, La. (New Orleans):									
1970	109,856	76,388	69.5	5,925	7.8	62,567	81.9	37,053	48.5
1971	108,969	77,538	71.2	5,079	6.6	62,669	80.8	36,587	47.2
Pinellas County, Fla. (Clearwater):									
1970	85,117	13,766	16.2	6,264	45.5	2,881	20.9	667	4.8
1971	86,878	14,137	16.3	13,408	94.8	0	0	0	0
Polk County, Fla. (Bartow):									
1970	54,380	11,899	21.9	8,622	72.5	1,444	12.1	0	0
1971	55,343	12,217	22.1	9,761	79.9	1,433	11.7	0	0
Portland, Oreg.:									
1970	76,206	7,008	9.2	4,352	62.1	1,494	21.3	0	0
1971	72,694	7,103	9.8	3,721	52.4	1,504	21.2	0	0
Prince George's County, Md. (District of Columbia area):									
1970	160,897	31,994	19.9	13,040	40.8	11,190	35.0	724	2.3
1971	162,828	36,450	22.4	14,093	38.7	14,510	39.8	550	1.5
Richmond, Calif.:									
1970	41,492	11,389	27.4	5,730	50.3	3,781	33.2	343	3.0
1971	41,390	11,699	28.3	5,704	48.8	3,598	30.8	345	2.9
Richmond, Va.:									
1970	47,988	30,785	64.2	3,609	11.7	17,485	56.8	2,954	9.6
1971	44,989	31,101	69.1	1,901	6.1	11,363	36.5	32	.1
Rochester, N.Y.:									
1970	45,500	15,082	33.1	6,161	40.9	6,661	44.2	0	0
1971	44,152	15,747	35.7	7,709	49.0	5,303	33.7	0	0
Rockford, Ill.:									
1970	43,116	5,300	12.3	2,965	55.9	412	7.8	0	0
1971	42,131	5,385	12.8	2,999	55.7	449	8.3	0	
Sacramento, Calif.:									
1970	52,218	8,012	15.3	5,273	65.8	302	3.8	0	0
1971	49,658	8,070	16.3	5,166	64.0	540	6.7	0	0
San Antonio, Tex.:									
1970	77,253	11,853	15.3	1,099	9.3	7,950	67.1	1,310	11.1
1971	74,955	11,600	15.5	958	8.3	8,260	71.2	1,463	12.6
Shawnee Mission, Kan. (Kansas City area):									
1970	45,289	140	.3	140	100.0	0	0	0	0
1971	41,936	157	.4	144	91.7	3	1.9	3	1.9
St. Louis, Mo.:									
1970	111,233	72,965	65.6	1,827	2.5	64,166	87.9	36,316	49.8
1971	107,986	73,149	67.7	1,545	2.1	65,668	89.8	34,717	47.5
St. Paul, Minn.:									
1970	49,732	3,163	6.4	2,043	64.6	340	10.7	0	0
1971	50,589	3,541	7.0	2,421	68.4	339	9.6	0	0
Toledo, Ohio:									
1970	61,699	16,407	26.6	3,954	24.1	9,725	59.3	579	3.5
1971	62,597	17,052	27.2	3,838	22.5	10,121	59.4	448	2.6
Virginia Beach, Va.:									
1970	45,245	4,793	10.6	4,187	87.4	606	12.6	0	0
1971	46,802	4,793	10.2	4,793	100.0	0	0	0	0
Washington, D.C.:									
1970	145,330	137,502	94.6	1,674	1.2	133,421	97.0	46,117	33.5
1971	141,806	135,068	95.2	455	.3	131,844	97.6	47,516	35.2
Wichita, Kans.:									
1970	63,811	9,362	14.7	6,025	64.4	2,950	31.5	371	4.0
1971	59,868	9,274	15.5	9,247	99.7	0	0	0	0
Winston-Salem-Forsyth County, N.C.:									
1970	49,514	13,727	27.7	5,077	37.0	7,884	57.4	6,015	43.8
1971	47,937	14,097	29.4	13,494	95.7	383	2.7	0	0

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be recognized to speak on S. 2515 when the Senate reconvenes today, following the state of the Union address by the President; and I ask unanimous consent that the unfinished business be laid down at this time.

Mr. JAVITS. Mr. President, let us hear the statement about S. 2515.

Mr. MANSFIELD. The Senator from Pennsylvania (Mr. SCHWEIKER) is to be recognized after the state of the Union message.

Mr. JAVITS. Mr. President, I want to offer an amendment. I have not yet been recognized as the ranking minority member to make my opening statement on this matter. I would like to do that. I will arrange to have the Senator from Pennsylvania yield to me.

Mr. MANSFIELD. That will be satisfactory.

The PRESIDING OFFICER. Without objection it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana? There being no objection, the Senate proceeded to consider the bill.

JOINT SESSION OF THE TWO HOUSES, THE PRESIDENT'S STATE OF THE UNION MESSAGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, the time for the Senate to reassemble to be as soon as possible after the conclusion of the state of the Union message of the President of the United States to the joint session.

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

(At 12:11 p.m., the Senate took a recess subject to the call of the Chair.)

(Thereupon, the Senate, in a body, preceded by the Sergeant at Arms (Robert G. Dunphy), the Secretary of the Senate (Francis R. Valeo), the President pro tempore (Mr. ELLENDER), and the Vice President, proceeded to the Hall of the House of Representatives to meet in joint session, to be addressed by the President of the United States on the state of the Union.)

(The address delivered by the President of the United States at the joint ses-

sion of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

(On the close of the joint session, the Senate, in a body, returned to the Senate Chamber.)

(At 1:20 p.m., at the expiration of the recess, the Senate was called to order by the Presiding Officer (Mr. HUGHES).

COMMUNICATION FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following communication from the President of the United States:

THE WHITE HOUSE,
Washington, D.C., January 20, 1972.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I respectfully request that the written message I have handed to you and to the Speaker of the House be considered a part of my annual report to the Congress on the State of the Union.

Sincerely,

RICHARD NIXON.

Mr. BYRD of West Virginia subsequently said:

Mr. President, I ask unanimous consent that the 15,000-word message of the President referred to in his state of the Union message be referred jointly to all of the standing committees for their consideration of the subject matter therein falling within their respective jurisdictions.

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

The message from the President is as follows:

To the Congress of the United States:

It was just 3 years ago today that I took the oath of office as President. I opened my address that day by suggesting that some moments in history stand out "as moments of beginning," when "courses are set that shape decades or centuries." I went on to say that "this can be such a moment."

Looking back 3 years later, I would suggest that it was such a moment—a time in which new courses were set on which we now are traveling. Just how profoundly these new courses will shape our decade or our century is still an unanswered question, however, as we enter the fourth year of this administration. For moments of beginning will mean very little in history unless we also have the determination to follow up on those beginnings.

Setting the course is not enough. Staying the course is an equally important challenge. Good government involves both the responsibility for making fresh starts and the responsibility for perseverance.

The responsibility for perseverance is one that is shared by the President, the public, and the Congress.

—We have come a long way, for example, on the road to ending the Vietnam war and to improving relations with our adversaries. But these initiatives will depend for their lasting meaning on our persistence in seeing them through.

—The magnificent cooperation of the American people has enabled us to make substantial progress in curbing inflation and in reinvigorating our economy. But the new prosperity we seek can be completed only if the public continues in its commitment to economic responsibility and discipline.

—Encouraging new starts have also been made over the last 3 years in treating our domestic ills. But continued progress now requires the Congress to act on its large and growing backlog of pending legislation.

America's agenda for action is already well established as we enter 1972. It will grow in the weeks ahead as we present still more initiatives. But we dare not let the emergence of new business obscure the urgency of old business. Our new agenda will be little more than an empty gesture if we abandon—or even de-emphasize—that part of the old agenda which is yet unfinished.

GETTING OURSELVES TOGETHER

One measure of the Nation's progress in these first years of the seventies is the improvement in our national morale. While the 1960's were a time of great accomplishment, they were also a time of growing confusion. Our recovery from that condition is not complete, but we have made a strong beginning.

Then we were a shaken and uncertain people, but now we are recovering our confidence. Then we were divided and suspicious, but now we are renewing our sense of common purpose. Then we were surrounded by shouting and posturing, but we have been learning once again to lower our voices. And we have also been learning to listen.

A history of the 1960's was recently published under the title, *Coming Apart*. But today we can say with confidence that we are coming apart no longer. The "center" of American life has held, and once again we are getting ourselves together.

THE SPIRIT OF REASON AND REALISM

Under the pressures of an election year, it would be easy to look upon the legislative program merely as a political device and not as a serious agenda. We must resist this temptation. The year ahead of us holds precious time in which to accomplish good for this Nation and we must not, we dare not, waste it. Our progress depends on a continuing spirit of partnership between the President and the Congress, between the House and the Senate, between Republicans and Democrats. That spirit does not require us always to agree with one another but it does require us to approach our tasks, together, in a spirit of reason and realism.

Clear words are the great servant of reason. Intemperate words are the great enemy of reason. The cute slogan, the glib headline, the clever retort, the appeal to passion—these are not the way to truth or to good public policy.

To be dedicated to clear thinking, to place the interests of all above the interests of the few, to hold to ultimate values and to curb momentary passions, to think more about the next generation and less about the next election—these are now our special challenges.

ENDING THE WAR

The condition of a nation's spirit cannot be measured with precision, but some of the factors which influence that spirit can. I believe the most dramatic single measurement of the distance we have traveled in the last 36 months is found in the statistics concerning our involvement in the war in Vietnam.

On January 20, 1969 our authorized troop ceiling in Vietnam was 549,500. And there was no withdrawal plan to bring these men home. On seven occasions since that time, I have announced withdrawal decisions—involving a total of 480,500 troops. As a result, our troop ceiling will be only 69,000 by May 1. This means that in 3 years we will have cut our troop strength in Vietnam by 87 percent. As we proceed toward our goal of a South Vietnam fully able to defend itself, we will reduce that level still further.

In this same period, expenditures connected with the war have been cut drastically. There has been a drop of well over 50 percent in American air activity in all of Southeast Asia. Our ground combat role has been ended. Most importantly, there has been a reduction of 95 percent in combat deaths.

Our aim is to cut the death and casualty toll by 100 percent, to obtain the release of those who are prisoners of war, and to end the fighting altogether.

It is my hope that we can end this tragic conflict through negotiation. If we cannot, then we will end it through Vietnamization. But end it we shall—in a way which fulfills our commitment to the people of South Vietnam and which gives them the chance for which they have already sacrificed so much—the chance to choose their own future.

THE LESSONS OF CHANGE

The American people have learned many lessons in the wake of Vietnam—some helpful and some dangerous. One important lesson is that we can best serve our own interests in the world by setting realistic limits on what we try to accomplish unilaterally. For the peace of the world will be more secure, and its progress more rapid, as more nations come to share more fully in the responsibilities for peace and for progress.

At the same time, to conclude that the United States should now withdraw from all or most of its international responsibilities would be to make a dangerous error. There has been a tendency among some to swing from one extreme to the other in the wake of Vietnam, from wanting to do too much in the world to wanting to do too little. We must resist this temptation to over-react. We must stop the swinging pendulum before it moves to an opposite position, and forge instead an attitude toward the world which is balanced and sensible and realistic.

America has an important role to play in international affairs, a great influence to exert for good. As we have throughout this century, we must continue our profound concern for advancing peace and freedom, by the most effective means pos-

sible, even as we shift somewhat our view of what means are most effective.

This is our policy:

—We will maintain a nuclear deterrent adequate to meet any threat to the security of the United States or of our allies.

—We will help other nations develop the capability of defending themselves.

—We will faithfully honor all of our treaty commitments.

—We will act to defend our interests whenever and wherever they are threatened any place in the world.

—But where our interests or our treaty commitments are not involved our role will be limited.

—We will not intervene militarily.

—But we will use our influence to prevent war.

—If war comes we will use our influence to try to stop it.

—Once war is over we will do our share in helping to bind up the wounds of those who have participated in it.

OPENING NEW LINES OF COMMUNICATION

Even as we seek to deal more realistically with our partners, so we must also deal more realistically with those who have been our adversaries. In the last year we have made a number of notable advances toward this goal.

In our dealings with the Soviet Union, for example, we have been able, together with our allies, to reach an historic agreement concerning Berlin. We have advanced the prospects for limiting strategic armaments. We have moved toward greater cooperation in space research and toward improving our economic relationships. There have been disappointments such as South Asia and uncertainties such as the Middle East. But there has also been progress we can build on.

It is to build on the progress of the past and to lay the foundations for greater progress in the future that I will soon be visiting the capitals of both the Peoples Republic of China and the Soviet Union. These visits will help to fulfill the promise I made in my Inaugural address when I said "that during this administration our lines of communication will be open," so that we can help create "an open world—open to ideas, open to the exchange of goods and people, a world in which no people, great or small, will live in angry isolation." It is in this spirit that I will undertake these journeys.

We must also be realistic, however, about the scope of our differences with these governments. My visits will mean not that our differences have disappeared or will disappear in the near future. But peace depends on the ability of great powers to live together on the same planet despite their differences. The important thing is that we talk about these differences rather than fight about them.

It would be a serious mistake to say that nothing can come of our expanded communications with Peking and Moscow. But it would also be a mistake to expect too much too quickly.

It would also be wrong to focus so much attention on these new opportunities that we neglect our old friends. That is why I have met in the last few weeks with the leaders of two of our hemisphere neighbors, Canada and Brazil, with the leaders of three great European nations, and with the Prime Minister of Japan. I believe these meetings were extremely successful in cementing our understandings with these governments as we move forward together in a fast changing period.

Our consultations with our allies may not receive as much attention as our talks with potential adversaries. But this makes them no less important. The cornerstone of our foreign policy remains—and will remain—our close bonds with our friends around the world.

A STRONG DEFENSE: THE GUARDIAN OF PEACE

There are two additional elements which are critical to our efforts to strengthen the structure of peace.

The first of these is the military strength of the United States.

In the last 3 years we have been moving from a wartime to a peacetime footing, from a period of continued confrontation and arms competition to a period of negotiation and potential arms limitation, from a period when America often acted as policeman for the world to a period when other nations are assuming greater responsibility for their own defense. I was recently encouraged, for example, by the decision of our European allies to increase their share of the NATO defense budget by some $1 billion.

As a part of this process, we have ended the production of chemical and biological weaponry and have converted two of our largest facilities for such production to humanitarian research. We have been able to reduce and in some periods even to eliminate draft calls. In 1971, draft calls—which were as high as 382,000 at the peak of the Vietnam war—fell below 100,000, the lowest level since 1962. In the coming year they will be significantly lower. I am confident that by the middle of next year we can achieve our goal of reducing draft calls to zero.

As a result of all these developments, our defense spending has fallen to 7 percent of our gross national product in the current fiscal year, compared with 8.3 percent in 1964 and 9.5 percent in 1968. That figure will be down to 6.4 percent in fiscal year 1973. Without sacrificing any of our security interests, we have been able to bring defense spending below the level of human resource spending for the first time in 20 years. This condition is maintained in my new budget—which also, for the first time, allocates more money to the Department of Health, Education, and Welfare than to the Department of Defense.

But just as we avoid extreme reactions in our political attitudes toward the world, so we must avoid over-reacting as we plan for our defense. We have reversed spending priorities, but we have never compromised our national security and we never will. For any step which weakens America's defenses will also weaken the prospects for peace.

Our plans for the next year call for an increase in defense spending. That increase is made necessary in part by rising research and development costs, in part by military pay increases—which, in turn, will help us eliminate the draft—and in part by the need to proceed with new weapon systems to maintain our security at an adequate level. Even as we seek with the greatest urgency stable controls on armaments, we cannot ignore the fact that others are going forward with major increases in their own arms programs.

In the year ahead we will be working to improve and protect, to diversify and disperse our strategic forces in ways which make them even less vulnerable to attack and more effective in deterring war. I will request a substantial budget increase to preserve the sufficiency of our strategic nuclear deterrent, including an allocation of over $900 million to improve our sea-based deterrent force. I recently directed the Department of Defense to develop a program to build additional missile launching submarines, carrying a new and far more effective missile. We will also proceed with programs to reoutfit our Polaris submarines with the Poseidon missile system, to replace older land-based missiles with Minuteman III, and to deploy the Safeguard Antiballistic Missile System.

At the same time, we must move to maintain our strength at sea. The Navy's budget was increased by $2 billion in the current fiscal year, and I will ask for a similar increase next year, with particular emphasis on our shipbuilding programs.

Our military research and development program must also be stepped up. Our budget in this area was increased by $594 million in the current fiscal year and I will recommend a further increase for next year of $838 million. I will also propose a substantial program to develop and procure more effective weapons systems for our land and tactical air forces, and to improve the National Guard and Reserves, providing more modern weapons and better training.

In addition, we will expand our strong program to attract volunteer career soldiers so that we can phase out the draft. With the cooperation of the Congress, we have been able to double the basic pay of first time enlistees. Further substantial military pay increases are planned. I will also submit to the Congress an overall reform of our military retirement and survivor benefit programs, raising the level of protection for military families. In addition, we will expand efforts to improve race relations, to equalize promotional opportunities, to control drug abuse, and generally to improve the quality of life in the Armed Forces.

As we take all of these steps, let us remember that strong military defenses are not the enemy of peace; they are the guardians of peace. Our ability to build a stable and tranquil world—to achieve an arms control agreement, for example—depends on our ability to negotiate from a position of strength. We seek adequate power not as an end in itself but as a means for achieving our purpose. And our purpose is peace.

In my Inaugural address 3 years ago I called for cooperation to reduce the bur-

den of arms—and I am encouraged by the progress we have been making toward that goal. But I also added this comment: ". . . to all those who would be tempted by weakness, let us leave no doubt that we will be as strong as we need to be for as long as we need to be." Today I repeat that reminder.

A REALISTIC PROGRAM OF FOREIGN ASSISTANCE

Another important expression of America's interest and influence in the world is our foreign assistance effort. This effort has special significance at a time when we are reducing our direct military presence abroad and encouraging other countries to assume greater responsibilities. Their growing ability to undertake these responsibilities often depends on America's foreign assistance.

We have taken significant steps to reform our foreign assistance programs in recent years, to eliminate waste and to give them greater impact. Now three further imperatives rest with the Congress:

—to fund in full the levels of assistance which I have earlier recommended for the current fiscal year, before the present interim funding arrangement expires in late February;

—to act upon the fundamental aid reform proposals submitted by this administration in 1971;

—and to modify those statutes which govern our response to expropriation of American property by foreign governments, as I recommended in my recent statement on the security of overseas investments.

These actions, taken together, will constitute not an exception to the emerging pattern for a more realistic American role in the world, but rather a fully consistent and crucially important element in that pattern.

As we work to help our partners in the world community develop their economic potential and strengthen their military forces, we should also cooperate fully with them in meeting international challenges such as the menace of narcotics, the threat of pollution, the growth of population, the proper use of the seas and seabeds, and the plight of those who have been victimized by wars and natural disasters. All of these are global problems and they must be confronted on a global basis. The efforts of the United Nations to respond creatively to these challenges have been most promising, as has the work of NATO in the environmental field. Now we must build on these beginnings.

AMERICA'S INFLUENCE FOR GOOD

The United States is not the world's policeman nor the keeper of its moral conscience. But—whether we like it or not—we still represent a force for stability in what has too often been an unstable world, a force for justice in a world which is too often unjust, a force for progress in a world which desperately needs to progress, a force for peace in a world that is weary of war.

We can have a great influence for good in our world—and for that reason we bear a great responsibility. Whether we fulfill that responsibility—whether we fully use our influence for good—these are questions we will be answering as we reshape our attitudes and policies toward other countries, as we determine our defensive capabilities, and as we make fundamental decisions about foreign assistance. I will soon discuss these and other concerns in greater detail in my annual report to the Congress on foreign policy.

Our influence for good in the world depends, of course, not only on decisions which touch directly on international affairs but also on our internal strength—on our sense of pride and purpose, on the vitality of our economy, on the success of our efforts to build a better life for all our people. Let us turn then from the state of the Union abroad to the state of the Union at home.

THE ECONOMY: TOWARD A NEW PROSPERITY

Just as the Vietnam war occasioned much of our spiritual crisis, so it lay at the root of our economic problems 3 years ago. The attempt to finance that war through budget deficits in a period of full employment had produced a wave of price inflation as dangerous and as persistent as any in our history. It was more persistent, frankly, than I expected it would be when I first took office. And it only yielded slowly to our dual efforts to cool the war and to cool inflation.

Our challenge was further compounded by the need to reabsorb more than 2 million persons who were released from the Armed Forces and from defense-related industries and by the substantial expansion of the labor force.

In short, the escalation of the Vietnam war in the late 1960's destroyed price stability. And the de-escalation of that war in the early 1970's impeded full employment.

Throughout these years, however, I have remained convinced that both price stability and full employment were realistic goals for this country. By last summer it became apparent that our efforts to eradicate inflation without wage and price controls would either take too long or—if they were to take effect quickly—would come at the cost of persistent high unemployment. This cost was unacceptable. On August 15th I therefore announced a series of new economic policies to speed our progress toward a new prosperity without inflation in peacetime.

These policies have received the strong support of the Congress and the American people, and as a result they have been effective. To carry forward these policies, three important steps were taken this past December—all within a brief 2-week period—which will also help to make the coming year a very good year for the American economy.

On December 10, I signed into law the Revenue Act of 1971, providing tax cuts over the next 3 years of some $15 billion, cuts which I requested to stimulate the economy and to provide hundreds of thousands of new jobs. On December 22, I signed into law the Economic Stabilization Act Amendments of 1971, which will allow us to continue our program of wage and price restraints to break the back of inflation.

Between these two events, on December 18, I was able to announce a major breakthrough on the international economic front—reached in cooperation with our primary economic partners. This breakthrough will mitigate the intolerable strains which were building up in the world's monetary and payments structure and will lead to a removal of trade barriers which have impeded American exports. It also sets the stage for broader reforms in the international monetary system so that we can avoid repeated monetary crises in the future. Both the monetary realignment—the first of its scope in history—and our progress in readjusting trade conditions will mean better markets for American goods abroad and more jobs for American workers at home.

A BRIGHTER ECONOMIC PICTURE

As a result of all these steps, the economic picture—which has brightened steadily during the last 5 months—will, I believe, continue to grow brighter. This is not my judgment alone; it is widely shared by the American people. Virtually every survey and forecast in recent weeks shows a substantial improvement in public attitudes about the economy—which are themselves so instrumental in shaping economic realities.

The inflationary psychology which gripped our Nation so tightly for so long is on the ebb. Business and consumer confidence has been rising. Businessmen are planning a 9.1 percent increase in plant and equipment expenditures in 1972, more than four times as large as the increase in 1971. Consumer spending and retail sales are on the rise. Home building is booming—housing starts last year were up more than 40 percent from 1970, setting an all-time record. Interest rates are sharply down. Both income and production are rising. Real output in our economy in the last 3 months of 1971 grew at a rate that was about double that of the previous two quarters.

Perhaps most importantly, total employment has moved above the 80 million mark—to a record high—and is growing rapidly. In the last 5 months of 1971, some 1.1 million additional jobs were created in our economy and only a very unusual increase in the size of our total labor force kept the unemployment rate from falling.

But whatever the reason, 6 percent unemployment is too high. I am determined to cut that percentage—through a variety of measures. The budget I present to the Congress next week will be an expansionary budget—reflecting the impact of new job-creating tax cuts and job-creating expenditures. We will also push to increase employment through our programs for manpower training and public service employment, through our efforts to expand foreign markets, and through other new initiatives.

Expanded employment in 1972 will be different, however, from many other periods of full prosperity. For it will come without the stimulus of war—and it will come without inflation. Our program of wage and price controls is working. The consumer price index, which rose at a yearly rate of slightly over 6 percent during 1969 and the first half of 1970, rose at a rate of only 1.7 percent from August through November of 1971.

I would emphasize once again, how-

ever, that our ultimate objective is lasting price stability without controls. When we achieve an end to the inflationary psychology which developed in the 1960's, we will return to our traditional policy of relying on free market forces to determine wages and prices.

I would also emphasize that while our new budget will be in deficit, the deficit will not be irresponsible. It will be less than this year's actual deficit and would disappear entirely under full employment conditions. While Federal spending continues to grow, the rate of increase in spending has been cut very sharply—to little more than half that experienced under the previous administration. The fact that our battle against inflation has led us to adopt a new policy of wage and price restraints should not obscure the continued importance of our fiscal and monetary policies in holding down the cost of living. It is most important that the Congress join now in resisting the temptation to overspend and in accepting the discipline of a balanced full employment budget.

I will soon present a more complete discussion of all of these matters in my Budget Message and in my Economic Report.

A NEW ERA IN INTERNATIONAL ECONOMICS

Just as we have entered a new period of negotiation in world politics, so we have also moved into a new period of negotiation on the international economic front. We expect these negotiations to help us build both a new international system for the exchange of money and a new system of international trade. These accomplishments, in turn, can open a new era of fair competition and constructive interdependence in the global economy.

We have already made important strides in this direction. The realignment of exchange rates which was announced last month represents an important forward step—but now we also need basic long-range monetary reform. We have made an important beginning toward altering the conditions for international trade and investment—and we expect further substantial progress. I would emphasize that progress for some nations in these fields need not come at the expense of others. All nations will benefit from the right kind of monetary and trade reform.

Certainly the United States has a high stake in such improvements. Our international economic position has been slowly deteriorating now for some time—a condition which could have dangerous implications for both our influence abroad and our prosperity at home. It has been estimated, for example, that full employment prosperity will depend on the creation of some 20 million additional jobs in this decade. And expanding our foreign markets is a most effective way to expand domestic employment.

One of the major reasons for the weakening of our international economic position is that the ground rules for the exchange of goods and money have forced us to compete with one hand tied behind our back. One of our most important accomplishments in 1971 was our progress in changing this situation.

COMPETING MORE EFFECTIVELY

Monetary and trade reforms are only one part of this story. The ability of the United States to hold its own in world competition depends not only on the fairness of the rules, but also on the competitiveness of our economy. We have made great progress in the last few months in improving the terms of competition. Now we must also do all we can to strengthen the ability of our own economy to compete.

We stand today at a turning point in the history of our country—and in the history of our planet. On the one hand, we have the opportunity to help bring a new economic order to the world, an open order in which nations eagerly face outward to build that network of interdependence which is the best foundation for prosperity and for peace. But we will also be tempted in the months ahead to take the opposite course—to withdraw from the world economically as some would have us withdraw politically, to build an economic "Fortress America" within which our growing weakness could be concealed. Like a child who will not go out to play with other children, we would probably be saved a few minor bumps and bruises in the short run if we were to adopt this course. But in the long run the world would surely pass us by.

I reject this approach. I remain committed to that open world I discussed in my Inaugural address. That is why I have worked for a more inviting climate for America's economic activity abroad. That is why I have placed so much emphasis on increasing the productivity of our economy at home. And that is also why I believe so firmly that we must stimulate more long-range investment in our economy, find more effective ways to develop and use new technology, and do a better job of training and using skilled manpower.

An acute awareness of the international economic challenge led to the creation just one year ago of the Cabinet-level Council on International Economic Policy. This new institution has helped us to understand this challenge better and to respond to it more effectively.

As our understanding deepens, we will discover additional ways of improving our ability to compete. For example, we can enhance our competitive position by moving to implement the metric system of measurement, a proposal which the Secretary of Commerce presented in detail to the Congress last year. And we should also be doing far more to gain our fair share of the international tourism market, now estimated at $17 billion annually, one of the largest factors in world trade. A substantial part of our balance of payments deficit results from the fact that American tourists abroad spend $2.5 billion more than foreign tourists spend in the United States. We can help correct this situation by attracting more foreign tourists to our shores—especially as we enter our Bicentennial era. I am therefore requesting that the budget for the United States Travel Service be nearly doubled in the coming year.

THE UNFINISHED AGENDA

Our progress toward building a new economic order at home and abroad has been made possible by the cooperation and cohesion of the American people. I am sure that many Americans had misgivings about one aspect or another of the new economic policies I introduced last summer. But most have nevertheless been ready to accept this new effort in order to build the broad support which is essential for effective change.

The time has now come for us to apply this same sense of realism and reasonability to other reform proposals which have been languishing on our domestic agenda. As was the case with our economic policies, most Americans agree that we need a change in our welfare system, in our health strategy, in our programs to improve the environment, in the way we finance State and local government, and in the organization of government at the Federal level. Most Americans are not satisfied with the status quo in education, in transportation, in law enforcement, in drug control, in community development. In each of these areas—and in others—I have put forward specific proposals which are responsive to this deep desire for change.

And yet achieving change has often been difficult. There has been progress in some areas, but for the most part, as a nation we have not shown the same sense of self-discipline in our response to social challenges that we have developed in meeting our economic needs. We have not been as ready as we should have been to compromise our differences and to build a broad coalition for change. And so we often have found ourselves in a situation of stalemate—doing essentially nothing even though most of us agree that nothing is the very worst thing we can do.

Two years ago this week, and again one year ago, my messages on the state of the Union contained broad proposals for domestic reform. I am presenting a number of new proposals in this year's message. But I also call once again, with renewed urgency, for action on our unfinished agenda.

WELFARE REFORM

The first item of unfinished business is welfare reform.

Since I first presented my proposals in August of 1969, some 4 million additional persons have been added to our welfare rolls. The cost of our old welfare system has grown by an additional $4.2 billion. People have not been moving as fast as they should from welfare rolls to payrolls. Too much of the traffic has been the other way.

Our antiquated welfare system is responsible for this calamity. Our new program of "workfare" would begin to end it.

Today, more than ever, we need a new program which is based on the dignity of work, which provides strong incentives for work, and which includes for those who are able to work an effective work requirement. Today, more than ever, we need a new program which helps hold families together rather than driving them apart, which provides day care services so that low income mothers can

trade dependence on government for the dignity of employment, which relieves intolerable fiscal pressures on State and local governments, and which replaces 54 administrative systems with a more efficient and reliable nationwide approach.

I have now given prominent attention to this subject in three consecutive messages on the state of the Union. The House of Representatives has passed welfare reform twice. Now that the new economic legislation has been passed, I urge the Senate Finance Committee to place welfare reform at the top of its agenda. It is my earnest hope that when this Congress adjourns, welfare reform will not be an item of pending business but an accomplished reality.

REVENUE SHARING: RETURNING POWER TO THE PEOPLE

At the same time that I introduced my welfare proposals 2½ years ago, I also presented a program for sharing Federal revenues with State and local governments. Last year I greatly expanded on this concept. Yet, despite undisputed evidence of compelling needs, despite overwhelming public support, despite the endorsement of both major political parties and most of the Nation's Governors and mayors, and despite the fact that most other nations with federal systems of government already have such a program, revenue sharing still remains on the list of unfinished business.

I call again today for the enactment of revenue sharing. During its first full year of operation our proposed programs would spend $17.6 billion, both for general purposes and through six special purpose programs for law enforcement, manpower, education, transportation, rural community development, and urban community development.

As with welfare reform, the need for revenue sharing becomes more acute as time passes. The financial crisis of State and local government is deepening. The pattern of breakdown in State and municipal services grows more threatening. Inequitable tax pressures are mounting. The demand for more flexible and more responsive government—at levels closer to the problems and closer to the people—is building.

Revenue sharing can help us meet these challenges. It can help reverse what has been the flow of power and resources toward Washington by sending power and resources back to the States, to the communities, and to the people. Revenue sharing can bring a new sense of accountability, a new burst of energy and a new spirit of creativity to our federal system.

I am pleased that the House Ways and Means Committee has made revenue sharing its first order of business in the new session. I urge the Congress to enact in this session, not an empty program which bears the revenue sharing label while continuing the outworn system of categorical grants, but a bold, comprehensive program of genuine revenue sharing.

I also presented last year a $100 million program of planning and management grants to help the States and localities do a better job of analyzing their problems and carrying out solutions. I hope this program will also be quickly accepted. For only as State and local governments get a new lease on life can we hope to bring government back to the people—and with it a stronger sense that each individual can be in control of his life, that every person can make a difference.

OVERHAULING THE MACHINERY OF GOVERNMENT: EXECUTIVE REORGANIZATION

As we work to make State and local government more responsive—and more responsible—let us also seek these same goals at the Federal level. I again urge the Congress to enact my proposals for reorganizing the executive branch of the Federal Government. Here again, support from the general public—as well as from those who have served in the executive branch under several Presidents—has been most encouraging. So has the success of the important organizational reforms we have already made. These have included a restructured Executive Office of the President—with a new Domestic Council, a new Office of Management and Budget, and other units; reorganized field operations in Federal agencies; stronger mechanisms for interagency coordination, such as Federal Regional Councils; a new United States Postal Service; and new offices for such purposes as protecting the environment, coordinating communications policy, helping the consumer, and stimulating voluntary service. But the centerpiece of our efforts to streamline the executive branch still awaits approval.

How the government is put together often determines how well the government can do its job. Our Founding Fathers understood this fact—and thus gave detailed attention to the most precise structural questions. Since that time, however, and especially in recent decades, new responsibilities and new constituencies have caused the structure they established to expand enormously—and in a piecemeal and haphazard fashion.

As a result, our Federal Government today is too often a sluggish and unresponsive institution, unable to deliver a dollar's worth of service for a dollar's worth of taxes.

My answer to this problem is to streamline the executive branch by reducing the overall number of executive departments and by creating four new departments in which existing responsibilities would be refocused in a coherent and comprehensive way. The rationale which I have advanced calls for organizing these new departments around the major purposes of the government—by creating a Department of Natural Resources, a Department of Human Resources, a Department of Community Development, and a Department of Economic Affairs. I have revised my original plan so that we would not eliminate the Department of Agriculture but rather restructure that Department so it can focus more effectively on the needs of farmers.

The Congress has recently reorganized its own operations, and the Chief Justice of the United States has led a major effort to reform and restructure the judicial branch. The impulse for reorganization is strong and the need for reorganization is clear. I hope the Congress will not let this opportunity for sweeping reform of the executive branch slip away.

A NEW APPROACH TO THE DELIVERY OF SOCIAL SERVICES

As a further step to put the machinery of government in proper working order, I will also propose new legislation to reform and rationalize the way in which social services are delivered to families and individuals.

Today it often seems that our service programs are unresponsive to the recipients' needs and wasteful of the taxpayers' money. A major reason is their extreme fragmentation. Rather than pulling many services together, our present system separates them into narrow and rigid categories. The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling. A community finds that it cannot transfer Federal funds from one program area to another area in which needs are more pressing.

Meanwhile, officials at all levels of government find themselves wasting enormous amounts of time, energy, and the taxpayers' money untangling Federal red tape—time and energy and dollars which could better be spent in meeting people's needs.

We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit. We need to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related problems.

The Allied Services Act which will soon be submitted to the Congress offers one set of tools for carrying out that new approach in the programs of the Department of Health, Education, and Welfare. It would strengthen State and local planning and administrative capacities, allow for the transfer of funds among various HEW programs, and permit the waiver of certain cumbersome Federal requirements. By streamlining and simplifying the delivery of services, it would help more people move more rapidly from public dependency toward the dignity of being self-sufficient.

Good men and good money can be wasted on bad mechanisms. By giving those mechanisms a thorough overhaul, we can help to restore the confidence of the people in the capacities of their government.

PROTECTING THE ENVIRONMENT

A central theme of both my earlier messages on the state of the Union was the state of our environment—and the importance of making "our peace with nature." The last few years have been a time in which environmental values have become firmly embedded in our attitudes—and in our institutions. At the Federal level, we have established a new Environmental Protection Agency, a new Council on Environmental Quality and a

new National Oceanic and Atmospheric Administration, and we have proposed an entire new Department of Natural Resources. New air quality standards have been set, and there is evidence that the air in many cities is becoming less polluted. Under authority granted by the Refuse Act of 1899, we have instituted a new permit program which, for the first time, allows the Federal Government to inventory all significant industrial sources of water pollution and to specify required abatement actions. Under the Refuse Act, more than 160 civil actions and 320 criminal actions to stop water pollution have been filed against alleged polluters in the last 12 months. Major programs have also been launched to build new municipal waste treatment facilities, to stop pollution from Federal facilities, to expand our wilderness areas, and to leave a legacy of parks for future generations. Our outlays for inner city parks have been significantly expanded, and 62 Federal tracts have been transferred to the States and to local governments for recreational uses. In the coming year, I hope to transfer to local park use much more Federal land which is suitable for recreation but which is now underutilized. I trust the Congress will not delay this process.

The most striking fact about environmental legislation in the early 1970's is how much has been proposed and how little has been enacted. Of the major legislative proposals I made in my special message to the Congress on the environment last winter, 18 are still awaiting final action. They include measures to regulate pesticides and toxic substances, to control noise pollution, to restrict dumping in the oceans, in coastal waters, and in the Great Lakes, to create an effective policy for the use and development of land, to regulate the siting of power plants, to control strip mining, and to help achieve many other important environmental goals. The unfinished agenda also includes our National Resource Land Management Act, and other measures to improve environmental protection on federally owned lands.

The need for action in these areas is urgent. The forces which threaten our environment will not wait while we procrastinate. Nor can we afford to rest on last year's agenda in the environmental field. For as our understanding of these problems increases, so must our range of responses. Accordingly, I will soon be sending to the Congress another message on the environment that will present further administrative and legislative initiatives. Altogether our new budget will contain more than three times as much money for environmental programs in fiscal year 1973 as we spent in fiscal year 1969. To fail in meeting the environmental challenge, however, would be even more costly.

I urge the Congress to put aside narrow partisan perspectives that merely ask "whether" we should act to protect the environment and to focus instead on the more difficult question of "how" such action can most effectively be carried out.

ABUNDANT CLEAN ENERGY

In my message to the Congress on energy policy, last June, I outlined additional steps relating to the environment which also merit renewed attention. The challenge, as I defined it, is to produce a sufficient supply of energy to fuel our industrial civilization and at the same time to protect a beautiful and healthy environment. I am convinced that we can achieve both these goals, that we can respect our good earth without turning our back on progress.

In that message last June, I presented a long list of means for assuring an ample supply of clean energy—including the liquid metal fast breeder reactor—and I again emphasize their importance. Because it often takes several years to bring new technologies into use in the energy field, there is no time for delay. Accordingly, I am including in my new budget increased funding for the most promising of these and other clean energy programs. By acting this year, we can avoid having to choose in some future year between too little energy and too much pollution.

KEEPING PEOPLE HEALTHY

The National Health Strategy I outlined last February is designed to achieve one of the Nation's most important goals for the 1970's, improving the quality and availability of medical care, while fighting the trend toward runaway costs. Important elements of that strategy have already been enacted. The Comprehensive Health Manpower Training Act and the Nurse Training Act, which I signed on November 18, represent the most far-reaching effort in our history to increase the supply of doctors, nurses, dentists and other health professionals and to attract them to areas which are experiencing manpower shortages. The National Cancer Act, which I signed on December 23, marked the climax of a year-long effort to step up our campaign against cancer. During the past year, our cancer research budget has been increased by $100 million and the full weight of my office has been given to our all-out war on this disease. We have also expanded the fight against sickle cell anemia by an additional $5 million.

I hope that action on these significant fronts during the first session of the 92d Congress will now be matched by action in other areas during the second session. The Health Maintenance Organization Act, for example, is an essential tool for helping doctors deliver care more effectively and more efficiently with a greater emphasis on prevention and early treatment. By working to keep our people healthy instead of treating us only when we are sick, Health Maintenance Organizations can do a great deal to help us reduce medical costs.

Our National Health Insurance Partnership legislation is also essential to assure that no American is denied basic medical care because of inability to pay. Too often, present health insurance leaves critical outpatient services uncovered, distorting the way in which facilities are used. It also fails to protect adequately against catastrophic costs and to provide sufficient assistance for the poor. The answer I have suggested is a comprehensive national plan—not one that nationalizes our private health insurance industry but one that corrects the weaknesses in that system while building on its considerable strengths.

A large part of the enormous increase in the Nation's expenditures on health in recent years has gone not to additional services but merely to meet price inflation. Our efforts to balance the growing demand for care with an increased supply of services will help to change this picture. So will that part of our economic program which is designed to control medical costs. I am confident that with the continued cooperation of those who provide health services, we will succeed on this most important battlefront in our war against inflation.

Our program for the next year will also include further funding increases for health research—including substantial new sums for cancer and sickle cell anemia—as well as further increases for medical schools and for meeting special problems such as drug addiction and alcoholism. We also plan to construct new veterans hospitals and expand the staffs at existing ones.

In addition, we will be giving increased attention to the fight against diseases of the heart, blood vessels and lungs, which presently account for more than half of all the deaths in this country. It is deeply disturbing to realize that, largely because of heart disease, the mortality rate for men under the age of 55 is about twice as great in the United States as it is, for example, in some Scandinavian countries.

I will shortly assign a panel of distinguished experts to help us determine why heart disease is so prevalent and so menacing and what we can do about it. I will also recommend an expanded budget for the National Heart and Lung Institute. The young father struck down by a heart attack in the prime of life, the productive citizen crippled by a stroke, an older person tortured by breathing difficulties during his later years—these are tragedies which can be reduced in number and we must do all that is possible to reduce them.

NUTRITION

One of the critical areas in which we have worked to advance the health of the Nation is that of combating hunger and improving nutrition. With the increases in our new budget, expenditures on our food stamp program will have increased ninefold since 1969, to the $2.3 billion level. Spending on school lunches for needy children will have increased more than sevenfold, from $107 million in 1969 to $770 million in 1973. Because of new regulations which will be implemented in the year ahead, we will be able to increase further both the equity of our food stamp program and the adequacy of its benefits.

COPING WITH ACCIDENTS—AND PREVENTING THEM

Last year, more than 115,000 Americans lost their lives in accidents. Four hundred thousand more were permanently disabled and 10 million were temporarily disabled. The loss to our economy from accidents last year is estimated at over $28 billion. These are sad and staggering figures—especially since this toll could be greatly reduced by upgrad-

ing our emergency medical services. Such improvement does not even require new scientific breakthroughs; it only requires that we apply our present knowledge more effectively.

To help in this effort, I am directing the Department of Health, Education and Welfare to develop new ways of organizing emergency medical services and of providing care to accident victims. By improving communication, transportation, and the training of emergency personnel, we can save many thousands of lives which would otherwise be lost to accidents and sudden illnesses.

One of the significant joint accomplishments of the Congress and this administration has been a vigorous new program to protect against job-related accidents and illnesses. Our occupational health and safety program will be further strengthened in the year ahead—as will our ongoing efforts to promote air traffic safety, boating safety, and safety on the highways.

In the last 3 years, the motor vehicle death rate has fallen by 13 percent, but we still lose some 50,000 lives on our highways *each year*—more than we have lost in combat in the entire Vietnam war.

Fully one-half of these deaths were directly linked to alcohol. This appalling reality is a blight on our entire Nation—and only the active concern of the entire Nation can remove it. The Federal Government will continue to help all it can, through its efforts to promote highway safety and automobile safety, and through stronger programs to help the problem drinker.

YESTERDAY'S GOALS: TOMORROW'S ACCOMPLISHMENTS

Welfare reform, revenue sharing, executive reorganization, environmental protection, and the new national health strategy—these, along with economic improvement, constituted the six great goals I emphasized in my last State of the Union address—six major components of a New American Revolution. They remain six areas of great concern today. With the cooperation of the Congress, they can be six areas of great accomplishment tomorrow.

But the challenges we face cannot be reduced to six categories. Our problems—and our opportunities—are manifold, and action on many fronts is required. It is partly for this reason that my State of the Union address this year includes this written message to the Congress. For it gives me the chance to discuss more fully a number of programs which also belong on our list of highest priorities.

ACTION FOR THE AGING

Last month, I joined with thousands of delegates to the White House Conference on Aging in a personal commitment to make 1972 a year of action on behalf of 21 million older Americans. Today I call on the Congress to join me in that pledge. For unless the American dream comes true for our older generation it cannot be complete for any generation.

We can begin to make this a year of action for the aging by acting on a number of proposals which have been pending since 1969. For older Americans, the most significant of these is the bill designated H.R. 1. This legislation, which also contains our general welfare reform measures, would place a national floor under the income of all older Americans, guarantee inflation-proof social security benefits, allow social security recipients to earn more from their own work, increase benefits for widows, and provide a 5-percent across-the-board increase in social security. Altogether, H.R. 1—as it now stands—would mean some $5.5 billion in increased benefits for America's older citizens. I hope the Congress will also take this opportunity to eliminate the $5.80 monthly fee now charged under Part B of Medicare—a step which would add an additional $1.5 billion to the income of the elderly. These additions would come on top of earlier social security increases totaling some $3 billion over the last 3 years.

A number of newer proposals also deserve approval. I am requesting that the budget of the Administration on Aging be increased five-fold over last year's request, to $100 million, in part so that we can expand programs which help older citizens live dignified lives in their own homes. I am recommending substantially larger budgets for those programs which give older Americans a better chance to serve their countrymen—Retired Senior Volunteers, Foster Grandparents, and others. And we will also work to ease the burden of property taxes which so many older Americans find so inequitable and so burdensome. Other initiatives, including proposals for extending and improving the Older Americans Act, will be presented as we review the recommendations of the White House Conference on Aging. Our new Cabinet-level Domestic Council Committee on Aging has these recommendations at the top of its agenda.

We will also be following up in 1972 on one of the most important of our 1971 initiatives—the crackdown on substandard nursing homes. Our follow-through will give special attention to providing alternative arrangements for those who are victimized by such facilities.

The legislation I have submitted to provide greater financial security at retirement, both for those now covered by private pension plans and those who are not, also merits prompt action by the Congress. Only half the country's work force is now covered by tax deductible private pensions; the other half deserve a tax deduction for their retirement savings too. Those who are now covered by pension plans deserve the assurance that their plans are administered under strict fiduciary standards with full disclosure. And they should also have the security provided by prompt vesting—the assurance that even if one leaves a given job, he can still receive the pension he earned there when he retires. The legislation I have proposed would achieve these goals, and would also raise the limit on deductible pension savings for the self-employed.

The state of our Union is strong today because of what older Americans have so long been giving to their country. The state of our Union will be stronger tomorrow if we recognize how much they still can contribute. The best thing our country can give to its older citizens is the chance to be a part of it, the chance to play a continuing role in the great American adventure.

EQUAL OPPORTUNITY FOR MINORITIES

America cannot be at its best as it approaches its 200th birthday unless all Americans have the opportunity to be at their best. A free and open American society, one that is true to the ideals of its founders, must give each of its citizens an equal chance at the starting line and an equal opportunity to go as far and as high as his talents and energies will take him.

The Nation can be proud of the progress it has made in assuring equal opportunity for members of minority groups in recent years. There are many measures of our progress.

Since 1969, we have virtually eliminated the dual school system in the South. Three years ago, 68 percent of all black children in the South were attending all black schools; today only 9 percent are attending schools which are entirely black. Nationally, the number of 100 percent minority schools has decreased by 70 percent during the past 3 years. To further expand educational opportunity, my proposed budget for predominantly black colleges will exceed $200 million next year, more than double the level of 3 years ago.

On the economic front, overall Federal aid to minority business enterprise has increased threefold in the last 3 years, and I will propose a further increase of $90 million. Federal hiring among minorities has been intensified, despite cutbacks in Federal employment, so that one-fifth of all Federal employees are now members of minority groups. Building on strong efforts such as the Philadelphia Plan, we will work harder to ensure that Federal contractors meet fair hiring standards. Compliance reviews will be stepped up to a level more than 300 percent higher than in 1969. Our proposed budget for the Equal Employment Opportunity Commission will be up 36 percent next year, while our proposed budget for enforcing fair housing laws will grow by 20 percent. I also support legislation to strengthen the enforcement powers of the EEOC by providing the Commission with authority to seek court enforcement of its decisions and by giving it jurisdiction over the hiring practices of State and local governments.

Overall, our proposed budget for civil rights activities is up 25 percent for next year, an increase which will give us nearly three times as much money for advancing civil rights as we had 3 years ago. We also plan a 42 percent increase in the budget for the Cabinet Committee on Opportunities for the Spanish Speaking. And I will propose that the Congress extend the operations of the Civil Rights Commission for another 5-year period.

SELF-DETERMINATION FOR INDIANS

One of the major initiatives in the second year of my Presidency was designed to bring a new era in which the future for American Indians is determined by Indian acts and Indian decisions. The comprehensive program I put forward sought to avoid the twin

dangers of paternalism on the one hand and the termination of trust responsibility on the other. Some parts of this program have now become effective, including a generous settlement of the Alaska Native Claims and the return to the Taos Pueblo Indians of the sacred lands around Blue Lake. Construction grants have been authorized to assist the Navajo Community College, the first Indian-managed institution of higher education.

We are also making progress toward Indian self-determination on the administrative front. A newly reorganized Bureau of Indian Affairs, with almost all-Indian leadership, will from now on be concentrating its resources on a program of reservation-by-reservation development, including redirection of employment assistance to strengthen reservation economies, creating local Indian Action Teams for manpower training, and increased contracting of education and other functions to Indian communities.

I again urge the Congress to join in helping Indians help themselves in fields such as health, education, the protection of land and water rights, and economic development. We have talked about injustice to the first Americans long enough. As Indian leaders themselves have put it, the time has come for more rain and less thunder.

EQUAL RIGHTS FOR WOMEN

This administration will also continue its strong efforts to open equal opportunities for women, recognizing clearly that women are often denied such opportunities today. While every woman may not want a career outside the home, every woman should have the freedom to choose whatever career she wishes—and an equal chance to pursue it.

We have already moved vigorously against job discrimination based on sex in both the private and public sectors. For the first time, guidelines have been issued to require that Government contractors in the private sector have action plans for the hiring and promotion of women. We are committed to strong enforcement of equal employment opportunity for women under Title VII of the Civil Rights Act. To help carry out these commitments I will propose to the Congress that the jurisdiction of the Commission on Civil Rights be broadened to encompass sex-based discrimination.

Within the Government, more women have been appointed to high posts than ever before. As the result of my directives issued in April 1971, the number of women appointed to high-level Federal positions has more than doubled—and the number of women in Federal middle management positions has also increased dramatically. More women than ever before have been appointed to Presidential boards and commissions. Our vigorous program to recruit more women for Federal service will be continued and intensified in the coming year.

OPPORTUNITY FOR VETERANS

A grateful nation owes its servicemen and servicewomen every opportunity it can open to them when they return to civilian life. The Nation may be weary of war, but we dare not grow weary of doing right by those who have borne its heaviest burdens.

The Federal Government is carrying out this responsibility in many ways: through the G.I. Bill for education—which will spend 2½ times more in 1973 than in 1969; through home loan programs and disability and pension benefits—which also have been expanded; through better medical services including strong new drug treatment programs; through its budget for veterans hospitals, which is already many times the 1969 level and will be stepped up further next year.

We have been particularly concerned in the last 3 years with the employment of veterans—who experience higher unemployment rates than those who have not served in the Armed Forces. During this past year I announced a six-point national program to increase public awareness of this problem, to provide training and counseling to veterans seeking jobs and to help them find employment opportunities. Under the direction of the Secretary of Labor and with the help of our Jobs for Veterans Committee and the National Alliance of Businessmen, this program has been moving forward. During its first five months of operation, 122,000 Vietnam-era veterans were placed in jobs by the Federal-State Employment Service and 40,000 were enrolled in job training programs. During the next six months, we expect the Federal-State Employment Service to place some 200,000 additional veterans in jobs and to enroll nearly 200,000 more in manpower training programs.

But let us never forget, in this as in so many other areas, that the opportunity for any individual to contribute fully to his society depends in the final analysis on the response—in his own community—of other individuals.

GREATER ROLE FOR AMERICAN YOUTH

Full participation and first class citizenship—these must be our goals for America's young people. It was to help achieve these goals that I signed legislation to lower the minimum voting age to 18 in June of 1970, and moved to secure a court validation of its constitutionality. And I took special pleasure a year later in witnessing the certification of the amendment which placed this franchise guarantee in the Constitution.

But a voice at election time alone is not enough. Young people should have a hearing in government on a day-by-day basis. To this end, and at my direction, agencies throughout the Federal Government have stepped up their hiring of young people and have opened new youth advisory channels. We have also convened the first White House Youth Conference—a wide-open forum whose recommendations have been receiving a thorough review by the Executive departments.

Several other reforms also mean greater freedom and opportunity for America's young people. Draft calls have been substantially reduced, as a step toward our target of reducing them to zero by mid-1973. The lottery system and other new procedures and the contributions of youth advisory councils and younger members on local boards have made the draft far more fair than it was. My educational reform proposals embody the principle that no qualified student who wants to go to college should be barred by lack of money—a guarantee that would open doors of opportunity for many thousands of deserving young people. Our new career education emphasis can also be a significant springboard to good jobs and rewarding lives.

Young America's "extra dimension" in the sixties and seventies has been a drive to help the less fortunate—an activist idealism bent on making the world a better place to live. Our new ACTION volunteer agency, building on the successful experiences of constituent units such as the Peace Corps and Vista, has already broadened service opportunities for the young—and more new programs are in prospect. The Congress can do its part in forwarding this positive momentum by assuring that the ACTION programs have sufficient funds to carry out their mission.

THE AMERICAN FARMER

As we face the challenge of competing more effectively abroad and of producing more efficiently at home, our entire Nation can take the American farmer as its model. While the productivity of our nonfarm industries has gone up 60 percent during the last 20 years, agricultural productivity has gone up 200 percent, or nearly 3½ times as much. One result has been better products and lower prices for American consumers. Another is that farmers have more than held their own in international markets. Figures for the last fiscal year show nearly a $900 million surplus for commercial agricultural trade.

The strength of American agriculture is at the heart of the strength of America. American farmers deserve a fair share in the fruits of our prosperity.

We still have much ground to cover before we arrive at that goal—but we have been moving steadily toward it. In 1950 the income of the average farmer was only 58 percent of that of his non-farm counterpart. Today that figure stands at 74 percent—not nearly high enough, but moving in the right direction.

Gross farm income reached a record high in 1971, and for 1972 a further increase of $2 billion is predicted. Because of restraints on production costs, net farm income is expected to rise in 1972 by 6.4 percent or some $1 billion. Average income per farm is expected to go up 8 percent—to an all-time high—in the next 12 months.

Still there are very serious farm problems—and we are taking strong action to meet them.

I promised 3 years ago to end the sharp skid in farm exports—and I have kept that promise. In just 2 years, farm exports climbed by 37 percent, and last year they set an all-time record. Our expanded marketing programs, the agreement to sell 2 million tons of feed grains to the Soviet Union, our massive aid to South Asia under Public Law 480, and our efforts to halt transportation strikes—by doing all we can under the old law and by proposing a new and better one—these efforts and others are

moving us toward our $10 billion farm export goal.

I have also promised to expand domestic markets, to improve the management of surpluses, and to help in other ways to raise the prices received by farmers. I have kept that promise, too. A surprisingly large harvest drove corn prices down last year, but they have risen sharply since last November. Prices received by dairy farmers, at the highest level in history last year, will continue strong in 1972. Soybean prices will be at their highest level in two decades. Prices received by farmers for hogs, poultry and eggs are all expected to go higher. Expanded Government purchases and other assistance will also provide a greater boost to farm income.

With the close cooperation of the Congress, we have expanded the farmers' freedom and flexibility through the Agricultural Act of 1970. We have strengthened the Farm Credit System and substantially increased the availability of farm credit. Programs for controlling plant and animal disease and for soil and water conservation have also been expanded. All these efforts will continue, as will our efforts to improve the legal climate for cooperative bargaining—an important factor in protecting the vitality of the family farm and in resisting excessive government management.

DEVELOPING RURAL AMERICA

In my address to the Congress at this time 2 years ago, I spoke of the fact that one-third of our counties had lost population in the 1960's, that many of our rural areas were slowly being emptied of their people and their promise, and that we should work to reverse this picture by including rural America in a nationwide program to foster balanced growth.

It is striking to realize that even if we had a population of one billion—nearly five times the current level—our area is so great that we would still not be as densely populated as many European nations are at present. Clearly, our problems are not so much those of numbers as they are of distribution. We must work to revitalize the American countryside.

We have begun to make progress on this front in the last 3 years. Rural housing programs have been increased by more than 450 percent from 1969 to 1973. The number of families benefiting from rural water and sewer programs is now 75 percent greater than it was in 1969. We have worked to encourage sensible growth patterns through the location of Federal facilities. The first biennial Report on National Growth, which will be released in the near future, will further describe these patterns, their policy implications, and the many ways we are responding to this challenge.

But we must do more. The Congress can begin by passing my $1.1 billion program of Special Revenue Sharing for Rural Community Development. In addition, I will soon present a major proposal to expand significantly the credit authorities of the Farmers Home Administration, so that this agency—which has done so much to help individual farmers—can also help spur commercial, industrial and community development in rural America. Hopefully, the FHA will be able to undertake this work as a part of a new Department of Community Development.

In all these ways, we can help ensure that rural America will be in the years ahead what it has been from our Nation's beginning—an area which looks eagerly to the future with a sense of hope and promise.

A COMMITMENT TO OUR CITIES

Our commitment to balanced growth also requires a commitment to our cities—to old cities threatened by decay, to suburbs now sprawling senselessly because of inadequate planning, and to new cities not yet born but clearly needed by our growing population. I discussed these challenges in my special message to the Congress on Population Growth and the American Future in the summer of 1969—and I have often discussed them since. My recommendations for transportation, education, health, welfare, revenue sharing, planning and management assistance, executive reorganization, the environment—especially the proposed Land Use Policy Act—and my proposals in many other areas touch directly on community development.

One of the keys to better cities is better coordination of these many components. Two of my pending proposals go straight to the heart of this challenge. The first, a new Department of Community Development, would provide a single point of focus for our strategy for growth. The second, Special Revenue Sharing for Urban Community Development, would remove the rigidities of categorical project grants which now do so much to fragment planning, delay action, and discourage local responsibility. My new budget proposes a $300 million increase over the full year level which we proposed for this program a year ago.

The Department of Housing and Urban Development has been working to foster orderly growth in our cities in a number of additional ways. A Planned Variation concept has been introduced into the Model Cities program which gives localities more control over their own future. HUD's own programs have been considerably decentralized. The New Communities Program has moved forward and seven projects have received final approval. The Department's efforts to expand mortgage capital, to more than double the level of subsidized housing, and to encourage new and more efficient building techniques through programs like Operation Breakthrough have all contributed to our record level of housing starts. Still more can be done if the Congress enacts the administration's Housing Consolidation and Simplification Act, proposed in 1970.

The Federal Government is only one of many influences on development patterns across our land. Nevertheless, its influence is considerable. We must do all we can to see that its influence is good.

IMPROVING TRANSPORTATION

Although the executive branch and the Congress have been led by different parties during the last 3 years, we have cooperated with particular effectiveness in the field of transportation. Together we have shaped the Urban Mass Transportation Assistance Act of 1970—a 12-year, $10 billion effort to expand and improve our common carriers and thus make our cities more livable. We have brought into effect a 10-year $3 billion ship construction program as well as increased research efforts and a modified program of operating subsidies to revamp our merchant marine. We have accelerated efforts to improve air travel under the new Airport and Airway Trust Fund and have been working in fresh ways to save and improve our railway passenger service. Great progress has also been made in promoting transportation safety and we have moved effectively against cargo thefts and skyjacking.

I hope this strong record will be even stronger by the time the 92nd Congress adjourns. I hope that our Special Revenue Sharing program for transportation will by then be a reality—so that cities and States can make better long-range plans with greater freedom to achieve their own proper balance among the many modes of transportation. I hope, too, that our recommendations for revitalizing surface freight transportation will by then be accepted, including measures both to modernize railway equipment and operations and to update regulatory practices. By encouraging competition, flexibility and efficiency among freight carriers, these steps could save the American people billions of dollars in freight costs every year, helping to curb inflation, expand employment and improve our balance of trade.

One of our most damaging and perplexing economic problems is that of massive and prolonged transportation strikes. There is no reason why the public should be the helpless victim of such strikes—but this is frequently what happens. The dock strike, for example, has been extremely costly for the American people, particularly for the farmer for whom a whole year's income can hinge on how promptly he can move his goods. Last year's railroad strike also dealt a severe blow to our economy.

Both of these emergencies could have been met far more effectively if the Congress had enacted my Emergency Public Interest Protection Act, which I proposed in February of 1970. By passing this legislation in this session, the Congress can give us the permanent machinery so badly needed for resolving future disputes.

Historically, our transportation systems have provided the cutting edge for our development. Now, to keep our country from falling behind the times, we must keep well ahead of events in our transportation planning. This is why we are placing more emphasis and spending more money this year on transportation research and development. For this reason, too, I will propose a 65 percent increase—to the $1 billion level—in our budget for mass transportation. Highway building has been our first priority—and our greatest success story—in the past two decades. Now we must write a similar success story for mass transportation in the 1970's.

PEACE AT HOME: FIGHTING CRIME

Our quest for peace abroad over the last 3 years has been accompanied by an intensive quest for peace at home. And our success in stabilizing developments on the international scene has been matched by a growing sense of stability in America. Civil disorders no longer engulf our cities. Colleges and universities have again become places of learning. And while crime is still increasing, the rate of increase has slowed to a 5-year low. In the one city for which the Federal Government has a special responsibility—Washington, D.C.—the picture is even brighter, for here serious crime actually fell by 13 percent in the last year. Washington was one of the 52 major cities which recorded a net reduction in crime in the first nine months of 1971, compared to 23 major cities which made comparable progress a year earlier.

This encouraging beginning is not something that has just happened by itself—I believe it results directly from strong new crime fighting efforts by this administration, by the Congress, and by State and local governments.

Federal expenditures on crime have increased 200 percent since 1969 and we are proposing another 18 percent increase in our new budget. The Organized Crime Control Act of 1970, the District of Columbia Court Reform Act, and the Omnibus Crime Control Act of 1970 have all provided new instruments for this important battle. So has our effort to expand the Federal strike force program as a weapon against organized crime. Late last year, we held the first National Conference on Corrections—and we will continue to move forward in this most critical field. I will also propose legislation to improve our juvenile delinquency prevention programs. And I again urge action on my Special Revenue Sharing proposal for law enforcement.

By continuing our stepped up assistance to local law enforcement authorities through the Law Enforcement Assistance Administration, by continuing to press for improved courts and correctional institutions, by continuing our intensified war on drug abuse, and by continuing to give vigorous support to the principles of order and respect for law, I believe that what has been achieved in the Nation's capital can be achieved in a growing number of other communities throughout the Nation.

COMBATING DRUG ABUSE

A problem of modern life which is of deepest concern to most Americans—and of particular anguish to many—is that of drug abuse. For increasing dependence on drugs will surely sap our Nation's strength and destroy our Nation's character.

Meeting this challenge is not a task for government alone. I have been heartened by the efforts of millions of individual Americans from all walks of life who are trying to communicate across the barriers created by drug use, to reach out with compassion to those who have become drug dependent. The Federal Government will continue to lead in this effort. The last 3 years have seen an increase of nearly 600 percent in Federal expenditures for treatment and rehabilitation and an increase of more than 500 percent in program levels for research, education and training. I will propose further substantial increases for these programs in the coming year.

In order to develop a national strategy for this effort and to coordinate activities which are spread through nine Federal agencies, I asked Congress last June to creater a Special Action Office for Drug Abuse Prevention. I also established an interim Office by Executive order, and that unit is beginning to have an impact. But now we must have both the legislative authority and the funds I requested if this Office is to move ahead with its critical mission.

On another front, the United States will continue to press for a strong collective effort by nations throughout the world to eliminate drugs at their source. And we will intensify the world-wide attack on drug smugglers and all who protect them. The Cabinet Committee on International Narcotics Control—which I created last September—is coordinating our diplomatic and law enforcement efforts in this area.

We will also step up our program to curb illicit drug traffic at our borders and within our country. Over the last 3 years Federal expenditures for this work have more than doubled, and I will propose a further funding increase next year. In addition, I will soon initiate a major new program to drive drug traffickers and pushers off the streets of America. This program will be built around a nationwide network of investigative and prosecutive units, utilizing special grand juries established under the Organized Crime Control Act of 1970, to assist State and local agencies in detecting, arresting, and convicting those who would profit from the misery of others.

STRENGTHENING CONSUMER PROTECTION

Our plans for 1972 include further steps to protect consumers against hazardous food and drugs and other dangerous products. These efforts will carry forward the campaign I launched in 1969 to establish a "Buyer's Bill of Rights" and to strengthen consumer protection. As a part of that campaign, we have established a new Office of Consumer Affairs, directed by my Special Assistant for Consumer Affairs, to give consumers greater access to government, to promote consumer education, to encourage voluntary efforts by business, to work with State and local governments, and to help the Federal Government improve its consumer-related activities. We have also established a new Consumer Product Information Coordinating Center in the General Services Administration to help us share a wider range of Federal research and buying expertise with the public.

But many of our plans in this field still await Congressional action, including measures to insure product safety, to fight consumer fraud, to require full disclosure in warranties and guarantees, and to protect against unsafe medical devices.

REFORMING AND RENEWING EDUCATION

It was nearly 2 years ago, in March of 1970, that I presented my major proposals for reform and renewal in education. These proposals included student assistance measures to ensure that no qualified person would be barred from college by a lack of money, a National Institute of Education to bring new energy and new direction to educational research, and a National Foundation for Higher Education to encourage innovation in learning beyond high school. These initiatives are still awaiting final action by the Congress. They deserve prompt approval.

I would also underscore my continuing confidence that Special Revenue Sharing for Education can do much to strengthen the backbone of our educational system, our public elementary and secondary schools. Special Revenue Sharing recognizes the Nation's interest in their improvement without compromising the principle of local control. I also call again for the enactment of my $1.5 billion program of Emergency School Aid to help local school districts desegregate wisely and well. This program has twice been approved by the House and once by the Senate in different versions. I hope the Senate will now send the legislation promptly to the conference committee so that an agreement can be reached on this important measure at an early date.

This bill is designed to help local school districts with the problems incident to desegregation. We must have an end to the dual school system, as conscience and the Constitution both require—and we must also have good schools. In this connection, I repeat my own firm belief that educational quality—so vital to the future of all of our children—is not enhanced by unnecessary busing for the sole purpose of achieving an arbitrary racial balance.

FINANCING OUR SCHOOLS

I particularly hope that 1972 will be a year in which we resolve one of the most critical questions we face in education today: how best to finance our schools.

In recent years the growing scope and rising costs of education have so overburdened local revenues that financial crisis has become a way of life in many school districts. As a result, neither the benefits nor the burdens of education have been equitably distributed.

The brunt of the growing pressures has fallen on the property tax—one of the most inequitable and regressive of all public levies. Property taxes in the United States represent a higher proportion of public income than in almost any other nation. They have more than doubled in the last decade and have been particularly burdensome for our lower and middle income families and for older Americans.

These intolerable pressures—on the property tax and on our schools—led me to establish the President's Commission on School Finance in March of 1970. I charged this Commission with the responsibility to review comprehensively both the revenue needs and the revenue resources of public and non-public elementary and secondary education. The Commission will make its final report to me in March.

At the same time, the Domestic Council—and particularly the Secretaries of the Treasury and of Health, Education, and Welfare—have also been studying this difficult and tangled problem. The entire question has been given even greater urgency by recent court decisions in California, Minnesota, New Jersey, and Texas, which have held the conventional method of financing schools through local property taxes discriminatory and unconstitutional. Similar court actions are pending in more than half of our States. While these cases have not yet been reviewed by the Supreme Court, we cannot ignore the serious questions they have raised for our States, for our local school districts, and for the entire Nation.

The overhaul of school finance involves two complex and interrelated sets of problems: those concerning support of the schools themselves, and also the basic relationships of Federal, State and local governments in any program of tax reform.

We have been developing a set of comprehensive proposals to deal with these questions. Under the leadership of the Secretary of the Treasury, we are carefully reviewing the tax aspects of these proposals; and I have this week enlisted the Advisory Commission on Intergovernmental Relations in addressing the intergovernmental relations aspects. Members of the Congress and of the executive branch, Governors, State legislators, local officials and private citizens comprise this group.

Later in the year, after I have received the reports of both the President's Commission on School Finance and the Advisory Commission on Intergovernmental Relations, I shall make my final recommendations for relieving the burden of property taxes and providing both fair and adequate financing for our children's education—consistent with the principle of preserving the control by local school boards over local schools.

A NEW EMPHASIS ON CAREER EDUCATION

Career Education is another area of major new emphasis, an emphasis which grows out of my belief that our schools should be doing more to build self-reliance and self-sufficiency, to prepare students for a productive and fulfilling life. Too often, this has not been happening. Too many of our students, from all income groups, have been "turning off" or "tuning out" on their educational experiences. And—whether they drop out of school or proceed on to college—too many young people find themselves unmotivated and ill equipped for a rewarding social role. Many other Americans, who have already entered the world of work, find that they are dissatisfied with their jobs but feel that it is too late to change directions, that they already are "locked in."

One reason for this situation is the inflexibility of our educational system, including the fact that it so rigidly separates academic and vocational curricula. Too often vocational education is foolishly stigmatized as being less desirable than academic preparation. And too often the academic curriculum offers very little preparation for viable careers. Most students are unable to combine the most valuable features of both vocational and academic education; once they have chosen one curriculum, it is difficult to move to the other.

The present approach serves the best interests of neither our students nor our society. The unhappy result is high numbers of able people who are unemployed, underemployed, or unhappily employed on the one hand—while many challenging jobs go begging on the other.

We need a new approach, and I believe the best new approach is to strengthen Career Education.

Career Education provides people of all ages with broader exposure to and better preparation for the world of work. It not only helps the young, but also provides adults with an opportunity to adapt their skills to changing needs, changing technology, and their own changing interests. It would not prematurely force an individual into a specific area of work but would expand his ability to choose wisely from a wider range of options. Neither would it result in a slighting of academic preparation, which would remain a central part of the educational blend.

Career Education is not a single specific program. It is more usefully thought of as a goal—and one that we can pursue through many methods. What we need today is a nationwide search for such methods—a search which involves every area of education and every level of government. To help spark this venture, I will propose an intensified Federal effort to develop model programs which apply and test the best ideas in this field.

There is no more disconcerting waste than the waste of human potential. And there is no better investment than an investment in human fulfillment. Career Education can help make education and training more meaningful for the student, more rewarding for the teacher, more available to the adult, more relevant for the disadvantaged, and more productive for our country.

MANPOWER PROGRAMS: TAPPING OUR FULL POTENTIAL

Our trillion dollar economy rests in the final analysis on our 88 million member labor force. How well that force is used today, how well that force is prepared for tomorrow—these are central questions for our country.

They are particularly important questions in a time of stiff economic challenge and burgeoning economic opportunity. At such a time, we must find better ways to tap the full potential of every citizen.

This means doing all we can to open new education and employment opportunities for members of minority groups. It means a stronger effort to help the veteran find useful and satisfying work and to tap the enormous talents of the elderly. It means helping women—in whatever role they choose—to realize their full potential. It also means caring for the unemployed—sustaining them, retraining them and helping them find new employment.

This administration has grappled directly with these assignments. We began by completely revamping the Manpower Administration in the Department of Labor. We have expanded our manpower programs to record levels. We proposed—and the Congress enacted—a massive reform of unemployment insurance, adding 9 million workers to the system and expanding the size and duration of benefits. We instituted a Job Bank to match jobs with available workers. The efforts of the National Alliance of Businessmen to train and hire the hard-core unemployed were given a new nationwide focus. That organization has also joined with our Jobs for Veterans program in finding employment for returning servicemen. We have worked to open more jobs for women. Through the Philadelphia Plan and other actions, we have expanded equal opportunity in employment for members of minority groups. Summer jobs for disadvantaged youths went up by one-third last summer. And on July 12 of last year I signed the Emergency Employment Act of 1971, providing more than 130,000 jobs in the public sector.

In the manpower field, as in others, there is also an important unfinished agenda. At the top of this list is my Special Revenue Sharing program for manpower—a bill which would provide more Federal dollars for manpower training while increasing substantially the impact of each dollar by allowing States and cities to tailor training to local labor conditions. My welfare reform proposals are also pertinent in this context, since they are built around the goal of moving people from welfare rolls to payrolls. To help in this effort, H.R. 1 would provide transitional opportunities in community service employment for another 200,000 persons. The Career Education program can also have an important long-range influence on the way we use our manpower. And so can a major new thrust which I am announcing today to stimulate more imaginative use of America's great strength in science and technology.

MARSHALLING SCIENCE AND TECHNOLOGY

As we work to build a more productive, more competitive, more prosperous America, we will do well to remember the keys to our progress in the past. There have been many, including the competitive nature of our free enterprise system; the energy of our working men and women; and the abundant gifts of nature. One other quality which has always been a key to progress is our special bent for technology, our singular ability to harness the discoveries of science in the service of man.

At least from the time of Benjamin Franklin, American ingenuity has enjoyed a wide international reputation. We have been known as a people who could "build a better mousetrap"—and this capacity has been one important reason for both our domestic prosperity and our international strength.

In recent years, America has focused a large share of its technological energy on projects for defense and for space. These projects have had great value. Defense technology has helped us preserve our freedom and protect the peace. Space technology has enabled us to share unparalleled adventures and to lift our sights beyond earth's bounds.

The daily life of the average man has also been improved by much of our defense and space research—for example, by work on radar, jet engines, nuclear reactors, communications and weather satellites, and computers. Defense and space projects have also enabled us to build and maintain our general technological capacity, which—as a result—can now be more readily applied to civilian purposes.

America must continue with strong and sensible programs of research and development for defense and for space. I have felt for some time, however, that we should also be doing more to apply our scientific and technological genius directly to domestic opportunities. Toward this end, I have already increased our civilian research and development budget by more than 40 percent since 1969 and have directed the National Science Foundation to give more attention to this area.

I have also reoriented our space program so that it will have even greater domestic benefits. As a part of this effort, I recently announced support for the development of a new earth orbital vehicle that promises to introduce a new era in space research. This vehicle, the space shuttle, is one that can be recovered and used again and again, lowering significantly both the cost and the risk of space operations. The space shuttle would also open new opportunity in fields such as weather forecasting, domestic and international communications, the monitoring of natural resources, and air traffic safety.

The space shuttle is a wise national investment. I urge the Congress to approve this plan so that we can realize these substantial economies and these substantial benefits.

Over the last several months, this administration has undertaken a major review of both the problems and the opportunities for American technology. Leading scientists and researchers from our universities and from industry have contributed to this study. One important conclusion we have reached is that much more needs to be known about the process of stimulating and applying research and development. In some cases, for example, the barriers to progress are financial. In others they are technical. In still other instances, customs, habits, laws, and regulations are the chief obstacles. We need to learn more about all these considerations—and we intend to do so. One immediate step in this effort will be the White House Conference on the Industrial World Ahead which will convene next month and will devote considerable attention to research and development questions.

But while our knowledge in this field is still modest, there are nevertheless a number of important new steps which we can take at this time. I will soon present specific recommendations for such steps in a special message to the Congress. Among these proposals will be an increase next year of $700 million in civilian research and development spending, a 15 percent increase over last year's level and a 65 percent increase over 1969. We will place new emphasis on cooperation with private research and development, including new experimental programs for cost sharing and for technology transfers from the public to the private sector. Our program will include special incentive for smaller high technology firms, which have an excellent record of cost effectiveness.

In addition, our Federal agencies which are highly oriented toward technology—such as the Atomic Energy Commission and the National Aeronautics and Space Administration—will work more closely with agencies which have a primary social mission. For example, our outstanding capabilities in space technology should be used to help the Department of Transportation develop better mass transportation systems. As has been said so often in the last 2 years, a nation that can send three people across 240,000 miles of space to the moon should also be able to send 240,000 people 3 miles across a city to work.

Finally, we will seek to set clear and intelligent targets for research and development, so that our resources can be focused on projects where an extra effort is most likely to produce a breakthrough and where the breakthrough is most likely to make a difference in our lives. Our initial efforts will include new or accelerated activities aimed at:

—creating new sources of clean and abundant energy;
—developing safe, fast, pollution-free transportation;
—reducing the loss of life and property from earthquakes, hurricanes and other natural disasters;
—developing effective emergency health care systems which could lead to the saving of as many as 30,000 lives each year;
—finding new ways to curb drug traffic and rehabilitate drug users.

And these are only the beginning.

I cannot predict exactly where each of these new thrusts will eventually lead us in the years ahead. But I can say with assurance that the program I have outlined will open new employment opportunities for American workers, increase the productivity of the American economy, and expand foreign markets for American goods. I can also predict with confidence that this program will enhance our standard of living and improve the quality of our lives.

Science and technology represent an enormous power in our life—and a unique opportunity. It is now for us to decide whether we will waste these magnificent energies—or whether we will use them to create a better world for ourselves and for our children.

