conflict. Nonetheless, the morning papers are already reporting the early indications that the President's revelation of these peace officers has won no new converts, or, perhaps more correctly, that the critics are desperately grasping at straws to keep this a political issue and to keep it alive until at least November.

Senator McGOVERN, one of the many Democrat candidates for President, is reported to have even gone so far as to say that this blueprint for peace "will not work," observing that "North Vietnam wants a date set for withdrawal." He goes on to point out that—

There's a great difference between offering to set a date and setting a date.

It is precisely this kind of talk that the North Vietnamese are waiting for, you can be sure, so they can be assured of the continued support of those who have been parroting their propaganda line all along. Is there a doubt in anyone's mind that rather than ignoring these offers since last October, as they have done, the North Vietnamese would have rejected them out-of-hand long ago if the critics right here in the United States had known of them so as to set the stage for their rejection?

Why is it that whenever the North Vietnamese have submitted peace offers in the past, the President's critics have castigated him for not going far enough to test the sincerity of the enemy's proposals? And now, when the President makes this truly milestone initiative, why is he still criticized, this time on the grounds that the plan does not comply to the letter to prior North Vietnamese demands? Is not it now very clear that the North Vietnamese have never intended to negotiate a settlement, but have manipulated the impasse for their own bnefit in the belief that the United States will simply abandon South Vietnam?

In my estimation, Mr. Speaker, our hope at this moment in time is that the North Vietnamese will recognize a viable plan for a peaceful settlement and will not dispense with this opportunity as they have so many others in the past. Let there be no mistaking about it, however, that if the critics right here in our own country persist in lending credibility to the North Vietnamese notion that the whole pie will be theirs if they hold out long enough, the conclusion will be inevitable.

This is a most significant opportunity for all Americans to unite behind our President for the purpose of reaching a conclusion in the war. The record to date is more than revealing that the conflict can only continue with the aid of the President's critics who have consistently imposed as their condition for "Peace" nothing less than a complete Communist victory. We have now passed beyond the point where the North Vietnamese can rely only upon our POW's as their bargaining tool.

SENATE—*Thursday, January 27, 1972*

The Senate met at 10 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

Rabbi Alfred Cohen of the Synagogue of Young Israel of Canarsie, Brooklyn, N.Y., offered the following prayer:

God of wisdom and glory, we who are ever humble in Thy presence, stand before Thee in prayer for Thy guidance and compassionate understanding. Bless us with searching hearts and open minds that will ever be sensitive to the many needs of our countrymen.

Bestow Thy blessing of wisdom upon the President and Vice President of our country and upon all the Members of this august body. Strengthen their efforts and inspire their endeavors, so that suffering and evil will be stricken from the face of the earth. Equip them with the courage to champion the cause of justice, and determination to bring the blessings of freedom and equality to all men.

Assure us, dear Lord, of Your inspiration, and bless the work of our hands. By Thy grace, let peace, justice, and brotherhood reign over our land. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 27, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, January 26, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the distinguished minority leader desire to be recognized at this time?

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

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 3 minutes.

Is there morning business to be transacted by the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ELLENDER. Mr. President, is the Senate operating in the morning hour?

The ACTING PRESIDENT pro tempore. Yes, with a 3-minute limitation on speeches.

PROCESSING OF 1973 APPROPRIATION BILLS

Mr. ELLENDER. Mr. President, I wish to make a brief statement concerning the processing of the fiscal year 1973 appriation bills, a subject of concern to all of us inasmuch as the 92d Congress will be unable to adjourn until the funding of all necessary governmental programs has been accomplished.

As the Senate is aware, a concentrated effort was made last year to complete action on the appropriation bills as early in the session as possible, and with some success. The record of the Senate committee in reporting the appropriation bills soon after their receipt from the House of Representatives is excellent. The delays in prior years have, for the most part, resulted from the authorizing procedures. There has been a growing consciousness that these authorizing measures must be enacted to permit the Federal agencies to implement their programs early in the fiscal year. The ongoing programs of many agencies have suffered delays.

In my remarks to the Senate on December 15, prior to the adjournment of the first session of this Congress, I stated that in discussions with the leadership it was determined to present to the Senate a program whereby all authorizing bills must be enacted on or before June 1 if they are to be funded in the regular annual appropriation bills. I am happy to report that agreement has been reached on this score, and by joint letter dated January 20, 1972, signed by the distinguished majority and minority leaders, a procedure has been announced, upon the unanimous recommendation of the

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majority and minority policy committees, whereby it is expected that enactment of the regular annual appropriation bills can be accomplished prior to the beginning of the new fiscal year on July 1. I wish to read the following paragraph of that letter at this point:

To facilitate the appropriations process on FY 1973 bills, therefore, items of appropriation that have not been authorized *by June 1, 1972*, will *not* be included in the general appropriations bill covering that subject matter. If the pertinent appropriations bill is otherwise ready and available to be considered then or at anytime thereafter, it will be scheduled, and those items awaiting an authorization will simply not be considered. If the authorization is enacted following June 1, 1972, and after the pertinent appropriations bill has been acted upon, the item for which the authorization was required would be considered only as a part of a subsequent supplemental appropriations bill.

It is the purpose of this procedure to expedite the appropriations process. Thus, no item of appropriations not authorized on or before June 1 of this year will be considered as a part of any appropriations bill that is ready and available otherwise for Senate consideration on or after that date. Beginning on that date as well, appropriations bills will be acted upon when ready in accordance with usual scheduling considerations. Items not yet authorized then but authorized at a later time will simply have to be incorporated in a supplemental bill.

It is my understanding that the leadership of the House of Representatives concurs in this endeavor.

With respect to the work of the Senate Committee on Appropriations, I desire to make it clear that I am going to do all in my power to have all of the regular annual appropriation bills through the Senate on or before June 30. As I have said, I believe the Senate committee made an excellent record last year in reporting the bills soon after their receipt from the House of Representatives. It is my hope that we can pass all of these bills before July 1. Consideration will be given to funding those subsequently authorized programs in a supplemental appropriation bill.

The total budget authority requested by the President for fiscal year 1973 is in the amount of $270.9 billion. The amount requiring current action by the Congress, largely in the appropriation bills, is $185.3 billion. Included in this total of $185.3 billion is $45.5 billion which requires additional authorizing legislation before the appropriation bills would be in order. This sum is divided into almost 100 items. I understand an additional $10 billion is proposed for new legislation.

To give the Senate and the American people an idea of the money that has been requested by the President, which requires additional authorizing legislation, I will say the amount is $45,520,560,000. Of that sum, more than $3.5 billion has been requested by the President to carry on foreign assistance in addition to what will be considered, probably next week, for foreign assistance.

The Department of Commerce will need more than half a billion dollars. The Department of Defense will need an additional $25 billion.

Mr. President, I ask unanimous consent to place this document in the RECORD, so that Senators, and the public, as well, may be informed as to what amounts we may expect the authorizing committees to consider for the next fiscal year.

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

Recommended 1973 amounts requiring additional authorizing legislation

(NOTE.—These amounts are recommended in the 1973 budget, but the Congress does not generally act on these appropriation requests until after enactment of the authorizing legislation.)

(In thousands of dollars)

FUNDS APPROPRIATED TO THE PRESIDENT	
Foreign assistance:	
International security assistance:	
Military assistance	780,000
Foreign military credit sales	527,000
Economic supporting assistance	807,400
International development assistance:	
Multilateral assistance: International organizations and programs	175,335
Bilateral assistance:	
Grants and other programs	539,358
Development loans	634,500
Contingencies	100,000
Office of Economic Opportunity:	
Economic opportunity program	758,200
Total, funds appropriated to the President	4,321,793
COMMERCE	
International activities: Export control	5,507
Science and technology: National Bureau of Standards, research and technical services	8,786
Ocean shipping:	
Maritime Administration:	
Ship construction	250,000
Operating-differential subsidies	232,000
Research and development	30,000
Salaries and expenses	3,900
Maritime training	7,670
State marine schools	2,290
Total, Commerce	540,153
DEFENSE—MILITARY	
Aircraft procurement, Army	134,500
Missile procurement, Army	1,153,400
Procurement of weapons and tracked combat vehicles, Army	259,500
Procurement of aircraft and missiles, Navy	3,871,200
Shipbuilding and conversion, Navy	3,564,300
Other procurement, Navy	219,900
Procurement, Marine Corps	85,200
Aircraft procurement, Air Force	2,612,700
Missile procurement, Air Force	1,772,300
Research, development, test and evaluation:	
Army	2,051,100
Navy	2,710,900
Air Force	3,178,600
Defense agencies	507,200
Emergency fund, Defense	50,000
Military construction:	
Army	969,323
Navy	490,490
Air Force	291,285
Defense agencies	46,400
Army National Guard	40,000
Air National Guard	10,600
Army Reserve	38,200
Naval Reserve	16,000
Air Force Reserve	7,000
Family housing, Defense	977,200
Operation and maintenance, civil defense	29,041
Special foreign currency program	3,000
Total, Defense—Military	25,089,339
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE	
Health Services and Mental Health Administration:	
Health services delivery	155,300
Preventive health services	8,500
Office of Education:	
School assistance in federally affected areas	430,910
Library resources	14,000
Higher education facilities loan and insurance fund: current	3,352
Social and Rehabilitation Services	836,243
Office of Child Development (Head Start)	393,642
Educational renewal (Follow Through)	58,700
Total, Health, Education, and Welfare	1,900,647
ENVIRONMENTAL PROTECTION AGENCY	
Waste treatment construction grants	2,000,000
Operation, research, and facilities	97,000
Total, Environmental Protection Agency	2,097,000
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT	
Comprehensive Planning	100,000
Model Cities	515,000
Open Space	100,000
Neighborhood Facilities	40,000
Total, Dept. of Housing and Urban Development	755,000
INTERIOR	
Water and Power Resources:	
Bureau of Reclamation:	
Construction and rehabilitation	8,840
Upper Colorado River storage project	38,185
Water Quality and Research:	
Office of Saline Water: Saline water conversion	26,871
Total, Interior	73,896
LABOR	
Manpower Administration:	
Salaries and expenses	61,890
Manpowed training services	1,633,366
Total, Labor	1,695,256
TRANSPORTATION	
Coast Guard:	
Operating expenses	297,693
Acquisition, construction, and improvements	135,660
Reserve training	23,529
Research, development, test, and evaluation	1,348
Federal Highway Administration:	
Highway Beautification	*60,000
Highway trust fund: Federal-aid highways	*1,550,000
Forest highways	*33,000
Public lands highways	*16,000
Highway-related safety grants (Federal & Trust)	*30,000

National Highway Traffic Safety Administration:	
Traffic and highway safety	36,900
State and community highway safety	*33,333
Highway trust fund: trust fund share of highway safety programs	*66,667
Total, Transportation	2,284,130
ATOMIC ENERGY COMMISSION	
Operating expenses	2,072,830
Plant and capital equipment	366,860
Total, Atomic Energy Commission	2,439,690
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
Research and development	2,600,900
Construction of facilities	77,300
Research and program management	700,800
Total, National Aeronautics and Space Administration	3,379,000
OTHER INDEPENDENT AGENCIES	
Action: Total operating expenses	184,700
Arms Control and Disarmament Agency	10,000
Commission on Civil Rights	4,646
Commission on International Radio Broadcasting	38,795
Corporation for Public Broadcasting	45,000
National Science Foundation	653,000
American Revolution Bicentennial Commission	6,712
Smithsonian	275
Water Resources Council	1,531
Total, other independent agencies	944,659
Grand total: Budget authority	45,520,563

* Contract authority.