A GROWING AGENDA FOR ACTION

The danger in presenting any substantial statement of concerns and requests is that any subject which is omitted from the list may for that reason be regarded as unimportant. I hope the Congress will vigorously resist any such suggestions, for there are many other important proposals before the House and the Senate which also deserve attention and enactment.

I think, for example, of our program for the District of Columbia. In addition to proposals already before the Congress, I will soon submit additional legislation outlining a special balanced program of physical and social development for the Nation's capital as part of our Bicentennial celebration. In this and other ways, we can make that celebration both a fitting commemoration of our revolutionary origins and a bold further step to fulfill their promise.

I think, too, of our program to help small businessmen, of our proposals concerning communications, of our recommendations involving the construction of public buildings, and of our program for the arts and humanities—where the proposed new budget is 6 times the level of 3 years ago.

In all, some 90 pieces of major legislation which I have recommended to the Congress still await action. And that list is growing longer. It is now for the Congress to decide whether this agenda represents the beginning of new progress for America—or simply another false start.

THE NEED FOR REASON AND REALISM

I have covered many subjects in this message. Clearly, our challenges are many and complex. But that is the way things must be for responsible government in our diverse and complicated world.

We can choose, of course, to retreat from this world, pretending that our problems can be solved merely by trusting in a new philosophy, a single personality, or a simple formula. But such a retreat can only add to our difficulties and our disillusion.

If we are to be equal to the complexity of our times we must learn to move on many fronts and to keep many commitments. We must learn to reckon our success not by how much we start but by how much we finish. We must learn to be tenacious. We must learn to persevere.

If we are to master our moment, we must first be masters of ourselves. We must respond to the call which has been a central theme of this message—the call to reason and to realism.

To meet the challenge of complexity we must also learn to disperse and decentralize power—at home and abroad—allowing more people in more places to release their creative energies. We must remember that the greatest resource for good in this world is the power of the people themselves—not moving in lockstep to the commands of the few—but providing their own discipline and discovering their own destiny.

Above all, we must not lose our capacity to dream, to see, amid the realities of today, the possibilities for tomorrow. And then—if we believe in our dreams—we also must wake up and work for them.

RICHARD NIXON.

THE WHITE HOUSE, *January 20, 1972.*

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate resumed the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

The PRESIDING OFFICER. Accord-

ing to the previous order, the Senator from Pennsylvania is recognized.

AMENDMENT NO. 797

Mr. SCHWEIKER. Mr. President, I call up my amendment No. 797.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that further reading of the amendment may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT NO. 797

On page 38, line 11, immediately after "shall", insert the following: "so notify the General Counsel who may".

On page 40, line 23, immediately after "Commission" insert the following: "or, after issuance of a complaint, the General Counsel upon approval of the Commission".

On page 43, line 15, immediately after "The" insert the following: "General Counsel, upon the recommendation of the"; immediately after "Commission" insert a comma; and strike out the word "may" and insert in lieu thereof "shall".

On page 43, line 18, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 20, strike out "its" and insert in lieu thereof "the Commission's".

On page 43, line 22, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 45, line 19, strike out "Commission" and insert in lieu thereof "General Counsel".

One page 46, line 3, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 46, line 4, strike out "its" and insert in lieu thereof "the Commission's".

On page 46, line 21, immediately after "the" insert the following: "the General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 46, line 22, strike out "it" and insert in lieu thereof "he".

On page 46, line 23, strike out "its" and insert in lieu thereof "the Commission's".

On page 47, line 23, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 49, line 6, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 50, line 1, immediately after "and the" insert "General Counsel, upon the recommendation of the"; and immediately after "Commission" insert a comma.

On page 50, line 1, strike out "may" and insert in lieu thereof "shall".

On page 56, lines 16 and 17, strike out "Commission" and insert in lieu thereof "General Counsel".

On page 58, line 18, immediately after "and", insert the following: ", except as provided in subsection (b),".

On page 58, line 22, immediately after "employees", insert the following: ", except that regional directors of the Commission shall be appointed by the Chiarman with the concurrence of the General Counsel.".

On page 59, immediately after line 22, insert a new subsection (e) as follows:

"(e) (1) Section 705 of the Act is amended by inserting the following new subsection (b):

"'(b) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the issuance of complaints, the prosecution of such complaints before the Commission, and the conduct of litigation as provided in sections 706 and 707 of this title. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law. The General Counsel shall appoint regional attorneys with the concurrence of the Chairman, and shall appoint such other employees in the Office of the General Counsel as may be necessary to assist in carrying out the General Counsel's responsibilities and functions under this title. In accordance with the provisions of section 554(d) of title 5, United States Code, no employee or agent of the Commission may engage in the performance of prosecutorial functions for the Commission in a case or any factually related case, and also participate or advise in the decision, recommended decision, or Commission review of a decision, except as a witness in public proceedings. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.'

"(2) Subsections (b) through (j) of section 705 of such Act are redesignated as subsections (c) through (k), respectively."

On page 59, line 23, strike out "(e)" and insert in lieu thereof "(f)".

On page 60, line 3, strike out "(f)" and insert in lieu thereof "(g)".

On page 60, line 7, strike out "(g)" and insert in lieu thereof "(h)".

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(i)".

On page 61, following line 23, add the following new subsection 9(d), as follows:

"(d) Section 5316 of such title is amended by adding at the end thereof the following new clause:

"(131) General Counsel of the Equal Employment Opportunity Commission."

Mr. SCHWEIKER. Mr. President, it is my intention to ask for the yeas and nays on the amendment upon the conclusion of the debate on the amendment.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that Richard D. Siegel of the staff of the Committee on Labor and Public Welfare be permitted the privilege of the floor during the debate on S. 2515.

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

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the Senator from New York (Mr. JAVITS) may be recognized for the purpose of offering opening remarks on the bill, and that when he has finished his opening remarks I be permitted to continue with the presentation of my amendment.

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

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

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

Mr. JAVITS. Mr. President, I am grateful to the Senator from Pennsylvania for yielding to me so that I may make my opening statement with respect to this measure, with which I have been very heavily involved, as I am the ranking minority member of the Committee on Labor and Public Welfare, which has reported the measure to the floor.

Mr. President, I fully support S. 2515 as reported out by the Committee on Labor and Public Welfare. This is a landmark measure, an effort to bring up to date the historic Civil Rights Act of 1964.

S. 2515 is a piece of unfinished national business which has been before us several times in past years. A similar bill passed the Senate during the last Congress, only to die in the House Rules Committee; and in 1966 a similar bill passed the House of Representatives, only to die in the Senate. We are now, however, finally at the point where both the House and the Senate can both act during the same Congress, for during the first session of this Congress the House passed an EEOC bill. It is now up to the Senate to act on S. 2515 to set the stage for a conference report and final enactment into law.

Mr. President, it is well known that throughout my service in the Senate I have been devoted to the issue of equal opportunity and I have stayed with that interest in many measures and through many struggles waged here and outside of this Chamber. I feel that, in a sense, this bill is the capstone of everything I have done in Congress in the civil rights field.

I come from a State which has a number of large cities, particularly New York City. I am a slum child myself, having been born and raised in the slums of New York City. I think I understand what makes the members of minorities and the poor, and those who are otherwise badly used in our society, have a failing of incentive, we hope that they will move forward into the normal ranks of aspiring and effective American society and there is nothing that is more important than employment to achieve that result. Indeed, employment is, in my judgment, the very key to the whole problem that we still face in this country, the most critical kind of emergency in respect of our relations with minorities, and especially the black minority of the United States. The critical element, whether we will or will not be successful or whether our country will be torn with strife, as it has been in the recent past, is employment.

A man who has a job and a little money in his pocket is capable of everything: better housing, emergence from the slums, participation, better educational opportunity, a cessation of the rates of dependence on public agencies, including brushes with the law; but a man who does not have that kind of substance and status is a man who is not only bereft but also adrift, and it is the root of all our troubles.

I emphasize this because it is critically important that we understand the ambit of this bill and what it is meant to do. It seeks to correct the major defects in title VII of the landmark Civil Rights Act of 1964.

Its deficiencies are lack of enforce-

ment power in the Equal Opportunities Commission to effectuate the equal employment guarantees which we gave in title VII. Also, we seek to correct failure of our law to cover as many employees as it should in terms of business establishments and to cover employees at the State and local level, and, as the bill now reads, to centralize the administration of pattern and practice and the Federal contractor equal opportunity program into EEOC. I deal with these now briefly, and in turn.

ENFORCEMENT POWER FOR THE EEOC

In title 7 of the Civil Rights Act the Congress guaranteed to every American the right to be free from racial or religious or sex discrimination in employment. We also established the Equal Employment Opportunity Commission to administer the law but, unfortunately, as the result of compromises necessary to overcome a filibuster, we had to agree to strip the Commission of any effective power to enforce the act.

The main architect of the bill in this Chamber was Senator Everett Dirksen of Illinois, the minority leader. I believe history will both justify the compromise which had to be made and will not be unfair to Senator Dirksen. He followed what he thought were his deepest beliefs. The bill would not have passed or would not have been possible at all without him. There are many sections or parts of the bill which are absolutely critical to the achievement of social justice in the United States and adherence to the Constitution, but, even with respect to equal employment, the door was opened, albeit not as wide as I should have wished.

So what I say is not in any way derogating from the historic performance of Senator Dirksen in bringing about enactment. I think he was the most important single personality who had most to do with enactment of the Civil Rights Act of 1964, notwithstanding my feeling that a grave injustice and deficiency remained with respect to the enactment of enforcement machinery for equal employment opportunity.

Under the compromise fashioned in 1964 and embodied in present law, if the Commission is not successful in inducing voluntary compliance with the act, it is up to the person who is the subject of the unlawful discrimination to institute his own lawsuit against the employer or union guilty of violating the law, unless it can be shown that a pattern or practice of discrimination exists, in which case the Justice Department has the power to sue.

The purpose of S. 2515 is to remedy this wide gap in the Civil Rights Act of 1964 by granting to the Equal Employment Opportunity Commission the power to issue administrative cease-and-desist orders similar to those issued by other administrative agencies, such as the National Labor Relations Board.

When the 1964 act was under consideration, I and a number of other Senators were convinced that a governmental agency with some form of enforcement power was absolutely necessary to guarantee the fulfillment of the basic rights created by title 7 of the act. Yet, we had to accept the emasculation of the Commission's powers necessary to secure the votes needed for cloture.

This is not very new. We tried to get it done in 1964. We knew our experience would be that of deprivation as a result of our failure to have that remedy. As I said, we had to compromise in order to get a law. We did, and I am glad we did it. I hope now, given the opportunity to pass this bill, we repair what was so lacking then.

Sadly enough, experience under title 7 to date has borne out our concerns. Conciliation alone has not succeeded in ending discriminatory employment practices, nor does it show any reasonable promise of doing so.

The failure of the conciliation approach was strongly emphasized by many witnesses who testified before the committee, including William H. Brown III, present Chairman of the Commission. The failure of the conciliation approach is summarized very well on page 5 of the committee report as follows:

> The failure of the voluntary conciliation approach is reflected in the present EEOC workload statistics presented by its Chairman, William H. Brown, III. Since its inception, the Commission has received 81,000 charges. Of this number, the Commission has been able to achieve a totally, or even partially satisfactory conciliation in less than half. This means that in a significant number of cases the aggrieved individual was not able to achieve any satisfactory settlement of his claim through the EEOC, and was forced to either give up his or her claim or, if the necessary funds and time were available, to pursue the case through the Federal courts.
>
> While the above-noted number of charges is disturbing by its very size, it becomes even more significant when considered in light of the fact that each year the number of charges filed with the Commission continues to increase. For example, in FY 1970, 14,129 charges were filed with EEOC; in FY 1971, this number increased to 22,920 charges; and current estimates submitted by the Commission indicate that more than 32,000 charges will be filed this year. It is obvious that without effective enforcement powers, the EEOC will become little more than a receptacle for charges of violations of Title VII, and that an ever-increasing number of aggrieved individuals will be left without an adequate remedy for violations which are clearly prohibited by the law.

Another indication of the need to give the Commission effective enforcement power is the statistical evidence of the disparate employment situation faced by women and members of minority races throughout the Nation. For example, during 1970 the unemployment rate for whites was 5.4 percent, while unemployment rate for blacks was 6.3 percent. Similarly, in 1969 while the overall unemployment rate was 3.5 percent, unemployment for Spanish-speaking people was 6.0 percent.

Insofar as women are concerned, the evidence indicates that despite the Equal Pay Act and title 7 of the Civil Rights Act of 1964, women are still paid less than men for doing the same job. Thus, while the median salary for all scientists was $13,200, for women scientists it was $10,000.

I do not mean to imply that title 7 of the 1964 Civil Rights Act has had no effect. Some of the successful lawsuits brought by private litigants and the Justice Department under its pattern-or-practice authority have resulted in important and far-reaching changes in the practices of the employers or unions involved. Equally important, the threat of such lawsuits and the general change in social attitudes throughout the country have resulted in the end of many of the more blatant and overtly discriminatory hiring practices which at one time existed throughout American industry. But this does not mean that employment discrimination has ended; rather, it means that in many instances it has become more sophisticated and subtle. Indeed, inevitably, as attention turns away from entry level jobs to the question of promotions and highest management positions, where judgments by necessity are much more subjective, proving actual discrimination becomes more and more difficult.

There is substantial agreement on the need to put teeth into title 7 by granting the Commission some sort of enforcement power. The only issue really before us is what kind of enforcement power shall it be.

Predictions that enforcement power will be used as an imposition upon private business, to harass employers, and so forth, are absolutely invalid and not shown by experience. I was a party to the enactment of the Ives-Quinn bill in New York, the first antidiscrimination statute against discrimination in employment, in 1945, when I first got out of the Army. We heard the same predictions then—that there would be thousands upon thousands of cases of terrible harassment, the inability of business to operate at all, and so forth, and so forth. No such thing happened. It is now accepted, after 26 years, as an absolutely fundamental element of the law of the State of New York.

So it has been to the extent of the limited powers of the commission under the Federal law, and will be if we give the appropriate powers to the commission—to wit, the cease and desist power.

APPROPRIATENESS OF CEASE-AND-DESIST POWER

I believe that the most appropriate type of power for the Commission is the traditional cease-and-desist order remedy available to other administrative agencies with essentially quasi-judicial functions, such as the NLRB. This leads me to disagree with the administration proposal to permit the Commission to initiate proceedings in the Federal district courts, although I recognize that even that procedure would be a great step forward over existing law.

All of the traditional arguments usually advanced to justify the administrative order approach are fully applicable to the EEOC. Thus, there is clearly a need for uniformity in decisions under title 7 which a single decisionmaking agency can much better insure—at least until the Supreme Court decides a number of cases—than the different Federal courts can. There is also a great need for expertise in interpreting and applying the provisions of title 7 which only a specialized agency can insure. For example, one of the most critical areas under title 7 is testing of applicants for employment. Whether or not a given test is appropriate in a given case presents difficult psychological and sociological is-

sues, as well as difficult problems in the analysis of job content and personnel policy. The Commission has already initiated important work in this area, but under the administration's proposal it will have to educate not only itself, but every Federal judge in the country on the proper resolution of these issues.

There is also the question of speed in case handling. While it is true that the Commission now has a large backlog of cases, its calendar is certainly no worse than that in some of our busier district courts. The committee bill includes provisions encouraging the Commission to dispose of cases within 6 months; that figure will rarely, if ever, be attained in Federal district courts.

Insofar as the question of fairness is concerned, some of those who support a court enforcement approach seem to argue that the administrative process is somehow inherently unfair and that the only way that due process can be obtained is through trials in the district courts. I cannot accept that premise. In the first place, the Administrative Procedures Act, as well as various specific provisions of S. 2515, guarantee procedural due process for all parties to Commission proceedings. Under the APA and the bill, all parties will have the right to be represented by counsel, to examine and cross-examine witnesses, to have a hearing conducted by an independent trial examiner, et cetera. Second, as a further safeguard for procedural due process, there will shortly be offered an amendment, which I understand is acceptable to the chairman of the committee, to provide for an independent general counsel. This will serve to guarantee the separation of prosecutorial and decisional functions within the Commission, which the APA requires. The adoption of this amendment should completely allay any remaining fears that employers, or anyone else for that matter, will not receive the fullest possible due process in proceedings before the Commission.

For these reasons, I support the granting of cease-and-desist power to the EEOC, as S. 2515 does, and shall oppose the amendment to permit direct court enforcement.

EXPANSION OF COVERAGE—EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

Mr. President, I wish to address myself briefly now to the other desirable changes in existing law, to wit, the expansion of coverage to employers with eight or more employees, thereby materially reducing the present requirement and reaching more of small business, which, in fact, is somewhat more likely, if anything, because of the smallness of the enterprises and the lack of sophisticated personnel techniques, to be in danger of discriminating than even larger businesses upon whom the public eye is fixed.

So I am very strongly for including employers with eight or more employees, and also opening the law to employees of State and local governments and educational institutions.

I have long urged the coverage of employees of State and local governments, of whom there are over 10 million in the United States. The employment discrimination problem is especially acute in areas where there is heavy minority population. This goes for law enforcement, for education, and for the administration of justice.

Of all the classes of employment which should be subject to title 7 the most obvious, it seems to me, is employment in State and local government which, under the 14th amendment, must be free from arbitrary discrimination.

As noted in the committee report on the bill, the employment discrimination problem is particularly acute in those governmental activities which are most visible to the minority communities—notably education, law enforcement, and the administration of justice—with the result that the credibility of Government's claim to exist "for all the people—by all the people" is called into serious question. This point was made particularly strong by the Civil Rights Commission in its 1969 report on equal opportunity in State and local government employment. The Commission found that minorities are denied equal access to State and local government jobs through both institutional and overt discriminatory practices. Perpetuation of past discriminatory practices through de facto segregated job ladders, invalid selection techniques, and stereotyped supervisory opinions as to the capabilities of minorities as a class were found to be widespread, and if anything more pervasive than in private employment.

When the special nature of the State and local governmental activity involved is considered, the case for ending this kind of discrimination is even stronger. As the Commission pointed out in the introduction to its report:

> State and local governments are the nearly constant companions of every citizen of the United States. Most personal contacts with governments—so routine as to be taken for granted—are with State or local government. Policemen, firemen, and garbage collectors are included in its work force. From the time a birth is recorded at the city or county health department, to the time a burial permit is issued by the city or county, the daily activities of the citizen—education, employment, commerce, recreation—bring him into constant contact with State and local governments.

The committee bill does treat employees of State and local governments differently from other employees in one respect, however. Because of the strong feelings which this issue generated concerning the propriety of a Federal agency passing on the conduct of State and local officials, the committee adopted an amendment under which the Attorney General would litigate contested cases in the Federal district courts if conciliation by the Commission proved unsuccessful. I believe that in this area, involving as it may delicate problems of Federal-State relationships, it is desirable to have the judiciary, rather than an agency in the executive branch, even though it is independent, hear and determine contested cases.

TRANSFER OF PATTERN-OR-PRACTICE SUITS

The committee bill transfers the authority of the Justice Department to bring pattern-or-practice suits under section 707 to the EEOC. As a result of an amendment which I cosponsored and which was adopted by the committee, however, there is a 2-year hiatus during which the Justice Department will retain concurrent jurisdiction with the Commission to bring such suits. I believe that retention of concurrent jurisdiction for 2 years is an excellent way of insuring that we do not waste the extremely valuable expertise which has been gained by Justice Department lawyers prosecuting pattern-or-practice suits during the time it will take the Commission to tool up to meet its new responsibilities.

TRANSFER OF OFCC

The committee bill also transfers the functions of the Office of Federal Contract Compliance under Executive Order 11246. The Executive order deals with nondiscrimination and affirmative action requirements which must be complied with by Federal contractors. It is the Executive order program under which such controversial directives as the Philadelphia plan and Order No. 4 have been promulgated.

I have had some serious questions concerning the desirability of this particular transfer, at least at this time, and I am reserving my position on any amendment which I or others may offer to strike or delay it. Some of the reasons which have caused me to question the desirability of transferring OFCC at this time are as follows:

First, the Commission presently has a large backlog of cases. It is almost 2 years behind in processing its caseload. Giving the Commission enforcement power under title 7 will further increase its workload greatly. Under these circumstances would it be appropriate to give the Commission the added responsibility for enforcement of Executive Order 11246 right now?

Second, the nature of the Executive order program, involving as it does the cooperation of every single Federal executive agency, requires that its implementation come from the highest level of Government, that is, a Cabinet officer.

Third, concentration of all equal employment opportunity activity in one agency could make it easier for those who are opposed to the achievement of full equality of employment opportunity in America to curtail the program through a limitation on appropriations.

Fourth, the problems of coordination which existed among the various Federal programs dealing with equal employment opportunity have largely been solved through the steps which this administration has taken to insure much closer harmony among the Civil Rights Division of the Justice Department, the OFCC, and the EEOC. In particular, the EEOC and the OFCC have entered into a memorandum of understanding designed to avoid overlap, conflict, and duplication of the kind which regrettably did exist in prior years.

Fifth, proper implementation of the Executive order program requires a close working relationship between the Manpower Administration—which is in the Labor Department also—the contracting agencies, and the Federal contractors, for special manpower training and edu-

cation programs are frequently an integral part of compliance programs.

Last, and by no means least, during the past few years under the present administration, OFCC has gone to great lengths to establish the concept of affirmative action as required under the Executive order program as something much more than just the duty not to engage in active discrimination in hiring. Under this concept of affirmative action OFCC has been able to promulgate plans, such as the Philadelphia plan, and numerous similar plans in other cities throughout the country, under which contractors agree to undertake good faith efforts to increase the utilization of minority group employees and women without reference to whether they are actually guilty of illegal discrimination. Many Senators will recall that in 1969 I vigorously, and ultimately successfully defended the Philadelphia plan on the Senate floor. I am happy to say that the legality of the plan was completely vindicated by the Third Circuit Court of Appeals in its decision—*Contractors Association of Eastern Pennsylvania v. Secretary of Labor*, 442 F. 2d 1959 (3d Cir. 1971).

Title 7 of the Civil Rights Act of 1964, on the other hand, is strictly a nondiscrimination law. Affirmative action may be ordered, but only as a remedy in a case of proven discrimination.

As I understand it, the committee report so states on pages 29–30, the committee does not intend, by approving the transfer of the functions of OFCC to EEOC, to alter in any way the scope or meaning of the Executive order program. Thus, if this transfer were to be made, the same agency—EEOC—would be administering different standards under title 7 and the Executive order. The result might be confusion in the agency and confusion in the minds of Federal contractors in dealing with the agency, or a watering down of the Executive order program so that it and the title 7 program become indistinguishable.

The reason I have hesitated thus far in offering an amendment to delay or strike the transfer provision is that despite some of OFCC's good initiatives during the past 3 years, I must confess that I am far from satisfied with the manner in which OFCC has discharged its administrative and management functions under the Executive order so far. While the affirmative action concept looks good, and plans like the Philadelphia plan also promise a great deal, OFCC was unable to supply to the committee staff concrete information showing the actual results of some of the programs they have initiated, or that it is actually applying the Executive order in a manner differently than title 7 would be applied. Thus, when the committee staff sought to ascertain whether the allegations of "motorcycle compliance" which have been made by some critics of the Philadelphia plan were valid, OFCC was unable to supply any information to show that a substantial number of the additional black employees working under Federal contract had not simply been pulled off other jobs to satisfy the requirements of the Philadelphia plan. Also, OFCC was unable to produce accurate information dealing with the number of employers supposedly "passed over" for failure to submit acceptable affirmative action plans.

Even more serious than any of OFCC's management deficiencies in my judgment, is the fact that during the 7 years the program has been administered by the OFCC, just one debarment order has been issued against a Federal contractor—with 10 employees. In the face of numerous court decisions in actions brought by the Justice Department and private parties in which employers have been found guilty of discrimination, and the knowledge we all share that employment discrimination is still a fact in this country, it is almost beyond understanding that with that one exception, not a single debarment order has ever been issued under the OFCC program.

I think it is unfortunate indeed, that for whatever reasons, and they are inexplicable to me, OFCC has been unable or unwilling to take the actions necessary to establish its credibility in effectuating an Executive order.

Thus, one of the matters I am exploring with the Labor Department at this time is the possibility of obtaining appropriate assurances that the necessary changes will be made in OFCC so that if, in fact, the transfer provision is stricken or delayed we can be sure that OFCC will more effectively administer the Executive Order 11246.

I know that organized labor is very desirous of having the transfer made of these Federal contractor equal employment opportunity matters to the Commission. I am very understanding of that, and would like to respond to it if possible. But I have felt it my duty to voice these doubts to the Senate, so that we may come to a collective decision upon it, and within the next few days I shall hope to propose to the Senate the way in which I think this ought to go, or to state to the Senate that I have been persuaded and will stand by the committee bill as submitted. As I say, I reserve that question.

To sum up, Mr. President, I feel that on the basic provisions of this bill, to wit, added enforcement power in the Commission of a traditional character, which we have given to other commissions, a reduction of the size of the establishment to which the law shall be applicable, and the bringing under the protection of the Commission of State and local employment, there is no question that I shall do my utmost to persuade the Senate that this is absolutely essential to complete the historic promise of the Civil Rights Act of 1964. Indeed, it has been too long deferred.

For the Office of Federal Contract Compliance, I shall present my own recommendations to the Senate, insofar as the Senate may be interested in receiving them, well before any action is necessary on that section of the bill.

Again, I express my appreciation to the Senator from Pennsylvania for yielding, and I hope to join him in the amendment he intends to propose.

Mr. MANSFIELD. 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. SCHWEIKER. 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. SCHWEIKER. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Ohio (Mr. TAFT), the distinguished Senator from New York (Mr. JAVITS), the distinguished Senator from Maryland (Mr. BEALL), and myself. I am offering this amendment today in behalf of the distinguished Senator from Ohio, as one of its cosponsors, as a result of his inability to be here because of pressing business in his home State.

This amendment would establish the Office of General Counsel, under the EEOC, who would be appointed by the President, with the advice and consent of the Senate, for a 4-year term. Under existing law the EEOC has a General Counsel's office but that office is clearly subordinate to the Chairman and other Commissioners. We feel, however, that since this bill, S. 2515, is going to turn the EEOC into a body very much like a court, this court should not either exercise control over its prosecutors or provide its own prosecutors. Instead, the prosecuting arm of the EEOC should be separate and distinct from the judicial arm. Hence, the reason for our amendment.

Our amendment, by setting up an independent General Counsel's office, would accomplish this. Thus, the Commission would not be able to sit as prosecutor, judge, and jury combined. The prosecuting attorneys would serve under an independent, presidentially appointed general counsel not tied to the rest of the agency. This would free the Commission members to concentrate on their work of hearing cases brought before them, much as judges would do in a regular court. The General Counsel and his staff attorneys would issue complaints, prosecute those complaints before the Commission, and conduct litigation both on individual cases and the "pattern and practice" type of suits. When we separate the prosecuting function from the EEOC's judicial function in this way, we are safeguarding due process of law before the EEOC for all parties concerned.

While the Administrative Procedure Act does require as a general policy that these functions shall be separate within a particular agency, our amendment underscores this in the case of the EEOC as a matter of congressional intent.

Under S. 2515, the EEOC would take on powers similar to those of the National Labor Relations Board. It is significant, Mr. President, that the National Labor Relations Board has since 1947 had an independent General Counsel's office as an entity separate from the Board itself. Congress decided, in the case of the NLRB, that that Board had sufficient power in its own right without also being in control of the prosecuting arm. This is the way I feel about the new EEOC that we are chartering in S. 2515. As we increase the powers of this agency, and with good reason for doing so, nevertheless we should clearly observe the tradi-

tional "separation of powers" doctrine that has always operated to protect all citizens from the abuse of Government power.

In order to explain in laymen's terms exactly what we are trying to do, I should say, first of all, that this bill, S. 2515, attempts to expedite the cases brought to the EEOC by citizens who feel they have been discriminated against for one reason or another in their search for employment.

The bill, S. 2515, as the distinguished Senator from New Jersey said yesterday and my colleague on this side of the aisle, the distinguished Senator from New York, said today, gives enforcement powers to the EEOC, namely the power to hear complaints and issue cease-and-desist orders. These orders are reviewable by the circuit courts of appeals, so we have in effect provided proceedings within the EEOC at the trial level, instead of holding these trials in the Federal district courts. After EEOC hears the case and issues an order, it is still subject to review by a court of appeals and then the Supreme Court. So we still have three distinct steps in resolving equal employment opportunities cases.

Because the bill is substituting the Equal Employment Opportunities Commission as a hearing body for the district court, our amendment is intended to provide the normal safeguards found in a court of law. Our amendment underscores that the EEOC prosecutor shall be separate and independent from the EEOC judge and the jury. The judge and the jury in this case will be the members of the Equal Employment Opportunities Commission.

But under our amendment, the prosecutor, a General Counsel will be appointed by the President, will be directly responsible to the President, and will be separate and independent from the judge and the jury, or the EEOC Commission. So that by the amendment we are offering today, we make it crystal clear that even though we are substituting what we believe is a fast, a fair, and a more efficient procedure—the EEOC hearing procedure—for the logjammed Federal courts, with their lengthy delays and great time consuming judicial processes, this will provide due process of law because the prosecutor and the judge are two distinct entities. So that this amendment, in a nutshell, would simply provide that the prosecutor and the judge shall not be the same person, shall not be in the same line of command, and shall not be responsible to the same people.

This amendment would give the President the right to name an independent EEOC General Counsel who would report solely to him. It would be his duty and his function to decide what cases to prosecute and what cases not to prosecute from the cases presented to him where injustice is alleged on the basis of race, color, creed, or sex. This would assure that once the prosecutor makes the decision to prosecute on the basis of discrimination, the judge and the jury in this case would be separate and distinct and will be, in effect, the new Equal Employment Opportunities Commission.

I can think of no better way to insure that the new and hopefully faster, more efficient system in S. 2515 will operate justly toward all Americans. Our amendment will protect the parties on both sides of the dispute and assure that the prosecutor and the judge come from two different appointment procedures and have two different responsibilities. In this case the prosecutor goes directly to the President himself for his appointment, and for advice and consent of the Senate.

This is a fair amendment. It is in keeping with our Nation's judicial history, judicial customs and our judicial system. It makes crystal clear the fact that we are trying to achieve, by this bill, and this amendment, a fast, efficient, and fair way to determine where alleged injustices exist in our society and to provide a way whereby, once proven to exist, they can be decided expeditiously so that the people most involved will know they can get a quick and fair hearing, for "justice delayed is justice denied."

I urge, Mr. President, the adoption of this amendment giving to the Equal Employment Opportunities Commission under our bill a new, independent General Counsel's Office.

The PRESIDING OFFICER (Mr. GAMBRELL). The question is on agreeing to the amendment of the Senator from Ohio.

Mr. WILLIAMS. Mr. President, I first want to state that, as manager of the bill, I am in agreement with the amendment which has been offered by the Senator from Ohio and fully explained by the Senator from Pennsylvania. It will make a substantial contribution to the substance of this legislation. It certainly meets many of the anxieties felt about the bill as it now exists.

This amendment calls for the establishment of a General Counsel's Office in the Equal Employment Opportunity Commission, which, though a part of the Commission and empowered to act in its name, is to be independent of its control. The purpose of the amendment is to insure that the prosecutorial and decisional functions of the Commission will be firmly separated and to eliminate any lingering notion that the Commission would be involved in a conflict of acting as prosecutor and judge.

Under the scheme of the Civil Rights Act of 1964, the Commission was established as an investigative body to facilitate a statutory scheme emphasizing voluntary compliance through the processes of conference, conciliation, and persuasion. To this end the Commission was empowered, after investigation, to determine only whether reasonable cause existed to believe that an employer, employment agency, or labor organization had violated the act. In essence, then, the Commission's primary present function—deciding whether to proceed on charges filed by aggrieved persons or individual Commissioners—has been wholly prosecutorial in nature. Likewise, the Commission's function in administering the day-to-day work of its component sections has involved the Commissioners, particularly the chairman, deeply in investigation, conciliation, case handling, and even litigation in title VII cases before the district courts.

The bill under consideration vests the Commission with extensive quasi-judicial powers similar to those possessed by many other administrative agencies, such as the Occupational Safety and Health Commission and the National Labor Relations Board. This amendment would reorganize the Commission along the lines of the NLRB which has an independent office of General Counsel created by Congress in the Taft-Hartley Act.

The Commission's present organization is devoted entirely to investigation and other prosecutorial functions. The preparation of reasonable cause decisions is closely tied to the work of investigative officials, who prepare draft decisions for the consideration of the Commission in many instances. It would be difficult for the Commission to abandon all its current practices and procedures immediately; to suddenly drop the reins of its present prosecutorial functions and withdraw to a purely decisional role as the Administrative Procedure Act requires. Indeed, the several functions of the Commission have become so commingled under present law that exceptional measures are necessary to assure that a firm dividing line is drawn between the Commission's prosecutorial and decisional functions in the future.

While the Administrative Procedures Act would mandate the separation of functions in any event, one way to accomplish this goal is to draw upon the time-tested experience of the NLRB and establish an independent General Counsel to exercise authority, on behalf of the Commission, over the issuance of complaints, conciliation efforts, and prosecution of complaints before the Commission and litigation in the courts.

Moreover, vesting an independent General Counsel with these powers will free the Commission from many of its administrative chores, thus enabling it to devote its time to quasi-judicial duties. The task of formulating policy, of course, would be left to the Commission.

The amendment assures charging parties of expert representation before the Commission because the charge will be prosecuted by attorneys in the General Counsel's Office instead of by appointed counsel.

It should be noted that this amendment contains a significant check on the powers of the General Counsel in respect to the issuance of complaints. If he decides not to process a charge of its conclusion, the charging party may nonetheless file an action in the appropriate district court seeking relief on his own behalf.

Therefore, this amendment would accomplish the goal of insuring that separation of powers basic fairness requires. It would facilitate the Commission's work in eradicating employment discriminaton by enhancing public confidence in the fairness of its procedures. It will also permit the Commission to devote its time to its quasi-judicial duties. At the same time the integrity of the Commission is protected by its retention of its central policymaking role. And, finally, minority

group members are assured of competent representation by employees of the General Counsel's Office, yet they are also protected against an undue concentration of power over the complaint process in the General Counsel by the ability to seek judicial relief when he refuses to act.

SUMMARY OF AMENDMENT

The amendment provides for the appointment by the President of the Commission's General Counsel for a 4-year term. It gives the General Counsel responsibility over the Commission's main prosecutorial functions: Issuance of complaints, their prosecution before the Commission, and conduct of all litigation in the Federal courts as well as other duties the Commission prescribes or the law provides. It does not give the General Counsel authority over the investigation of charges, the efforts of the Commission to achieve voluntary conciliation with respondents, except after a complaint has been issued, and supervision over Commission personnel except for the appointment of Regional Attorneys and concurrence in the Chairman's appointment of Regional Directors.

Furthermore, it contains the key language of section 5(c) of the Administrative Procedure Act which prohibits the same agency personnel engaged in the prosecution of a case or any similar case from having anything to do with the decision in such case or cases. The amendment also provides for the continuation of the General Counsel or Acting General Counsel in that position after enactment of this bill until a new appointee can take over. This will maintain some continuity in this important position.

RATIONALE OF THE AMENDMENT

The purpose of this amendment is to ensure fundamental fairness for respondents, integrity of the Commission's decisions, and confidence in the eyes of the public regarding such decisions. This is accomplished by the separation of functions that I have here described.

The appointment of the General Counsel by the President guarantees that he will not be the pawn of the Commission in carrying out his prosecutorial responsibilities. Those functions which are strictly prosecutional are, accordingly, made the responsibility of the General Counsel. It must be remembered, however, that the evil to be guarded against is the contaimination of the judicial function by the prosecutorial one. This would occur only when the same persons are actually engaged in both functions.

It is also necessary to avoid the creation of a two-headed agency with dual authority to make policy. Therefore, supervision and authority of agency personnel remains under the Chairman, with the exception of the appointment of Regional Attorneys, so that Commission policy will be effectively carried out. The exception as well as the requirement that the General Counsel concur in the appointment of the Regional Directors is to better enable the General Counsel to carry out his prosecutorial responsibilities in the field. The Commission and not the General Counsel oversees the conciliation endeavors under the bill. Since fundamental policy decisions may be made at this juncture, the Commission should be responsible for the conciliation endeavors. The General Counsel may, however, after a complaint has been issued, engage in conciliation attempts—like any lawyer—in performance of his prosecutorial duties. Any agreement he may reach must be approved by the Commission before it has any effect. In this way the Commission exercises control over the policy regarding conciliation agreements. Likewise, investigations are left under the supervision of the Comsion so that the Commission will be the responsible party for the initial contact made with a respondent in the field as well as for the manner, timing, and conduct of the investigation as well as of the investigators.

Mr. President, as I indicated at the outset, I am in agreement with the amendment. The proposed change in the bill, in my judgment, is an improvement in the bill as reported to the Senate by the committee.

Two years ago when basically the same measure was before the Senate, I stood in the same position. An amendment with reference to General Counsel was offered, and again I indicated support. That amendment was agreed to. And we are in just about the same situation as this bill is before the Senate this year.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. WILLIAMS. I yield.

Mr. ALLEN. Mr. President, do I understand the distinguished manager of the bill to state that he is going to recommend the acceptance of this amendment to set up a General Council for the EEOC?

Mr. WILLIAMS. The Senator is correct.

Mr. ALLEN. In the absence of the amendment, who would do the legal work for the Commission?

Mr. WILLIAMS. The General Counsel. It is not set up in a procedural way under the bill with what we call an independent General Counsel. There is General Counsel, and under the Administrative Procedure Act the functions must be separated. The pending amendment, I think, could be accurately described as formalizing the separation of functions otherwise required under the law.

Mr. ALLEN. In other words, without the pending amendment, the General Counsel for the Commission would do the legal work for the Commission; and, with the pending amendment, the General Counsel of the Commission would do the legal work for the Commission.

Mr. WILLIAMS. Without, again, the precision of stating the separation of functions that this amendment does achieve.

Mr. ALLEN. How does it separate the functions? Just how does the amendment separate the functions?

Mr. WILLIAMS. Under its provisions, the President appoints an independent General Counsel.

Mr. ALLEN. Yes, but who makes the policy? Will not the Commission continue to make the policy?

Mr. WILLIAMS. It depends on what policy the Senator is inquiring about.

Mr. ALLEN. The General Counsel is not to be a policymaking official, is he?

Mr. WILLIAMS. Could I in part reply with a question? Would the Senator from Alabama believe it to be a policy decision when the General Counsel makes a decision to prosecute a complaint?

Mr. ALLEN. That is what I am trying to find out.

Mr. WILLIAMS. If that is a policy decision, that is what the General Counsel does. He makes the decision to prosecute the complaint.

Mr. ALLEN. Then he becomes, in effect, the Commission; is that correct?

Mr. WILLIAMS. No. It is just the opposite. He becomes the prosecutor.

Mr. ALLEN. I am trying to find out in whom the policymaking power reposes.

Mr. WILLIAMS. The policy decision to bring the charges, to prosecute, is made by the General Counsel. The General Counsel makes that policy decision.

Mr. ALLEN. The General Counsel would file any such proceeding in the name of the Commission; would he not?

Mr. WILLIAMS. I think that is correct. Insofar as the nomenclature is concerned, the answer would be "yes."

Mr. ALLEN. It is difficult for me to see just what change has been wrought here except that the administration would appoint a General Counsel under the terms of the pending amendment. Who would appoint the General Counsel without the pending amendment?

Mr. WILLIAMS. The General Counsel, without the pending amendment, would be appointed by the Commission.

Mr. ALLEN. So, the only change then is as to who appoints the General Counsel.

Mr. WILLIAMS. No; the answer to that question is "no." The bill provides on page 38:

> The commission shall issue and cause to be served upon any respondent . . . a complaint . . .

The pending amendment provides a change in the bill to read "the General Counsel may issue and cause to be served."

This is a clear distinction.

Mr. ALLEN. He would issue it in the name of the Commission.

Mr. WILLIAMS. It is his decision. He can make it or not, but it is the General Counsel's decision.

Mr. ALLEN. Are not the complaints filed with the Commission, or are they filed with the General Counsel?

Mr. WILLIAMS. The original charges go to the Commission. Their responsibility is to investigate and, again, try to conciliate.

Mr. ALLEN. After that investigation, would they then make their investigation available to the General Counsel so that he could determine whether a complaint should be filed, or would the Commission tell the General Counsel to file it?

Mr. WILLIAMS. The Commission submits to the General Counsel its work, whereupon the General Counsel would decide whether he will prosecute the charges.

Mr. ALLEN. Then, the initiation of the prosecution would continue to be in the hands of the Commission, would it not?

Mr. WILLIAMS. No.

Mr. ALLEN. I understood the Senator to say the complaint is filed with the Commission, which then makes the investigation.

Mr. WILLIAMS. The prosecution would be in the hands of the General Counsel.

Mr. ALLEN. But who makes the investigation to turn it over to him?

Mr. WILLIAMS. The Commission.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. ALLEN. Who, then, directs the work of the General Counsel? Would the Commission have any control over the General Counsel?

Mr. WILLIAMS. That is the whole point. I am glad the Senator asked it exactly that way. That is why the amendment is being offered, to give this "prosecutorial" function an independence within the law.

In other words, the question and this response clearly establishes that independent General Counsel, so that the judge and the prosecutor are clearly separate and distinct. I think that would happen at any rate, as a matter of legal guidance under the Administrative Procedure Act. But I am happy this is being offered to make it crystal clear.

It is not my amendment. The amendment is offered by the Senator from Ohio and has been debated very effectively and completely by the Senator from Ohio.

I believe that this colloquy with the Senator from Alabama has fortified the support for this independent General Counsel to handle the prosecution of these charges.

Mr. ALLEN. That is what I am trying to ascertain. Is he, in fact, independent?

Mr. WILLIAMS. That is exactly what I think has been established.

Mr. ALLEN. Would he have the right to refuse to prosecute on a matter turned over to him by the Commission?

Mr. WILLIAMS. Yes. Exactly.

Mr. ALLEN. The Commission makes the investigation.

Mr. WILLIAMS. Yes.

Mr. ALLEN. Complaints are filed with it.

Mr. WILLIAMS. Yes.

Mr. ALLEN. And the General Counsel, if he saw fit—in other words, he, in effect, would be a grand jury. Is that correct? He would determine whether to go on with the proceedings.

Mr. WILLIAMS. It has been so long since I practiced law, but I would say there is an analogy here—something in the nature of the General Counsel and the U.S. attorney.

Mr. ALLEN. So the Senator would take it that he would serve in the capacity of a grand jury?

Mr. WILLIAMS. Well, would it not be more in the nature of a U.S. attorney taking a matter to the grand jury? Then, of course, the U.S. attorney does take it before the district court.

Mr. ALLEN. Would it be the duty of the Commission to turn every single complaint and investigation over to the General Counsel for determination as to whether discrimination existed, or would the Commission have the authority at some stage of the proceeding to say that there had been no discrimination and, therefore, that there is nothing to lay before the General Counsel?

Mr. WILLIAMS. The Commission does not have to take every charge and investigate it and refer it to the General Counsel. The answer to that question is no. It has its discretion.

Mr. ALLEN. The Commission, then, would still continue to have discretion, after having made its investigation, to determine whether there had been discrimination; they would then have discretion whether to turn it over to the General Counsel.

Mr. WILLIAMS. The answer is crystal clear, yes.

Mr. ALLEN. Who is the General Counsel for the Commission now?

Mr. WILLIAMS. The General Counsel now is a Commission-appointed counsel to the committee. As I understand it, at this particular point in time he is an acting General Counsel. If my memory serves me correctly, it is Mr. Pemberton. I believe that is his name.

Mr. ALLEN. If the purpose of the bill is to see that there is fairness, fair play, and due process, I wonder why the sponsors of the bill were not satisfied to leave jurisdiction over pattern and practice suits in the Department of Justice and why the sponsors saw fit to try to transfer under this bill the pattern and practice suits over to this Commission.

Mr. WILLIAMS. Let me try to state it fairly and simply.

Mr. ALLEN. Would not the Justice Department be independent of the EEOC, and would not that independence have the same desirability as the creation of the Office of General Counsel would have?

Mr. WILLIAMS. There are other reasons. The situation with respect to pattern and practice suits is similar to other changes made by this bill, and that is the thought that in this area of discrimination in employment, as complex as the whole systemic national discrimination is shown to be, it requires an expertness, and it should be centered in one place. There should be one agency of Government which has the sole responsibility to deal with discrimination in employment. Therefore, they become experts in all the complex questions. That is one of the reasons why this fragmentation is sought to be eliminated.

The pattern and practice suits have been effectively handled by the Department of Justice, by the Attorney General.

Mr. ALLEN. In effect is there not an independent counsel there now?

Mr. WILLIAMS. Yes. But here is another problem that is developing. I refer to the heavy burden that creates a degree of inequity and unfairness where people across the country can be subject to investigation and lawsuit from many quarters. We are trying to make a potential respondent—in this area respondent is like a defendant—know he has one place in Government to respond to and not to many. That is one of the basic reasons for bringing pattern and practice suits under the Equal Employment Opportunity Commission where the expert knowledge there resides and to relieve the Nation of the duplication of being in three courts at one time.

Mr. ALLEN. Could not that duplication be avoided by, in effect, making the Justice Department General Counsel for the Commission and leaving the pattern and practice jurisdiction over in the Justice Department and putting the duties of the General Counsel over there? Would it not be the feeling of the employers who have as few as eight people under the bill that there would be more impartiality in the Justice Department than a General Counsel who would be nothing more, in my judgment, than an in-house lawyer?

Mr. WILLIAMS. I think it would be the view of many people that if all the prosecution and judicial decisions went over there it would bring greater deliberateness to the job, and the job might be put off and put off, and it might not get done.

Yes, many employers would like to have it that way, but those who want to see an acceleration of the elimination of discrimination would prefer it this way.

Mr. ALLEN. What has been the record of the EEOC in its 7 years of existence? Has it not accomplished a great deal in removing discrimination?

Mr. WILLIAMS. Well, the number of charges that have been brought has just doubled every year. This year it is anticipated there will be 32,000 charges. Three years ago it was 12,000 charges. Conciliation and agreement between the parties will cover only a fraction of that number of cases.

As it is now, the EEOC has to stop. In so many cases the Commission has to say to those who are having bread taken from the tables of their families, because they cannot get the jobs they are entitled to, "We cannot do anything more. You can pick the whole thing up and take it to the district court."

These days, going to a district court is indeed taking a heavy burden on the individual in the way of time, expense, and the whole long process of reaching a fair decision—a decision, not a fair decision. When he gets it, he will get a fair decision, but to get to a decision in a district court is a long, long, and expensive journey. That is the way it is today.

That is why the committee is suggesting that we bring to the EEOC the tools that will make the promise of equal employment a more real thing. It is as simple as that.

I am particularly pleased that the Senator from Alabama has raised this question and that we have had this colloquy.

Mr. ALLEN. The general counsel would be a part of the same Commission. He would be an integral part of it and would be housed, doubtless, in the same Department and the same building, with the work directed by the Commission. It is difficult for the junior Senator from Alabama to see that there is going to be a great deal of independence on the part of the general counsel.

The point the junior Senator from Alabama wishes to make is that he does not feel this amendment removes the objection to the bill, that the EEOC will in effect will still be prosecutor, judge, and jury, even though this amendment is adopted. It does not accomplish what the proponents of the amendment and what the distinguished manager of the bill seem to feel that it will accomplish, in the humble judgment of the junior Senator from Alabama.

Mr. WILLIAMS. I respectfully, of course, disagree. I do not know whether there is any use in words of assurance from the Senator from New Jersey that the Senator need not fear. I do not know that I am being very persuasive this afternoon to the junior Senator from Alabama, much as I enjoy the opportunity for the RECORD to reflect our colloquy.

Mr. ALLEN. I would like to make one further inquiry. Would the Commissioner's complaint that can be filed under the proposed bill, which would allow him to file a complaint without giving the name of the aggrieved party—more or less an anonymous shot in the dark—continue to be filed by a Commissioner, or would it be filed, if at all, by the General Counsel? What effect would it have on the commissioner's complaint?

Mr. WILLIAMS. The Commissioner's complaint is not included.

Mr. ALLEN. That brings on a little more talk, then, the Commissioner's complaint would not be controlled or governed by the General Counsel. Is that correct?

Mr. WILLIAMS. I do not want to be brief with the Senator. There would no longer be a Commissioner's complaint. The officer or employee of the Commission obviously possessing knowledge of the facts of possible discrimination could make a complaint. Then it would go to the general counsel, who would make the decision for prosecution.

Mr. ALLEN. Where is that provision? Is that provision in the amendment?

Mr. WILLIAMS. Let us review this together.

Mr. ALLEN. The Senator said it would be referred to the General Counsel. The office of general counsel is just now being set up by the amendment.

Mr. WILLIAMS. Let us read together page 55 of the report. Can we read section 706(a) together?

Mr. ALLEN. Yes.

Mr. WILLIAMS. I read:

SEC. 706(a). The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in sections 703 or 704 of this title.

There appears (a) in heavy brackets; (a) comes out and we go to (b):

Whenever it is charged in writing under oath by a . . .

Is stricken out to read:

Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by an officer or employee of the commission . . .

If the Senator is following it closely, he can see that the heavy bracketed parts take out "a member" so the charge is filed by an officer or employee of the Commission. That does not include a member of the Commission.

It is that charge that goes forward, under this amendment, to the General Counsel, and there, as the amendment changes the language on page 38 of the bill, "the commission shall so notify the General Counsel who may issue, and cause to be served on any respondent," and so forth. That brings it together. It is an awkward way to explain it, but it is an accurate way.

Mr. ALLEN. The Senator would not feel that an officer of the Commission, then, could be construed to be a commissioner himself?

Mr. WILLIAMS. He is not a commissioner himself.

Mr. ALLEN. A commissioner is not an officer of the Commission, then, in the judgment of the distinguished Senator?

Mr. WILLIAMS. No. I think our committee records and the record will make that very clear.

Mr. ALLEN. After the complaint is filed with the Commission, if they see fit they turn it over to the General Counsel to determine if there is discrimination from the evidence that they present to him. He makes no investigation on his own. Is that right?

Mr. WILLIAMS. I believe here we will draw on some experience in other agencies. This is not a situation that is sui generis. There are other agencies that do this. He should have, and I am saying he would, if this becomes the method of prosecution, I would think, in making an intelligent decision whether to prosecute the charge, have to satisfy himself beyond or in addition to the material constituting it.

Mr. ALLEN. I understood the Senator to state earlier that the General Counsel would not investigate, but that the investigation would be by the Commission.

Mr. WILLIAMS. The basic investigation is by the Commission.

Mr. ALLEN. And they could turn over to him such evidence as they wanted to turn over?

Mr. WILLIAMS. And then he makes the decision whether to proceed with the prosecution.

Mr. ALLEN. Based on the evidence that they saw fit to lay before him. Is that correct?

Mr. WILLIAMS. That is basically it, but I do not believe there is anything here. I would think that he would have to do or might have to do some inquiry beyond that.

Mr. ALLEN. Yes, but I understood that that was not planned by the amendment, but that he would just pass on what was handed to him.

Mr. WILLIAMS. Well, I would think a reasonable General Counsel in this independent situation, if he had any questions, would go out and make some inquiry himself. That is the way I look at it.

Mr. ALLEN. But the Commission receives these complaints, they make the investigation, they turn the information over to the General Counsel, he may or may not—it seems uncertain—make an independent investigation, and then a complaint is filed by the General Counsel of the Commission with the Commission itself. It comes back to them; is that right? It goes the full circle back to them.

Mr. WILLIAMS. It is brought and filed, and is prosecuted before the Commission.

Mr. ALLEN. Yes. That is what makes it so difficult.

Mr. WILLIAMS. Again, of course, as we have in so many areas of other agencies and departments, it is prosecuted before another independent office, that of the hearing examiner.

Mr. ALLEN. Yes.

Mr. WILLIAMS. And this is time-honored. As long as I have been interested in administrative law, I have had respect for the trial examiner, the hearing examiner. In the Federal Trade Commission, the FCC, all of the agencies have this position, within our system in this country, of a unique, quasi-judicial, independent hearing officer.

Mr. ALLEN. Yes. I was interested in hearing the Senator, though, state that the Commission was not required to turn over to the General Counsel all of the complaints that it receives.

Mr. WILLIAMS. Yes.

Mr. ALLEN. In other words, it sifts the complaints that have been filed, and only where the Commission, one feels, felt that there has been discrimination would they turn it over to the General Counsel to go through the routine of filing a complaint back with the very agency which received the complaint originally, and then the Commission, having received the complaint, having weighed it and decided that it should be turned over to the General Counsel, then puts on another hat and sits, then, as judge of the complaint originally received by it, and then merely turned over to the General Counsel for the drafting of a complaint. That is what makes it so difficult for the junior Senator from Alabama to see where there is any independence, and where the Commission will be other than prosecutor, judge, and jury.

Mr. SCHWEIKER. Mr. President, will the Senator from New Jersey yield to me for the purpose of answering the Senator's question?

Mr. WILLIAMS. I shall certainly yield. I have tried and I have not succeeded in clarification. I am happy to yield to the Senator from Pennsylvania.

Mr. SCHWEIKER. I thank the Senator from New Jersey for yielding.

I should like to point out two things to the distinguished Senator from Alabama. First of all, the independent General Counsel has his own investigative resources.

Mr. ALLEN. That was not made clear in the colloquy.

Mr. SCHWEIKER. May I finish my point? He has his own investigative resources, so that if at any point they want to run a separate investigation, or check the investigators, they have that option. This gives the defendants more right of protection for due process than under the arrangement the Senator is talking about.

We have three steps that have to be gone through here. Each step of the way, someone may decide the defendant is not guilty. From the field office personnel

who look into the case, and to the independent General Counsel's office that decides whether to issue a complaint, to the Commission itself, you have three steps where the defendant has the chance to have the charges "thrown out of court" because the facts are not there. Far from restricting the rights of the defendant, we are giving the defendant more rights, because there are three distinct points where information has to go: First to the field office, then to the independent General Counsel, and then, of course, to EEOC itself, and in the middle step of those three is a totally independent individual who reports to the President. This insures more protection than if you had a straight line authority. It is just like the three branches of our Government, with its checks and balances. I do not see the Senator's point at all. I think the defendant, or respondent as he is called in these proceedings, has three cracks to show he is not guilty if he is really not guilty. I do not think the Senator understands the issue.

Mr. ALLEN. The Senator from Alabama is not making the point that the amendment offered by the distinguished Senator from Pennsylvania does not make the bill more palatable, but it does not make it palatable enough. That is the point I am making. It does not solve the problem of making the Commission other than a prosecutor, judge, and jury.

The distinguished Senator from Pennvania points out that the General Counsel is going to have a bunch of investigators. So we have a bunch of investigators over under the Commission, and they investigate the complaint, and then they turn it over to the General Counsel, who is working hand in glove with the Commission, and his army of investigators investigates it still further, further harassing the employers and the employees, and then, if he agrees with the Commission that there is a valid complaint of discrimination, he will file a complaint, which is to be heard by the very same Commission that received the complaint originally and felt there was enough justification to turn it over to the counsel for prosecution.

The junior Senator from Alabama suggests that the Commission has already prejudged the matter when they turned it over to the General Counsel for the filing of a complaint to be heard by the Commission itself.

Mr. SCHWEIKER. I would like to ask the distinguished Senator from Alabama a question. In the normal course of proceeding, if you give a defendant three times to have an opportunity to be proven not guilty, is that not a fairer system, is it not better for the defendant's right than to give him the opportunity only once or twice? I do not see the Senator's argument. We are giving him three opportunities to show he is not guilty before he is finally judged, and the Senator is complaining about that.

Mr. ALLEN. I will answer the distinguished Senator from Pennsylvania by asking him the same question that I asked the distinguished Senator from New Jersey: Why not leave this authority in the Justice Department, if you want a really independent counsel? Why take the practice and pattern procedure away from the Justice Department and give it to this in-house General Counsel? If you really want independence, why not leave it in the Justice Department, where part of it already is?

Mr. SCHWEIKER. Well, then, of course, we would spread this work into another, larger agency, one more step away from the President. I can answer that very specifically: We would be putting in one more layer of bureaucracy to make a decision when, under our proposal, the independent General Counsel is directly responsible to the President for cases before the EEOC, and therefore, has more authority and independence than if he were even an Assistant Attorney General, going through steps to the President. By giving him a direct presidential appointment for this work, he is insulated from other problems. He does not have to worry about crime prosecutions coming up, about drug prosecutions, or about anything. These are specialized cases and we are giving him more power by giving him the President's ear.

Mr. ALLEN. Do we not already have the Justice Department set up? Why do we have to set up another layer of bureaucracy, as proposed in the Senator's amendment?

Mr. SCHWEIKER. The reason we are changing the whole picture is because we do not think the present pattern is working. The Subcommittee on Employment, Manpower, and Poverty of our full committee, on which I serve with our chairman, the distinguished Senator from New Jersey, recently studied a very important report by the 20th Century Fund, pointing out not only that in many of our central city areas the black youth unemployment rate is 17 or 20 times the white unemployment rate, but also that in many areas when blacks do graduate from high school, when they do have skilled job training, they cannot get the jobs. That is exactly what the 20th Century Fund Task Force showed.

Something is wrong with the system, and we are trying to change it. That is why we are restructuring this procedure, and giving the EEOC stronger enforcement tools.

Mr. ALLEN. Are they going to be aided by putting it in the Office of the General Counsel, rather than in the Justice Department? It is not anywhere now, is it? They do not have cease-and-desist authority, and will not have until this bill is passed, if it ever is passed.

Mr. SCHWEIKER. That is right; it is not anywhere now, and that is our point.

Mr. ALLEN. It is not because it is in the Justice Department; it is because it is not anywhere, is that not right?

Mr. SCHWEIKER. The Government's legal work for equal employment opportunity is in several places now.

Mr. ALLEN. Not on cease and desist. Where is cease and desist authority of the EEOC now?

Mr. SCHWEIKER. Let me answer the Senator's first question before the third question.

The problem I defined is trying to be attacked in three different departments now. We have the EEOC, the Justice Department, and the Office of Federal Contract Compliance in the Labor Department—three separate entities. One objective of this bill is to bring some order out of chaos and to have one responsibility. That is the reason.

That is the first question. What is the next question?

Mr. ALLEN. Is the Senator not, then, splitting it up? The Senator says he wants to put it all in one department. Now he says there is need for a special, separate, independent legal counsel. Is that not in effect splitting up the authority and the power?

Mr. SCHWEIKER. No. The Senator from Alabama again is misconstruing and misinterpreting what we are saying.

Mr. ALLEN. I would be interested in the Senator's answer, then.

Mr. SCHWEIKER. I should like to answer that.

The first thing we are doing, as I pointed out earlier, is to take the fragmented approach we have and put it primarily in one agency, EEOC.

Mr. ALLEN. And then the Senator fragments it again.

Mr. SCHWEIKER. May I answer the question?

Mr. ALLEN. I wish the Senator would.

Mr. SCHWEIKER. If the Senator will let me answer one question at a time, we will get a little further ahead.

I am saying that we are taking the fragmented power from three agencies, putting it in one agency for the sake of efficiency, for speed of handling, to improve the operation of the system. We are also saying that because we are putting new cease-and-desist power in the EEOC, we ought to be sure we protect the rights of the defendants; and to protect the rights of the defendants, we are saying that there are three steps under the cease-and-desist process that somebody has to go through before he is proved guilty.

I see nothing inconsistent, nothing contradictory, nothing in any way opposed to that objective. The distinguished Senator is merely trying to confuse the issue by saying there is, when in fact there is not.

Mr. ALLEN. Does not the Commission eventually serve as judge and jury on the validity of the complaint of discrimination?

Mr. SCHWEIKER. Under the new proposal?

Mr. ALLEN. Yes.

Mr. SCHWEIKER. The EEOC will serve in that way, yes.

Mr. ALLEN. Has it not initiated the complaint, however, by receiving the complaint and then sitting in judgment of the complaint after its investigation, sifting it, and then turning it over to the General Counsel? Has it not already prejudged the issue of discrimination or nondiscrimination?

Mr. SCHWEIKER. No. The Senator is using semantics.

We are separating two different levels of government. There is a regional EEOC office. That office will do the field work and will decide whether to go on from that level. They will make that judgment. That is separate and distinct from the top people who make the final judgment at the other end of the spectrum, the Commissioners in Washington. There are two levels of operations, one making local decisions, funneling infor-

mation and investigating, and the other doing the judicial decision, here in Washington. They are doing two separate things. To say they are all doing the same thing is not an accurate interpretation of what we are proposing.

Mr. ALLEN. In other words, in the Senator's home State there is a great football team, Pennsylvania State——

Mr. SCHWEIKER. The Senator knows my weak point.

Mr. ALLEN. This procedure reminds the junior Senator from Alabama of the procedure in a football game. The Commission receives this complaint originally, it sifts it, it weighs it, it investigates it, it determines there has been discrimination, and it tosses the complaint in a lateral over to the General Counsel. The General Counsel files a complaint with the Commission itself and then tosses the football back to the Commission, which then has the power to judge whether or not discrimination exists.

Is that not a fair analogy?

Mr. SCHWEIKER. Let me begin by saying that the reasoning and logic powers of the distinguished Senator from Alabama improved immeasurably when he talked about the great football team from Penn State. At least we are on the same wavelength and are thinking the same thing. So I concur with that presumption.

Mr. ALLEN. I am talking about the postseason game, not the game with Tennessee.

Mr. SCHWEIKER. We were pretty pleased with the ball game, ourselves.

I agree with the Senator on this point, but I fail to see how that relates to the argument at hand, although I thank him for his compliment.

Mr. ALLEN. The complaint is the football. It is tossed by the Commission over to the General Counsel, and it is tossed, in turn, by the General Counsel back to the Commission, which has already prejudged the matter and which certainly is going to hold that discrimination exists, based on the complaint it had decided initially.

Mr. SCHWEIKER. It is the same football that our Constitution throws from the judicial branch to the legislative branch to the executive branch. That is the fundamental premise on which this country was founded—tossing that football around among the three branches of government.

Mr. ALLEN. It is all over in one branch. It is in the executive branch, is it not?

Mr. SCHWEIKER. But the principle of tossing a football, or balance of powers, was ingrained in our Republic. It is not un-American. It was the whole idea, the way we began, and the way we have continued to shape our laws, even our laws concerning only a specific executive agency.

To answer specifically, the point that the Senator is confusing is that the first step is an investigation. The local level operation at the field office is an investigation; nothing more than that. It is an investigation. In analogy, it is like what a grand jury might decide, and then it goes from the grand jury to the regular jury. This goes from the field office to the General Counsel. There is nothing inconsistent at all.

Mr. ALLEN. And back to the Commission.

Mr. SCHWEIKER. Then it goes upstairs, to the board of directors. Three separate steps protect the rights of the people.

Mr. ALLEN. It gets back, after having prejudged the matter, because it would not turn a complaint over to the general counsel unless it thought that discrimination existed, would it?

Mr. SCHWEIKER. The Senator is confusing two things. He is confusing the fact that he is talking about field investigators——

Mr. ALLEN. That is an arm of the Commission, is it not?

Mr. SCHWEIKER. Not in the matter of judicial judgment, no; only in the matter of investigating.

Mr. ALLEN. That is what they have printed on the door of the office.

Mr. SCHWEIKER. No. I do not agree. This is a matter of the investigation. Then, the top tribunal, the Commission itself, sits in judgment.

Mr. ALLEN. I want to say to the distinguished Senator from Pennsylvania that I am going to support his amendment. All I am saying is that it does not do what the distinguished Senator from Pennsylvania and the manager of the bill claim it will do, to remove the stigma or the onus from the Commission of serving as prosecutor, judge, and jury. That stigma still will be with the Commission after the adoption of this amendment, in my opinion.

Mr. SCHWEIKER. This happens all the time in our legal system. A committing magistrate will send a case to a grand jury for a hearing, and they in turn will send it to still another part of of the judicial system. It is still the same system.

Mr. ALLEN. It would not be the same committing magistrate.

Mr. SCHWEIKER. It is not the EEOC, either. It is the field investigator.

Mr. ALLEN. That is part of the same office.

Mr. SCHWEIKER. No.

Mr. DOMINICK. Mr. President, will the Senator from Alabama yield?

Mr. ALLEN. I am not sure I have the floor.

Mr. WILLIAMS. I yielded to the Senator from Pennsylvania.

Mr. ALLEN. Having assured the distinguished Senator from Pennsylvania that I am going to support his amendment, feeling that it does not go far enough but that it is better than the bill as written, after the amendment is adopted, the junior Senator from Alabama still is going to oppose the bill.

Mr. SCHWEIKER. I thank the distinguished Senator for his support. I was in doubt for some time that this support was forthcoming.

Mr. ALLEN. The Senator from Pennsylvania has convinced the junior Senator from Alabama of the wisdom of his amendment, as far as it goes.

Mr. SCHWEIKER. Alabama has a pretty good football team, too.

Mr. ALLEN. I agree—two great teams in fact—Alabama and Auburn—I thank the Senator.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

Mr. SCHWEIKER. I yield.

Mr. DOMINICK. I listened to this colloquy with a good deal of interest, once we got past the football range.

It struck me that the Senator from Alabama struck the key point in this matter, and that is that the EEOC, no matter how you slice it, under the bill as it is presently worded, writes most of the rules and regulations, acts as an investigator as to whether the rules are being complied with, acts as a prosecutor in presenting rule violations to the commission. Finally the commission acts, under adjudicatory powers given it under this bill, to decide whether or not its own personnel have acted properly.

It strikes me that one agency cannot shift hats to four independent functions rapidly enough to guarantee the necessary impartiality.

I want to assure the Senator from Alabama that I intend to offer my amendment, which has been printed, which would have the effect of denying the Commission cease-and-desist powers but empowering them to go to the Federal district court to determine whether any employment discrimination has occurred. I would think that this basic philosophy would be just as viable with the creation of an independent counsel as it would be without it, because the independent counsel—as I understand it from reading Senator SCHWEIKER's amendment, would have the power—when combined with my amendment—to be able to prosecute those cases before the Federal district court. Is that correct?

Mr. SCHWEIKER. For the Federal district court?

Mr. DOMINICK. Yes. If my amendment were adopted.

Mr. SCHWEIKER. "Your" amendment? You are not talking about mine?

Mr. DOMINICK. If we adopt your amendment, the General Counsel as then created would be the agency which would then prosecute these cases before the Federal district court.

Mr. SCHWEIKER. If we adopt your amendment? You are not talking about mine?

Mr. DOMINICK. Well, if yours and mine were combined——

Mr. SCHWEIKER. I must say that I pretend to be knowledgeable on my amendment, but will the Senator explain his amendment because I am not familiar with it.

Mr. DOMINICK. My amendment is simple. The Senator is familiar with it because I offered it in committee. What it would do would be to give true EEOC power to proceed to Federal district court on legitimate, unreconcilable disputes for resolution rather than through cease-and-desist orders issued by the Commission. Under such cases, the General Counsel would then be the one to prosecute that case before the Federal district court.

Mr. SCHWEIKER. As I understand the Senator's amendment, from what he has just said, if the amendment is adopted, there would seem to be far less need to have an independent General Counsel. The Senator's amendment would substitute for our EEOC hearing procedures, trials in a district court. This, by nature

of the judicial system, would eliminate practically all need for an independent legal counsel within the EEOC, since the court system would take over that level.

Mr. DOMINICK. My amendment would take over at the level where conciliations fail but so far as the actual prosecution is concerned on the question of whether an unlawful employment practice occurred, the independent General Counsel would handle that on behalf of the Commission, would he not?

Mr. SCHWEIKER. There would be far less need, because we would then have the full judiciary system at the trial level and most everywhere else where this is operating, there is much less need for an independent General Counsel. It is only utilized in areas where an agency is supplanting the trial court level with its own proceedings, such as in the NLRB.

Mr. DOMINICK. Let me ask the Senator from Pennsylvania——

Mr. SCHWEIKER. Let me ask the Senator from Colorado what instances there are the Senator cites in Government where we have an independent General Counsel in an agency and still go to the district court for trial-level proceedings.

Mr. DOMINICK. In this particular case, since we provide for a review by the circuit court of appeals within the bill, I would presume the independent legal counsel would also coordinate with the Attorney General's Office in representing the Commission before the circuit court of appeals.

Mr. SCHWEIKER. That is correct.

Mr. DOMINICK. If he is doing it, could he not easily and as properly handle it before the district court as he would before the circuit court of appeals?

Mr. SCHWEIKER. Yes, but I do not think the need would be as urgent or as pressing if we adopt my colleague's amendment.

Mr. DOMINICK. I understand that the Senator from Pennsylvania is opposed to my amendment. I understand that fully. What I am trying to say is that it would seem to me the independent legal counsel is not necessarily contrary to what I am trying to do in my amendment. They would appear on behalf of the Commission before the Federal District Court.

Mr. SCHWEIKER. I want to say to the distinguished Senator that I do not think it is antagonistic. I do not mean to imply that it is, but it would be far diminished under your proposal as it would be under mine. I do not think they are necessarily antagonistic.

Mr. DOMINICK. That is interesting. Would the Senator from Pennsylvania object at this point if we had a brief quorum call?

Mr. SCHWEIKER. No.

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

The PRESIDING OFFICER (Mr. SAXBE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BELLMON. 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. BELLMON. Mr. President, I rise to introduce a bill relating to the transportation——

Mr. BYRD of West Virginia. Mr. President—Mr. President, I demand the regular order.

The PRESIDING OFFICER. The regular order is called for.

Mr. BYRD of West Virginia. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SCHWEIKER. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SCHWEIKER. Mr. President, I ask unanimous consent that the name of the distinguished Senator from Kentucky (Mr. COOPER) be added as a cosponsor of my amendment.

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

Mr. SCHWEIKER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from California (Mr. CRANSTON), the Senator from Louisiana (Mr. ELLENDER), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Maine (Mr. MUSKIE), and the Senator from Rhode Island (Mr. PELL) are necessarily absent.

I further announce that the Senator from Alabama (Mr. SPARKMAN) and the Senator from Illinois (Mr. STEVENSON) are necessarily absent.

I also announce that the Senator from Utah (Mr. MOSS), the Senator from California (Mr. TUNNEY), and the Senator from Hawaii (Mr. INOUYE) are absent on official business.

On this vote, the Senator from Illinois (Mr. STEVENSON) is paired with the Senator from Louisiana (Mr. ELLENDER).

If present and voting, the Senator from Illinois would vote "yea" and the Senator from Louisiana would vote "nay."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. CRANSTON), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

The Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senator from Alaska (Mr. STEVENS) is absent on official committee business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Delaware (Mr. BOGGS), the Senator from Tennessee (Mr. BROCK), and the Senator from South Carolina (Mr. THURMOND) are detained on official business.

If present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Illinois (Mr. PERCY), the Senator from Ohio (Mr. TAFT), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 67, nays 0, as follows:

[No. 2 Leg.]

YEAS—67

Aiken	Fannin	Montoya
Allen	Fong	Nelson
Anderson	Fulbright	Packwood
Baker	Gambrell	Pastore
Beall	Goldwater	Pearson
Bellmon	Griffin	Proxmire
Bennett	Gurney	Randolph
Bentsen	Hansen	Ribicoff
Brooke	Hollings	Roth
Burdick	Hruska	Saxbe
Byrd, Va.	Hughes	Schweiker
Byrd, W. Va.	Humphrey	Scott
Cannon	Javits	Smith
Case	Jordan, Idaho	Spong
Chiles	Kennedy	Stafford
Church	Long	Stennis
Cooper	Mansfield	Symington
Curtis	Mathias	Talmadge
Dole	McClellan	Tower
Dominick	McGee	Williams
Eagleton	Metcalf	Young
Eastland	Miller	
Ervin	Mondale	

NAYS—0

NOT VOTING—33

Allott	Harris	Mundt
Bayh	Hart	Muskie
Bible	Hartke	Pell
Boggs	Hatfield	Percy
Brock	Inouye	Sparkman
Buckley	Jackson	Stevens
Cook	Jordan, N.C.	Stevenson
Cotton	Magnuson	Taft
Cranston	McGovern	Thurmond
Ellender	McIntyre	Tunney
Gravel	Moss	Weicker

So Mr. SCHWEIKER's amendment (No. 797) was agreed to.

Mr. HUMPHREY. Mr. President, I support the Equal Employment Opportunities Act, S. 2515, as reported by the Committee on Labor and Public Welfare.

The time has now come when we must firmly establish and guarantee the protections provided for under title VII of the Civil Rights Act of 1964. No longer can we permit millions of American citizens—women, blacks, Indian Americans, the Spanish speaking, and other minority groups—to continue suffering the indignities and injustices of discrimination in employment. No longer can we be content with a conciliatory approach to the resolution of complaints of civil rights violations committed against any American

who wants a job or who seeks advancement to a position for which he or she is fully qualified. Nor, in the protection of these civil rights, can we now be satisfied with any enforcement procedure wherein the delay of justice means the denial of justice.

The experience of the past 7 years has shown us that by failing to provide the Equal Employment Opportunity Commission with effective enforcement powers, we established an agency under the 1964 Civil Rights Act which has been very successful in ferreting out the existence of discrimination, and pointing out to us how widespread and entrenched this discrimination is, but which has not been able to provide effective relief to eliminate this discrimination.

Our original view that employment discrimination consists of a series of isolated incidents has been shattered by evidence which shows that employment discrimination is, in most instances, the result of deeply ingrained practices and policies which frequently do not even herald their discriminatory effects on the surface. The EEOC has stressed many times that much of what we previously accepted as sound employment policy does, in effect, promote and perpetuate discriminatory patterns which can be traced back to the Civil War and earlier.

The facts speak for themselves. This Nation's minorities and women continue to be treated like second-class citizens. Their ability to obtain jobs, their ability to advance in these jobs, to receive the same wages as are received by the dominant segment of society, and their higher rate of unemployment continues to indicate the disparate treatment which we accord this segment of our society.

Despite progress over the past decade in America in overcoming disparities in economic position resulting from discrimination, we are still left today with a median-income gap between Negro and white families of $3,957. And the gap is even wider for Spanish-speaking families, whose median income in 1969 was $5,641. The unconscionable discrimination in salary levels for women for the same jobs as are done by men—women scientists who must accept a median salary that is $3,200 less than for their male counterparts, or women factory workers whose median earnings are $2,747 below those of male workers—is compounded by the all-too-frequent denial of opportunity for women to advance to higher paying positions.

And yet, in title VII of the Civil Rights Act of 1964, we have specifically prohibited all discrimination on the basis of "race, religion, color, sex, or national origin."

Mr. President, I submit that we have failed to achieve this goal. The EEOC has documented the persistence of employment discrimination. The Chairman of that Commission has told us that during the last 6 years, the EEOC has received approximately 81,000 charges of discrimination. And the number of charges has been increasing each year. For example, during fiscal year 1970, 14,129 charges were filed with the Commission. In fiscal year 1971, this number rose to 22,920 charges, and the Commission estimates that during the current fiscal year it will receive more than 32,000 charges. Too often, employers have been unwilling to accept the Commission findings where violations are shown, and as a result, the Commission's efforts at conciliation have been ineffective in the vast majority of cases.

The final result of this has been that while we have provided the framework for the elimination of employment discrimination in enacting title VII of the Civil Rights Act, we have not provided the means by which this aim is to be achieved.

During the last Congress, the Senate adopted S. 2453, a bill very similar to the present committee bill, S. 2515, and which would have remedied the present defects in title VII. However, the House failed to act on that measure before the end of its term. This year, however, the House has already acted in this area, and the responsibility now rests with the Senate to insure the civil rights guarantees of title VII.

I would like to note briefly some of the major provisions of S. 2515, and explain why this bill would provide the most effective enforcement procedure for the implementation of title VII.

S. 2515 provides that the EEOC shall be granted administrative cease and desist enforcement powers by which it will be able to issue enforceable orders in cases where violations of the law are established. By this grant, S. 2515 would establish the EEOC with the same kind of enforcement provisions currently granted to most Government agencies and generally recognized as the basic administrative enforcement mechanism.

It is now an admitted fact that title VII litigation is as complex and as subtle as any of the other specialized areas of law presently administered by other Federal agencies. Judicial awareness of the complexity is evident in statements by the courts both in the granting of liberal attorney's fees for title VII lawyers and in allotting the amount of time required to resolve title VII claims. It has become obvious that title VII litigation requires specialized knowledge and expertise. The one agency which has the necessary experience and expertise to deal with the multitude of issues and variations of employment discrimination is the EEOC. Through its experience of the past 6 years, it has developed an experienced staff and a wealth of information which provides the expertise needed to deal with the various aspects of employment discrimination. The courts, while recognizing that the EEOC has no enforcement powers, have nonetheless acknowledged the agency's qualifications and have frequently stated that EEOC opinions are entitled to great weight in subsequent judicial interpretations, and many a case has been decided on the basis of the arguments presented by EEOC attorneys in amicus briefs filed with the courts.

Moreover, the administrative process foreseen by S. 2515 will provide for an inexpensive, efficient, and expeditious means for adjudication for both complainants and respondents. When a charge is received by the Commission, it will retain its present procedures of attempting to secure voluntary compliance. If this should fail, however, and it is the opinion of the Commission that a violation may be present which should be resolved, it will then submit the case to a hearing examiner. He will then conduct, under the provisions of the Administrative Procedures Act, an administrative hearing on the case, will receive evidence, will allow for the examination of witnesses, and will, after the entire case has been presented, make a determination on the facts.

In addition, if either party feels that the hearing has not properly adjudged the facts, then an appeal may be had to the appropriate U.S. court of appeals. I believe the due process provisions of this bill, and an appropriate separation of functions in the administrative process, can effectively assure that the rights of the respondent are fully protected.

This use of the administrative process will expedite the resolution of title VII claims, will guarantee to all parties fair and impartial adjudication of their claims, and will at the same time relieve the courts of the necessity to entertain the ever-increasing number of title VII suits. At the same time, the voluntary settlement of claims will be stimulated. Information available from other Federal agencies with cease-and-desist powers, and from State fair employment practice agencies, shows that the vast majority of cases do not require resort to the hearing process, but are settled voluntarily.

S. 2515 also provides for an expansion of title VII jurisdiction to include all employers, employment agencies and labor organizations with eight or more employees or members, as well as employees of State, county, and local governments, and all employees of educational institutions. The need to expand title VII in these areas is clearly established. As stated by the Chairman of the EEOC in testimony before the committee this year, discrimination should be attacked wherever it is found, and the small business is no less likely to be free from discrimination than the large corporation. The avowed purpose of title VII is the elimination of all vestiges of employment discrimination in the country. Accordingly, employers with fewer than 25 employees, the current jurisdictional minimum, should be subject to the same controls applied to the other segments of business.

Coverage of State and local employees is another area where the existence of employment discrimination has been noted but no adequate remedy has been available. The presence of discrimination in State and local governments has been well documented by the U.S. Commission on Civil Rights in two extensive studies done during the past 2 years. And yet the protection of title VII available to the other segments of society have been denied State and local employees.

This situation is in clear conflict with our concept of government. Democracy is government by the people and for the people—all the people. That fundamental principle must be seen in government itself if it is to be believed. I feel that local governments, which most affect the daily lives of every citizen in the particular community, should be fully com-

mitted to maintaining equal employment opportunity. Any failure to promote this goal at the level of the State and local government can do nothing but breed discontent, mistrust, and harsh cynicism toward the entire process of government.

It is in this respect that S. 2515 extends the protections of title VII to all State and local employees. However, the bill does recognize the sovereign characteristics possessed by States, and accordingly does not extend the administrative process of the EEOC to them. Rather, if a charge against a State or local governmental agency is received by the EEOC, it will investigate that charge and attempt to conciliate. If it should fail, it will then submit the complaint to the U.S. Department of Justice where further legal action may be instituted by that Department. If the Justice Department decides not to act on a complaint, the individual would still have the opportunity to pursue his claim in court.

However, we cannot expect the advancement of equal employment opportunity in State and local governments to occur without establishing a firm example of Federal leadership at the forefront of this effort. The report of the Senate Committee on Labor and Public Welfare states this case with exceptional clarity:

> The federal government, with 2.6 million employees, is the single largest employer in the nation. It also comprises the central policy-making and administrative network for the nation. Consequently, its policies, actions, and programs strongly influence the activities of all other enterprises, organizations and groups. In no area is government action more important than in the area of civil rights.

That is why I regard as of great importance the provisions in the bill giving expanded authority to the Civil Service Commission to eliminate discrimination in Federal employment, and expressly granting to Federal employees a right of private action to obtain relief from such discrimination.

We cannot be satisfied with reports of progress when minorities, representing almost one-fifth of Federal employment, are concentrated in the lower civil service grade levels, and when over three-fourths of the 665,000 women working for the Federal Government have positions below the level of GS-7.

The corrective remedies authorized in S. 2515 go beyond existing Executive order policy pronouncements to get at the real problems of discriminatory practices and effects that are institutional and regional in nature, more than they are the result of private, intentional wrongs.

Serious inadequacies are clearly present in existing Federal employee discrimination complaint procedures, in the credentials associated with civil service selection and promotion techniques and requirements, in procedures to assure bona fide plans and efforts by Federal agencies to accomplish actual results in the promotion of equal employment opportunity, and in the prohibition of employment discrimination at regional and local Federal installations as well as at national offices in Washington, D.C.

There can be no further delay in opening the higher civil service grades to women and minority groups. We must make absolutely clear the obligation of the Federal Government to make all personnel actions free from discrimination based on race, color, sex, religion, or national origin.

The Equal Employment Opportunities Enforcement Act requires the fulfillment of this obligation. But it also provides for affirmation action to place the same obligation at the door of our educational institutions, employing some 2.8 million teachers and professional staff members and another 1.5 million nonprofessional staff members. In removing the existing exemption of employees of educational institutions from the protection of title VII of the Civil Rights Act of 1964, S. 2515 stipulates that they, too, must be provided an effective Federal remedy to overcome employment discrimination.

Discrimination in America's educational institutions has been well publicized in some of the most famous civil rights cases decided by the courts and in daily articles in the Nation's newspapers. I can find no reason why these institutions should enjoy a special immunity in their employment practices. There is nothing in title VII to suggest that employment in educational institutions is any different from employment anywhere else. If anything, it is our schools which most affect the future development of this country, and should, accordingly, be the leaders in equal opportunity in all respects.

S. 2515 also improves the effectiveness of equal employment opportunity enforcement by consolidating the administration of enforcement functions in one agency. The bill transfers the functions of the Office of Federal Contract Compliance to the EEOC, and over a period of 2 years, also transfers the "pattern or practice" enforcement functions administered by the U.S. Department of Justice to the EEOC. Currently, the Secretary of Labor, through the Office of Federal Contract Compliance, monitors, coordinates, and evaluates the Government-wide contract compliance program and supervises the compliance activities of the 15 Federal contracting agencies.

I am firmly convinced that a single agency must be made responsible for the enforcement of all Federal equal employment opportunity programs. We must eliminate the confusion between policy directives from various Federal agencies, duplicate investigations conducted by several agencies on the same issue, and the maintenance of different sets of statistics and guidelines.

The ultimate transfer of the "pattern or practice" enforcement function from the Justice Department to the EEOC, after 2 years, will similarly consolidate enforcement of civil rights claims. While during the first 2 years after the enactment of the present legislation, the EEOC will have the concurrent power to bring "pattern or practice" claims under its administrative remedies, its ability to do so effectively may be affected by the need to expand its staff, reorganize its structure, and establish effective procedures to deal with the new enforcement provisions. Given a period of adjustment of 2 years, however, I feel that it will then be in a position to handle all claims that are presented to it, and there will no longer be a need for a parallel enforcement system in the Department of Justice.

I strongly urge all Members of the Senate to support the Equal Employment Opportunities Enforcement Act, S. 2515. While the passage of 6 years since the defects of title VII became apparent is an inordinately long period of time in which to correct the shortcomings of the original act, our prompt and favorable action now will firmly reestablish the primacy of equal employment opportunity as a national goal and a basic right, effectively guaranteed, of every American citizen.

RECESS SCHEDULE FOR THE SECOND SESSION OF THE 92D CONGRESS

Mr. MANSFIELD. Mr. President, will the Senator yield briefly?

Mr. SCHWEIKER. I yield.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a recess schedule for the second session of the 92d Congress.

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

Lincoln's Birthday (Saturday, February 12)—From conclusion of business Wednesday, February 9, until Noon, Monday, February 14.

Easter (Sunday, April 2)—From conclusion of business Thursday, March 30, until Noon, Tuesday, April 4.

Memorial Day (Monday, May 29)—From conclusion of business Friday, May 26, until Noon Tuesday, May 30.

Democratic Convention and July 4—From conclusion of business Friday, June 30, until Noon, Monday, July 17.

Republican Convention—From conclusion of business Friday, August 18, until Noon, Monday, August 28.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

AMENDMENTS NO. 611

Mr. DOMINICK. Mr. President, I call up my amendments No. 611 and ask that they be made the pending business.

The PRESIDING OFFICER. The clerk will read the amendments.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Colorado (Mr. DOMINICK) proposes amendments identified as No. 611.

Amendments No. 611 are as follows:

On page 33, after line 24, insert the following:

"SEC. 4. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (78 Stat. 258; 42 U.S.C. 2000e-4) is amended to read as follows:

"'(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to recommend institution of appellate proceedings in accordance with subsection (j) of this section, as redesignated by section 4(d) of the Equal Employment Opportunities Enforcement Act of 1971, when in the opinion of the Commission such proceedings would be in the public

interest, and to advise, consult, and assist the Attorney General in such matters.'

"(b) Subsection (h) of section 705 of such Act is amended to read as follows:

"'(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, except that the Attorney General shall conduct all litigations to which the Commission is a party in the Supreme Court or in the courts of appeals of the United States pursuant to this title. All other litigation affecting the Commission, or to which it is a party, shall be conducted by the Commissioner.'"

On page 34, beginning with line 1, strike out through the end of the parenthetical in line 3 and insert in lieu thereof:

"(c) Subsections (a) through (e) of section 706 of such Act."

On page 38, beginning with line 7, strike all through line 7, page 50, and insert in lieu thereof the following:

"(f) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d), the Commission has been unable to obtain voluntary compliance with this Act, the Commission may bring a civil action against the respondent named in the charge. If the Commission fails to obtain voluntary compliance and fails or refuses to institute a civil action against the respondent named in the charge within one hundred and eighty days from date of the filing of the charge, a civil action may be brought after such failure or refusal within ninety days against the respondent named in the charge (1) by the person named in the charge as claiming to be aggrieved or (2) if such charge was filed by an officer or employee of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) of this section or further efforts of the Commission to obtain voluntary compliance."

On page 50, beginning with line 8, strike all through line 19, and insert in lieu thereof the following:

"(d) (1) Subsections (f), (h), (i), (j), and (k) of section 706 of such Act, and all references thereto, are redesignated as subsections (h), (j), (k), (l), and (m), respectively.

"(2) Subsection (g) of such section 706 is redesignated as subsection (i), and a new subsection (g) is inserted as follows:

"'(g) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.'

"(e) Subsection (i) of section 706 of such Act, as redesignated by paragraph (2) of section 4(d) of this Act, is amended to read as follows:

"'(i) If the court finds that the respondent has engaged in or is engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.'"

On page 56, beginning with line 7, strike all through line 19.

On page 56, line 20, strike out "SEC. 8" and insert in lieu thereof "SEC. 7".

On page 60, beginning with line 3, strike all through line 9, page 61.

On page 61, line 10, strike out "(h)" and insert in lieu thereof "(f)".

On page 61, line 13, strike out "SEC. 9" and insert in lieu thereof "SEC. 8".

On page 62, line 18, strike out "SEC. 11" and insert in lieu thereof "SEC. 10".

On page 65, line 21, strike out "(q)".

On page 65, strike out lines 23 and 24.

On page 65, line 25, strike out "(e)" and insert in lieu thereof "(d)".

On page 66, line 6, strike out "SEC. 12" and insert in lieu thereof "SEC. 11".

On page 66, line 14, strike out "SEC. 13" and insert in lieu thereof "SEC. 12".

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for a unanimous consent request?

Mr. DOMINICK. Yes, if the Senator will wait just a moment.

Mr. BYRD of West Virginia. Yes.

Mr. DOMINICK. Mr. President, this amendment is proposed on behalf of myself, Mr. BAKER, Mr. BROCK, Mr. BUCKLEY, Mr. ERVIN, Mr. FANNIN, Mr. HOLLINGS, and Mr. TOWER.

I ask unanimous consent that the names of Messrs. DOLE, HANSEN, BENTSEN, and GOLDWATER be added as cosponsors.

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

Mr. DOMINICK. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, it should be stated for the RECORD that the time consumed on the rollcall was 20 minutes. It was thought best that, on this first rollcall, we not proceed in accordance with yesterday's unanimous-consent request limiting rollcall votes to 15 minutes, but that 20 minutes be allowed in this instance so that all Senators would have ample notice that on each rollcall from today forward during the remainder of this session, there will be only 15 minutes on each rollcall, the warning bell to be rung at midpoint, or at the 7½ minute mark.

ORDER FOR ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, may I ask the distinguished Senator from Colorado, the author of the pending amendment, as to whether or not he anticipates a rollcall vote on his amendment today?

Mr. DOMINICK. Mr. President, in answer to the inquiry of my friend from West Virginia, I do not anticipate even a long debate today. I thought I would just put the amendment in and give a brief introductory statement on it, and then take it up at some length tomorrow. It is my hope that we could vote on it on Monday, as opposed to tomorrow, if that would be satisfactory with the leadership.

Mr. BYRD of West Virginia. If I may respond on behalf of the majority leader, it is the hope of the leadership that we can proceed as expeditiously as possible, and I know I am speaking for the distinguished manager of the bill in expressing the hope that we will not delay action on the pending bill one way or the other overly long.

This bill will likely be followed by the Higher Education Act, with the Foreign Aid bill coming along. We have the Welfare Reform bill, and we have other very important legislation, and we do not want to delay too long. However, the Senator's wishes will be considered, and certainly we are to understand, as I gather from what he has just said, that there will not be final action on his amendment today.

Mr. DOMINICK. That is correct.

Mr. BYRD of West Virginia. Then may I ask if there is any Senator who has an amendment which he would be willing to call up this afternoon following the statement by the distinguished Senator from Colorado, in the event that unanimous consent could be obtained to temporarily set that amendment aside? I see no indication of such, so I assume there will be no further rollcalls today. I thank the able Senator from Colorado.

Mr. DOMINICK. I thank the distinguished Senator from West Virginia.

Mr. President, as far as my colleagues are concerned, I should say that I am going to give just a brief explanation today, perhaps engage in a little colloquy with the Senator from New Jersey if he cares to, and then go into the matter at more length with a number of Senators who want to speak on this particular issue tomorrow. I say the matter needs some extended discussion, because I think we are dealing with perhaps the most important single issue in the complete bill. The issue really is whether we should put into one executive agency the powers to make rules, the powers to investigate whether or not those rules are being abided by, the powers to charge violations of those rules, and then the powers to decide whether or not the violations are in fact in existence, and if they are, to issue appropriate judicial orders.

We used to have a word for this in the old English common law. They used to call it a Star Chamber proceeding, where one person or one group would have the power to issue the rules, decide whether there has been a violation, and then impose the punishment. That is exactly what the cease-and-desist procedure would do.

It seems to me it is far more beneficial, from an overall governmental policy standpoint, to separate these functions just as we have them in the three branches of government under the federal system. Second, it also seems to me that, looking at it from the point of view of those who feel that they have been discriminated against, they are going to get a much more objective hearing before the courts than they would before this particular body, the EEOC, and that they will get a much more expeditious hearing. As I believe, has probably been pointed out already by the distinguished manager of the bill, the EEOC now, without cease-and-desist authority and without the additional coverage provided by this bill, is 32,000 cases behind, with over a 20-month backlog, in determining and resolving unlawful employment practices. I do not care who it may be, or how long they may have been claiming discrimination, if they have to wait 20 months before they even find out whether or not the Commission feels that the charge is valid, all one can say is that justice delayed is justice denied.

The average backlog of the Federal district courts at the present time is about 12 months. So my amendment would immediately speed the process of justice up by 8 months by transferring these matters to the Federal district courts, rather than keeping them within the Commission, even if there were no additional employees put within the jurisdiction of the Commission.

We have, however, greatly enlarged the Commission's jurisdiction. We are adding approximately 10.1 million State and local employees, 6.5 million private employees of small employers, and 4.3 million educational employees. Thus, we are talking about an expanded coverage of approximately 21 million potential aggrieved.

Interestingly enough, there has been a trend in recent EEOC investigations concerning alleged discriminatory cases involving sex discrimination. Are women being given unfair treatment or, conversely, are they being given preferential treatment? In either situation, the person who feels aggrieved has charged sex discrimination and is bringing these cases before the EEOC at the present time. Additionally, there will be the need, under cease-and-desist powers if they are left in the bill, for the training of hearing examiners who will have to set up special courts or special hearing rooms within the Commission. These hearing examiners will need to be trained in the subtleties of what is or is not discrimination. It will take almost 2 years to get the necessary number of trained people on board in order to accomplish these demands. Each one of these factors, as I see it, simply adds to the problems of discrimination in employment and frustrates the resolution thereof.

One thing that I think all of us in this body, regardless of who we are, would like to get rid of is discrimination, particularly when it involves something as essential as someone's livelihood. My feeling, which is concurred in by a great number of knowledgeable Senators, is that we can overcome employment discrimination much better by utilizing our existing Federal district courts, which are free from political patronage, which are free from the subtleties of political winds that occur when an administration changes course or a new administration comes in, and consequently can handle these matters on the same objective, fair basis that the Federal district courts have been handling cases before them of all kinds for a long period of time.

There is a kind of simplistic argument that has been given, a kind of sloganeering against this amendment, wherein it is alleged that my amendment is anticivil rights, and that it is anti the intents and purposes of the original EEOC bill, neither of which could be further from the truth.

What I am trying to do is to find a mechanism whereby the EEOC can initiate prompt enforcement in an impartial tribunal that guarantees the protection of all constitutional rights to all parties and to do it as soon as possible after conciliation has not worked and where the charge seems legitimate.

I reiterate that my amendment is not contradictory to the independent general counsel amendment which has just been adopted unanimously by the Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

Mr. DOMINICK. I yield.

Mr. BYRD of West Virginia. Would the distinguished Senator be willing to enter into an agreement at this time with respect to a limitation of time on his amendment, the time to begin running on Monday—say, one hour and a half on the amendment, to be equally divided, with the one hour and a half to begin running at 11:30 a.m., and with a vote to occur on the amendment at 1 p.m.?

Mr. DOMINICK. The Senator from Colorado would have no objection to that. In fact, I think it is a good suggestion. It gives us a time certain, and it also gives us some time on Monday as well as tomorrow in order to get into this amendment.

ORDER FOR ADJOURNMENT FROM FRIDAY, JANUARY 21, UNTIL 11 A.M., MONDAY, JANUARY 24, 1972

Mr. BYRD of West Virginia. Mr. President, I have discussed this proposal with the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS). I therefore propound the following request:

I ask unanimous consent that when the Senate completes its business tomorrow, it stand in adjournment until 11 a.m. on Monday next.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, following the recognition of the two leaders, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, the period not to extend beyond 11:30 a.m.

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

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The Senate continued with the consideration of the bill (S. 2515) a bill to further promote equal employment opportunities for American workers.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of morning business on Monday next, at 11:30 a.m., the amendment by the Senator from Colorado (Mr. DOMINICK) which is now pending, be laid before the Senate.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on that amendment then begin running; that there be a limitation of 1 hour and a half on the amendment; that the time be equally divided between the distinguished mover of the amendment, the Senator from Colorado (Mr. DOMINICK), and the distinguished manager of the bill, the Senator from New Jersey (Mr. WILLIAMS); that time on any amendment in the second degree be limited to 30 minutes, to be equally divided between the mover of the amendment in the second degree and the distinguished manager of the bill; that at the conclusion of the time on the amendment or any amendments thereto, a vote occur on the Dominick amendment.

Mr. DOMINICK. Mr. President, reserving the right to object, for the sake of clarification, let us suppose we have the hour and a half. It is all right if no amendments are offered. But suppose an amendment is offered to this amendment. What happens to the time when we vote, then, on the principal amendment?

Mr. BYRD of West Virginia. The vote on the principal amendment would not be reached until the amendment in the second degree had been disposed of.

Mr. DOMINICK. Then, I have no objection; and I ask for the yeas and nays on the principal amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the unanimous-consent request of the Senator from West Virginia is agreed to.

Mr. BYRD of West Virginia. Mr. President, according to the way I phrased the request, a tabling motion with respect to the amendment of the Senator from Colorado would not be in order.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. DOMINICK. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia subsequently said: Mr. President, in order that any and all eventualities may be provided for, I ask unanimous consent that time on any motion, appeal, or point of order with respect to the amendment of the distinguished Senator, or any amendments in the second degree, with the exception of nondebatable motions, be limited to 20 minutes, to be equally divided between the mover of such and the distinguished manager of the bill.

The PRESIDING OFFICER (Mr. FANNIN). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I express the hope again, on behalf of the leadership, that on tomorrow other Senators may be prevailed upon to call up other amendments, so that progress can be made. In that event, of course, we would attempt to obtain unanimous consent to set the pending amendment aside temporarily.

Mr. WILLIAMS. This unanimous-consent agreement would not preclude a motion to table in the second degree?

Mr. BYRD of West Virginia. It would not preclude a motion to table an amendment in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMINICK. Mr. President, to continue the brief statement I was making before our unanimous-consent requests were proposed and agreed to, some people have been saying that my amendment is antiemployee or anti-civil rights. If you go along with that kind of reasoning, what you really have to say is that the Federal District Courts are antiemployee or anti-civil rights; and obviously this is just plain absurd. Consider, for a moment, where the minorities in this country would be without the monumental court decisions which have recognized and protected their rights in education, in public accommodations, in housing, in voting, and in equal employment.

I must say, in my own defense, having voted for every civil rights piece of legislation since I have held public office, that it is highly unlikely that I would be offering something which would constitute any kind of discriminatory action against the minorities in this country. So I think we can dispose of that allegation briefly, with that quick statement.

Also the implication has been made—that the aggrieved employee will not receive justice in the United States District Court; and this, of course, is equally absurd. Let me say a few things by way of background on this.

Mr. WILLIAMS. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS. I am the manager of the bill, and I am opposed to the amendment, but those are two arguments that this Senator would never use.

Mr. DOMINICK. I fully understand that, and I was not implying that the manager of the bill had. Some much less responsible people have been circulating such implications. I just wanted that cleared up completely.

Mr. WILLIAMS. I wanted early clarification of that.

Mr. DOMINICK. During the process of our committee hearings on this matter, I brought up, in the case of State and local employees, the problems inherent in a situation where one executive agency of Government is put into a position to issue injunctive orders against State and local employees and governments. It would be a really ironic situation, it strikes me, that if we established an agency designed to help minorities, we should suddenly find the same agency entitled to step into every local and State governmental system in the country and say: "Cease and desist. You cannot do what you have been doing in the past, and we are going to investigate your personnel hiring policies from here on out."

That, to me, would be wrong. I pointed out that there might be some kind of collusion here between the EEOC and the Justice Department so, with the consent of the remainder of the committee, we changed the language to say that EEOC cease-and-desist orders will not apply to State and local employees, but that enforcement of alleged grievances will occur through complaints filed in the Federal court system by the Attorney General's office. Then we examined the Federal employee situation and I pointed out again that we were creating an agency czar in the EEOC which could determine personnel policies in all the other Federal agencies of the Government. I doubted the wisdom of creating such an ominipotent agency. After some discussion on this, and with the decided aid and assistance of one of my good friends, Clarence Mitchell of the NAACP, we were able to work out an agreement whereby a Federal employee who feels he is discriminated against can go through his agency, and if he is still dissatisfied, he is empowered to bring suit in Federal court or through the existing Civil Service Board of Appeals and Reviews to Federal court. So on two of the major groups of employees covered by this legislation; namely, State and local employees on the one hand, and Federal employees on the other, the committee itself agreed to grievance remedy procedures through the Federal district courts; yet with the private employee they say, "No, you cannot have that. We will have an agency that can do it all by itself." That is discrimination in and of itself, right within the bill; and it strikes me that one of the first things we have to do is at least to put employees holding their jobs, be they government or private employees, on the same plane so that they have the same rights, so that they have the same opportunities, and so that they have the same equality within their jobs, to make sure that they are not being discriminated against and have the enforcement, investigatory procedure carried out the same way.

I do not see the difficulty in that concept. So I would say once again that any thought that this amendment is antiemployee or anti-civil rights is plain ridiculous.

I know that there are many people, including the manager of the bill, who disagree with my approach, and who perhaps think that it will clog the courts. I must say, that although those arguments can be made, with 93 courts already established, and with the independent general counsel that has just been created for the EEOC itself, we would now have the legal machinery to move rapidly on the enforcement of what ever legitimate complaints may come before the EEOC which cannot be solved by conciliation.

So, once again I would urge that, on the merits, this particular amendment be adopted.

Mr. President, just a few minutes ago, I was talking about the caseload that the Commission has. I think it might be worthwhile to get all these facts initially in the record at this point.

Chairman Brown of the EEOC testified that as of June 30, 1971, the Commission had a backlog of 32,000 cases. It anticipated that a load of 32,000 new cases would come in fiscal year 1972, and 45,000 in fiscal year 1973.

As of February 1971, almost a year ago, EEOC complaints required from 18 to 24 months for disposition.

To this already substantial backlog, we must add the impact of the more complex and time-consuming cease-and-desist procedures as they are maintained in the bill.

Mr. President, we must also consider expanded coverage. Included for the first time in the expanded coverage, as I pointed out, are approximately 6.5 million employees of small employers—those employing between eight and 25 employees; 4.3 million educational employees—teachers, professional and nonprofessional staff members; and 10.1 million State and local governmental employees whose disputes are to be conciliated prior to going to the Attorney General for court action, as I pointed out just a little while ago.

Thus, the EEOC will be responsible for an additional 21 million potential aggrieved personnel.

Now it seems to me that if we look at this in any kind of logic, and with real care, we can see immediately that the added load will require not only a great increase in administrative staff in the EEOC but is also going to mean a much longer backlog before any case can be decided.

As I said earlier, it seems wrong to me to say to an aggrieved employee, "Certainly we will hear your case. We will do the investigating. We will bring the charges. We will do everything else, but you will not get a decision for over 2 years." That is not justice. This is not equal employment opportunity. But if we have the investigator saying that this is a legitimate complaint, and that it will be brought to the district court and will get priority treatment there, we can get the matter decided in half the time it would take in any other way.

It strikes me that this is right on principle. It is right in terms of administrative procedures. It conforms to what we did with State and local employees and with Federal employees.

I believe firmly that the particular amendment we are involved with now is

something which is of great need, if we are going to solve the discrimination which, unfortunately, occurs in this country too often.

Mr. TOWER. Mr. President, I am pleased to offer my support to the Dominick amendment to S. 2515. I happen to be a cosponsor of that amendment. I have joined with my distinguished colleague from Colorado, believing that his approach is far superior to providing still another quasi-judicial, quasi-legislative body with power far beyond any which it was ever intended to handle. I can remember distinctly when the EEOC was established under the 1964 Civil Rights Act that its sponsors roundly denied that this cumbersome body would, or should, ever have the authority to issue cease and desist orders on its own. The Congress was assured that such would never be the case, that we would not again create a political body to deal with such legal questions. Our only other attempt at such a body, the National Labor Relations Board, has been nearly a total failure in dealing with labor matters. Pure logic alone dictates that we do not try to solve a problem with a solution that has proven to be so untrustworthy. Even the thought of this should be rejected by this body.

The EEOC was established to act as a mediator between the employer and employee in job discrimination cases. It was hoped that if a problem arose, by talking calmly with each side a ready solution could be reached. Since the day of its inception, the EEOC has proven that it was not qualified to deal with this problem. Instead of acting as an impartial mediator, the Commission has in many instances been an antagonist. Instead of efficiently handling and processing its cases, it has allowed a backlog of over 31,000 cases to build up in the 6 years of its existence. By granting the Commission the power to issue cease-and-desist orders as well as increasing its jurisdiction, the process would be further complicated and even greater backlogs, reliably estimated to be perhaps up to 3½ years, would result.

In addition to the Commission's being unqualified to handle any new duties, there exists the fact that to grant it cease-and-desist power would be a contravention of our Anglo-Saxon judicial process and return to a "Star Chamber" proceeding. In the process as proposed in S. 2515, the Commission would be not only the investigator of the charge, but it would also determine whether there were probable cause to believe the charge were true and ultimately to decide if in fact the charge were true and whether to issue the order. The Commission would be judge, jury, and prosecutor, all at the same time. This has not worked in the past; it will not work in this instance.

There are many advantages to allowing the courts to decide whether or not a charge has been substantiated and then let it issue and enforce the cease-and-desist order. First of all, it is a fact that the courts have done a good job in dealing with civil rights questions, including title VII questions. This use of the courts would assure an impartial tribunal, thus guaranteeing each side the due process of law. The courts would likewise provide a more speedy solution to charges of title VII violations. The median time for the disposition of nonjury trials in the 10 States having the most EEOC complaints is less than a year. Compare that, if you will, to the more than 2-year backlog that now exists within the EEOC and the expected 3½-year backlog if cease-and-desist powers are granted. Orderly procedures in business demand that the law be fairly determinable so that businesses may comply with and plan for them. Commissions such as the EEOC have proven to be not only untrustworthy, as I have previously stated, but likewise unpredictable. There are no rules of stare decisis or other precedent that can guide our Nation's businesses as to what to do. What may be a fair hiring practice today may not be tomorrow, but may be again the day after tomorrow. In such a case, an employer cannot know what procedures to institute and be sure that he is in compliance. With the court approach, a body of case law will build up so that it will be determinable what the law actually is. To do anything else would be to invite chaos in this field.

Those who have a grievance under title VII should have access to the courts of this Nation. To now try to enact a solution that has been a failure in other areas is neither fair to those who have a legitimate grievance and are desirous of a quick solution or to those who have been unjustly accused and seek a quick vindication. I urge the Senate to adopt our amendment which will provide a very reasonable and workable solution. I commend the distinguished Senator from Colorado on his leadership in this matter.

Mr. DOMINICK. Mr. President, I thank the Senator from Texas and I much appreciate his support. The points he has emphasized are exactly the ones that the Senate ought to consider. We are not talking about partisanship or politics here. We are not talking about anything except a question of whether or not we can get alleged discrimination cases tried fairly for both the plaintiff and the defendant as expeditiously as possible.

It strikes me that doing this in the way suggested in my amendment will be a far more preferable way than the way provided in the bill at present.

As I said during the process of the debate—and I do not know whether the Senator from Texas had an opportunity to hear it—we have already provided in the existing bill for State and local employees and Federal employees to seek redress of their grievances to Federal District Courts. We are not doing so for private employees or private employers. It seems to me that is discrimination in and of itself.

I would certainly urge, both on logic and an expeditious handling of these troublesome and emotional cases, that we adopt the amendment as soon as possible.

Mr. WILLIAMS. Mr. President, it is my understanding that, while the distinguished Senator from Colorado has offered his amendment and has fully and completely explained it, there will be debate on tomorrow. I will reserve most of my statement until then.

I want to make one or two comments, however, at this time. First, the Senator from Colorado described some of the changes made in the committee in the original bill. These were changes that, in my judgment, greatly improved the legislation. The principal architect of these changes dealing with the civil service area, and certainly with the method of enforcement when charges are brought against State and local governments, was the Senator from Colorado.

I would like to state that I am personally grateful for the work he has done in committee. And I applaud him for that.

On this issue, with respect to the pending amendment, I know this is a matter of deep conviction with the Senator from Colorado because basically it is the amendment that was offered when the bill was before the Senate the year before last. We debated the measure and voted on it at that time. As I recall, it was a relatively close question then. I do not know what the result will be this year. Perhaps with some of the changes that have been made, it will not be as close. At any rate, I reiterate one thing that I do not want any misunderstanding on. My debate against the pending amendment will deal with basically the practical question of whether court enforcement as an exclusive method is the most efficient way of reaching the objectives of the legislation. I think not.

Certainly if there are those who say that court enforcement is anti-civil rights, I am not one of them. If there are any who say that court enforcement would be less just to those who complain of discrimination, I am certainly not one of those either.

It is my feeling for the reasons that I will discuss tomorrow, that in order to realize the objective of the legislation, of establishing enforcement procedure by law to further the constitutional rights and statutory rights against discrimination, the proper way to do it is through the administrative procedure of cease and desist with all of its abundance of due process protections and, finally, of course, the court review where parties disagree with the findings that led to the cease and desist order.

I look forward to a fuller debate tomorrow and before we vote finally on the pending amendment on Monday.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. DOMINICK. 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. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that to-

morrow, after the two leaders have been recognized, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes, and that at the close of morning business the Chair lay before the Senate the unfinished business.

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. I assume it will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, when the Senate convenes tomorrow, it will meet at 11 a.m. Following the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of morning business, the Chair will lay before the Senate the unfinished business, and the pending question will be the amendment by the distinguished Senator from Colorado (Mr. DOMINICK). There will be no vote on that amendment tomorrow, an order having already been entered to vote on the amendment on Monday next.

However, it is expected that there will be debate on that amendment tomorrow. It is also anticipated that the debate on the Dominick amendment will not consume the entire day tomorrow.

That being the case, it is expected that Senator ERVIN, Senator ALLEN, Senator RANDOLPH, or other Senators will call up amendments, with unanimous consent having been given to temporarily lay aside the pending Dominick amendment. Senators should be alert to the possibility, therefore, of votes tomorrow on amendments other than the Dominick amendment, and I would hope that the cloakrooms would bring to the attention of Senators that there is a good possibility of rollcall votes tomorrow on amendments other than the Dominick amendment, the vote on which will not occur, as I have stated, until Monday.

ADJOURNMENT UNTIL 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 4:44 p.m.) the Senate adjourned until tomorrow, Friday, January 21, 1972, at 11 a.m.

EXTENSIONS OF REMARKS

"DELTA QUEEN"—NAUTICAL TRANQUILIZER

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, on September 28, 1971, several of our colleagues and I joined the distinguished gentleman from Ohio (Mr. McCULLOCH) in introducing H.R. 10926, a bill to exempt from certain deep-draft safety statutes a passenger vessel operating solely on inland rivers. A similar bill, S. 2470, was introduced in the Senate by Senators TAFT, SCOTT, and SAXBE on August 6, 1971. Both bills provide for permanent exemption from the 1966 Safety at Sea law as it applies to the steamboat, *Delta Queen*.

The *Delta Queen* is the last overnight steamboat operating on the Ohio, Mississippi, and Tennessee Rivers and has been listed by the Department of Interior in the National Register of Historic Places. It is truly a living monument to a bygone era.

Mr. Speaker, in spite of the fact that the *Delta Queen* will never encounter the hazards of the open sea it has, quite unfortunately, fallen within the category of vessels that require regulation under the Safety at Sea law. The steamboat's owners have diligently complied with every single requirement set by the U.S. Coast Guard, and they have met and exceeded safety recommendations by independent experts and by the National Aeronautics and Space Administration.

Nevertheless, because the way the law was written it has been necessary for supporters of the *Delta Queen* to seek temporary exemptions from the Safety at Sea law in order to keep this landmark afloat. The last exemption is set to expire on November 1, 1973. At that time it is quite possible that this vessel will be banned from the scenic rivers which have been its home—unless another temporary exemption can be obtained.

On the other hand, we have an opportunity in this session of the 92d Congress to settle this matter once and for all by passing legislation which will provide a permanent exemption for the *Delta Queen*.

Mr. Speaker, there has not been a single passenger life lost in a riverboat fire in over 60 years. The last time it happened, a drunk under ship-arrest set the brig on fire and burned himself to death. In the process, the vessel also burned, but all 1,200 passengers got to safety when the boat—the excursion steamer J.S.—pulled into the bank near Winona, Minn., in 1910.

Mr. Speaker, a very excellent article about the *Delta Queen*, written by Edward J. Wojtas, appeared in the January 16, 1972, edition of the Chicago Tribune. I am inserting this article in the CONGRESSIONAL RECORD at this point, and I invite my colleagues to indulge in a little nostalgia as they read the article—and then to join the growing number of people who are engaged in an all-out effort to "Save the *Delta Queen*."

The article follows:

RIVERBOAT CRUISES

(By Edward J. Wojtas)

The country's only overnight river steamer, the Delta Queen begins another year of cruising on Feb. 3 when the huge white vessel leaves New Orleans for a six-day cruise to Memphis. Before the 1972 season is over, the venerable riverboat will have completed 49 separate trips up and down the Ohio, Mississippi, Cumberland, and Tennessee Rivers. But newly added to this year's schedule are the Arkansas River, with a cruise to Little Rock, and Illinois, with trips to Peoria and Starved Rock.

As things stand now, the Delta Queen still has at least two more years of life in her solid steel hull. That's the result of some last minute legislation signed by President Nixon on Dec. 31, 1970, which gave the old river queen three more years of life. The proud queen had been doomed by a Safety at Sea law that was enacted by Congress in 1966 in reaction to fires on two cruise vessels at sea. Two separate two-year extensions already had been granted prior to this latest law. Although the Delta Queen never leaves the sight of a river bank, she was included in the legislation because she was an American flag flying vessel, built from "nonfireproof" materials, and had overnight accommodations for more than 49 persons.

After the President signed the legislation, the Delta Queen was upgraded to the tune of half a million dollars. Among other things, fire retardant paints—approved by NASA—were used throughout the ship. An automatic fire detection and warning system was installed. The entire ship, too, is equipped with an automatic sprinkler system. In a very true sense, the Delta Queen now is a Victorian relic in a space age hide.

New legislation was introduced in late 1971 to exempt permanently the riverboat from the 1966 law. Both senators from Ohio and Senate Minority Leader Hugh Scott of Pennsylvania sponsored the new bill. If the law is enacted, the steamer will be saved for posterity to take her place with the Silverton train, Williamsburg, Greenfield Village, and Mystic Seaport as authentic links to America's colorful past.

The Delta Queen is 285 feet long, 58 feet wide, weighs nearly 2,000 gross tons, draws seven feet of water, carries a normal passenger complement of 186, a crew of 76, and travels 35,000 miles a year under the command of Capt Ernest Wagner, a virtual giant of a man—6 feet 4 inches tall and 250 pounds—gruff of voice but with patient and graceful manner and a mariner's skill gathered in 42 years on the river.

The Queen was built in Glasgow, Scotland, in 1926, shipped to Stockton, Cal., where her wooden superstructure was added, then put into service between Sacramento and San Francisco. After a colorful career there, she was purchased by Greene Lines in 1946, towed to Pittsburgh, refurbished, and put into service on America's inland waterways in 1948.

So what is it that attracts people to ride the riverboat?

Probably one of the most peaceful and relaxing experiences available in today's helter-skelter world. Even a "land cruise" on a cross

country passenger train pales by comparison. Leisure and pleasure are the forte of an inland waterway cruise. There is no seasick-inducing swaying, no rolling up and over. The shoreline inches past smoothly with a continuous change of scenery from farm plots, to shipyards, to power plants, to paralleling railroad tracks, to huge splotches of greenery.

At each town and lock—word travels well ahead of the boat—the Queen is met by crowds that come to wave and shout and then demand a tune or two from the rear deck calliope which easily can be heard at least five miles away. And at each town the calliopist obliges.

The calliope is now a tradition on the Queen altho most of her predecessors never did have such an extravagance. As a matter of fact, each passenger even gets a chance to play the howling screecher and then is awarded a "Vox Calliopus" certificate attesting to the momentous achievement.

One bit of modernity that stuns the first-time boarder is the captain's shiny Volkswagen "moored" on the lowest deck. It's used at shore stops for land errands. The VW is last to board over the Queen's huge "stage" or gangplank, putt-putt-putting aboard just before the shore lines are set loose. The car is even officially "nautical," with decals of red and green running lights on her port and starboard windows.

But there are many things to do aboard the Queen besides listening to the calliope. There are many moments of just peaceful contentment when passengers can get absorbed in that book they've been saving to read, write letters, stroll around the deck—11 laps equal one mile—or just lie on the sun deck and bask in the warm solar rays.

Birdwatchers can identify a variety of geese, ducks, gulls, herons, or even a few egrets or a pelican or two in the lower reaches of the Mississippi.

River commerce continually passes by in the form of freight. The great barge tows pushed by huge towboats carry thousands of tons of coal, ore, grain, petroleum and chemicals up and down the rivers.

They can watch the steamboat's own operations, deck hands manning lines, officers shouting orders, the engine room with its throbbing pumps and pistons and rods and wheels, inspect the intricacies of passing thru locks and past the many dams, and enjoy the marine ballet that accompanies each docking procedure the Queen must go thru to tie up at shore stops. And at these shore stops passengers can get off and inspect the quaint old river cities.

A few river fans actually come aboard armed with Corps of Engineer charts that show each individual bluff, island, chute, bayou, sand bar, dike, village, factory, bridge, or power line, plus virtually every other topographic feature. They revel in pointing out each as the Queen continues to waddle down the river like a big placid duck.

Chief hazard on the river is fog. But, when it does get too pea soupy, Capt. Wagner simply moves over to shore and ties up until it lifts.

In between all the relaxing there are meals to savor. All food is included in the passage. On the first day aboard each passenger is assigned a table and his own personal waiter. Meals are announced by one of the waiters making a circle of all decks, ringing musical chimes to announce that the next setting is ready.

And what meals! Lamb chops, corned beef and cabbage, beef stew, prime ribs, ham and grits, shrimp creole, cat fish, French toast, ice cream of many flavors, and a virtual unending supply of fresh fruit. It all culminates in a gala champagne party and captain's dinner on the last night out.

And if the regular meals are not enough to sate one's palate, late night snacks are piled high in the Orleans Room after 10 p.m., and sandwich and coffee will be rustled up by any steward at any time of the day on request. On the Queen, the passenger is king!

Two bars serve a variety of specialty drinks blended to perfection along with most prosaic libations. One specialty is a "Blue Monday," which virtually is guaranteed to produce an even bluer Tuesday if too many are downed. And the Queen's bartenders insist they concoct the best mint juleps in the entire South.

Dinner usually is accompanied by an organist, but the real show starts later in the evening. Each night the Orleans Room is converted into a mini-nightclub, and entertainment rocks from the walls. There's a professional band aboard, headed by veteran jazzman Vic Tooker, who only played 18 separate musical instruments when he took over as head entertainer on the Queen. He quickly added a 19th. Quite naturally, it was the calliope.

For those who like such things, there are organized games. Participation is strictly voluntary, and if one just wants to sit and relax, no one will badger him to do otherwise.

There's only the unforgettable sky, persimmon colored sunsets, the placid, meandering river, and 24-hours-a-day pleasure.

In today's fast-paced, progressive world, the Delta Queen serves as a slow-moving nautical tranquilizer.

Specifically of interest to Chicagoans this year, because of their proximity, are a nine-day trip from Cincinnati to Starved Rock, beginning July 5; a Peoria weekend junket, starting July 14; and a Peoria-St. Louis journey, leaving July 16. Several other trips are available from nearby St. Louis and Cincinnati. For complete details on the coming year's excursions and a schedule of rates, write Greene Line Steamers, Dept. C. T., Public Landing, Cincinnati, Ohio 45202.

THE SPACE SHUTTLE PROGRAM

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Thursday, January 20, 1972

Mr. THURMOND. Mr. President, it is a pleasure to commend the editor of the Augusta, Ga., Chronicle, for the fine editorial which was published January 7, 1972, in support of the recently approved space shuttle program. This excellent editorial correctly recognizes that our future role in space hangs on this vital program.

In my judgment, the space shuttle is a practical approach which will allow continued space research within reasonable costs. Since the booster and the orbiter will be reusable in the shuttle program, the operation will be more economical.

The editorial quoted the President as saying that the space shuttle program—

> Will go a long way toward delivering the rich benefits of practical space utilization and the valuable spin-offs from space efforts into the daily life of Americans and all people.

The list of potential benefits for all mankind is so long, and is increasing at such a rate, according to experts, that no compilation has ever been possible.

Mr. President, I congratulate the Augusta Chronicle for its succinct and logical assessment of this important program. It is particularly noteworthy that although the defense aspects of this program have not been highlighted, the Chronicle very properly pointed out that the defense benefits rank high in the space shuttle program. This critical capability alone should be sufficient to justify the costs which is far below many other programs.

Mr. President, I ask unanimous consent that the editorial be printed in the Extensions of Remarks.

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

HISTORIC MOMENT

A turning point in the history of the earth and, for that matter, the solar system seems to have been reached with President Richard M. Nixon's decision Wednesday to authorize development of a $5.5 billion space shuttle project.

Designed to create shuttles which can carry freight and men back and forth between the earth and the space vehicles which orbit the earth, the research and development is expected to take six years and be ready for its first flight in 1978. Four points of significance appear:

"It will go," said the President, "a long way toward delivering the rich benefits of practical space utilization and the valuable spin-offs from space efforts into the daily life of Americans and all people." The most extensive and up-to-date survey of such benefits, present and potential, appears in Frederick I. Ordway's new book, "Dividends From Outer Space," whose main points were reviewed Sunday in The Chronicle's Book Notes column. What Ordway had to concede as potential, however, can be made a reality as the shuttle system establishes routine contact with scientific laboratories in space.

The system should lower the per-unit cost of space activities. Whereas now a space vehicle is a one-trip mechanism, these projected shuttles could be used up to 100 times, thereby, as the President said, "taking the astronomical costs out of astronautics."

Not the least of immediate considerations will be the estimated 25,000 jobs which would be created in the shuttle development activity. This, it is true, is only about one-fourth the approximately 200,000 jobs which were lost in space industry cutbacks of recent years. It will, however, help correct the abysmal error of giving in to latter-day Know-Nothingism which insisted that spending money for doles was more important than spending it for job-producing science and technology—thereby increasing unemployment—the very thing the dissidents professed to be concerned about.

Not mentioned by the President—but emphatically by NASA—was the tremendous boost which the program can give to the United States' defense capacity. The President is a canny politician, and he knows at present there are men who have the ear of unthinking elements in the public, filling them with the idea that all defense capacity is an evil. Whether naive or unscrupulous, these vociferous pacifists are trying mightily to sell the idea that if a nation is able to resist aggression, it must of necessity use that ability to enter needlessly into wars. They would, therefore, reduce our defenses to an approximation of those of The Netherlands, whose "neutrality" proved to be an ironic joke as Nazi hordes sweept across the low countries some three decades ago.

The defense aspect of the shuttle program, though unmentioned by the White House, must rank high in the benefits of the proposed space shuttle—along with its civilian economic benefits. There will be oposition, as there has been too many advances in science and technology. In most such forward steps,

however, reason has prevailed, else we would even now be still in the age of the ox cart and of recurrent plague epidemics.

PHARAOHS NEVER LEARN

HON. FRANK J. BRASCO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BRASCO. Mr. Speaker, over the centuries only one people has known the heavy hand of oppression with a constant, depressing frequency. The Jewish people have written and rewritten the book of suffering in a hundred lands, living always in the knowledge that another persecutor would always come—that another exile was always in store for them—that torment, torture, and death awaited some of their children, no matter what they did.

And virtually all the prophecies came true over the centuries. The list of Jewish martyrs and massacres is almost as endless as the history of various countries themselves.

Yet these people have managed to not just survive, but in turn to even prevail over their various enemies. Torquemada is gone and the Inquisition with him. The Jewish people live. The Pharaohs of ancient Egypt are gone and the Jewish people live. The Nazis and Hitler are gone, vanished into the oblivion from which they originally emerged. And the Jewish people live. Nasser is dead and eventually will be forgotten, and the people he sought to exterminate are alive and thriving. Surely, there is some inner spark within the collective breast of this people which will allow them to surmount any future challenge we can foresee.

Among past persecutors of these people have been a variety of Russian rulers. The Romanoffs were notable among the slaughterers of the Jewish people. When the serfs grew restless and threatened to rise against these rulers, it was a standard practice for the elite to send agents provocateurs among the people. It was their task to rouse already existing prejudices to fever pitch, which in turn would find expression in programs against the surrounding Jewish population. Decade after decade, such massacres occurred, with deaths running from several hundred to several hundred thousand.

Today, millions of Americans have seen and enjoyed the popular play and film, "Fiddler on the Roof," which portrays Jewish village life in Eastern Europe. Although many people see the warmth and closeness of this life, intertwined in the presentation is the bitter reality of that existence. The few scenes depicting the horror of pogrom and discrimination are only a pale allusion to the ugy agony these people endured.

Today, the czars have been replaced by the Communist regime of Soviet Russia. Some of the cruder aspects of mass annihilation have disappeared. Otherwise, matters are still very much the same. While allowing a few Soviet Jews to emigrate, the regime bears down with callous cruelty and hard hand upon those remaining.

Rabbis cannot be trained. Prayer books are not printed. Yiddish is literally a proscribed language. Production of religious articles is minimal. Religious education is hamstrung as part of a deliberate government policy. It is hard indeed to live as a Jew in Russia today, just as it was in the past. Tevye's grandchildren drink the cup of bitterness to the very dregs as their forefathers did. All in all, it is a shabby episode in a long, dreary volume of endurance.

Remarkably, the spirit of the Jewish people does not flag, much less wink out under this pressure. Rather, it glows and lives anew in spite of everything the Soviet regime attempts. Free men and women the world over thrill again and again to the sight of this tiny minority and its spirited resistance to the Soviet regime's attempts to wipe it out. Sit-ins, protests, and struggles are being constantly waged across the face of Soviet Russia by the Jews who constantly reiterate their ageless theme of liberty.

Such themes are spoken again and again as they are carted off to asylums and labor camps. No hand of oppression has been able to still their voices. No hand ever will. And virtually every observer can almost sense that after these dictators diminish to a few lines in the history books, the Jewish people will continue to live and thrive.

Recently, a concerned, active group of American Jews contributed their share to the struggle here in the west that seeks to tell the world and the Jews of Russia that they are not alone. What they did was to call one of their religious compatriots in Russia. The message was simple, "You are not alone."

Over the endless miles separating the parties this message flashed, and it was to me a moving reaffirmation of man's irrepressible spirit. No human being can be permanently silenced. Even when he is in a labor camp, an asylum or in his grave; if his message is the truth, it will repeat itself again and again, drowning out the most urgent efforts to stifle it. I witnessed a living illustration of the truth of this when I, too, spoke to this man.

An account of this event was contained in a press release put out by this group, "The Concerned Canarsie Citizens for Soviet Jewry."

Mr. Speaker, I offer the text of that release at this point.

PHONE CALL TO RUSSIA IS A GREAT SUCCESS

"We will succeed in our struggle," said Gavriel.

"You keep up your struggle there," said Congressman Frank J. Brasco, "and we will continue our struggle here."

Gavriel was extremely pleased that a Congressman had spoken to him.

The Thomas Jefferson Democratic Club was the site of a new breakthrough in the Canarsie community in the struggle to save Soviet Jewry. The Concerned Canarsie Citizens for Soviet Jewry placed a phone call to Moscow last Sunday, January 16th, to Gavriel Shapiro of Moscow, one of the leaders of the Soviet Jewish resistance movement in Moscow. Despite dismissal from his job as a chemical engineer, the 26-year-old freedom fighter has participated in sit-ins and hunger strikes at the Kremlin for Jewish emigration rights.

Rabbi David Haber began the conversation with Gavriel, who speaks fluent Russian, Hebrew, and English, by sending regards from friends who met Shapiro while in Moscow. When the Russian heard the names of old friends, he "opened up" and much of his suspicions were dampened. After asking a number of questions, the Rabbi turned the call over to Congressman Brasco, who wished Shapiro good luck in his hard-fought struggle. Brasco assured Gavriel that the majority of the members of Congress stand behind him and behind all his brothers in their struggle for liberty. His conversation with the Congressman gave Gavriel tremendous spiritual uplift. Svetlana, whose last name we cannot publish, is a Russian Jewish girl who recently emigrated and moved to Canarsie. She spoke with Gavriel for a while in Russian.

Those present, members of CCCSJ, and Dave Frank, President of the Canarsie Jewish Community Council, and Irving Schwartz and Leon Guttman, also active members of the Community Council and past presidents of Remsen Heights Jewish Center, joined in the singing of "Am Yisroel Chai," which means "The Jewish People Live," over the phone. At the end of the song, Gavriel said, "Thank you. That song was a beautiful gift."

And what else did Gavriel say? Among other things, he assured us that all protests and demonstrations for Soviet Jewry are definitely good. Moreover, he wants us to demand not only emigration, but quality emigration. Emigration from Moscow ceased on December 1st, because most Moscovite Jews applying are engineers, doctors, teachers, students, etc. He asks us to please keep up the struggle here, and eventually, we will win this fight. As the Congressman assured him, we shall continue.

The next call will be made from Remsen Heights Jewish Center, on Sunday, January 23rd, at 12:00 noon. All interested people in the community are invited. Special to Local Organizations ! !—A tape of this phone call is available and will lend itself beautifully to a program of Soviet Jewry. If interested, please call Alan Roth at 251-5389. We hope that these two phone calls will be the kickoff to a campaign of phone calls in the community, whereby every synagogue, organization, and even individuals could make phone calls to Russia periodically.

The CCCSJ, sponsor of this call, wishes to thank, especially, Shirley Weiner, Meade Esposito, and Irving Polk, officers of the Democratic Club, for the use of their facilities and Congressman Brasco, who took time out of his schedule to be with us.

Mr. Speaker, dictators never learn from the lessons of history. Santayana said that those who do not learn from such errors are doomed to repeat them. Time after time such pharaohs have been destroyed because of their unwillingness or stubbornness in the fact of the overwhelming force of an idea whose time has indeed come. Such a time has surely come for Soviet Jewry.

It is vital that we here in this Nation maintain our concern and activism on behalf of these people. Our protests and the attendant publicity embarrass the Soviet regime, which desperately yearns for international respectability and all that this carries with it. By protesting their intransigent, barbaric stand, we hold their feet to the fire of protest, allowing some of these people to escape their fate. Let us never cease our protests until every last person who seeks emigration is allowed to leave.

THE 1971 REPORT OF SENATOR WILLIAM B. SAXBE, OF OHIO

HON. WILLIAM B. SAXBE

OF OHIO

IN THE SENATE OF THE UNITED STATES

Thursday, January 20, 1972

Mr. SAXBE. Mr. President, a year ago I offered on the floor of the Senate a report to my constituents containing highlights of my first 2 years here. The response was highly favorable and, for my fellow Ohioans, hopefully informative.

I have decided to review the year just ended in a similar manner. with two thoughts foremost. First, to the men and women who sent me here, I ask that you regard what follows as an "accounting" of my activities during 1971. Second, I want you to share with me some of the thinking that went into my decisions on the major issues of the first session of the 92d Congress.

I was honored at the very start of the year to have been appointed a Republican regional "whip," a post regarded as a part of the leadership in the Senate.

According to Minority Leader HUGH SCOTT, who named me to the post:

> The Regional Whip will assist the leadership in all areas of floor activity. This will include one day of full-time floor duty each week, active participation in debate, and all general floor work.

I am one of five such appointments nationally and represent, besides Ohio, the States of Pennsylvania, Michigan, Illinois, New York, and New Jersey.

I firmly believe that appointments such as these have a definite "spinoff" benefit for the citizens of my State. They move the Senator closer to the leadership, for example, nearer the heart of the major decisions; they heighten his "visibility" within the corridors of power and they provide an avenue in which the Senator can better learn to ply his trade.

Taking an overview of the legislative year, I was the primary author of 18 bills, amendments or resolutions ranging from matters dealing with Federal election reform to social security increases for the elderly to halting military aid to West Pakistan. In addition, I was a cosponsor of 35 other bills or amendments. I shall detail each of these throughout this report.

And there is always the mail. For a State as large as Ohio, the mail—receiving, sorting, reading, assigning, and answering it and making sure my constituents are well served—is one of the major functions of my office.

During 1971, I received 96,900 pieces of "legislative" mail. Legislative mail, as the word implies, deals with a legislative matter that interests the writer in any of a variety of ways. The letter might range from a statement of position on a bill coming to the Senate floor to a request for information about a particular proposal.

These 96,900 pieces of mail do not take into account our casework letters, where the writer generally has some kind of problem with the Federal Government and needs help, personal mail or that relating to the press. These letters totaled roughly another 54,000.

Another way of saying this is that my office during 1971 received 150,000 pieces of mail, most of which required an answer. For legislative mail, this averages out to 367 letters each day, every day.

What this means, as I am sure you recognize, is that a successful Senate office is much more than the day-to-day business you so often read about in the papers—activities on the Senate floor, committee meetings, speeches back home, inspection trips, and all the rest.

But the best yardstick for learning what is on the minds of my constituents is the mail. So keep it coming.

FOREIGN POLICY

The early part of the first session of the 92d Congress revolved around issues of foreign policy. My new assignment to the Senate Armed Services Committee enabled me to play a greater role in these matters than I had during my first 2 years in the Senate. The full Armed Services Committee held extensive hearings on the selective service and the defense procurement bills. In addition membership on this committee enabled me to keep briefed on Vietnam, South Asia, and the Middle East. I was assigned to the Subcommittees on General Legislation, Strategic Arms Limitation Talks — SALT — Stockpile, Status of Forces, and the Subcommittee on Drug Abuse in the Military.

The key foreign and military issues raised in Senate debate this year were: First, Vietnam withdrawal deadlines; second, selective service extension; third, troop reduction; fourth, foreign aid; fifth, defense spending; and sixth, the India-Pakistan conflict.

PRESIDENTIAL DIPLOMACY

During the year of 1971, President Nixon took the diplomatic offensive in an effort to move from an era of confrontation to an era of negotiation. In his inaugural address January 20, 1969, the President said:

> Let all nations know that during this Administration our lines of communication will be open. We seek an open world—open to ideas, open to the exchange of goods and peoples—a world in which no people, great or small, will live in angry isolation.

The President in an effort to seek a detente made two startling announcements this year. On July 15, he announced that he would visit the People's Republic of China and on October 12, he announced he would travel to the Soviet Union. The China trip which was an outgrowth of ping-pong diplomacy has created a great deal of public comment, both pro and con. I am pleased to know, however, that most of it reflects the realization that 800 million Chinese, no matter what their form of government, cannot be ignored. As Life magazine said:

> If there is credit to be found (and we think there is) in ending the U.S. isolation of mainland China, it belongs in good part to Richard Nixon.

The Presidential trip to Moscow is also paved with good intentions. The Soviet Union—as well as China—can help in arranging an American withdrawal from Vietnam, prevent another conflict in the Middle East, encourage a European security conference with mutual balanced force reduction between NATO and the Warsaw Pact, and finalize some arms limitations in the Strategic Arms Limitation Talks—SALT.

President Nixon has meticulously prepared for these talks with top level meetings with Prime Minister Trudeau of Canada on December 6, President Medici of Brazil on December 7, President Pompidou of France on December 13 and 14, Prime Minister Heath of Great Britain on December 20 and 21, Prime Minister Brandt of West Germany on December 28 and 29, and Prime Minister Sato on January 6 and 7, 1972. The President will obviously be well prepared for meetings with Chairman Mao Tse-tung and Premier Chou En-lai of China on February 21 through 28 and those with Chairman Brezhnev and Premier Kosygin of the Soviet Union in May.

I harbor no illusions or overconfidence from these summits. I have not forgotten the collapse of President Eisenhower's journey in 1960 with the U–2 crisis and President Johnson's trip in 1968, because of the Soviet invasion of Czechoslovakia. However, I am hopeful for success in this period of diplomatic transition.

VIETNAM

The most recurrent Senate battle over our withdrawal from South Vietnam revolved around amendments suspending funds after a certain date, and policy declarations for withdrawal at a specific date, namely the McGovern-Hatfield amendment and the Mansfield amendment. These amendments were offered during the debates on the selective service bill, military procurement bill, and the foreign aid bill.

The attempts at fund cutoffs failed and were superseded by the Mansfield amendment which passed the Senate in all three of the aforementioned bills. The first Mansfield amendment called for a "U.S. policy" of withdrawal of all American troops within "9 months" of enactment, subject to the release of all U.S. POW's held by North Vietnam and its allies. A House-Senate conference committee removed the deadline and declared that it be "the sense of Congress" that our troops be withdrawn "at the earliest practicable date." The amendment passed the Senate again in the defense procurement bill calling for a "U.S. policy" of withdrawal within "6 months" of enactment contingent upon release of our prisoners of war, but a conference committee again deleted the deadline, leaving only a "declaration of U.S. policy" to withdraw at a date to be announced by the President. The last attempt to legislate a date for withdrawal failed in the foreign aid bill.

I opposed both the McGovern-Hatfield fund cutoff and the Mansfield policy of a specific date for withdrawal. There are those who sincerely feel that if we pick a date out of the air and say, "on this day the last American will step out of South Vietnam," it will somehow speed up and make more certain the safety of the withdrawal of our remaining forces and the release of our prisoners of war. I do not agree with their argument. No such promise has been made. The North Vietnamese and Vietcong simply say:

Disengage all your units, leave the country, and then we will begin to talk about the prisoners.

The enemy makes two conditions for a possible prisoner release: First, we must withdraw lock, stock, and barrel; and second, we must cease our support of the Government of South Vietnam even after our withdrawal. Even if we were willing to meet both these conditions, might they then not up the ante and require us to cease support of other allies if we wish to see our prisoners back?

I returned from Southeast Asia in April and was pleasantly surprised to find that the winding down had accelerated, that the units were being detached from combat, and that there were assignments with troops going into relatively safe areas. When I arrived in Washington to assume my Senate responsibilities there were 542,500 troops in South Vietnam. By February 1, 1972, there will be 139,000 troops there and by May 1, 1972, there will be 69,000 troops there. I would be the first to criticize the administration and the Department of Defense if the withdrawal could not continue at the present or increased rate, but I think that this administration must be given the credit for its accomplishments. To those who say, "this is Nixon's war," I say, "this is Nixon's withdrawal."

Finally, I am opposed to any "withdrawal by widening" of this war. I was dismayed by our Cambodian invasion last year and our support of the Laos invasion earlier this year. I am a sponsor along with other Senators of a measure to prevent the invasion of North Vietnam, if the situation ever turned to this point—not only the invasion by our troops, but also an invasion by South Vietnam with our support. Furthermore, I am opposed to the massive bombing of North Vietnam, which is a reversion to the position of the previous administration.

SELECTIVE SERVICE EXTENSION

The Congress, with my support, extended the draft for 2 years after a bitter debate which lasted 4½ months. The opponents of this measure engaged in a filibuster which allowed the draft to expire for 2 months. In addition to extending the draft, the bill provided for a $2.4-billion annual increase in military pay, which some believe will hasten the day of an all-volunteer army. The measure also authorized the President to abolish undergraduate-student deferments. The final bill contained many procedural reforms and limited the number of men who could be drafted to 130,000 in fiscal 1972 and 140,000 in fiscal 1973. Yet, last year only 96,000 men were drafted, compared to a peak of 364,000 in 1966.

I voted to extend the draft, because I believe that we have to maintain a civilian army and a civilian-controlled military. I do not think that in a democracy we should have a mercenary army. We have an obligation that each American should feel necessary to perform and it should be performed with pride. If this is not so popular as it once was, perhaps we should have it in a way of a national service, such as VISTA and the Peace Corps, because we will never need the tremendous number of men available at age 18 every year.

I understand the growing feeling of antimilitarism in our country, but I do not understand what these people stand for in regard to their country's future, because many of these assumptions made in doing away with the dangers of militarism are not true and cannot be proved by history.

It will be recalled that in 1946 and during World War II we said that never again would we allow ourselves to become so weak in the world that evil men and evil people could build a regime that threatened the freedom of the individual. We talked a great deal about liberty, democracy, and freedom, but these words are not as popular today, because time has caused us to forget.

I am the first to recognize that the Army could benefit by severe cutbacks which would make it leaner, harder, and a more effective military force. But our manpower requirements are still related to our worldwide commitments and not just the Vietnam war.

It seems to me we are like a law man giving up the idea of policing the world, but we must still be able to protect what we stand for and believe in. I am old-fashioned enough to believe there are bad people in the world who do not agree with the concept of liberty, equality, and justice and who would take it away from us without the protection of our Armed Forces.

TROOP REDUCTIONS IN EUROPE

We must, then, reduce our commitments before we reduce the manpower needed to meet these commitments. One place to start is in Europe.

I supported the Mansfield amendment which would have prohibited us from maintaining more than 150,000 military personnel in Europe. This amendment would cut in half our troop commitment to the North Atlantic Treaty Organization—NATO. The NATO Alliance to which we are a party was formed well over 20 years ago. By cutting our force levels in half, we would put U.S. troop levels in a contemporary perspective.

Since the NATO Alliance was formed conditions have changed, military technology has changed, and international financing has changed. Britain and France are now nuclear powers. They have their own nuclear deterrent. One hundred and fifty thousand American troops would still insure our nuclear umbrella not only to them, but also to West Germany. Our military technology allows us to fly troops from the United States quickly to Europe, thereby permitting a reduction of our force level there.

Finally, the shabby treatment received by some of our troops, particularly in West Germany, is scandalous. The western European nations have prospered and can contribute much more to their own defense.

A cutback in U.S. forces is not related to mutual balanced force reductions—MBFR. These can still be made if NATO and the Warsaw Pact agree. It must be remembered that the Russian troops stationed in Eastern Europe are there for political control of those countries as well as a threat to the NATO Alliance.

If the West Europeans want us to keep the additional 150,000-troop level, then they should help pick up our balance-of-payment deficit resulting from their being there. I sponsored a substitute amendment to the Mansfield amendment allowing our troop level to remain intact if our NATO allies picked up at least one-half of the balance-of-payments deficit resulting from the presence of U.S. military personnel not already compensated for. This amendment failed as did the Mansfield amendment.

FOREIGN AID

On October 29, 1971, I voted to kill the $2.9 billion foreign aid program. The bill was defeated by a vote of 41 to 27. The Senate then divided foreign aid into an economic assistance bill and a military assistance bill, both of which passed by large margins, with my support. Since the House of Representatives has not yet passed the conference report, Congress passed a continuing resolution extending aid at a reduced level of $2.7 billion until February 22, 1972.

The foreign aid bill was brought up for discussion the day after the expulsion of Taiwan from the United Nations. I immediately moved that the bill be recommitted to the Foreign Relations Committee so that the Members of the Senate could have a period of time to reflect upon the action of the U.N.

Anyone who watched the sad affair at the U.N. on television saw a lynching party with the shouting and the dancing, the slapping of backs and the heaping of abuse on this country. There are those of us who feel that, however ill-advised our actions have been in the world, we nevertheless have been altruistic and well-intentioned. Therefore, I was greatly disappointed to find that the people to whom we have given most have turned against us, not only by their votes in the U.N., but also by their actions.

I would like to think that the selection of Kurt Waldheim of Austria as the new Secretary General will bring in a new era of cooperation in the U.N., but I doubt it. The organization needs almost $70 million to settle its current deficit and $119 million to settle outstanding bonds. Despite these deficits the Assembly voted to increase its regular budget by 10.5 percent. I hope that the members do not expect us to pick up the tab.

Until we call the attention of the world to the fact that we do not have unlimited funds, that we have serious domestic problems where this money can be used, we are going to continue to have Christmas tree foreign aid bills—gifts for everyone. There are schools in Ohio that are closing, because they do not have funds, yet at the same time we are spending money to open a school someplace else. We have villages by the hundreds in Ohio that have no sewer and water facilities; yet, we take this money and build sewer and water facilities someplace else. We must reorder our priorities and a cutback in foreign aid is a good place to start. When we do give foreign aid, it should be to a multilateral consortium where other countries match our own contributions.

DEFENSE SPENDING

My membership on the Senate Armed Services Committee has enabled me to closely evaluate our weapons systems development. Secretary of Defense Laird said on January 3, 1972, that—

The United States is second to no one with respect to overall military power.

I intend to do my part in keeping us No. 1. However, I intend to scrutinize closely their cost and performance to eliminate cost overruns and waste.

For example, I tried to limit the expense of domestic production of the Harrier—an operational vertical-short takeoff and landing, V/STOL, combat aircraft. Each branch of the armed services is developing three close support aircraft which perform overlapping functions: The Harrier, the AX, and the Cheyenne. Beyond this some Members of the Senate urged domestic production of the Harrier which we now purchase from Britain. As ridiculous as it may seem, only 12 planes of the total purchase of 114 planes could be completely produced in the United States. The total price of such domestic productivity could run as high as $275 million. My amendment to delete this item from the military procurement bill lost in a 40-to-40 tie vote. The item was then eliminated in the House-Senate conference.

I have opposed the development of the antiballistic missile—ABM—system in past years, but this year I was persuaded by Senator JOHN SHERMAN COOPER of Kentucky, who led the opposition in the past, that continued development at Malstrom, Mont. and Grand Forks, N. Dak. would aid our negotiators at the strategic arms limitation talks—SALT. Many of us who have had little confidence in the effectiveness of the ABM have gone along reluctantly with that view. I offered and then withdrew an amendment that when a treaty between the Soviet Union and the United States is reached on an ABM limitation, all authority for continued development in areas of the agreed limit be terminated at the date of the agreement. I withdrew it in fear that such an amendment might jeopardize negotiations, but I continue to oppose expansion of the system.

THE WAR BETWEEN INDIA AND PAKISTAN

In October of 1970 I criticized a decision of the administration to ship military equipment to Pakistan in violation of our existing embargo. I predicted dire consequences and they soon followed.

In December 1970 Pakistan held its first national elections since its creation in 1947. Sheikh Mujibur Rahman's Awami League won an absolute majority in the national assembly that was called to write a new constitution for the country. The assembly was prevented from meeting by Gen. Yahya Khan and on the night of March 25 he imposed marital law. His army of West Pakistani Punjabi troops conducted a reign of terror in East Pakistan. The military repression included the systematic slaughter of Bengali civilians. Most westerners estimate the death toll ranges from 300,000 to 1 million deaths, 10 million refugees in India, and another 20 million displaced persons.

Senator CHURCH and I introduced an amendment in a bipartisan effort to cut off both military and economic aid to Pakistan, because genocide by any other name is still genocide and must be condemned. However, the administration was less than candid on our arms shipments. The Saxbe-Church amendment was accepted as part of the foreign aid bill, but events were proceeding too rapidly. War was near.

I traveled to India and Pakistan where I talked to both Prime Minister Gandhi and President Yahya Khan. I tried to impress upon them the dangers of the war they were plunging into, but to no avail. I was there when the war broke out. India won the war and it would appear that a new nation called Bangladesh has been born, but the specter of communal riots hangs over the subcontinent.

ECONOMY

The year 1971 found the Nation's attention riveted to economic matters. Foreign policy issues appeared to wane somewhat and the Nation found itself faced with severe international monetary problems and an unprecedented economic crisis both inflationary and recessionary in scope. On August 15, 1971, the President startled the Nation by announcing a series in fiscal policy measures designed to stimulate our domestic economy and restore once again the world's confidence in the dollar. Some of these measures required congressional approval; some did not.

Those direct measures imposed by the Executive were a $4.7 billion cut in Federal expenditures; a freeze on all prices and wages throughout the United States for a period of 90 days; the appointment of a Cost of Living Council to establish the mechanism to achieve continued wage and price stability; a temporary suspension of convertibility of the dollar into gold or other reserves; the temporary imposition of a tax of 10 percent on goods imported into the United States.

Those measures advocated by the President and requiring congressional approval included the Job Development Act of 1971; repeal of the 7-percent excise tax on automobiles; acceleration of the personal income tax exemption scheduled for January 1, 1973, to January 1, 1972.

After several months of hearings and debate the Congress late in the session cleared for President Nixon's signature the Economic Stabilization Act. This legislation extended the authority previously given the President to impose economic controls and expanded the Executive power provided by the act.

Principal provisions of the legislation as passed granted the President authority to control interest rates and dividends. It eliminated a provision of the act as formerly passed which prohibited application of controls to a single industry or any one particular segment of the economy. The act also exempted from controls earnings below the minimum wage and those earnings below officially established poverty levels. Another important section provided for retroactive pay raises provided for under labor agreements, but deferred by the wage-price freeze. In addition, the act mandated the pay raise for Federal employees commencing in January 1972, rather than in July as planned by the adminstration. The legislation also required Senate confirmation of the Chairman of both the Pay Board and the Price Commission. Passage of the Economic Stabilization Act in addition to the Revenue Act of 1971 culminated this year of innovative economic legislation.

In late October, President Nixon again addressed the Nation and announced the establishment of the Pay Board and Price Commission. These agencies were to implement the provisions of phase II of the President's new economic policies. I am hopeful that these policy decisions, plus the conferences that the administration has conducted with the other major trading nations in the world concerning international monetary reform, will once again restore to America and the world sound economic growth.

I was further encouraged that the administration deemed it advisable to take these economic steps, inasmuch as I had introduced and cosponsored with 13 other Republican Senators a bill to establish a national committee on wages and prices. The Economic Stabilization Act provision for the Cost of Living Council, Pay Board, and a Price Commission incorporates the concept set out in that bill, which was introduced prior to the President's original imposition of wage and price controls.

The Revenue Act of 1971 was a necessary part of our domestic economic resurgence and a companion piece of legislation to the Economic Stabilization Act. On December 9, Congress cleared for President Nixon's signature a bill which reduced corporate and individual taxes in order to stimulate the domestic economy. President Nixon subsequently signed the Revenue Act of 1971 into law in late December.

An important provision of this legislation provides for a 7-percent investment tax credit on expenditures for plant and equipment ordered after April 1, 1971, or delivered after August 15, 1971. The passage of this legislation responded to the President's request for enactment of a Job Development Act for 1971.

Title II of the tax legislation increased the amount that a taxpayer may claim as a personal exemption for dependents from $650 to $675 for the taxable year 1971 and increases it to $750 in taxable year 1972. The act increases the minimum standard deduction that may be claimed by a taxpayer from $1,050 in 1971 to $1,300 in 1972 and also allows for a deduction of up to $4,800 a year for day care of children or a disabled dependent if the taxpayer's adjusted gross income is less than $18,000.

Title IV of the legislation provides for repeal of the 7 percent excise tax on new automobiles purchased on or after August 15, 1971.

Two other important features of the measure are special tax treatment for domestic international sales corporations, which will stimulate the private sector of the economy to exert a concerted effort on increasing America's exports to other nations, and a tax credit for certain expenses incurred in work incentive programs.

Further highly publicized features of the law provide for tax incentives for contributions to candidates for public office, and a provision which will allow for financing of presidential election campaigns by a checkoff on the taxpayer's return effective after 1972 in the event Congress elects to appropriate the funds.

Another important piece of economic legislation predated the President's New Economic Policy. It was adopted in June of 1971 and made retroactive to January of 1971. This measure which codified IRS regulations concerning depreciation, provides for accelerated depreciation rates for business. This, of course, has the net effect of stimulating the capital goods sector of our economy.

I must note at this point that, which I believe changes in our tax structure are a necessary and important ingredient for the ultimate solution of our economic problems, I voted against the Revenue Act of 1971 as passed. This was because of my longstanding belief that this particular act will ultimately perform a great disservice to the American people. For example, the tax cuts for individuals will result in deficits for the Federal budget for at least this year and the next 2 years, and will perhaps result in an inestimable tax loss over the next decade. Recently the Office of Management and Budget projected Federal income of $188.4 billion, with expenditures at the rate of $211.4 billion and a resultant deficit for fiscal 1971 in the amount of $23 billion.

Informed sources estimate that the Federal budget for fiscal 1972 will reach $199 billion. Expenditures of $227.2 billion will result in a deficit of $28.2 billion. In fiscal 1973, these same informed sources estimate Federal income at $217 billion with expenditures at $249.5 and a net resultant deficit of $32.5 billion. The ultimate result of four consecutive budget deficits will be continued inflation. It is interesting to note that most responsible economists blame our present inflation problems on the deficits that occurred during the mid- and late-1960's, due to the increased military activity in Vietnam.

This Nation cannot continue to have large deficits in its Federal budgets without losing the faith and trust of our world trading partners. That loss of faith must ultimately result in disruptions in the international monetary system as we presently know it, plus rampant inflation on the domestic economic front.

What I have previously stated on the floor of the U.S. Senate and in my annual report for 1969–70 holds equally true today. When we as a nation spend in excess of what we take in we must borrow to make up the difference. Our borrowing capacity is based in part on our credit. It is paper and stands for nothing more than an IOU, a check from our own Government, and as it becomes cheaper in value the people are paying more money for the same thing.

One final action which rounded out the Government's fiscal moves must be noted. That was President Nixon's decision to devalue the dollar by 8.57 percent and to remove the 10-percent surcharge on imports originally imposed at the initiation of the wage-price freeze. This decision also encompassed extending the 7-percent investment tax credit to foreign-produced equipment.

In return the other member nations in the Group of Ten agreed to an upward revaluation in their currencies against the dollar. Authorities place the total devaluation of these two complementary actions at 12 percent. Of course, the dollar devaluation will require approval of Congress during the second session. Most observers agree that Congress will give it approval early in the second session of the 92d Congress.