Mr. ELLENDER. Mr. President, on December 15, 1971, I stated on the floor of the Senate that the full Committee on Appropriations would be convened early in the session for the purpose of hearing testimony on the overall budget estimates submitted by the President for fiscal year 1973. Similar hearings were held last year and were limited to governmental witnesses who appeared in support of administration proposals. These hearings were most illuminating because of the broad areas covered in the formal presentations and in the followup interrogations.

This year, however, it is the intent of the committee to expand the scope of the hearings by taking testimony from representatives of organizations and interested citizens who will present their viwes on the budget as it relates to national goals and priorities.

It is anticipated that provocative alternatives to proposed spending programs may be suggested; certainly, the views presented by all witnesses—whatever their convictions or interests—will make a substantial contribution to a clearer understanding of the Nation's special needs and priorities.

I wish to announce, Mr. President, that these hearings will commence on Tuesday, February 1, 1972, at 9:30 a.m., in room 1224, New Senate Office Building. I ask unanimous consent that the proposed schedule of hearings be printed at this point in the RECORD.

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

TUESDAY, FEBRUARY 1, 1972

9:30 a.m.—George P. Shultz, Director, Office of Management and Budget.

Caspar W. Weinberger, Deputy Director, Office of Management and Budget.

2:00 p.m.—Ezra Solomon, Member Council of Economic Advisers.

WEDNESDAY, FEBRUARY 2

9:30 a.m.—Charls E. Walker, Under Secretary, Department of the Treasury.

2:00 p.m.—Federation of American Scientists: Dr. Richard L. Garwin and Dr. Morton H. Halperin.

SANE: Professor Seymour Melman.

Association of American Medical Colleges: Dr. John A. D. Cooper.

Friends Committee on National Legislation: Edward Snyder, Executive Secretary.

United States National Student Association: National Student Lobby, Ted Downey, Student Senator.

THURSDAY, FEBRUARY 3

9:30 a.m.—United States Conference of Mayors.

National League of Cities.

Federation of American Scientists: Professor Adam Yarmolinsky.

Businessmen's Educational Fund: Harold Willens, Chairman.

Council of State Chambers of Commerce: Eugene F. Rinta, Executive Director.

Emergency Committee for Full Funding of Education Programs: Dr. Wilson Riles, California Superintendent of Schools.

National Education Association.

American Council on Education: Dr. Roger W. Heyns, President.

American Farm Bureau Federation: Marvin L. McLain, Legislative Director and William C. Anderson, Assistant Legislative Director.

Federation of American Societies for Experimental Biology: Dr. Lewis Thomas.

2:00 p.m.—American Public Health Association: Dr. James R. Kimmey, Executive Director.

Board of Christian Social Concerns of The United Methodist Church: Dr. Luther Tyson.

United Presbyterian Church in the U.S.A.: Dr. William P. Thompson, Stated Clerk of the General Assembly.

Catholic Theological Union: The Reverend John T. Pawlikowski, Ph. D.

National Congress of American Indians.

National Wildlife Federation: Thomas L. Kimball, Executive Director.

FRIDAY, FEBRUARY 4

9:30 a.m.—Coalition on National Priorities and Military Policy: Honorable Joseph S. Clark, Chairman.

Coalition for Health Funding (also, Federation of Associations of Schools of the Health Professions): Dr. Michael DeBakey.

Council for Christian Social Action: Dr. Robert V. Moss, President, United Church of Christ.

United Auto Workers: Emil Mazey.

Sierra Club: Richard Lahn or Lloyd Tupling.

2:00 p.m.—National Urban Coalition: Carl Holman, President.

Citizens Energy Council: Honorable Jonathan B. Bingham (N.Y.), Dr. David Ford.

Department of Church in Society of The Christian Church (Disciples of Christ).

Americans for Democratic Action: Leon Shull, National Director.

Mr. ELLENDER. I suggest the absence of a quorum.

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

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

REPORT ON FINAL DETERMINATION WITH RESPECT TO INDIAN CLAIM CASE

A letter from the Chairman, Indian Claims Commission, reporting, pursuant to law, on its final determination with respect to Docket No. 294, The Skagit Tribe of Indians, also known as The Lower Skagit Tribe of Indians, also known as Whidbey Island Skagits, Plaintiff, v. The United States of America, Defendant (with accompanying papers); to the Committee on Appropriations.

STATEMENT OF RECEIPTS AND EXPENDITURES OF THE CHESAPEAKE & POTOMAC TELEPHONE CO.

A letter from the Vice President and General Manager, The Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, a report of that Company, for the year 1971 (with an accompanying report); to the Committee on the District of Columbia.

PROPOSED AMENDMENT OF INTERNAL REVENUE CODE OF 1954

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1954 with respect to the income tax treatment of certain distributions and sales pursuant to the Bank Holding Company Act Amendments of 1970 (with accompanying papers); to the Committee on Finance.

PROPOSED AMENDMENT TO CONCESSION CONTRACT IN MOUNT RAINIER NATIONAL PARK, WASH.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to a concession contract within Mount Rainier National Park, Washington (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON POSITIONS IN GRADES GS-16, GS-17, AND GS-18

A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting, pursuant to law, a report on positions within that Department in the grades of GS-16, GS-17, and GS-18, for the year 1971 (with an accompanying report); to the Committee on Post Office and Civil Service.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking, Housing and Urban Affairs:

John Eugene Sheehan, of Kentucky, to be

a Member of the Board of Governors of the Federal Reserve System;

George H. Boldt, of Washington, to be Chairman of the Pay Board; and

C. Jackson Grayson, Jr., of Texas, to be Chairman of the Price Commission.

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. BOGGS (for himself and Mr. ROTH):

S. 3081. A bill to provide for the establishment of a national cemetery in the State of Delaware. Referred to the Committee on Veterans' Affairs.

By Mr. BEALL:

S. 3082. A bill for the relief of Milagros Posada. Referred to the Committee on the Judiciary.

By Mr. HARTKE (for himself and Mr. Moss):

S. 3083. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods. Referred to the Committee on Commerce.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself and Mr. ROTH):

S. 3081. A bill to provide for the establishment of a national cemetery in the State of Delaware. Referred to the Committee on Veterans' Affairs.

Mr. BOGGS. Mr. President, I am introducing on behalf of myself and the distinguished junior Senator from Delaware (Mr. ROTH) a bill to establish a national cemetery in the State of Delaware.

There are currently 98 national cemeteries in the country, but not one is located in the State of Delaware. The nearest cemetery with burial spaces still available is located at some distance away in Gettysburg, Pa.

Many existing cemeteries are closing for lack of space and new sites must be found. I believe it is time that Delaware has a national cemetery as a permanent memorial to those Delawareans who have given their lives in the service of their country.

By Mr. HARTKE (for himself and Mr. Moss):

S. 3083. A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods. Referred to the Committee on Commerce.

TRUTH IN FOOD LABELING ACT

Mr. HARTKE. Mr. President, today I join the distinguished Senator from Utah (Mr. Moss) in introducing the Truth in Food Labeling Act. This legislation is designed to enable the consumer to have all pertinent information at her disposal when she shops at the neighborhood supermarket or the corner grocery store.

This is an age when people are demanding to know more about their environment, yet we know so little about the food we eat. We are ignorant about its quality, its nutritional value, its ingredients, its freshness, and its manufacturer. These are crucial facts, yet they remain hidden from most consumers.

The Truth in Food Labeling Act puts an end to the mystery which envelops the food we eat. In essence, it requires that certain basic information about the contents of that food be printed in the package label in plain and concise language. Specifically, the bill accomplishes the following objectives:

First, it establishes a uniform system of grade labeling for all consumer food products and requires that grade designations appear in a conspicuous and legible type on each food package. To accomplish this purpose, the bill establishes grades "A" to "E" and "substandard" and mandates the use of these terms on all food products with the exception of meat products for which there is currently an inspection and grading program administered by the Secretary of Agriculture.

Second, the bill requires that the labels of food products disclose their ingredients. There is no reason to ask a consumer to buy a product whose contents are not known in full. At a time when we are beginning to learn so much about the harmful effects of certain substances, we must assure the consumer of full knowledge about the food he eats.

Third, the bill requires that food product labels contain information about the nutritional content of that product. The consumer should have access to this information so that nutritional meals can be planned. Although there is ample proof that Americans are eating more food than ever, there is equally ample proof that the nutritional content of our diets is decreasing. If the consumer is to becom nutrition conscious, then she will have to have the nutrient content of foods prominently displayed on each package.