LAW, ORDER, AND JUSTICE

A recent survey published in Life magazine indicates that 78 percent of Americans feel unsafe in their own homes. Of big city residents, approximately 80 percent are afraid in the streets at night. More than four out of 10 of those who responded said that they or a member of their family had been victimized by criminals last year. Approximately 30 percent keep a gun for self defense and 41 percent feel that their police protection is inadequate. Because of the facts behind these statistics, I introduced the Model Criminal Justice Reform Act, S. 400, early in 1971.

The bill, which was more than a year in the planning and drafting stage, is aimed at spurring comprehensive reforms in police professionalism, the courts, and our correctional institutions.

In its present form, the bill provides for better management of increased Federal funding for criminal justice reform, improved law enforcement recruiting, training, and personnel procedures, as well as better pay for police, prosecutors, judges, court officials, and correction employees

At the heart of the program set forth by the legislation is a Federal subsidy for law enforcement, prosecution, and courts in States which agree to provide matching funds roughly equal to their normal budget. These governmental bodies would also meet Federal guidelines, and to qualify for Federal funding local police departments must agree to statewide coordination and cooperation in such areas as training, equipment, and pay.

The police departments have traditionally approached crimefighting in a very independent manner. Now, more Federal money tends to increase the fragmentation of our present law enforcement system. My legislation attempts to correct this situation by coordinating all elements of criminal justice reform on the voluntary State-administered basis.

Several Senators have expressed interest in this legislation, and I am hopeful that we can make some progress if early committee action on this bill can be accomplished. I intend to reintroduce the bill during the second session of the 92d Congress, giving special attention to emphasis on the correctional facilities portion of the bill. In this regard, the prison riots that have occurred in New York and several other States indicate that something must be done to quickly reform our criminal correction procedure. I sincerely hope that my legislation provides a starting point for the Congress. And that the legislation will help repair the breakdown in justice and order, restoring confidence in our criminal justice system and give it prompt rational reform.

HEALTH CARE AND GOVERNMENT OPERATIONS

The first half of the 92d Congress brought forth two major advances in the health care field: The Comprehensive Health Manpower Training Act and the National Cancer Act. I voted for and actively supported both these measures, and I was especially pleased to see Congress authorize such generous sums for these purposes.

I was in strong support of several notable features of the health manpower bill; namely, the strong incentives for medical schools to increase enrollment and to encourage early graduation; the support to hospitals for the training of interns and residents especially in the field of general practice; and the generous scholarship and loan provisions to young doctors who agree to practice in rural and urban poor areas. These particular features should have a strong beneficial effect on our health manpower shortage problems.

The National Cancer Act provides a billion and a half in Federal funds to launch a national attack on the dread disease of cancer. Besides greatly expanding the research programs within the National Cancer Institute, 15 new cancer research centers are now being set up across the country.

National health insurance is a major issue before Congress and one in which I have been an active participant for some time. Extensive hearings were held last year in both the Senate and the House, but final action on the bill was postponed until the second session. In February, I testified before the Senate Health Subcommittee, expressing the necessity for reforming the health care delivery system as well as the need for some type of national insurance program to help people pay costly medical bills without ending in bankruptcy.

More recently, I introduced legislation of my own, entitled the Medical Resources Development Act. This bill is designed to improve and expand the Nation's health resources. It authorizes planning agencies throughout the country to identify areas where there are shortages of services and personnel, and then authorizes funds to set up new services or to improve existing ones in order to eliminate these problem areas. In addition to fostering new health centers, the bill would provide funds for the training of allied health personnel who could perform supportive services now being performed by the highly trained physician. My bill, now being considered by the Senate Health Subcommittee, is an essential forerunner to any national health insurance program because it would prepare the health care system for the increased demand sure to come.

As a member of the Senate Government Operations Committee and the Subcommittee on Executive Reorganization, I was active in supporting the establishment of the new Action Agency, a consolidation of all volunteer programs of the U.S. Government into one single agency. "Action" is composed of the

Peace Corps, VISTA, and numerous other volunteer service programs. It is an agency which has given new visibility and strength to the existing programs, and at the same time, has promoted the volunteer spirit among all Americans.

Similarly, as a member of the Government Operations on Executive Reorganization, I cosponsored and strongly supported the establishment of a new Drug Abuse Office. Drug abuse has increased by such alarming proportions in this country that special combative action has become necessary. The President, therefore, created a Drug Abuse Office in the White House, and the Government Operations Committee passed legislation authorizing this office. The Special Action Office on Drug Abuse coordinates existing drug prevention, treatment, and rehabilitation programs throughout 13 different Government departments and agencies, and brings them under the authority and direction of one office and one director. Programs involving the military, at home and abroad, as well as those touching the civilian drug-affected population are coordinated, strengthened, and expanded under the guidance of this new office.

SUPREME COURT

With the deaths of Supreme Court Justice Hugo L. Black and Justice John Marshall Harlan, two vacancies were created on the U.S. Supreme Court. To fill these seats on our Nation's highest court, President Nixon, by using the constitutional power and responsibility of the President, nominated Judge Lewis L. Powell and William R. Rehnquist.

Believing that both nominees were solid advocates of the law, morally sound and ethically righteous, I was in favor of their respective confirmations. The Senate Judiciary Committee found Judge Powell to be "thoroughly qualified" and he was then confirmed by a vote of 86 to 1 in the full Senate. In accordance, I believed him to be a moderating influence, seeking always to avoid hasty and extreme solutions while simultaneously striving to obey the law of the land.

The confirmation of Mr. Rehnquist seemed to be somewhat more difficult to resolve for a few of my colleagues. In essence, the thought that the nominee's ideology or political philosophy disqualified him for a position on the Supreme Court. I do not believe this to be a proper criteria for either rejection or confirmation. A Supreme Court nominee and I may disagree on some matters of judicial philosophy and perhaps if the power of nomination were mine I would have put forth someone whose views coincided more closely with my own. But that is not the issue here. Supreme Court nominees should be considered on the basis of intellectual and legal ability, veracity, integrity, and ethical and personal conduct. They should not be considered on the basis that they will stand in my stead and adjudicate as I, or any of my colleagues would.

It seems as if many of Mr. Rehnquist's opponents were seeking a political court and not a judicial one. Even those who hold the strongest of liberal views, however, have admitted that to reject a nominee solely on his political views would tend to politicize the Court. In the final analysis the Senate Judiciary Committee found the charges of Mr. Rehnquist's insensitivity on questions of civil rights were "totally unfounded."

In conjunction with my above-stated reasons, I believe the necessary criteria for a Supreme Court Justice is that he must carefully weigh the strengths of competing arguments and public policy considerations. Both Judge Powell and Mr. Rehnquist have the unique ability to see both sides of difficult legal questions which require working out the delicate balances established by the Constitution between the rights of individuals and the duty of the Government to enforce laws. I am also convinced that the new justices are within our great tradition of legal philosophy and are solely interested in equal justice under the law for all Americans.

SOCIAL SECURITY—AGING

The year 1971 has great potential for being one of the most forward-moving and progressive years for our Nation's older Americans. Not since 1961 has there been a White House Conference on the Aging, and a great deal has occurred in these past 10 years regarding provisions and care for the elderly.

Many far-reaching and innovative ideas emanated from the conference. However, it will take time and further study to see any of these recommendations activated. Therefore, while the past year was one of many blueprints for the future, there was also legislation introduced and passed which will lay the groundwork for the many present needs of the elderly.

In May of 1971, I introduced a bill to amend the Social Security Act, which would increase from $70.40 to $100 the minimum monthly insurance payments for retired and disabled persons 65 and over who are on social security. The bill would also guarantee a minimum social security check of $160 a month to an individual, and $220 to a couple whose total income now falls below the poverty level. Thirdly, my bill would lift the earnings limitation for retirees from $1,680 to $2,600 a year. This means a retiree may earn up to $2,600 a year in outside income without having his social security check lowered.

Although this bill is still pending in the Senate Finance Committee, hopefully to be incorporated into the social security and welfare reform bill during this session of Congress, I was delighted to see President Nixon sign into law last March legislation increasing the social security benefits by 10 percent. There are still some necessary improvements in the social security system, however, particularly in increased benefits to the elderly. My bill is attempting to do this.

As a member of the Senate Special Committee on Aging it was clearly brought to my attention, through many hearings, that with today's inflationary spiral, the ones hardest hit are our older Americans. We must have a minimum income for the elderly, and certainly someone willing and able to work should not be penalized because of his age, and more so because of the present restrictive limit on outside earnings. As it stands now a person can collect social security even though he draws huge sums in unearned income. But once he becomes a wage earner, he puts his payments in jeopardy. To me, this is not fair. A change in the earnings limitation would affect an estimated 18 million retired and disabled Americans covered by social security.

Thus, with the start of the second session of the 92d Congress, I feel quite certain that with the passage of the social security and welfare reform bill the beginning of a new era for our older Americans will become a fact, not a fantasy.

POLLUTION CONTROL

The Senate passed a 4-year, $16.8 billion bill aimed at making the Nation's waterways virtually pollution free by 1985. The legislation dramatically increases the Federal investment in construction of sewage treatment plants and requires local governments to charge user fees for the treatment of industrial polluters. It also requires Federal permits for discharging any wastes into navigable waters, and industrial polluters would be required to install the most up-to-date abatement equipment.

I supported the legislation, but was extremely disappointed when my amendment to fund the research work of Water Conservancy Districts was not adopted. The bill has been reported by the House Public Works Committee and should be ready for floor action by early February.

Also, I introduced Senate Joint Resolution 28 which is directly related to Ohio. The legislation designates Cedar Swamp in Champaign County as a national monument. When enacted, the resolution will stop highway construction and drainage near the swamp which could cause irreparable damage or death to the animals and plants in the bog.

We have destroyed too much of the scenic beauty and natural ecology of our country. It is time to begin and continue programs to insure that we will always have peaceful woodlands and wildlife sanctuaries, as well as a quality environment.

SST

Near the close of the 91st Congress, funds for the SST were struck from the Department of Transportation appropriations bill by a Proxmire amendment that was agreed to by the Senate. Immediately after this action, the conference committee recommended $210 million for SST development, and the recommended amount passed the House on December 15. However, when the bill again reached the Senate floor, it was promptly filibustered.

A compromise agreement was worked out to allow Congress to adjourn. The compromise permitted a continuing resolution to be passed by voice vote in both houses that continued funding for the SST until March 30, 1971. The compromise, to stifle the filibuster, included assurances that there would be a vote in the Senate on future funding of the SST during fiscal year 1971.

Early in March, the House passed another continuing resolution for the De-

partment of Transportation which carried an amendment from the House Committee on Appropriations funding the development of the SST in the amount not exceeding $290 million. The House struck the amendment by a vote of 217 to 203.

The Senate Appropriations Committee restored the SST amendment and the legislation, House Joint Resolution 468, reached the Senate floor on March 24. The Senate rejected the SST amendment by three votes.

I voted to fund the completion and testing of the prototype phase of the SST. The two prototype aircraft would have had no significant adverse impact on the environment, and we had already contributed 12 years of research, design, development, and two-thirds of the cost of building these prototypes. With that enormous investment of time and money, I was convinced that we should test the technological, economical, and environmental feasibility of the aircraft.

A great deal of the prototype development was done by Ohioans, and many of the potential 150,000 new jobs created by full development of the SST would have gone to Ohioans. Only three States ranked above Ohio in number of subcontractors bidding successfully for construction of the prototypes and future SST components. Ohioans were directly responsible for the engines, landing gear, and many other important parts of the aircraft. For this reason, I was confident that the SST would prove itself by contributing jobs, returning the Government's investment as well as tax revenue, and bolstering our balance-of-trade deficit, while at the same time providing fast, comfortable transportation to compete with the European and Russian supersonic transports.

While well-intentioned, many of the opponents of the SST were not willing to realistically support completion of the prototypes to test environmental theories.

I felt we should finish the prototype aircraft and test them thoroughly emphasizing the environmental factors. If the SST did indeed cause significant damage to our atmosphere, or if its speed and capacity proved unnecessary, I would have been among the first to call a halt to its construction and use.

AGRICULTURE

Farmers made 1971 a dramatic year of recovery from the short feed grain crop of 1970 caused by drought and corn blight. Another short crop this year would have led to reductions in beef, hogs, dairy cattle, and poultry, spelling higher prices for consumers. Instead, farmers courageously produced the highest per acre yields and the largest corn crop in history. This gave consumers the benefit of reasonable prices for red meat, poultry, and eggs, but put a severe burden on farmers as the bumper crop lowered prices.

To help farmers, changes were made by the administration last fall in feed grain programs for the coming year. These changes were made under the compromise Agriculture Act of 1970, which I supported last year because of its basic flexibility.

The new rules under the act provide more freedom for farmers: Allowing shifting of crop patterns for better utilization of resources, elimination of controls for overplanting, marketing quotas, cross-compliance, and early announcement of 1972 programs.

Beyond adjustment in the Agriculture Act of 1970, the administration's new economic policy stabilized costs of equipment and materials to the farmer, but exempted raw agricultural products from price control. I supported the President with sincere hope that it improves farmers' earning opportunities as market demands for their products expand and with increased prices while costs hold steady.

Farm market expansion includes increased export of farm products which reached an all-time high of $7.8 billion in fiscal 1971. Ohio's share of this total export was $232 million.

The removal of the 10-percent surtax on imports reduced the chance of retaliation and should further develop foreign farm markets. Additionally, the President removed the requirement that 50 percent of the shipments of U.S. grain to Russia, China, and certain other countries be carried in U.S.-flag vessels. This should give farm exports an additional lift.

Domestically, the administration implemented and expanded many other programs which I support. In December, the President signed the Farm Credit Act which provides readily available and more flexible credit for individual farmers and agricultural groups. Basically, the bill consolidates the hodgepodge of farm lending regulations under the full control of the farm credit system. Also, a rural telephone bank was established by other legislation to provide supplementary funds for building or expanding rural telephone systems. The $127 million in Farmers Home Administration emergency loans during fiscal 1971 was the highest in the program's history. And, maximum food purchase programs were ordered to lessen the effect of price-depressing market surpluses.

Also, the national school lunch program doubled during the last year, while the money spent on the program more than tripled. For fiscal year 1972 a total of $615.2 million will be available to provide cash assistance to participating schools to purchase food for the program.

Flexibility is the watchword for farmers in the future. Concentrated efforts must be spent on marketing and bargaining, as well as in the development of freer, more market-oriented production. Agriculture can be the catalyst that molds solutions for the critical problems of hunger, foreign trade, rural development and, creating a quality environment.

I am optimistic that we are just beginning to fashion a favorable climate in which farmers can contribute to these solutions and at the same time realize an adequate return for their efforts and disproportionate capital investment. I am dedicated to assisting farmers whenever and however possible and will continue to urge the administration to do the same.

OHIO MATTERS

The "complete" senatorial office, in my view, is the one willing to fight hard on a wide variety of matters affecting the home State. By that, I simply mean the office must assign a high priority to "affairs of State," often to the exclusion of other things. Toward that end, the year was a very active one. Some of the major accomplishments that my office, often working with the rest of the Ohio delegation, helped bring about:

The Federal Department of Transportation announced in midsummer after deliberating for a year that it was going to build a $10 million auto compliance test center near Bellefontaine in southwestern Ohio. The decision came only after some intensive lobbying by the delegation, and its awarding to Ohio was a victory of major proportions.

At roughly the same time I began receiving reports that a sophisticated foreign technology operation at Wright-Patterson Air Force Base in Dayton, with some 1,750 highly-paid technicians, was going to be transferred to Florida. Again, the delegation closed ranks and impressed on the White House and the Pentagon that the move would be unwise. The result: I was able to announce that the FTD would remain in Dayton for the present.

The new national rail service—Amtrak—came out with its original schedules last spring and, unaccountably, omitted any rail passenger stops in such huge northern Ohio centers as Cleveland, Toledo, and Akron. While this story had an unhappy ending, we were able through intensive pressure in early summer to get the new rail corporation to amend its schedules and offer Cleveland and Toledo daily passenger service. This decision was to be rescinded as 1972 began when some of the other participating States failed to come up with the necessary pledges to keep the service operating. Amtrak thus cut its service to northern Ohio.

Here is another example of what I mean about going to bat for the State: The National Environmental Protection Agency disclosed several weeks ago that it was thinking of moving from Cincinnati to Washington the Offices of Solid Waste Management. The move would have meant, among other things, a loss of jobs in Cincinnati in excess of 100. We immediately got busy on that one and, after several letters and telephone calls, prevailed on the agency to leave 117 jobs in Cincinnati and move only 20 to Washington.

Another major cause which occupied many hours of my time centered on efforts by the city of Cleveland to acquire the mammouth Cleveland Tank Plant for an addition of services at Cleveland Hopkins Airport. As the year ended, the General Services Administration informed me that, after intensive negotiations, it was prepared to offer the plant to the city for lease or sale. GSA said specifically that it is willing to negotiate the sale or

lease to Cleveland of 162 acres and 32 buildings. Again, this was no small victory.

There was much more, but the above were all good examples of how a Senate office can go above and beyond to help the State. Moreover, during the year my office was able to announce literally millions of dollars in grants, contracts, and related agreements to Ohio agencies, governments, and educational institutions.

We made breakthroughs in other areas as well. One of the matters that made me especially proud was the nomination by President Nixon of Ohio Supreme Court Justice Robert Duncan to a vacancy on the U.S. Court of Military Appeals. This nomination of Mr. Duncan, a friend whom I have long known and admired—and whom I strongly supported for the post—was a major one. The military appeals court is the Supreme Court for the military and consists of only three judges.

In late summer I made an intensive survey of my constituents on a wide range of matters, extending from the war in Vietnam to the economy to crime, pollution, and all the rest.

I sent questionnaires to some 200,000 Ohioans who make up my general mailing list. What I regarded as perhaps the key question dealt with the issue most bothering people today. Thirty-eight percent of the respondents picked inflation. Second was the war in Vietnam or some aspect connected with it—drawing 26 percent of the replies. Third place went to crime, with 18 percent, followed by unemployment and drugs, each 5 percent, and pollution, 4 percent.

As I mentioned earlier, the year was also punctuated frequently by trips back to Ohio. The primary purpose for going back has generally been speeches and appearances, or matters requiring my personal attention.

CONCLUSION

As the year ended, I found myself taking part more frequently in floor debate in the world's greatest deliberative body.

As you know, many feel this is the essence of the Senate—a body conceived by our Founding Fathers as a great, civilized forum for exchange of ideas, arguments, concepts, and philosophies. A review of the 11-month session disclosed that I took the floor 93 separate times to address my colleagues on topics ranging from Pakistan to NATO, from farm prices to health care.

It was a busy year in many respects, as you have gathered from reading what came before this. And already we are into the second session of the 92d Congress. In fact, by the time this report reaches your homes we will be debating hot and heavy such measures as campaign financing, higher education funds, and various other issues carried over from 1971.

Here, briefly, to climax this report, are some of the major items of business that will occupy the Congress in 1972:

Economy: The Nation's economic health will come before us as part of a raft of bills being pushed by the administration as President Nixon and his men work to halt inflation, increase production, and slowly switch from a wartime to a peacetime economy.

Welfare: Welfare reform and its guaranteed annual income proposal for the poor and work program for welfare recipients, already has passed the House and is due to come before the Senate by March 1.

National health: Some kind of national health insurance legislation will come before us, with proposals already ranging from cradle-to-grave federally financed health insurance to a program limited to catastrophic illness coverage.

Foreign affairs: A wide range of business, from the Vietnam war to NATO to our Strategic Arms Limitation Talks—SALT—will be before the Senate throughout the year.

And if that is not enough, there are also more than a dozen appropriations bills that we must pass to keep the Government operating.

In addition to all of this, remember that it is a national election year. To say that the imponderables of politics will be lingering in the wings is putting it mildly.

I shall look forward to your comments on this report. In closing, permit me to offer all of my fellow Ohioans a happy and meaningful New Year.

COMPREHENSIVE BUDGET SCOREKEEPING: CONGRESSIONAL ACTIONS AND INACTIONS IN THE FIRST SESSION OF THE 92D CONGRESS, AFFECTING THE FISCAL YEAR 1972 BUDGET

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MAHON. Mr. Speaker, in reporting to the House on adjournment day, December 17, on the appropriations business of the first session, I pointed out that while most of the spending side of the budget on which Congress annually acts is handled in the appropriation bills, congressional actions—and inactions—on budget proposals in various legislative bills significantly affect the budget and fiscal picture. They weigh importantly in any comprehensive comparison of congressional results with the President's budget and fiscal recommendations—as to obligational authority, as to expenditures, and of course as to revenues.

A few days after adjournment, the staff of the Joint Committee on Reduction of Federal Expenditures issued its comprehensive budget "scorekeeping" report. Copies were made available to each Member of Congress, to the press, and others. I should like to supply a capsulization of the scorekeeping report and some selective listings of the major variations from the 1972 budget recommendations.

Briefly, it shows:

First. That Congress, in all its actions and inactions on the 1972 budget, made a substantial net reduction in respect to new budget obligational authority. It made many changes and failed to take certain recommended actions, but the overall effect was a substantial net reduction from the Executive recommendations for new spending authority.

Second. That congressional actions and inactions in their impact on Executive estimates of 1972 expenditures—budget outlays—were about a standoff—slightly below the estimates, according to the scorekeeping report, but essentially a standoff.

Third. In respect to 1972 revenue proposals by the Executive, congressional actions and inactions, according to the scorekeeping report, did not reduce projected budget revenues quite as much as proposed—by about one-half billion dollars.

SUMMARY OF CHANGES—OUTGO SIDE OF BUDGET

In summary, the Congress in its action on the appropriation bills reduced the President's request for new budget obligational authority by about $2.2 billion with a resulting decrease of about $744 million in expenditures—budget outlays—from that proposed in the budget estimates.

Congress in its actions on certain nonappropriation bills also affected materially the amount of new budget obligational authority and expenditures. The staff analysis estimates that the nonappropriation bills on which Congress completed action in the first session will result in a grant of new budget obligational authority of about $1 billion in excess of the budget proposals with an estimated increase in expenditures of about $3.8 billion. This latter increase includes the social security benefit increase estimated to cost $1.4 billion which was approved without the proposed increase in tax rate and base; $1.2 billion due to approval of the Federal employee pay raise effective January 1, 1972, instead of July 1, 1972; and an increase of about $485 million in the cost of the all-volunteer army as compared with the budget request. These increases in new budget authority in nonappropriation bills were more than offset by budget authority reductions in the appropriation bills in respect to fiscal 1972, but in terms of expenditures—budget outlays—this was not the case.

However, by its inaction—to date—on certain legislative proposals in the 1972 budget, Congress did not approve about $5.3 billion in proposed new budget obligational authority involving about $3.1 billion in outlays. Major programs in this category include revenue sharing, medicare liberalization, and emergency school desegregation assistance. Of course, to the extent Congress approves these pending legislative proposals in the second session of the 92d Congress, the presently approved level of new budget obligation authority and expenditures would be affected.

The following table summarizes the comparisons:

COMPARISON OF CONGRESSIONAL ACTIONS AND INACTIONS AFFECTING FISCAL YEAR 1972 BUDGETARY RECOMMENDATIONS—OUTGO SIDE (AS OF THE END OF THE 1ST SESSION OF THE 92D CONGRESS, DEC. 17, 1971)

[In thousands of dollars]

	Budget authority			Budget outlays (expenditures)		
	House	Senate	Enacted	House	Senate	Enacted
1. The appropriation bills	−3,974,753	+521,054	−2,221,507	−1,872,500	+700,300	−744,000
2. Legislative bills:						
(a) With backdoor spending authorizations	+50,000	+50,000	+50,000			
(b) With mandatory spending authorizations	+1,750,588	+2,292,575	+702,075	+6,677,988	+5,249,275	+3,585,575
(c) Affecting certain proposals in the 1972 budget	+15,735	−187,065	+271,735	+921,000	+248,200	+207,000
Subtotal, legislative bills	+1,816,323	+2,155,510	+1,023,810	+7,598,988	+5,497,475	+3,792,575
3. Inaction on legislative proposals in the 1972 budget	−4,668,174	−4,809,374	−5,268,174	−3,121,540	−3,162,740	−3,121,540
Total, congressional action and inaction affecting fiscal year 1972 budgetary recommendations	−6,826,604	−2,132,810	−6,465,871	+2,604,948	+3,035,035	−72,965

Note: For details on a bill-by-bill basis, see table No. 1, Budget Scorekeeping Report of the Staff of the Joint Committee on Reduction of Federal Expenditures, Dec. 17, 1971.

THE APPROPRIATION BILLS

In the appropriation bills with respect to fiscal 1972 amounts, there was a net reduction from the requests for new budget obligational authority of $2,221,507,000.

The House totals were $3,974,753,000, net, below the requests considered.

The Senate totals were $521,054,000, net, above the requests considered.

These changes in the new spending authority requests translate—according to joint committee staff estimates—into changes from executive expenditure estimates—budget outlays—as follows: House, −$1,872,500,000; Senate, +$700,300,000; enacted −$744,000,000.

The $2,221,507,000 net congressional reduction in new budget authority requests for fiscal 1972 in the appropriation bills breaks down by bills this way:

[In thousands]

	Net change from budget
1. Education	−$6,875
2. Legislative	−6,040
3. Treasury, Postal Service, General Government	−280,229
4. Agriculture, Environmental and Consumer Protection	+1,172,086
5. State, Justice, Commerce, Judiciary	−149,686
6. Interior	+29,386
7. HUD, space, science, veterans	−882,721
8. Transportation	+44,983
9. Labor-HEW	+581,025
10. Public Works, AEC	+59,043
11. Military construction	−92,708
12. Defense	−3,025,366
13. District of Columbia (Federal funds)	−16,600
14. Foreign assistance	−1,581,708
15. Summer feeding programs for children (H.J. Res. 744)	+17,000
16. Supplemental, 1972	+151,461
Total, 16 measures	−2,221,507

There follows a selective listing of some of the major increases and decreases involved in the net overall reduction in budget authority of $2,221,507,000 in the appropriation bills:

SELECTED MAJOR INCREASES ABOVE THE FISCAL YEAR 1972 BUDGET REQUESTS (IN THE APPROPRIATION BILLS)

[In thousands]

HUD, water and sewer grants	+$500,000
REA loans	+216,000
Food stamps	+198,816
School milk program	+104,000
Urban renewal programs (half-year funding provided for program requested as supplemental for proposed revenue sharing legislation which was not enacted)	+650,000
Model cities program	+150,000
Veterans medical care programs	+190,000
Mental health	+112,750
Medical facilities construction	+167,827
National Institutes of Health	+142,130
School assistance in federally affected areas	+172,580
Elementary and secondary education	+138,000
Vocational and adult education	+100,115

SELECTED MAJOR REDUCTIONS BELOW THE FISCAL YEAR 1972 BUDGET REQUESTS (IN THE APPROPRIATION BILLS)

[In thousands]

Higher education (proposed authorizing legislation for student loan fund not enacted, and funding eliminated)	−$400,000
Community development, open space land programs	−100,000
Manpower training services:	
Public sector on-the-job training	−90,400
Special targeting	−120,800
Defense budget:	
Procurement funds failing authorization	−662,600
Research, development, test, and evaluation funds failing authorization	−257,000
Reductions in NOA requirements offset by application of excess prior year and stock fund balances	−945,600
Reduction associated with 56,000 man-year force reduction mandated in Selective Service Act	−286,800
Termination of main battle tank program	−66,600
Reduction in intelligence programs	−222,300
Reduction in civilian personnel cost	−49,435
Reduction in SAFEGUARD anti-ballistic missile system	−177,400
Foreign assistance (at the interim annual rate provided through February 22 in the continuing resolution, Public Law 92-201)	−1,581,708

NONAPPROPRIATION BILLS

Completed congressional actions in the recent session in certain nonappropriation bills out of the legislative committees having a direct or mandatory effect on the 1972 budget estimates are estimated by the staff of the Joint Committee on Reduction of Federal Expenditures to result in an increase of $1,023,810,000 in new budget obligational authority and an increase of $3,792,575,000 in expenditures—budget outlays.

The major legislative actions involved in this calculation are:

	Budget authority	Budget outlays
Social security benefit increase without requested rate increase and rise in tax base	−$833,000,000	+$1,385,000,000
Federal employee pay raise	+1,200,000,000	+1,200,000,000
Cost of all-volunteer army above amount requested in budget	+484,800,000	+484,800,000
2 actions raising Railroad Retirement benefits above request, without full requested rate increase	−24,000,000	+238,000,000
Elimination of proposed 110 percent limitation on public assistance administrative grants	+232,000,000	+232,000,000
2 school lunch actions (funded through CCC)		+215,000,000
13-week extension of unemployment benefits (eligibility begins; probable future appropriations)		+196,500,000

INACTIONS ON 1972 BUDGET ITEMS

The Congress failed to complete action during the last session on a number of legislative proposals in the President's 1972 budget, several of which would have resulted in reductions. The Joint Committee on Reduction of Federal Expenditures has estimated that the net effect of these inactions as of the close of the first session is to reduce the budget totals by $5,268,174,000 in new budget obligational authority and $3,121,540,000 in expenditures—budget outlays.

The major inaction items are:

	Budget authority	Budget outlays
Revenue sharing (general and special, including HUD community development)	−$3,506,000,000	−$2,569,000,000
Medicare liberalization		−977,500,000
Emergency school desegregation assistance	−1,000,000,000	−300,000,000
International financial institutions	−845,000,000	−57,000,000
Medicaid reform	+444,000,000	+444,000,000
Farmers Home Administration—Reduction in direct loans		+275,000,000

Much of this legislation will still be pending in the second session of the 92d Congress; some may be enacted in the second session; and much may possibly be included in some form or another in the new 1973 budget to be submitted later this month.

CHANGES IN FISCAL YEAR 1972 BUDGET REVENUE PROPOSALS

Mr. Speaker, in the aggregate, according to final "scorekeeping" report estimates of the joint committee staff, there was not much change reflected in congressional actions from the total of the revised budget revenue proposals for fiscal 1972.

As amended and enacted by the Congress, the President's tax reduction package amounted to net revenue reductions of about $1.4 billion less than the President requested, largely due to inclusion of depreciation rollback. However, the Congress failed to complete action on about $800 million in proposed social security revenue increases. These are the major congressional scorekeeping items contributing to the relatively slight net increase of $497 million over the 1972 budget revenue requests.

CLEVELAND'S DR. PAUL BRIGGS PRESENTS "MOST SIGNIFICANT TESTIMONY" ON EDUCATION

HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MINSHALL. Mr. Speaker, the distinguished chairman of the House Committee on Education and Labor, Mr. PERKINS of Kentucky, has heard a lot of testimony during his near quarter-of-a-century service in the U.S. House of Representatives. It is impressive, therefore, though not surprising to us who know Dr. Paul W. Briggs, superintendent of Cleveland Public Schools, to learn that Chairman PERKINS has called Dr. Briggs' recent testimony before the Education Committee, "the most significant I have heard in 23 years."

My good friend Dr. Briggs' testimony requires no elaboration on my part; I commend his remarks to the attention of all Members of Congress, and, at the same time, wish to pay personal tribute to the remarkable job this brilliant educator is doing in Cleveland.

The testimony follows:

TESTIMONY OF PAUL W. BRIGGS, SUPERINTENDENT OF SCHOOLS, CLEVELAND, OHIO, TO HOUSE EDUCATION AND LABOR COMMITTEE, JANUARY 13, 1972

Mr. Chairman, Members of the Committee: It is with great pleasure that I appear before you today. I always appreciate the opportunity to meet with you and to share with you views on elementary and secondary education needs. Once again I am honored to address this distinguished and industrious committee—one which perseveres in seeking solutions to the problems confronting our schools.

I am particularly pleased to visit your chairman's home state of Kentucky. In Mr. Perkins, Kentucky has a son of whom she may be very proud. Mr. Perkins, who has served on this committee for almost a quarter of a century (23 years), and as its chairman for the last five years, has been instrumental in drafting and supporting many significant bills relating to education. He supported, in 1956, the Library Services Act, and in 1957 he was among a group of 28 congressmen who presented a program to their contemporaries which included, and in fact demanded, federal aid to schools and the use of agricultural surpluses for school lunches. Later in 1959 Mr. Perkins supported the School Construction Assistance Act. In the 88th Congress he was credited with being the architect of the Vocational Education Act of 1963. He sponsored and conducted hearings on the Elementary and Secondary Education Act of 1965 and he is credited for having guided it through Congress. He was responsible for the Child Nutrition Act in 1966 which enabled Cleveland's School Breakfast Program.

In the 23 years that Mr. Perkins has served in the House of Representatives, he has shown exceptional insight and devotion to problems and needs of this country's young people. For this, I thank you.

With the help of Mr. Perkins and this committee we have made tremendous strides in education—but there is little question that further and new challenges lie ahead.

At the beginning of this century, the primary concern of urban education was the Americanization of the multitude of immigrant children. Today, we find yet another changing population in our cities—the children of the poor. Since World War II, there has been a massive exodus of the more affluent from the city to the suburbs. At the same time, the city has received an in-migration of the poor from various minority groups.

The move out of the city—among white and non-white citizens—has involved the economically more able. Consequently, increasing proportions of the people remaining in the city are victims of poverty. This situation presents an extraordinary challenge to all public agencies, especially the schools.

The emphasis and direction of education in the decade of the seventies must seek solutions to the basic problems of the people—the sociologically and economically based problems of the poor.

The school program that is geared to urban American in the seventies is certainly one which focuses attention on its instructional program, but it also is one that goes beyond instruction.

An essential factor of improved instruction is a massive effort to mitigate the impact of social, economic and racial isolation.

Cleveland is not unique in this regard. Cleveland's population is largely a poor population. As people are deserting the city for suburbia (and as industry is leaving as well), the inner city is becoming a pocket of poverty. Our city schools reflect this impoverished status.

At the same time there is a concentration of poor children, there is also a great decrease in the amount of tax revenue available to the Cleveland Public Schools. This decrease is due to a lowering of taxable values in Cleveland.

In 1965, 11 percent of Cleveland school children were recipients of public assistance. By 1971 the percent had more than doubled (24.9%) and now we find that nearly 47,000 school-age children in Cleveland are members of families receiving public assistance. One out of four children receive public assistance. Perhaps even more dramatic are the figures for the last 12 months when the number of children on welfare increased by 30 percent.

We have in Cleveland 25 elementary schools where more than half of the children come from families receiving welfare—and in one of these schools 97 percent of the pupils are on public assistance—in another, 89 percent. Moreover, some of our secondary schools have more than 50 percent of their pupils on welfare.

As the percentage of our inner-city school children on welfare has increased substantially in recent years, the enrollments in these schools has declined. As the more economically privileged leave, the poor remain. Those who are left behind in the city need special educational services.

Additional federal funds are needed for the disadvantaged to assure that they acquire the same opportunity for a quality education as the more fortunate in our society. *As intriguing and appealing as the promise of general aid to education may appear, let us not forget that we must first be concerned with those who most need help.*

The role of the Federal Government in aid to education should continue to be precise and aimed at the solution of specific problems. This has been true in the past when the landmark federal bills to aid education have dealt with crisis needs. Federal aid, therefore, has included grants for agricultural education during a time when the problems of agriculture were acute; manpower training programs during a time when training and retraining much of the work force was desirable; establishment of the National Science Foundation and science education grants in the late 1950's when the Federal Government wanted to hasten our space program; and most recently, compensatory education grants to meet the educational needs of the poor.

Education Commissioner Sidney Marland's Career Education proposal is yet another sound example of an educational program which deals specifically with those who most need help. His proposal broadens the vocational education thrust of a few years ago in an effort to extend the total career education of the pupils in preparation for productive life activities.

The Federal Government, through its landmark laws and assistance programs, has played a significant role in meeting the needs of the poor children. I refer, of course, to the National Defense Education Act, the Manpower Development and Training Act, the Vocational Education Act, the Economic Opportunity Act, the Child Nutrition and School Lunch Acts, the Education Professions Development Act, and of course, perhaps the most significant legislation relating to education to date, the Elementary and Secondary Education Act of 1965.

Not only is ESEA part of a larger family of legislative enactments, but the law itself with its various titles provides the basis for a coordinated attack on educational problems. In Cleveland, for example, Titles I, II, and III have enabled us simultaneously to deal with the interrelated problems of educational deficiencies among disadvantaged children, the lack of library resources and the isolation of children from various sections of the city.

Perhaps I am one of the few superintendents of a major urban school system who can speak to you firsthand about the development of programs made possible by ESEA. Being Superintendent of the Cleveland Public Schools before the ESEA became law and remaining in that position, I can speak to you with the experience of having watched the impact of the legislation from the outset.

With funds provided under Title I, we have significantly improved reading abilities among the disadvantaged. With Title II resources we have provided books and other library materials throughout the city. Title III enabled us to open the nation's first Supplementary Education Center in which we brought together children from throughout the city to experience together the excitement of discovering the wonders o space, science and the arts.

Funds from both Title III and Title VI have helped us significantly with many of our programs for another special group of children—the handicapped. Included among these are programs for the retarded, the crippled, the blind, the deaf, the neuro-

logically handicapped and those with impaired speech.

The following remarks will deal specifically with Title I of the Elementary and Secondary Education Act.

Title I of the ESEA has been a major factor in Cleveland's effort to focus a variety of federal funds on the educational needs of pupils enrolled in low income area schools. Cleveland has coordinated the use of its Title I funds with other federal and state monies to provide supplemental services for students in low-income areas. For the record, by supplemental, I am referring to those services which are over and beyond those given to all pupils enrolled in the system.

At the same time we are receiving new federal revenue, the people of Cleveland have repeatedly voted for additional taxes. As a result, since 1964 we have had a 100 percent increase in the tax rate.

The additional federal revenue has enabled us to mount a variety of programs. Our efforts have been concentrated on improving and reinforcing basic learning skills for the children most in need of such assistance.

During the current school year we have in operation twelve Title I projects serving 11,000 pupils. The projects are described in the folders attached to my statement.

These programs emphasize improving basic skills of those children who most need help. They help prepare younger children for school experiences. Other programs are designed to prevent difficulties in basic subject areas. Emphasis is also placed upon individualizing and customizing instruction for those students with deficiencies.

After more than six years of experience with programs initiated through Title I funds, we have some exciting success stories to relay.

EARLY CHILDHOOD

In meeting the needs of pre-kindergarten children from disadvantaged families, the Child Development project has helped to significantly raise the school achievement and social competency of children.

The percentage of children in Title I schools exhibiting above average or average readiness for the first grade has increased from 61 percent in 1968 to 84 percent this year. This increase has paralleled expansion of our programs for the very young children as more and more funds have become available. Normal readiness for children throughout the country is 69 percent.

An intensive effort has been made to involve parents of all projects. These efforts have brought increasingly successful results. Last year more than 90 percent of the parents enrolled in a pre-primary project for special education children were involved in such continuous project activities as parent-teacher conferences, regularly scheduled group meetings, or project planning activities. Nearly two-thirds of the children participating in the Child Development project had their parents visit their classrooms periodically.

And, perhaps most encouraging of all, follow-up studies show that children with Child Development experiences have higher attendance patterns three years later than do children without Child Development experiences.

ELEMENTARY PROGRAMS

In a special reading improvement program for second and third grade children, the participating pupils, those whom our resources allowed us to serve, have made gains both in vocabulary and in reading comprehension. These gains exceed gains made by non-project pupils in the schools where we have the program by almost one and one-half times.

A mathematical skill improvement program produced equally dramatic results. Those pupils who participated in the project more than doubled the achievement of students who did not have the advantage of the program.

Moreover, in two schools where we concentrated services, the reading and math scores of the lowest achieving children increased greatly from the previous year.

The English-as-a-Second-Language project is designed to equip children who lack satisfactory command of English with English language skills necessary for a successful classroom experience. Approximately nine out of every ten participants (89%) in the project were reported as having shown academic improvement in their regular classes. Previous to their participation in the project, many of these children sat passively in their classrooms because of the language barrier.

We have further seen encouraging results from our Follow Through project, a program which follows the child from the Child Development program through the third grade. The longer a child participates in this project, the higher is his attendance.

A survey of parents of children participating in various reading programs shows heartening responses. These parents value the individual attention given their children by the projects and they reported improved motivation for reading and a better attitude toward school in their children.

SECONDARY SCHOOL PROGRAMS

A Transition Project has been designed for those young people who need special assistance in making the move from the sixth grade to junior high school. These are pupils who lack certain basic skills and who need greater social maturity and academic preparation for the seventh grade.

The attendance rate for students participating in the project surpassed the rate established by all seventh grade students in the project schools. Now, keep in mind that pupils selected for Project Transition were those with substantial deficiencies in reading and mathmematics, wtih adjustment difficulties, and with truancy case histories—clearly the children least likely to establish high attendance rates.

Furthermore, follow-up studies on the eighth-grade performance of these children reveal that they maintain better attendance records and school marks than do children of comparable scholastic aptitude.

An exciting program has been developed to prevent potential dropouts from leaving school. This program has had exciting results as well. Of the pupils enrolled in the program, the dropout rate (15.5%) was lower than the rate established by all other tenth grade pupils in the project schools. (17.6%) This lower rate is all the more noteworthy if you remember that pupils selected for this program were those who had a high potential for dropping out. Previous experience indicates that approximately 50 percent of these pupils could have been expected to drop out had they not participated in the project.

In Cleveland it is our policy to have only two exit doors from our high schools—one marked "college" and the other marked "job." We have been increasingly successful in ushering our graduates through one door or the other.

Over a five-year period, Cleveland has had a 100 percent increase in the placement of inner-city high school graduates in colleges. Perhaps even more significant, one of our high schools which is almost entirely black, has 52 percent of last year's graduating class in college—this is a better placement percentage than many suburban high schools have.

This year $11,000,000 in scholarship money is available to graduates of Cleveland Public Schools as compared to only $2,000,000 in 1964.

We also have been successful in keeping our "job" exit door open. On the average, Cleveland's Job Development Program has placed in jobs 95 percent of those inner-city graduates who desire a job. In spite of the difficult economic times this past summer, 100 percent of the graduates of one inner-city high school were placed in jobs. This is not a small high school having middle-class students—it is a high school of 2,000 pupils having the highest incidence of poverty in the entire city.

FURTHER EFFECTS

Summers in Cleveland are no longer times of idleness for our school children. They are times of activity and learning. Enrollment in elementary and secondary summer programs in Cleveland has increased from 8,000 a few years ago to almost 87,000 this past summer. Not too many years ago our inner-city schools were closed during the summer, and now we have our schools on almost a 12-month program. We have used a large portion of our compensatory education money, both federal and state, to see that every inner-city school is open and available for summer activity.

Special assistance funds have enabled the Cleveland Public Schools to employ some 764 full-time teacher assistants and 325 part-time aides to work with school children. Almost all these aides live in the immediate neighborhood of the poverty impacted schools and their wages have directed compensatory funds to poverty area residents.

In Cleveland schools 3,500 volunteers help youngsters. Volunteers are trained by a full-time member of our staff whose salary is paid by federal funds.

Once again, it should be emphasized that in Cleveland we have used our Title I monies, in every case, to supplement local and state resources. The success of Title I funded projects in Cleveland has encouraged the State of Ohio to offer additional supplementary funds to expand and sustain programs for the children of the poor.

These funds have increased from their initiation in January, 1968 to a point where the allocation from state funds will almost equal our Title I allocation for the current fiscal year. Consequently, with additional funds, the Cleveland Public Schools can provide a greater depth of service to a greater number of needy children.

Nonetheless, as I said at the outset, there is still a tremendous task before us. We must provide a greater depth of service to the youngsters presently included in our federally-supported programs and we must expand programs to reach the poor children who are not presently included.

There is little question that our urban crisis is a serious one and that it needs the full attention of us all. To deal with this crisis, the following items should be top priority on a Federal program for urban education:

1. Full implementation of the $6.1 billion authorization of The Elementary and Secondary Education Act.

2. Multiple year funding to facilitate planning projects of more than one year's duration.

3. The establishment of high schools with only two exit doors—one marked "Job," and the other, "College."

4. Massive pre-kindergarten programs associated with each neighborhood school including early childhood education, nutrition education and health education. These programs should involve parents and community leaders.

5. Availability of federal funds for the expansion of work study and cooperative education programs.

6. Special job counseling and placement programs available to young people in advance of graduation.

7. Special matching funds to purchase books, reading materials and other educational supplies for disadvantaged children. These materials should be made available to the homes so that parents may become a part of the children's reading program.

8. Establishment of realistic adult job training and retraining programs at selected neighborhood schools and establishment of child care centers that will encourage mothers to continue education training or employment.

In Cleveland we have developed a comfortable relationship with officials in our State Education Department and with officials of the U.S. Office of Education. This good working relationship has enabled the Cleveland Public Schools to successfully implement programs which attack the problems of poor children. A large factor in the successful maintenance of these programs is that Cleveland, like most major school systems, is fiscally independent. Therefore, it is key that the delivery system for federal monies continue to be as direct as possible.

With the continued leadership of the House Education and Labor Committee and the cooperation of federal and state agencies, quality education will be made available to all children.

DEVALUATION OF THE DOLLAR

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHMITZ. Mr. Speaker, one of the first orders of business when Congress reconvenes January 18 will be legislation authorizing the President to do what he has already—without prior authorization—committed this country to doing: devaluing the dollar in terms of gold, and in terms of the other currencies of the world.

To grasp the real meaning of this, first of all we need to understand one simple truth very clearly: a piece of paper, no matter what words are printed on it, no matter if it is called $1 dollar or $100, has no intrinsic value. People may accept it as valuable, or they may be forced to accept it in payment by legal tender laws. But if they have little confidence in its real value, they will demand more and more of it in payment for less and less, bringing about the all too familiar process we call inflation. Throughout history, the most dependable intrinsic economic value has been found in precious metal—gold and silver.

There are, essentially, three kinds of paper money: First, promises to pay in gold or silver, convertible into precious metal at the option of the holder of the money; second, paper certificates issued by a government which may not be converted into precious metal by its own citizens, but may be converted by foreign holders; third, power certificates issued by a government which may not be converted into precious metal under any circumstances.

During the past 40 years, the American paper dollar has changed from the first of these kinds of money through the second to the third. Until 1934 gold dollars circulated side by side with paper dollars, so there could be no differences in their value. Then all gold coins were called in and American citizens forbidden to own them except for small "coin collections"—an intolerable restriction on individual liberty and standing invitation to inflation which would be eliminated by passage of my bill, H.R. 6790, introduced last March. Finally, just a few years ago, silver dollars disappeared from circulation and were not replaced, and the Treasury stopped issuing the "silver certificate" $1 bills which could be converted into silver on demand. That meant that American citizens could no longer obtain any precious metal in exchange for their paper dollars.

But foreign dollar holders could still do so, and this year they began a "run" on the dollar of such proportions that on August 15, 1971 President Nixon halted all payments of gold for dollars to anyone, anywhere. At that point, the dollar became a pure paper currency, without any "backing" whatever in material of intrinsic economic value.

In view of this we can see how essentially meaningless is the gesture of declaring the dollar now to be worth $38 per ounce of gold instead of $35, the former "official price." If no one in the world can obtain gold from our Government in exchange for a dollar, then any "official price" for the dollar has to be a fraud. An "official price" for the dollar in terms of gold could be justified only so long as our Treasury Department stood ready to buy gold for that price.

What the present devaluation really means is simply a recognition of the economic fact that other nations' currencies—notably those of our former enemies Germany and Japan—have become stronger relative to our own, so that dollars will now buy less in terms of marks and yen, and other foreign currencies. The recently agreed upon devalution of approximately 8 percent means that imported goods and foreign travel will cost Americans that much more. In and of itself, it will not affect prices of American-made goods at home.

But in the longer perspective of history, we have good reason to predict that this will be only the first in a series of steps steadily reducing the value of the paper dollar—the inevitable fate of any currency not backed by precious metal. There was a time when the Italian lira, for example, meant a pound of silver. It is now worth approximately one-sixtieth of a depreciated American penny.

WARREN HARDING HIGH SCHOOL FOOTBALL TEAM, OF WARREN, OHIO, WINS OHIO STATE CHAMPIONSHIP IN 1971

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. CARNEY. Mr. Speaker, I am pleased to inform you of an outstanding achievement by a group of high school athletes in my congressional district. The group I am referring to is the Warren Harding football team from Warren, Ohio. The Warren Harding Panthers finished the season with the first unbeaten and untied record in their school's history and succeeded in capturing the Ohio State Class AAA Football Championship for 1971.

The accomplishment certainly did not come easily. Rather, it was the result of a tremendous team effort and a lot of hard work by each player as well as head coach, Tom Batta, and his assistants, Jack Rogers, Sam Bates, and Cullen Bowen. Nearly 1,000 fans and friends of the team attended a banquet held in their honor at the close of the season.

In addition to the outstanding team performance, certain team members merit special mention for being named to the all-Ohio Class AAA squad. They are: Doug Stubbs, offensive first team; Len Sernulka, offensive third team; and Mike Capellas, honorable mention. Individual team honors went to: Doug Stubbs, top defensive back and most valuable player; Chuck Cullins, best defensive lineman; Len Sernulka, top offensive back; and Jack Richards, top offensive lineman.

The Warren Harding Touchdown Club also presented several awards to team members. Ed Kvesich, president of the club, awarded the "Unsung Hero" Award to quarterback Tom Muir. TD Club game awards went to Joe Kirksey, James Douglas, Matt Lee, Dan Ross, Ron Cullins, Jim Tsilimos, Tony Elzy, Bob Stan, Eli Hilas, Randy Fabrizio, Wilbur Boggs, Mike Capellas, Gene Haplea, and Bill Hunter.

Mr. Speaker, I would like to take this opportunity to express my personal congratulations to the players and coaches of Warren Harding High School football team for their outstanding record during the past season. I also wish these fine young men continued success in their chosen careers.

TRIBUTE TO WALTER TROHAN

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 18, 1972

Mr. COLLIER. Mr. Speaker, I am happy to join my able colleague in paying tribute to Walter Trohan, who recently retired after having served as a Chicago Tribune correspondent for 43 years. Most of that period was spent in the Nation's Capital, where he was an able member of the newspaper's Washington Bureau and rose to the position to chief correspondent.

Having arrived on the national scene during Franklin D. Roosevelt's first term, Walter Trohan was intimately acquainted not only with F.D.R., but with all Chief Executives who followed him. He reported the news of the executive branch and Congress during the days of depression and prosperity, war and peace. His readers numbered in the millions, as his dispatches appeared not only in the Tribune but in the papers that were affiliated with the Chicago Tribune Press Service. He also conducted a weekly news program for WGN, the Tribune's radio station.

He was a newspaperman from his youth. The story—which I admit is apocryphal—goes that young Trohan

applied to Robert R. McCormick, for many years the dominant force behind the Tribune, for a job as a reporter. He told the Colonel that he could decline Greek and Latin nouns, whereupon he was told:

I don't care whether or not you can decline Greek and Latin nouns—can you decline a drink? I'm glad you know Latin—you can cover Cicero.

I suspect that the real reason Colonel McCormick hired Trohan was that he was born on the Fourth of July; this would square with the Tribune's vigorous Americanism. Trohan learned early that a reporter's life is not all glamor—he was the first newsman on the scene of the St. Valentine's Day massacre of February 14, 1929, when Chicago gangsters killed seven of their rivals.

Walter Trohan, a versatile man who combined scholarship with down-to-earth practicality was not content to accept government publicity handouts. Instead he went after the news and as a result his columns were factfilled and highly readable.

Mr. Speaker, my best wishes go to Walter Trohan and his lovely wife, Carol. May their years of retirement be pleasant and may they live as long as they enjoy life.

EDWARD SCHNELL—LOUISVILLE'S PARK AND RECREATION EMPLOYEE OF THE YEAR

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MAZZOLI. Mr. Speaker, in this age of crowded cities and urban blight, we are coming to recognize the irreplaceable value of our parks and open space. Also, as automation frees our working force for the increased pursuit of recreational activity, we come to recognize the growing value of our playgrounds and picnic areas. Our children, of course, have long valued their parks and playgrounds.

Accordingly, I think it only fitting that we pay our grateful tribute to those who devote their lives to the upkeep and improvement of our parks and recreational areas. Just such a person is Mr. Edward Schnell, who last month was named the "employee of the year" of the Louisville and Jefferson County, Ky., Metropolitan Park and Recreation Board.

I have for some time been personally acquainted with Eddie Schnell because he is the caretaker of George Rogers Clark Park which is located just a block and a half from my home in Louisville and is the park in which my children play.

The fact that Eddie Schnell is also handicapped—he has been a cerebral palsy victim since birth—only serves to heighten his professional accomplishments as a park caretaker. It also stands as a shining example of the contribution the handicapped can make—if we just let them.

Mr. Speaker, I ask that the following article about Edward Schnell which appeared in the Louisville Courier-Journal be reprinted in the CONGRESSIONAL RECORD. It is entitled, "Taking Care."

The article follows:

TAKING CARE: A PARK IS A NEATER PLACE BECAUSE A CARETAKER DOESN'T LIKE TO SIT STILL

(By Ben Johnson)

Edward Schnell is like lots of other folks—he likes order. And because he does, lots of other folks in southeast Louisville have one of the nicest parks in the city.

"Everything's in order here," he said during an interview yesterday. And indeed George Rogers Clark Park, which is along Poplar Level Road a few miles north of the Watterson Expressway, was immaculate.

There was no sign of the discarded beer cans and soda bottles evident at some parks. Firewood was neatly stacked beside the lodge, and the wading pool was spotless.

"I guess that's the reason I got the award," Schnell told a visitor who remarked about the condition of the * * * located in southeastern Louisville parks. Earlier this month, Schnell, 37, was named the Metropolitan Park and Recreation Board's employe of the year by Carl Bradley, executive director of the board.

The award, initiated only last year, is given to the park employe who "provides inspiration for his fellow employees." Schnell was picked from 325 permanent park employes.

"Eddie's one of the hardest workers we have," his supervisor, Thomas Mosee, said "If the department had 50 more men to work like he does, these parks would be in better shape than they are now."

Bradley also had compliments for Schnell. "George Rogers Clark Park is as nearly immaculate as any park we have."

But Schnell's accomplishment is heightened by his circumstances. He has been a cerebral palsy victim since birth. The disease left him with a speech impediment and poor muscle coordination. But his handicap hasn't impeded his progress. "I like to think that my handicap isn't a handicap," he said.

"Several years ago, Eddie made it known that he wished to make it on his own," Bradley said this week. "Instead of letting his handicap be an excuse for doing nothing, he decided to succeed in spite of it."

George Hauck, a local hardware store owner helped Schnell get the caretaker position almost three years ago while Hauck was a member of the Park and Recreation Board.

"I always felt he would make someone a good employe," Hauck said. "But he had never been given a chance. Business today makes it very difficult for handicapped people."

After Schnell was given the opportunity to prove himself, he amazed his fellow workers. "He hustles so," one said yesterday.

Area residents think as highly of Schnell as his superiors and fellow workers do. Several neighborhood youngsters stop by frequently to talk. Yesterday a 9-year-old took him a Christmas present.

"I don't know why everyone is doing all of this," Schnell said as he strained to pronounce each word. "I don't deserve it. I'm just a worker."

"Yeah, Eddie, but you're such a good worker," a neighborhood woman chimed in. She and several other women were at the lodge attending a Christmas party.

Schnell's duties as a caretaker include the general management and maintenance of the park. When all of his regular duties are finished, he works on other projects. "I just don't like to sit still. There must be half a million things around here that I do," he said. Right now he's painting the wall of the wading pool.

The 32-acre park contains tennis courts, basketball courts, a softball diamond, tot lot and picnic facilities. It is bounded by McKinley, Thruston, Popular Level Road and Filson Avenue.

Schnell, explaining why he likes working at the park, said, "It keeps me in touch with a lot of people.

"I like the park and the people here." He and his mother moved to 1530 Goss Ave. so Schnell wouldn't be far from the park.

Schnell suggested that other handicapped persons "get out and work when they're old enough. It's the best thing for you. . . . But it's not as easy as I say it is. Sometimes you are lucky and get a job. Sometimes you're not so lucky."

UNJUST TREATMENT OF NORTHERN IRELAND CITIZENS DEPLORED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BIAGGI. Mr. Speaker, for the last few months I have been inserting a series of reports in the CONGRESSIONAL RECORD concerning the atrocities being committed in Northern Ireland. In my November 18, 1971, statement I included a report of the arrest, interrogation and treatment of Joseph Hughes under the Special Powers Act, which permits the imprisonment of civilians without charging them with a specific crime. This gentleman was treated with great abuse by the British Army. He suffered great physical harm as well as having to listen to verbal indignities.

This report so moved the members of the Ancient Order of Hibernians, Division No. 1, Delaware County, Pa., that their president, Mr. Joseph Kelly, has written a letter to the Prime Minister of Northern Ireland deploring such actions.

I commend Mr. Kelly and the other members of his organization for speaking out against the repression in Northern Ireland.

It is my hope that other citizens will continue to speak out and denounce the harsh and cruel treatment of the citizens of Northern Ireland.

The letter follows:

ANCIENT ORDER OF HIBERNIANS,
DIVISION NUMBER 1,
Havertown, Pa., December 7, 1971.

Mr. BRIAN FAULKNER,
Prime Minister of Northern Ireland, Stormont Castle, Belfast, Northern Ireland.

YOUR LORD: Your letter and press release of September 24, 1971, we are afraid shows your lack of understanding about the position of Northern Ireland. We kindly implore you and your ministers of Government to read the Sunday London Times of November 14 and 21 which has given a very objective report on the situation of Northern Ireland. On November 18, 1971, in our country, the land of freedom, citizens of Irish Heritage were moved with tears, when the Honorable Mario Biaggi, U.S. Representative of New York, in the Halls of Congress, uttered his fifteenth report on the Situation of Northern Ireland. The closing lines of this report were as follows: "The bigoted people of Northern Ireland have said the following in the lorry, Your Virgin Mary was the biggest whore in Bethlehem, Also in the lorry, Sure they all the Pope's bastards." We are enclosing a copy of this speech which was in the United States Congressional Record in our letter, we humbly implore you to read it your ministers of Government and to

your people as this Christmas season approaches. In the history of Christianity, such verbage was never uttered and such verbage would not be fit to be called to swine in a pig pen.

Remember my dear Lord, as you kneel before the Christmas Crib on Christmas morn, you will see this same woman in bended knee giving adorational to the One who brought peace to the world. Maybe you and your bigoted people can learn a lesson from this Christmas Crib to all Christian people throughout the world.

As the Christmas Season approaches we extend to you our sincerest prayers and best wishes and may there soon be a United Ireland.

Sincerely yours,

JOSEPH KELLY,
President.

SPACE SPINOFFS MANY

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, Mr. Paul Recer in the San Antonio Express of Tuesday, October 12, 1971, discusses a number of significant spinoffs from our national space program. The applications cited in Mr. Recer's article describe many of the techniques, devices, and skills which are derived from our national space program and are bringing their benefits to the general public every day. In addition to those items cited by Mr. Recer in his excellent article, the publication of the committee, "For the Benefit of All Mankind," covers the subject of direct space benefits in more detail. I commend this article and the committee document to your reading.

TOUCH NUMEROUS AREAS—SPACE SPINOFFS MANY

(By Paul Recer)

SPACE CENTER, HOUSTON.—Tires screamed against pavement. A car goes out of control, spins and splatters into a bridge support.

The car is smashed so badly rescuers are unable to open doors or windows and pull out the injured.

A patrolman, arriving at the remote scene, unpacks a large silver gun-like device. He pulls a ring and an intense flame leaps from its muzzle. He cuts away a door of the smashed car and within minutes the injured are freed and en route to a hospital.

The patrolman was using what is actually a rocket motor adapted to cut through metal. The rocket, which gives a maximum of heat with a minimum of thrust, was developed by the United Technology Center and is based on research the concern did in the U.S. space program.

The company estimates that about 2,400 persons die each year from uncontrolled bleeding, shock or fire while waiting to be extracted from smashed autos. Company officials think the rocket torch may change that.

The torch is but one of literally hundreds of new products which have grown out of the nation's space program.

Problems which space engineers challenged and conquered to get man to the moon are rapidly being converted to use on earth. Such technology from space is beginning to touch many areas of life for Americans and even more innovations are on the horizon.

For instance:

Teachers in a Sacramento, Calif. high school no longer have to keep tedious enrollment records. A 10-digit space-developed computer keyboard has been installed in each room and the teachers merely punch up the code number of any pupil who is absent. The signal is filed in a central computer and at the end of the day a printed readout gives the attendance record for every pupil in the school.

At the same high school, teachers wear or carry an alarm unit about the size of a fountain pen. Should a disturbance develop, a teacher has only to push a toggle switch on the pen to send an ultrasonic signal to the main office. Equipment there identifies the sources and location of the signal and help is quickly on the way.

A shock absorber system developed by North American Rockwell for use under the astronaut coaches of the Apollo command ship have been converted and used experimentally in highway guard rails. Engineers claim the system cushions shock so effectively that a 60 mile per hour impact on the guard rail has the effect of only a five mile per hour impact against a solid surface.

Ball bearings the size of pin points were developed for use in satellites. The same bearings have been adapted for use in dental drills, creating an ultrafast drill which developers claim is more effective, reduces pain significantly and eliminates the sense of vibration and grinding.

The rugged demands for a spacesuit to protect astronauts on the surface of the moon led to new fabrics and new weaving techniques. A featherlight, shiny plastic insulation material used in space has been developed into an emergency blanket for mountain climbers, outdoorsmen and aviators. The blanket folds up to a hand-size package.

The largest number of spinoffs from space program has gone into medicine.

An electronic switch developed for use by astronauts is being used experimentally to help paralyzed persons operate their own wheel chair.

The device is worked like glasses. By moving his eyes, the paralytic can send a signal to his motorized wheel chair and actually guide it where he wants to go. The device also can be used with other equipment to turn off lights, change television channels and turn the pages of books.

A sensor smaller than a pinhead was developed by space engineers for wind tunnel model testing. The device was converted for use by doctors to measure blood flow rates. It can be easily inserted into an artery because of its size. A California hospital is currently using it to measure the effectiveness of heart valve transplants.

The breathing of comatose children or elderly patients has always been a difficult problem. Doctors often insert a tube into the patient's windpipe to assist his breathing. The tube, however, can become clogged and the flow of air cut off. Usually a nurse must sit at the bedside to guard against this.

A new sensor, designed at the Ames Research Center for aerospace use, is now being used at some hospitals to monitor the breathing of comatose patients. The device measures temperature of the air passing through the tube. A temperature difference can trigger a signal within 10 seconds, alerting a nurse at a central control or in another room.

Other medical space spinoffs include:

An eight-legged lunar walker. Developed for use on the moon, it is now being used experimentally by paralyzed children. It can climb stairs, step over curbs and go other places blocked to wheel chairs.

Computer-enhanced X-rays. First used to improve the quality of television from space, the system can create great contrast in X-rays, allowing doctors to better study the heart, vessels and brain.

Laminar air flow systems and superbacteria filters. Developed for use in manned spacecraft, these are now being used in surgical suites and in burn wards to cut down on the amount of free floating bacteria.

Cardiac preservation chamber. Developed by Grumman Aircraft Corp. from lessons learned in producing the Apollo lunar module, the chamber keeps a donor heart alive for a transplant. It may make it possible for donor and recipient to be widely separated. The chamber is also being used at the Baylor College of Medicine in Houston to study the rejection of donor hearts by transplant patients.

The space agency estimates that there have been at least 2,500 technological innovations passed directly from the space program into general use. Many of these new techniques and devices are patented by the government, which makes them available to any firm.

So vast have been the advances in the space business that a system has been developed which allows companies with special problems to draw on the technology developed by the space agency. About $5 million has been spent to help this new data to flow directly into the nation's economic mainstream. For a fee, the space agency will search its computerized knowledge banks for solutions to particular problems.

PAN AMERICAN HIGHWAY CONGRESS

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DON H. CLAUSEN. Mr. Speaker, I recently had the privilege to serve as the congressional adviser to the Pan American Highway Congress in Quito, Ecuador. Our colleague, the gentleman from Texas (Mr. WRIGHT) also was selected to attend the Congress.

Congressman WRIGHT and I share a longstanding interest in the development of the Pan American Highway and an understanding of the benefits it will provide all the Americas. We were pleased to be offered the opportunity to address the plenary session of the Congress.

Quite frankly, Mr. Speaker, I feel our colleagues would be interested in the statements Mr. WRIGHT and I made in Quito outlining our views on the necessity for Inter-American cooperation and on the means to achieve our mutual goals. Therefore, I am inserting our remarks at this point in the RECORD:

ADDRESS OF CONGRESSMAN DON H. CLAUSEN

On December 9, 1967, you accorded me the high privilege of addressing your plenary session in Montevideo, Uruguay.

At that time, I referred to the Pan American Highway program as "the most important single undertaking of our time"—"a coordinated and integrated road and highway system for the Americas".

"As we work toward this desired multination and intercontinental integrated system of highways, one cannot help but visualize the ultimate formation of a Common Market of all the Americas."

Today, it is with pleasure that we are able to report positive progress in the development of the Darien Gap Highway as the key segment remaining to be completed in the Pan American Highway.

Culminating 6 years of Darien Surveys, a formal report was prepared by the Darien Subcommittee entitled "Final Conclusions and Recommendations Regarding the Location, Design and Construction of the Pan

American Highway Through the Darien Gap of Colombia and Panama." This report was formally presented to the Permanent Executive Committee President, Eduardo Dibos D., during the meeting of the Permanent Executive Committee of the Pan American Highway Congresses in Lima, Peru, in February 1969.

March 19, 1969, in the Council Chamber of the Pan American Union in Washington, D.C., and attended by members of the Permanent Executive Committee, Darien Subcommittee, Officials of National and International Highway organizations, the Final Report of the Darien Subcommittee was presented to the Secretary General of the OAS, Dr. Galo Plaza, by Don Rumulo O'Farrill, our beloved Honorary Life Chairman of the Permanent Executive Committee—the "champion of the Pan American Highway System".

On June 10, 1969, in the House of Representatives of the United States Bill H.R. 12014 was introduced by myself along with colleagues Congressman John C. Kluczynski of Illinois and Jim Wright of Texas. The Bill would authorize the United States to cooperate with the Governments of Panama and Colombia in the construction of the Darien Gap Highway in these two countries to thus connect the Inter-American Highway with the Pan American Highway and authorize $100 million to pay two-thirds of the cost of construction of the highway.

Passage of the Federal-Aid Highway Act of 1970, on December 31, 1970, was signed by President Nixon; thus the construction of the Darien Gap Highway was assured. This was a memorable occasion for all those who had worked for many years to make the closing of the missing link of the Pan American Highway System a reality.

In a historic ceremony May 6, 1971, at the Pan American Union in Washington, D.C., the Governments of Colombia, Panama and the United States executed the final agreements for the construction of the Darien Gap Highway.

In signing the agreements for the U.S., Secretary of Transportation John A. Volpe said, "The international project now agreed to will benefit all the Americas. It will bring both social and economic gains to all the countries of the Hemisphere".

Before the end of the fiscal year June 1, 1971, President Nixon requested supplemental appropriation by the U.S. Congress in the amount of $5 million for the Darien Gap Highway. These funds were immediately obligated and an announcement made to call for bids August 31, 1971, on the section of the Darien Gap Highway in Panama between Canitas and the Bayano River including the Bayano River Bridge.

In the 1972 budget, President Nixon and the Congress appropriated $15 million to continue to fulfill contract and construction commitments.

The continuing and intense interest of the U.S. Congress was next demonstrated when Mr. Wright, myself, and our House Roads Subcommittee, visited Colombia, Panama and the Darien Region to observe "on-the-spot" the construction problems to be encountered, the effect on the environment, the concerns of the native population of the area and, most importantly, to gain a greater understanding of the unique terrain, swamp and meteorological problems associated with this "impossible" construction project.

A helicopter flight over the proposed routing, an overnight stay in a Choco Indian village and meetings with native leaders—deep in the Darien Jungle—made a profound impression on all of us, as we sought to develop a fuller appreciation for the problems ahead.

All planning is aimed at "holing through" the Darien Gap within 5 years. If weather and construction conditions permit, it is our hope to accelerate the construction timetable. We are determined to complete the project and "close the Gap" at the earliest practicable date.

This presents a tremendous challenge to everyone connected with the program—from the political, administrative and financial people of our governments to the scientific, engineering and builder personnel that must accomplish the work.

The Darien Gap—long famous and challenging as the "Impossible Road Construction Project of our Hemisphere"—will continue to intrigue the imagination until it is finally completed and the Pan American Highway—from Alaska to Argentina—linking the Americas—truly becomes Inter-Continental, thereby setting the stage for the unlimited economic, social, educational and cultural benefits that will become available to the people of North, Central and South America.

Where do we go from here?

In many ways, highways are comparable to the blood circulation system of our own body. The Pan American Highway is the main artery of the highway system for the Americas. Feeder roads form the vein network which carries blood into the main artery. When there is active circulation of blood through the veins and arteries, the surrounding body tissues are kept healthy. Likewise, when feeder and lateral roads stimulate the production, trade and travel that flows into the main highways of our lands, our economies prosper and the lives and living conditions of our peoples benefit.

This analogy has proven useful to me. It has helped me to understand and relate the role of highways, coordinated with other land, sea and air transportation, and how these, in turn, serve the ultimate goal of national and intercontinental development.

I have often talked about the need for integrated national transport systems as a vital ingredient of national progress. By that I refer to the rational, planned, coordinated and integrated system of different transport modes that function together efficiently and economically in serving the transport needs of our societies.

But just as the human brain directs and coordinates our bodily functions, so likewise national development planning through the Pan American Highway Congress and OAS must serve to integrate our transport systems into the total development process of the Americas.

We in the U.S. have long ago learned the lesson that a well-developed transport system operating alongside an inadequately developed agricultural or industrial structure has very limited benefits.

In this sense, highways and transport systems are instruments by which national development and individual mobility are served. They are not ends in themselves. For example, a farm-to-market road program which is not integrally linked to a well-conceived agricultural development plan, providing research, extension, farm credit, and marketing services, is unlikely to bring progress to the rural community or a better life for its inhabitants.

From this analogy, I arrive at the conclusion that the basic goal of all of us who are interested in highways is national development. Our job does not end when we plan and finish construction of a highway. We must not be satisfied when the main arteries and veins of a transport system are in place. We must all actively involve ourselves in ensuring that a vigorous flow of blood is pumped through these arteries and veins. That means we must concern ourselves increasingly with national development strategies, with sectoral plans for agricultural and industrial development, with plans for balanced regional economic growth and urban decentralization. Only by involving the technical and management capabilities of the transport sector in the broad tasks of national development planning will we realize our common goal—highway systems which serve as the vital lifestreams of growth and individual betterment.

MY VIEWS ON A NEW LATIN AMERICAN POLICY

In discussing U.S. policy toward Latin America, I have often said, "We do not wish to be looked upon as your fathers; we prefer to be your brothers." Behind this phrase, there is a long history of continuing debate as to what the proper relationship should be between the U.S. and our neighbors to the South. That debate spans long periods of our history from the Monroe Doctrine, through the Good Neighbor Policy, and the Alliance for Progress, up to the present. Each phase of our evolving policy toward Latin America responded both to an assessment of U.S. interests and of the realities of our relationships in the Hemisphere.

The change in our desired role from being "fathers" to "brothers" goes to the very core of President Nixon's concept of the "mature partnership" we wish to have with our Latin American friends. As I have observed our working relationship during the sessions of the Pan American Highway Congresses, I have come to the firm conclusion that we are all proud of our national heritage, yet we are also willing to share ideas that will be helpful to all.

Why have we moved to this new policy and new diplomatic style?

We have realized that our Latin American neighbors have made great strides in recent years in the complicated tasks of nation building and economic and social change. These nations are increasingly flexing their "muscles of maturity" as they develop their self-confidence, as they thrust ahead in their efforts to modernize, and to bring the benefits of growth to more of their people.

We, too, have assessed our national interests and the realities of contemporary Latin America.

We have come to the conclusion that the special relationship we seek with our Latin American friends must be such as to assist the processes of change in an atmosphere of mutual respect, confidence and cooperation.

That special relationship must recognize the need of our neighbors to reconcile their interests in close ties with us with their determination to mold their own destinies.

It must be based on an understanding that our neighbors must determine their own national structures, their own solutions to their national problems, and setting their own priorities. Above all, it implies that our friends in Latin America must also live with the results of their own decisions and actions.

This is the essence of the mature partnership we seek—

On our side, a strong commitment to assist and cooperate, as requested, in dealing with the problems of change and growth in the Americas.

On the side of the Latin Americans, a growing sense of constructive nationalism and maturity in making a better life for their own people.

As this partnership develops and mellows with time, we not only help each other, but strengthen the quality of our political, social and economic institutions that bind us together in the Inter-American system.

In presenting my personal assessment of our relations of the past, I am of the firm opinion that we must all accept a proportionate share of the blame for the problems that have not been resolved in an orderly manner.

Why has this occurred?

In my view, we have all wavered from one extreme to another—all the way from "benign neglect" on the one hand to the "bear hug" on the other.

When we needed each other desperately, we would join together to meet a common threat to our respective interests.

After the threat had passed, we would fail to communicate adequately, to "keep in touch", thereby neglecting to recognize or deal with promptly the increasing problems associated with the challenges of change in this jet-space-technological age.

The result has been smothering paternalism wrapped in a blanket of immaturity, misunderstanding, unfulfilled promises and mounting uncertainty.

The time has come for all Americans, North, Central and South, to stand up and be counted on a man to man basis—treat each other with mutual respect in a true spirit of brotherly love, as intended, originally, by our Creator.

We are all constructive, creative, dedicated and determined individuals and nations.

We must all realize, however, that by maximizing our organizational inter-dependence, we can enhance the cherished goal of independence.

We, the delegates of this Eleventh Pan American Congress, can and must show the way.

Just as the late President John F. Kennedy and the U.S. Congress said in the early 1960's, "We will put a man on the moon during this decade," I know it is the desire of President Richard Nixon and the U.S. Congress to cooperate in uniting the Americas during this decade of the 70's.

The closing of the Darien Gap, when completed, will serve as *The Symbol* of Hemispheric cooperation and solidarity and as a living monument to you, the delegates of these Eleven Pan American Highway Congresses.

STATEMENT OF CONGRESSMAN JIM WRIGHT

It is a very happy mission that we of the United States Congress perform here this week. We have the extremely pleasant privilege of informing you that the United States Congress in the past year has approved and authorized the expenditure of $100 million over the next few years to assist in completing the Inter-American Highway through the entirety of the Darien Gap so that it will link up Colombia with the northern terminus of the Pan American Highway.

Our President, Richard Nixon, has given this project his highest priority. He has ordered our administrators to expedite ist completion by every possible means. Our Congress, in its appropriation process, has cooperated fully.

For several generations, it has been the ardent dream of statesmen and engineers throughout the New World to complete one continuous hemispheric highway, linking all of the Americas in one ribbon of concrete. Men of good will in all of our countries have labored toward this goal confident that it will bring to the people of our Republics the mutual blessings of fresh hope and better understanding, raw materials for our mills, markets for our produce, jobs for our citizens, closer cultural ties, and an enriched standard of living for millions of people. Today, with the closing of the final gap approved, I am certain that this dream will come true.

When the Darien Gap has been spanned, we will have here in the Americas the longest continuous stretch of highway on earth. For almost 19,000 miles, one carpet of pavement will connect the entire Western Hemisphere from the icy tundra of Alaska to Tierra del Fuego at the southern tip of Argentina.

A century and a half ago, that incomparable patriot and patron saint of free men everywhere, Simon Bolivar, dreamed and struggled for a New World united in hope, united in spirit, and united in the aspirations of its people.

No nation can expect to exist as an island of affluence surrounded by an ocean of poverty, and no nation should desire such a condition. Nor could the flower of freedom flourish in a desert of despotism. Our futures as free men in this hemisphere are inextricably interwoven and what benefits the least of us in our American family will benefit the whole of us.

To me, the real significance of a completed Intercontinental Highway is that it will permit, within these 19 countries, the interchange of persons of ordinary means, the people who ride in busses, automobiles and trucks, those who may never in their lifetime board a jet plane or an ocean liner. It is a great popular bridge which we are about to construct.

It is curiously significant that the final obstacle of the Pan-American Highway should be in the Darien region. This junction of the great land masses of North and South America was the territory which in the youthful dreams of Simon Bolivar should be the logical geographical focus of hemispheric unity. It was at the Pan American Congress of 1826, where Bolivar made his historic appeal for the spiritual fraternity of the young American nations. His legacy is our inter-American system and the dramatic task before us now, the closing of the Darien Gap.