Fourth, the bill requires that all perishable and semiperishable foods contain a "pull date" on the label of the product. This date represents the latest date on which that product can be sold as fresh. During the past several months, much has been written to indicate that many outdated products are being sold every day. Baby food, canned goods, and packaged goods which were stale months and years ago are being sold as fresh products. The most ironic aspect of this problem is that most perishable and semiperishable food products do contain some sort of "pull date," but it is printed in a code form which is not decipherable by the consumer, nor can it be understood by many food store managers. Under my proposal, the "pull date" would have to be stated in the form of day, month, and year.

Fifth, the bill requires the name and place of business of the manufacturer, packager, and distributor to be printed on the packages of food, drugs and cosmetics. This provision will enable a consumer to make better comparisons among competing brands of the same product, and it will also help to promote the public safety. Many products are marketed under private labels. The fact that these products are often cheaper than nationally known brands does not mean that they are necessarily of inferior quality. There are many instances of a manufacturer producing the same product packaged under different—and often competing—brand names sold at different prices. In the Bon Vivant case last year, one of the problems presented to the consumer is that the company marketed its product under different brand names. The consumer was thus uncertain whether the soup he had on his shelves was manufactured by Bon Vivant or another company. This provision of my bill eliminates that uncertainty.

Mr. President, the Truth in Food Labeling Act will lessen substantially the difficulties which consumers face when purchasing food. It will assist in making the consumer informed and knowledgeable about what he buys at the store. The doctrine of "caveat emptor" is only valid so long as the consumer has at his or her disposal adequate information upon which to make a rational purchase judgment. The only realistic means by which a consumer can obtain that information is through a new and revolutionary system of product labeling. The Truth in Food Labeling Act will achieve this objective by providing the consumer with an opportunity to make a reasoned decision about the best product to buy in light of his individual needs and desires. It will also benefit consumers by promoting competition among food manufacturers and processors. Nothing in this bill imposes an unreasonable requirement on the food industry. If there is opposition, it will come not from those who seek to keep the consumer from being confused by too much information, but from those who seek to keep the consumer from being informed about the food he eats.

Mr. President, I ask unanimous consent that the text of the Truth in Food Labeling Act 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. 3083

A bill to amend the Fair Packaging and Labeling Act to provide for a uniform system of quality grades for food products, to provide for a system of labeling of food products to disclose the ingredients thereof, to provide for a system of national standards for nutritional labeling of food products, and to provide for a system of labeling of perishable and semiperishable foods

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 "Truth in Food Labeling Act".

SEC. 2. (a) The Fair Packaging and Labeling Act (15 U.S.C. 1451–1461) is amended as follows—

(1) by inserting "Title I—Fair Packaging and Labeling" immediately above the heading of section 2;

(2) by redesignating sections 2 through 5 as sections 101 through 104, respectively;

(3) by striking out "section 3" in section 103(a) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 102";

(4) by striking out "section 3" in section 103(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103";

(5) by striking out "section 4" and "section 2" in section 104(b) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103" and "section 101", respectively;

(6) by striking out "section 4" in section 104(c) (as redesignated by clause (2) of this section) and inserting in lieu thereof "section 103"; and

(7) by adding immediately after section 104 (as redesignated by clause (2) of this section) the following new titles:

"TITLE II—QUALITY GRADING OF FOOD PRODUCTS

"SEC. 201. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"SEC. 202. (a) The Secretary of Health, Education, and Welfare shall formulate and prescribe a system of food quality grade designations, expressed in a uniform nomenclature, for all food products.

"(b) No person subject to the prohibition contained in section 201 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a food quality designation of the food product contained therein, that the label on such product appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"(c) The Food quality designations for food products adopted by the Secretary shall provide for the following designations in descending order of quality of the food product:

"(1) U.S. Grade A.
"(2) U.S. Grade B.
"(3) U.S. Grade C.
"(4) U.S. Grade D.
"(5) U.S. Grade E.
"(6) Substandard.

The Secretary of Health, Education, and Welfare may authorize the use of less than six different designations in the case of any food product if he determines that it is not in the public interest or is impracticable to require such food product to be broken down into six quality designations.

"(d) The Secretary of Health, Education, and Welfare shall immediately initiate and carry out a program of consumer education in conjunction with the promulgation of food quality designations prescribed by him under this title.

"(e) The provisions of this title shall not apply in the case of any meat with respect to which there is in effect an inspection and grading program administered by the Secretary of Agriculture.

"TITLE III—LABELING OF FOOD PRODUCTS TO DISCLOSE INGREDIENTS

"SEC. 301. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"SEC. 302. No person subject to the prohibition contained in section 301 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying all the ingredients contained in such food products in the order of their predominance, that the label on such product appear in a uniform location on the package and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size; and

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed.

"TITLE IV—NUTRITIONAL LABELING OF FOOD PRODUCTS

"DEFINITIONS

"SEC. 401. For the purpose of this title—

"(1) The term 'nutritional value' means the amount of nutrients contained in the food expressed in terms of the relationship of the amount of each nutrient contained in such food to the total recommended daily requirement of each such nutrient required to maintain a balanced diet as determined by the Secretary of Health, Education, and Welfare after consultation with the National Academy of Sciences.

"(2) The term 'nutrient' includes protein, vitamin A, B vitamins (thiamin, riboflavin, niacin), vitamin C, vitamin D, carbohydrate, fat, calories, calcium, iron, and such other nutrients as may be prescribed by regulation.

"SEC. 402. (a) It shall be unlawful for any person engaged in the packaging or labeling of any food product for distribution in commerce, or for any person (other than a common carrier for hire, a contract carrier for hire, or a freight forwarder for hire) engaged in the distribution in commerce of any packaged or labeled food product, to distribute or to cause to be distributed in commerce any such product if it is contained in a package, or if there is affixed to that product a label which does not conform to the provisions of this title and regulations promulgated under the authority of this title.

"(b) The prohibition contained in subsection (a) shall not apply to persons engaged in business as wholesale or retail food distributors except to the extent that such persons (1) are engaged in the packaging or labeling of such food, or (2) prescribe or specify by any means the manner in which such food is packaged or labeled.

"LABELING REQUIREMENTS

"SEC. 403. (a) No person subject to the prohibition contained in section 402 shall distribute or cause to be distributed in commerce any packaged or labeled food product except in accordance with regulations which shall be prescribed by the Secretary of Health, Education, and Welfare pursuant to this title. Such regulations shall require that any food product distributed in interstate commerce bear a label containing a statement specifying the nutritional value of the food product contained therein, that the label on such commodity appear in a uniform location on the package, and that such label—

"(1) appear in conspicuous and easily legible type in distinct contrast (by typography, layout, color, embossing, or molding) with other matters on the package;

"(2) contain letters or numerals in type size which shall be (A) established in relationship to the area of the principal display found on the package, and (B) uniform for all packages of substantially the same size;

"(3) be placed so that the lines of printed matter included in that statement are generally parallel to the base on which the package rests as it is designed to be displayed; and

"(4) bear a statement of the nutritional value of each serving if the label appears on a packaged food product which bears a representation as to the number of servings of the food product contained in the package.

"(b) The Secretary may by regulations require additional or supplementary words or phrases to be used in conjunction with the statement of nutritional value appearing on the label whenever he determines that such regulations are necessary to prevent the deception of consumers or to facilitate value comparisons as to any food product. Nothing in this subsection shall prohibit supplemental statements, which are not misleading or deceptive, at other places on the package, describing the nutritional value of the food product contained in such package.

"TITLE V—LABELING REQUIREMENTS FOR PERISHABLE AND SEMI-PERISHABLE FOODS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(2) The term 'food' had the meaning prescribed for that term by section 201 of the Federal Food, Drug, and Cosmetic Act, except that such term does not include any fresh fruit or vegetable.

"(3) The term 'perishable or semi-perishable food' means any food which the Secretary

determines has a high risk of any of the following as it ages:

"(A) spoilage;

"(B) significant loss of nutritional value; or

"(C) significant loss of palatability.

"(4) The term 'pull date' means the last date on which a perishable or semi-perishable food can be sold for consumption without a high risk of spoilage or significant loss of nutritional value or palatability, if stored by the consumer after that date for the period which a consumer can reasonably be expected to store that food.

"LABELING REQUIREMENTS FOR PERISHABLE AND SEMI-PERISHABLE FOODS

"SEC. 502. (a) No person who manufactures or packages a perishable or semi-perishable food in the form in which it is sold by retail distributors to consumers may distribute (or cause to be distributed) in commerce for purposes of sale a perishable or semi-perishable food packaged by him in such form unless he has, in accordance with the requirements of subsection (f), labeled such packages to show (1) the pull date for such food, and (2) the optimum temperature and humidity conditions for its storage by the ultimate consumer.

"(b) No person engaged in business as a retail distributor of any packaged perishable or semi-perishable food subject to the provisions of subsection (a) may sell, offer to sell, or display for sale such food unless the food's package is labeled in accordance with this title.

"(c) No person engaged in business as a retail distributor of any packaged perishable or semi-perishable food may sell, offer to sell, or display for sale any such food whose pull date, as specified on its package's label, has expired unless—

"(1) the food is fit for human consumption, as determined under applicable Federal, State, or local law,

"(2) such person separates the food from other packaged perishable or semi-perishable foods whose pull dates, as specified on their packages' labels, have not expired, and

"(3) such person clearly identifies the food as a food whose pull date has expired.

"(d) No person engaged in the business of manufacturing, processing, packing, or distributing perishable or semi-perishable foods may place packages of such foods, labeled in accordance with subsection (a), in shipping containers or wrappings unless such containers or wrappings are labeled by him, in accordance with regulations of the Secretary, to show the pull date (or dates) on the labels of such packages.

"(e) No person may change, alter, or remove, before the sale of a packaged perishable or semi-perishable food to the ultimate consumer, any pull date required by this section to be placed on the label of such food's package or shipping container or wrapping.

"(f)(1) The pull date and the storage instructions required to be on the label of a packaged perishable or semi-perishable food under subsection (a) shall be determined in the manner prescribed by regulations of the Secretary.

"(2) A pull date shall, in accordance with regulations of the Secretary—

"(A) be (i) in the case of the month contained in the pull date, expressed in the commonly used letter abbreviations for such month, and (ii) otherwise expressed in such combinations of letters and numbers as will enable the consumer to readily identify (without reference to special decoding information) the day, month, or year, as the case may be, comprising the pull date; and

"(B) be separately and conspicuously stated in a uniform location upon the principal display panel of the label required under subsection (a).

"(3)(A) Any regulation under paragraph (1) prescribing the manner in which pull dates for a packaged perishable or semi-perishable food shall be determined may include provisions—

"(i) prescribing the time periods to be used in determining the pull dates for such food,

"(ii) prescribing the data concerning such food (and the conditions affecting it before and after its sale to the consumer) to be used in determining its pull dates, or

"(iii) permitting a person engaged in the business of manufacturing, processing, packaging, or distributing such food to determine its pull dates using such time periods and data as such person considers appropriate.

"(B) If such regulation includes provisions described in sub-paragraph (A) (iii) of this paragraph, such regulation shall also contain—

"(i) such provisions as may be necessary to provide uniformity, where appropriate, in the time periods used in pull date determinations; and

"(ii) provisions for regular review by the Secretary of the pull date determinations and the time periods and data upon which they are based.

"PENALTIES AND INJUNCTIONS

"SEC. 503. (a) Any person who knowingly or willfully violates any provision of section 502, or any regulation made thereunder, shall be imprisoned for not more than one year or fined not more than $5,000, or both; except that if any person commits such a violation after a conviction of him under this subsection has become final, or commits such a violation with the intent to defraud or mislead, such person shall be imprisoned for not more than three years or fined not more than $25,000, or both.

"(b) Any packaged perishable or semi-perishable food that is distributed in violation of section 502 or any regulation made thereunder shall be liable to be proceeded against at any time on libel of information and condemned in any district court of the United States within the jurisdiction of which such packaged food is found. Section 504 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 334) (relating to seizures) shall apply with respect to proceedings brought under this subsection and to the disposition of packaged foods subject to such proceedings.

"(c)(1) The United States district courts shall have jurisdiction, for cause shown, to restrain violations of section 502 and regulations made thereunder.

"(2) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this subsection, which violation also constitutes a violation of section 502 or a regulation made thereunder, trial shall be by the court or, upon demand of the accused, by a jury. Such trial shall be conducted in accordance with the practice and procedure applicable in the case of proceedings subject to the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

"(d) Before any violation of section 502 or a regulation made thereunder is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views, either orally or in writing, with regard to such contemplated proceeding.

"(e) Nothing in this title shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of section 502 or a regulation made thereunder whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f)(1) Actions under subsection (a) or (c) of this section may be brought in the district wherein any act or transaction constituting the violation occurred, or in the district wherein the defendant is found or is an inhabitant or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(2) In any actions brought under subsection (a) or (c) of this section, subpenas for witnesses who are required to attend a United States district court may run into any other district."

SEC. 3. (a) The Fair Packaging and Labeling Act is further amended by inserting "TITLE VI—GENERAL PROVISIONS" above the heading for section 6, and by redesignating sections 6 through 13 as sections 601 through 608, respectively.

(b) Section 601(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 4 or section 5 of this Act" in subsections (a) and (b) and inserting in lieu thereof "section 103, 104, 201, 302, 403, or 502 of this Act".

(c) Section 602(a) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 3 of this Act." and inserting in lieu thereof "section 102, 201, 301, or 402 of this Act. The provisions of this subsection shall not apply with respect to title V."

(d) Section 602(c) of such Act (as redesignated by subsection (a) of this section) is amended by striking out "sections 4 and 5" and inserting in lieu thereof "sections 103, 104, 201, 302, 403, and 502".

(e) Section 603 of such Act (as redesignated by subsection (a) of this section) is amended by striking out "section 5(d) and inserting in lieu thereof "section 104(d)".

(f) Section 605 of such Act (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following:

"(g) The terms 'food' and 'food product' mean any article used for food or drink for man or other animals, and any article used as a component of such article."

(g) Section 607 of such Act (as redesignated by subsection (a) of this section) is amended to read as follows:

"SEC. 607. It is the express intent of Congress to supersede any and all laws of the States or political subdivisions thereof insofar as they may provide for (1) the labeling of the net quantity of contents of the package of any consumer commodity as provided in title I of this Act; (2) the quality grading of food products as provided in title II of this Act; (3) the labeling of the ingredients contained in food products as provided in title III of this Act, (4) the labeling of the nutritional value of food products as provided in title IV of this Act; (5) the labeling of perishable and semi-perishable foods as provided in title V of this Act, which are less stringent than, or require information different from the requirements of the appropriate title or regulations promulgated pursuant to such title."

(h) Section 608 of such Act (as redesignated by subsection (a) of this section) is amended by striking "This" and inserting in lieu thereof "(a) Except as provided in subsection (b), this"; and by adding at the end thereof a new subsection as follows:

"(b) The provisions of titles II, III, IV, and V shall become effective six months after the date of enactment of such title, except that the Secretary of Health, Education, and Welfare may by regulation postpone for an additional twelve-month period the effective date of any such title with respect to any class or type of food product on the basis of a finding that such a postponement would be in the public interest."

"TITLE VI—LABELING REQUIREMENTS FOR CERTAIN PACKAGE GOODS

SEC. 601. (a) Section 403(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.

343) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"(b) Section 502(b) of such Act (21 U.S.C. 352) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"(c) Section 602(b) of such Act (21 U.S.C. 362) is amended by striking out "or" in clause (1) and inserting "and" in lieu thereof.

"SEC. 602. The amendments made by this Act shall take effect upon the expiration of the one hundred and eighty day period which begins on the date of the enactment of this Act.

Mr. MOSS. Mr. President, I am pleased to join with Senator HARTKE in sponsoring the Truth in Food Labeling Act, a comprehensive set of amendments to the Fair Packaging and Labeling Act.

The Fair Packaging and Labeling Act has been a noble experiment at giving the consumer a sound footing in the economic competition of the marketplace. He now knows, by and large, how much he is getting of a given commodity. He is not deceived by proliferation of sizes and names. But, the consumer does not know what he is getting. The Truth in Food Labeling Act attempts to set straight the numerous problems which the consumer has in the marketplace in his dealings with standardized foods, ungraded foods, house brands, shelf life of goods, and the like.

Basically, the Truth in Food Labeling Act is but another extension of the right to know, one of the four basic consumer rights that President John F. Kennedy enunciated in his brilliant message 10 years ago. What does the Truth in Food Labeling Act do? It provides just about all the information that the consumer needs in order to make an intelligent choice in the marketplace.

The first title of the act would require a uniform grading of food products. Too often one goes into the store and buys grade A, only to find out that grade A is second quality in that commodity. Between different commodities the names and relative positions of these grades vary. The act would eliminate this problem by establishing uniform nomenclature, six grades labeled A through E and ungraded. Of course, in the area of meats, where our system of prime, choice and commercial is so well established and understood, the legislation provides for exemption of those graduations.

The second title of the bill would require the disclosure of food ingredients in order of their predominance. Some people are allergic to various additives, but they do not know whether these additives are in the foods they purchase. And too often a food label does not sufficiently amplify the name of the product. Additionally, the legislation would not preclude the establishment of labels continuing the percentage of ingredients, a most important bit of information to know when purchasing various food products.

The next title of the bill would require the establishment of a national system of uniform nutrient labeling. What good is a food product if it has no nutritional value? Wll, the consumer might want to purchase it anyway, but he has the right to know the nutritional value of the food particularly when claims for "energy packed" and "body building" are thrown about so loosely in advertisements. The legislation would fill the current void in nutritional labeling. Although a number of voluntary programs have been established, this title would make mandatory a national nutritional labeling system.

Next, we face the problem of freshness. The hidden codes on the lids of cans and enigmatic numbers and letters on foods in the dairy case prevent the consumer from knowing how old a perishable or semi-perishable product is. If the product is going to be used immediately, it invariably does not matter as long as the pull date has not been reached. If it will sit on the shelf for a month or two, the consumer should know how long he has before he must use the product. Title V of the Truth in Food Labeling Act would remedy the open dating problem.

The last title would remedy a most serious problem that arose when the Bon Vivant botulism case arose last summer. The house brands of many large chains and other private label brands are manufactured by a variety of different firms. But how does the consumer know whether his can of Supermarket X chicken soup was manufactured by Bon Vivant or some other firm? At the moment, there is no way to identify the manufacturer, only the distributor is identified on the package. The identity of the manufacturer will serve to let the consumer know who is manufacturing the food products he eats.

Some may ask why we have left unit pricing out of this legislation. I believe the very significant progress that has been made through voluntary efforts precludes legislation of unit pricing at the present time.

However, the voluntary efforts to date on these other issues do not appear to be sufficient. Although retailers have made great strides, the progress of the manufacturers has been relatively slow. It seems that most of the needs of the consumer can best be done at the manufacturing level rather than at the retail level, thus the need for the Truth in Food Labeling Act.

I hope my colleagues will join with me in supporting this important consumer legislation.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2910

At the request of Mr. TAFT, the Senator from Masachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2910, a bill to provide grants to States for the establishment, maintenance, and operation of low-cost meal programs for disabled Americans, and for other purposes.

S. 2994

At the request of Mr. MCCLELLAN, the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Alaska (Mr. STEVENS), the Senator from Wisconsin (Mr. NELSON), the Senator from Tennessee (Mr. BAKER), and the Senator from North Dakota (Mr. YOUNG) 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.

S. 2995

At the request of Mr. KENNEDY, the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of S. 2995, the Victims of Crime Act of 1972.

S. 3080

At the request of Mr. KENNEDY, the Senator from Utah (Mr. MOSS) was added as a cosponsor of S. 3080, to amend the Lead-Based Paint Poisoning Prevention Act.

SENATE JOINT RESOLUTION 189

At the request of Mr. BROCK, the Senator from North Carolina (Mr. JORDAN) was added as a cosponsor of Senate Joint Resolution 189, a resolution to authorize the President to designate the period beginning March 26, 1972, as "National Week of Concern" for prisoners of war and missing in action, and to designate Sunday, March 26, 1972, as a national day of prayer for these Americans.

SENATE RESOLUTION 241—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

(Referred to the Committee on Rules and Administration, by unanimous consent.)