I am proud that the people of my country have had the vision and determination to participate over the years in the construction of the Pan American Highway. The appropriation of one hundred million dollars which the Congress and President of the United States have authorized for this project is not an act of paternalistic generosity. I am pleased that altruism has played a role in this undertaking, for it is a noble sentiment.

But our contribution is more than that. It is the pursuit of our national interests. Not in the narrow and selfish sense, but in the conviction that our interests are served by whatever promotes the solidarity and wholesome relationships among the nations of this hemisphere. I ask that you accept our participation in this spirit: the recognition by the people of the United States that our fortunes are linked together by more than geographical propinquity and shallow sentiment attachments.

The name Darien Gap will soon become happily inappropriate and obsolete. I hope that some day soon it will be known as Friendship Link—Eslabón de la Amistad—or something equally appropriate.

In my country—and, I am sure, in yours as well—we have learned that a highway is more than just a valuable conduit of transportation and communication.

A great need made more apparent by the progress of the Inter-American Highway is the growing necessity for a lateral road system in each of the countries of the Americas.

While the Inter-American Highway has begun to bring a measure of prosperity and progress to those cities and localities which lie along its route, its full economic and social potential will be realized only when its benefits are shared with the thousands of now remote communities which lie beyond its reach.

Even a system of modest roads connecting to the Inter-American Highway will bring markets within reach of the many heretofore isolated towns and villages where for centuries millions of Latin Americans have historically lived out their lives without the benefit of any substantial contact with the outside world. If Latin America is to realize its great potential, a system of lateral roads is a necessity.

Ultimately, therefore, a uniform and concerted program should be undertaken to produce continued revenue sources for the all important work of highway maintenance and lateral road construction.

As an engineering feat of historical significance, a completed Pan American Highway open to all travelers of the hemisphere could rank with the imaginative communications network by which Alexander the Great connected Asia Minor in his day, or the elaborate system of trails by which the Roman Empire first linked up Europe. A philosopher once wrote: "Make no little plans. They have no magic to stir men's blood."

We have made a good beginning. Let us continue together therefore in harmony and in mutual dedication to the greatest work of all—the work of creating an atmosphere of expanded opportunity for the humblest citizen of our hemisphere and an environment of true freedom and genuine friendship becoming to the children of God, and hospitable to the family of man.

The present generation will benefit from this enterprise, but the principal beneficiaries of the growing spirit of friendship to which this work gives living proof will be the generations yet unborn. Solomon said, "Where there is no vision, the people perish."

So, then, working together in our mortal imperfections we strive to build a better world for our own era, daring to labor and hope for the promised day when nations will beat their swords into plowshares and their spears into pruning hooks. We may find comfort in the words of the great Dutch astronomer, Tycho Brahe, when he said:

". . . that this work of ours
May lead to victories for the age to come.
The victors may not remember us.
And if so, what matter?
For them shall be the joy, the victories and the praise.
Ours will be the glory of the fathers in the sons."

JEWISH ADVOCATE

HON. LOUISE DAY HICKS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. HICKS of Massachusetts. Mr. Speaker, Boston is indeed most fortunate to have the Jewish Advocate, an ethnic newspaper that is celebrating its 70th anniversary. This journal has for 70 years championed the rights of mankind and has labored unceasingly to secure redress of grievous wrongs suffered by humanity.

So that I may share with my colleagues an abbreviated history of the Jewish Advocate, together with some of the contributions it has made to the community, I am inserting an article by Joseph G. Weisberg, its copublisher and executive editor, which made a profound impression upon me:

THREE SCORE AND TEN

(By Joseph G. Weisberg)

Seventy years of publishing as an ethnic newspaper in this country is an undeniable rarity. For such a journal to be under the aegis of the same family for the past fifty-five years and still going strong at a time when nationally prominent and once firmly entrenched, widely-circulated periodicals have been disappearing like seltzer bubbles, is veritably a miracle.

Why has The Jewish Advocate endured? Perhaps more for reasons of spirit than of body. The differences that make a newspaper stand out from its fellows are frequently subtle, but when analyzed are usually found in the motives that govern the publishers. Such is the fact with the Advocate. It has attained a recognition not only among those thousands for whom it is published, but widely in the non-Jewish world as well. It is often quoted in the Congressional Record; it is a constant source of in-

formation on Jewish matters to people of all faiths, historians and organizations of all sorts and has come to be recognized as "The Voice of New England Jewry."

When the Advocate was born there was no New England Jewry. In 1902, if one reads the article in the Jewish Encyclopedia written by Godfrey Morse, it will be seen that Boston Jewry was a comparatively small community. It was neither prosperous nor ambitious. Immigration and natural growth had produced numbers. The creation of a communal ambition, the welding together of the one hundred and fifty Jewries of New England into something of a personality, this is the outstanding achievement of The Jewish Advocate. As Jacob de Haas, a former secretary to Theodor Herzl who immigrated to this country and was editor of the Advocate until 1917, could state by 1927: "There is no better homogeneity among Jews than in New England."

In the Silver Jubilee edition of The Jewish Advocate, by then in the hands of the present ownership, former editor de Haas reminisced:

"Sometime in 1910 a man named King came to the Advocate offices to urge the editor to support the Massachusetts Savings Bank Insurance Law which had been engineered by Louis D. Brandeis. I was invited to meet the 'People's Attorney' with the results described in the Advocate of November 12, 1926. Let me add that the first announcement of Justice Brandeis' interest in Zionism appeared in the Advocate of December 9, 1910. The Advocate contributed effectively to the creation of Justice Brandeis' leadership in Jewry."

In the hectic years between 1910 and 1914 the bitter alien immigration question demanded decision. This crucial issue guided Advocate politics. There was no American Jewish Congress in those days and the Advocate served as forum and creator of those committees without which nothing can be done.

It is of interest to recall that Bostonian Judaism has a strange religious history. On the Reform side it started with Rabbi Solomon Schindler who, to attract attention, as he confessed, had first preached the annihilation of every Jewish idea until he had nothing left to destroy. He had a fine mind and was hailed as one of New England's hundred intellectuals. Years after he retired from the pulpit he began to see things in a new light and the Advocate opened its columns to his reconstructive idea "If Moses came to Boston." Old-timers showed their tolerance by eagerly reading Rabbi Schindler's keen satire. Schindler was succeded (at Temple Israel) by Rabbi Charles Fleischer, who shocked those attending his first Kol Nidre service by apologizing for making an appeal for the Jewish Federated Charities. The Advocate declared war on Fleischerism. But he fell because in order to go abroad a week earlier he wanted to change the date of the Shavuot celebration. There were other reasons, too, but in the main Fleischer was not in contact with the community and did not understand that it was not as indifferent to things Jewish as he was.

But there was as much trouble on the Orthodox side. There were some "baalbattim" who lived mentally in the 80's and the Advocate had regretfully to fight them on their habit of introducing "imported rabbis." One was presented to the Governor and made to believe, or assumed, he was designated Chief Rabbi of the community. The involved personal politics which produced these peculiar results were ignored and the Advocate stuck grimly to its opposition to the system of importing rabbis from Europe, of paying them poorly and of forcing them to foment trouble in order to hold their own in a community where the older generation already had its hands full with official and unofficial rabbis.

One of the most unusual types of Boston Jews in the beginning of the century was Edward A. Filene. He had an interest in organization quite apart from any specific purpose. He believed in getting together for its own sake and he once offered to finance a Kosher Club if it would pull the Jews together, although he had no interest—not the vaguest—in Judaism. But that plan was unnecessary when the Boston City Club, unquestionably the best non-sectarian club at the time in the United States, accidentally brought the three Jewish elements—Germans, Posen and Russo-Polish—together.

The three circles began to intermingle and Malden and Chelsea Jews joined the group and it became possible to do things in a new spirit. With a better Boston front the rest of the state began to depend on the capital city. The spread of Zionism and the Y.M.H.A. helped a great deal. The task of the Advocate became easier. Not only week by week did it address a larger audience, but one that established mutual confidence. Few can perhaps recall when Meritz and Baltermantz were grindstones to each other and the West End was anathema to the North End and both to the South End, particularly to the small group of Galician Jews settled on Harrison Avenue. And this was repeated everywhere.

But as the Advocate invaded Worcester, Providence and Hartford with local editions, as its subscription solicitors went from town to town in New England, there was built up not only a unique readership list, but a new kind of relationship among the Jews in New England.

One incident impressively evidenced the possibilities latent in so large a family of readers. A circus parade offended Boston Jewry by carrying a dollar bill in the procession as the Jewish flag. That circus moved rapidly from town to town, but not so swift but that the owners of the circus found themselves everywhere met with a protest demanding an apology and a cessation of the insulting trick. This victory was achieved by Advocate editorializing reaching prominent readers in many places.

Throughout 1915, 16 and 17, The Jewish Advocate not only kept abreast of every local event, supporting every forward move, but its columns constituted a good index to Jewish affairs everywhere throughout the world. There was no Jewish Telegraphic Agency supplying news regularly at the time and the realization must come forth of the tremendous effort put into the gathering of the endless variety of news in those days.

It is perhaps not amiss to here point out that while the Advocate for years has been non-political and non-partisan, involved only with issues that effect civil liberties, social progress and democratic rights, it was different in its earliest days. Unashamed and unafraid, it wanted Jewish political recognition. It fought for the election of David A. Ellis on the Boston School Committee and later Isaac Harris' battle and Moses J. Lourie's struggle for the same office. A City Council was replacing the old Board of Aldermen and the Jews desired a candidate. From Isaac Rosnosky on there were plenty Jews in and around the Hub who keenly relished city and state politics.

Again, Jacob de Haas recalls: "In 1900 Boston witnessed its classic mayoralty campaign: Ex-Postmaster Hubbard thought he ought to run; "Honey" Fitz again wanted the office and the Good Government crowd nominated James J. Storrow. I was all for Storrow, but his aides debauched the electorate. There must still be in South Boston pianos that are heirlooms of that campaign. It was a red hot broiling race. The Jews were supporting Storrow, Nathan Pinanski and Samuel Dana were conspicuous in one group of Storrowites, the Dreyfus family in another group. Samuel H. Borofsky was championing the singer of "Sweet Adeline". I had prepared an editorial supporting Storrow. Then Nathan Pinanski at luncheon told me one day how the 'Goo Goos', not Storrow, but the crowd behind him, were down on the Jews. I investigated. True enough. I tore up the Storrow editorial and penned one entitled 'Political Angels'. It was published the Friday before election. Fitzgerald won by a narrow margin and The Jewish Advocate was credited for providing the majority."

The Advocate later contributed to the rise of Charles Strecker, who became Assistant Treasurer of the United States; to the Governorship of Eugene Foss and the first campaigns of Senator Walsh. Throughout, though, the Advocate was never partisan. It supported men who were for the principles for which the paper stood.

Zionist preoccupations took de Haas away from Boston in 1916 and it was then that Louis D. Brandeis suggested Alexander Brin, a plucky young reporter for the Boston Traveler, who had made his mark in the famous Atlanta, Georgia, Leo Frank case, as a replacement. The Brin-Weisberg family took over in 1917. Alexander Brin was editor; his brother, Joseph G. Brin, associate editor, and their brother-in-law, Abraham Weisberg, business manager.

The new regime set out to give the community a real direction, no easy task, for the Jews were not a united body. The Jew from Russia had little in common with the Jew from Germany. Too, there were the well-known ritualistic differences—the Orthodox with their traditional approach, the Reform with their modernity at the other extreme and in the middle the Conservatives. Between these groups there was a schism greater than between the sects of the Christian Church.

It required courage to stand impartial in 1917, so sharp was the demarcation. But the Advocate undertook the job to smooth out quarrels, pointing out that its columns gave the various groups their only chance to keep track of one another and to cooperate in the broader Jewish problems.

Once this objective was clear, success became pronounced. By 1923 the Advocate had its own printing plant and had begun publication of two outside editions, The Connecticut Hebrew Record and the Springfield Review, now still publishing, but as separately owned entities.

While a member of the State Board of Education, appointed and re-appointed by nine successive Governors for a record in longivity on that important Board, Alexander Brin proposed the Todd Lecture Fund to be devoted to sending a prominent Catholic, Jew and Protestant to each of the state's normal colleges to expound understanding and harmony between the faiths. This was adopted.

Charles W. Eliot, the eminent President of Harvard, wrote to Dr. Brin advising him, in advance of others, that Harvard had decided against a scheme which would have drastically limited the number of Jews to be admitted to that college. In his letter Dr. Eliot remarked: "The anti-semitic movement has not been so strong in New England as in other parts of the country, perhaps because of the influence of The Jewish Advocate."

Lord Reading, the Chief Justice of England, wrote in similar vein to Alexander Brin: "The Jewish Advocate has done so much towards breaking down race prejudice and in interesting humanitarianism generally that it is a question of world wide importance. . . . I feel the mutual regard shown in your paper for mankind's rights has led and will continue to lead to better understanding between Jew and non-Jew."

In the files of the Advocate are letters from world renowned personalities, including Presidents of the United States, commending the paper for its contributions along a multitude of fronts.

The Advocate was among the very first, after a personal trip to Germany by its publisher in 1933, to warn against the rising Hit-

ler menace. A letter from John W. McCormack in 1942, at that time Chairman of the Congressional Committee to investigate Nazi and other subversive activities, stated: "As I have publicly stated on many occasions, the information you willingly gave and the exhibits which you called to the attention of the Committee proved invaluable."

The Advocate in a local achievement exposed the move to establish a Swastika League in Massachusetts and by providing collected proof to then Secretary of State Frederick W. Cook, blocked the granting of a charter to the League. Secretary Cook wrote: "At your advice and upon information which you furnished me, I officially declined to issue a charter which was apparently intended to cover in this country the same discrimination to which you object."

In 1926 the Advocate, in cooperation with the late Rabbi Harry Levi of Temple Israel, launched the Jewish Society of Arts and Music. Under this aegis, painters, musicians and dramatists emerged from obscurity into the light of opportunity. Through programs arranged by the Society many deserving artists were enabled to continue their studies and their careers and make valuable contacts. A legion of big name stage and screen personalities—Paul Muni, George Jessel, Rosa Raisa—to mention but a few, owe the success of their first Boston engagements to the Advocate.

During the year when the murals of John Singer Sargent were portraying Jewish life as degrading and in an uncomplimentary manner, the Advocate launched a counter movement. In a campaign through this newspaper, its readers purchased Jacob Binder's great masterpiece, "The Talmudist", and presented it as a gift to the Museum of Fine Arts. There it now hangs as the first example in a public museum of Jewish art which depicts the Jews as "The People of the Book."

The Advocate has always cooperated in every cause designed to better community relations and to strengthen inter-faith activities. Many a movement, Jewish and Christian, was either launched or furthered to success as the result of an idea born or promoted in the offices of this newspaper. The publication saw the Jewish community develop from uncohesive groups into a well-knit entity and its publisher played a prominent role in the reorganization of the Federated Charities into the Associated Jewish Philanthropies, predecessor to the Combined Jewish Philanthropies, serving the AJP as secretary of its first campaign. So it was with Beth Israel Hospital, Brandeis University and recently Sinai Hospital, projects that came to the Advocate for help. As a member of the State Board of Collegiate Authority, the publisher of the Advocate played a key role in transferring the Middlesex Medical School charter, when it was threatened with revocation, to Brandeis University. It was also through the efforts of the paper, in cooperation with the late Superior Court Justice Charles Rome, that the Friends of Boston University, an all-Jewish group, was organized to make great contributions, including the Stone Science Building, to that institution.

Individuals, as well as organizations, have found in the Advocate not only support, but most important personal help. A recent example was the strange case of Rabbi David I. Shackney, a noted Hebrew educator of New Haven, Connecticut, who was wrongly convicted in 1963 by a Federal court for the alleged crime of holding a Mexican family in involuntarily servitude on a chicken farm which he operated. Through funds raised in response to columns in the Advocate, an appeal to the upper court was made possible, the conviction reversed and the rabbi exonerated.

The readership of the Advocate extends not only far and wide, but to circles as diverse as a subscription from the White House to one from the Permanent Mission of the United Arab Republic at the United Nations.

The Jewish Advocate has received many awards for journalistic execellence, fifteen in the last four years alone. These citations cover such honors as "Best Editorial Page" from the New England Press Association, consisting of some 300 newspapers in the six-state region; "Best Column Award" from the same Association; "Best Local Advertising" preparation; editorials and feature writing recognition by the American Home Newspaper Association, composed of hundreds of weeklies throughout the country of general and non-sectarian circulation. The State of Israel cited the Advocate for "Best Supplement" in competition with other Jewish weeklies throughout the United States and Canada during Israel's 20th anniversary year.

The past of The Jewish Advocate has been acclaimed for its coverage, style and richness of service. Now that it has reached seventy, its publishers dedicate themselves anew, with undiminished idealism and vigor, to the future in a continuing zealous spirit of commitment to Judaism and Americanism.

Bis a hundert und zwanzig.

A NEW BREED OF POLITICIAN

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to call the attention of the Members of Congress to a newspaper article which appeared in the Boston Sunday Advertiser on December 26, 1971. It is worth reading for the insight it contains into the efforts of one man to involve himself in community life at an early age. I, of course, am proud to represent the city of Quincy, Mass., here in the Nation's Capital.

The article follows:

A New Breed of Politician

(By Jon Klarfeld)

At 27, Harold R. Davis has a good education, a fine job, plenty of good prospects and not too many worries. But he wasn't content to let things go at that. Davis wanted to get involved—and he wanted to get involved in public service.

So Hal Davis took a deep breath and filed as a candidate for the school committee in Quincy, his hometown. Several months later, after a lot of hard leg-work, Davis was a winner, topping the ticket in the school committee race with 16,396 votes.

Between the time he made his decision to run and the final balloting, Davis estimates he met at least 25 percent of Quincy's 90,000 residents, while his campaign workers contacted virtually every voter. In the process, Davis walked the beaches, rang doorbells, shook hands for hours and had to have his shoes resoled three times.

While he is from a comfortable background—his father is Dr. Albert Davis, a well known Quincy physician—Hal knew he would have to work for the things he wanted. He was educated in the Quincy schools and at Thayer Academy in Braintree. He was a magna cum laude graduate of Bowdoin College in 1966 and received his law degree from Georgetown Law in 1969.

After passing the examinations for the U.S. Foreign Service, Hal changed his mind and landed a job with the prestigious Boston law firm of Ropes & Gray, specializing in municipal finance and school law, a specialty he believes helped him in his successful run for the school committee.

"I could talk about pending school laws," he says, "and this impressed people that I was concerned with school problems on a daily basis."

Hal set out to conduct what he calls a Kennedy-style campaign, encompassing person to person contact, advertising and press coverage.

At first, Hal admits, he was a bit nervous about approaching strangers, but that changed quickly. Soon he wasn't wasting a moment, introducing himself to voters while waiting at a stop light, talking, handing out campaign literature.

"We took a fairly scientific approach, realizing there were a lot of candidates," says Davis, who was one of 23 candidates for school committee in the primary election that reduced the field to six for the final election.

"We started before anyone else, attended dinners, functions, knocked on doors, walked the beaches. I was worried, because I was 17th on the ballot and that meant my name was hard to find. A person had to be looking for me to spot my name."

Enough voters spotted Davis' name to place him third in the primary. On the final ballot, which is set in alphabetical order, his name was first, which added to his confidence that he'd finish in the top three. The confidence also was based on a long, hard campaign and the fact that no incumbents were seeking re-election.

Davis devoted a big chunk of his vacation to campaigning. To make his name as well known as possible, he shook hands outside movie theaters, spoke out on issues that received good local press coverage, attended voter registration sessions, free flu clinics and ethnic dances.

"Most people were very friendly," he recalls, but there were disconcerting moments.

One frustrating incident occurred when Davis was outside Quincy City Hall, urging an elderly woman to go in and register to vote. The woman told Davis she would have registered, except she was afraid she might have to cast the deciding vote in a close election and the possibility made her nervous.

Hal, a bachelor, spent virtually all his time between the primary and final elections on a constant round of campaigning. He stressed issues he felt he could influence during his four-year term. Among them were community-school involvement, reinstatement of driver education courses, increased emphasis on intramural sports, greater utilization of school buildings by non-profit groups and increased voter registration for eligible students.

Although he was addressing himself to issues, Hal thought personal politics was a more important factor in influencing votes on the local level.

"Personality is very important," he says. "There are a few issues like busing that can destroy a candidate, but, aside from that, personal contact is more important."

Davis feels the form of a campaign often is as important as its substance, claiming: "By working so hard, we showed people I'd have the energy to do the job.

"I'd sometimes attend several dances in one night—Syrian, Irish, country and western. The trouble was, I'd just start to enjoy one of them and it would be time to leave for the next one. It was a problem."

One problem Davis didn't have was the support of his family and employers. He said his parents with whom he lives, were 'fairly enthusiastic about his decision to run.

"They knew I was interested in government, politics and history, he disclosed, adding that his superiors at Ropes & Gray were pleased with his decision, as they encourage their lawyers to participate in public service.

Hal will take his seat on the Quincy School Committee in January, intending to serve

the full four-year term. But he does not rule out an attempt for higher office, perhaps on the state level. "There's nothing to prevent me from holding two jobs at one time," he contends.

While Davis hopes to effect changes for the better in Quincy, he is not naive.

"I won't be disillusioned," he says. "I'm pretty aware of the things I'll be facing. I'm idealistic, but I'm a pragmatist."

Idealistic pragmatists might be just what Massachusetts politics needs.

NEWSPAPER LAUDS COUGHLIN FOR REPRESENTATION OF PEOPLE IN HIS DISTRICT

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McDADE. Mr. Speaker, in an age when the adversary role of news media and public official has become customary, I am pleased to call to the attention of the House an uncommon editorial tribute to my good friend and colleague, the Honorable LAWRENCE COUGHLIN, who represents Pennsylvania's 13th Congressional District.

The editorial, "Our Visible Congressman," was printed on December 30, 1971, by the Main Line Times, a major weekly newspaper published in Ardmore, Pa. It is an outstanding accolade that I know Congressman COUGHLIN cherishes and an indication of the value the news media places on a public official who makes himself available to his constituents and press representatives. Mr. Speaker, I append here the editorial I have referred to:

OUR VISIBLE CONGRESSMAN

Lawrence Coughlin, who represents Plymouth, Whitemarsh and most of the remainder of Montgomery County, is a politician who does his legislative homework and one who keeps in constant touch with his constituents. And this is a rare breed, since the majority of those in political life remain purposedly invisible most of the time, only to emerge shortly before election with a handful of campaign literature.

Congressman Coughlin is in constant touch with this newspaper and other members of the news media. While some may say that the only reason for his printed verbosity is to get more votes for himself, we prefer to think that he is sincerely interested in doing a good job and he believes part of this is to let the people who elected him know what he is doing as their representative. It must also be remembered that anyone who seeks the limelight, for whatever reason, must then be prepared to stand up to the glare it generates.

Many legislators do not maintain contact with the voters for the obvious reason that if the folks back home became aware of their sorry record they would quickly be returned to their former professions.

While the majority of people can't tell you who their state or federal representatives are, we do not believe this is the case with those who reside in Congressman Coughlin's district, and it is unfortunate more of his fellow politicians don't follow his lead in utilizing all the means at hand of informing their constituents of their activities.

We believe if more representatives were like the area Congressman, instead of remaining nine tenths submerged like an iceberg at all times, it would go a long way to removing the stigma which has hounded those in political life down through the years.

Congressman Coughlin maintains a local office at 607 Swede Street in Norristown in addition to his Washington office and is highly receptive to the needs and wants of the voters who reside in his district.

CALIFORNIA IS SHAMEFULLY LOW IN SUPPORT OF PUBLIC SCHOOLS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ANDERSON of California. Mr. Speaker, for many years the educational system in California was a model for the Nation to follow.

Today California has fallen below the national average in the amount it spends to educate a schoolchild.

A few short years ago, California was sixth in the Nation in per pupil expenditures. Today it is 31st. In the 1964–65 school year, the State government provided nearly $40 of every $100 spent on educating a child, but today the State contributes only $34.80 of every $100 spent.

What does this mean for the child who needs a quality education to compete in today's society? What does this mean to the local taxpayer who owns property?

For the child, it means crowded schoolrooms. It means a lack of individual attention. It means a cutback of instruction programs and poorer quality of materials.

To the property taxpayer, a reduction of State aid means higher local property taxes. When the State reduces its aid, the funds must be provided by increased property taxes. In the 1964–65 school year, the property tax provided less than $57 of every $100 spent on education. Today the property tax provides approximately $60 out of $100 to educate California children.

Mr. Speaker, the costs of educating a child must be shifted back to the State government and the Federal Government must also increase its contribution.

California, the State with the most students in public schools, cannot afford to cut back on the support for these schools. Rather than being 31st in school aid, behind such States as Louisiana, Vermont, Kansas, Ohio, and Indiana, California should be back among the leaders.

The future of our State, indeed, the Nation, depends on the youth of today. We must provide the best education for our children and, at the same time, reduce the burden on the local property taxpayer.

At this point, Mr. Speaker, I place in the RECORD two articles which appeared recently in the Sacramento Bee newspaper:

[From the Sacramento (Calif.) Bee, Jan. 10, 1972]

STATE DROPS TO 31ST NATIONALLY IN TOTAL AID TO PUBLIC SCHOOL PUPILS

(By Leo Rennert)

WASHINGTON.—The National Education Association today ranked California 31st in total expenditures for each student in elementary and secondary schools—a new modern low.

Last year, the state was 24th. Five years ago, it was among the leaders in the No. 6 position.

California's further decline—along with a new drop in the percentage of state financial support for its public schools—was disclosed by the NEA in its annual report on education trends.

The report estimates California will spend $835 per pupil during the current school year—$633 less than New York which leads the nation with an outlay level of $1,468.

Twelve other states also top the $1,000 mark.

BETTER STATES

States which have jumped ahead of California since last year, include New Hampshire, $847; Louisiana, $867; Virginia, $875; Indiana, $837; Kansas, $854; Nevada, $910, and Ohio, $871.

Ohio was the state California Gov. Ronald Reagan selected as the fiscal model for his administration when he came into office five years ago.

At that time, Ohio ranked 33rd— 27 rungs below California.

Today, Ohio is 26th—five places ahead of California.

For the second consecutive year, California has dropped below the national average in per-pupil expenditures.

This year's national norm is $929—$94 more than California's.

Last year, the national average was $868—$60 more than California's.

NEW YORK MOVES AHEAD

The New York-California gap also has widened—from $573 to $633.

While California this year boosted its average expenditure per pupil by $27, the national level rose by $61 and New York's went up by $87.

Here is California's national ranking for the last six years:

1966–67—sixth.
1967–68—ninth.
1968–69—13th.
1969–70—22nd.
1970–71—24th.
1971–72—31st.

While California still falls $165 short of reaching the $1,000-per-student mark, the following states have topped that level:

Connecticut, Rhode Island, Vermont, Delaware, Maryland, New Jersey, New York, Pennsylvania, Illinois, Michigan, Wisconsin, Alaska and Hawaii.

The NEA estimates state government in California will pick up 34.8 per cent of the tab of public education this year—a drop from last year's 35.2 per cent figure.

The California pattern goes counter to a nationwide trend of greater state assumption of educational costs. Nationally, the state support percentage has risen from 40 to 40.9 per cent.

Although New York has 1.2 million fewer students than California, Albany is expected to provide $2.5 billion to local school districts—$1 billion more than California schools can expect from Sacramento.

In New York, the state accounts for a slightly higher share of school financing than do local taxes—47.4 to 47.2 per cent.

In California, the state contributes only about $3 for every $5 raised at the local level—with a state-local split of 34.8 and 59.1 per cent. (The remaining percentage to reach 100 is made up of federal funds.)

California now ranks 31st in terms of state support percentage for financing of elementary and secondary schools. Last year, it was 28th.

There is one category, however, where California remains near the top—teacher salaries.

TEACHER PAY

The NEA figures the California average for elementary and high school instructors has

risen to $11,439—an increase of $417 over last year's level and still third in the nation.

Alaska leads with $14,124, followed by Michigan with $11,620.

The national average this year is $9,690—$1,749 below the California level.

One out of every five California teachers now earns more than $13,500.

Large class sizes help explain why California can rank high in teachers salaries but low in per-pupil expenditures.

STATE'S SKID ON SCHOOLS AID LIST SHOCKS RILES, LEGISLATORS

(By Don Speich)

State education and legislative leaders expressed shock and anger today over a National Education Association report which ranks California 31st in total expenditures for each student in elementary and secondary schools.

"It's an outrage!" snapped Assemblyman Leroy Greene of Sacramento, chairman of the Assembly Educational Committee.

"Very dismaying" commented Wilson Riles, state superintendent of public instruction.

Also disturbed by the ranking—a drop from No. 6 five years ago—was state Sen. Albert Rodda of Sacramento, chairman of the Senate Education Committee.

REASONS FOR SKID

Asked why the ranking was so low, Rodda, a Democrat, said:

"The state has not continued what was a historic level of support. In addition, local districts have refused to approve override taxes. These two factors together are causing a relative decline in expenditures (per pupil)."

When he was first elected in 1958, Rodda said, state funds accounted for about 45 per cent of school districts' total budgets. Now, he added, state support is "probably below 35 per cent."

Greene, also a Democrat, put the blame on Gov. Ronald Reagan, saying:

"What's happened to education in California is an outrage. At the time Reagan came into office, California was sixth; now we find we are 31st, dropping well below the midpoint among the states.

"There is every indication we will drop further next year . . . The governor has already indicated he will not give the schools any more than $65 million (in additional state aid) for the next fiscal year. This is far less than the amount required to make up for inflation.

"In other words," he added, "schools will have fewer real dollars than they have even now."

CUTS LOOM

On the local school district level, Riles said such drops in expenditures mean substantial cutbacks in instructional programs, meaning, he explained, increases in class size and a general dilution of the entire educational program.

And this means, he said, "the children suffer."

"We need to be moving in the other direction—giving more individualized help to students," Riles said.

Riles sees the problem a result of the complex and inequitable way education is financed in the state, a view shared by the California Supreme Court.

In its historic Serrano decision, the court declared that the state's current method of school finance is unconstitutional.

"We will not begin to turn the corner," Riles said, until a "broader tax base than just the property tax" is used for financing education.

Related to this, Greene said, "The governor's unwillingness to supply a fair amount of money to schools forces increased pressure on local property owner to make up the difference.

"It will require hundreds of millions more dollars to revive our dying educational system—and the governor indicates no interest in its survival."

ANNIVERSARY OF 1863 POLISH INSURRECTION

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ROONEY of New York. Mr. Speaker, on Saturday of this week, the people of Poland and people throughout the world who pride themselves on their Polish birth or heritage will pause to observe a very meaningful anniversary. January 22 is a forceful reminder that on that day in 1863 their forbears rose up in righteous wrath against the puppet rulers forced upon them by Czar Alexander II.

This date commemorates the valiant efforts of Polish patriots, mainly youth, to sunder the shackles of servitude which became daily more painful and more repugnant. This date demonstrates a tragic similarity to the enslavement of Poles today by the same sort of ruthless aliens.

The Czar was no more a tyrant than are the puppets of the Kremlin who today continue to deny the people of Poland the rights of freedom and independence.

Riots, revolution, and insurrections are so commonplace today that we accept them without manifesting much interest or concern. People of all ages, all races, all creeds, and virtually all nationalities protest and demonstrate in opposition to conditions which they must endure or to laws or officials which they must obey. Because of these daily manifestations of unrest, we are apt to become sated with all of it. For that reason, we must remind ourselves of the real significance of the insurrection which we are proud to join our Polish-American friends in celebrating today.

To the freedom-loving people of Poland, the insurrection of 1863 is as meaningful as is our War of Independence to us. The Polish patriots displayed the same courage and gallantry as was displayed by our heroic forebears in breaking the fetters of colonial bondage and creating a new and independent nation. The results of these two conflicts were vastly different. Our patriots after bitter years of privations and sufferings were victorious. The Polish patriots, no less courageous and valiant, lost to the overwhelming military might of the Czar.

Mr. Speaker, this date, January 22, should remind all of us of the benefits of freedom and independence which we have enjoyed year after year since the American Revolution. It should be a reminder, too, that the people who love freedom as much as we are still denied its benefits. We have rejoiced in the successful efforts of today's Polish patriots to secure important social and economic benefits from their country's Soviet-imposed leadership, even though these benefits represent only fragments of freedom.

It is our prayer and hope that these patriots in Poland will not lessen their efforts or give up in despair. They are deserving of our commendations and our help. Their continued efforts are not only vital to the people who must live under Soviet domination, but they are vital to all of us, regardless of the extent to which we enjoy freedom.

Only when the people of Poland are truly their own masters and enjoy unlimited self-determination can we relax and enjoy our own blessings. The Polish people and the people of other nations still forced to endure the so-called "protection" of Soviet-spawned leaders must be wholly free before we can be assured of the preservation and continuation of our own cherished liberty.

With these thoughts in mind, I hope we will all rededicate ourselves to the task of aiding and abetting all those engaged in sincere efforts to gain freedom for themselves and their fellowmen.

YOU COULD LOSE EVEN IF YOU WIN

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine recently called my attention to an article which appeared in the Washington Evening Star approximately a month ago. He was appalled at the losses sustained by taxpayers in U.S. Tax Courts whether or not they eventually won their cases in the U.S. Courts of Appeals, and felt that the inequity of our present tax court system needs reevaluation in the Congress.

As I am in accord with his views and believe many of our colleagues would likewise agree, I insert the text of the article, "You Could Lose Even If You Win," by E. Edward Stephens, at this point in the RECORD:

YOU COULD LOSE EVEN IF YOU WIN

(By E. Edward Stephens)

DEAR COUNSEL: If I lose a case in the U.S. Tax Court or the U.S. District Court, can I appeal it?

Yes. You can go to the U.S. Court of Appeals unless your case has been decided in the Small Tax Case Division of the Tax Court—in which event the Tax Court decision is final.

There are 11 courts of appeal—one for the District of Columbia, and one for each of 10 judicial circuits.

Your opponent will be a Justice Department lawyer—smart, well trained, and backed by one of the most experienced litigation teams in the world.

Chances are he'll be treated with deference by the appellate court judges, most of whom would not have been appointed if they had not been recommended to the President by the Attorney General, who heads the Justice Department.

So you'll have an uphill fight. In the fiscal years 1968 through 1970, taxpayers won only 18.5 percent of appellate court decisions. They lost 69.8 percent, and split 11.7 percent with the government.

Here's a tough problem you'll have if you're appealing from a Tax Court decision: Despite your appeal, IRS can assess and collect the deficiencies determined by the court—unless you put up bond or government securities sufficient to insure payment.

The game is played this way: IRS determines inflated deficiencies to maximize its bargaining power in settlement negotiations. The sum demanded (with interest and penalties) often is so large that the taxpayer can't pay it. So he goes to the Tax Court—the only court where he doesn't have to "pay first and litigate later."

If the taxpayer loses in the Tax Court, his grace period ends. He has to pay up or put up, even though he goes to the Court of Appeals—even though his liability hasn't been finally decided.

If he's short on assets, chances are no bonding company will do business with him. Then—

Hard boiled revenue officers—formerly called "collection officers"—can swoop down, seize his bank account and other personal property, padlock his real estate, sell him out at forced sale prices, and apply the proceeds against the deficiencies.

Later, the Court of Appeals may decide that the taxpayer didn't owe a penny in the first place. But his is a pyrrhic victory. He'll get back only the cash IRS has collected, with interest.

The government doesn't have to replace the property that IRS sold at rock bottom prices. If the taxpayer was forced out of business, the government doesn't have to set him up again. If his home was sold, the government doesn't have to get him another one.

This has hapepned to many taxpayers, even though the Tax Court was created in 1924 (as the Board of Tax Appeals) to protect them. The system works for the taxpayer who wins in the Tax Court; but it leaves the loser at the mercy of IRS collectors despite the fact that he may be the final "winner."

Congress could correct the situation by providing that a taxpayer who goes to the Tax Court need not pay until his tax liability has been finalized on appeal.

A TRIBUTE TO GEORGE T. MINASIAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RODINO. Mr. Speaker, the passing of George Talmage Minasian, former councilman and mayor of Glen Ridge, has brought a great loss to his New Jersey community. He is remembered, especially, for his insight, his warm, cooperative nature, his knowledge in the fields of engineering and public works and his pioneering efforts in the fight against air pollution for which he had received national recognition. Born in 1896, Mayor Minasian came to Glen Ridge at the age of 10 and graduated from its high school in 1915 as president of his class. In 1919, he received his degree in mechanical engineering from Cornell University and spent the majority of his active engineering career with the firm of Consolidated Edison. He served as president of the New York Electrical Society, helping to increase the awareness and knowledge of the public in the area of electrical problems. While on the council in Glen Ridge, Mayor Minasian was on the Law and Ordinance Committee in 1938 and 1939, served as chairman of the Water and Light Committee in 1940 and 1941 and headed the Public Works Committee in 1942 and 1943. According to former Mayor Karl Honaman, who followed Mr. Minasian as mayor, the cooperative spirit of George Minasian has been exemplified and carried on continuously within the Glen Ridge community. "It is our consolation that his work will live after him."

LEGAL RIGHTS OF UNBORN CHILDREN

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HOGAN. Mr. Speaker, the legal rights of unborn children have been a major consideration of mine in my fight against abortion.

Jonathan C. Wilson, writing in the Iowa Law Review, has published a study of the unborn child's rights under constitutional, tort, property, equity, and criminal law, and I insert the article into the RECORD at this point:

[From the Iowa Law Review]

THE UNBORN CHILD AND THE CONSTITUTIONAL CONCEPTION OF LIFE

(By Jonathan C. Wilson)

The demand for induced abortions[1] in the United States is a pervasive phenomenon[2] and appears to be on the increase.[3] In the past this demand has been satisfied primarily by criminal abortions rather than by legal, or therapeutic, abortions.[4] In great part because of the increasing demand for induced abortions, considerable controversy has been prompted throughout the United States concerning existing state laws relating to legal abortions.[5] This controversy has focused on the efficacy of liberalizing existing state laws in order to allow pregnant women greater individual discretion, within the law, to decide the abortion question for themselves.[6] The controversy over liberalizing state laws has led to the passage of reform statutes in several states,[7] with a resulting increase in the number of induced abortions performed under the guise of legality.[8]

The question of liberalizing abortion statutes is fraught with moral, religious, philosophical, and constitutional considerations. The interplay of these considerations has led to considerable confusion in arriving at a meaningful resolution of the abortion question. It will be the purpose of this Note to present and analyze the constitutional considerations involved in the controversy over liberalizing abortion statutes, in an effort to clarify what the constitution provides with respect to the competing interests of the unborn child,[9] the mother, and the state. Such a constitutional analysis should help to remove some of the confusion which presently exists as to what our social compact is with regard to the abortion issue. Such clarification should facilitate a more focused debate based on moral, religious, and philosophical considerations, as to whether our social compact with regard to legalized abortions should be altered or retained. The constitutional analysis will be directed to the general constitutional issues raised by the controversy over liberalizing abortion statutes, the variety and application of present state statutes on the subject, and the validity of those various statutes and their application in light of the constitutional analysis.

Footnotes at end of article.

I. THE RIGHT TO LIFE

Granting an abortion will almost inevitably result in the termination of the life of the unborn child.[10] On the other hand, failure to grant an abortion in some situations will result in the termination of the life of the mother.[11] In those situations where the life of the mother is thus endangered, the interest in continued life of both the unborn child and the mother are most dramatically brought into conflict. This conflict between the respective interests in continued life suggests a need for appropriate constitutional analysis to determine the nature of these competing interests, and which of the two is to be preferred. Such a determination has a direct bearing on clarifying our social compact concerning the abortion question, and necessarily involves a determination of the nature of the right to life and its application to the unborn child and the mother.

The right not to have one's life taken without due process of law is guaranteed by the fifth and fourteenth amendments to the United States Constitution. The fourteenth amendment specifically prohibits all the states from depriving any person of life without due process of law.[12] To qualify for this due process protection guaranteed by the fourteenth amendment, the unborn child must first qualify as a person within the purview of that constitutional provision.[13] In the context of the unborn child, the term "person" in the fourteenth amendment assumes an ambiguity which would not otherwise be expected from the use of such a term. In light of the fact that significant constitutional protections follow the status of "person," it becomes important in analyzing the interests of an unborn child in continued life to determine when the status of "person" in the constitutional sense first attaches to a human being.

Through a process of considerable development, other areas of the law have tended to resolve the question of when the status of a "person" attaches to a human being in favor of the moment of conception. Although such a resolution is in no way binding upon the resolution of the question when considered in the context of extending constitutional protections, it would be profitable to examine the developments in these other areas of the law, as well as the considerations apparently contributing to those developments, in order to arrive at a reasoned resolution of the question for constitutional purposes.

A. Development in tort law

1. Recovery for Prenatal Injuries

Historically, most American decisions followed the lead of English cases in the area of tort law and denied recovery to an unborn child harmed while still in the womb.[14] The theory underlying such denial was the unborn child was a part of the mother at the time the tort was committed, had no independent existence, and, therefore could not recover because the mother was the only person who was injured by the tort.[15] This theory for denying recovery was predicated in part upon the scant medical knowledge of fetal characteristics that was available at that time, and a fear that fictitious claims might be facilitated by a contrary holding.[16]

The 1946 case of *Bonbrest* v. *Kotz*[17] sounded the death knell for this historical view and precipitated the present practice of recognizing the unborn child as a human being for purposes of recovery for tortious injury.[18] The modern line of cases begun by *Bonbrest* specifically espouses the view that current medical knowledge has relegated the old view

that an unborn child is part of his mother to the status of an anachronism.[19] Although the early cases, including *Bonbrest*, allowed recovery only if the unborn child was viable when injured,[20] even this requirement has been diminished in importance, and the modern view is to reject the viability requirement and allow recovery when the injury is received at any time during gestation.[21] The viability distinction has been discarded in favor of conception as the point after which a cause of action in tort will lie because that distinction relied on medical knowledge which could no longer lend it support.[22] Cases discarding the viability distinction therefore recognized the current consensus in the medical profession that an unborn child exists as an entity distinct from his mother from the time of conception.[23] In permitting recovery for prenatal injuries, for example, the courts in *Sinkler v. Kneale*[24] stated that "it is not disputed today that the mother and the child are two separate and distinct entities."[25] The court went on to recognize that the unborn child is not part of the mother, but rather "from conception on develop[s] its own distinct, separate personality."[26] In the case of *Kelly v. Gregory*,[27] the court reiterated the developing judicial harmony with current medical knowledge when it concluded:

[L]egal separability should begin where there is biological separability. We know something more of the actual process of conception and foetal development now than when some of the common law cases were decided; and what we know makes it possible to demonstrate clearly that separability begins at conceptions.[28]

The developments in the law of torts, therefore, give explicit recognition to the unborn child as a person with rights of recovery for prenatal injuries from the moment of conception. In thus recognizing the unborn child as a person, this branch of tort law has recognized that the law must keep pace of current medical knowledge in order that justice does not become arbitrarily based upon fiction.

2. Recovery for Wrongful Death

The law of torts has also developed to allow an action for wrongful death of a child resulting from prenatal injuries.[29] Although past recovery was limited to cases in which the child was born alive,[30] a new line of cases has developed which allows the parents, or survivors, to maintain a wrongful death action even though the child was stillborn.[31] These wrongful death cases, in order to determine whether an unborn child is a person within the meaning of wrongful death statutes, typically still cling to the viability distinction.[32]

The retention of this distinction is somewhat anomalous in light of the trend among cases dealing with recovery for prenatal injuries to disregard gestational stages as a basis for allowing tort recovery. The case of *Torigan v. Watertown News Co.*[33] may prove to be the forerunner for discarding the viability distinction for wrongful death recovery. In *Torigan*, an action for wrongful death was brought by an administrator of a nonviable unborn child who, as a result of an automobile accident, was born prematurely and died shortly thereafter.[34] The court held that the intestate was a person within the meaning of the unlawful death statute.[35] As precedent for its decision, the court cited those prenatal injury cases which discard viability as a requirement for recovery, and noted that advances in medical science required that nonviability should not bar recovery even under a wrongful death statute.[36] By applying modern medical knowledge to the wrongful death area, therefore, the *Torigan* court moved toward a much needed consistency with regard to rejecting the viability distinction in the law of torts. Such a development provides a basis for concluding that those states which still adhere to the viability distinction may reconsider their position in the future in order to establish consistency within the law of torts and thus an appropriate accommodation of current medical knowledge.

Tort law, therefore, is developing toward consistent recognition of the legal personality of the unborn child at every stage of gestation from the moment of conception. The trend established by the more recent and medically enlightened cases reinforce Professor Prosser's assertion that "the unborn child in the path of an automobile is as much a person in the street as the mother."[37] If, as the trend seems to indicate, tort law is developing to the point of recognizing the unborn child as a person from the time of conception in order to allow him a right of action to recover for injuries, surely the Constitution could do no less in order to protect his life.

B. Developments in property law

The common law of property has long recognized the property rights of an unborn child without regard to stages of gestation.[38] The English courts early held that an unborn child was included in the ordinary meaning of children in a will.[39] In the case of *Wallis v. Hodson*,[40] it was held that a posthumous child could have an accounting or her father's intestate estate years after her birth.[41] The court stated that "[n]othing is more clear, than that this law considered a child in the mother's womb absolutely born, to all intents and purposes, for the child's benefit."[42] An unborn child was also considered to be a life in being for purposes of the Rule Against Perpetuities even where the child received no benefit by being so considered.[43]

The American cases, based on this English precedent, have reached much the same results and have chosen uniformly to treat the unborn child as a human being without regard to stages of gestation.[44] It has been held, therefore, that a child *en ventre sa mere*[45] may take under a will description bequeathing property to those "living at [testator's] decease."[46] An unborn child also has been allowed to take remainders, whether vested or contingent, as though living when the estate was created.[47] An unborn child has even been allowed to take under a will as a tenant in common with its own mother.[48] Moreover, the court in *Industrial Trust Co. v. Wilson*[49] rejected any suggestion that an unborn child lacks personality separate from that of the mother when it held that an unborn child was entitled to share in the income of a trust from the date of her father's death rather than upon the date of her subsequent birth.[50] Finally, in speaking of a child *en ventre sa mere*, the Supreme Court of North Carolina concluded that "a person must have an opportunity of being heard before a court can deprive him of his rights, and . . . an unborn child, not having been made a party, can recover from those claiming his title."[51]

It seems clear, therefore, that the law of property has recognized for centuries that the unborn child is a person from the moment of conception.[52] It would appear that the Constitution, which also evidences a considerable interest in protecting property rights,[53] should be interpreted to reflect at least as great a concern for protecting the interest of the unborn child to continued life. Such an interpretation would also appear to bring a certain consistency to the Constitution itself, since to deprive the unborn child of life implicitly sacrifices his rights and interests in property.[54]

C. Developments in equity law

Principles of equity have also extended recognition and legal protection to the unborn child as a person. In the case of *Kyne v. Kyne*,[55] a suit was brought by the guardian ad litem of an unborn child seeking to compel the father to provide support. The court in *Kyne* applied section 196a of the California Civil Code, which provided that "the father, as well as the mother, of an illegitimate child must give him support and education suitable to his circumstances." In applying that section, the court held that the child had a right to such support.[56]

Even more significant, perhaps, are the decisions handed down in the past decade dealing with the unborn child's right to life when his parents refuse to accept necessary medical assistance. In one such case a social worker sought and received a court order to award a welfare department custody of a child when it was born for the purpose of giving the child a needed blood transfusion.[57] The husband and wife both objected to the transfusion on the basis of religious convictions. The court, however, made it clear that the state, as *parens patriae*, had a duty to protect the child, the parents' objections to the contrary notwithstanding.[58] The court concluded that the child's right to life was entitled to legal protection even if he lacked viability.[59] In the similar case of *Raleigh Fitkin-Paul Morgan Memorial Hospital v. Anderson*,[60] the constitutional right to freedom of religion was also asserted. The court was asked to decide whether a Jehovah's Witness could be compelled to submit to a blood transfusion against her religious convictions to protect the life of her unborn child. The court found, without any apparent reliance on the fact that the unborn child had quickened, that the interest in life of the unborn child outweighed even the constitutionally fundamental right to freedom of religion.[61] This case would suggest that the Constitution does have a substantial interest in protecting the life of the as yet unborn, without any reference to their status as a person.

D. Developments in criminal law

The criminal law has historically afforded the unborn child a substantial amount of protection. Primarily, the common law's protection of the unborn child by criminal sanctions took the form of punishing abortion as a misdemeanor.[62] According to the common law, this crime could only be committed after the child had quickened.[63] The reason for employing the quickening distinction as the point at which the unborn child acquired protection seems to have been the limited development of medical knowledge that was available at the time the law was being established.[64] The quickening distinction represented a vestige of the old Roman law which was retained to some extent by the common law.[65] The point of quickening appears to have provided a short-hand method for the common law to establish the point in time when the unborn child first came to life.[66] Since quickening was the point at which the mother first perceived movement,[67] it was used to represent the unborn child's first manifestations of having a life separate and distinct from that of the mother.[68] Prior to the point of quickening, the unborn child was not considered as being independently alive.

It appears, therefore, that the common law employed the medical knowledge available to it in an effort to establish not simply an arbitrary point at which to attach legal protections, but rather to establish the precise point, to the best of their available knowledge, at which life begins. This analysis appears to be additonally supported by the common law and later statutory law provisions that the execution of a woman sentenced to death had to be postponed if she were found to be pregnant *and quickened*.[69] Pregnancy alone, without quickening, was insufficient to warrant a reprieve. Such a provision seems to reflect the common law belief that only at the point of quickening was there a second life present.[70] The pres-

Footnotes at end of article.

ence of life seems to have injected another person into the considerations of the common law, and that innocent person was entitled to legal protections.

Use of quickening as a basis for determining when the unborn child achieves life no longer has any medical basis due to the development of medical knowledge that an unborn child is a separate and independent life from the moment of conception.[71] The existence of independent life appears to have been the historical touchstone for eliciting legal protections as a person. Just as the common law employed the medical knowledge available at that time to determine when the unborn child became alive and, thus, merited legal protections as a person, so it would behoove us to employ our available medical knowledge in order to determine when life actually begins, and thus when status as a "person" should attach with its accompanying constitutional protections.

It should be noted that the medical knowledge to which reference is here being made is not merely a recent development in medicine which might be soon superseded by new discoveries.[72] This medical knowledge is of rather long standing and can still claim a consensus among members of the medical profession today.[73]

Because of apparent dissatisfaction with the common law formula for determining the start of life and attaching personal protection,[74] the several states began in 1821 to enact abortion laws to attach legal protections to the unborn child from the moment of conception.[75] At present, most statutory enactments make abortion criminal at any stage of pregnancy while a number of these states still retain the quickening distinction only for purposes of determining the severity of the punishment.[76]

At least by analogy these various areas of the law provide support for the view that the unborn child is a person recognized by law. With the unborn child having tort rights,[77] property rights,[78] recognition in criminal law,[79] and a right to life so paramount as to outweigh even such an important right as freedom of religion,[80] it would be difficult to perceive of the unborn child as anything other than a person within the purview of the fourteenth amendment. Attaching that status at the moment of conception would also appear to be supported by these other areas of the law, as well as the current development of medical knowledge.

E. Intent of the constitutional framers

Additional support for attaching status as a person under the fourteenth amendment can be found in the argument that such a result would be consistent with the intention of the framers of the Constitution. Although the intention of the framers would not be dispositive of the question when considering it for resolution nearly two hundred years later, it would be significant to note at least that attaching status as a person at conception would probably not have been repugnant to their original intentions.

The framers of the Constitution derived many of their legal concepts from the common law of England. Much of the body of existing law in the United States today derives from the earlier English common law.[81] Because that common law was not codified in a written constitution, it had to be derived from the case law and precedent of the common law courts.[82] The framers of the Constitution, many of whom were lawyers,[83] must have been very familiar with the common law precedent, and therefore must have been aware of the protections which had been afforded the unborn child as a person by the common law of property, without regard to any stages of gestation.[84] The considerable interest reflected in the Constitution with respect to the protection of property provides additional support for the premise that the framers were well aware of the common law precedents deriving from cases dealing with property. It would appear fair to presume, therefore, that the framers of the Constitution would have had an appreciation of the fact that the word "person" might well include an unborn child from the moment of conception. At the very least, such a conclusion would not seem to be reugnant to their probable intentions.

II THE NATURE OF THE RIGHT TO LIFE

A. The unborn child's right

Considering the unborn child as a person within the purview of the fourteenth amendment qualifies the unborn child for the due process protections which that amendment provides against taking the life of the unborn child through abortion. Because such protection does not constitute an absolute right to life against all induced abortion,[85] it becomes imperative to determine the nature of that right in order to ascertain the nature of the conflicting interest which will be constitutionally required in order to infringe upon that right.

It would appear from the *Raleigh* case that the right to life of all persons protected by the fourteenth amendment is a constitutionally fundamental right on a par with fundamental rights enumerated in the first amendment to the United States Constitution. The court in the *Raleigh* case protected the life of an unborn child against the clearly fundamental right to freedom of religion.[86] It would appear from this preference for the right to life that the law implicitly recognizes the fundamental nature of that right.

Although the Constitution includes no express reference to the right to life, that right is well established as a basic tenet of our social compact by the Declaration of Independence, which states, "that all men are endowed by their Creator with certain inalienable rights: that among these rights [is] life . . .[87] In addition, all of the constitutionally fundamental rights which we hold essential to individual protection today would be meaningless without the implicit existence of an equally fundamental right to life.[88] It would prostitute logic to conclude otherwise. Thus, it must be said that a fundamental right to life is recognized by the constitution, and guaranteed to all persons, including the unborn child, by the fourteenth amendment.

B. The mother's right

Like the unborn child and all other persons under the Constitution, the mother of an unborn child also has a constitutional right to life of a fundamental character. Her right is determined in the same manner and is of the same fundamental nature as the right to life of the unborn child. Such a conclusion is apparent from the generalized discussion of the origins of the fundamental right to life of the unborn child.

III. THE CONFLICT OF RIGHTS

In the situation where a pregnancy endangers the life of the mother and an abortion is thus sought, the fundamental rights to life of both the mother and the unborn child are placed in direct conflict. Under the fourteenth amendment both of these conflicting rights are protected only by the requirements of due process.[89] Either right may, therefore, be infringed where due process requirements are satisfied.[90] Being directed to the state, the due process provision of the fourteenth amendment would appear to require that the state balance the competing fundamental rights of the mother and the child. Failure on the part of the state to act will necessarily result in the death of the mother, and thus infringe upon her right to life. Acting to allow an abortion pursuant to the application, on the other hand, will necessarily result in the death of the unborn child, and thus infringe upon his right to life. Inaction with respect to the application for an abortion, as well as action to permit an abortion, will both involve state action which deprives a person of a fundamental constitutional right.

A. The mother's due process protection

In making the necessary balance between these conflicting rights, there would appear to be a number of compelling policy considerations on the basis of which due process would dictate that the state give preference to the right to life of the mother by acting to grant the abortion application.

First, there appears to be a legitimate interest in preferring the life of the mother because she will have substantial familial and other social relationships which her untimely death would severely disrupt. The unborn child, on the other hand, has established no social identity which would cause societal disruption if terminated prior to birth.

Second, the mother's life should be preferred because to prefer the life of the unborn child would jeopardize the life of the mother on merely the chance that the unborn child would be born and survive. In addition, the birth of a child which is often very dependent upon the mother for care[91] would appear to be a self-defeating result, particularly in light of the resentment of the child that would likely be felt by the widowed father.

Third, by the very nature of the relationship between the mother and her unborn child, preference for the mother's life is suggested. In that relationship, the mother's life appears primary, with the unborn child depending upon and drawing its continued life from the mother. Because this dependence is not reciprocated, the secondary nature of the child's life is suggested.

Fourth, if a preference were given to the unborn child at the peril of the mother's life, the mother could effectively void any such preference with a lesser penalty to herself. Either by self-induced abortion or by obtaining a criminal abortion, the mother could subvert any intention to prefer the unborn child's life. Any penalty which would be administered for such defiance would in all cases be a lesser penalty than death,[92] the necessary penalty to be suffered if the mother were to acquiesce in the preference for the unborn child's life. Preference of the unborn child's life is thus made completely impractical in terms of enforcement. Fifth, analogy to the principles of the self-defense justification for homicide provides another policy consideration in favor of preferring the life of the mother.[93] Since the existence of the unborn child is, in a very real sense, similar to an aggressor, threatening deadly force, and from whom the mother cannot retreat,[94] it would appear that taking the life of the child in the interest of self-preservation of the mother is presently sanctioned by society. Finally, in part because of the preceding reasons for preferring the mother's life, a preference of the unborn child's life will tend to drive women, in pure desperation, outside the law to obtain criminal abortions.[95] The mortality rate for women subjected to such abortions is substantially higher than for abortions legally performed.[96] On the basis of this rationale, it would appear that there is a strong inducement not to prefer the unborn child's life in an effort to avoid driving women to risking their lives, in which case the life of both the mother and the unborn child might be sacrificed.

It would appear, therefore, that the due process clause of the fourteenth amendment would guarantee that the mother be granted an abortion upon appropriate application in situations where the pregnancy itself endangers her life. As such a guaranteed right, where the pregnant woman is financially unable to assume the expense of such a legal abortion, that expense must be borne by the

Footnotes at end of article.

state in order for it to adequately protect her right to life as defined by substantive due process considerations.[97]

B. The unborn child's due process protection

While due process dictates that an abortion may be granted where the pregnancy endangers the mother's life, thus infringing on the unborn child's right to life, due process also operates to provide certain protections for the life of the unborn child. Such protections would appear most clearly raised where abortions are sought to be allowed without any restriction. By providing for such an unrestricted right to an abortion, the state would in effect be promoting an interest in allowing any woman the complete discretion of bearing or not bearing the fruits of her sexual activity. The state could only accomplish this objective by placing a higher value on the interest in granting unrestricted abortions than on the right of the unborn child to life. Substantive due process would appear to provide protection for the unborn child from just such unfetered discretion.[98]

The court in *Babbitz v. McCann*,[99] recently held that just such an interest was in fact a constitutionally protected right that superseded the unborn child's right to life.[100] Reasoning from *Griswold v. Connecticut*[101] and from an extension of *Griswold* made by *People v. Belous*,[102] the *Babbitz* court held that a woman has a fundamental right to an abortion for any reason up to the point of quickening.[103] According to the *Babbitz* court, this fundamental right is to be afforded a pregnant woman whether the unborn child is considered as mere protoplasm or as a human being.[104] The *Babbitz* court thus permitted the interest in obtaining completely discretionary abortions to preponderate over the right to life of the unborn child. It would appear that the *Babbitz* court's rationale and holding are overbroad and underanalyzed. The infirmities in the court's reasoning are demonstrable in three major areas.

First, by relying on *Griswold* as the foundation upon which the right to abortion is constructed, the court seemingly has overextended the *Griswold* decision. In its most limited scope, *Griswold* held that a right to use contraceptives exists in the martial relationship.[105] That decision, however, has been expanded most notably by three concurring Justices in *Griswold*,[106] as well as in subsequent cases,[107] to suggest a fundamental right to marital privacy generally. In *People v. Belous*[108] the court, citing *Griswold* expanded the concept of the right to privacy even further by determining that women have a fundamental right to choose whether to bear children.[109] Such a holding would seem to be an overextension of the *Griswold* rationale and of the other cases dealing with a right to privacy in matters related to marriage, family, and sex.[110] The court in *Babbitz*, however, resolved that *Belous* had not gone too far and followed its analysis of the constitutional rights involved.

Such an analysis, it is submitted, is unacceptable, particularly in light of its reliance upon the *Griswold* decision. Since a constitutionally protected life begins at conception, according to the earlier discussion, a crucial difference is made apparent between a right to marital privacy that allows prevention of life through contraception and one that allows termination of life through abortion. *Belous*, and therefore *Babbitz*, seemingly confused prevention with destruction. At least one writer advocating such an extension of *Griswold* into the abortion area conceded that a considerable expansion beyond the limits of the *Griswold* case is needed to fit that case's analysis into the abortion mold.[111] The importance of such an expansion is commonly minimized, however, by the dubious allegation that conceptually an early abortion is but a degree removed from contraception, the only difference being that abortion occurs after the egg and sperm have already united.[112] One may readily recognize, however, that this purportedly minimal difference is the difference between life and no life, between being and not being.

Another major area where the *Babbitz* decision appears faulty in its reasoning, lies in the case's reliance on quickening as the point at which the fundamental right to an abortion ends and the fundamental right to life of the unborn child begins.[113] The *Babbitz* court thus resorted to an arbitrary line which is devoid of basis in modern medical knowledge[114] and is inconsistent with an established legal trend of recognizing rights in the unborn child at all times during its development. To thus postpone attaching constitutional protections until some point after conception in order to allow for more discretionary abortions logically suggests certain very anomalous and undesirable results. It would appear that by withholding status as a "person," and thus due process constitutional protections as well, until some point after conception, no constitutional provision would be available to protect the unborn child from being subjected to all sorts of tampering and experimentation.[115] Such experimentation would clearly have to avoid any jeopardy to the mother, as well as require her consent. However, it is possible that the medical profession could persuade many pregnant women seeking a completely discretionary abortion to allow such experimentation "in the interest of advancing medical knowledge." It would appear that indigents and less educated persons might be especially susceptible to such persuasions. The unborn child would have no protection against such activities as long as its life was duly terminated prior to the point in time when constitutional protections were to attach.

The final area in which the *Babbitz* decision lacked sufficient analysis can be seen in the court's failure to give sufficient credence to the value of the right to life held by the unborn chnd. The court balanced the unborn child's right to life against the mother's interest in obtaining an abortion for reasons other than preservation of her life. In resolving this balance in favor of the interest in an abortion, the court rendered the right to life subordinate to another's happiness, convenience, and desire for freedom from otherwise unavoidable burdens. Moreover, the person who is given the discretionary capacity to decide the fate of the unborn child is not a neutral agent, as due process standards would seem to prefer, but rather is the one who desires to avoid the burdens of pregnancy. It would seem to be an anomaly to prefer an extended right to privacy over the right to life itself, particularly when other cases have favored the right to life over the more explicitly enumerated fundamental right to freedom of religion.[116] In the context of individual rights, it would appear that nothing could be more basic than life itself. Historically, it has been recognized that the right to human life is subordinate to no lesser claim than a superior right to life,[117] and in so far as the *Babbitz* court chose to ignore this fact by allowing complete discretion in the woman to be aborted up to a given cutoff point, the decision would appear to be constitutionally incorrect.

It has been demonstrated, therefore, that the unborn child will be required by due process guarantees to the mother, to sacrifice his life in deference to the superior right to life of the mother. Due process, however, would in turn operate to protect the unborn child from being indiscriminately exterminated at the unfettered discretion of his mother. As the next section will point out, the state may have some sufficient interests between these two extremes which may be constitutionally advanced to additionally abridge the unborn child's right to life.

C. Due process—other state interests

Many of the new reform statutes have included justifications such as rape, incest, and eugenic considerations for infringing upon the unborn child's right to life. When an abortion is sought on any of these grounds, it would appear that such considerations place the unborn child's right to life in conflict with certain interests of the state. In light of the fundamental nature of the unborn child's right to life, however, if the state's interests are to prevail, due process would require that those interests satisfy the standard of an overwhelming state interest.[118] Whether or not the state has an overwhelming interest in providing rape, incest, and eugenic justifications for abortion can only be a matter of surmise at the present time, since the question has not yet been decided by the judiciary. Some discussion of these various state interests would appear appropriate, however, in an effort to determine the merit of using them to justify abridging a constitutionally fundamental right.

1. Rape

With respect to aborting pregnancies resulting from forcible rape, the state may espouse several substantial interests. First, unlike the situation involving merely an involuntary pregnancy following voluntary sexual intercourse, forcible rape involves both involuntary pregnancy as well as involuntary sexual intercourse. It can be argued that the pregnancy itself is a continuation of the crime committed against the mother in as much as she continues to be victimized by another's will being forced upon her. The state would appear to have a strong interest in removing all such indicia of victimization as expediently as possible.

The second substantial state interest relates to the fact that the continued pregnancy may very well precipitate substantial psychic injury to the mother. Certainly the trauma of the initial assault could have a tremendous impact on the victim and her perceptions of herself and future sexual behavior. The continued pregnancy may serve as a constant reminder of the original traumatic experience and could cause permanent psychological injury.[119] The state, therefore, might well find in such considerations a substantial interest in providing for abortions where a pregnancy has resulted from forcible rape.

2. Incest

With respect to aborting pregnancies resulting from incestuous relationships, the state may feel a substantial compulsion to make abortions available to the pregnant woman. An incestuous pregnancy typically involves a relatively young woman,[120] and such an experience could conceivably inflict substantial and permanent psychological injury affecting the woman's self-concept, subsequent interpersonal relationships, and future sexual behavior.[121] Providing for an abortion might well serve to minimize this potential injury.

The state might also conclude that a pregnancy resulting from an incestuous relationship might have a substantial adverse effect on the unity of the family involved. It would appear that the family unity could be damaged through jealousies and distrust springing from an awareness of an incestuous relationship. A continued pregnancy resulting from such a relationship might serve as a reminder of that incident and as a continuing point of friction within the family. Additionally, a subsequent birth of the child which was parented by the incestuous relationship might serve to disrupt the family unity because of confusion over what should be the appropriate relationships between

Footnotes at end of article.

family members. Coupled with this is the real possibility of traumatic identity crises in the mind of the child of the incestuous relationship. Viewing the unity of the family as a basic component in the fabric of our society, the state might therefore desire to provide abortions for incestuous pregnancies in an effort to minimize the otherwise substantial impact of the incident on family unity.

Finally, because incestuous relationships greatly increase the chance that recessive genes can combine to produce offspring with undesirable recessive traits,[122] it would appear reasonable for the state to seek to avoid such births in order to minimize the chance for a defective birth. The interest in avoiding incestuous relationships and births is supported by the precedent of societal mores and formal law for centuries. Providing for abortions in such circumstances would therefore appear to be consistent with that precedent.

3. Eugenics

With respect to pregnancies in which there is a substantial probability that if the child is born it will be seriously handicapped either mentally or physically, the state may have a substantial interest in facilitating abortions. Such a substantial probability of a defective child being born might be founded on facts relating to drugs consumed by the mother [123] or diseases which she suffered during the pregnancy.[124] The state might feel a compelling interest in sparing its citizens the burden and heartache of raising a seriously deformed child. Coupled with this, although certainly of less importance in infringing upon a fundamental right, is the possible state interest in avoiding the considerable expense that might be incurred for special care and educational facilities for such children.

It should be noted that even if the courts happen to be favorably disposed to these interests of the state and their overwhelming nature with respect to the unborn child's fundamental right to life, these interests are those of the state and may not be asserted independent of the state. A state may or may not choose to adopt these justifications and provide for abortions consistent with them, as it wishes. An individual will not be heard to complain in the case where the state chooses not to provide for such abortions, because he will have no standing to assert the state's interest against that of the unborn child.[125]

IV. STATE STATUTES: CONSTITUTIONAL CONSIDERATIONS

The 50 states have a variety of abortion statutes prescribing the conditions under which an abortion may be obtained. The majority of the states still have abortion statutes which legalize an induced abortion only to save the life of the mother.[126] Sixteen States, however, have reformed their similar abortion statutes to provide for less tringent justifications.[127] A number of the reformed statutes follow the Model Penal Code [128] and allow abortions to be performed for medical,[129] psychiatric,[130] eugenic,[131] and humanitarian reasons.[132] Others have gone further and require only that a physician perform the abortion and that it be performed within some prescribed period of gestation.[133] These various statutes can be grouped into three general types, from which a comparison can be made to see how each comports with what the due process analysis above would require.

The first type of statute, which is generally termed restrictive, is composed of those statutes which allow abortion only to save the life of the mother. The present Iowa statute is restrictive in this sense.[134] These statutes give cognizance to the countervailing interests in the life of the mother and the unborn child when those two rights are brought into direct conflict. This type of abortion statute, therefore, seems to meet the due process requirements of the Constitution.

The second type of statute, referred to here as the reform type, follows the Model Penal Code proposal. This type is distinguished from the restrictive type in that it extends the grounds for an abortion beyond the interest in saving the mother's life to circumstances involving rape, incest, and eugenic justifications. To the extent that the reform statutes provide for abortions to save the life of the mother, they satisfy what due process would require. To the extent that these reform statutes provide for abortions in situations involving rape, incest, and eugenic justifications, they satisfy what due process would appear to permit. In the event, however, that the judiciary would fail to find the requisite overwhelming state interest in avoiding rape, incest, or deformed births, these reform statutes would fail to pass muster under the fourteenth amendment due process clause.

The third type of abortion statute is the unrestrictive type. This type differs from the reform type and the restrictive type in that no substantial justifications are required to obtain an abortion other than a time limitation. These statutes do not seem to meet the requirements of due process because they afford a woman complete discretion to terminate the unborn child's right to life for whatever reasons she might choose. Such a liberal provision would appear to be exceedingly overbroad, and the unborn child appears to be protected from such potentially arbitrary infringement upon his fundamental right to life by the due process clause of the fourteenth amendment.

From the standpoint of the due process clause, therefore, all of the various statutes would appear to satisfy the due process requirement that the mother's life be preferred to that of the unborn child when the two are in conflict. The reform statutes would appear to be within the scope of permissible legislation to the extent that the various state interests in allowing abortions are found to be overwhelming. The unrestrictive statutes, however, would appear to go beyond the outer constitutional limits, as defined by the due process clause, to the extent that they allow completely discretionary abortions with only a time limitation.

V. CONCLUSION

The increasing demand for legally induced abortions can be expected to continue to prompt considerable controversy over the efficacy of liberalizing state abortion laws. Such liberalization, where accomplished, will have a substantial impact on the rights of both the mother and the unborn child. Where those respective rights come into conflict, it has been suggested that the Constitution makes adequate provision for weighing the rights involved and arriving at a resolution of any such conflict. It has also been suggested that the nature of the constitutional rights involved dictates that state abortion statutes embody certain minimum due process requirements, as well as certain due process limitations, in their efforts to liberalize their abortion statutes. Where a state statute either fails to meet the minimum requirements, or exceeds the permissible limitations, that statute will be subject to challenge as a violation of the due process clause of the fourteenth amendment.

FOOTNOTES

[1] Abortion is defined medically as the expulsion of nonviable fetus. A nonviable fetus is one not yet developed sufficiently to exist independent of the mother. Abortions are either spontaneous or induced. Spontaneous abortions are those produced by natural causes. Induced abortions are all abortions other than spontaneous abortions, and are either criminal or therapeutic depending on whether the abortion falls within the exceptions stated or implied in the provisions of criminal laws condemning abortion. *See*, Trout, *Therapeutic Abortion Laws Need Therapy*, 37 TEMP. L.Q. 172, 173–74 (1964).

[2] One estimate has indicated that one out of every five pregnancies ends in induced abortion. *See* Comment, *The Legal Status of Therapeutic Abortion*, 27 U. PITT. L. REV. 669, 677 (1966). The Statistics Committee commissioned by the 1955 Planned Parenthood Conference on Abortion has given what is possibly the most inconclusive approximation on the incidence of induced abortion. The Committee indicated that the frequency of induced abortion in the United States could be as low as 200,000 and as high as 1,200,000 a year. *See* D. CALLAHAN, ABORTION: LAW, CHOICE, AND MORALITY 133 (1970).

[3] *See* H. PILPEL & K. NORWICK, WHEN SHOULD ABORTION BE LEGAL? 3 (Public Affairs Pamphlet No. 429, 1969).

[4] *Id.* at 2.

[5] *See* Kutner, *Due Process of Abortion*, 53 MINN. L. REV. 1, 17 (1968).

[6] *See* Lucas, *Federal Constitutional Limitations on the Enforcement and Administration of State Abortion Statutes*, 46 N.C.L. REV. 730, 737 (1968).

[7] *See* Note, *The Law and the Unborn Child: The Legal and Logical Inconsistencies*, 46 NOTRE DAME LAW. 349, 349 n.3 (1971).

[8] For example, in the year following the enactment of its new abortion law, California experienced approximately 4800 legal abortions. D. CALLAHAN, *supra* note 2, at 140. Under its old law, only 600 legal abortions were performed per year. *Id.* Likewise, Colorado reported 407 legal abortions in the year following enactment of its new law compared with 51 the previous year. *Id.* at 141.

[9] It must be noted that any discussion dealing with the topic of abortion necessarily involves semantic problems with regard to the status of the unborn child. In order to avoid these problems, this Note shall use the phrase "unborn child" to describe all stages of gestation from conception to birth and no reference will be made to such terms as quickening or viability except for use in their technical sense. Admittedly, terms such as "embryo" or "fetus" are more precise than unborn child; however, semantically they are awkward in that they refer to specific stages of gestation, as suggested by the technical meanings of the more precise fetal terms. Quickening refers to the first motion of the fetus in the womb felt by the mother, occurring usually about the middle of the term of pregnancy. *See* State v. Patterson, 105 Kan. 9, 10, 181 P. 609, 610 (1919). Viability is applied to a newly-born infant, and especially to one prematurely born which is not only born alive, but in such a state of organic development as to make possible the continuance of its life. BLACK'S LAW DICTIONARY 1737 (4th ed. 1968). An embryo is the product of conception up to the third month of pregnancy. NEW GOULD MEDICAL DICTIONARY 334 (Blakiston's ed. 1951). A fetus is the unborn offspring in the latter stages of development from the end of the third month until birth. NEW GOULD MEDICAL DICTIONARY 376 (Blakiston's ed. 1951).

[10] Since the passage of the new unrestricted abortion law in New York, New York City has experienced at least 27 live births from abortion attempts. Tiede, *Failure Complicates the Problem*, Jacksonville Journal, February 5, 1971, at 18, col. 5. Of these 27 live births, one has permanently survived his abrupt debut into the world and has since been placed out for adoption. Because of the embarrassment and nuisance involved, one doctor has stated his belief that some live births resulting from abortions are just left to expire and that nothing is done to save most of them. *Id.* at col. 6. This experience with the unrestrictive law is a cogent example of the incongruity possible when the unborn child's right to life is totally disregarded as an accountable factor in the decision of whether or not to abort.

[11] Interview with Dr. Rudolph P. Galask, Dep't of Obstetrics and Gynecology, University Hospitals, in Iowa City, Iowa, March 4, 1971.

[12] U.S. Const. amend. XIV, § 1.

[13] Levy v. Louisiana, 391 U.S. 68, 70 (1968). We start from the premise that illegitimate children are not "nonpersons." They are humans, live and have their being. They are clearly "persons" within the meaning of the Equal Protection Clause of the Fourteenth Amendment. *Id.*

[14] W. PROSSER, HANDBOOK OF THE LAW OF TORTS 354 (3d ed. 1964) [hereinafter cited as PROSSER].

[15] *See* Dietrich v. Northampton, 138 Mass. 14, 17 (1884).

[16] *See Note, The Unborn Child: Consistency in the Law?*, 2 SUFFOLK U.L. REV. 228, 229, 236 (1968).

[17] 65 F. Supp. 138 (D.D.C. 1946).

[18] *See Louisell, Abortion, the Practice of Medicine and the Due Process of Law*, 16 U.C.L.A.L. REV. 233, 241 (1969).

[19] *See, e.g.*, Bennett v. Hymers, 101 N.H. 483, 485, 147 A.2d 108, 109 (1958); Smith v. Brennan, 31 N.J. 353, 363–64, 157 A.2d 497, 502 (1960); Sinkler v. Kneale, 401 Pa. 267, 272–73, 164 A.2d 93, 96 (1960).

[20] *See e.g.*, Worgan v. Greggo & Ferrara, Inc., 50 Del. 258, 260, 128 A.2d 557, 558 (1956); Keyes v. Construction Serv., Inc., 340 Mass. 633, 637, 165 N.E.2d 912, 915 (1960); Seattle-First Nat'l Bank v. Rankin, 59 Wash. 2d 288, 291, 367 P.2d 835, 838 (1962).

[21] *See, e.g.*, Hornbuckle v. Plantation Pipe Line Co., 212 Ga. 504, 504–05, 93 S.E.2d 727, 728 (1956); Kelly v. Gregory, 282 App. Div. 542, 545, 125 N.Y.S.2d 696, 698 (1953); Von Elbe v. Studebaker-Packard Corp., 15 Pa. D. & C.2d 635, 642 (C.P. Allegheny County 1957).

[22] *See, e.g.*, Daley v. Meier, 33 Ill. App. 2d 218, 223–24, 178 N.E.2d 691, 694 (1961); Torigan v. Watertown News Co., 352 Mass. 446, 448, 225 N.E.2d 926, 927 (1967); Puhl v. Milwaukee Auto. Ins. Co., 8 Wis. 2d 343, 355–58, 99 N.W.2d 163, 170–71 (1959).