EXTENSION AND BUDGET OF SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

Mr. MCGOVERN. Mr. President, I am introducing today Senate Resolution 241 extending the work of the Select Committee on Nutrition and Human Needs from March 1, 1972, to February 28, 1973. This resolution is an amended form of Senate Resolution 183 introduced last October 20, the only significant change being the inclusion of a specific budgetary figure which approximates the select committee's budget for the previous year. Both resolutions were approved unanimously by the members of the committee.

Mr. President, the select committee has performed the invaluable service during the past year of insuring that the major nutrition legislation enacted during the 91st Congress in the areas of family and child feeding was properly implemented. The committee was responsible for alerting the Congress to the adverse effects of new food stamp regulations which would have eliminated or reduced food benefits for over 2 million people. The committee also led congressional efforts to add $200 million to the fiscal year 1972 food stamp appropriation and, within the last several weeks, insured that these funds were released by the Office of Management and Budget. In the area of child feeding, the committee was the first to learn that promised funds for a vital summer recreation feeding program were not forthcoming to cities all across the country, and it was primarily because of the committee's efforts that this program was finally tripled in size. Of all its successes, the committee's alerting of the Congress to a last minute revision of national school lunch regulations that

threatened to cripple this program, was perhaps its most significant achievement. If the Congress had not been properly alerted, it could not have responded quickly with appropriate remedial legislation and millions of needy schoolchildren might not have received nutritious lunches this year. The committee also conducted for the first time a thorough review of the surplus food distribution program which, hopefully, will result in significant improvements nutritionally for the 3 million Americans who depend on that program. The committee staff was responsible for a report, "Seattle: Unemployment, the New Poor and Hunger," which received wide notice and played an important role in the Agriculture Department's eventual decision to provide special food assistance to that hard-hit area.

These achievements have been made possible in large measure because of the excellent spirit of bipartisanship which has characterized the work of the members of the committee.

Mr. President, I believe the select committee can continue its effective efforts to deal with the problem of hunger and malnutrition in America and to insure that every American citizen has an adequate diet. The committee's plans to pursue that goal are fully stated in the memorandum accompanying the resolution on existence.

I understand that the distinguished ranking minority member of this committee, Senator PERCY, will request that a letter from Dr. Jean Mayer, former chairman of the White House Conference on Food, Nutrition, and Health, urging extension of the committee be printed in the RECORD. I also ask that selected press reports chronicling the committee's efforts in the last year be printed at this point in the RECORD.

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

S. RES. 241

Resolved, That the Select Committee on Nutrition and Human Needs, established by Senate Resolution 281, Ninetieth Congress, agreed to on July 30, 1968, as amended and supplemented, is hereby extended through February 28, 1973.

SEC. 2. (a) In studying matters pertaining to the lack of food, medical assistance, and other related necessities of life and health, the Select Committee on Nutrition and Human Needs 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, (3) to subpena witnesses and documents, (4) 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, information, and facilities of any such department or agency, (5) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same services under section 202(i) of the Legislative Reorganization Act of 1946, (6) to interview employees of the Federal, State and local governments and other individuals, and (7) to take depositions and other testimony.

SEC. 3. The expenses of the committee under this resolution shall not exceed $280,000 of which amount not to exceed $15,000 shall be available for the procurement of the services of individual consultants or organization thereof.

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.

[From the St. Paul (Minn.) Dispatch Dec. 1, 1971]

FOOD STAMP CUTBACKS

The U.S. Agriculture Department's new food stamp regulations are embarrassing to the average American citizen.

We call ourselves a land of plenty; we worry about how to avoid huge crop surpluses—and then our bureaucrats cut off the supply of food to needy people. It is demeaning to the country.

The new regulations will cut in half the number of elderly Minnesota residents who are eligible for the budget-stretching food stamps. The people being cut off are not cheaters who are defrauding the taxpayers, they are retired citizens on fixed incomes who have found it necessary to use food stamps in order to maintain a properly nutritional diet. It will become just that much tougher for these people to live on their fixed incomes while subject to rising prices and soaring taxes.

Food stamps also will be cut back for people receiving Aid to Families with Dependent Children (AFDC) benefits. For example, a mother in a household of four who now can get $29 worth of food stamps when she purchases $77 worth of food in a month will get only about $9 worth of stamps under the new regulations. This could literally take food out of the mouths of thousands of innocent children.

The minimum income a person can earn and still be eligible for food stamps also will be lowered under the new regulations. For example, a household of three can now earn $305 a month and be eligible. That will be reduced to $293 a month under the change. This will further increase the hardships of many families.

The really annoying thing is that this senseless change in regulations was not the will of our elected Congress but was perpetrated by officials who seem to ignore the needs of the people. Now congressional action will be needed to correct this embarrassment. That action cannot come too soon.

[From the Washington Daily News, Dec. 7, 1971]

FOOD STAMPS CANCELED FOR 75,000

(By William Steif)

At least 75,000 elderly poor persons will be denied federal food stamps in the next few weeks and more than two million other poor persons will have to pay more for their stamps because one federal eligibility standard is replacing various state regulations.

Conceding this today, James Springfield, head of the food stamp program, said the change means nearly two million other poor persons, mainly in the South, "will be likely to join" the program for the first time.

The Agriculture Department drew up the new national eligibility rules as directed by Congress a year ago. But Congress failed to specify that those previously eligible for the stamps would remain so under the new rules as long as their incomes did not rise.

The new rules specify that only those on welfare—as determined by the various states—will remain eligible for the stamps, regardless of their incomes. But those not on welfare will be denied stamps if their incomes exceed $170 a month for individuals, $223 for couples or $360 for a family of four.

ADD 1.7 MILLION

Conversely, those states which had low income ceilings for stamp eligibility—some southern states, Indiana and Missouri—now will be able to add 1.7 million persons to their lists of stamp beneficiaries, Mr. Springfield estimated.

He said about 900,000 persons with incomes under $20 monthly now would get free food stamps; previously a four-person family with an income under $20 a month had to pay $2 for $106 worth of food stamps.

Mr. Springfield agreed the benefit reductions would be hard on some people. But he said the department operated on the policy that "as income approaches the point where you no longer need help, you should no longer get as much help . . . we're talking about the marginally poor."

Hardest hit by the new rule will be the poor in 12 states which have had high income limits for food stamp eligibility—California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South Dakota, Vermont, Washington and Wisconsin.

Income limits for food stamp eligibility in the 12 states ranged from $225 to $255 a month for couples. Most of those not on welfare who had been eligible for the stamps in these states are elderly living on small, fixed incomes. To them the stamps were a real boon.

HIGHER ESTIMATES

Altho Mr. Springfield said "a relatively small number" would lose their food stamps, Senate sources said the figure could be considerably higher than the Agriculture Department's estimate of 75,000.

One source said Minnesota would drop 16,000 persons alone; Washington state officials estimated as many as 35,000 persons would be dropped in that high-unemployment area; Arthur Schiff, director of New York City's food stamp program, estimated as many as 25,000 in his city would be denied stamps.

MANY TO PAY MORE

Under the new rules, many welfare and non-welfare people in all states who will retain their stamp eligibility also will have to pay more for their food stamps.

For example, a single person with a monthly income of $170 has been able to buy $28 worth of stamps for $18; under the new rules, he'll pay $26 for $32 worth of stamps, which he then can use at his local grocery for food.

A couple with a $223 monthly income used to pay $36 to get $58 worth of stamps; now the same couple will have to pay $54 for $60 worth of stamps.

A four-person family living on $360 a month used to pay $82 for $106 worth of stamps; now $108 worth of stamps will cost that family $99.

SOME MAY DROP OUT

Mr. Schiff estimated about 81,000 New York City families—about 250,000 people—would have to pay more for stamps. New Jersey officials said as many as 60 per cent of the state's 400,000 welfare recipients would have their food stamp benefits trimmed.

Between 10.5 million and 11 million people are now in the stamp program, which will cost about $2.2 billion this year.

[From the Philadelphia Inquirer, Dec. 19, 1971]

TWENTY-EIGHT SENATORS PROTEST CUT IN FOOD STAMPS

Twenty-eight senators have asked Agriculture Secretary Earl L. Butz to prevent more than two million persons from losing part of their benefits from the food stamp program.

The Agriculture Department has acknowledged that new regulations, effective in most states next month, will reduce benefits for about two million recipients and will eliminate benefits completely for at least 60,000.

The protesting senators, in a letter drafted by Sen. George McGovern (D., S.D.), urged Butz to fulfill general commitments he made during the close Senate battle over his confirmation. The senators noted that Butz had pledged in writing to "energetically work

toward improvements in the programs to feed needy people."

The standards, drafted by the secretary of agriculture, will make about 1.7 million persons, mostly in the South, eligible for benefits for the first time. Several million persons will receive higher benefits. The persons who will lose benefits are in the relatively highest income group among the poor.

[From the Washington Post, Dec. 19, 1971]

FOOD STAMP PROTECTION SOUGHT

(By Nick Kotz)

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Butz made his pledges to Republican senators concerned about his earlier criticism of the food stamp program.

The new regulations implement the 1970 Food Stamp Reform Act which required national eligibility standards to replace individual state standards.

The standards, drafted by the Secretary of Agriculture, will make about 1.7 million persons, mostly in the South, eligible for benefits for the first time. Several million persons will receive higher benefits.

Those who will lose benefits are in the relatively highest income group among the poor.

ELDERLY AID FAILS

For example, benefits for an elderly couple will stop with a maximum of $229 monthly income. Benefits for a four-member family will stop at $360 monthly income. Some states had permitted elderly with slightly more income to participate in the program.

The senators expressed concern that about two million persons "may be persuaded to abandon the program" because the new regulations will afford them insignificant benefits.

Several examples illustrate the loss of benefits or of eligibility: An elderly couple with $220 monthly income now pays $36 for $56 in food stamps used to buy groceries as cash. Under the new regulations, this couple would pay $52 and receive $58 in stamps. A couple with $240 income now pays $36 for $56 in stamps, but they would be ineligible because they have more than $229 income a month.

A family of four receiving welfare in New York State until now has paid $82 to receive $106 in food stamps. Under the new regulations the family would pay $99 for $108 in stamps.