[23] *See* authorities cited note 19 *supra*.

[24] 401 Pa. 267, 164 A.2d 93 (1960).

[25] *Id.* at 273, 164 A.2d at 96.

[26] *Id.*

[27] 282 App. Div. 542, 125 N.Y.S.2d 696 (1953).

[28] *Id.* at 543, 125 N.Y.S.2d at 697.

[29] *See* Note, *supra* note 7, at 358.

[30] *See, e.g.*, Steggall v. Morris, 363 Mo. 1224, 1233, 258 S.W.2d 577, 581 (1953); Hall v. Murphy, 236 S.C. 257, 263, 113 S.E.2d 790, 793 (1960); Shousha v. Matthews Drivurself Serv., Inc., 210 Tenn. 384, 396, 358 S.W.2d 471, 476 (1962).

[31] *See, e.g.*, Gorke v. LeClerc, 23 Conn. Supp. 256, 262, 181 A.2d 448, 451 (1962); Verkennes v. Corniea, 229 Minn. 365, 366, 370–71, 38 N.W.2d 838–39, 841 (1949); Stidam v. Ashmore, 109 Ohio App. 431, 435, 167 N.E.2d 106, 108 (1959).

[32] *See, e.g.*, Gorke v. LeClerc, 23 Conn. Supp. 256, 262, 181 A.2d 448, 451 (1962); Verkennes v. Corniea, 229 Minn. 365, 371, 38 N.W.2d 838, 841 (1949); Stidam v. Ashmore, 109 Ohio App. 431, 433–34, 167 N.E.2d 106, 107–08 (1959). *But see* Porter v. Lassiter, 91 Ga. App. 712, 715, 87 S.E.2d 100, 102 (1955).

[33] 352 Mass. 446, 225 N.E.2d 926 (1967).

[34] *Id.* at 447, 225 N.E.2d at 926.

[35] *Id.* at 449, 225 N.E.2d at 927.

[36] *Id.*

[37] PROSSER 355.

[38] *In Re* Holthausen's Will, 175 Misc. 1022, 1024, 26 N.Y.S.2d 140, 143 (Sur. Ct. 1941): "It has been the uniform and unvarying decision of all common law courts in respect of estate matters for at least the past two hundred years that a child *en ventre sa mere* is 'born' and 'alive' for all purposes for his benefit." *Id.*

[39] *See* Doe v. Clark, 126 Eng. Rep. 617, 618 (C.P. 1795).

[40] 26 Eng. Rep. 472 (Ch. 1740).

[41] *Id.* at 473.

[42] *Id.* at 474.

[43] *See* Thellusson v. Woodford, 31 Eng. Rep. 117, 124 (Ch. 1798).

[44] *See, e.g.*, Barnett v. Pinkston, 238 Ala. 327, 191 So. 371 (1939); Cowles v. Cowles, 56 Conn. 240, 13 A. 414 (1887); McClain v. Howald, 120 Mich. 274, 79 N.W. 182 (1899). *See also* Louisell, *supra* note 18, at 235.

[45] BLACK'S LAW DICTIONARY 619 (4th ed. 1968). The definition there given makes no reference to stages of gestation to suggest their relevance to the concept.

[46] *See, e.g.*, Shone v. Bellmore, 75 Fla. 515, 521–22, 78 So. 605, 607 (1918); Medlock v. Brown, 163 Ga. 520, 523, 136 S.E. 551, 553 (1929); Hall v. Hancock, 32 Mass. (15 Pick.) 255, 257–58 (1834).

[47] *See, e.g.*, Barnett v. Pinkston, 238 Ala. 327, 331, 191 So. 371, 374, (1939); Crisfield v. Storr, 36 Md. 129, 145–46 (1872); Aubuchon v. Bender, 44 Mo. 560, 568 (1869).

[48] *See* Biggs v. McCarty, 86 Ind. 352 (1852).

[49] 61 R.I. 169, 200 A. 467 (1938).

[50] *Id.* at 176, 200 A. at 476.

[51] Deal v. Sexton, 144 N.C. 158, 160, 56 S.E. 691, 692 (1907).

[52] *See* authority cited note 38 *supra*.

[53] U.S. Const. amend. XIV, § 1: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law. . . ."

[54] *See* authorities cited notes 44–51 *supra*.

[55] Cal. App. 2d 122, 100 P.2d 806 (1940).

[56] *Id.* at 127, 100 P.2d at 809.

[57] See Hoener v. Bertinato, 67 N.J. Super. 517, 522, 171 A.2d 140, 143 (1961).

[58] Hoener v. Bertinato, 67 N.J. Supp. 517, 521, 525, 171 A.2d 140, 142, 145 (Juv. Ct. 1961).

[59] *Id.* at 521, 524, 171 A.2d at 142, 144.

[60] 42 N.J. 421, 201 A.2d 537, *cert. denied*, 377 U.S. 985 (1964).

[61] *Id.* at 423, 201 A.2d at 538.

[62] *See* Louisell, *supra* note 18, at 239.

[63] *See, e.g.*, Smith v. Gaffard, 31 Ala. 45, 51 (1857); Abrams v. Foshee, 3 Iowa 273, 279 (1856); Smith v. State, 33 Me. 48, 55 (1851).

[64] *See* Note, *supra* note 16, at 229.

[65] See 1 T. BECK & J. BECK, MEDICAL JURISPRUDENCE 204–05 (10th ed. 1850).

[66] Evans v. People, 49 N.Y. 86, 90 (1872).

[67] BLACK'S LAW DICTIONARY 1415 (4th ed. 1968).

[68] *See* Evans v. People, 49 N.Y. 86, 90 (1872).

[69] *See* Louisell, *supra* note 18, at 240.

[70] *Id.*

[71] *See* note 114, *infra*.

[72] "[Q]uickening, therefore, instead of marking the period at which the future individual becomes endued with *humanity* or vitality, or elevated to distinct personal identity, is but the sign of a certain advance in the development and aggrandizement of the growing body to a certain pitch, and of its now possessing a greater degree of force; and hence it has been contended that there is no ground for the great distinction in criminal punishment, whether or not the child has quickened." 1. J. CHITTY, MEDICAL JURISPRUDENT 402 (1834).

[73] *See* Archibold, *The Law as a Schizophrenic*, 23 RES IPSA LOQ. 12, 13 (1970); Noonan, *The Constitutionality of the Regulation of Abortion*, 21 HAST. L.J. 51, 64–65 (1969).

[74] See Note, *supra* note 7, at 363–64.

[75] *See* Quay, *Justifiable Abortion—Medical and Legal Foundations*, 49 GEO. L.J. 395, 435 (1961).

[76] *See* Note, *supra* note 16, at 231.

[77] *See* authorities and discussion in notes 15–36 *supra* and accompanying text.

[78] *See* authorities and discussion in notes 38–51 *supra* and accompanying text.

[79] *See* authorities and discussion in notes 62–76 *supra* and accompanying text.

[80] *See* authority cited note 61 *supra* and accompanying text.

[81] "[T]he meaning of the constitution [can] not be adequately understood by anyone who did not take into account the situation of the colonies before the separation from England and the rules of common law, as well as the general conceptions of law and justice inherited by English colonists from their English forefathers." A. DICEY, THE LAW OF THE CONSTITUTION 16 (1885).

[82] *See id.* at 6–14.

[83] *See* T. COOLEY, CONSTITUTIONAL HISTORY OF THE UNITED STATES 10 (1889).

[84] *See* authority and discussion in notes 38–43 *supra* and accompanying text.

[85] See Note, *In Defense of the Right to Live: The Constitutionality of Therapeutic Abortion*, 1 GA. L. REV. 693, 698–99 (1967).

[86] Raleigh Fitkin-Paul Morgan Mem. Hosp. v. Anderson, 42 N.J. 421, 423, 201, A.2d 537, 538, *cert. denied*, 377 U.S. 985 (1964).

[87] Jefferson, *The Declaration of Independence of the American States* (1776).

[88] *See* Note, *supra* note 85, at 698.

[89] U.S. Const. amend XIV, § 1.

[90] When a fundamental right such as the right to life is involved, it may be infringed by the state only upon a showing of a compelling state interest. *See, e.g.*, Griswold v. Connecticut, 381 U.S. 479, 502 (1965) (White, J., concurring); Bates v. City of Little Rock, 361 U.S. 516, 524 (1960); King v. Saddleback Junior College Dist., 318 F. Supp. 89, 91 (C.D. Cal. 1970). *See also* Emerson. *Nine Justices in Search of a Doctrine*, 64 MICH. L. REV. 219, 224–25.

[91] *See* text accompanying note 25 *supra*.

[92] For example, even under the feticide statutes which make killing a separate offense, the offense is usually only manslaughter. *See, e.g.*, ARK. STAT. ANN. § 41–2223 (1964); MICH. STAT. ANN. § 750.322 (1968); N.D. CENT. CODE ANN. § 12–25–03 (1960).

[93] Historically, our society has recognized that a person has a right to use force to protect himself in certain circumstances. *See* J. STEPHEN, DIGEST OF THE CRIMINAL LAW 139 (1878).

[94] Generally, the use of force by a person is justifiable if necessary to protect himself against death or serious bodily harm unless the actor knows he can retreat in complete safety. MODEL PENAL CODE § 3.04(2) (b) (Tent. Draft No. 5, 1956).

[95] *See* D. CALLAHAN, *supra* note 2, at 129.

[96] *See* Niswander, *Medical Abortion Practices in the United States*, W. RES. L. REV. 403, 403–04, 422 (1965).

[97] *See* Harper v. Virginia State Bd. of Elections, 383 U.S. 663, 668 (1966); Douglas v. California, 372 U.S. 353, 357–58 (1963).

[98] *See* Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886). "[T]he very idea that one man may be compelled to hold his life . . . at the mere will of another, seems to be intolerable in any country where freedom prevails . . ." *Id.*

[99] 310 F. Supp. 293 (E.D. Wis. 1970).

[100] *Id.* at 302. *Contra*, Rosen v. Louisiana State Board of Medical Examiners, 318 F. Supp. 1217, 1230–31 (E.D. La. 1970).

[101] 381 U.S. 479 (1965).

[102] 71 Cal. 2d 954, 458 P. 2d 194, 80 Cal. Rptr. 354 (1969).

[103] Babbitz v. McCann, 310 F. Supp. 293, 302 (E.D. Wis. 1970).

[104] *Id.* at 301.

[105] 381 U.S. 479, 485 (1965). *See also* Dixon, *The Griswold Penumbra: Constitutional Charter For An Expanded Law of Privacy?*, 64 MICH. L. REV. 197, 198 (1965); Kauper, *Penumbras, Peripheries, Emanations, Things Fundamental and Things Forgotten: The Griswold Case*, 64 MICH. L. REV. 235 (1965).

[106] 381 U.S. 479, 486 (1965).

[107] *See, e.g.*, Cotner v. Henry, 394 F. 2d 873, 875 (7th Cir. 1968); Lewis v. Stark, 312 F. Supp. 197, 206 (N.D. Cal. 1970); People v. Belous, 71 Cal. 2d 954, 963, 458 P. 2d 194, 199, 80 Cal. Rptr. 354, 359 (1969).

[108] 71 Cal. 2d 954, 458 P. 2d 194, 80 Cal. Rptr. 354 (1969).

[109] *Id.* at 963, 458 P.2d at 199, 80 Cal. Rptr. at 359.

[110] *See, e.g.*, Loving v. Virginia, 388 U.S. 1, 12 (1967); Criswold v. Connecticut, 381 U.S. 479, 485, 486 (1965); Skinner v. Oklahoma, 316 U.S. 535, 536, 541 (1942).

[111] *See* Note, *Abortion Reform: History, Status, and Prognosis*, 21 CASE W. RES. L. REV. 521, 545 (1970).

[112] *Id.*

[113] Babbitz v. McCann, 310 F. Supp. 293, 302 (E.D. Wis. 1970).

[114] Modern science regards the unborn child as a human being from the moment that the male spermatazoa fertilizes the female ovum to form the zygote. *See* Comment, *Therapeutic Abortion—The Psychiatric Indication—A Double-Edged Sword?*, 72 DICK. L. REV. 270, 282 (1968). The conceptus is qualitatively distinct from the elements, spermatazoa and ovum, which meet to form it. The newly conceived being possesses what is not possessed by these individual components: the genetic code, the transmitter of all those potentials which make men human. *See* Louisell, *supra* note 18, at 247 n.71.

[115] One important reservation should be noted at this point. Although the constitution would not appear to be available to protect the unborn child from such abuses, this fact alone would not preclude the various state legislatures from prohibiting such activities by statute. In light of the repugnancy of such practices, such a legislative response would seem very likely.

[116] *See* Raleigh Fitkin-Paul Morgan Memorial Hosp. v. Anderson, 42 N.J. 421, 423, 201 A.2d 537, 538 *cert. denied*, 377 U.S. 985 (1964); Hoener v. Bertinato. 67 N.J. Super. 517, 521, 171 A.2d 140, 144 (1961).

[117] *See* Louisell, *supra* note 18, at 247–48.

[118] *See* authority cited note 90 *supra*.

[119] *See* L. LADER, ABORTION 36 (1966); Lucas, *supra* note 6, at 741.

[120] *See* Leavy § Kummer, *Abortion and the Population Crisis; Therapeutic Abortion and the Law; Some New Approaches*, 27 OHIO ST. L.J. 647, 665 (1966).

[121] *Id.*

[122] *See* Incest, 7 INT'L ENCYC. SOC. SCI. 115, 117 (1968).

[123] The controversy over the thalidomide babies seems to be a case in point. *See* Kutner, *supra* note 5, at 8.

[124] *Id.*

[125] Ordinarily, one may not claim standing to vindicate the constitutional rights of some third party. *See, e.g.*, Barrows v. Jackson, 346 U.S. 249, 255 (1953); Tileston v. Ullman, 318 U.S. 44, 46 (1943); Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 347 (1935) (concurring opinion).

[126] *See* Brown, *Recent Statutes and the Crime of Abortion*, 16 LOY. L. REV. 275, 275–76 (1970); IOWA CODE § 701.1 (1971).

[127] *See* Note, *supra* note 7, at 349 n.3.

[128] MODEL PENAL CODE § 230.3 (Proposed Official Draft, 1962).

[129] The medical justification for a legal abortion is the saving or protection of the life of a pregnant woman. *See Trout, supra* note 1, at 186. In the past, many diseases qualified as such a justification. *See Quay, supra*, note 75, at 185–200. However, many of these physical ailments are no longer justifiable as legal abortion jusifications because of medical progress. *See Trout*, supra note 1, at 180. Since at present pregnancy is seldom a serious threat to the life of the mother, any of the medical justifications for a legal abortion are liberally interpreted to include indications that fall far short of a necessity to prevent imminent danger to the life of the mother. *Id.* at 179. Therefore, event though medical justifications have decreased in number, precision is lacking because of the liberal interpretation placed on these justifications.

[130] Psychiatric justification for a legal abortion is the most ambiguous of all the justifications forwarded in the reform statutes. Psychiatrists cannot agree, even among themselves, as to what constitutes a valid psychiatric justification. *See* Niswander, *supra* note 96 at 414. Several factors such as deception of the psychiatrist by the patient and deception of the patient by subconscious conviction render diagnoses uncertain. *See* Brown, *supra* note 126, at 282. It is interesting to note that in one study completed in Sweden, those women who had threatened suicide when refused an abortion unanimously failed to carry out the threat. *Id.*

[131] The eugenic justification switches the emphasis from the mother to the unborn child. It is assumed that life with deformities is worse than no life at all. At best, such an assumption is on precarious footing. Even taking such an assumption as true, the prediction of deformity cannot as yet be certain. *See* Brown, *supra* note 126, at 283. Hospitals must rely on a calculation cf probabilities and must make the subjective selection of certainty with which they wish to deal.

[132] The humanitarian justifications for a legal abortion are incest and rape. These justifications probably provide the most precise standard of those accepted by the reform states because the limitations of incest and rape are generally defined statutorily.

[133] N.Y. PENAL LAW CH. 127 (1970).

[134] IOWA CODE § 701.1 (1971).

WORLD GOVERNMENT BY THE UNITED NATIONS

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, evidence continues to mount demonstrating the uncontrovertible fact that the United Nations is but a ploy to establish one-world government.

Of unusual importance is the article entitled "World Government Via the United Nations," published by the Herald of Freedom for January 21, 1972.

The article is especially significant in the light of President Nixon's remarks today in his state of the Union message concerning disarmament.

I ask that this illuminating article be inserted in the RECORD at this point, followed by the "Observations" of the Sixth Conference on the United Nations of the Next Decade, held June 20–26, 1971, at Sinaia, Rumania and a list of participants in prior conferences. This conference was sponsored by the Stanley Foundation, which enjoys tax-exempt status from our Government.

The article follows:

[From the Herald of Freedom, Jan. 21, 1972]

WORLD GOVERNMENT VIA THE UNITED NATIONS

While Captive Nations Day is on its way out, United Nations Day has the blessings of the powers that be. By proclamation of President Richard M. Nixon, October 24, 1971 was designated United Nations Day, with the proclamation entered in the Federal Register on July 13, 1971. In his official statement, the President stated: "Reviewing the work of the United Nations since 1945, we can see a substantial record of accomplishment in the world body's major areas of endeavor—'to save succeeding generations from the scourge of war . . . and to promote social progress and better standards of life in larger freedom'. . . ." Congressman John R. Rarick commented aptly: "Nowhere in our President's proclamation does he advise the American people that the U.N. is the most illegal, undemocratic, atheistic trap that has ever been set for free men and which continues to be financed by U.S. tax dollars. . . . How could the U.N. speak or represent the people of the world when first there is not an elected representative in the U.N., and second, over two-thirds of the votes of the U.N. General Assembly do not even represent 10 percent of the peoples of the world."

In his official U.N. statement, Mr. Nixon stated: "I also call upon the appropriate officials to encourage citizens' groups and agencies of communication—press, radio, television, and motion pictures—to engage in appropriate observance of United Nations Day this year in cooperation with the United Nations Association of the United States of America and other interested organizations."

President Nixon is promoting world government through the U.N. and cooperation with the United Nations Association of the U.S.A., which is working for the destruction of our independent nation, in spite of the fact that public law 92–77 of the 92nd Congress, which passed as House Resolution 9272 and was signed into law August 10, 1971, contains under title 1, section 104:

"None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle of doctrine of one world government or one world citizenship.

"This title may be cited as the 'Department of State Appropriation Act, 1971.'"

The United Nations Association of the U.S.A. has been working toward the objective of World Government for many years and, in September 1971, sponsored a panel meeting headed by Nicholas deB. Katzenbach, whose leftist record is well known. Also heading the panel was Harlan Cleveland, former U.S. representative in the North Atlantic Treaty Organization, a serious security risk who has been an active case in one of our intelligence agencies for years with the continuing investigation falling in the category of "Espionage." A third leader of the panel was Philip M. Klutznick, former U.S. representative in the United Nations Economic and Social Council. Among the recommendations of this organization were: early entry of the People's Republic of China (which has already been accomplished); the admission to the U.N. of North Korea and North Vietnam; a standing U.N. force for peacekeeping (which is in effect a world police).

Among the other members who participated on the panel were: Lincoln P. Bloomfield, of M.I.T., an advocate of total disarmament; Andrew W. Cordier, a serious security risk who was closely associated with Alger Hiss; Ernest A. Gross, a former U.S. representative to the U.N. and another security risk; Donald S. Harrington, Unitarian minister of Community Church of N.Y. who has a long affiliation with Communist fronts according to published reports; Philip C. Jessup, former judge of the International Court of Justice, whose Communist front record has clearly been established by congressional committees; Joseph E. Johnson, president emeritus of Carnegie Endowment for International Peace, another leftist; Charles W. Yost, former U.S. Ambassador to the U.N. and protege of Alger Hiss.

Another organization which is gun ho for World Government is the United World Federalists. On Nov. 3, 1971 ——— inserted into the Congressional Record, an article entitled "The Prespects for World Government" written by former U.S. Senator Joseph S. Clark, president of this organization.

* * * * *

"There would be general and complete disarmament of the nation-states under a system of strict international control. Au-

thority would be given to the world government and its agencies to monitor the disarmament process and to assure that none of the nation-states rearmed themselves thereafter."

Mr. Clark pointed out that useful studies, looking towards achievement of world government by small steps, have been prepared under the auspices of the United Nations Association. His organization, the United World Federalists, is associated with other world government advocates operating in many countries. Commenting on possible opposition to world government, World-Federalist president Clark stated:

"Old-fashioned patriotism is surely an obstacle to world government. Dr. Johnson's view that 'patriotism is the last refuge of a scoundrel' has fewer adherents than those who proclaim with Stephen Decatur, 'Our country . . . may she always be in the right; but our country, right or wrong.'

"When the flag flies and the band plays and the drums beat and the troops march and the Veterans of Foreign-Wars and the American Legion parade, the 'silent majority,' at least in the United States, still tends to respond. This would be particularly true with blue-collar workers, hardhats, white collar engineers, and scientists in the military-industrial field if world government became a practical threat to their jobs. It is true today with many of them in this country and abroad when it comes to winding up the arms race and the war in Vietnam, or bringing a peace to the Middle East that might inhibit the manufacture and sale of arms. And of course one could count on the opposition of the military forces of all of the nation-states."

In anticipation of the setting up of a U.N. police force, the Communists have been most cooperative. The U.P.I. reported that early in October 1971 Communist Poland offered to the U.N. a standby force from its army for possible use in "peacekeeping" operations. Poland is the second Soviet bloc nation to offer its troops to the U.N. for peacekeeping, the other offer having been made two years ago by Czechoslovakia. The United World Federalists, the American Association for the U.N. and similar propagandists have long been urging the strengthening of the United Nations by granting it control of a world police force. While a member of Congress, Richard Nixon backed such a plan.

The admission of Red China into the U.N., a project of Presidential Adviser Henry Kissinger, was brought about through the behind-the-scenes maneuvering of the U.S. State Department and the U.S. representatives to the U.N., all with the approval of President Nixon, in spite of the fact that the U.N. Charter itself would prohibit the admission of Red China to the U.N. This is the same Red Chinese dictatorship which the U.N. condemned as an aggressor in 1951, a condemnation which still stands inasmuch as there has been no peace in Korea—only an uneasy cease fire with Americans still becoming casualties whenever the Reds desire propaganda fodder.

It was known to the Nixon Administration that the Senate Internal Security Subcommittee report, "The Human Cost of Communism in China," estimated that up to 63 million persons had been killed as a result of Communist activities in Red China. Congressman John Schmitz observed: "If the United Nations is so devoid of justice, reason, morality, and sound purpose as to bring the Red Chinese in, thus helping to seal forever the fate of over 750 million people then it is time the Congress return from myths to common sense and end our participation in the United Nations."

General Charles Willoughby, former Chief of Intelligence for General Douglas MacArthur, pointed out in a reecnt article that the U.N. Charter decleares for self-determination, non-aggression, and peace and security, yet the U.N. has permitted the Communist dictators to take over more than 13 countries and 7 times the population of the U.S. (one-third of the world's people). General Willoughby further observed that the United Nations failed to restore freedom to Latvia, Lithuania, Estonia, Poland, East Germany, Bulgaria, Rumania, Czechoslovakia, Yugoslavia, and China; failed to help freedom fighters in their blood bath in Hungary; failed to prevent the rape of Tibet; failed to prevent Communist take-over in North Korea, North Vietnam and Laos; failed to prevent Communist take-over in Cuba; failed to prevent India's take-over of Goa; failed to allow self-determination and freedom to Katanga; failed to prevent warfare between Israel and the Arab States.

World government advocates are trying to establish, through the U.N., a world government which would eliminate the sovereignty of the U.S. In order to bring this about they are pushing several programs which will further their objectives. One of these is the U.N. Genocide Convention on the prevention and punishment of the crime of genocide. The State Department's Bureau of Public Affairs Document P-611 dated April 26, 1971 stated that President Nixon, in a message to the Senate on February 19, 1970 urged the Senate to consider anew this convention. The one-worlders have been trying to get the Genocide Convention through the U.S. Senate ever since President Truman urged it in 1949.

Part of the genocide trap would be to make individuals who commit "mental genocide" (which could be interpreted as making uncomplimentary remarks about Communists and others) subject to prosecution in a United Nations court. Since there is no such court at the present time, a program has been proposed to set up an International Criminal Court for the specific purpose of trying individuals.

The Foundation for the Establishment of an International Criminal Court was incorporated as a California general non-profit corporation on April 24, 1970, with trustees shown at the time as Robert K. Woetzel (Pres.), Sheila Woetzel (V.P.), John W. Ervin (Secy.), Patricia Ervin, Marvin H. Lewis (Treasurer). According to their articles of incorporation their stated purpose is: "To educate and assist in the establishment of an international criminal law and formation of an international criminal court for the definition of certain international crimes and the punishment and procedures relating thereto.

"Co-sponsor with the International Criminal Law Commission of the World Peace Through Law Center in a conference on international criminal law to be held in 1971, the purpose of which will be to establish in writing a Convention on Crimes Against Humanity, to determine categories of crimes, defenses and excuses, and methods of implementation, taking into account the Charter and Judgment of the International Military Tribunal at Nuremberg, the Genocide Convention, the Geneva Convention of 1949, the Draft Code of Offenses Against Peace and Security of Mankind. Other specific activities of the Foundation are to acquaint the public, governments, and non-governmental organizations with the principles of international criminal law, in particular the Draft Convention and Statute resulting from the proposed conference of experts, through published materials, books, pamphlets and radio and television tapes of pertinent discussions, holding of educational seminars and meetings which will educate persons with respect to the importance of international criminal law, the clarification and applicability of international courts and other instruments of international criminal law like the Geneva Convention of 1949 and the Draft Code of Offenses Against the Peace and Security of Mankind."

The Convention on International Criminal Law was held by the World Peace Through Law Center at Belgrade, Yugoslovia in July of 1971. One of the prominent individuals present was former Chief Justice Earl Warren, who was a founder of the movement in 1959 and who spoke as chairman of the United Nations Association of the U.S.A. He told the Belgrade convention that there should be standing forces (U.N.) to carry out peacekeeping functions.

Another address given before the Fifth Peace Through World Law Convention was made by Robert K. Woetzel (mentioned previously) on July 24, 1971, in which he stated:

"It is wisest to pursue a path which will convince various parties concerned that it is in their interest to abide by minimal restraints on exercises of power both in war and peace; a way must be found to demonstrate convincingly that the common good of mankind is served through international criminal law . . . In connection with the dangers of nuclear conflict, one might also speculate on the possibility of making individuals such as scientists who aid and abet the production of nuclear weapons in violation of the non-proliferation treaty, criminally liable for their actions. . . The list of offenses described above is of course not exhaustive; it might be wise to begin with few crimes and then to allow States to add to the jurisdiction of an international authority as they have opportunity to observe it in action. For example, so-called ecological crimes or criminal pollution of the environment that affects several States might be a proper subject for prosecution and could be added if it is not included in the original jurisdiction. Furthermore, certain offenses such as violation of right of racial, ethnic, religious, political, economic, and culturally divergent groups involving humiliations, denial of justice, deprivations of ordinary human rights, and infringements on their cultural heritage could fall under international criminal jurisdiction, if States so decided. The aim is to begin small and to enlarge scope as time progresses. With growing consensus concerning a definition of aggression it is hoped that eventually crimes against peace may also become the proper subject of criminal prosecution internationally."

After meeting in Communist Yugoslavia, there were further developments. Late in September a group of lawyers, jurists, and scholars met at Racine, Wisconsin for the first International Criminal Law Conference to work out plans for the establishment of an International Criminal Court which could try individuals from any nation. The Conference proposed that the new Court be a tripartite body made up of a tribunal, an investigating magistrate, and a commission. The magistrate would investigate all cases; the commission would return indictments; and, the tribunal would hear those cases recommended to it. Under the plan the International Criminal Court would hold national officials responsible for untoward acts carried out while in office. Under its charter, however, it might try any citizen of the world for any crime down to "pollution."

Gerhard O. W. Mueller, a noted authority on criminal law and New York University law professor, proposed that the former Reichstag building in Berlin and the surrounding land be given to the U.N. to house the proposed International Criminal Court. The group plans to hold a conference in Europe in March 1972 with broader international representation, and in the meantime their recommendations are to be transmitted among the international diplomatic community.

Robert K. Woetzel, who is a Boston College professor of international law and politics, has told the New York Times that the new world criminal court could be established as early as 1974. Woetzel, president of the tax-

exempt Foundation for the Establishment of an International Criminal Court, was formerly on the staff of the notorious Center for the Study of Democratic Institutions and has quite a record. On October 29, 1965, an article appeared in Saturday Review, written by Woetzel, supporting abolition of our laws against homosexuality, a subject in which he has a personal interest. On November 24, 1955, at 1:15 a.m., Robert Woetzel was arrested at Lafayette Park, Washington, D.C., on a morals charge. (D.C. police identification number 150-070.) At the time of his arrest several letters from prominent persons were found on his person. One of them, from the late Adlai Stevenson, began "Dear Robert" and thanked Woetzel for his recent visit; another "friendly" letter was from an important former U.S. Ambassador.

The Foundation for the Establishment of an International Criminal Court, while originally the creation of Dr. Woetzel, has the support of many important people. Among the international consultants and international law review committee are: Rt. Rev. Giovanni Abbo (member of The Vatican Secretariat); Prof. Roberto Ago (professor of Law, Rome Univ., member United Nations International Law Commission); Prof. Maxwell Cohen (Professor of Law, McGill Univ., Canada); Prof. Jean Graven (Pres. International Assoc. of Penal Law, Switzerland); Prof. Hans-Heinrich Jescheck (Director Max Planck-Institute, Freiburg, Germany); Prof. Paul Reuter (Professor of Law Univ. of Paris, member U.N. International Law Commission); Prof. B.V.A. Roeling (Secretary Gen. International Peace Research Assoc., Netherlands); Hon. A.N.R. Robinson (Port of Spain, Trinidad and Tobago); Prof. Ulrich Scheuner (Prof. of Law, Bonn Univ., Germany); Prof. Georg Schwarzenberger (Prof. of Law, University College, London); Prof. Telford Taylor (Prof. of Law Columbia University); Prof. Jacques Freymond (vice president International Committee of the Red Cross); Hon. Manfred Lachs (Judge, International Court of Justice); Dr. Egon Schwelb (Off. of Legal Affairs, U.N.); Dr. Borko D. Stosic (World Peace Through Law Center, Geneva).

Under the guise of strengthening the U.N. or promoting peace, a number of organizations are promoting world government; some openly, like the United World Federalists and the American Movement for World Government, Inc. of New Canaan, Conn.; others, like the Atlantic Union, hope to bring it about by first setting up regions. The U.N. has become nothing more than a Communist front organization and the forerunner of a world government with a world peacekeeping (police) force, taxation, monetary system and controls. Congressman John Schmitz introduced a bill HR 2632 to rescind and revoke membership in the U.N. and the specialized agencies thereof. On October 27, 1971 Congressman John Rarick filed Discharge Petition No. 10, and the signatures of 218 congressmen are necessary to discharge the bill for a house vote. Passage of H.R. 2632 would remove the United States from the U.N. and the U.N. from the United States. . . . thus freeing our people from the ever-tightening yolk of international controls and the erosion and final elimination of national sovereignty and constitutional government.

OBSERVATIONS

The following comments, prepared by the Conference Chairman, touch upon several points pertinent to the United Nations of the Next Decade. They concern matters discussed at Sinaia and prior conferences, but go beyond the conference statements.

UNIVERSALITY

The Sinaia Conference developed a further argument for universality of membership in the United Nations, a recommendation of each of our five prior conferences. The effective handling of global enviornmental problems requires the cooperation of all nations as do the problems of international peace and security. For instance, the People's Republic of China should participate in discussions on atmospheric pollution, and both East and West Germany should be involved in any regional effort to abate pollution in the Baltic Sea.

AUTHORITY

While the participants generally agreed upon the essential need of international cooperation in dealing with global environmental problems, sharp differences were evident regarding the authority that should be delegated to the United Nations. Some participants would set up an organizational structure within the United Nations and endow it with supranational authority in these areas. They believe that nothing less than such authority would be adequate to deal with serious environmental problems approaching the threshold of irreversibility. Other participants would use the United Nations primarily as a clearing house and coordinating body, implementing action through a series of regional or global treaties. The Conference Chairman believes the conference tended to underestimate the degree of authority needed to cope with the threats to the global environment.

UNITED NATIONS PERFORMANCE

The need for improving the performance of the United Nations through organization and procedural changes was expressed by many participants. Criticism of the Economic and Social Council was particularly noticeable during the discussion of appropriate organizational structure for environmental management in the United Nations. Such comments gave weight to recommendations of prior conferences regarding the urgency of early improvement and strengthening of the processes by which the United Nations organizations operate. Several participants commented upon the general thrust of conferences held in May, 1970, and May, 1971, dealing[1] with procedural and organizational improvements at the United Nations. Undoubtedly, concern over the control, coordination and the effectiveness of United Nations organization, particularly ECOSOC, influenced the opinions of many participants on organizational matters.

THE OCEANS

A high degree of consensus was apparent regarding the need for environmental controls in our oceans. Unquestionably, this would seem to be an area where it will be easier for the nations to agree upon a United Nations role. In addition, there was agreement that there is enough scientific information now available for international action.

At our Fourth Conference (1969), the participants agreed: "The seabed is the common heritage of all mankind; the United Nations should be its trustee. The United Nations should take the lead in establishing international law for the seabed, guiding its exploration and developing and protecting the marine environment against damage."

At Sinaia, there appeared to be a general sentiment that the fragile biological system of the marine environment was deserving of special concentration at the 1972 Stockholm Conference. It was also felt that regional action in such areas as the Mediterranean and Baltic Seas was mandatory, and some hopeful progress in these areas was duly noted. The very important question of a seabed or ocean authority was not discussed in any substantive fashion at this conference because these subjects had been dealt with in previous conferences.

DEVELOPMENT

The Statement of the Sixth Conference emphasizes that environment and development are interrelated and suggests principles for reconciliation of divergent views on this question. Nevertheless, the range of disagreement on this issue during the conference was very evident. Participants from less developed countries were critical of the industrialized nations, blaming them for global pollution. They contended that the developed countries, having done tremendous damage to the global environment and having exploited resources of the less developed countries, must provide the leadership in the environmental effort and bear its major costs. Reconciliation of the opposing points of view regarding environment held by the developed and developing nations is crucial to the implementation of an adequate program within the United Nations to cope with global pollution.

Whether speaking on environmental degradation, population, or resource management, participants from the developing countries put great emphasis on the ability of science and technology to provide long-term answers. Such unlimited faith in science and technology tends to obscure the need for greater attention to the political, economic, and management aspects of these problems.

POPULATION AND RESOURCES

Few participants at Sinaia were ready to confront population and resources as global problems related to environment. Rather, they were viewed as individual problems of certain nations. The Conference Chairman predicts that within a few years both population and resources will come to be recognized as serious factors affecting the environment of the world.

URGENCY

Our discussions clearly revealed that the attitudes of nations toward environment vary with their current exposure to pollution. The more developed and more polluted nations have a greater sense of urgency. Those developing nations experiencing little industrial pollution quite obviously are less concerned and have less understanding of the complexities of environmental problems.

BASIC ROLE

The majority of the participants strongly supported the view that United Nations activities in the field of environment must not be permitted to interfere with its other basic roles (international peace and security, disarmament, economic and social development, human rights and decolonization). However, there was also a strong sentiment among a few participants that the problems of the global environment were as pressing and vital as any of the historic roles of the United Nations. Finally, a significant minority of the participants were of the very definite opinion that progress in functional areas such as the environment and ocean management would, in the long run, provide needed impetus for improving the effectiveness of the United Nations in carrying out its primary functions.

PARTICIPANTS OF PRIOR CONFERENCES

H.E. Chief S. O. ADEBO, Nigeria, Executive Director of United Nations Institute for Training and Research.

H.E. Mr. Richard M. AKWEI, Permanent Representative of Ghana to the United Nations.

Mr. Ward P. ALLEN, Deputy Assistant Secretary, Bureau of International Organization Affairs, United States Department of State.

The Hon. Warren ALLMAND, Member of Parliament, Canada.

* * * * *

The Hon. Benigno AQUINO, Opposition Leader of the Philippine Senate.

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[1] Report of Conference on Organization and Procedures of the United Nations, May, 1970.

Report of Second Conference on Organization and Procedures of the United Nations, May, 1971.

Available from The Stanley Foundation, Stanley Bldg., Muscatine, Iowa 52761.

The Hon. Zulfikar Ali BHUTTO, former Foreign Minister of Pakistan.

Mr. Andrew BOYD, Great Britain, Foreign Affairs Editor of *The Economist*.

H.E. Mr. William B. BUFFUM, Ambassador of the United States to Lebanon.

General E. L. M. BURNS, former Advisor to the Government of Canada on Disarmament.

M. Robert BURON, France, former President of Development Center of the Organization for Economic Cooperation and Development.

Mr. Grenville CLARK, United States (deceased), Co-author of *World Peace Through World Law*.

H.E. M. Sori COULIBALY, Minister for Foreign Affairs and Co-operation, Mali.

H.E. Mr. Karoly CSATORDAY, Director, Department of International Organization at the Ministry of Foreign Affairs, Budapest.

H.E. M. Gabriel M. d'ARBOUSSIER, Senegal, Ambassador to the Federal Republic of Germany.

The Hon. Gordon FAIRWEATHER, Member of Parliament, Canada.

The Hon. Per FEDERSPIEL, Member of Danish Parliament, Liberal Party; former Minister for Special Affairs of Denmark.

* * * * *

The Hon. Per HAEKKERUP, Political Spokesman of Social Democratic Party in Danish Parliament; former Foreign Minister of Denmark.

H.E. Mr. Edvard HAMBRO, President of the Twenty-Fifth Session of the United Nations General Assembly; Permanent Representative of Norway to the United Nations.

Dr. Ahmad HOUMAN, Iran, former Assistant to the Prime Minister and Vice Minister of the Imperial Court.

Sir Muhammad Zafrulla KAHN, Pakistan, President of International Court of Justice; President of Seventeenth Session of United Nations General Assembly.

Mr. I. T. KITTANI, Iraq, Deputy to Assistant Secretary-General for Inter-Agency Affairs.

Mr. Hermod LANNUNG, Member of Danish Delegation to the United Nations.

H.E. Mr. Murray MACLEHOSE, Ambassador of the United Kingdom to Denmark.

H.E. Lij Endalkachew MAKONNEN, Minister of Communications, Telecommunications and Posts, Ethiopia.

Senior Licenciado Don Gustavo MARTINEZ CABANAS, former Commissioner of Technical Assistance for the United Nations to Mexico.

H.E. Mr. Leo MATES, Director, Institute for International Politics and Economics, Belgrade; former Ambassador of Yugoslavia to United States and United Nations.

H.E. Mr. Akira MATSUI, Chairman, Atomic Energy Commission of Japan; former Ambassador of Japan to France.

The Hon. Jose Antonio MAYOBRE, Venezuela, former Executive Secretary of United Nations Economic Commission for Latin America.

Dr. Grigori I. MOROZOV, Chief of International Organizations Division, Institute of World Economics and International Relations, Academy of Sciences, U.S.S.R.

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H.E. Mr. B. K. NEHRU, India, Governor of Assam; former Ambassador to the United States.

* * * * *

H.E. Mr. Sivert A. NIELSEN, president of Bergens Privatvank; former ambassador of Norway to the United States.

H.E. Mr. Glen A. OLDS, former Ambassador of the United States to the United Nations.

The Hon. Mr. C. Torsten W. ORN, former First Secretary of Political Affairs of the Swedish Mission to the United Nations.

H.E. Dr. Adnan PACHACHI, former Ambassador of Iraq to the United Nations.

H.E. Mr. Anand PANYARACHUN, Acting Permanent Representative of Thailand to the United Nations and Ambassador to Canada.

H.E. Mr. S. Edward PEAL, Ambassador of Liberia to the United States.

H.E. Senor Jose PINERA, former Permanent Representative of Chile to the United Nations.

H.E. Mr. David H. POPPER, Ambassador of the United States to Cyprus.

Dr. Boris P. PROKOFIEV, Deputy Chief of the International Organizations Department, Ministry of Foreign Affairs, U.S.S.R.

Dr. Luis QUINTANILLA, Mexico, former President of the Council, Organization of American States.

H.E. Dr. Majid RAHNEMA, Minister of Science and Higher Education; former Ambassador of Iran to Switzerland.

The Hon. Jose ROLZ-BENNETT, Guatemala, former Under Secretary-General for Special Political Affairs, United Nations.

General Carlos P. ROMULO, Secretary of Foreign Affairs of the Philippines; President of the Fourth Session of the United Nations General Assembly.

H.E. Mr. Zenon ROSSIDES, Permanent Representative of Cyprus to the United Nations.

Mr. Clyde SANGER, Correspondent at United Nations for *Manchester Guardian* and *The Economist*.

H.E. Mr. Samar SEN, Permanent Representative of India to the United Nations.

Dr. Vladimir G. SHKUNAEV, Head of United Nations Political Studies Section, Institute of World Economics and International Relations, Academy of Sciences, U.S.S.R.

Mr. Konstantin SMIRNOV, Embassy of the U.S.S.R., Belgrade.

The Hon. Zdenko STAMBUK, Chief Editor of *Review of International Affairs* and Member of the Federal Parliament of Yugoslavia.

The Hon. M. van der STOEL, Member of Parliament, Netherlands.

The Hon. A. Z. N. SWAI, Tanzania, Minister of State for the Union.

H.E. M. Piero VINCI, Permanent Representative of Italy to the United Nations.

Dr. Urban WHITAKER, Dean of Undergraduate Studies, San Francisco State College.

Dr. Alexander YANKOV, former Counsellor of Permament Mission of Bulgaria to the United Nations.

Dr. Hideki YUKAWA, Japan, Director of Research Institute for Fundamental Physics, Kyoto University: Nobel Prize in Physics, 1949.

H.E. M. Maxime-Leopold ZOLLNER, Permanent Representative of the Republic of Dahomey to the United Nations.

Rapporteurs:

Mr. Andrew BOYD, Great Britain, Foreign Affairs Editor of *The Economist*.

Mr. Robert H. ESTABROOK, former United Nations Correspondent, *The Washington Post*.

Mr. Lee W. HUEBNER, White House Staff Assistant.

The Hon. David M. STANLEY, Attorney at Law; former Iowa State Senator.

Mr. Richard H. STANLEY, Vice President, The Stanley Foundation.

HON. COURTNEY WARREN CAMPBELL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 19, 1972

Mr. ROGERS. Mr. Speaker, it is always a sad occasion to mark the passing of a friend. It is indeed a sadder occasion to mark the passing of a man who devoted a large portion of his life to the service of his State and Nation. Courtney Warren Campbell was such a man, and the State of Florida lost an outstanding citizen upon his passing December 22, 1971. Courtney Campbell served his country well for many years, as a Member of the House of Representatives, as a soldier in World War I, and in many positions in the State of Florida for which he will long be remembered by grateful Floridians for the accomplishments he leaves with us. The very fact that Courtney Campbell will be remembered for his service to his fellow man is a lasting testament to the type of person he was and the life he led. The renaming of Davis Causeway in Florida to Courtney Campbell Causeway over his protests is but another indication of the character of this man and the esteem in which he was held by his contemporaries. The people of Florida, indeed the Nation, have lost a great man, and my deepest sympathy goes out to Courtney Campbell's wife, Henrietta.

NORTONVILLE MUST BE SAVED

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WALDIE. Mr. Speaker, there is great anxiety in my district regarding a proposed strip-mining operation which may be approved by the Interior Department.

I sincerely hope that the Land Appeals Board, which is considering the mining claim in the Nortonville-Somersville area, heeds the wishes of this area's residents.

Recently Richard L. Davis, managing editor of the Contra Costa Times, wrote an excellent column on this issue. Mr. Speaker, this article captures the spirit of the conflict over this area's future.

The article follows:

NORTONVILLE MUST BE SAVED: "BLESS THE BEASTS AND CHILDREN"

Frankly, I've been neither an environmental nor ecological nut, believing each time the PG&E strings a new power line the country is going to hell in a handbasket.

But Nortonville . . . now that's another thing.

Here's an area in the shadow of Mount Diablo, an area that is just now recovering from the scars of rape which have taken almost a century to heal, and yet another mining operation is proposed.

Nortonville at one time led the Central Contra Costa County area in population, with its Welsh miners, three railroads. It is rich not only historically but also botanically with its masses of wild flowers covering a wide region in spring.

Nearly a decade ago, Contra Costa County, just before it was annexed to the East Bay Regional Park District in 1964 for park purposes, envisioned a 2600-acre park in this area that would serve our future population.

Just after the East Bay Regional Park District took over jurisdiction it discovered part of this—360 acres—were in public domain and could be purchased for $2.50 an acre, or $900. In fact, this may be the only public domain property available in the entire county.

However, it seems a prior mining claim was

filed by La Sal, Utah, exploration geologist Steven Kosanke, and now Nortonville could quite possibly become the headquarters for establishment of a 25 million-ton strip sand mine. The silica sand there is a prerequisite to glass making.

At present, a legal argument over this property is before the Interior Department's Appeals Board where a reversal is being sought to put the 360 acres back into park district jurisdiction.

The point, as we see it, is that Contra Costa County has precious little property left—perhaps none at this $2.50-an-acre price—that could so suitably be set aside not only in the interest of ecology and the environment but for the young "wild beasts and children," not to mention the flowers, of the future.

In this instance, we believe the public good should be considered ahead of private enterprise which certainly can find in this vast land of ours other areas containing silica sand.

We believe if the trial examiner in Sacramento would take further testimony he would find ample reason to reconsider this case in light of future recreation and park requirements of Northern California, Contra Costa County and its residents.

The 100-year-old mining law under which the claim was filed might also be studied carefully to determine if things couldn't possibly have changed—environment, ecology, etc.—since this law was enacted. We would be surprised if it does not prove to be totally antiquated by developments of a modern society.

The county supervisors, Rep. Jerome R. Waldie, the Sierra Club, East Bay Regional Parks District, the Coal Mines Coalition, and the organization SANE (Save America's Natural Environment), along with numerous individuals in Northern California, have expressed opposition to the mining operation for precisely the reasons we have expressed here.

Of course no court or appeals board likes to reverse itself, but we believe that if the record is re-opened to environmental considerations—a point on which we understand the record is currently silent—perhaps a reversal would be in order. We would hope so.

Neither the county nor the park district, neither of which could afford to develop the land over the past few years, has been idle, however.

There is approximately $250,000 in state park bond funds available for development of what is called "Coal Mines Regional Park"—Nortonville—today, along with $500,000 from EBRPD which is seeking matching federal funds. This would add up to $1,250,000 (ideally) for development of one of the last remaining (if not the last) public domain areas—at $2.50 an acre.

If Nortonville eludes Contra Costa County as a park and recreation site, the most desirable hookup with the 772-acre linkup with Contra Loma Park simply could not take place.

And anyone surveying Contra Costa County and projecting its growth over the next 50 years can certainly understand there is a most serious need in Northern California and Central Contra Costa County for all the park and recreation area we can beg, borrow or maybe even horse-trade!

THE SHAH OF IRAN SPEAKS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HAMILTON. Mr. Speaker, the Shah of Iran's unique perspective on the political situation in the Persian Gulf and the Indian Ocean and his views on his country's role in these regions are enunciated in a good and concise article which appeared in the Christian Science Monitor this week. As Iran emerges as an Asian and Middle East power, we will continue to hear its voice in the international arena. This article is a good introduction to the Shah's thinking, and I recommend it to my colleagues:

IRAN SOUNDS WARNING—DO NOT ROCK BOAT IN WEST PAKISTAN

(By John K. Cooley)

TEHRAN, IRAN.—Disruption of West Pakistan's unity would pose grave international problems, Shah Muhammad Reza Pahlavi of Iran has warned.

The Indo-Pakistani war has left a "dangerous situation" in the Indian subcontinent and adjoining Indian Ocean and Persian Gulf areas, the shah told a small group of American and Swiss newsmen in a private audience here.

"If West Pakistan remains strong and united the danger is less," the shah added. "But if ever what happened on the other side" (the recent India-backed secession of East Pakistan and creation of Bangladesh) "disrupts the unity of West Pakistan, that would pose very grave problems for us and for all the international community."

The shah called the Indian Ocean a "zone of troubles" and said Iran would make "efforts and countereffortsin its defense," since it adjoins Iran and "our own Persian Gulf."

He said Iran might install new bases on its own southern territory, but new measures would "depend on the situation in the Sea of Oman and the Arabian Sea."

SEPARATIST MOVEMENTS?

(Diplomatic sources here said Iran was seriously concerned about the possibility that Pakistan President Zulfikar Ali Bhutto might face serious separatist movements in Pakistan's western provinces of Baluchistan and Northwest Frontier, simultaneously with a leftist takeover in the Sultanate of Oman, on Iran's other flank in the Persian Gulf.

(Iran seriously considered a request from Pakistan for Iranian-piloted, U.S.-made, Phantom F-4 fighter bombers during the war with India last month, but had rejected the idea partly because there were insufficient logistical-support facilities for the Phantoms in Pakistan, the sources added.)

The shah was asked whether the Arabs' frustration over their military stalemate with Israel might turn them toward a confrontation with Iran in the Persian Gulf. Iran occupied three disputed islands, Abu Musa, and Big and Little Tunb there late last year, provoking a crisis with Iraq.

"This would be easier for the Arabs," replied the shah, "because the war danger for them would be less. . . . I don't think Iraq wants its troops on the border with Israel because they might have to fight." Iran, he continued, "would keep a cool head" in the face of the "inhuman" expulsion of over 60,000 Iranians by Iraq, but "they must understand there are limits beyond which they cannot go."

"LET US WAIT AND SEE"

The shah said, "Let's wait and see what happens after formation of the new Egyptian Government. Up to now they have been well behaved toward us."

Egyptian President Sadat reportedly asked Vice-Premier Azziz Sidky to form a new cabinet to replace that of outgoing Prime Minister Mahmoud Fawzi.

"Everything," continued the shah, "is in the context of power politics. If all the weight of the United States appears to be behind Israel, the Arabs may seek a vacuum elsewhere. They may think they can take revenge elsewhere. That would be very serious. The consequences would be equally serious if not more so because the region affected contains nearly 70 percent of the world's oil reserves."

The shah then warned, "Even if Iran is not yet a formidable military power, I don't think anyone will want to brush against us now, and especially not in five years from now."

(Iran is building a strong air-strike force around its Phantom jets, and plans to triple the size of its Navy from now to 1977.)

Iran would furnish development aid to those Persian Gulf states which would accept it, "without design or selfish interest, for humanity's sake," the shah declared. Iran's days of receiving aid from others had ended, and it would soon be a donor country, he said.

Iranian defense on the gulf, he went on, was aimed at ensuring free navigation and stability. Iran's occupation of the islands, he said, was necessary to prevent "irresponsible people" from disrupting both.

He recalled the Palestinian guerrilla speedboat Bazooka rocket attack on an Israel-bound oil tanker in the Red Sea last May. "Our oil terminal on Kharg Island," he said, "is getting a berth for 500,000-ton tankers. Think what would happen if someone, say in a motor boat, sunk such a ship" in shallow gulf waters, blocking navigation and destroying the gulf's marine life through oil pollution."

The shah said Iran had made a "firm, clear, and final" proposal at the oil-price talks last week in Geneva between oil companies and member governments of the Organization of Petroleum Exporting Countries (OPEC), due to meet again Jan. 19 to discuss the offer.

Tehran's proposal is to meet the loss of revenue caused by devaluation of the dollar by price increase of 8.57 percent.

He said Iran was studying whether to assume more control over transport and marketing of oil produced here after present concession agreements expire, beginning in 1979. He said Iran was now strong and mature enough "not to make decisions in important commercial matters out of pure nationalism," as did weaker and younger nations "who fear exploitation by others."

GOOD RELATIONS SEEN

The shah said U.S.-Iranian relations were "never better, and we need to develop what exists better than ever." A recent U.S.-Iran investment conference in New York was "important" for Iran's future.

"People in the United States," he said, now understand development problems better. And the Vietnam war has showed that "the United States cannot be the international gendarme."

Asked whether an editorial in the Tehran newspaper Etelaat Jan. 15 criticizing the United States for renewing an old agreement to base U.S. warships in Bahrain reflected Iranian Government policy, the shah replied, "We think all big powers should stay out of the gulf, including Britain, the Soviets, and the United States."

He called Soviet policy "very elastic and intelligent. Perhaps with a new U.S. policy, we'll see new approaches by others. The role of the two superpowers is going to be diluted." Mainland China was "behaving like a mature and respectable nation since its admission to the United Nations," the shah added.

He denied that Iran had requested the Soviets to moderate Iran's dispute with Iraq but said, "We kept all our friends informed about it."

The shah confirmed that new military trials were under way for guerrilla opponents of his regime.

"What you call gangsterism in America or West Germany," he said ironically, "you call opposition activity in Iran."

He said two categories of opponents faced military trial: Communists, because communism is outlawed in Iran; and terrorists

who carry out armed robberies such as the holdup of a Tehran bank Jan. 9 in which the bank manager was killed. Police said this and other attacks were led by guerrillas trained in Iraq and infiltrated from there. About 250 among the 40,000 people expelled across the Iraq border into Iran had been found to be such terrorists, the police said.

The shah bitterly criticized what he termed the "unholy alliance between extreme left and extreme right" among Iranian student opponents of his regime in the United States and Europe.

"I can accept," he said, "that someone in Iran complains if he is not permitted to vote in an election here. What I cannot accept is that he sits in a room in San Francisco and attacks us here." The shah acknowledged that Iranian students in the United States and Europe are among the regime's enemies.

DEMOCRATIC LIBERALS BEHAVE IRRESPONSIBLY IN CHILD DEVELOPMENT PROGRAM

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, one of the most perceptive and constructive articles on the subject of the President's veto of the comprehensive and extravagant child development bill appeared in the last issue of the Ripon Society Forum.

This thoughtful editorial by the editors of the Forum puts in clear language the views of many who voted against the measure originally—and who later acted to sustain the President's veto.

Mr. Speaker, I am pleased to insert this editorial at this point in the RECORD:

DEMOCRATIC LIBERALS BEHAVE IRRESPONSIBLY IN CHILD DEVELOPMENT PROGRAM

THE DAYCARE VETO

In recent weeks, the Democratic majorities in Congress have made their response to the welfare and poverty proposals of President Nixon's "New American Revolution." They have passed a vast day care or "child development" program—at an initial cost of some $2.1 billion, rising quickly to possibly $20 billion—which would be available, like many Democratic "poverty" programs, to both the rich and the poor. And they have enacted a work requirement for all welfare recipients. Of course, many Democrats—particularly those running for President—have made other proposals: George McGovern and Eugene McCarthy, for two prominent examples, have proposed guaranteed annual incomes of at least $5,500 for a family of four (annual cost of $70 billion) while Edward Kennedy and Fred Harris have adduced other plans of comparable expense. But if we judge the Democratic Congress by its enacted bills rather than by its Presidential billboards, the multibillion dollar daycare venture and the work rule constitute its Christmas offering to the American poor and its principal response to the President's Family Assistance Plan.

Daycare centers and work requirements are both in fashion this season, though admittedly in different quarters. But no cogent evidence has been presented that in this time of scarce federal money and wide unemployment either federal program responds to a genuinely critical need or partakes of a coherent scheme for meeting our present problems. The work requirement is simply a public display cynically designed to conceal the failure to enact welfare reform. The daycare proposal was propelled through the Congress chiefly as a response to women's liberation and its desire to free women from some of the day long burdens of child care. For poor women, however, freedom from household chores may be liberating only to the extent they find it liberating to do chores for someone else—perhaps for one of the wealthier advocates of daycare. In any case, with its support from the affluent it is not surprising that under the bill, daycare would be available for everyone. Only Administration insistence that charges be imposed, in accordance with ability to pay, on families making more than $4,320 annually, limited the scope of the program and held its eventual federal expense to an estimated $11 billion a year.

It is fair to conclude that the Democrats, for all their talk of national priorities, lack any systematic nation of relative needs, costs and available resources—any willingness to submit to a discipline of scarcity and choose among the feasible responses in terms of cost effectiveness. One measure of this failure is what HEW Secretary Elliot Richardson, in an excellent statement on December 17, estimated as a current $6 billion and prospective $9 billion gap between his department's Congressional authorizations and its actual appropriations. This gap might be fairly termed the big mouth of American liberalism, and it was wide open during the day care debate. Speaker Carl Albert called the measure "our paramount moral vote of the session" and the bill itself ran on for 22 pages of the Congressional Record, detailing the kind of fiscally unrealistic promises which Secretary Richardson accurately describes as "creating expectations beyond all possibility of fulfillment" and then "dashing the hopes of those with the greatest needs."

Even if one believes it desirable to subsidize daycare centers for all American children or to provide a guaranteed income of $5,500 annually such a dubious judgment is only the very first step in program development. A responsible politics will then proceed to the more difficult stages of statecraft: the orchestration of needs, options and resources in a comprehensive strategy of government.

Unlike the Democrats, President Nixon has developed such a strategy. He has decided on a program of family assistance, including aid to the working poor, costing an additional $4 billion altogether during the first year, as part of a complete overhaul of the welfare effort—combined with a limited program of daycare for welfare recipients, and a nominal work requirement, dependent on the availability of jobs. This program, in an internally consistent way, responds to the most crucial need of the impoverished—money—and grants this aid to both the minority of poor who are unemployed and the majority who have jobs, thus removing incentives for men to leave either their families or their work. A nationally administered program without residency requirements, it does not hamper the mobility of the poor who need it most in seeking employment.

The current Democratic offerings lack these advantages. The billions projected for daycare would not meet the problems of the poor. Not only would it not provide them money, it would reduce the funds available for years to come for a serious effort to fight poverty, such as the plan proposed by the President. Not only would daycare fail to alleviate the problem of familial breakdown among the poor, it is quite possible that the new federal program, by making families less dependent on a male provider, would contribute to the familial disintegration already promoted for years under federal welfare laws. The Democratic daycare program in fact is a special interest bill. It would provide assistance chiefly to *employed* women with children—and because middle class and educated women can most easily find jobs, the program might well be most widely exploited by the relatively well off despite the nominal charges it would require them to pay (as amended under Administration pressure). It is hardly a poverty bill.

President Nixon's veto, therefore, was eminently justified—even beyond the administrative problems in the program as passed, even beyond the labyrinthine jurisdictional tangle, involving cities, states, counties and towns, that it would have created. Because of the strong pressures for the bill, moreover, his veto was impressively courageous. But if you suppose he did not receive his deserved acclaim from such insistent advocates of the public interest and reordered national priorities as the New York *Times* and Washington *Post*, you are correct. The President was found by the *Times* to have revealed a yuletide animus against suffering little children. By the *Post* he was found guilty of gross illogic and inconsistency. The *Post* asserted that his veto of general daycare conflicted with his support of daycare centers as part of the Family Assistance program. If daycare centers are desirable for the poor, said the *Post*, they are desirable for everyone.

Such arguments are unworthy of their proponents. Most services in the society, and priorities among them, are established by the marketplace, and daycare centers are already being created more rapidly than qualified personnel can be found to staff them. But vast expansion of federal subsidies for daycare for everyone raises issues decidedly different from those mentioned in the *Times* and the *Post*. Such a program would imply a governmental judgment that as a matter of highest priority huge appropriations should be employed to encourage women in all circumstances to enter the already crowded competition for jobs and consign their children to "child development" centers. We would submit that such a program is a matter of the very lowest priority at this time of high unemployment, and vastly increasing demand for more urgent governmental programs, relating to poverty, jobs, housing, schools and hospitals. If the child development bill is what the Democrats mean by new priorities, by all means let us first fulfill some of the reactionary old ones.

Nixon has not claimed that federal day care in itself was desirable for anyone. He would prefer a situation where mothers could take care of preschool children in the home or otherwise provide for them privately. He advocated daycare provisions for the poor because poor women are most likely to have an urgent need to work and are least able to afford other provisions. For many a poor child the alternative to a daycare center is a day on the street with a key around his neck. The President's daycare effort, moreover, cost $750 million as part of an initial $4 billion Family Assistance plan that attempts to create a structure of incentives and supports within which poor families can most beneficially stay together and take care of their children themselves. Daycare is considered a limited expedient, complementary to his overall anti-poverty approach, not as a generally desirable program open to everyone and worthy of vast appropriations in its own right, competitive with anti-poverty efforts.

RHETORICAL FLOURISHES

Now we will be the first to admit that on this occasion, as on so lamentably many others, the President used rhetorical flourishes of a sort that make it more difficult for him to gain the support of knowledgeable citizens who are inclined to oppose him but who are receptive to intelligent argument. These are the kind of political observers who might actually read his statement and evaluate it for their own audiences, of whatever size, from family to national network—and expand the President's and his party's declining base. It was not necessary for him to speak of enlisting what he quaintly called "the vast moral authority of the

national government" to "the side of communal approaches to child rearing." Nor did he have to imply some governmental conspiracy to rob the cradles of our people and subject our infant population to some scheme of insidious processing during "those decisive early years when . . . religious and moral principles" are instilled. He would have been on sounder ground if he had pointed to the far more likely prospect that with the current shortage of qualified personnel the centers would scarcely be able to offer competent sitting services, let alone mental manipulation, for the vast numbers of eligible children.

Still, to read the veto message after reading the press and Democratic reactions to it—and after reading the Democratic speehces in favor of the bill—was a startling experience. For the statement was not nearly as bad as it was said to be and not nearly as irresponsible as the bill itself or the speeches made in its defense by distinguished liberals. Though the sight of an ecstatic *Human Events* may be more than the Washington *Post* can bear, we should gratefully acknowledge that on this occasion conservative pressure contributed to a decision by the President to stand courageously firm and do what is right.

BUSING EQUITY?

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BROOMFIELD. Mr. Speaker, last week, the busing controversy was fanned once again by a sweeping and unprecedented busing plan ordered by a Federal district court.

While the locale was Richmond this time, the story was regrettably the same as in San Francisco, Boston, Detroit, and other major metropolitan areas across the country. Now, it is the people of Virginia who have been ordered to bus their children across city and county lines to conform with a judicially devised formula of racial equality.

Mr. Speaker, the trend is sadly apparent; the integrity of our neighborhood school system is being destroyed. Evidently, the Federal courts are bent upon replacing it with a monolithic county or statewide educational complex. It will effectively preempt the right of every locality, of every citizen to sacrifice a little more in order to build a better school system and to give their children a better education.

Ironically, all this and more is all being done in the name of what the courts call equity. Mr. Speaker, I must ask for whom is this equitable? Is this equity for the more than 80 percent of the American people who oppose busing; is this equity for the majority of black Americans who are opposed to a mass transportation system for their children, who seek rather local control of their urban schools to insure that their children receive a better education?

Mr. Speaker, clearly it is not. On the other hand there are some very obvious, some very disturbing consequences of the Richmond busing decision.

First of all, it is apparent that some suburban children will have to be bused to urban schools and some children in the cities will have to remain while their friends are bused to the suburbs. The courts have devised a mass lottery system. Those born on one day of the year receive a quality education while others must suffer second-rate schooling.

This is education by the luck of the draw; it is a form of gambling with the lives of our children and it has no place in our school systems.

Furthermore, the money which will be used to finance this mass busing program could very well be spent on improving the quality of education in all areas, suburban as well as urban systems.

Second, by virtue of the Richmond decision, children will be bused across local and county lines without any regard for the people and the tax structures which built and saved for the quality schools they have. In the long run, it sets an even more dangerous precedent. This is another step away from local control of local affairs.

Mr. Speaker, this may be only the first step. We have seen that city and county boundaries mean little to some courts. Based on this rationale, can we not expect that in the future we will be busing children across State lines such as from Maryland and Virginia to the District of Columbia.

Unfortunately, this seems to be the drift of recent judicial decisions. They are but one step removed from a national educational system which prescribes the boundaries and limits of our children's welfare to the exclusion of any local control.

Third, Mr. Speaker, I am surprised at the timing of the Richmond decision. It has come only 2 months after this House debated long and hard over the busing issue. Several antibusing amendments were passed.

At that time, the Congress joined with the American people in expressing its overwhelming opposition to forced busing in order to achieve racial equality. President Nixon has expressed similar sentiments.

Nonetheless, the judiciary continues to follow another path. The end result can only be to further enrage the American people. It may serve to fan emotions at a time when reason and prudence are our most urgent needs. Indeed, this may signal a new round of antibusing legislation.

Mr. Speaker, it was for these reasons that I was proud to introduce and see passed last November a bill to delay court-ordered busing until the Supreme Court rules on the issue. To my mind, this is the fairest and most sensible approach to take.

Finally, the Richmond decision represents just another instance in which the courts have wandered from their judicial path and dabbled in legislation and administration. This can prove to be exceedingly unwise in the long run. The courts are neither designed nor equipped to handle such duties. Eventually, the people will demand an end to those juridical activists who insist on wearing the hats of all three branches of government.

Mr. Speaker, it is important in evaluating the Richmond decision to force busing across local boundaries to recall the warning that Chief Justice Warren Burger issued last September when he said some Federal judges were "misreading" the Supreme Court's busing decisions by ordering more than the law requires.

EQUITABLE FINANCING FOR SCHOOLS SOUGHT

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ESCH. Mr. Speaker, I am pleased to place in the RECORD the article which appeared in the January 19 issue of the Washington Post. The problem of equitable financing for school districts throughout each State is a difficult one. Gov. William G. Milliken of Michigan is trying to find a viable alternative to the traditional school tax on real estate. His efforts are praiseworthy and deserve the attention of educators and legislators across the country.

The article follows:

THE MICHIGAN EXAMPLE: IF WE THROW OUT THE SCHOOL TAX, THEN WHAT?

(By J. W. Anderson)

Michigan's Governor is currently leading a vigorous crusade to abolish the school tax on real estate. At meetings throughout the state, he is collecting signatures to put a constitutional amendment on the November ballot. He would replace the property tax with an increase in the personal income tax, and with a value-added tax on manufacturers.

Michigan is a pointed example of the inequity of the local property tax, compounded by a strong pattern of racial segregation by residence. The governor, William G. Milliken, a Republican, has committed himself to a remedy that the White House has been considering, as President Nixon cautiously inches toward a policy of school equalization.

But for the time being, regardless of presidential intentions, the crucial questions in American public education are going to be met at the state level. Two separate lines of court decisions are pushing the state governments into the responsibilities that, for a century, they have left to the local districts. One series of decisions attacks local segregation, the other attacks local financing. Both come out at the same place: the state capitols.

Two suburbs of Detroit offer a classic illustration of the defects of the present system in Michigan and most other states. Dearborn and Inkster are next-door neighbors, both with populations mostly in the middle to lower-middle income range. But Dearborn has an enormous tax base, $44,738 per school child, because it includes a massive complex of, Ford Motor Company plants. Inkster, destitute of factories and badly gerrymandered, has $8151 per school child, slightly less than half the state average. Although its tax rate has been voted up to the legal maximum, it has been skating along on the edge of bankruptcy for years. Dearborn, segregated by an array of extralegal but highly effective community pressures, is almost entirely white. Inkster is mainly black.

The city of Detroit, whose school enrollment is also preponderantly black, has brought a desegregation suit in the federal courts. Last fall the judge declared that the racial concentrations in the city and its suburbs were a result of intentional state action in the past. He ordered the State Department of Education to draw up, by Feb. 4, a

desegregation plan for the whole metropolitan area.

Meanwhile the governor has brought suit against three wealthy school districts, including Dearborn, in an attempt to overthrow the tradition of local school taxes. That case will go to the Michigan Supreme Court this spring. Governor Milliken is asking it to hold the local school taxes unconstitutional, as courts in three other states have done over the past half-year.

But that suit will be unnecessary if he manages to get his constitutional amendment passed this fall. Since it would replace the local school taxes with statewide taxes, the first question is the formula for distributing it among the state's 620 local school districts. Basically, Milliken proposes to permit each district a quota of teachers in direct proportion to its enrollment of children. Each district could set its own teachers' salary scales, an important point in the politics of the amendment. But those districts setting high salaries would be required to take the money out of other parts of their program.

The next question is whether communities that want better schools are to be held to the same level as those that do not. Milliken's proposal provides a local optional tax for "enrichment." But its arithmetic is very different from that of the present local taxes.

Each community would be permitted to vote a school enrichment tax up to six mills (that is, $6 on every $1000 of assessed value; the present school tax averages 26 mills in Michigan). The local schools would get $30 per pupil for each mill, regardless of local tax base or the number of children. Each mill would bring Inkster as much per child as it brought to Dearborn (instead, as under the present law, of bringing in one fifth as much).

Milliken is running into opposition from people who fear a loss of local control over school policy. He replies that the local boards will continue to control not only teachers' salaries but curriculum, choice of textbooks, and construction plans. Everything will be left to them, he says, but the constant political infighting over tax rate referenda.

The Milliken plan appears to meet all of the standards currently being set by the courts. But there are other questions left unanswered. Several years ago Detroit brought an earlier suit demanding not only as much money to educate each child as in the suburbs but more, on grounds that deprived children cost more to educate. That suit was not pressed, for technical and tactical reasons. But Detroit can revive it whenever it chooses. Perhaps this suit suggests the point at which the separate issues of taxation and segregation begin to converge. It is much easier to make a case for extra aid when the black children are tightly concentrated in a few schools, or a few school districts.

A vast reorganization of American public education is now under way. It is visible in Virginia, where a court has ordered the merger of Richmond's schools with those of its suburbs. It is visible in Maryland, where the state has taken over all school construction, and in Texas, where the legislature is now under a court order to reform the school tax system. The new questions are being put in a form that requires the answer to come from the state government. Michigan offers a hint of what comes next.

THE QUIET DEATH OF A LITTLE PARK

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ROSTENKOWSKI. Mr. Speaker, it is a basic law of ecology that one must replace, at least in part, whatever one takes from the natural environment.

We have seen, on a large scale, the results of man's refusal to heed this law. Our water supply, our natural fuel supply, and our land itself have all been sorely abused. It has really only been in the last decade that man has awakened from his stupor and begun to make right this grave self-generated injustice. Finally we are beginning to cleanse our streams, purify our air, and protect our land.

But, on a smaller scale, Mr. Speaker, it seems we have not learned our lesson. In an excellent article on the editorial page of the Washington Post, January 18, 1972, Mr. Richard Barber eulogized the passing of a small inner-city park. This park, that provided a quiet workday refuge for many of Washington's citizens, is gone—a victim of "progress" and the Metro bulldozer. Nothing will take its place. No provisions were made to avoid the destruction of this park. More important, none were made to replace it.

As lawmakers we must not allow, on any level, the further scarring of our land. On the contrary, we must responsibly legislate for more protection of our park and recreation areas. It is imperative, particularly in our cities, that we not only attempt to preserve but also to propagate our waning natural environment.

At this time, Mr. Speaker, I would like to insert M. Barber's article in the RECORD. I urge all of my distinguished colleagues to read it. Carefully:

THE QUIET DEATH OF A LITTLE PARK

(By Richard J. Barber)

The little nameless triangular-shaped park at the southeast corner of 21st and Pennsylvania Avenue NW is almost dead now. As I write there are only a couple of lonely trees yet to be cut down and a few tree stumps to be torn from the soil. Then the Metro contractors can begin excavating for the Eye Street tunnel.

In the life of a city concerned about so many greater things this, I suppose, is not a very big event. Probably for most of those hurrying by this busy corner in cars, cabs, and buses the passing of this park will not be noticed at all. Even for the environmentalists it will not mean much, for there are larger problems to occupy their attention. And yet it would be a shame for us not to memorialize the passing of this tiny park which was such a rare, delightful oasis of green warmth in this concretized commercial area.

It was such an innocent thing too—verdant despite the pollution that always engulfed it. By my inaccurate footsteps it measured about 150 feet in its western edge, with its two other sides approximating 300 feet in length. Small, indeed, but it had a strange refreshing quality once you went up the few steps and entered its domain. Like magic it carried one away, if only for a few moments, from the harshness of this impersonal world into a more tranquil atmosphere.

There was a path that curved gently from east to west and a shorter one that looped north to south. Both were lined with comfortable benches and small shrubs. Overhead there were tall trees. There were beds of flowers, too, freshened last fall by the Park Service with glorious yellow chrysanthemums. If I had only known then (did the Park Service?) I would have realized that those mums were, figuratively, the wreath on the grave, for they were the last growing thing this small park is likely ever to give birth to.

As with most parks it will be the people who will miss it the most. And I am willing to venture that no park, square foot for square foot, ever added so much to the quality of life of such a variegated mass of humans. There were the students and teachers at George Washington University, the staff members at the National Academy of Sciences (whose cold, eight-storied facade now stares down upon the park's limp remains), and the white-coated technicians and nurses from Group Health. In the warmer months there were also a few derelicts, generally minding their own business and sometimes lying on the grass sleeping off a bottle of wine. Parks serve everyone and this one did so with a special grace, welcoming all comers.

Those to whom the park meant the most, though, were the elderly poor of the area. The poor, you say—in this desert of office and institutional buildings? Yes, the poor, for in the old brownstones and the remaining privately owned apartment houses to the south of Pennsylvania Avenue live many retired persons subsisting on very small incomes. One could watch them each decent day as they made their way slowly and almost always alone, to the park benches and whiled away the hours.

In recent days I've noticed the older people of the neighborhood as they've stood on the sidewalks, with a look of piercing sadness on their faces as they watched the park die. First came the men painting the white lines across the streets, lining up the Metro tunnel dead-center on this tiny island of green. Next the carpenters arrived. They erected a six-foot high wooden fence around the park, sealing it off from the people it had served so long. Then the trees were dismembered with the aid of the screeching power saws. Finally the bushes and the rest of the greenery were ravaged, with the bigger roots pulled out by the yellow machines.

All that has to be done now is to bring in the diesel shovels and gouge out the earth to make way for Metro. Then the little nameless park will have vanished, another milestone in man's progress. It need not have been this way, of course. The park could have been tunneled under and preserved, but unlike Farragut and Lafayette Squares its constituency was neither big enough nor powerful enough to rescue it from oblivion. Besides tunneling would have cost more money and for a country whose President can commit only $5 billion to a space shuttle, obviously there are no such funds available. Spokesmen for Metro say the park may someday be restored—as a cold lifeless island without the trees or the shrubs that took so many years to grow, and so, innocent little park, we bid you farewell. Thanks for all your kindnesses.

MEMORANDUM ON U.S. POLICY IN SOUTH ASIA

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HELSTOSKI. Mr. Speaker, perhaps the greatest political and moral defeat in recent years for the United States in the realm of international affairs was the India-Pakistan war which freed Bangladesh and toppled the dictator, Yahya Khan, from power. The United States, after tacitly backing the genocidal policies of the Pakistani regime in what was once East Pakistan, now finds itself without appreciable influence in

the subcontinent and condemned by millions of Indians and Bengalis for its moral callousness. Even our erstwhile client, Pakistan, has taken a sharp turn to the left, adopting nationalization policies which must be the envy of every aspiring Maoist in the developing world. Good Friend Yahya is now under house arrest, though for the wrong reasons.

While the India-Pakistan-Bangladesh tragedy was approaching its inevitable conclusion, the Neros in the White House basement continued to fiddle. The now-famous Anderson Papers shed light on a series of top level meetings which scarcely sounded like a gathering of high officials from the intelligence-defense establishment seeking to formulate a responsible American approach to an international tragedy. And, one's fears for the future of the English language were not allayed by quotes indicating that Mr. Nixon wanted to tilt in favor of Pakistan.

The cynicism and levity exposed by the Anderson Papers added a new dimension to what has been universally regarded as a bankrupt foreign policy for the United States. How any thinking, responsible official could jokingly refer to the current state of Bangladesh as "an international basket case" is beyond comprehension. The cynical mentality exposed by the Anderson Papers goes a long way toward explaining this administration's callous attitude toward the suffering peoples in other regions such as Southeast Asia. Dr. Kissinger to the contrary, Bangladesh is indeed our basket case. How can the United States, in good conscience, avoid responsibility for righting some of the wrongs for which our Government is at least indirectly culpable?

Without the American arms which had been fed to the Pakistani dictatorship over the years and without American diplomatic support, Yahya could not have conducted his 9-month rampage in Bangladesh. Now Dr. Kissinger and his colleagues seem to feel that the United States can wash its hands of the situation and walk away smiling. Under this administration this is what they obviously intend to do.