The senators urging action includes 23 liberal Democrats and five Republicans: Charles Percy of Illinois, Charles Mathias of Maryland, Clifford Case of New Jersey, Mark Hatfield of Oregon and Jacob Javits of New York.

BENEFITS IN 12 STATES AFFECTED

They predicted that up to 250,000 elderly persons could lose their benefits in 12 states that have had higher eligibility standards than the new national standards.

"Regardless of the exact number," the senators wrote, "it is unconscionable that one elderly poor person should be permitted to go hungry by virtue of an administrative determination by your department, particularly in view of the President's encouraging words to the White House. Conference on Aging." The loss of food stamp aid was criticized by many groups attending the conference.

The 12 states in which some persons will lose eligibility are: California, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Rhode Island, South Dakota, Vermont, Washington and Wisconsin.

The senators said they found it difficult to believe that persons would receive reduced benefits since "the express purpose of the new food stamp law was to expand and improve the food stamp program, not contract it."

The Senate last week approved a proposal by Sen. Hubert Humphrey (D-Minn.) which ordered USDA not to reduce benefits for anyone. The proposal has not been considered in the House.

[From the Washington Post, Dec. 23, 1971]

ANOTHER FOOD STAMP CUTBACK?

Six months ago, the Department of Agriculture approved new eligibility standards that would potentially add 1.7 million people to the food stamp program. In addition, they would offer improved benefits for some of the poor already in the program. This was a positive move forward in what was officially called the Food Stamp Reform Act; moreover, it offered proof that the administration's commitment to end hunger was anything but token. But it is still not a total commitment. Under the new standards, some 60,000 of the poor will lose the benefits they now have, and perhaps as many as 2 million will have their benefits reduced. These regulations, made earlier this year, are now going into effect. The poor have no aggressive lobby to lead their protest, but the mental dismay and physical pain of people suddenly denied food is not hard to imagine.

As a last minute try at reversing the harmful part of the new standards, the Senate added an amendment to the Children's Dental Health Act of 1971 that requires the Department of Agriculture not to reduce benefits for anyone; but the bill has gone nowhere in the House. Fortunately, legislation is not needed to correct this injustice. As 28 senators have pointed out in a recent letter to Secretary of Agriculture Earl L. Butz, the department can act administratively to keep in the program those already in it. As for the potential dropping and reduction of benefits, the senators said: "We find this difficult to believe in given the express purpose of the new food stamp law to expand and improve the food stamp program, not contract."

Secretary Butz, who said in Senate confirmation hearings that he would "energetically work toward improvements in the programs to feed needy families," now has a fine opportunity to use that energy. Such a move would also prove wrong the earlier critics of Mr. Butz who shuddered on learning his once-negative views on food stamps, expressed when Mr. Butz was in private business. Most important of all, in acting decisively now, tens of thousands of the nation's hungry would not suddenly be denied food.

[From the New York Times, Jan. 4, 1972]

SENATORS DEMAND CHANGE IN RULES TO BENEFIT FOOD STAMPS RECIPIENTS IN POPULOUS STATES

(By Jack Rosenthal)

WASHINGTON, January 3.—Two senators who favor more liberal food distribution benefits assailed the Department of Agriculture today for its refusal to abandon new food stamp regulations that would increase benefits in the South and West at the expense of New York and other industrial states.

The new criticisms appeared to bring closer yet another confrontation between the Administration and Congress over food spending. Congress has ordered restoration of proposed cuts in other programs.

In independent statements Senator George McGovern, Democrat of South Dakota, and Senator Clifford P. Case, Republican of New Jersey urged the department to reconsider the regulations. If it does not, both raised the prospect of a Congressional fight.

The department, however, appeared determined to stand by the regulations, which it issued on July.

"We're not contemplating any change," said Richard E. Lyng, Assistant Secretary of Agriculture.

A $360 INCOME LIMIT

The new regulations would put $360 as the top monthly income limit for participation in the food stamp program.

This limit is substantially higher than the present ceiling used by a number of Southern and Western states. It would help bring an estimated total of 1.7 million additional persons into the program.

However, New York and other states with high living costs have set higher eligibility requirements. Thus the $360 limit would require the elimination and reduction of benefits to an estimated total of 2.1 million recipients.

To expand the coverage without these reductions would cost an estimated total of $250-million.

Letting the new regulations stand, Senator McGovern said, means that "the department has once again put short-term budgetary considerations ahead of the nutritional needs of the poor."

Citing a measure passed by the Senate in November forbidding the reductions, he continued:

"This latest decision clearly flies in the face of Congressional intent and the public interest on the hunger issue. In each previous case, the department was eventually required to reverse its position."

CALLS FOR REVERSAL

He said he would work for such legislation in the new food stamp affair. But he urged Secretary of Agriculture Earl L. Butz to avoid a legislative fight and "reverse this bureaucratic negativism" by administrative action.

Senator Case expressed a similar position, saying, "There may still be time to prevent this most unfortunate result. If not, we shall have no recourse but to do our best to stop it by legislative action."

He noted that the regulations would sharply curtail food-stamp benefits in New Jersey and then said:

"The Department of Agriculture seems obsessed with benefiting those areas of the country which it has come to regard as its constituency, at the expense of those regions, including Pennsylvania, New York, and New Jersey where the need is as great or greater."

Agitation against the new regulations is likely to mount Friday when representatives of 17 Eastern Governors—11 of them Republicans—meet in Hartford at the invitation of Gov. Thomas J. Meskill of Connecticut.

Governor Meskill, a spokesman said today, "is seriously concerned about the effect of the new regulations on poor people in the state and regards it as an administrative disaster, as well."

The aim of the conference, the spokesman said, is to unite behind alternatives and prevail on the Administration to accept its recommendations.

The approaching conflict strongly parallels the fight last fall over proposed Administration revisions in the school lunch program. These changes were twice blocked by the Democratic Congress.

Administration officials acknowledged today that the basic issue in the new food stamp issue was the same as the one underlying the school lunch controversy: money.

Since the Nixon Administration took office, total Federal spending for food stamps has risen from $250-million to $2.2-billion. Thus, the question for White House budget experts, one official said, is not so much adequate spending but over-all priorities.

If, in a tight budget year, choices must be

made, then "it is only sensible that we serve the poorest of the poor," he said.

[From the Garden City (N.Y.) Newsday, Jan. 6, 1972]

CANCELED STAMPS

The poor in New York and other industrial states are about to take a beating at the hands of the federal government. According to new Agriculture Department regulations, food stamps would be made available only to persons with monthly incomes of $360 and below. That limit is higher than the present ceiling in several western and southern states but below that of the eastern states where cost of living is traditionally higher. As a result, some 2,100,000 indigent citizens in this part of the country may face reductions in food stamps benefits.

Currently, there is a bipartisan move to bring the Agriculture Department—and the Nixon administration—face-to-face with the problems of the eastern poor. Sen. George McGovern (D-S.D.) and Sen. Clifford P. Case (R-N.J.) have asked the department to either reconsider the restrictions or expect a legislative battle over the issue of placing "short term budgetary considerations ahead of the nutritional needs of the poor."

So far, the Agriculture Department has remained adamant. "We're not contemplating any change," an official said recently. Meanwhile, administration spokesmen insist money is the issue.

But that is an old line, no more acceptable now than, say, when the White House tried to cut back on the federal school lunch program. Last week alone, the administration proposed that $5.5 billion be spent on a six-year "space-shuttle" program. An expanded food stamp effort that improved standards in the South and West without discriminating against poor people in the East would cost an estimated $250,000,000. Priorities and not funds—seem to be the problem.

[From the Bridgeport, Conn. Post, Jan. 6, 1972]

FOOD STAMP BATTLE

Strong opposition is mounting to new federal regulations for the food stamp program which would increase the number of participants at the expense of the working poor.

Senator Abraham Ribicoff and Senator George S. McGovern of South Dakota secured the signatures of 26 other senators for a letter protesting the new rules. The complaint filed by a majority of the Senate failed to impress the officials at the U.S. Department of Agriculture.

Now, when the Senate reconvenes later this month, Mr. Ribicoff may call for his colleagues to pass a strongly worded resolution informing the Agriculture Department that it has embarked on the wrong course. Such a resolution would not be binding, but an agency usually gets the message when one of these documents lands on the top man's desk.

It will be remembered that Senator Ribicoff took this same route when the Agriculture Department attempted to set up a new system for allocating funds for school lunch programs. The agency had to reverse its policy on that one.

The concern over the new guidelines for food stamps is not limited to our lawmakers in Washington. Governor Thomas J. Meskill will meet tomorrow with 17 other governors to discuss the situation. Mr. Meskill sees the proposed setup as an "administrative disaster."

The major objection is that the rules which the Agriculture Department seeks to impose penalize the working poor. A family of four with a monthly income of $280, the maximum allowed for Connecticut participants, would have its food stamp buying power cut by nearly 40 per cent.

The chief agrument made by the Agriculture Department centers around the claim it is seeking to make stamps available to people with no income. By all means, this should be done. According to some Washington sources the expansion of the program would be possible within the present budgetary limitations.

For some reason Agriculture wants to impose its will and in so doing discriminate against Connecticut and any number of other States where there are few families with no income.

Basically, it is a question of priorities. The Nixon Administration professes to be concerned about the working poor. Food stamps are a vital means of keeping low income families together and encouraging them to elevate themselves.

[From the New York Times, Jan. 8, 1972]

FOOD STAMP SHIFTS DECRIED BY AIDES TO 15 GOVERNORS

(By Jack Rosenthal)

HARTFORD, January 7.—In a unanimous report, representatives of 15 Governors and Mayor Lindsay urged today the immediate suspension of new Federal food stamp regulations that they said would seriously harm poor people and create "intolerable administrative burdens" for their states.

Their report, developed at an all-day conference here, intensified rising opposition to the new regulations, which the Senate voted to revise on Dec. 10.

The massive, accelerating food stamp program is the major Federal effort against hunger. Under the Nixon Administration, participation has climbed to 10.5 million people from three million.