Instead, these masters of realpolitik should take note of the new political situation in the subcontinent. Bangladesh is here to stay. "Basket case" or not it is the eighth largest country in the world, a nation of heroes who have withstood unspeakable barbarities in the past year. If any element of compassion or respect for our historic support of the self-determination of peoples remains in foggy bottom or the White House basement, our Government will extend diplomatic recognition to Bangladesh and commit our Nation to a program of humanitarian and economic development assistance. Nixon, Kissinger and company should abandon their foreign policy maneuverings and recognize that Sheik Mujibur's government is the last, best hope for democracy and stability in Bangladesh. If Mujibur and his government do not receive sufficient aid from the international community to repair the ravages of war, feed the hungry, and build a new, economically sound country, the future for Bangladesh is bleak.

Mr. Speaker, although it may be soothing to the national conscience to try to forget the gross immorality and callousness of American policy in the subcontinent, any hope for a rational policy in the future must be based on an understanding of the mistakes of the past. In this vein, I include at this point in the RECORD an excellent analysis of American policy toward India, Pakistan, and Bangladesh which was recently sent to me by Dr. Telfer Mook of the United Church Board for World Ministries. Dr. Kissinger and friends should stop trying to emulate Metternich and pay more heed to the recommendations of men like Dr. Mook.

The material follows:

UNITED CHURCH BOARD
FOR WORLD MINISTRIES,
December 28, 1971.

Hon. HENRY HELSTOSKI,
House of Representatives,
Washington, D.C.

DEAR MR. HELSTOSKI: Enclosed is a copy of a memorandum which I have written to Dr. Robert V. Moss, President of the United Church of Christ.

It is a rough draft only, but it expresses certain deeply-held convictions which many of us have concerning the role of the United States Government in the recent crisis. I send it to you so that you will know what many of us are thinking.

Very truly yours,

TELFER MOOK,
Regional Secretary for Southern Asia.

THE UNITED CHURCH BOARD
FOR WORLD MINISTERS,
December 17, 1971.

To: Dr. Robert Moss, President
United Church of Christ

From: Dr. Telfer Mook, Regional Secretary for Southern Asia

Subject: India-Pakistan conflict—and the role of the United States Government

I want to write you, following the surrender of the Pakistani forces in Dacca, to wonder about the significance of what has happened. Conscious of the ministry of this Board to the needs of the Indian and Pakistani people throughout the past 160 years, we have been in round-the-clock cooperation since last March with national and world-wide ecumenical organizations, maintaining continuous contact with United Nations and United States Government officials, as the struggle deepened, broke into open war, and has now subsided.

This is a rough draft only, hastily written. It is incomplete in many respects, particularly as to possible recommendations for future action on the part of the U.S. Government and on our part. But, even so, I want now to share with you certain convictions which are clear.

1) The key to the return of peace is to create the basis for stable, peaceful conditions in the area of East Pakistan so that the 10 million refugees now in India can return and rebuild their lives. It was the plea of the Government of India from March 25th on, that the Government of Pakistan make political concessions that would be acceptable to the East. Eight months passed between March 25th and the outbreak of hostilities; eight months during which political accommodation could have been reached. If this had been achieved, the present conflict could have been avoided.

2) During the eight months period, the U.S. Government could have had a major role in achieving that peace, but it has failed because it never once has officially recognized the key questions set forth above. It has rightly criticized India for resorting to military action to redress its grievances. But, despite a declaration of "absolute neutrality," it has virtually shoved India into the sphere of influence of the Soviet Union by following a policy clearly biased in favor of the Government of Pakistan.

(a) It maintained silence while Pakistan troops brutally suppressed the victors of a free election in East Pakistan.

(b) It gave material support (which had little military but great moral significance) to this unconscionable repression by continuing to ship small amounts of military supplies long after the violence began last March.

(c) It failed to press for a genuine political solution. It did not include as an essential part of any settlement that the Government of Pakistan reach an accommodation with the imprisoned Sheik Mujibur Rahman and the other elected representatives who command the confidence of the overwhelming majority of the Pakistan Bengalis.

(d) It actually charged India with "major responsibility" for the resulting conflict, totally ignoring the "aggression" upon India by 10 million refugees, forced into India by the ruthless crackdown of the Pakistan troops. According to a recent World Bank report, India's economic development has been seriously stunted by the $90 million per month cost to keep these refugees alive. (Less than half has been underwritten by other nations, including the U.S.). That cost, which would have reached $830 million by the end of the fiscal year in March 1972, exceeds all of India's 1971–72 foreign aid for development. Thus the situation seriously threatened the political and economic stability of the nation. Yet, despite this burden the Indian Government showed remarkable restraint. It is understandable that the pressures became so great that she finally resorted to force. The U.S. Government has rightly condemned India for use of force; but then to ignore the causes for this action (and indeed to have aggravated the conditions that led to it) and then further charge her with "major responsibility" for the resulting conflict, can only result in disaster to American prestige and respect throughout the democratic world.

The U.S. Government followed this non-neutral, pro-Pakistan policy for the stated reason of trying to strengthen quiet efforts to promote a political settlement in the East. The Administration has pointed to the following achievements:

(a) It had persuaded the Pakistan Government to permit the United Nations to enter East Pakistan for purposes of refugee relief.

Our comment: A fruitless effort without first achieving a political settlement. Without such a settlement, the U.N. has been unable to be effective.

(b) It had persuaded the Pakistan Government to invite all refugees now in India to return home.

Our comment: A meaningless invitation until stable, peaceful political conditions are restored in the East.

(c) It had persuaded the Pakistan Government to grant autonomy to the people of the East and a return to parliamentary government.

Our comment: Again, a meaningless achievement. Only last week Yahya Khan rejected a proposal that "the elected representatives in East Pakistan arrange for the peaceful formation of a government" in which many of those representing the East would be men who actually failed to be elected last December. One of those selected was to be one of the two elected (out of 169) who were not members of the Awami League.

(3) In its participation in recent United Nations Security Council meetings, the United States Government has ignored the key questions. If the U.S. resolutions had included a clear provision for political settlement, probably India and Russia would have agreed.

(4) By failing to take the leadership that it might have taken (see 3) the U.S. Government has now alienated the world's second largest nation, which happens also to be the staunchest of all developing countries in its adherence to our own deepest political values. Further, it has destroyed every possible U.S. influence among the people of Bangladesh which will be politically unstable, at least for the present, and vulnerable to foreign pressures.

(5) By following its present policy, the U.S. Government may well have forced India to give a quid pro quo to the Soviet Union for its support, namely opening up Indian Ocean ports to the Russian navy. According to reports, the U.S. Government is now "irked" by the firm Soviet backing of India. The press reports U.S. Government dismay that the U.S.S.R., supporting India, has forsaken possible improvements in relations with the United States, and even further that the President was considering the cancellation of his visit to Moscow unless the U.S.S.R. ceased to back India. All this could have been avoided if we had not aligned ourselves, almost willfully, on "the wrong side of about as big and simple a moral issue as the world has seen lately." (Dean John P. Lewis, Woodrow Wilson School of Public and International Affairs, Princeton, New Jersey)

The establishment of an independent Bangladesh, which might not have been inevitable even two months ago, has now taken place. The international community could not stop the struggle of the people of East Bengal to free themselves from a harshly oppressive government. The regrettable intervention of Bengali-India military forces served perhaps to accelerate the freedom struggle but not to cause it. In fact, the failure of the U.S. Government to take a strong position for the protection of the inalienable rights and liberties of a people gasping for life may have contributed to the tragedy far more than the actual hostilities of the past two weeks.

What can the United States now do? The United States Government:

(1) must bring every possible pressure upon the West Pakistan Government to release from prison Sheik Mujibur Rahman, leader of the Awami League. The Awami League, whose election victory last December brought on the bloody repression, is a bourgeois, moderate force whose main interest is Bengali nationalism. If Pakistan releases the Sheik, he can assume his role as President of the new nation of Bangladesh, and by the force of his personality, create a kind of order in what is now a political vacuum. "But without Mujib," an Indian official conceded last week, "we are in real trouble."

(2) must prepare huge relief and rehabilitation efforts now that the fighting has stopped. Ten million refugees in India will need to be resettled, wrecked communications repaired, food supplied, land restored, villages rebuilt, health problems dealt with. These efforts may take several hundred million dollars and may last a decade or more. They must be carried forward only through the United Nations or other international multilateral channels. We must wholeheartedly support the appeal of the U.N. Secretary General to safeguard the lives of innocent civilians caught in this vast political and ideological clash. We must be ready to aid the Bengali people, whatever flag they fly. Such is the political and human wreckage of this conflict, as I see it. I wish that somehow the U.S. Government could be made to see what a disaster their policy has been: a depletion at a sickening rate of a once abundant, durable fund of Indo-American good-will.

Very sincerely,

TELFER MOOK,
Regional Secretary for Southern Asia.

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ANNUNZIO. Mr. Speaker, Saturday, January 22, 1972, will mark the 54th anniversary of Ukrainian Independence Day—a day on which we pause to pay tribute to the courageous Ukrainians who have struggled over the years to maintain their national sovereignty in the face of repression and tyranny.

January 22 is a day of sadness, not only for the Ukrainians but for freedom-loving peoples everywhere, for we know that despite their heroic efforts, the Ukrainians have been thwarted in their struggle to achieve a free nation. Ever since 1709, when Czar Peter the Great of Russia conquered the Ukraine and ruthlessly crushed the intellegentsia, the history of the Ukraine has been a story of relentless struggle to throw off Russian domination.

Despite overwhelming odds, the Ukrainian people have never abandoned their hope for freedom or their longing for national independence. Taras Shevchenko, the poet laureate of the Ukraine, by our own noble American tradition, was inspired to fight against the imperialist and colonial occupation of his native land. And we in America have recognized Shevchenko's patriotism and dedication to liberty by erecting in 1963 in our Nation's Capitol at 23rd and P Streets NW., a statue of this great man.

In 1776, Americans claimed for themselves the right to determine what their destiny would be, and consequently, we feel a deep and abiding kinship for the Ukrainians, and indeed, all peoples who seek to achieve the goals that we claimed as our right. Although the Ukrainians have not yet achieved their goals, nonetheless our expression of support for their just and rightful aims will help in some measure to make freedom an attainable and enduring reality for them.

On January 22, 1918 the fondest hopes of the Ukrainians were realized when the Parliament proclaimed the independent Ukrainian National Republic. The reality of freedom was shortlived, however, because by 1920 the Bolsheviks took over where they had left off and resumed persecutions, relocations of whole villages, exiles of significant personages, brutal starvations and wholesale executions. Through it all, the Ukrainians remained steadfast in their resolve to regain their freedom and national sovereignty.

Today, although the Ukrainians are still under the yoke of foreign domination, I am confident that one day their love of liberty will triumph, and the Ukraine will once again take her rightful place in the community of free nations.

I wish to reaffirm my personal commitment to the cause of Ukrainian self-determination and to join the Americans of Ukrainian descent in my own City of Chicago, in Illinois, and across our Nation in observing the 54th anniversary of Ukrainian independence and in applauding the efforts of the Ukrainian people to regain their freedom and independence.

AN IRISH LEGEND DIES IN ENFIELD

HON. ELLA T. GRASSO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mrs. GRASSO. Mr. Speaker, the Irish are a proud and creative people. Indeed, this country has been blessed with the enormous contributions of Irish-Americans who have excelled in all phases of American life. Their traditions and folklore have become a dynamic ingredient in America's heritage.

All of use were saddened over the congressional recess by the death of a great Irishman who, for more than seven decades, stimulated and entertained an admiring public with writings about his native land. Padraic Colum was 90 years old when he died on January 11 in Enfield, Conn. For many years, both Padraic Colum and his late wife Mary were important figures in the American literary world. This poet, playwright, essayist, folklorist, and novelist will be long remembered and sorely missed on both sides of the Atlantic as a sensitive, talented man who possessed what his friend James Joyce called "that strange thing called genius."

Neighbors of the Suffield area and the literary community rejoiced at his dedicated concern and interest in the Write-Reader Conference held annually at the Suffield Academy. During the months following his stroke while attending the 1970 conference, that coterie of dedicated leaders who with him formed the nucleus of the conference group were comfort and strength to his gallant spirit.

For the interest of my colleagues, an article which appeared in the Hartford Times following Padraic Colum's death follows:

AN IRISH LEGEND DIES IN ENFIELD

ENFIELD.—The long and celebrated life of a man whose literary skills spanned two continents and more than seven decades is over. Irish-born Padraic Colum is dead at 90.

The poet, playwright, essayist, folklorist and novelist died yesterday at the Parkway Pavilion nursing home here where he has been a patient since he suffered a strike in 1970. Colum suffered the stroke while attending the Writer-Reader Conference at Suffield Academy and was paralyzed on his right side as a result. Nevertheless, he continued efforts during his last years to dictate his memoirs. When he died, they were only half completed.

During his life, Colum was to write more than 60 published volumes, scores of plays and hundreds of essays and articles.

Mr. Colum had the fortune and misfortune to have been born at the right time. Irish literature was in its zenith when he was a young man writing poetry and plays in Dublin. These were the years of the Irish Renaissance—of William Butler Yeats and James Joyce, Lady Gregory, George Moore, the poet A. E. (George W. Russell), Sean O'Casey,

John Millington Synge and James Stephens.

Mr. Colum was an acquaintance and admirer of all, a confidant of some, a perceptive critic and revealing biographer of many.

In his own right, he was a gentle, lyrical poet, a whimsical teller of tales for children, an able historian and essayist, a founder of the Abbey Theater and, potentially, a fine dramatist. But the Irish Renaissance was filled with so many towering figures that Padraic Colum was sometimes overshadowed when many thought he should not have been.

His times were flamboyant times, and he was mild, modest and inconspicuous. His humorous writing about Irish folklore, his musical verse about starlings and doves and maidens spinning was a far cry from the molten torrents of Joyce's "Ulysses."

Mr. Colum was a devoted friend of Joyce, and many called him Joyce's Boswell. Joyce said of him in "Ulysses" that "he has that strange thing called genius."

Colum's first play, "The Land," was produced at the Abbey when he was 20. He was planning a series of plays about Ireland—a kind of comedie humaine—when there was a falling-out over Abbey policy with Yeats, who had come into control in the theater. In the ensuing argument, Mr. Colum, although a founder, cut his connection with the Abbey.

He continued to write plays, but they were not often box-office successes. "You can make a fortune writing plays, but not a living," he said.

Although he was childless, he wrote book after book for children. These writings, which were one of his principal sources of income, included a children's "Homer" and a children's "Golden Fleece," "The Frenzied Prince," "The Children of Odin," and stories of Irish youth and Irish myths.

With James Stephens, Thomas MacDonough, David Houston and his own future wife, Mary Maguire, Colum founded the Irish Review. He was a close friend and employe of Padraic Pearse, first president of Ireland after the 1916 uprising and a member of the Irish volunteers until he left Ireland in 1914.

His reasons for coming to the U.S. were reportedly twofold: First, because it was an adventurous thing to do in 1914 and second, because there were jobs to be had in the U.S. Colum went initially to Pittsburgh, Pa., where an aunt lived. Shortly before coming to the U.S., he married Mary Maguire who died in 1957.

The late Mrs. Colum was a recognized literary critic both here and abroad and for many years edited The Forum, an American literary magazine. She also taught with her husband at Columbia University where, as a team, they lectured on comparative literature.

"The best thing in life is getting married," Colum was reported saying Dec. 7 when he celebrated his 90th birthday here. With him on that occasion was the Irish Ambassador and several members of the American-Irish Foundation which gave him a check for $2,500 and a scroll hailing him as a poet, dramatist, storyteller, collector of folklore and critic . . . a master writer held in esteem wherever literature is cherished."

Colum's literary honors include 1938–39 president of the Poetry Society of America; 1940 medal of the Poetry Society of America; 1951 honorary doctorate from the National University of Ireland; 1952 Fellowship Award from the American Academy of Poets; 1953 Lady Gregory Award, from the Academy of Irish Letters; 1958 honorary doctorate from Columbia University; 1961 Regina Medal, Catholic Library Association; 1963 membership in American Academy of Arts and Letters, and 1961 Boston Arts Festival Poets Citation.

He leaves a sister and a brother, both in Dublin. The funeral will be Saturday at St. Patrick's Cathedral, New York City at a time to be announced.

Burial will be in St. Fintan's Cemetery, Dublin, Ireland.

THE 26TH AMENDMENT

HON. K. GUNN McKAY

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McKAY. Mr. Speaker, I recently encouraged the editors of the school papers of the high schools within my district to become involved with the issues of the day. Today I would like to call to the attention of my colleagues an editorial written by a young Korean girl for the San Juan High School Rattler of Blanding, Utah. Miss Jini Lyman, a junior, is the adopted daughter of Mr. and Mrs. Barton F. Lyman and is described as an outstanding student.

I join with her in encouraging today's young people to develop a sense of responsibility and awareness of what is going on.

The article follows:

THE 26TH AMENDMENT

(By Jini Lyman)

In the spring of 1971, the Federal Congress adopted an amendment concerning the voting age of U.S. citizens. This, the 26th Amendment, grants the right to vote to those who are eighteen years and older on the grounds that they meet all other requirements set up by each state. It states as follows:

Section 1. The right of citizens of the United States, who are eighteen years of age and older, to vote shall not be denied or abridged by the United States or any state on account of age.

Section 2. The congress shall have the power to enforce this article by appropriate legislation.

This, whether you are aware of it or not, is another step of the ever expanding rights of the citizens. Beginning with the founding fathers of our nation who believed that only the electives should vote, there has occurred many gradual, yet dynamic changes.

First, they widened the suffrage to those male citizens who owned a certain amount of land. Then it was open to all of the male citizens. In 1870, the 15th Amendment was passed, granting the right to vote to any person regardless of race, color or previous condition of servitude (work). This, of course, granted the Negroes to vote, instead of merely being considered eligible for tax and population. The 19th Amendment was then passed in 1920, which brought about the female suffrage, stating, "The right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of sex." Some feel that this act was the first mistake the U.S. made regarding the Women's Lib of today, but I dare say that it is only a matter of opinion. However, Utah was one of the early states which extended the right to vote to women even before the Nineteenth Amendment was passed.

At this point, all states except a few, had set their age requirements on twenty-one years and older. Georgia and Kentucky required that their voters be at least 18; Alaska, 19; and Hawaii, 20.

Since the 26th Amendment has been adopted and ratified by all states, any person of eighteen and older may vote as long as he meets other requirements. These other requirements are, in general, that the voter be a citizen of the United States; that he has lived in the state and the county wherein his vote is to be cast; and that he is to be registered beforehand.

Many of us high school students will soon be eligible to make the decisions which will be very important to our whole nation and even to the world. In order for us to have this right, I am sure there has been many worries and hesitations. But apparently, the majority of our leaders had enough confidence in us to "hand it over" to us. When our turn comes around to vote, let's show them that we do have the sense of responsibility and the awareness of "what's going on". After all, it is a responsibility and opportunity which no other of our own generation has ever been given.

CHARLES REED BISHOP, "HAWAII'S GREATEST PHILANTHROPIST," HONORED IN SESQUICENTENNIAL YEAR

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. MATSUNAGA. Mr. Speaker, next Tuesday, January 25, will mark the 150th anniversary of the birth of Charles Reed Bishop, who is customarily described as one of the greatest benefactors in the history of Hawaii.

One could certainly not have predicted that that would be the fate of the child born in 1822 in a tollhouse in the middle of a bridge over the Hudson River. Charles Bishop was born in these circumstances, in Glens Falls, N.Y., an area now represented in Congress by our distinguished colleague, Congressman CARLETON J. KING.

When Bishop reached Honolulu in October 1846, he began a career in commerce that was so successful, it enabled him to be benefactor to a wide variety of groups and individuals in need of help. Not along after his arrival he married Princess Bernice Pauahi Paki, a native Hawaiian from the royal family. When, at her death, she established a free school for needy Hawaiian youths, her widower contributed thousands of dollars in money and property to the project. Kamehameha Schools, governed to this day by trustees of the Bernice P. Bishop Estate, provide the most effective means remaining for preserving the unique heritage of Hawaii, while providing for its students an education of the highest quality.

Various other schools, churches, and community organizations came to know the generosity of Charles Reed Bishop over the years, until he left the Islands in 1894. The impact of his good works is still in evidence in Hawaii.

That is why, Mr. Speaker, plans have been underway for many months for the observance of the Charles Reed Bishop Sesquicentennial. Books and brochures will be published, essay and poster contests have been held, and a banquet is planned for January 25 at the Royal Hawaiian Hotel in Honolulu.

I commend to my colleagues and other

readers of the RECORD the following articles on Charles Reed Bishop, which describe more fully his life and accomplishments:

CHARLES REED BISHOP—1822–1915

A tollhouse in the middle of the bridge over the Hudson River at Glen Falls, New York, was the place where Charles Reed Bishop was born, January 25, 1822. Glens Falls along with Honolulu and San Francisco were the great cities of the areas where he spent all his life. His birthday is being celebrated throughout these places on January 25, 1972, his one hundred fiftieth or sesquicentennial birthday.

After a thorough elementary education through the eighth grade in which English in all phases, received greatest stress, young Bishop worked at farming on his grandfather Jesse Bishop's farm. He left this to enter employment in two stores, the first one in Warrensburgh and the other in Sandy Hill. Between the farm and stores he gained another education. Today, we would call this on-the-job training. Glens Falls was the center of factories, farms, marble quarries, lime kilns, brick and lumber yards—to mention only some of the industries. He became, through farming, store clerking and bookkeeping, very knowledgeable in principles of commerce and industry.

But he was attracted away from this area of his youth by newspaper accounts of settlers in Oregon. He and a friend, William L. Lee packed up and sailed away from Newburyport, Mass., thinking they were headed for the green lush country of Oregon. But when their storm and wave battered ship, the brig HENRY, anchored in Honolulu harbor, in October 1846, after eight months of rough going, the two men decided to remain in Honolulu.

Bishop was 24 years old. He was in immediate demand to apply his accounting skill in untangling the affairs of a local firm. The United States Consul employed him as clerk. He became a citizen of the Hawaiian Kingdom and was appointed Collector General of Customs. On June 4, 1850, he married beautiful 18 year old princess Bernice Pauahi Paki. He was on his way to becoming one of the greatest benefactors the Hawaiian Kingdom has ever known.

Fith another local man, William A. Aldrich, he opened a store and closed it out in 1858 in favor of a bank, Bishop & Company. This bank grew under his leadership and has today become one of the outstanding banks of the United States—the First Hawaiian Bank.

He took a deep and abiding interest in schools. On the list of benefactors to schools we note the names of Mills Institute and Kawaiahao Seminary later merged as Mid-Pacific Institute, Kohala Girls School, Hilo Boys Boarding School, East Maui Seminary, Sacred Heart's Convent and St. Andrews Priory. He was closely involved with both Punahou School and the Kamehameha Schools. At the former he was trustee, vice-president and finance committee chairman for thirty years. He contributed both money and real property along with sage advice to the founding and growth of the Kamehameha Schools. He was president of the trustees of the B. P. Bishop Estate, foundation of the Schools from 1884 to 1898. On the public school side he was made a member and then president of the Board of Education under King Lunalilo, continued as such by King Kalakaua and Queen Liliuogalani and the heads of the succeeding governments, Provisional Government and Republic of Hawaii—twenty one years of public school service.

In the field of religion he gave support to the old Fort Street Church and its successor Central Union Church, Kaumakapili and Kawaiahao Churches. The North Pacific Missionary Institute, headed by his close friend the Rev. Charles M. Hyde, was solidly assisted as was the Hawaiian Board of Missions. He paid for and erected the Bishop Memorial Chapel on the Kamehameha Schools Campus in his wife's honor.

Hospitals ever had an appeal for him. He was from its founding date a chief officer and director of the Queen's Hospital. He gave modest assistance to the Children's Hospital, Kapiolani Hospital and Leahi Hospital and funded and constructed the Bishop Home for Girls and Young Women in Kalaupapa, Molokai, the site of the leper settlement.

Other broad community interests of Mr. Bishop included the YMCA, the public library—he was a founder of the Hawaiian Historical Society—the Sailor's Home Society, American Relief Society and many more.

In government he was Collector General of Customs, member of the legislative Privy Council, member of the House of Lords, Board of Immigration, Chamber of Commerce, and under King Lunalilo he acted as a member of the Cabinet. He was Foreign Minister.

He received the honorary Orders of Kamehameha I and Kalakaua. The Emperor of Japan made him a member of the Order of the Rising Sun, First Class. There were many others from around the world.

Such were Mr. Bishop's community activities. He supported them with gifts of substantial size and in some instances worked as a board member or as president or treasurer. He was conscientious in his devotion to all these causes.

Mrs. Bishop died in 1884 and it was as if a great light had gone from his life. He had begun visiting California many years prior to her passing and had made modest investments in lands and stocks and bonds. He stepped up the pace of investments and finally moved to California in 1894 never to return. His operations in the San Francisco bay area were centered in a specially created new position of vice-president of the Bank of California.

He had given away his Hawaii fortune to relatives and community and charitable agencies. In San Francisco he made another fortune and similarly gave that away to the same objects. He died in Berkeley June 7, 1915, age 93.

In his loyalty to his adopted native land of Hawaii he asked that his ashes be placed alongside those of his wife in the Royal Mausoleum in Nuuanu Valley of Honolulu.

Perhaps the best comment that can be made of Charles Reed Bishop may be found on his grave marker in the Royal Mausoleum: Builder of the State-Friend of Youth-Benefactor of Hawaii His Ashes Rest in the Tomb of the Kamehamehas.

The agencies and organizations among the cultural, charitable, religious, educational and commercial interests of Hawaii with which Charles Reed Bishop had some association almost made up a roll call of all such groups. Here is the list!

Alexander & Baldwin, Inc.; Amfac, Inc.; Bank of California; B. P. Bishop Estate; Bernice Pauahi Bishop Museum; Bishop Home for Girls and Young Women; Bishop Trust Co., Ltd.; C. Brewer & Co., Ltd.; Castle & Cooke; Central Union Church; and Chamber of Commerce.

City and County of Honolulu; City of Glens Falls, New York; Board of Education; Dillingham Corporation; First Hawaiian Bank; Hawaii Conference United Church of Christ; Hawaii State; Hawaii State Schools; Hilo Boys Boarding School; The Kamehameha Schools Alumni Association; and The Kamehameha Schools.

Kapiolani Maternity and Gynecological Hospital; Kauikeolani Children's Hospital; Kaumakapili Church; Kawaiahao Church; Kindergarten and Children's Aid Society; Kohala Girls School; Leahi Hospital; Mauna Olu College; Mid-Pacific Institute; and North Pacific Missionary Institute—closed.

Punahou School; Queen's Medical Center; Sacred Hearts Convent; Sailor's Home of Honolulu; St. Andrew's Priory; Salvation Army; Social Science Association; Theo. H. Davies & Co., Ltd.; Waialua Seminary—closed; and Young Men's Christian Association.

[From the Honolulu Sunday Star-Bulletin and Advertiser, Nov. 21, 1971]

CHARLES R. BISHOP: CLEVERNESS AND COMPASSION

(Editor's note.—Next Jan. 25 is the 150th anniversary of the birth of Charles Reed Bishop, one of the greatest community leaders in Hawaii's history. With a statewide observance already under way, The Advertiser asked Col. Harold W. Kent, author of the book "Charles Reed Bishop, Man of Hawaii," to write the following account of Bishop's life and contributions.)

(By Harold W. Kent)

If Charles Reed Bishop, Hawaii's greatest philanthropist, had anything going for him besides his integrity and his judgment it was the natural image of his having always been an old man.

Most pictures, whether of his youth, middle or old age show him bearded and uniformly unsmiling. Although seemingly old he had a spirited drive, a quick grasp and a strong liking for people.

This benefactor of Hawaii was born in a toll house in the middle of a bridge over the Hudson River at Glens Falls, N.Y. Jan 25, 1822. He is the object of a sesquicentennial commemoration of that date throughout Hawaii.

William Little Lee, codifier of Hawaii's laws and first chief justice of the Supreme Court, joined Bishop in a proposed venture to the newly publicized lush Oregon country. This was in 1846 just before the Gold Rush.

When the pair touched land at Honolulu, a necessary port of call for their sailing vessel, the journey to Oregon was broken. Bishop gave 48 years to the Kingdom of Hawaii before moving to California in 1894—the time when the government changed from monarchy to republic.

There were other Bishop images besides that of old man-ism. He loved entertaining and with his wife, Princess Bernice Pauahi, enjoyed the schottishes and waltzes as well as the charades as they hosted visiting guests, foreign and local, in their Haleakala home on King Street.

He delighted in horseback riding and picnics. Moonlight boat rides on the quiet waters of the Honolulu reef attracted his fancy.

Bishop had true and simple affections. He loved his native wife, was extremely considerate of her health and respected her counsel, especially regarding the politics of her royal relatives and the problems of her Hawaiians generally.

When she came to an early tragic death in 1884, he was overcome. He never remarried in his remaining 31 years. In writing to a relative he expressed his simple grief ". . . we did not any of us expect to have to part with her so soon . . . nobody could know her as well and not love her."

Robert Louis Stevenson, no favorite of Bishop, held one sentiment in common with the philanthropist, a strong affection for Princess Kaiulani, his favorite niece.

His affection also ran to horses. He was so solicitous about two family horses, Old Charley and Old Grant that he refused to destroy either in their old age, pensioning them off to pasture and no work where they died of natural causes.

He was not a women's "libber." Said he to J. O. Carter, "God bless the women. Do not think of appointing a woman on either board

as a trustee. It is not necessary nor would it be wise to do so. This is not disrespectful to the sex or any individual."

He liked married employes on his Molokai ranch but "hardly knew what the wife could be employed at."

Stormless self composure marked his reaction to worry. Because of his growing wealth, adventurers were on his trail. In one such instance he remarked that "some mechanics, some merchants and some others have regarded me as a full fledged goose to be plucked and the plucking pleases them more than it does me."

The Health Department was allowing the pali trail from topside Molokai down to the leper settlement to become dangerous to a traveller on foot or horseback.

He commiserated with ranch manager and settlement superintendent, Rudolph W. Meyer, "you have taken many risks on that pali between your house and the Settlement and I congratulate you on your escapes so far . . . if an accident must happen to somebody . . . I hope it will be to someone in authority."

His public pleas for trail safety were couched in conciliatory terms when the delays and unfilled promises were too much.

Punctuality was a Bishop hallmark. He never missed a board meeting of any of his business and community concerns if he were on the Island.

In his last years when a nurse frequently had to wheel him to his Berkeley Unitarian Church his urging was in the spirit of the modern lyric "get me to the church on time." The service would not start until the rear doors parted for his regular on-time Sunday morning entrance.

A conservative in politics he was not a party man. He supported the royal rulers with misgivings but advised them in finances. He wanted constructive regimes for Kalakaua and Liliuokalani and yet he was not a Royalist. Even when annexation neared he would still settle for a limited monarchy with Kaiulani as the head of state.

Harried by the parents of Bernice in opposition to marriage plans he quickly resolved the matter by marrying her in the Chiefs' Children's School home of Amos and Juliette Cooke.

William Tufts Brigham, organizer of the Bishop Museum, had continual personality conflicts with people; trustees, Kamehameha boys, tourists, church representatives and scientists. Bishop, recognizing his value to this pioneering work, held him to the position throughout long years of hostile criticism.

He was loyal to his relatives. This was apparent in his affection for his beautiful Hawaiian wife; he named the Chapel at the Kamehameha Schools, "beds" at the Queen's Hospital, school buildings at Punahou and the Bishop Museum after her.

Relatives came in for substantial gifts and bequests. Many family fortunes were created out of this loyalty.

Not only thoughtful of friends, relatives, natives and royalty, he was a supporter of causes, many of which called for money or energy or both. Leprosy was one such special object. He combined compassion for native girls with respect for the damaging effects of the disease and built a Bishop Home for Girls and Young Women at Kalaupapa and invited the nursing order of St. Francis to staff it.

Immigrant labor was in pressing demand at the plantations but to Bishop it was as much a cause as a need. He strongly protested use of the word "coolie" as a trade term. His bank supervised distribution of the immigrants and saw to it that contract conditions were fairly administered. The Hawaiian Immigration Society and his bank both were important tools for Bishop in the matter. He was a member of the Society's executive committee.

Sailors were also an element of kingdom commerce. He concerned himself with their welfare, problems with their skippers, social life ashore in Honolulu and repatriation if called for. He was a leading figure in the Sailor's Home Society; treasurer and president.

Night schools could be useful. Immigrants, sailors and natives were ripe candidates for self improvement. Bishop subsidized a YMCA night school program, the first such effort in the Kingdom.

Despite his obvious concern for education Bishop could not be called an educator—yet he was appointed president of the public Board of Education successively by Lunalilo, Kalakaua, Liliuokalani and Dole.

He initiated what turned out to be a model board of education; small, appointed, unpaid; set up a predominately vocational program supplemented by mastery of academic subjects; channeled all tax money for education into the public schools and introduced sound legislation on policy for the lasting improvement of the schools. He was as modern as today in education.

Private education saw him as president of the trustees of the Kamehameha Schools-Bishop Estate, trustee and finance committee chairman of Punahou School and as an official of others.

To the Kamehameha Schools, in monies or properties, his contribution was worth well over five times the value of Mrs. Bishop's estate at probate. He gave the Preparatory Department its facilities and operating money, a school at first largely intended for orphaned native boys. He supported boarding schools elsewhere; Kawaiahao Seminary, East Maui Seminary, Kohala Girls School, Hilo Boys School and others.

At Punahou he contributed not only his services, but buildings, scholarships and operating funds. He was characterized as Punahou's "greatest benefactor."

Hospitals were a special area of Bishop philanthropy. At the Queen's Hospital he was trustee for 35 years and in this capacity held the office of treasurer and late vice president. Kapiolani, Children's and Leahi Hospitals were also beneficiaries.

No religionist, he was president of Central Union trustees, a contributor to Kawaiahoa and Kaumakapili Churches, Chinese, Japanese and Portuguese missions, the Board of the Hawaiian Evangelical Association and Dr. Charles H. Hyde's North Pacific Missionary Institute.

Later in the Bay Area he gave to the San Francisco and Berkeley Unitarian Churches and the Unitarian Starr King Library.

Nor was Bishop a lawyer. Primarily an accountant, his orderly mind was that also of a lawyer. He was a judge of men and projects. His upholding of Brigham in his museum work and R. C. L. Perkins in his scientific excursions were examples of his insight.

In gauging the potential success of plantations and business proposals generally, he was astute and sound. There was an uncanny rightness to his observations.

But most of all he was respected for his integrity. An old line do-all banker usually takes on an aura of probity—so it was with Bishop. This story of his march to honor in community service has covered none of the bases of his business dealings, corporation "saving" loans, participation in plantations, utility companies, factor groups, ship ventures, real estate, currency problems and countless others.

The story does add up however to the reason for the Sesquicentennial celebration of his birth Jan. 25, 1972.

In the effort to acquaint the people of Hawaii, young and old, with this great but comparatively unknown figure in Island history, a program of epidemic proportions is bursting forth; essays, posters, exhibits, publications, sermons, speeches, resolutions, articles.

The Senate and House by joint resolution have created a Commission in Bishop's honor. The Governor of New York and Mayor of Glens Falls and Mayor Frank F. Fasi of Honolulu have issued proclamations or will do so. There is a special bookmark and there is a banquet; and at the Museum there is a new medal for distinguished service.

But at his death he really was an old man. He died age 93 in Berkeley June 7, 1915 of full mind and a fairly worn body. His ashes were brought to Honolulu to be placed alongside those of his wife in the Kamehameha Crypt in the Royal Mausoleum.

An inscription on his close-by marker stone reads:

Builder of the State
Friend of Youth
Benefactor of Hawaii

SESQUICENTENNIAL PLANS UNDER WAY

Many plans are under way for observance of the Charles R. Bishop sesquicentennial.

The Hawaii Legislature has adopted a joint Senate-House Resolution providing for a commission of nine members from government to assist in the commemoration.

The governors of New York and Hawaii, mayors of Glens Falls, N.Y., and Honolulu have issued proclamations. Hawaii senators and representatives in Washington, D.C. are sending letters of honorary mention.

37 Bishop-associated agencies have each submitted a board resolution honoring Bishop.

Several books and brochures are planned, including a post-sequicentennial publication of speeches, essays and other materials.

Service clubs will be provided with speakers or a 70-slide film strip with cassette narration on Bishop's life.

An essay contest will be held for students in three categories, upper elementary, intermediate and high school. Deadline in school offices is Dec. 10.

A poster contest will be held in the same categories. Deadline is Jan. 10.

The Kamehameha Alumni Association's annual oratorical contest will be on the theme.

Exhibits of letters, memorabilia and publications are planned by schools, Bishop Museum, Queens Medical Center, First Hawaiian Bank, Royal Hawaiian Hotel and others.

A new Bishop Museum medal for distinguished service to the Museum is being prepared.

The Kamehameha Schools Preparatory Department will hold exercises in honor of Bishop, its founder: January 25—10:00 a.m. at Royal Mausoleum. 1:30 p.m. at Kawaiahao Church. January 30—8:30 a.m. and 10:30 a.m. at Central Union Church.

A banquet will be held at the Royal Hawaiian Hotel Monarch Room. First Hawaiian Bank is host.

NEWS RELEASE FROM THE OFFICE OF THE GOVERNOR

Governor John A. Burns has designated a 15-member commission to oversee the sesquicentennial observances of Charles Reed Bishop's birthday.

The 150th anniversary of Bishop's birth falls on January 25, 1972. In recognition of the widespread contributions Bishop made to Hawaii's development during his years in the Islands between 1846 and 1894, the State Legislature last year adopted a concurrent resolution calling for appropriate honors to be paid to Bishop in 1972.

A proclamation designating this year as "Charles Reed Bishop Year in Hawaii" is to be signed by Governor Burns at 2:45 p.m. Friday.

The 15-member commission includes: Senator Kenneth F. Brown, representing the State Senate; Representative Daniel K. Kihano, representing the House; Deputy Superintendent of Education Teichiro Hirata of the Department of Education; Deputy Comptroller Mike Tokunaga of the Depart-

ment of Accounting and General Services; State Archivist Agnes Conrad; Daniel Akaka, director of the Office of Economic Opportunity.

Also, George Kanahele of the Hawaii Corporation, George Kauhane of the Department of Taxation, Kaupena Wong, supervisor of the State's Hawaiian text materials program; Fred Cachola, director of the early education program at Kamehameha Schools; Walter Dods, First Hawaiian Bank executive; Harold W. Kent, former president of Kamehameha Schools; Richard Lyman, Bishop Estate trustee; Abigail Kawananakoa, president of Friends of Iolani Palace; Monsignor Charles A. Kekumano, pastor of Our Lady of Peace Cathedral.

SUMMITRY, ALLEGIANCE, AND FRIENDSHIP

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WALDIE. Mr. Speaker, this Nation is beginning a trek of historic proportions in 1972, climaxing with the visits to Peking and Moscow by President Nixon. Future history books will note that this was the year the United States opened the diplomatic door to Red China and sought to bring sovereign nations together in peace.

In anticipation of his visits, and to calm the nerves of our allies, Mr. Nixon has met in summit with world leaders to brief them about his trip and assure them he will not take actions that would interfere with their foreign policies. So, Heath, Trudeau, Brandt, and Sato have been assured of our intentions as we venture behind the Bamboo Curtain for the first time since the Second World War. Yet, in the midst of all this diplomacy, someone at the White House or State Department has made a grievous error. We have forgotten one nation that has a great deal of interest in this journey. This also happens to be the one nation that has firmly backed us in Vietnam, supplying more troops than any other "ally."

The last time we fought a war we kept the Chinese out of South Korea, devoting time and energy, men and supplies to the fight against the Communist aggression from the north. We spent millions of dollars in that campaign and helped mold a nation free to make its own decisions. We continue to assign troops to that nation as a sign of our steady resolve to protect her and her form of government.

In return, the government of Park Chung-Hee has given this Nation 260,000 of its men to fight in Indochina. Three thousand-three hundred of those men returned in coffins, 7,800 of them went home with the scars of the war. While in Vietnam, the South Korean Army won the distinction of being among the best fighting forces in Vietnam. The famous Black Panther Division won countless medals from our Government and the Republic of South Vietnam for its efforts in the war zone.

While committing all these men to our war in Vietnam, South Korea had to maintain readiness at home, continuing the difficult negotiations with the North Korean Government.

President Nixon talked with and assured Prime Minister Heath of Britain. He soothed the worries of Canadian Prime Minister Trudeau concerning our economic policy and intentions in Peking. He virtually rehabilitated the prestige of Prime Minister Sato of Japan whose ruling party faced a stormy Diet and populace when the President's trip was announced. Yet, President Nixon has not talked to President Park of South Korea. As far as we know, the U.S. Government has said nothing to the South Koreans concerning our intentions in Peking when South Korea itself stands to lose the most if those negotiations are unsuccessful. What nation is more threatened than South Korean by the Chinese? On what nation's ground did we fight the People's Republic of China to preserve democracy?

On January 11, 1972, President Park told newsmen in Seoul that he was worried about the President's trip to Peking and what it would mean for the people of South Korea. He told the press that he would take a "wait and see" attitude about the whole affair—since he had not been contacted by this government.

If President Park is worried about these negotiations with Peking and Moscow, he is justified. No other ally has given so much for the cause of America in recent years. No nation in the world has withdrawn from the Vietnam conflict, that U.S. war, with such honor.

Obviously, someone is making a mistake. From the indications received from the Nixon administration so far, the South Koreans are not going to be consulted about this matter.

Obviously, the South Korean "mistakes" were many. They did not become belligerent in the matter of textile imports into this country. They did not undertake a giant campaign to manufacture electronic component parts to flood our markets and drive the American electronic business bankrupt. They made another mistake in not joining an economic community and, thereby, threaten the Nixon administration with a new position at the trading table. They did not permit evaders of the Vietnam war, sanctuary in their country and criticize the administration's economic policy. But, their biggest mistake was accepting the Vietnam war and the American position and sacrificing men and resources to fight there with honor.

Yes, the South Koreans are guilty of many mistakes in dealing with this nation. It is now obvious that, to merit a summit meeting with President Nixon, you must be critical of this nation and its policies and seek to undercut its own industry. The South Koreans failed in these areas, and, as punishment, they will not be consulted about the President's meeting with leaders of a government that rules a giant nation on their very doorstep.

Such is the price of allegiance these days. In the future, maybe the government of President Park will learn to realize that you do not attract the attention of this administration unless you rock their boat and threaten their policies.

For my part, I want this administration and my colleagues in the Congress to know that I appreciate the sacrifices made by the South Koreans in "our war." I shall not forget what they have done as repayment for the war we conducted on their soil. I salute the government and people of South Korea for their steady resolve over the years, and their efforts to maintain a lasting friendship with the United States. I would expect, at least, the same treatment from our President.

U.S. POLICY TOWARD THE PERSIAN GULF AND THE INDIAN OCEAN

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HAMILTON. Mr. Speaker, I would like to insert into the RECORD four recent Department of State statements on U.S. policy toward the Persian Gulf and the Indian Ocean. The first statement contains notes on U.S. policy used by Deputy Assistant Secretary of State Rodger P. Davies during his December 1971 trip to the Persian Gulf. The other three statements are answers to specific inquiries I have made. They are in order: An August 4, 1971, statement on general policy; a December 17, 1971, answer to an inquiry regarding the Iranian seizure of three small islands in the Persian Gulf; and a November 18, 1971, reply to an inquiry concerning comments the Australian Prime Minister made on U.S. policy toward the Indian Ocean during a press conference here in Washington. The four statements follow:

U.S. POLICY TOWARD PERSIAN GULF STATES—DECEMBER 1971

The United States Government welcomes the independence of the states of the lower Gulf. We are pleased that the transition from British protection to full independence has been made in a manner permitting future cooperation between the former protecting power and the newly independent states. The United States Government has no intention of seeking to replace the British in the role of protector of the Gulf. We recognize that the states of the Gulf are willing and quite able to provide for their own defense and security. We feel, however, that cooperation among all the states of the Gulf is essential to the future stability and welfare of the area. U.S. policy is based on friendship for all the peoples of the Gulf and will seek to encourage cooperation among them wherever possible. As the U.S. enters direct and formal relations with the new states for the Gulf, we will seek to continue the longstanding cooperation in economic and other fields which has consistently characterized our relationships.

DEPARTMENT OF STATE,
Washington, D.C., August 4, 1971.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on the Near East, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: . . . U.S. policy toward the Persian Gulf recognizes that the littoral states, particularly Iran and Saudi

Arabia, intend to assume primary responsibility for the security of the Gulf once operational British military forces are withdrawn and the British protective treaty relationships with the Gulf States terminate. It is our policy to encourage this determination, to urge the cooperation of Saudi Arabia, Kuwait and Iran in assisting the orderly development of the Gulf states and to support them as appropriate in this role.

Since 1968 when the British announced their intention to "withdraw" from the Gulf, there have been active efforts to remove certain of the elements of instability which might appear in the wake of this historic change. A major undertaking has been the effort by the nine gulf rulers, and encouraged by the U.K., to create a Federation of Arab Amirates. At the moment it appears that a Federation of all nine states will not materialize in the immediate future but there are reasonably good prospects that at least six of the seven states of the Trucial Coast will form a single federation. The two largest shaykhdoms, Bahrain and Qatar, are likely to seek independent status as separate states for the immediate future but long-term prospects of an all inclusive federation still exist. The U.S. has encouraged at every appropriate opportunity the formation of the largest possible federation of the Gulf states as a means of fostering order and progress in the area once the British withdraw.

Besides the dangers to area stability should federation fail, the other principal potential element of instability is the conflicting territorial claims still unresolved in the area. Currently uppermost is the dispute between Iran and two of the Gulf shaykhdoms over the ownership of three small islands in the Gulf. The question of Saudi Arabia's boundary with Abu Dhabi is also unsettled. The British Government has been actively involved in efforts to resolve these disputes prior to surrendering its responsibility for the shaykhdom's foreign affairs. The U.S. Government is not directly involved in these issues and has taken no position with the amirates' or any party's claim. We have, however, counseled the importance of prompt and amicable resolution of the disputes.

The creation of workable political entities such as the proposed federation of Trucial States and the resolution of the territorial disputes noted above would in our opinion provide a basis for guarded optimism about the stability of the lower Gulf area for the foreseeable future. The emerging states will undoubtedly face problems in adapting to the political currents of the modern world. There are indigenous elements in the Gulf sympathetic to the more radical Arab Nationalist sentiments espoused by regimes such as those of Iraq and the Peoples' Democratic Republic of Yemen. As the Gulf states reach independence, we can anticipte an effort by the Soviet Union and other communist states to establish a commercial and diplomatic presence there.

The U.S. does not intend to attempt to replace the British role in the Persian Gulf. We do, however, recognize the importance of U.S. interests in the area including significant economic interests in the states of the lower Gulf. We anticipate as these states emerge from British protection we will inevitably be drawn into close contact with them. Our present intention is to establish diplomatic relations with those entities that would likely qualify for admission into the UN, accrediting our Ambassador to Kuwait as non resident ambassador to the lower Gulf States and establishing two small diplomatic posts under his supervision in the lower Gulf as well as a small post in the neighboring Sultanate of Oman.

We anticipate no change in the present U.S. military presence in the Gulf, which consists of the Middle East Force Command, home ported in Bahrain. We have consulted with friendly neighboring states as well as the Government of Bahrain about the desirability of maintaining Middle East Force after the British withdrawal. These consultations elicited no demand that this modest naval force be withdrawn. We feel that it fulfills a meaningful role in indicating U.S. interest in the states of the Gulf and the Indian Ocean region.

We are pleased to have had the opportunity to cooperate with the Subcommittee on these matters. If we can be of any further assistance, on this or any other matter, please do not hesitate to let me know.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., December 17, 1971.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on the Near East, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of December 2 requesting comments on the Iranian landings on the islands of Abu Musa and the two Tunbs in the Persian Gulf on November 30.

The sovereignty of the islands in question has been contested for over a century. The United States Government, which has never taken a position on the merits of the dispute between Iran and the United Kingdom, believes that the Iranian landings on the islands must be viewed in the total context of a series of interrelated events in the Persian Gulf in the recent past. These include the termination of the United Kingdom's special treaty relationships with the nine lower Gulf shaykhdoms, the relinquishment of Iran's claim to Bahrain and the subsequent independence of that state and of Qatar, the federation of six of the remaining seven lower Gulf states as the United Arab Emirates, and the formal recognition of all of these entities by Iran.

For well over a hundred years the United Kingdom has borne the responsibility for the security of the strategically important Persian Gulf region. In anticipation of British withdrawal Iran over a year ago began to press publicly its long-standing claim to the three small Gulf islands in question. The Iranian insistence on placing garrisons on these islands derived from Iran's concern that otherwise the islands might be used at some point by hostile elements to threaten the flow of Iranian oil to the industrial nations. Iran entered negotiations with the British on the islands question. The United States Government was not at any time involved in these negotiations nor did it take a position on the merits of the dispute. We did, however, frequently and consistently urge on all parties concerned the need for a prompt and amicable solution.

A settlement was in fact reached over Abu Musa with the Ruler of Sharjah, allowing for the establishment of an Iranian garrison on a specified portion of the island, with the rest remaining under Sharjah's civil administration. Future oil revenue would be shared equally, and in the absence of such revenues Iran will provide financial assistance to Sharjah on an agreed annual basis.

Unfortunately, it has not been possible to reach a similar agreement between Iran and the Ruler of Ras al-Khaymah, who claims sovereignty over the Tunbs. Ras al-Khaymah refused to acquiesce in Iran's plan to land a small force on the Tunbs. We deeply regret that, owing to a misunderstanding, the Arab police resisted the landing on Greater Tunb and three Iranians and one Ras al-Khaymah lost their lives. We understand that most of the population of Greater Tunb has at its own request moved to Ras al-Khaymah and that the Iranian Government has declared its intention of compensating these individuals.

On balance we believe that the recent developments in the Persian Gulf, taken in their entirety, are in the interests of all the littoral states and represent an affirmative contribution to the peace and security of the region. We are encouraged by the public declarations of Iran and the United Arab Emirates to the effect that they intend to work together for the stability of the area. In the opinion of the United States Government, close cooperation between Iran and the Arabs in the Persian Gulf is the best guarantee of progress and stability, which is in both our interest and theirs. We have made our position clear on both sides of the Gulf and believe that recent events provide encouraging signs that this cooperation will be forthcoming.

I hope you will find the foregoing to be helpful.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

DEPARTMENT OF STATE,
Washington, D.C., November 18, 1971.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on the Near East, Committee on Foreign Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of November 5, 1971, concerning Australian Prime Minister McMahon's November 3 address to the National Press Club. In his address, the Prime Minister said, "I think I can take it for granted, although I have not been given any concrete assurances about it, that you yourself (the U.S.) will have a counterbalancing force there (in the Indian Ocean) from time to time." In making this observation, the Prime Minister was expressing his own interpretation of American actions or intentions in the Indian Ocean. He had not, as he said, "been given any concrete assurance about it."

The United States does not wish to engage in a naval competition with the Soviet Union in the Indian Ocean. We will continue, however, to maintain normal naval access there through occasional ship visits, transits, and minor exercises.

The United States is not establishing a new Indian Ocean Force. The only U.S. naval forces which currently operate in the Indian Ocean are the three Mid East Force ships stationed at Bahrain and ships from the Pacific Fleet which occasionally conduct minor exercises in or pass through the area. There are no plans to increase the number of ships assigned to the Mid East Force.

I hope this clears up the misunderstanding which may have been created by Prime Minister McMahon's press conference. If you have any further questions, the Department of State will be happy to assist you.

Sincerely,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

OUR SPANISH-SURNAMED BROTHERS—WHO ARE THEY?

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. FAUNTROY. Mr. Speaker, among those ethnic groups that we often forget, ignore, or discriminate against are those with Spanish-speaking back-

ground. Perhaps that is because we have not sought to understand their backgrounds, their traditions, their contribution to the building of this Nation—indeed, the building of the Western Hemisphere. Together magazine, a publication of the United Methodist Church, in its February 1972 issue, writes in a most reflective and informative manner about our Spanish Americans. I think all of us should pause for a moment and reflect on the words of the author, Justo L. Gonzalez, which will help us better understand a most important segment of our Nation. The article follows:

WHO ARE THESE SPANISH-SPEAKING AMERICANS?

(By Justo L. Gonzalez)

It is not the Spanish-American but the Anglo-American who is the newcomer to this country. Nineteen years before Sir Walter Raleigh founded his ephemeral colony in Virginia (1584), the Spanish founded a city which still eixsts in St. Augustine, Fla. And ten years before the Pilgrims landed on Plymouth Rock (1620), the Spanish founded Santa Fe, now the capital of New Mexico.

Actually, the first Spanish-Americans who became part of this country did not do so by migration but were rather engulfed by the United States in its process of expansion.

In 1810, the United States annexed western Florida in order to have an outlet into the Gulf of Mexico—which was then truly the Gulf of Mexico. By 1853, the U.S. had acquired, by various means, what now is Florida, Texas, New Mexico, Arizona, California, Nevada, Utah, and sizable parts of Colorado, Kansas, Oklahoma, and Wyoming. This included more than half of what used to be Mexico, and it more than doubled the territory of the United States.

I do not say all this to complain, but simply to point out that Spanish-American roots in this country are old and deep. Since Spanish-Americans have been here for so long and yet have kept their identity, it is doubtful that they will follow the same process of assimilation by which the Swedes, the Irish, and the Italians have joined the mainstream of American society.

FOUR GROUPS PREDOMINATE

Basically today's Spanish-Americans comprise four groups: Hispanos, Mexican-Americans, Puerto Ricans, and Cubans. To these could be added a sprinkling from other Latin American republics, formed mostly by immigrants with particular skills. But these are scattered throughout the nation and either return to their country of origin within a few years or are assimilated.

Hispanos are descendants of those who lived in Mexico north of the Rio Grande when the land became part of the U.S. They did not come to this country—this country came to them. Pushed aside by hordes of Anglos, they resented—and still do—this invasion of a land they considered theirs. They are quick to point out that they are not Mexican-Americans. But Anglo society has not dealt with them any better than it has with their newly arrived cousins and, therefore, for this discussion, I shall consider them as Mexican-Americans.

The early decades of this century were troubled years in Mexican history. A great, often bloody, revolution wrecked the country's economy. The United States at that time was enjoying prosperity so there was a mass migration from Mexico to the U.S. Almost a tenth of Mexico's population crossed the border during this time. Then conditions changed. U.S. economy faltered, Mexico became more politically stable, and the U.S. Immigration Service began applying strict controls.

Still several thousand Mexicans cross the border annually to settle permanently in the U.S. Like other Spanish-Americans, they must take the most lowly jobs and endure discrimination. But they feel the opportunities for work and advancement here, meager and restricted though they are, are still greater than those in their own homeland.

Puerto Rico became a possession of the United States in 1898 when this nation, then at the high point of its youthful exuberance, defeated old and tired Spain. In 1917, through an act of Congress, all Puerto Ricans became U.S. citizens. So Puerto Ricans who come to the mainland technically are not immigrants—but culturally they are. Many come from small, semirural towns and move to large cities such as New York and Chicago. Wherever they live, they always consider Puerto Rico their home, and they yearn for the open skies, warm climate, and friendly atmosphere of their island.

Long before Castro there were Cubans in Florida and in large cities like New York. Since 1959, however, there has been a mass migration of Cubans to the U.S. They came by stages, first mostly the *Batistianos* and the very wealthy. Later came intellectuals, professionals, and technical workers. Eventually the exodus included people from all walks of life. A number of these people have left the Greater Miami area—a process the federal government has encouraged—and now are scattered throughout the nation, particularly in the southeast, northeast, and California. For the most part, they have given up hopes of returning to Cuba.

By far the largest number of Cubans still live in southern Florida. Many enjoy the life of the "little Cuba" they have created there. Others stay only so they will be near their homeland when "something happens." Jobs are scarce for these people so those who have begun to find their way help relatives and friends who have arrived more recently. This means that housing occupied by Cubans tends to be overcrowded. And eventually a ghetto develops which is inhabited almost exclusively by Cubans and by a few older English-speaking people.

HISTORICAL HERITAGE

One of the worst misconceptions Anglos seem to have about Spanish-Americans is that since they all speak Spanish, they must be all alike. We are not a cohesive group at all. Much of this is due to our geographic distribution, of course. But there are important historical differences of which you should also be aware.

Mexico was a land of high civilization where a succession of cultures had culminated in the Aztec Empire. Its population was relatively dense even before the Spanish conquest. Cuba and Puerto Rico, on the other hand, were rather sparsely populated, mostly with Arawaks, an Indian race whose cultural development had taken the almost exclusive form of stone carvings and whose political organization was rather loose. As a result, the Spanish forcibly subdued, enslaved, and killed the island Indians. In less than a decade the Spaniards—who had not come seeking work—were forced to begin importing slaves from Africa. What few Indians survived physically lost their identities in the mixture of races that ensued, and their cultural inheritance remained little more than a few words which found their way into the Spanish language.

Mexico was not conquered by force but by guile. Hernan Cortes was defeated by the Indians and was forced to use Indian allies in order to enter Tenochtitlan and capture Montezuma. He did not destroy the Aztec Empire and build the viceroyalty of New Spain in its place, but rather he used the captive emperor as a hostage to capture the old political structure, which he only changed gradually and never very completely. So Mexico is much more Indian in its culture than either Cuba or Puerto Rico.

The legends of the origins of the Arawak people in the Caribbean have been forgotten; but the Mexican legends of the exodus of the Toltecs from the north in search of a promised land, which would be marked by a lake, and in the lake a rock, and on the rock a cactus, and on the cactus an eagle eating a snake, survives still on the Mexican flag and in the soul of the nation.

The native art of Cuba and Puerto Rico—its paintings, its music, its wood carvings—bears the stamp of Andalusia and Africa, whence most of our forefathers came. The native art of Mexico is still the art of a civilization which the Spanish conquest was able to subdue for a time, but never to destroy. The hot food and tortillas which most North Americans identify with Latin America are Indian in origin, and are still typical of Mexico. But the native food of Cuba and Puerto Rico is a slight variation of typical Spanish food with some African influence.

Few Africans were taken to Mexico to serve as slaves. But in Cuba and Puerto Rico the presence of Africa still can be felt. A sizable number of Cubans and Puerto Ricans can boast an African ancestor. And while we got our guitars from Andalusia, our rhythm came from Africa.

On Mexico's high plateaus and deserts where temperatures rise sharply during the day and drop drastically at night, one lives indoors, with his family. On the islands, where the temperature in the evenings is almost always ideal, one lives outdoors. So Puerto Ricans and Cubans are by tradition more open, more gregarious, more noisy than Mexicans—or North Americans, for that matter.

LANGUAGE REFLECTS CULTURE

It is the language and the shared culture of these groups which draw them together as Spanish-Americans—and which most sharply distinguish them from Anglos.

I do not know whether the language has formed the mind or vice versa, but it is true that the Spanish-speaking person, like his language, is open rather than subtle—sometimes to the point of seeming blunt to others.

Spanish-Americans are not ashamed to show emotion—and we are not sure that it is always best to follow our reason over our emotions. It is said that one reason bullfighting is possible is that a bull closes his eyes when he charges, and that cow-fighting would probably be more dangerous since a cow keeps her eyes open. I have never attempted to corroborate the fact, but still most Spanish-Americans would rather charge into a problem like a bull than like a cow. Reason is good, yes; but man is more than a thinking machine.

Because of this, when it comes to religion, a Spanish-American cannot very well understand the religiosity of the man who sits like a stone in a worship service and shouts like a heathen in a baseball game. He finds it hard to believe the sincerity of a man who tells him over a cup of coffee, in such quiet tones that he seems to be ashamed of it, that he believes in Jesus. He figures that if religion makes any difference at all, it must make all the difference in the world. And he would rather seem fanatical or be called a show-off than be led to doubt his own sincerity.

In the Spanish language almost any word order is acceptable in a sentence. Not so in English. This may well have something to do with what to us seems an obsession with order on the part of Anglo-Saxons, and with what to them must seem our love of disorder.

Everything in Spanish has a gender. We see certain things, certain characteristics, certain privileges as typically feminine and

some as typically masculine. But such distinctions are not ones of subservience. Man is not above woman. Rather, man and woman are two different creatures, and one just cannot be the other. This is the significance of that *machismo* which has been so much discussed by sociologists and psychologists—not that man is superior, but that he is different and must remain so.

If a man won't help his wife with the dishes, it is not that he considers himself above such a job but *apart* from it. If he were to do it, it would be an insult to both himself and his wife. And a woman must not compete with men, not because she would be invading the superior privileges of masculinity but because she would be denying and insulting her own femininity. Quite obviously this traditional pattern cannot subsist in the new environment of modern society, and its breakdown is causing severe disturbances in the fabric of the family.

Our view of sex has religious implications, too. Protestants have often accused Spanish Catholicism of being unduly concerned with Mary, even of worshiping her. What Protestant critics have not understood is that their own message has often cancelled the positive feminine traits which Spanish Catholicism has placed in the Virgin. The God of traditional German-Anglo-Saxon Protestantism has often been little more than a mellowed version of Thor. Even Luther's *Deus pro me* was the overwhelming discovery that somehow Thor, with all his might and his thunder, had forgiven him. God was always the loving enemy, as psychology has since showed that a father often is to his son.

Such a God is obviously incomplete. Certain Protestant traditions have attempted to solve this problem by placing the loving Jesus vis-a-vis the judging Father. This has resulted in an effeminate Jesus. Such a notion is abhorrent to the Spanish mind. Give me the suffering, bleeding Jesus on the cross. Or give me the all-powerful Jesus *pantokrator*. Or the Jesus who drinks with his disciples. But no delicate Jesus whose eyes are turned to heaven like Juliet would look at Romeo!

The Virgin cannot simply be abolished. There must be a place in the Spanish God for the feminine. I suspect one reason for the phenomenal growth of Pentecostalism among Spanish-Americans is that the Holy Spirit plays a motherly role in Pentecostal piety. It is the Holy Spirit who gathers the believer to its bosom and rocks him to ecstatic oblivion of all his wants and his cares. Although it is God the Father that provides all things in creation, it is the Holy Spirit that somehow turns this into spiritual nourishment for the faithful.

Incidentally, there is a long tradition from Elkesai in the second century to Berdyaev in the twentieth, which ascribes femininity to the Holy Spirit. And in the Spanish tradition the dove is not only a symbol of the Holy Ghost but also of unspoiled feminine innocence.

The Spanish language and culture is deeply aware of the great ifs of life. There is nothing of which we can be certain. A Spanish-speaking person, even one who can hardly be called devout, will say, "I'll be there tomorrow if God wills it," or "through the possible intervening action of God." That is why a Spanish-American may seem indolent to the activist, optimistic, Anglo-American. He is willing to work, yes. But he is not willing to put too much store on his own effort, lest he be disappointed. Today is important, but no matter how great our present effort, *mañana* is still an open question.

Mañana, with its unpredictability, has a liberating power which is difficult for the self-assured Anglo to understand. *Mañana* is not only the excuse of the lazy, it is also the hope and the comfort of the downtrodden. Even if *mañana* brings no change in my present condition, at least today's hurts will no longer be so painful. *Mañana* has kept the pressures of today from robbing me of the joy of living!

Our subjunctive view of life also shapes our religion. While the most common sin of Anglo-Saxon Christianity has been activism, the most common sin of Spanish Christianity has been quietism. The only thing that allowed Spain to produce such active Christians as Ignatius of Loyola and Theresa of Avila was an overwhelming sense of authority which for these believers cancelled the ifs of life. Other great Spanish Christians—Antonio Montesinos, Pedro Claver—were moved by the challenge of immediacy. They moved to correct injustices, not with far-reaching plans full of ifs but with a concentration on their own particular concern which often made them blind to other implications of their actions.

The same is true about Latin revolutionary attitudes. A Latin revolutionary will not take it upon himself to conceive a plan for long-range action which will eventually bring forth a more just order. He rather places his faith in the blueprint of another—and it is significant that Latin America has produced many revolutionaries, but not a single significant Utopia—or he simply decides, out of the challenge of immediacy, that a certain condition must be changed—not changed into something, mind you, but simply changed.

In English you say "to be" whether you wish to refer to the very being of God or to the state of being drunk. We have two verbs for "to be" in Spanish, to distinguish the permanent from the transitory. Cultures which do not make such a distinction seem to us the epitome of confusion. They place permanent value on the transitory so that a man's being depends on what he has. And they seem to take the permanent as if it were transitory, so that there is little difference between a church and a club. By so doing, they seem to be deprived of both the free enjoyment of the transitory and the firm assurance of the permanent.

Now look at it from our point of view. There are not really two orders of "being," but two realities as distinct from each other as apples and oranges. They are not engaged in constant warfare against each other for the value conferred to one does not diminish the value of the other.

So we see no tension between "secular" and "religious." The genius of Spanish Roman Catholicism, for example, has been that is is *fiesta* Christianity. It is not gloomy or somber. It spills out of the dark churches into the colorful *procesion*, the day of the *santo patron* of a town, and a thousand other events. Traditional Roman Catholicism in the Spanish world is secular, not in the sense that it is not religious but in the sense that the distinction between the secular and the religiouus tends to be effaced.

This has been one of the main hindrances in the growth of traditional Protestantism in the Spanish world. It is too somber. It is too religious. It cannot rejoice in the world and enjoy it. The solution is not to become secularized. The solution within our context is for it to become religiously secular, and secularly religious.

AND WHAT OF TOMORROW?

Spanish-Americans are a people of *mañana*. (That means "tomorrow" as is well known. But it also means "morning" and, in everyday usage, "dawn.") We are a people of *mañana* because we have confidence that our *mañana*, our new dawn, has come.

The ideal of many a Spanish-American some years back was to be accepted by Anglo-Americans as one of their number. This is no longer his ideal. From the black man's struggles, and from his own traditional sense of self-esteem, the Spanish-American now wants to be accepted as different, and appreciated precisely because he is different. And he does not wish to be accepted out of the kindness of Anglo society but out of the need which that society has for him. This does not mean that kindness will not be appreciated; but as long as kindness is necessary to accept a fellowman, there is still a hidden feeling of superiority.

Manana is today. Our new dawn has come. And we claim our place under the sun. This is what Cesar Chavez and his followers are saying through their boycotts; this is what Reyes Lopez Tijerina is saying through his legal action to recover lands in New Mexico and Colorado; this is what Herman Badillo is saying when he campaigns for mayor in the Bronx of New York City; and this may even be what quarterback Joe Kapp says every time he calls a football play!

ABOUT THE AUTHOR

The professor, in addition to being a teacher, is a writer and linguist who was born in Havana, Cuba, 34 years ago. Justo Luis Gonzalez is associate professor of World Christianity, Candler School of Theology, Emory University, Atlanta, Ga. He was written, edited, or translated nearly a dozen books in Spanish or English.

His talents as a linguist were severely tested, however, several years ago in Athens, Greece, when he stopped to ask street directions of a well-dressed stranger.

"Do you speak English?" Professor Gonzalez asked, only to receive a blank stare in reply.

"Parlez-vous francais?" the professor asked in Spanish-accented French.

Again the blank stare.

"Sprechen Sie Deutsch?" the professor asked in German.

No reaction.

"I then took a piece of paper and carefully wrote out in Greek the name of the place I was trying to find," says Professor Gonzalez.

The stranger took the paper, looked at it upside down, and then said in broken English:

"Sorry—me Spanish."

THE SCHOOLSTOPPERS TEXTBOOK

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASHBROOK. Mr. Speaker, a group of radicals has issued a pamphlet "for people who want to fight back against their school." It is entitled "Schoolstoppers Textbook" and consists of 61 suggested ways to disrupt and destroy high school life. Some of the suggestions are incitement to crime—stealing, burning, and destroying school property. Some contain detailed instructions, complete with diagrams.

So that parents and educators may be forewarned, I wish to insert this evil pamphlet in the RECORD:

[First Edition, First Printing, January 1972—Schoolstoppers, Ann Arbor, Mich.]

SCHOOLSTOPPERS TEXTBOOK—FOR PEOPLE WHO WANT TO FIGHT BACK AGAINST THEIR SCHOOL

INTRODUCTION TO THE THIRD ATTEMPT

This is the third attempt that has been made to publish Schoolstoppers' Textbook in a pamphlet form. The first two times, the groups that were going to publish it later

changed their minds and refused. So now, it is being distributed and printed by a few people, independently of any existing group.

Because the content of this pamphlet is rather controversial, several people have suggested including a long introduction explaining exactly why the ideas in here are justifiable, and necessary. However, this pamphlet is not written for people who are not yet sure whether school is good or bad. It is written for students who realize the way that compulsory education destroys the curiosity so many children feel, who realize how the tracking system keeps the poor people and minorities in our society on the bottom while keeping the rich and powerful on top, who realize the danger of teaching complete obedience to authority, and who are fed up with the sexism and racism in schools. It is written for students who have "gone through channels" trying to correct these problems and who are tired of helplessly waiting while the schools destroy more and more minds each day.

Before trying any of the ideas in here, you should think about the effect that they will have in view of the situation in your particular area. Not all of them will be effective at all times in all areas. If you think of other ideas, please send them to us so we can print them in future editions of this pamphlet.

WHAT YOU CAN DO

1. Get a syringe (minus needle) or similar device. Mix both tubes of epoxy glue with a little rubbing alcohol. You now have about half an hour to fill locks, books, phones, door jambs, etc. before the glue hardens. If you can't get the epoxy glue and syringe, a tube of airplane cement can also be used, although it's not as permanent.

2. Call the school and leave your phone off the hook. The way some (but not all) phone systems work, this will tie up their phone for as long as your's is off the hook.

3. Protest U.S. herbicide in Vietnam by defoliating the plants around the school. When the ecology freaks complain, as they undoubtedly will, ask them where they were when the U.S. was doing the same to Indochina.

4. Get some of the punch cards that your school uses for programming or taking attendance. Punch new holes in them, either with a keypunch machine or a screwdriver. Then switch the cards with others wherever they're stored. If you can figure out the code the cards are punched by, this has even more possibilities. You can often be just as effective without actually repunching the cards by just redistributing them a few days after you collect them (particularly when they're used for attendance).

5. Start an information service to let new students hear opinions and warnings about the teachers and administrators before enrollment day.

6. In gym classes, or in hallways between classes, have massive searches for "lost" contact lenses, telling people not to walk through the hall or "you might step on it."

7. If you still have a dress code, protest it by having everyone do something disruptive that does not violate the dress code. For example, dye your hair green with food coloring.

8. Free all animals in the biology classroom. Put them outside—if you leave them indoors, many of them (such as snakes and lizards) will get killed by hysterical teachers.

9. Appoint a student committee to write a consumers' report about the "education" they've been consuming. Distribute it to parents on open house night.

10. Periodically, have hoardes of students go to the office to have some rumor confirmed or denied.

11. Perform citizen's arrests of administrators for destroying the minds of youth, then telephone the police to come and take the criminals into custody. (This could be a good guerrilla theater action.)

12. Rip off dishes and silverware from the cafeteria, towels from the gym, stencils and paper from the duplicating room, layout equipment from the art and drafting departments, tools from the wood shop, and light bulbs from the sockets. Give them to some movement group that needs them.

13. During lunch, turn on and light all gas jets in the science labs.

14. Demand to see your school records on file. (Everybody else can see them.)

15. You can make a very effective fuse by inserting a non-filter cigarette in a book of matches so that it touches the heads of some matches and will ignite them when it burns down that far. Then loosely crumple a sheet of paper around the matches and cigarette so that they are hidden. Toss it in a wastebasket or any other area with a lot of papers, preferably in the office. It takes five to ten minutes to ignite, and by then, you can be on the other side of the building. Practice this at home before trying it.

16. Have giant coughing and sneezing epidemics in class or study hall.

17. Rub lipstick, glue, vaseline or ——— onto the doorknobs to the administrative offices in the school.

18. Swallow some snake antidote, then walk into the principal's office. The antidote (most types are harmless—make sure you get that kind) won't physically harm you but it will make you vomit. Do so all over his carpet, desk, clothing, etc., then apologize profusely.

19. Pick up some dog-training liquid at any pet store—it smells like concentrated ———And if you can't figure out what to do with that then you shouldn't be reading this.

20. Remove the contents of the teachers' mailboxes. Print any confidential or interesting notices you find.

21. Leave little notes and hints about "Tuesday's the day."

22. Impersonate parental voices and make irate telephone calls to the office.

23. Let a few skunks loose in the school. The dean needs the company.

24. Have everybody take out hundreds or thousands of library books over a period of a few weeks, then return them all at the same time.

25. If your school has suspended ceilings (that is, a ceiling composed of rectangles or squares resting on a frame, so that the rectangles can be pushed up), you can put dead fish, or anything else above them. Or put it into empty lockers and glue them shut.

26. Put signs on your locker saying "this locker will self-destruct if opened for inspection."

27. Give your school library a subscription to a good underground paper from your area, and insist that they make it available to students.

28. Do some revolutionary wall painting. All you need is a can of spray paint (red is a good color) plus a little imagination and courage. Then write your favorite slogans on walls, sidewalks, blackboards, desks, and windows. If you like, you can use a stencil, but that limits the size of what you can do. Wear gloves when doing this, as it's easy to get tell-tale paint on your spraying finger.

29. Print up false notices frequently, using the same format as the school uses, and distribute them to the teachers' mail boxes. Eventually, they'll never know what to believe.

30. Are certain administrators or teachers misbehaving? Print up a rat sheet with their names and phone numbers, and distribute it. Now students can call them up at any time to reprimand them—3:00 a.m., for example.

31. Break into your school at night and burn it down. To get inside, you can either hide in the building during the day and wait until the janitor leaves (check in advance to see what time that is), or come later at night and either force your way through a door, find an open window, or break a window. If you use the latter method, do it a few hours or days in advance so that if it attracts attention, you won't get caught. Be careful not to leave fingerprints—wear gloves all the time if possible. Once inside, make sure the walls will light well by placing loose paper or wood around them, or squirting lighter fluid, kerosene or gasoline onto them. If a lot of burnable boxes are stocked in one area, spread them around. Start the fire from the inside of the building so it will take longer before it can be seen from the windows. Make sure the fire has a way to travel from one burnable area to another.

32. Get hold of a film to be shown at a school assembly, and splice in parts of another movie of your own choosing before the assembly. A little imagination on your part can make a very interesting day.

33. Clog up the drains of sinks with clay, then turn on the water right after everyone leaves school, so the place will fill with water and warp/rot the floors.

34. Teachers often leave gradebooks, conduct sheets, and attendance records unguarded. Help yourself!

35. Put up posters all around the school. To make them stick permanently, use Pet evaporated milk for glue.

36. Start wailing in the halls.

37. Call the phone company and tell them you want the school's phone disconnected immediately.

38. If you can't find any skunks, let chickens loose in the school. Or pigeons.

39. Carry, and pretend to sell, oregano rolled in papers and aspirin with the name filed off.

40. Walk into the school library and ask if they have any good books about how to make and use bombs.

41. You can short-circuit the school's wiring by taking a regular plug with a short cord attached, connect the two wires with a switch between them. Plug it in, turn the switch to on, and you've blown the fuse. Turn it off pull it out, and try another one. You don't have to use the switch but if you don't, sometimes the current will arc and weld the plug to the socket.

42. Ride a bicycle down a busy hall.

43. When some important person is speaking in the auditorium, get into the light box and turn the colored lights off and on.

44. Save your book reports, and essays, and give them to other students to use the next year or re-use them yourself with different teachers.

45. Flush different things down the toilets (preferably in faculty johns). Balloons filled with air, baseballs, M-80's, et. all work well.

46. Start a campaign to have the letter Z appear everywhere as a mark of angry students. Write it in gradebooks, paint it on walls, scratch it into desks, and write it on the back of the principal's jacket.

47. Set up a fake school and hire away all the lousy teachers.

48. Leave phony letters of resignation from other administrators on the principal's desk.

49. Steal the programmed teaching kits and thrown them in the river. Make teachers teach real.

50. Read the school list of expenditures, and reprint some of the dumber ones on a leaflet.

51. Take beer or any favorite drink to lunch in a thermos and pass it around.

52. During some important test (SATs, ACTs, etc) on each section, have some students who is particularly good at that subject stand up and read off the correct answers for as long as possible. When they're finished or silenced, have someone else stand up and do the same. The test results will be worthless and it will have to be given over, at great expense to the school.

53. Take down the American flag in front of the school and put up one of your own.

The best way to do this is to lower the flag that's already up, replace it with your flag and cut the rope about a foot below where the flag is attached. Then tie a slip knot around the other end of the rope, making it fairly tight. Now pull on the end of the rope that is hanging down to raise your flag. At this point, there's no way your flag can be lowered without someone climbing up the flag pole.

54. Put alarm clocks in various lockers, with the controls set on "loudest". Set the alarms so that they'll go off about every ten minutes, then close and lock the lockers.