The new agriculture department regulations, already in effect in some states, will become effective in New York and most other states on Feb. 1. They would bring food stamp benefits to an estimated 1.7 million additional poor people in the South and West, but at the expense of some 2.1 million present beneficiaries in New York and other industrial states.

The Governors of most of these states, Republican and Democratic, sent representatives to the conference today, called by Gov. Thomas J. Meskill of Connecticut, a Republican, and held in the echoing, mahogany-paneled State Senate chamber.

A total of 28 representatives, most of them antihunger or welfare officials of their states, called both for a short-term moratorium on the Federal regulations and for longer-term reforms.

For many poor people, the conference report said, the new regulations mean "a significant reduction in the amount of money available to spend on necessary foods."

"The effect of this may well be malnutrition for those who are most vulnerable and most in need of nutritious diets," the report said.

As the new administrative requirements, the report said, "The burdens may be so heavy that a number of states may be forced to withdraw from the program, with the attendant consequences to welfare recipients, the elderly and the working poor."

ASK HIGHER DIET LEVEL

In addition, the conferees called for the Department of Agriculture to finance a higher minimum diet level for all food stamp recipients. The present "economy" level is intended for emergency situations only, the conferees said.

The report was intended for transmission by the 15 Governors to President Nixon and the states' Congressional delegations, with accompanying individual letters. The participants, taking pains to characterize their concern as nonpartisan, also began discussions of additional political means of protest.

"We'll do everything we can, among the public, in the courts, in the political arena to reverse these regulations," Arthur Shiff, director of New York City's food stamp program, told the conference.

He said that more than 50,000 of the 800,000 current participants in New York City would be hurt by regulations and some would be forced out of the program altogether, he said.

SETS NATIONAL STANDARD

The new regulations set a national standard of $360 as the top monthly income that a participating family may have and still remain in the program. Under the old system, each state set its own income standard.

The $360 standard is substantially higher than the limit now set by many Southern and Western states. Thus, participation in those states is expected to rise sharply.

However, the limit will curtail participation in New York and other populous states where living costs are higher and the permissible income for participating families is also higher.

Under the program, a needy family of four can purchase each month stamps that are worth $108 in food. Depending on income, such families pay varying amounts less than that to obtain the stamps.

NEW RULES ASSAILED

In his opening remarks to the conference, Governor Meskill particularly assailed the new administrative requirements for the food stamp program. He noted that these had been originated not by the Nixon Administration but by the Senate Select Committee on Nutrition and Human Needs, headed by Senator George McGovern of South Dakota, a candidate for the Democratic Presidential nomination.

"I hope this will not be considered some kind of revolt from within against a Republican Administration," he said. "Rather, these are valid complaints on issues about which reasonable men may differ."

The new administrative requirements include permitting recipients to buy food stamps more than once a month and automatic distribution of stamps to welfare recipients who request them.

These and other changes would increase administrative costs to a near-decisive point, Peter Martin, the Vermont representative, told the conferees. The changes, coupled with the benefit cuts, would leave the food stamp program of only "marginal" use to his state, he said.

"Someone will soon have to decide if Vermont, the first state to go on food stamps, will have to go off food stamps," he said.

[From the Washington Post, Jan. 9, 1972]

FIFTEEN STATES FIGHT FOOD AID CUT

(By Nick Kotz)

The governors of 15 states and the mayor of New York City have started a national campaign to prevent the Nixon administration from cutting food stamp benefits for two million needy persons.

Representatives of the governors and of Mayor John V. Lindsay, at a meeting Friday in Hartford, Conn., agreed to seek the support of other states in their campaign to preserve present benefits under the food stamp program.

The governors' action already has slowed the administration's plan to reject the congressional appeal on the food stamp issue.

Agriculture Secretary Earl Butz was prepared to reject a plea from 28 senators, but the issue is now being studied in the White House's Office of Management and Budget, which drafted the controversial food stamp regulations.

Vermont refused outright to cut food stamp benefits and has dared the Agriculture Department to throw the state out of the program. Sen. George Aiken of Vermont, ranking Republican on the Senate Agriculture Committee, personally appealed to Butz on the issue.

The disputed regulations, which implement the Food Stamp Reform Act of 1971, would help persons with the least income. About

two million additional persons, mostly in the South, would become eligible for benefits for the first time and about six million present recipients would gain a slight increase in benefits.

However, two million persons, mostly in northern states, would receive sharply reduced benefits and about 100,000 would be eliminated from the program completely.

The states that signed the protest statement at the Hartford meeting called by Republican Gov. Thomas Meskill of Connecticut were Connecticut, Delaware, Indiana, Maine, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

The statement signed by the governors' representatives demanded that no family be eliminated from the program, that no family get reduced benefits and that benefits actually be increased so that the food stamp program would reflect the cost of an adequate diet.

[From the New York Times, Jan, 12, 1972]

TEN PERCENT IS IMPOUNDED IN FOOD STAMP AID—WITHHOLDING OF $202 MILLION BY ADMINISTRATION BRINGS CAPITOL HILL CRITICISM

(By Jack Rosenthal)

WASHINGTON, January 11.—Confidential budgetary documents obtained today disclose that the Nixon Administration has impounded $202-million in funds for the campaign against hunger.

The impoundment totals almost 10 per cent of the $2.2-billion in spending appropriated by Congress for the food-stamp program, the major Federal effort for food assistance.

The disclosure stirred some sharp criticism today on Capitol Hill. It is expected to provoke more next week, when Congress reconvenes.

Imminent cuts in the food-stamp program in New York and other industrial states have already prompted rising Congressional and state opposition.

Senator Clifford P. Case, Republican of New Jersey, said that he would seek prompt Congressional action. It appeared likely that he would be joined by Senator George McGovern, Democratic Presidential candidate from South Dakota, who is chairman of the Senate Nutrition Committee.

Administration officials differed today over who ordered the $202-million impoundment. But there was no challenge to the fact of the action.

The Administration's budget request for food stamps for $2-billion. Congress, seeking enlargement of the program, last summer added $200-million.

The documents obtained today, however, showed that "adjusted" allowable spending had been cut back to $2-billion, despite the Congressional appropriation.

Sources at the Department of Agriculture, which administers the food stamp program, said that the $202-million impoundment had resulted from decisions made by White House budget officials.

The Office of Management and Budget denied, "without equivocation," that it had ordered the funds held back. The funds are not being spent, an official said, because the Agriculture Department has found they have not been needed.

"I suppose the real answer," a high Government official said, "is that it is neither an Agriculture nor an O.M.B. [Office of Management and Budget] but an Administration decision."

Disclosure of the impoundment, together with rising national opposition to the food stamp cuts, appeared to be prompting an internal reassessment of the cuts.

A week ago, Richard E. Lyng, Assistant Secretary of Agriculture, said, "We're not contemplating any change." Today, asked if his position had changed, he said, "No comment."

The Nixon Administration has expanded the food stamp program dramatically in three years. Since it took office, participation has increased from 3.2 million to 10.5 million people.

The underlying question in a time of budget stringency, officials have said, is "How much is enough?"

Senator Case took a different view today in his statement to the press:

"Since last June, the Department of Agriculture has argued that a prime reason for the food stamp cutback was that it did not have sufficient funds, even though the final legislation signed into law by the President included a $200-million increase."

He continued: "But the department never publicly said that the $200-million had been impounded."

Executive branch impoundment of Congressionally appropriated funds has been a major issue recently. A bill now pending would require the Administration to release about $3-billion in such funds before it can spend new money for foreign aid.

This legislation apparently would not affect the Agriculture Department funds, however, since it is limited to fiscal 1971. The Agricultural Department impounding applies to fiscal 1972, which ends next June 30.

The cuts in the food stamp program result from Agriculture Department regulations implementing the 1971 Food Stamp Act. These are generally effective Feb. 1.

SHIFT IN RECIPIENTS

The regulations would bring an estimated 1.7 million additional persons in the South and West into the program. The additional costs are to offset by reducing or eliminating benefits for an estimated 2.1 million recipients, largely from Northeastern states.

These cuts were protested by 28 Senators in a joint letter to the Agriculture Department on Dec. 19. This letter has not yet been answered, Kenneth Schlossberg, director of the Senate Nutrition Committee, said, today.

"There's no question now that there will be further protest to the Administration," he said.

[From the Washington (D.C.) Post, Jan. 17, 1972]

FOOD AID CUTBACK REVERSED—BUTZ ORDERS STAMP BENEFITS FULLY RESTORED

(By Hedley Burrell)

Secretary of Agriculture Earl L. Butz yesterday announced a sharp reversal of policy on food stamps and ordered that full benefits be restored to all recipients.

The administration had been under mounting pressure from Congress, officials in major cities and governors to ease regulations adopted last year.

Had the rules not been changed, about two million food-stamp recipients would have had their benefits cut drastically because their earnings were at the upper level of the government's poverty scale. Something like 100,000 recipients would have lost all benefits.

Twenty-eight senators from both parties recently wrote Butz demanding that none of the 10.9 million persons who participate in the program lose any benefits.

"I have ordered the Food and Nutrition Service—the agency which administers the food stamp program—to modify the regulations so that the benefits available to each household are as high or higher than they were under the old regulations," Butz said in a statement.

"The governors asked me to review the impact of the new regulations on the people of their states."

The decision was necessary, Butz said, to prevent hardship among the poor.

"While benefits paid are expected to increase . . .," Butz said, "the funds already appropriated by the Congress should be sufficient to cover total program costs in Fiscal 1972" which will end June 30.

Congress appropriated $2.2 billion for food stamps this year, but the Agriculture Department had planned to hold spending to $2 billion. Now, Butz indicated, the full amount will be needed.

The average food stamp recipient pays $4.50 for stamps that are redeemable for $10 worth of food.

Administration officials had argued that reduced benefits would encourage the less desperate poor to find jobs and get off food stamps.

Sens. George McGovern (D-S.D.) and Hubert H. Humphrey (D-Minn.), among others, had served notice that they would seek congressional action to restore the benefits.

On Jan. 7, officials representing the governors of 15 states and Mayor John V. Lindsay of New York appealed to the Agriculture Department not to implement the new regulations.

Their resolution, adopted at a meeting in Hartford, Conn., said the effect of the rules change "may well be malnutrition for those who are most vulnerable and most in need of nutritious diets."