55. Have a group of people march around the school with a flag singing the Star Spangled Banner. Can you imagine the school trying to punish students for singing the Star Spangled Banner?

56. In a class where there is a rule against gum chewing or some equally stupid rule, have everyone blow a bubble at exactly the same time one day.

57. Many schools have automatic sprinkler systems, which go off automatically when sensors in the ceiling feel too much heat. Find the sensors, and hold a match up to them.

58. Persuade the graduating class to use their senior gift money for something useful, intelligent, or subversive.

59. Reprint *Schoolstoppers' Textbook* in your underground paper, or on a leaflet, or buy bulk copies and pass them around.

60. Demand that all equipment being stored rather than being used be made available to students.

61. If the school won't have a teacher evaluation, sponsor one yourself, passing out questionnaires to all the students so they can evaluate each of their teachers, then collect them and publicize the results to students, faculty, school board, and community.

INTERSERVICE RIVALRY COSTS BILLIONS

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASPIN. Mr. Speaker, the United States needs a new close air-support aircraft in order to protect our troops engaged in combat. Rather than build one aircraft capable of fulfilling the mission of close air-support, three of the military services have recommended their own aircraft. The Marine Corps is currently purchasing Britain's vertical take-off fighter, the Harrier. The Army is in the final stages of developing its new Cheyenne helicopter, and the Air Force is in the middle of a developmental program for the new A–X close support fighter.

It is my belief, Mr. Speaker, that the United States should build one close air-support aircraft. The only possible reason for building more than one close air-support aircraft would be if it were needed to fulfill more than one mission. The fact of the matter is that there is only one mission. As a result of what I find to be inexcusable, interservice rivalry, three of our military services are each promoting their own aircaft. The only result can be duplication and waste. If the United States completes the development and procurement of all three aircrafts, we will spend a total of $4.4 billion. Any one of the three systems could be developed and procured for considerably less.

In this year's authorization legislation, the Armed Services Committee removed $13.2 million of advanced procurement engine funds for the Army's Cheyenne helicopter. The committee in its majority report said that it would consider the reprograming of the $13.2 million after the completion of a study by the then Under Secretary of Defense David Packard. Mr. Packard's study found that all three of the airplanes had a mission to fulfill. I cannot agree. As a result, I have called upon Secretary of Defense Melvin Laird to choose one of the three proposed programs for development and procurement. It is foolish and wasteful for this Nation to spend $4.4 billion on three overlapping systems.

This year's defense budget will probably rise as much as $5 billion in terms of new total obligational authority. The building of these three systems can only drive upward an already unbelievably huge defense budget. Thus, I have called upon Secretary of Defense Laird to choose one of the systems. With both our defense and nondefense needs so great, we can no longer afford to encourage interservice rivalry by needlessly spending billions of dollars.

The letter follows:

JANUARY 14, 1972.

Hon. MELVIN LAIRD,
Secretary of Defense,
The Pentagon,
Washington, D.C.

DEAR MR. LAIRD: I recently read a General Accounting Office report entitled "Close Air Support: Principal Issues and Aircraft Choices". I was surprised to learn that, in effect, three of the military services are developing aircraft to fulfill the same mission. If all three programs are fully funded, the total bill will be $4.4 billion.

The reason I am writing to you today is to urge you to select one of the three airplanes for further development and production before over $4 billion is wasted as a result of childish inter-service rivalry.

The single mission of close air support should be fulfilled by one service and one aircraft. Simply put, only one plane is needed. I believe that the Defense Department must make a decision soon, before the military builds duplicate and overlapping systems.

The parallel funding of the Air Force's A–X, the Marine's Harrier and the Army's Cheyenne helicopter is principally the result of inter-service rivalry, rather than the need for three systems to fulfill the same mission. Unless this rivalry is put to a stop, the United States will have three planes costing a total of $4.4 billion all doing exactly the same job.

The defense budget of the United States is continuing to rise. Press reports indicate that the Department of Defense plans to request an additional $200–$300 million for the fiscal 1972 budget. Clearly, the fiscal 1973 budget request will be in excess of $80 billion. I fear that, unless curbed, this crazy inter-service rivalry will drive upward an already unbelievably huge defense budget. Thus, I request that you review all three programs and select one of them to fulfill the close air mission.

Thank you for your cooperation.

Sincerely,

LES ASPIN,
Member of Congress.

RED CHINA AT THE UNITED NATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASHBROOK. Mr. Speaker, I wish to comment on a serious matter that concerns the administration, the United Nations, and the Chinese Communist mission to the United Nations. Until about a year ago, the Chinese Communists spent considerable time making it abundantly clear that they would not accept membership in the United Nations until its rules were changed to suit their revolutionary fancy. This was understandable because in 1951 the membership of the world body had found the Peking regime guilty of aggression in Korea and then, 10 years later, in 1961, the United Nations upheld the International Council of Jurists in their findings that Red China had committed genocide in Tibet. We know that in 1971 these crimes, as well as a host of others, were, with our Government's assistance, swept under the United Nations' carpeting; and there was great joy and dancing in the General Assembly as the men from Peking were welcomed and a charter member of the world body—the Republic of China—was sent packing.

That was several months ago, and at that time we read, and have continued to read, of the moderate manner in which the Peking delegation assumed its new role. Yes. A new member had been admitted, and an old member had been tossed out, but nothing had really changed.

Unfortunately, we now know that such is not the case. Surprising to some, the moderate men from Peking are not all that moderate. And the rules of the Charter, Mr. Speaker, which were broken to bring their admittance, they are now busily violating in their own avowed fashion. What is equally disturbing to me is the fact that the information I am about to relate has been largely ignored by the media, the State Department, and the U.S. mission at the United Nations.

Article 100 of the U.N. Charter states the following:

In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the organization.

The article further states:

Each member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Mr. Speaker, the vital importance of this article to both the character and the operations of the United Nations is obvious. While we all know the U.N. is made up of power blocs and that amongst the Secretariat employees from Communist nations, first allegiance is always to the homeland, it has been tacitly

recognized by all, that if member nations were to attempt to bring pressure and influence to bear on their nationals in the Secretariat, the world body could not function; it would soon disintegrate.

Bearing that in mind, I would like to draw your attention to the following chain of developments. In early December, the Chinese Communist mission gave a cocktail party for the 160 Chinese working in the U.N. Secretariat. All of the 160, of course, had been recruited by the Secretariat and about 85 percent of them hold passports from the Republic of China. Hosts for the party were Chia Kuan-hua—She-kwan-wha—and Huang Hua—whong-wha—Red China's two top men at the U.N. The party was a great success. Those assembled were assured they had nothing to fear about their job security. Offers of assistance to visit the mainland were made, as well as help in locating relatives. The guests went home full of un-Marxian Christmas spirit.

About 2 weeks ago, on January 8, key members of the Chinese translation section of the Secretariat received a telephone call from their deputy chief, informing them that they had been reinvited to visit the Roosevelt Hotel where the Communist mission is lodged. There were 17 ranking members of the section who were summoned, and they were headed by their chief, Che Chu-yin. Let me point out that Mr. Che has been with the Secretariat for 25 years and, as chief of section, holds a position not far removed from assistant secretary.

This meeting was completely different from the December affair. The 17 were received by several members of the Communist Chinese mission, who for 4 hours lectured and threatened them. From some of those present, who refuse to allow their names to be used publicly for fear of reprisals, we know that the assembled were told to forget the idea of being international civil servants. They were warned that before the revolution those holding secure jobs were considered to have "iron rice bowls." Actually, they were considered to have gold bowls. But, in the new era, there was no such thing as an iron rice bowl, and the only way anyone could be sure of his security was by wholeheartedly serving Mao and the people. They were reminded that the new Secretary General, Kurt Waldheim, could not have gotten his job without Peking's concurring vote.

Of possibly even broader significance, Mr. Che was attacked for the failure to submit to the Chinese Communist mission a list of translators and interpreters who will be assigned to work at the U.N. Trade Law Conference, to be held in Chile next summer. Che had no obligation to submit the list which, of course, is an internal U.N. matter. Nevertheless, Che was told that his neglect to do so was inexcusable.

On the subject of translation, the 17 were lectured that they needed to improve their work, which was unsatisfactory as far as the Red Chinese were concerned. In this regard, all U.N. translations are supposed to be written in a straightforward objective manner, the purpose being to try to avoid partisan interpretation. Not so in this case. The 17 were informed it was not important to keep in mind the simplified Chinese characters but how to "grasp the direction of thought" to find the correct political stand and then hold to it.

As for reading material, the guests were ordered to start doing some diligent studying of Chinese Communist publications, such as the People's Daily and the Peking Review. They were also instructed to organize into cells and conduct criticisms of each other in periodic meetings. This, of course, is the way it was done on the mainland. It is called the process of struggle, criticism, and transformation, and what it adds up to is terror. The 4-hour meeting ended on such a note when the principal host said:

> We won't talk about the problem of your passports now.

The next day, the 9th, Mr. Che called a meeting of the entire 70-member Chinese translation section. All attended, where the complete minutes of the Roosevelt Hotel Sunday meeting were read and Mr. Che invited criticism of his leadership. Mrs. Suzanne Forgues, a French national, who is director of translation services of the U.N. Secretariat, knew of the meeting and its purpose—which in itself was, of course, a violation of article 100.

There the matter lay until the 12th when U.N. correspondents, having gotten wind of the affair raised the question at the daily press briefing. The U.N. press officer, a Mr. William Powell, admitted that the meeting had taken place by invitation. He explained, however, that the get-together related to new Chinese terminology, documents waiting for translations, and how the translation service might be improved. He said that the meeting had been "a bit unusual" and that so far as he knew, no oral or written report on the subject had been submitted to the Secretary General.

A bit unusual indeed, Mr. Speaker. I have it on the most reliable authority that Chinese Secretariat employees have been thoroughly frightened and many of them are cowed and despondent. Mr. Che is no longer reporting for work. He had decided to resign, but was prevailed upon by his superior to take some leave instead before making a final decision. As I view it, the problem these people see threatening their security is not just this latest act alone. It is a series of acts, and one in particular that took place just prior to the Roosevelt Hotel meeting. It occurred when direct Red Chinese pressure against two accredited U.N. news correspondents from Taiwan brought summary eviction from the U.N. by U Thant in one of his last official decrees. This was done via the U.N. legal department which had ruled before the admittance of Peking that under no circumstances could the pair be fired. Once Red China came in, the two correspondents were thrown out and the new Secretary General has upheld the ruling. Naturally, Chinese Secretariat employees now see no support either within or without the U.N. for their increasingly precarious position. What they can see clearly enough is that those among them who do not shape up and knuckle under the Peking's direction are going to be forced out, too.

And when I say no support from without, I am referring to our own position in these matters. As the country that pays 41 percent of the U.N.'s bills, it seems to me we could make at least 1 percent of a protest. But all we hear is a serene stillness from Ambassador Bush at the U.N. mission, from Secretary Rogers at the State Department, and even Jack Anderson has not been able to supply us with Mr. Kissinger's secret thoughts on the matter. It is really no joking matter, and the silence from the Government and the press is indicative of an attitude that seeks to ignore those things that prove its judgment in error.

These men who are here from Peking know their business. They have come here with an avowed purpose. They have said they would change the U.N.'s rules to fit their special needs and they are doing it. Worse, they are getting away with it. The excuse for the administration's lack of response may be that the incident is not a large enough one over which to raise an outcry because it might jeopardize the President's forthcoming journey to Peking. That is the whole point, Mr. Speaker. The men in Peking know how much the President wants to make his trip, and they know how far they can go in their designs and still be sure he will come. What has happened at the U.N. is simply a manifestation of this fact and our failure to act on it.

RARICK REPORTS ON DECLINING STRENGTH OF THE U.S. NAVY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, I recently reported to the people of my district on the dwindling strength of the U.S. Navy when compared with that of the Soviet Union.

I submit the following report:

DECLINING STRENGTH OF THE U.S. NAVY—RARICK REPORTS TO HIS PEOPLE

Recently, I attended a briefing by the Chief of Naval Operations, Admiral Zumwalt, on the declining balance of naval strength of the United States when compared with Soviet Russia.

Because of the precarious times in which we live today and the imperative need to beef up our defenses at once to protect our lives and property, I felt that you would like to hear a résumé of the briefing and my suggestions as to what should be done to improve our military posture.

The military and maritime situation of the United States is changing. It is vital that we Americans understand the nature and the extent of the change and its implications for the future welfare of our country.

Soviet naval and maritime power is on the increase. This represents a new dimension in world affairs. Few Americans have sensed that it has already changed the secure viewpoint from which we have observed world affairs since 1945.

NUCLEAR PARITY

One factor is nuclear parity. Superior nuclear arms and naval strength were the military factors which tipped the balance in our favor in the '50's and '60's. Today, we no longer possess superiority in nuclear arms. Soviet nuclear arms are on a par with ours, and we are involved in a nuclear stand-off where neither nation dares to use its nuclear capability for fear of devastating reprisal.

The main effect of this stand-off is that the United States must look once again to conventional forces to provide the means of protecting our national interests. Without strong conventional forces, we have only two options where our interests are threatened: engage in nuclear war, or back down.

In light of nuclear parity: The capabilities and readiness of our conventional forces are now of greater importance because for the foreseeable future it will be conventional rather than nuclear forces which will be the deciding factors where U.S. and Soviet interests conflict.

Another factor I have mentioned previously—Soviet naval and maritime expansion.

Since we no longer possess nuclear superiority, Soviet naval expansion threatens to negate our sole remaining capability to support our alliances and to protect our commerce.

This Soviet naval growth can be traced directly to the Cuban missile crisis of 1962, when the weakness of the Soviet navy forced them to back down in the face of a U.S. show of strength.

Since then, the Kremlin has allocated vast resources to naval programs. To illustrate, between 1966 and 1971, when the U.S. produced 88 combatant and amphibious ships, Soviet shipyards produced over 200. The Soviet fleet approaches the U.S. fleet in total numbers of combatant ships.

Two of the products of their development and shipbuilding directly threaten the ability of the United States to use the seas. These are the expanding Soviet anti-ship missile and submarine forces. They exist and are increasing in such quantity as to make the adequacy of our counter-forces questionable. Anti-ship missile launching platforms have increased four-fold since 1960. The Soviet submarine force numbers over 300 attack and cruise missile submarines as compared to the 57 which the Germans had at the beginning of World War II. Not counting ballistic missile types, the Soviets passed us in total nuclear submarines in 1963.

Do you see what such naval strength means to our continued use of the seas? This is what causes our naval planners the greatest anxiety—not that we would lose a battle if it occurred between the two fleets, but that we could be denied the use of the seas for commerce and sealift. We would not even have to come to open conflict. As soon as they are reasonably sure of the outcome, the Russians are free to try a Cuba in reverse, possibly in the Mediterranean.

I might also add that the Soviets have already passed us in total number of merchant ships and are overtaking us in terms of total tonnage. More than half of the Soviet merchant fleet is less than 10 years old—over half of ours is more than 20 years old. And the Soviet merchant fleet is centrally controlled and coordinated by the state. Therefore, it is completely responsive to foreign policy and available to bolster the Navy.

Nowhere has the influence of the Soviet Naval buildup been more markedly demonstrated than in the Mediterranean and Indian Oceans. In the Mediterranean the Soviet naval ships, now categorized as the Soviet Mediterranean Fleet, surpassed the Sixth Fleet in total annual ship days within the area by mid-1969. The increasing presence of Soviet ships has contributed to a demonstrable change in the political alignments of the region.

And in the Indian Ocean a similar situation is developing. The Soviet naval presence there became continuous in 1969. Now it exceeds ours by a factor of two.

In the face of the Soviet naval expansion, our own navy is encountering a reduction in strength and resources. This is another factor which inhibits restoration of a satisfactory balance of naval power.

Since FY 1968, Navy budgets declined 11% in terms of buying power of FY 1972 dollar, as defense matters have been accorded less precedence in national planning.

The effects of recent budget cuts on naval forces is demonstrated in force data comparisons between 1965 (prior to the Vietnam buildup) and 1971. Since 1965, the Navy has been forced to reduce 25% of its ships, 20% of its combat aircraft, and 7% of its total personnel. Reflecting the inertia attached to consolidation of the shore establishment, civilian personnel of the Navy have increased by 4% in the period.

The Navy, of course, is adjusting as best it can to the shortages of manpower, ships and equipment. But, all of the Navy initiatives taken together do not offset the effects of recent force reductions in the face of the onrushing Soviet naval expansion.

In light of the kinds of forces we need, what is the adequacy of our Navy today?

The supplemental statement to the President submitted by seven members of the Blue Ribbon Defense Panel stated:

"The Soviet naval buildup . . . is a major element in the shifting balance of military power. Although not itself a direct threat to the United States (except the submarines), the new and growing Soviet naval strength affects adversely the diplomatic and economic position of the United States throughout much of the world. It also threatens an historic American policy, namely, freedom of the seas."

The Joint Committee on Atomic Energy made up of 9 Senators and 9 Congressmen has issued an ominous warning:

"The United States, unless it moves quickly to counter a rapidly expanding Soviet naval threat, faces a future in which it will have to surrender to the Soviets on all issues or risk nuclear annihilation. Any delay may mean no future."

In addition to these warnings, foreign writings have noted the shifting balance of naval power and have expressed concern over the future of their alliances.

In my opening remarks, I said that Americans must understand the nature and extent of changes in our military and maritime situation and also their implications with regard to our welfare.

No one can foresee the future with absolute certainty, but there are certain assumptions which can be drawn from the facts as they are known today.

For instance, it is generally considered that, so long as an approximate parity in nuclear delivery and defense systems exists between the U.S.S.R. and the U.S., nuclear war is not likely between them. The awful results to the people of both nations would make initiation of nuclear attack an irrational act.

The Kremlin may therefore be expected to seek to achieve its objectives short of nuclear war. And, for the first time in modern history, the door is ajar for Russia to break free of the entanglements of encircling land alliances and to spread power and influence toward historical objectives in the Middle East, Asia, and even in Europe.

What can we expect the Kremlin to do in such circumstances?

They will avoid nuclear war.

They will continue their build-up of nuclear weapons.

They will continue their naval expansion in blockade and missile forces.

They will attempt to capitalize on political unrest, in Eurasia and Africa.

They will increase "showing the flag" and continue "gun boat diplomacy" in Eurasia and Africa.

They will foster Communism worldwide through aid and subversion.

When they are ready, they will confront us with superior force in a place like Israel or Korea and we will be forced to back down.

If I have shocked you by saying that this great nation of ours is approaching a point where it could be faced down at sea, such was my objective. I feel it my duty to give you the facts so that you may understand the situation.

In the final analysis, the Navy is the deciding military factor which enables the United States to be an international power.

This is not to belittle the vital contributions made by the other services to the combatant strength of the country. On the contrary, the contributions of the Army, Marines, and Air Force are willingly conceded.

But, it is the unique functions of the Navy which permits the United States to be an international power.

Having heard the deplorable status to which we have allowed our naval strength to deteriorate and the repeated insinuations by the Chief of Naval Operations that the Soviet Union is our adversary, it is only proper that one should ask: "Well, what do we do about this sorry state of affairs?"

First, the Congress should appropriate the necessary funds to bolster our Navy as well as the Army, Air Force, and Marine Corps—regular and reserve forces—to provide adequately for the common defense. Secondly, the Congress should reassert its power to declare war so that our fighting men will know who the enemy is they are fighting and so that the country can unite in their support. While the Chief of Naval Operations tells us that the Soviet Union is our adversary and is escalating its armed might, the President seeks favored nation trading treatment for the Soviet Union and more spending in social programs. And, finally, our military should never be committed where they are not to be allowed to conclude wars with victory as quickly as possible using conventional weapons.

For if we lose our will to defend our liberties, we lose our country, our civilization, our all.

CANCER INSTITUTE DIRECTOR VISITS CENTER AT BUFFALO

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DULSKI. Mr. Speaker, the National Cancer Act of 1971 was signed into law last month, setting the stage for a massive national effort to find a cure for cancer.

Over the years, medical science has made great progress in cancer research and treatment.

I am particularly proud of the great achievements which have been made in my home city of Buffalo, N.Y., at the oldest and one of the largest cancer centers in the Nation, Roswell Park Memorial Institute.

During the hearings last fall on the cancer legislation by the House Subcommittee on Public Health and Environment, one of the witnesses was Roswell Park's director, Dr. Gerald P. Murphy. Later, the subcommittee concluded its hearings with an on-site session at Roswell Park which was combined with an inspection of the facilities.

Last week, the director of the National Cancer Institute, Dr. Carl Baker, visited Roswell Park for 2 days where he met with the excellent staff and saw the State-backed institution in full operation.

Dr. Baker described the Roswell Park facility as "one of the great cancer research centers in the world."

Mr. Speaker, as part of my remarks, I include the texts of news stories on Dr. Baker's visit:

[From the Buffalo Evening News, Jan. 14, 1972]

CONQUEST OF CANCER IS FORESEEN BY HEAD OF U.S. RESEARCH DRIVE

(By Mildred Spencer)

Victory over cancer through a concerted national effort is a realistic goal, the director of the National Cancer Institute said here today, even if scientists do not yet have all the basic knowledge needed to achieve it.

Dr. Carl Baker, who is visiting Roswell Park Memorial Institute today and tomorrow, agreed that scientists must learn more about control mechanisms in cells—"what turns on and what turns off the cancer cell"—before the cancer effort will be where the space effort was when the first national space program got under way.

But he believes that knowledge in the cell field is increasing so rapidly that discovery of "this last link in the puzzle" is close at hand.

FUNDING DECISION TO COME

The federal government has approved an acceleration of the attack on cancer over the next three years with a maximum budget of $1.6 billion. The actual allocations must be approved individually each year.

"The government has said," Dr. Baker pointed out, "that we can have up to $1.6 billion. That is no assurance that we will get that much. We shall have to justify the need for the funds as we have had to do in the past.

"Nor will the increase in federal funds cut down on the need for funds from state, local and private sources. The federal government will still want assurance that these other agencies are contributing—that they care enough for programs in their areas to give them their support."

The new national cancer plan has seven main objectives, the Washington-based scientist pointed out. They are:

To identify cancer-causing agents and protect people against them.

To modify individuals, for example by vaccination, so that they are less likely to develop cancer.

To prevent the conversion of normal cells to those capable of forming cancer.

To prevent cells capable of forming cancer from doing so.

To accurately estimate the risk of cancer in individuals and groups as an aid to preventing or curing it.

To cure as many patients as possible and control the disease in those who cannot be cured.

ON PLANNING TEAMS

Dr. James F. Holland, chief of medicine at Roswell Park, is chairman of the planning group concerned with the sixth objective, that of curing patients. A number of other Roswell Park Scientists also are serving on the planning teams.

The director of Roswell Park, Dr. Gerald P. Murphy, is working with Dr. Baker and the heads of other cancer institutions, to set up a managerial plan for the program. Dr. Murphy has been recommended as a member of a three-man panel to direct the over-all administration.

Dr. Baker had high praise for Roswell Park Memorial Institute, which he called "one of the great cancer research centers in the world."

[From the Buffalo Courier-Express, Jan. 15, 1972]

ROSWELL VISITOR SEES TIDE TURNING IN WAR ON CANCER

(By Deborah Williams)

Dr. Carl Baker, director of the National Cancer Institute, Friday predicted that the conquest of cancer is a realistic goal even though scientists have much more to learn about the actual control of cells.

The national cancer director was here visiting Roswell Park Memorial Institute Friday and today to view new facilities at the institute and speak with scientists.

LAST LINK

"Cell control is the last link in the cancer puzzle and although we are not quite there a concentrated national effort can achieve that goal," he said.

President Nixon recently signed a $1.6 billion bill to finance a three-year cancer program which will stress research but also will provide for the early detection of oral, cervical and breast cancer and authorize creation of additional cancer institutes.

HEARINGS ON FUNDS

However, Dr. Baker stressed that no money has yet been allocated under the program and congressional hearings still must be held to determine how much money actually will be appropriated.

He said that a group of Roswell Park scientists including Dr. Gerald P. Murphy, director of the institute have been meeting with other top cancer scientists throughout the country to draw up a list of objectives to be followed in attacking the cancer problem.

They are:

REDUCE EFFECTS

—Identifying the cancer causing agents such as chemicals, radiation and viruses.

—Determining what can be done to the host individual to reduce the effects of the cancer causing agents.

—Determining the transformation process a cell undergoes from normal to cancerous. Dr. Baker said scientists are particularly interested in this aspect of the problem.

POPULATION GROUPS

—A systematic study into various population groups to determine why certain groups seem to be more susceptible to certain types of cancers. This objective would also involve improving detection and diagnosis.

—Evaluation of cancer therapy, Dr. Baker said that Roswell Park has been a forerunner in developing evaluation techniques among its patients.

—To cure as many patients as possible and control the disease in those who cannot be cured.

HOLLAND CHAIRMAN

—Rehabilitation of cancer patients including cosmetic, psychological and physical.

Dr. James F. Holland, chief of medicine at Roswell Park, is chairman of the planning group concerned with the objective of curing patients.

Dr. Murphy emphasized that it is not the intention of the federal government to supply federal funds in place of existing local support for cancer research programs.

EXPAND FACILITIES

"We hope to qualify for federal funds under this program and use them to expand our facilities and research programs," he said.

Dr. Baker praised the tremendous support the State of New York has given to Roswell Park over its long history and termed it "one of the great cancer research centers in the world."

He stressed that the cancer bill will not be primarily concerned with the delivery of medical care to cancer patients because that is part of a much broader problem which the federal government is presently wrestling with.

"However we hope to work with various public health agencies especially in the area of prevention," he said.

I WONDER WHO IS KISSINGER NOW?

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHMITZ. Mr. Speaker, with all the news reports these past few months of the multifaceted abilities of Presidential Adviser Henry A. Kissinger and his vaunted expertise in dealing with the Peking Communists, many concerned Americans have been asking themselves how in the world such a relatively unknown personality could have moved so fast in so short a time to become at least the second most powerful official in Washington.

Born in Germany in 1923, and emigrating to America in 1938, Kissinger was appointed Director of Nuclear Weapons and Foreign Policy Studies for an organization known as the Council on Foreign Relations—CFR—in 1955. At the urging of a fellow Harvard professor, William Yandell Elliot, Kissinger became a member of the Council on Foreign Relations and a contributing editor of its influential monthly publication, Foreign Affairs.

Professor Elliot was one of a sizable number of CFR members whose names had cropped up in 1953 during hearings conducted by the Senate Internal Security Subcommittee into the activities of the Institute of Pacific Relations. After thorough investigation the IPR was found to be "an instrument of Communist policy, propaganda, and military intelligence." To quote further from that Senate report:

> Members of the small core of officials and staff members who controlled IPR were either Communist or pro-Communist.

In 1957, with the publication of his book "Nuclear Weapons and Foreign Policy," Kissinger came to the attention of the then Vice President Richard Nixon and other top Government leaders. He was moved up a notch by fellow CFR member Nelson Rockefeller—whose protege he has been since 1954—to become Rockefeller's chief foreign policy adviser. Then, oddly enough, Kissinger was chosen to compose position papers for the Democrat presidential candidate, Senator John F. Kennedy, who in the months to come followed Kissinger's advice on the Berlin crisis, urging the President to "enter negotiations with the Russians."

While serving the Kennedy administration as a consultant, Kissinger participated in a "Pugwash Conference," hosted by Soviet Apologist Cyrus Eaton, whose son later teamed up with Kissinger's boss Nelson Rockefeller to form a corporation which would "spur trade" with Communist nations and make American patents available for their use.

In March 1964, Kissinger reportedly attended a high-level meeting of international bankers, industrialists and diplomats at Williamsburg, Va. Known as the Bilderberg Group—named for their first meeting in 1954 in the Bilderberg Hotel at Oosterbeek, Holland, this powerful coterie of wealthy figures has been meeting secretly to discuss formation of a one world government. As a member of this group, Kissinger in 1965 advocated formation of a regional world government in his book "The Troubled Partnership" at the time he was also advising President Johnson to strive toward "a surrender of nationhood" and supervising secret talks with the Hanoi Communists as an adviser on Vietnam for the State Department. Indeed, it was through Kissinger's urging that Johnson called off all strategic bombing of North Vietnam, thus allowing the Reds another privileged sanctuary in Indochina.

In November 1968, shortly after the election of Richard Nixon, Kissinger was appointed by the President-elect as his top national security advisor. He was to work in the same capacity for Mr. Nixon as CFR member McGeorge Bundy had worked for President Kennedy and as CFR member Walt W. Rostow had worked for President Johnson. In January 1969, Kissinger made his foreign policy views crystal clear in an issue of the CFR publication Foreign Affairs, where he advocated that South Vietnam form a coalition government with Communist Vietcong participation. In the months that followed he arranged for the Rand Corp. to draw up a study for the purpose of outlining plans to restore political, economic, and cultural relations with Communist Cuba. He then played a major role in inducing the National Council of Churches to call for dropping the U.S. quarantine of Cuba and reestablishing diplomatic relations with Fidel Castro. Kissinger even went so far as to order a feasibility study to be drawn up to see how the anti-Communist government of Brazil might be overthrown.

Each year for many years a number of top U.S. Government officials have been invited to attend an annual celebration of extreme importance at the Soviet Embassy in Washington, D.C. A picture in the Washington Post of November 6, 1971 shows two grinning men with raised champagne glasses. The caption reads:

Presidential advisor Henry Kissinger toasts the health of Soviet Ambassador Anatoliy Dobrynin. . . .

He was attending a celebration at the Soviet Embassy for the 54th anniversary of the Bolshevik Revolution. Kissinger had just the day before been named by the President to head the new National Security Council Intelligence Committee—the most important and powerful post in our Government, second only to that of President. Kissinger's cordiality was of singular interest since according to the FBI Ambassador Dobrynin is the most dangerous KGB agent now operating in the United States—the head of all Soviet espionage activities in our Nation.

PEACE AT ANY PRICE

HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ROONEY of New York. Mr. Speaker, on the day before yesterday, January 18, 1972, there was inserted at page 199 of the CONGRESSIONAL RECORD of that date an extension of remarks by one of our colleagues which included a pastoral issued by His Excellency, the Most Reverend Carroll T. Dozier, the Roman Catholic bishop of Memphis, Tenn. The member who inserted this pastoral described it as "extraordinarily fine," but failed to indicate that it did not state the true Catholic position and that Bishop Dozier's position on the Vietnam war was clearly contradicted in an interview of His Eminence John Cardinal Krol, president of the U.S. Bishops' Conference on the NBC television network last January 9.

In this connection, I include with these remarks an extraordinarily fine newspaper article by the Reverend Daniel Lyons, S.J., entitled "Peace at Any Price Preached by Bishop," published in the Sunday, January 16, 1972, issue of the National Catholic Register:

PEACE AT ANY PRICE PREACHED BY BISHOP

(By Father Daniel Lyons, S.J.)

In contradiction to his fellow bishops, the Most Rev. Carroll Dozier of Memphis, Tennessee, has called for immediate, unconditional, unilateral withdrawal of U.S. troops from Vietnam. His statement appeared in Commonwealth magazine December 24, apparently written almost immediately after the U.S. bishops made their official statement that the war be ended as soon as it reasonably can. His 5,700 word statement was read in all the parish churches in Memphis.

Bishop Dozier, who was installed as the first bishop of Memphis last January, disagreed substantially with the position of his fellow bishops. He called for an end to the war immediately, regardless of what might happen to our POW's, regardless of whether South Vietnam and other countries might be conquered as a direct consequence.

The Memphis bishop declared that "war is no longer tolerable for a Christian." He made the declaration despite the statement of Pope Paul at the United Nations that "as long as man remains as he is, defensive arms, unfortunately, will be necessary."

In calling for peace at any price, Bishop Dozier placed peace above justice, though Pope Paul the same week condemned "the appearance of peace" imposed "by the use of force." In his now famous, January 1st statement: "If you want peace, work for justice," the holy Father challenged the notion that peace resulting from conquest or tyranny is true peace. Peace worthy of the name must be stable, explained Pope Paul, and it must be "a just and human peace."

There is no peace where it exists with force, explained the Pope. Strongly condemning "irrational despotism" and "coercive repression," the sovereign Pontiff cried out: "How false was the peace imposed only by superiority of power and force."

"Peace is not treachery," he insisted. "Peace is not a lie made into a system. Much less is it pitiless totalitarian tyranny." It is difficult, but essential, he said "to form a genuine idea of peace." Explained Pope Paul: "A peace that is not the result of true respect for man is not true peace. And what do we call this sincere feeling for man? We call it justice." He lamented: "Why do we waste time in giving peace any other foundation than justice?"

Yet Bishop Dozier calls for surrender no matter what the price. He said nothing about protecting the 15 million people in South Vietnam from a Communist takeover. Quite the contrary. He unjustly condemned all South Vietnamese soldiers as mercenaries, and even complained that Vietnamization is using South Vietnamese soldiers to keep that country free.

Peace at any price? Not even the South Vietnamese, according to the bishop, should defend their freedom against unjust aggression. The bishop went so far as to encourage all Catholics to write their elected leaders, encouraging them to end the war in Vietnam immediately, regardless of the consequences.

The bishop does not call for the peace with justice of Pope Paul. He calls for the peace of Communist prisons, the peace of the firing squad, peace without any regard for justice. To call that peace is a farce.

Bishop Dozier has asked his priests "to make our pulpits beacons of truth pointing to peace. Sermons must be given," he declared. But must the sermons be based on the truth as he interprets it? Or may they contradict his views and follow the official position of the U.S. bishops?

May the priests contradict their bishop's interpretation and use instead the truth as spoken by the bishops in Vietnam, whom I have often consulted? May they use the truth as told them by chaplains and laymen who have spent years and risked their lives in Vietnam, the vast majority of whom believe South Vietnam should be defended?

May the priests in the diocese of Memphis base their views on that classic statement of the Second Vatican Council, which the U.S. bishops quoted with approval a few years ago, that soldiers who fight against aggression are "instruments of security and freedom on behalf of their people."

The reason Bishop Dozier was not able to get his fellow bishops to agree with him at their recent national conference in Washington is that his is not the true Catholic position. According to his views on pacificism, not even the police are permitted to defend innocent children.

His position was clearly contradicted, in a special interview of Cardinal Krol, president of the U.S. Bishops' Conference, on the NBC television network January 9th. In the interview the Cardinal explained why the bishops refused to adopt such a position as that taken shortly after their meeting by Bishop Dozier.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

STATE DEPARTMENT DECEPTION ON CAMBODIA REFUGEES

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. ASPIN. Mr. Speaker, on December 15, I called upon Secretary of State William Rogers to immediately provide refugee relief for an estimated 2 million Cambodians who have been driven from their homes since the war in Indochina spread into that country.

I have received a response that I find quite frankly, unbelievable. The Department of State asserts that few, if any, refugees have been created by the bombing of Cambodia. This is simply not true. A still unreleased GAO study reveals that at least 2 million Cambodians have been driven from their homes, and the war has resulted in 30,000 casualties. Since March, 1970, the United States has run tens of thousands of bombing sorties over Cambodia. There is no doubt that thousands of Cambodians have been driven from their homes as the result of American bombing. Yet, the administration is unwilling to accept any of the responsibility for a refugee problem that it has enlarged and, in part, created.

Not only does the State Department claim that we are not responsible for the creation of the refugees, but they also claim that the Cambodians have not asked for help. The Cambodians have asked for help, but on an informal basis. Their pleas have been rejected and, at one point, the Cambodian government was advised to seek refugee aid from the Soviet Union or Japan. It may be true that the Cambodians have not made a formal application for aid. It surely would be foolish for them to make a formal application after the informal pleas have been totally rejected.

On the basis of what I find to be a totally unsatisfactory response to my request for aid for Cambodian refugees, I have renewed my appeal to Secretary of State Rogers to provide relief for 2 million innocent Cambodians. I believe that it is high time that this administration faced up to the fact that it bears much of the responsibility for Cambodia's refugee problem.

The letters follow:

JANUARY 10, 1972.

Hon. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. ROGERS: Thank you for the response to my letter of December 15 regarding refugee relief funds for Cambodia, which was written by Mr. Harrison M. Symmes, the acting Assistant Secretary for Congressional Relations.

Frankly, I am surprised by both the content and the tone of the letter. As a result I am writing today to renew my request for the re-programming of funds or the necessary provision for new funds for the relief for an estimated two million Cambodian refugees.

I disagree with the Department's assertion that "few, if any, refugees" have been created by our bombing of Cambodia. At least 20,000–30,000 have been killed or wounded in the fighting in Cambodia. Many of them undoubtedly have been victims of our bombing. Thousands of others have fled from their villages as a result of both American bombing and invading North Vietnamese/Viet Cong. I believe that it is unconscionable for the American government to disclaim all responsibility for millions of refugees while our bombers continue flying hundreds of sorties over populated parts of Cambodia. I am even more surprised by the fact that in his letter, Mr. Symmes implies that since the majority of the bombing sorties have been flown by the South Vietnamese and Cambodian air forces, we have no responsibility for the results. Is that to say that the Nixon doctrine means we arm our allies, allow them to do any damage necessary, and then refuse aid to the innocent victims of those actions? If correct, I find this to be most disturbing attitude on the part of the Department.

In his letter, Mr. Symmes also indicates that the Cambodian government has not made a formal request for refugee aid. Of course they have not formally requested aid after our embassy in Phnom Penh rejected their informal pleas suggesting that they seek medical supplies from the Russian or Japanese governments. I hope that the Department does not seriously expect the Cambodian government to apply for funds after their informal attempts have been rejected.

As the forthcoming GAO report indicates, the Cambodian society has been thrown into chaos by the war which spread into that country in March 1970. There are about two million refugees or displaced persons. Many of them need aid and need it now. With American bombers daily pounding the countryside of Cambodia, it is high time that this Administration faced up to the fact that it bears much of the responsibility for Cambodia's refugee problem.

As a result of our policy of employing air power where ever necessary to interdict in rural areas many people have been forced to leave their villages. Therefore, I am again today calling upon you to provide the funds necessary to help Cambodian refugees. The least we can do is aid the innocent Cambodians that our bombs have driven from their homes.

Sincerely,

LES ASPIN,
Member of Congress.

DEPARTMENT OF STATE,
Washington, D.C., January 4, 1972.

Hon. LES ASPIN,
House of Representatives,
Washington, D.C.

DEAR MR. ASPIN: The Secretary has asked me to reply to your letter of December 15, particularly since it provides the Department an opportunity to clarify the Administration's position with regard to refugees in Cambodia.

The Department of State has not received a copy of the report by the General Accounting Office to which you refer. However, I believe that the refugee figure you cite is one which probably represents an estimate of the total number of persons, including dependents of Cambodian military personnel, who have been displaced, however temporarily, during the course of Cambodia's resistance to North Vietnamese/Viet Cong aggression. Many of these people have undoubtedly returned to their homes, as the fighting shifts from one area to another. Others are living with friends and relatives.

According to the information available to the Department, the largest group of persons who are indefinitely displaced from their homes are those who have fled from those regions of Cambodia which are occupied by the North Vietnamese Army. To our knowledge, few, if any, refugees have been created by United States bombing in Cambodia. In this regard, I would note that the vast majority of tactical air sorties in Cambodia are flown by planes of the Cambodian and South Vietnamese Air Forces.

The policy of the United States Government in Cambodia is a clear application of the Nixon Doctrine in that we are supplementing with material and financial aid the efforts of the Khmer people and Government to defend their country from foreign aggression. Our assistance includes both PL-480 food and substantial economic aid. However, our Government does not set the priorities for programs of the Government of Cambodia nor do we provide assistance which has not been requested by the Cambodians. To date we have received no request from the Cambodian Government for direct assistance to refugees.

Thus, in summary, I do not believe that U.S. bombing has created large numbers of refugees in Cambodia. The refugees who do exist are being cared for by their own Government which has available to it economic assistance and foodstuffs from the United States which can be and, to some extent, are being used to ease their plight.

I hope that the foregoing will serve to clarify for you the policy of our Government toward the Government and people of Cambodia.

Sincerely,

HARRISON M. SYMMES,
Acting Assistant Secretary for Congressional Relations.

HELLO CONSUMERISM, GOODBY AMERICA

HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. BROYHILL of Virginia. Mr. Speaker, a friend and constituent of mine, Mr. Bob Peck of Arlington, Va., recently called my attention to an excellent speech delivered by Thomas R. Shepard, Jr., publisher of Look magazine on April 8 of last year.

Mr. Peck feels, and I agree, that it is time to take a new and closer look at the so-called consumerism which is demanding so much of the public's attention to alleged faults in our system. He feels that Mr. Shepard has done an excellent job of pointing out the fallacy of some of the "consumerists" arguments.

As I believe all who read this RECORD, consumers all, will find Mr. Shepard's remarks of interest, I include excerpts from his speech, "Hello Consumerism, Goodby America," at this point in the RECORD:

HELLO CONSUMERISM, GOODBY AMERICA

Good afternoon, ladies and gentlemen. Or perhaps I should say good afternoon, polluters, poisoners, connivers, charlatans, rogues, tricksters, warmongers, racists and unconscionable crooks.

Those aren't pretty names, but I assure you they are the names by which you, as American businessmen, are referred to by a large number of your fellow citizens.

To me, consumerism, as presently constituted, represents a major threat not only to the companies we work for but to the entire socio-economic system on which this nation was founded and through which it has flourished.

And I'll go one step further. To me, consumerism is the most insidious peril ever to confront the American consumer himself.

My target is that small but vocal group of far-out activists who keep badgering the United States Congress and various federal agencies for additional controls over industry on the premise that, without these controls, our nation is doomed to ecological and economic destruction. In a previous talk, I called them "The Disaster Lobby," and that's precisely what they are.

And what do we do to counter all of this? We form a bunch of committees to cooperate with the consumerists in the hope that this gesture of good faith will get them off our backs.

Well, ladies and gentlemen, it *won't* get them off our backs—not if we spend all of our time and money doing it. Because the truth is that the nation's hard-core consumerists are not the least bit interested in having us cooperate with them. They don't *want* us to clean our own houses. What they want are the *houses*—cellar to attic. What they want is for the government of the United States to take over our companies and operate them along consumerist guidelines.

These champions of galloping socialism have the support of many thousands of influential Americans in and out of government—Americans who, for some reason, feel guilty about living in the richest, most powerful nation on earth and who have apparently decided that the best way to get rid of that guilt feeling is to turn us into the poorest, *least* powerful nation on earth.

The evidence I see clearly indicates that our nation's front-line consumerists do not intend to stop with a handful of new laws and regulations affecting American business. As I said before, their final objective appears to be nothing less than the unconditional transfer of private industry into public hands.

A recent bulletin from the United States Chamber of Commerce points up what I am talking about. Reporting on new trends in consumerism, the bulletin stated—and I quote—"Public interest groups will demand Federal control over aspects of corporate activity now unregulated by government, such as composition of boards of directors. The ultimate goal: a complete democratization of American business." I call it nationalization.

Mr. Nader is also a devout advocate of the nationalization of industry. In a speech in Providence, Rhode Island—and I quote now from an Associated Press dispatch—"Ralph Nader proposed that corporations that abuse the public interest should be transferred to public trusteeship." In an interview for The New York Times Mr. Nader called for Federal chartering of all corporations. By any name, it would mark the end of free enterprise, and make no mistake about that.

The consumerists don't want self-regulation. One of Ralph Nader's associates, Mrs. Aileen Cowan said nothing short of government intervention would be acceptable.

All right, we know the nature of the threat. There is nothing to be gained in cooperating with the Ralph Naders of America. They are against free enterprise. They are the enemy.

Let's start by acquainting our fellow Americans with the fact that much of what they have been hearing from the consumerist lobby is hogwash, drivel and poppycock.

Let's show the public, for example, that there is no truth whatsoever to the charge that we are running low on oxygen as a result of fuel-burning by industry. The National Science Foundation recently collected air samples at seventy-eight sites around the world and discovered that the amount of oxygen in the air—twenty point nine five per cent—is precisely the same today as it was in Nineteen Ten.

And while we're exposing the truth about pollution, let's remind America that the bulk of the cleanup was *not* the result of pressures by any Disaster Lobby but stemmed instead from private industry's development of cleaner fuels, such as oil and natural gas, as replacements for coal.

Let us also identify as blatant falsehoods those accusations about the mercury in tuna fish. Fish caught forty-four years ago in a remote lake in the Adirondacks—scores of miles from the nearest factory—contained twice as much mercury as any fish processed this year.

Let us also tell the truth about those animals that are becoming extinct. Our factories aren't to blame for them, either. If our early ancestors had been as silly as we are about trying to save animals from extinction, we might today be up to our eyeballs in dodo birds.

Let us advise our fellow Americans to stop believing that consumerist malarkey about pesticides. DDT—by killing insects responsible for such diseases as malaria and encephalitis has saved the lives of hundreds of millions of human beings. And, except for accidental misuse, it hasn't harmed a single person.

And let's speak up with regard to the rest of the hokum circulated by consumerists who are out to stampede us into a new socio-economic system.

And let's tell our fellow Americans not to get overly alarmed about unemployment. We've had less, but we've also had more—much more. Like *twenty-five* per cent in the *recovery* days of Franklin Roosevelt's second term!

And let's tell the people of America something about ourselves and about free enterprise in general. About the convenience foods and labor saving appliances that have cut the average housewife's kitchen chores from five hours a day in Nineteen Hundred to an hour and a half today and, as a result, have done more to liberate women than all of the braburners in Washington Square. About the fact that, while consumer spending has skyrocketed from four hundred and thirty billion dollars a year in 1965 to over six hundred billion in 1970—a gain of forty-four per cent—corporate after-tax profits have actually declined by about three per cent.

And of course, let us set the record straight about the consumerists themselves. Let's tell the public about the curious lack of ethics of consumer lobbyists who pervert the truth in an attempt to get the laws they want.

But above all, ladies and gentlemen, let's acquaint the people of America with the very solid fact that, if free enterprise disappears as a result of consumerist pressures, their freedom will disappear with it.

Their freedom to buy milk by the quart, even though some government economist has decided that quarts are impractical and that milk should be sold only by the gallon.

Their freedom to buy a red convertible in the face of a government determination that black sedans are more economical. Their freedom to eat the least nutritious breakfast cereal if they happen to like the taste. Their freedom to do business with the retailer that serve them best because only in a system of free enterprise can the consumer select the people he wants to patronize.

Their freedom, in short, to live their lives the way they want to—whether or not it's the most economical way. In the opinion of some paternalistic government bureau.

Let's quit talking only to each other. If we wait much longer before speaking up for free enterprise, we may have to ask Ralph Nader for permission.

SPACE: GETTING PRACTICAL

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. TEAGUE of Texas. Mr. Speaker, the Huntsville Times of Tuesday, December 14, 1971, carried a brief but significant editorial on the organization of our national space program. This excellent editorial points out that NASA now has a separate organization for space applications and the application of space techniques to our down-to-earth problems. A publication of the Committee on Science and Astronautics also speaks to that same important issue—the opportunities to derive direct practical benefits from our national space program. That publication is entitled "For the Benefit of All Mankind." This new organization within NASA can only help to increase the great return for our investment that is accruing from our national space program developments.

The editorial follows:

SPACE: GETTING PRACTICAL

We were delighted to see the National Aeronautics and Space Administration announce the other day the creation of a special, high-level office to manage the agency's "most important new thrust"—the application of space technology to down-to-earth problems.

The vast knowledge and know-how harvested from America's space program have already been put to manifold valuable uses on earth, of course. But the taxpayers, for the most part, seem not to have perceived the full extent of all this space spin-off.

NASA's new emphasis on this aspect should result not only in an increased yield of practical applications of space technology, but hopefully also in a heightened public awareness and appreciation of this bumper crop.

For some, our answering the challenge of the unknown has been justification enough for the spending of billions of dollars on space exploration. For others, the presence of Soviet competition in space has necessitated it for nationalistic reasons. But it seems to us that widespread public support of a vigorous, viable American space effort can now be marshaled only if Mr. and Mrs. John Q. Taxpayer are convinced our investment in space is paying off sufficiently in tangible, ultilitarian ways that benefit their lives.

Space flight, to many, has lost much of its fascination, now that the primeval dream has become reality. Much of its novelty has worn off, and those who foot the space bill have grown somewhat hard-nosed about getting their money's worth. Man must continue, of course, to reach out in exploratory, speculative ventures without demanding immediate practical returns, for such "impractical" strivings invariably have led eventually to solid benefits. But the hard reality remains: Space exploration and utilization, if it is to advance at a healthy pace, must now become more of a paying proposition.

NASA's establishment of an "earth applications" department is a promising step in that direction. If anything, it is years overdue.

TOWNSHIP'S NAMESAKE A RATHER RADICAL AND CONTROVERSIAL FIGURE

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. McCLORY. Mr. Speaker, recently a new publication appeared in my congressional district appropriately titled "The Fremont Patriot." This weekly newspaper published by the Frontier Publishing Co. is in addition to the Vernon Town Crier and the Wauconda Leader, which are published by the same

concern. The publisher, Joyce L. Klug and the executive editor, Tom Smith, have forwarded me a copy of the first issue.

This readable publication contained a most illuminating article regarding the career of John Charles Fremont, after whom Fremont Township and the Fremont paper have taken their names.

Inasmuch as this historical article is the result of careful research by George Bell, the Fremont Township supervisor, and the editorial staff of the Fremont Patriot, I am taking occasion to reproduce the article here. Entitled "Township's Namesake a Rather Radical and Controversial Figure," the article describes the first Republican candidate for President of the United States, John Charles Fremont. The Fremont Patriot article is as follows:

TOWNSHIP'S NAMESAKE A RATHER RADICAL AND CONTROVERSIAL FIGURE

Fremont Township's namesake was, in his day, never quite in tune with other early settlers, something of a radical and a political nonconformist.

John Charles Fremont, note historians, was a well-known dramatic and controversial figure in American history. He was a famous American explorer and this country's first Republican presidential candidate in 1856.

Pioneer reporter and writer of his experiences on his expeditions through the Southwest, Rocky Mountains and California, Fremont was known as "The Path Finder" through his explorations.

"A History of Lake County, Illinois," published by Roy S. Bates in 1912, outlines the life and exploits of this early pioneer.

Fremont was born in Savannah, Ga. in 1813 after his parents eloped, but never married.

He qualified for college, and although he showed promise, he was expelled for "incorrigible negligence." Fremont had sufficient training, to qualify as instructor of mathematics on a sloop of war.

He clandestinely dated and later married daughter of Senator Thomas Hart Benton, after whom Benton Township was named and was named to conduct an official reconnaisance of the Continental Divide.

Engaging the famous Kit Carson as a guide, he charted what was reported to be the most favored route toward Oregon. Known as "The Path Finder," Fremont's other expeditions took him through the Southwest, Rocky Mountains and California.

Although his name was on everyone's lips in the mid-1800's there seems to be no record that John Charles Fremont was ever around the Fremont area.

In 1850, he gave permission to use his name for Fremont Township when early settlers were unable to decide which one of the various family factions should give its name to the township. They settled, instead, on the famous figure of Fremont.

A daring, respected and famous American Army officer, Fremont was court martialed for disobeying orders and charged with mutiny, but was later cleared of the latter charge.

Discovering gold on a California land grant he bought in 1847, Fremont was elected one of California's first two senators.

In 1856, John Charles Fremont was nominated presidential candidate in the first Republican party convention held in Rockford. He lost the presidential election to James Buchanan, the Democrat. However, Fremont carried Lake County by a vote of 2,347 to 558—and the township by a vote of 149 to 9.

With the outbreak of the Civil War, Fremont was made commander of the Department of the West, where he again came into conflict with higher authority. When he arbitrarily declared martial law and issued an order freeing the slaves in Missouri, President Abraham Lincoln, embarrassed by this premature act and nettled by Fremont's other political and military mistakes, relieved him of his command.

Because he was still popular with the radical element of the Republican Party. Fremont was assigned command in 1862 of the Mountain Division. He later asked to be relieved when this command was consolidated under a junior officer whom he strongly disliked.

He had backing for the Republican nomination for the presidency in 1864, but in the interest of party welfare, withdrew his name, historians say.

In the late 1860s and 1870s, Fremont was active in railroad building projects, notably the Memphis and El Paso, which went into bankruptcy and left him virtually penniless. He was governor of the Territory of Arizona from 1878–1883 and spent the remaining years of his life in New York City, Washington D. C. and Los Angeles.

In 1890, Congress voted him the rank of major general and placed him on pension at $6,000 a year. He died three months later.

Several historians have written about the life style of John Charles Fremont and he himself published at least three works dealing with his expeditions and memoirs.

Four other places bear Fremont's name: Cities of Fremont in Michigan, Nebraska and Ohio as well as Fremont Peak mountain in Wyoming in the Wind River Range.

The history book says about the township that was named after the intrepid officer, explorer and politician:

"Probably no other town in the county showed more public spirit and patriotism in the trying times of the Civil War than did the town of Fremont.

"In 1860 there were cast in the Town of Fremont 195 votes and during the war at least 120 different men enlisted from that town.

"When the war closed, 34 of those sent from the town were dead, many of these having been killed or mortally wounded in battle and others dying in southern prisons.

"Few townships in the state furnished so large a percentage of volunteers, and so many soldiers killed in battle."

Information from the history book was provided by George Bell, Fremont supervisor, who obtained it from the State Historical Library in Springfield.

FOR THE BIRDS

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. WALDIE. Mr. Speaker, one of the greatest tragedies that results from oil spills along our Nation's coasts is the great loss of mammal and bird life. These oil spills bring death and destruction to the entire spectrum of living organisms.

In the past, the mortality rate of birds affected by these oil spills has been over 95 percent.

Recently, I was pleased to read an article in the Washington Evening Star, written by Sandra Blakeslee, which reported a new process for cleaning oil-covered birds. Dr. James L. Naviaux, a veterinarian of Pleasant Hill, Calif., and a personal friend and constituent of mine, has developed a new solvent which removes oil from the feathers of the bird while increasing their survival rate to more than 75 percent.

Mr. Speaker, I feel this a most important and worthwhile development. I would like to include this excellent article in the RECORD so that my colleagues can benefit as I have:

[From the Washington Star, Jan. 3, 1972]

LIFE FOR OIL-SLICKED BIRDS

(By Sandra Blakeslee)

SAN FRANCISCO.—A California veterinarian working with a grant from an oil company has developed the first highly successful technique for saving wild birds from the lethal after-effects of oil spills.

Up to now it has been common for less than 5 percent of the birds caught in major oil spills to survive the arduous ordeal of cleanup procedures. It is now possible to save more than 75 percent of oil-soaked birds, according to Dr. James L. Naviaux, a veterinarian with offices in Pleasant Hill, Calif.

Naviaux become involved with the problem in February, when thousands of birds in San Francisco Bay were soaked by oil after two Standard Oil tankers collided in the mouth of the bay. Naviaux, as founder and director of the National Wildlife Health Foundation, knew more than most about how to handle distraught birds, and he hoped to direct and advise many of the local rescue operations in the days and months that followed the oil spill.

ONLY 5 PERCENT SAVED

The outcome was not satisfactory, Naviaux said in a telephone interview. After months of expensive, demanding care, fewer than 5 percent of the more than 4,000 birds rescued managed to survive.

Since February, however, Naviaux has been working with a $10,000 grant from the Standard Oil Co.

"We had to figure out just what gives the birds' feathers water repellency," Naviaux said. "Earlier, we were concerned about leaving the natural oils and waxes on the feathers because we thought the oils played a crucial role in water repellancy. We didn't like to use detergents because we thought they stripped off the necessary oils, leaving birds vulnerable to water and to cold.

Now, through experiments, Naviaux has found that a single bird's feather can be totally defatted—stripped of all oils and waxes—and still remain water repellent.

DETERGENTS LEAVE RESIDUES

Detergent cleaning fails, Naviaux said, because detergents leave microscopic residues on the feathers which then attract water. Mineral oil as a cleanser left the birds' natural oils intact but failed to clean the feathers thoroughly. The birds had to preen off residues by themselves.

With the help of Dr. Alan Pittman, a U.S. Agriculture Department scientist at the Western Regional Laboratories in Albany, Calif., Naviaux began to try various cleaning agents on experimental mallard ducks.

The best solvent, the two have found, is a substance called Isoparaffin 150, a purified hydrocarbon used in the paint industry and as a charcoal lighter fluid. Perhaps ironically, all major American oil companies make Isoparaffin 150, since it is a normal byproduct of oil refineries. The substance is cheap for oil companies to produce, abundant, and it can save birds' lives.

WEEKLY REPORT TO NINTH DISTRICT RESIDENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HAMILTON. Mr. Speaker, I include the text of my January 3 weekly

report to Ninth District residents, which reviews the concerns of the first session of the 92d Congress.

WASHINGTON REPORT

Foreign and economic policy dominated the concerns of the Congress in 1971.

Foreign policy—The 92nd Congress, following the example of the 91st, challenged the President in a series of legislative tests on national security policy. Vietnam debate centered on the Mansfield amendment, a proposal to set the date for all troops to withdraw, subject only to the release of American prisoners of war. The amendment passed three times in the Senate, was diluted twice in House-Senate conference committees, and was rejected once. There was, however, a gradual trend towards support of the Mansfield amendment, as evidenced by the votes.

The Senate stunned itself by rejecting foreign aid. But it was clear at the end of the First Session that foreign aid was not dead, and the program was continued, although at a far lower level than the President wanted. Intense struggles to limit the President's authority to shift funds without Congressional approval are still unresolved.

An unsuccessful effort also was made in the Senate to reduce the number of American troops in Europe from 300,000 to 150,000. After extended debate, and even after the draft law had expired, the draft was extended for two years with a $2.4 billion pay increase for servicemen. The Congress reduced by $3 billion the President's military budget request of $73.5 billion.

The Senate probably will approve next year a measure to restrict the President's authority to enter into hostilities without Congressional consent. The reaction of the House is uncertain. The disagreement between the President and the Congress on foreign policy was less partisan than institutional, with the Congress seeking—sometimes hesitantly—a large role. In the end, the President prevailed in most of the disputes.

Economic policy—The President also received the support of the Congress for his new economic policy. The Congress extended the President's authority to regulate the economy by authorizing him to control wages, prices and rents, and passed a major bill cutting personal and business taxes by nearly $16 billion over three years. The bill repealed the 7 percent auto excise tax, provided business with a 7 percent investment tax credit and accelerated depreciations, and raised the personal income tax exemption from $650 in 1970 to $675 in 1971 and $750 in 1972. Both measures were requested by the President.

For the 27th consecutive year, the Congress reduced the President's total budget requests. This year, the reduction, mostly in military and foreign assistance programs, was $2.3 billion.

Other domestic issues—The Congress did not pass much, if any, of the President's program which he identified in his 1971 State of the Union address as the new American Revolution. It consisted of bills for full employment, welfare reform, environmental control, health care, revenue sharing and reorganization of the federal government. The full employment proposals were changed by the President when he substituted his New Economic Policy. Several of the other bills are pending for action in 1972, and all of them, except the reorganization proposals, have a chance of emerging in some form next year.

The major legislative achievements of the First Session include the extension of the draft, public service employment during times of high unemployment, and a 10 percent Social Security increase, a constitutional amendment lowering the voting age to 18 in all elections, tax reductions, a massive cancer research program, extension of the President's wage and price control authority, and extended unemployment benefits for States with consistently high unemployment rates.

In other action the Congress disapproved of the SST, the constitutional amendment to allow government-sponsored prayer in the public schools, and, in early 1972, will approve a bill to impose limits on the amount of money spent on political campaigns and to require disclosure of campaign contributions and expenditures.

The agenda for next year also includes: "no-fault" automobile insurance, minimum wage increase, strengthened Equal Employment Opportunities Commission, assistance to colleges and college students, and to help school systems desegregate, water pollution control, a consumer protection agency, a constitutional amendment to bar discrimination based on sex, and some form of national health insurance.

A reform voting procedure in the House, the recorded teller vote, increased attendance by about 150 percent, and required each House member to cast many more recorded votes.

WHAT'S GOOD ABOUT NEW YORK?

HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. HALPERN. Mr. Speaker, I wish to call to the attention of my colleagues the first of a welcome series of articles on what is good about New York entitled "Hey, Currier! Hey, Ives! See What We Got!"

Columnist Donald Singleton of the New York Daily News has managed to put into proper perspective the constant carping of New York City's myriad prophets of doom. The favorite indoor sport of reporters, columnists, and editorialists alike often seems to be picturing New York as a crime-ridden, smog-infested, overcrowded town—hardly the place for America's saner citizens.

Mr. Singleton, on the other hand, has focused on the quiet and beautiful scenes—such as the Central Park Wollman Memorial Ice Skating Rink—which reflect the spirit of humanity and grace characteristic of this amazing metropolis. Any true New Yorker knows that a modicum of suffering and inconvenience must be tolerated as the natural price of greatness. No one would be foolish enough to bill this city as a utopia, but it is about time someone called attention to the many humanizing aspects of the New York scene.

Mr. Speaker, I would like to congratulate Donald Singleton on his excellent series, and submit the attached article to the RECORD as articulate testimony to the inner serenity which often goes unnoticed by the fleeting bands of tourists, but which lies at the very heart of New York City:

[From the Daily News, Jan. 20, 1972]

HEY, CURRIER! HEY, IVES! SEE WHAT WE GOT!

(NOTE.—New York is not just crime, strikes, crowded subways and dirty streets. It is also a lot of good things—unnoticed and unsung things, like pleasant places, beautiful vistas, and people doing heart-warming deeds. These things need to be talked about too, and they will be in a new NEWS series called What's Good About New York.)

(By Donald Singleton)

It's a scene from some Christmas card, an artist's vision in pen and ink; a mirror meadow of ice, streaked with gracefully gliding skaters, nestled among the dark boulders and winter-gray trees of Central Park, the skyscrapers of midtown Manhattan looming majestically above, so close against the sky they almost seem painted on a huge canvas.

But the Wollman Memorial Ice Skating Rink is really there, as if the Christmas card scene had somehow come to life, with lilting organ music and the steely sound of skate runners on ice; with the laughter and shrieks of children darting one by one, and the silence of couples gliding two by two; with puffs of frozen breath vanishing in the cold wind, and the steam rising from hot cups of good cocoa and bad coffee in the shelter of the refreshment stand.

The skating rink is the magical kind of a place that brings out the best in New York City and the best in its people, who go there in droves, 10,000 to 12,000 of them every week. There is no need for competition, hostility, urgency; time passes slowly and easily; sounds are pleasantly muffled by earmuffs and scarves and coat collars.

The differences that separate people outside seem to draw them together at the rink—after all, what advantage can a Caroline Kennedy have over a kid from East Harlem or Chinatown when the admission is only a quarter? Are Johnny Carson's fingers any less numbed by the cold than the Bronx teenager's as they both fumble with their skate laces?

All the real world's economic realities are mocked gently at the rink. You put in a dime to lock your locker, and when you return to unlock the door your dime comes back to you. And the youngster who doesn't have a quarter to get in isn't entirely left out in the cold, either. There are free sessions at off hours, and the rest of the time the guards have been known to look the other way so the fence can be stopped.

KIDS AND THE TOPCOAT SET

Bundled-up kids who arrive on the BMT and the IRT, showing off their Christmas skates, men in suits and topcoats and women in maxi furs, who walk from Fifth Ave. and Central Park West apartments. There is the man who hasn't skated for 15 years, lurching and falling; the showoff who goes to the center of the ice to do loops and spins backwards; the kids, weaving in and out; the expert, going like the wind with his hands behind his back.

The rink is a special little oasis in the middle of the city, a place of peace and tranquility and togetherness.

"THESE ARE NOT EASY TIMES"—PRIME MINISTER CAETANO OF PORTUGAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. RARICK. Mr. Speaker, in a superb address delivered September 27, 1971, by Prof. Marcello Caetano on receiving compliments of the leaders of the National People's Action Movement on the occasion of the third anniversary of his investment as Prime Minister, the Portuguese Prime Minister enunciated his analysis of the road Portugal should

take in the trying days ahead. Hence the title of his discourse, "These Are Not Easy Times."

While pointing out that his government has been successful in "maintaining the defense of the overseas provinces against the subversion instigated on a growing scale by that incredible organization which goes by the name of the United Nations," Prime Minister Caetano informed his fellow citizens that the Portuguese Government has been concerned not to let Portugal drift further away from "the development standards of traditionally rich Europe, and to prepare the future in such a way that the younger generations might find a place in it and be able to act within it."

Expressing optimism in the face of adversities, the Prime Minister talked about love of country, unity, patriotism, placing the common good above individual interests, private initiative, individual responsibility, careful management of public moneys, the responsibiliity of the Government to keep citizens informed, and disallowing any form of defeatism or betrayal. These characteristics of good government and citizenship are the same as those which made the United States the leader of the free world.

To preserve one's country should be the first order of business of any responsible national leader.

So that our colleagues may have an opportunity to benefit from this outstanding speech by a true leader of a great nation, I insert the text of Prime Minister Caetano's address at this point in my remarks.

THESE ARE NOT EASY TIMES . . .

(By Marcello Caetano)

Members of the Central Committee of the National People's Action Movement, Mr. Chairman and members of the Executive Committee, Ladies and Gentlemen: I am most sincerely grateful to you for being here and above all for the work done in the last few days, and the resulting proposals for future action. I am expressing my gratitude not only in my capacity as Chairman of the Central Committee of the National People's Action Movement, not only as head of the Government but, together with these positions, as a Portuguese citizen.

It is absolutely necessary for all Portuguese worthy of the name to stand united about the leaders they have chosen and to help them to further and complete successfully the harsh, thorny tasks which lie before us. Of course my Government has worked hard, and has not shunned any effort or watchfulness. We have sought boldly to face national problems. We have been successful in maintaining the defence of the overseas provinces against the subversion instigated on a growing scale by that incredible Organization which goes by the name of the United Nations, and armed and subsidized by powerful interests. We neither weaken in the struggle in the overseas provinces nor allow any let-up in our vigilance over those who seek to bring terrorist tactics to the Homeland.

But, while defending the overseas provinces, on the diplomatic and on the counter-subversion fronts, with all the inconveniences, liabilities and difficulties that such a process of defence entails, we have also been concerned not to let our country drift further way from the development standards of traditionally rich Europe, and to prepare the future in such a way that the younger generations might find a place in it and be able to act within it.

During the early years of subversion in Africa it was thought impossible to reconcile the defence effort with the economic and cultural development effort, carried out on the scale called for to make up for our backwardness.

We have been trying to achieve such a conciliation, persuaded that a victory in Africa could only be a precarious one if it were to be attained at the cost of stagnation in Europe. This is why we launched out boldly on the policy of enhancing the Portuguese people through reforms in education, health, aid and social welfare, at the same time that we have endeavoured to strengthen the work of the State in economic promotion and to give private initiative greater incentive.

I believe that this effort has been understood and applauded by the Nation. But, in recalling this fact here, to guarantee our intention of going on with this policy, I must of necessity stress the serious difficulties it entails. Many think that they have an unbounded right to everything, but that they should not be called on to contribute. There is building up a dangerous mentality of claims and facilities that is absolutely incompatible with our country's resources and real features.

I should not be true to my duty to tell the Portuguese the truth if I did not point out once more that we are undergoing very critical times, when the acuteness of national problems is worsened by unsettling conditions in world economic affairs and politics.

It should not be thought that we are surrounded by abundant human and material resources. It is only a very careful management of public moneys that enables us to make our current effort with the armed forces and at the same time allows us to deal with matters of urgent significance for the conservation and progress of our life as a nation. The expression "very careful management" must be stressed so that citizens may not constantly be calling for further expenditure and so that civil servants may become aware of their duty not to waste such resources as are at our disposal. What about human resources? They are made scarcer by emigration and mobilization, and without them money is useless, for it is only of value when there are people to make use of it, to transform it into useful goods, to enhance it to the good of the community. Men and women are the major wealth of a homeland; no progress is possible without able, sufficient human resources.

This is why I said, ladies and gentlemen, that the unity of all Portuguese around their Government is quite indispensable, as is the existence of a grouping of citizens like the National People's Action Movement, to maintain a constant dialogue with the authorities, to inform and to be informed, to make the Government aware of what people are thinking and then to inform the latter, enlightening them on the basis of the reality of events and the facts of government.

It is inevitable that there should be an egotistic trait in individuals, in places, in undertakings, in professions and occupations. All think of themselves first; all think their primary duty is to watch over and further their own interests; all consider their conveniences and advantages to be just. This ocean of claims and requests washes up against the Government. But, since the vision of the authorities must take in the whole horizon of the entire country, from Caminha to Timor, they are forced to weigh needs and resources, the better to decide the satisfaction of such needs according to a scale which will recognize priority for the most worthwhile purposes, not only at the present moment but also on a view of future prospects.

Now the Movement must be imbued with the same spirit that should orientate the work of the government, and it must transmit it to all other citizens. I will repeat once again that these are not easy times. What is being done can only be performed thanks to a close collaboration in the midst of the Government and with patriotic understanding on the part of the Portuguese people.

I should like to be able to address you and the country with optimistic words. I am still an optimist, because I believe that we shall overcome the obstacles that stand in our path, however many they may be, threatening our existence as an independent Nation that will neither give up its rights nor will readily abandon hope of attaining its ambitions. But I cannot hide the existence of such obstacles. I cannot conceal from the Nation that we have to overcome great difficulties, which will continue for a long time and may even increase in number and gravity as time goes on.

They can be overcome, but to do this we shall have to work hard. We must produce more and more wealth; we must keep the feeling of love for our country alive and shining. Above all we must envisage the future in a spirit of unity, firm decision, the persistent desire to conquer, not permitting around us any form of defeatism, still less any kind of betrayal.

I am sure that the Portuguese people will understand this language and that, as hitherto, it will continue to be the pledge of our continued existence as a Nation. I would like the National People's Action Movement to be the yeast destined at all times to leaven this admirable patriotism which has always, at times of crisis, provided the greatest reserves of Portuguese energy.

When, three years ago, I took over as Prime Minister, I said that I did not lack courage to face the gigantic tasks that I foresaw. These tasks are gigantic indeed, but the courage to face them has not abandoned me, nor has the confidence that I have felt since the outset in the worthy, admirable, incomparable Portuguese people. With them I am sure that we are on the right road and I believe that, with them, we shall always prove able to find a path worthy of Portugal!

LACKAWANNA EDITOR MAKES MARK IN HOME TOWN

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 1972

Mr. DULSKI. Mr. Speaker, the suburban editor plays an important role in the activities of his community.

Operating in the shadow of the main city with its metropolitan newspapers calls for a personalized type of journalism that differs as much, in many ways, from the small town editor as it does from the big city editor.

In the Buffalo, N.Y., area we are fortunate in having several fine suburban weekly newspapers in addition to our dailies. One group is published and edited by William A. Delmont of Lackawanna, a friendly, always-on-the-go civic dynamo.

Recently, the very popular columnist of the "big city" Buffalo Courier-Express, Mrs. Anne McIlhenney Matthews, wrote an excellent article on Mr. Delmont, the text of which follows:

NEWSMAN IS TOPS IN STEEL CITY

(By Anne McIlhenney Matthews)

From the Square and Compass Club, a Masonic meeting place at 36 Ridge Rd., to the J and J Restaurant in the 1200 block of Ridge near Abbott, is a long walk for anyone. When

that person is William Angelo Delmont, it's twice as long. The reason is simple: Every step takes longer because "Billy" Delmont knows nearly everyone in Lackawanna, and as he meets other pedestrians, he stops to greet them. They joke with him, tell him of their troubles, ask for help. They're talking to the right man, too. For Billy Delmont has a sense of humor, much empathy, and the kind of political savvy and know-how that gets things done.

Lackawanna is a political town and it is fitting that "Mr. Lackawanna" is Billy Delmont, for Billy is a political man. A five foot nine inch, eversmiling, Italian-American newspaper publisher, Billy was elected at age 25, a city councilman in Lackawanna's old 3rd Ward in 1955.

Today, at 41, Billy publishes four weekly newspapers in Lackawanna, South Buffalo, West Seneca and Blasdell. He serves the city as a commissioner of civil service, and just completed serving the unexpired term of the director of urban development in former Mayor Mark Balen's administration. He was an unusual appointment, for Balen is a Democrat, and Billy is a Republican committeeman.

Former English teacher Bill Carney, now secretary of the Erie County Water Authority, likes to kid Billy about being the only newspaper publisher in these parts who flunked English. But Billy, who graduated from George Washington School, where he now serves as a member of the PTA, and Lackawanna High School, where he led steelworkers' sons to victory after victory as the toughest, sharpest "little" quarterback in that school's gridiron history, did attend Canisius College and Ithaca College before embarking on a journalistic career. His forte isn't scholarship, however. Where Billy excels is in his concept of service.

He believes that newspapers are not only journals of fact and opinion, but institutions designed to serve the communities they address. And he gives substance to this belief by being available to all who wish to approach him, virtually 24 hours a day.

His familiarity with the names, families and lives of almost every citizen of Lackawanna grew out of his personal contact with the people when he operated a delivery service for a clothes-cleaning enterprise. Discharged from the Navy in 1951 after being severely injured in an auto accident, Billy established the delivery service. Almost every home in town became familiar with "Billy the Cleaner." Later Billy was appointed chairman of the Lackawanna Municipal Housing Authority, from which he retired in 1968 after 11 years of service.

An uncomplicated, friendly man, Billy Delmont, is people oriented. People, not creeds, ideologies or causes, are his bag. He is a credit to the newspaper business, to his father and mother, the former Catherine Pitillo, to his wife, the former Maryann Salem, and to his six children, Kathy, Kim, Noreen, Lynne, Mary and Phillip.

The Lackawanna Front Page currently is undertaking to establish a scholarship fund for Lackawanna boys and girls to study journalism. As I said, Bill Delmont is interested in service. I wish him well in this venture. It only underscores my claim that Billy Delmont deserves the soubriquet, Mr. Lackawanna.

The first annual awards dinner for the scholarship fund is set tentatively for March 19 and the probable location will be the Hotel Lackawanna. Plans are in the making, but the speaker is assured and he is sensational. He is Malcolmn Kilduff, great newsman who was assistant press secretary to Lyndon B. Johnson and a deputy press secretary to President John F. Kennedy. It was he who carried Kennedy into the Parkman Hospital in Dallas, and it was he who quietly said to Johnson, "Let's get to the airport, Mister President," intoning the title for the first time.

SENATE—*Friday, January 21, 1972*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. ELLENDER).

PRAYER

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

Almighty and ever-living God "our help in ages past, our hope for years to come," guide our leaders that the Nation may be rebuilt on the principles of the Founding Fathers and on the everlasting truth of Thy Word. In turbulent and contentious times keep our purposes pure, our honor untarnished, our vision high and clear. Through honest expression of differing appraisals, may there be forged a final wisdom higher than our own, overruling our faulty judgments and our human errors. Set our feet in high places and keep us there.

"Under the shadow of Thy throne
Still may we dwell secure.
Sufficient is Thine arm alone,
And our defense is sure."

Amen.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 20, 1972, be dispensed with.

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

ATTENDANCE OF SENATORS

Hon. BIRCH BAYH, a Senator from the State of Indiana, and Hon. MARLOW W. COOK, a Senator from the State of Kentucky, attended the session of the Senate today.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE PUBLIC BROADCASTING FAIRNESS DOCTRINE

Mr. SCOTT. Mr. President, I notice that the three networks and the public broadcasting system, in honorable pursuit of the fairness doctrine, have allowed the opposition twice as much time to reply as the President used in his state of the Union message.

I can only observe that, indeed, they will need it.

Mr. President, I yield back the remainder of my time.

Mr. MANSFIELD. Mr. President, I would like to take this means to thank the networks for the consideration and the fairness they have shown toward the party of the opposition in the Congress of the United States.

May I say that I am especially delighted with the fact that four of the outstanding Senators on this side of the aisle—Senators CHURCH, PROXMIRE, EAGLETON, and BENTSEN—will be representative of this body and this party.

They have our full confidence. We know that they will handle themselves extremely well.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 30 minutes.

The Senator from Montana (Mr. METCALF) is now recognized.

(The remarks of Mr. METCALF when he introduced S. 3052 are printed in the RECORD under Statements on Introduced Bills and Joint Resolutions.)

ANNIVERSARY OF THE DEATH OF SENATOR RICHARD B. RUSSELL, OF GEORGIA

Mr. GAMBRELL. Mr. President, a year ago today, on January 21, 1971, my distinguished predecessor in this body, Senator Richard B. Russell, of Georgia, passed away. A man of high character and principle, he was one of the great leaders in all the history of this country. He served for 38 years in the U.S. Senate. At the time of his death, he was its senior Member, being President pro tempore.

He was beloved among his fellow citizens in Georgia, as well as by his colleagues in the Senate. He was a close personal friend, and a respected mentor to me.

I think it is appropriate that this body honor him and his memory today by tak-