Maryland was among the states signing the protest statement.

Under the stricter regulations, now revoked, a family of four at the upper income level of the poverty scale would have had to pay $99 a month for $108 worth of food stamps. Now, the same family will pay $94—the same as before the rules were changed—for the $108 worth of stamps.

A family of four not on welfare is eligible for stamps if its income does not exceed $360 a month.

[From the New York Times, Jan. 17, 1972]

TWENTY-ONE MILLION TO GET FULL RESTORATION OF FOOD STAMP AID

(By Jack Rosenthal)

WASHINGTON.—In a major policy turnaround, the Nixon Administration ordered the restoration today of full food-stamp benefits to 2.1 million needy poor persons in New York and other industrial states.

The action reverses cuts that would have begun Feb. 1 in most of these states. About 500,000 people would have been affected in New York City alone.

The reversal was announced by Earl L. Butz, the Secretary of Agriculture. It came after extensive Senate and state pressure, notably from leading Republican Governors.

The Administration had resisted these pressures for weeks. But once the turnaround was announced, the Government machinery went to work immediately.

SPECIALISTS CALLED IN

If revised regulations can be issued quickly, the food-stamp cuts now will never go into effect. Hence, Agriculture Department specialists were called in for Sunday work to begin the complex task of revising the regulations and detailed benefit tables.

Food stamps are certificates sold to the poor at discount prices for use in buying food. A typical participant now pays $4.50 for stamps worth $10 in food.

The program, which is the Federal Government's major antihunger effort, already reaches 11 million needy people and is expected to reach 13 million by March.

Congress has appropriated $2.2-billion for the program in the current fiscal year, ending June 30. It was disclosed last week, however, that the Administration planned to withhold about $200-million of this total.

The disclosure intensified criticism of the announced cuts in the program. Secretary Butz made it clear today that this withheld money would be used to offset the now-eliminated cuts.

The annual cost of the new policy announced today is estimated at $300-million. The cost for the remainder of the current fiscal year is estimated at more than $100-million.

Prior to today's announcement, about

75,000 persons would have been eliminated from the program and 2 million would have seen their benefits reduced.

Thus, a family of four in New York City with a monthly income of $360 would have been eligible only for a $9 monthly bonus—paying $99 for stamps worth $108. The family's present bonus is $24.

Mr. Butz said in his statement today, however, that he had ordered new regulations insuring that "the benefits available to each household are as high or higher than they were under the old regulations."

Thus, the same New York City family of four will continue to receive a $24 bonus—paying $84 for stamps worth $108.

PRAISED BY M'GOVERN

Mr. Butz' announcement was immediately hailed by Senator George McGovern of South Dakota, a candidate for the Democratic Presidential nomination and chairman of the Senate Nutrition Committee.

"This decision is not a victory for the Congress nor for the Department of Agriculture," Senator McGovern said. "It is a victory only for the hungry poor."

Mr. McGovern and other Senators had criticized the cuts as an ironic result of a national uniform eligibility standard that was intended to broaden the program, which Congress passed last year.

Pursuant to this legislation, the Agriculture Department limited participation in the food stamp program to persons with a family income of less than $360 a month.

The cutoff point meant that 1.7 million people would be added to the program for the first time. Most of them are residents of Southern and Western states, which had previously set much lower income levels as the cutoff points for participation in the program. But at the same time, the $360 limit is lower than the cutoff point set in industrial states such as New York, where living costs are higher.

Thus, 2.1 million people in those states would have had their benefits eliminated or reduced. The principal effect may have been even greater. Officials have expressed fears that bonus levels as low as $9 would have discouraged needy people from entering the food stamp program in the first place.

PRIORITY TO THE POOREST

The Agriculture Department defeated the regulations by saying it only made sense, given limited funds, to give priority to "the poorest of the poor."

But the department was extensively criticized for serving some poor people at the expense of others, particularly when it was learned that the Administration was withholding $200-million in appropriated funds.

The criticism reached its highest point nine days ago, when representatives of 15 Governors and New York City met in Hartford and issued a strong appeal for abandonment of the cuts. They also called the new administrative requirements an "intolerable burden."

Secretary Butz did not alter these requirements, which are mandated by law, in his policy statement today. But he did promise technical assistance to the states to minimize any difficulty in implementing the newly revised regulations.

ROCKEFELLER 'DELIGHTED'

ALBANY, January 16—Governor Rockefeller said today that he was "delighted" with the Nixon Administration's decision to reverse its food-stamp policy and restore full benefits to all eligible needy persons.

"The decision means that 290,000 underprivileged New Yorkers, who otherwise would have lost the benefit of food stamps, can continue to buy these stamps and stretch their food dollars," Mr. Rockefeller said in a statement here.

[From the Washington Evening Star, Jan 13, 1972]

GROCERIES FOR THE POOR

With another ponderous federal deficit foreseen, it isn't hard to understand why the Nixon administration keeps looking desperately for programs that can be trimmed. What's difficult to comprehend is the seeming obsession with cutting back on funds for feeding poor people. No large savings are at stake, but public revulsion at these attempted economies is predictable beyond all doubt. There is a widely held conviction that the least this country can do for impoverished people is to provide them with enough food, especially since there's a surplus of it.

First the budget-shrinkers tried last year to slash the funding of free lunches for poor schoolchildren, but an incensed Congress rammed through legislation to prevent that. Now another battle is brewing on the Hill over the administration's impounding of $202 million appropriated for the food stamp program, and the prospect of many present beneficiaries being declared ineligible under new rules.

Congress last year appropriated $2.2 billion for food stamps, but apparently the administration hopes to save about 10 percent of that. And furthermore, the Agriculture Department has come up with new eligibility regulations, scheduled to take effect February 1, that threaten to reduce benefits considerably and remove many people from the program.

On its face, the move has a defensible purpose—to set uniform national eligibility standards. There is, as things now stand, a wide variation in participation requirements formulated by the various states. But in practice, the new standard regulations could reduce or eliminate the benefits of an estimated 2.1 million recipients (largely in the Northeastern states) while possibly bringing 1.7 million additional persons (mainly in the South and West) into the program.

That's because in the North the family income ceiling that determines eligibility for food stamps is higher than in Southern and other rural states, because the cost of living is higher. Equalization would mean that many large, low-income urban families could no longer purchase stamps, and poor families everywhere would have to pay more for them.

There is no question that Congress in voting a larger appropriation, intended to expand and not constrict this principal anti-hunger program. It was concerned particularly about the hardships caused by rising unemployment and under-employment in many urban sectors. So how, chagrined at being thwarted by administrative action, a number of lawmakers are preparing to force the issue when Congress reconvenes.

They will press legislation to retain the more beneficent eligibility standards and purchase prices for stamps, and they probably will succeed. The administration should remove the necessity for that by abandoning these new strictures before the effective date.

[From the St. Louis (Mo.) Post-Dispatch, Jan. 13, 1972]

EVADING THE WILL OF CONGRESS

In impounding $202,000,000 in anti-hunger funds, the Nixon Administration is trying to frustrate the will of Congress by playing one of its favorite political games. Congress last summer, with the specific intent of enlarging the federal food stamp program, added $202,000,000 to the Administration's budget request of $2 billion. Now—as a result of an Administration decision, responsibility for which cannot be pinpointed because of buck-passing between the agencies involved—the spending of 10 per cent of the food stamp money appropriated by Congress has been forbidden.

The same thing happened last year when hundreds of areas across the country were denied money for food stamps which had been appropriated by Congress because the President's Office of Management and Budget refused to release funds actually earmarked for the purpose. Impoundment has become a favored device of the Nixon Administration to avoid spending more money than the Administration wants for congressionally-approved social welfare programs such as urban renewal, regional medical clinics, farm loans and food stamps.

The obverse of the impoundment technique employed by the Administration to spend money which Congress has not appropriated, is the use of the so-called unexpended authority (unspent funds in appropriation pipelines) to shift funds to unapproved programs, particularly with respect to pet Pentagon projects and foreign military aid. Although various administrations have for years used evasive fiscal tactics to circumvent the will of Congress, the Nixon Administration has refined the techniques and enlarged the scope of evasion to such an extent that it has distorted legislative priorities more than any previous one.

When the effect is to deny food and other aid to the poor and to inflate the fare of the military bureaucracy, the manipulation of appropriations is especially reprehensible. The offense is compounded when the Administration uses the elastic executive power to release funds for favored projects and for favored congressional incumbents. Although more individual members are finally showing more resentment over being ignored, the legislators can only reassert their rightful constitutional power over the purse strings by taking concerted action against the executive.

[From the Washington Post, Jan. 22, 1972]

THE LATEST FOOD PROGRAM REVERSAL

In what now seems almost a pattern, the Department of Agriculture has again reversed its policy on one of its food aid programs. This time, instead of two million food stamp recipients having their benefits cut and 100,000 losing them totally, a decision was made not to cut or drop anyone. Originally, the department planned to hold spending to $2 billion of the $2.2 billion Congress had appropriated for food stamps this year. Thanks to protests from Congress, governors, mayors and the poor themselves, Secretary Butz said earlier this week that the full amount will now be spent.

The Department of Agriculture has shown it has the bigness of mind to reverse itself, but since these reversals have happened so often in the past two years it can be wondered what is in the department's mind in the first place. It is even more confusing when, overall, the department's record on food aid programs is considered; generally, it is a good one, with millions now receiving benefits who a few years ago received none. But why is so much pressure needed to get officials to go all out, that is, merely to carry out the programs authorized by Congress?

As a way of getting food to those who need it and are entitled to it, the food stamp program is of course anything but ideal. What is needed is a direct cash payment program, one that would eliminate both the kind of regulations the Department of Agriculture has been reversing itself on and the stigma of poverty often present for those who must buy food with stamps. Some versions of the welfare bill now in Congress provide direct cash payments, although the changeover will mean nothing if the payments do not at least match the current benefits. A further advantage of direct payments is that the Office of Management and Budget would be less involved; as Sen. George McGovern, chairman of the Senate

Select Committee on Nutrition and Human Needs, wrote to Secretary Butz in appealing for a reversal, it is the OMB "which throughout the year past put the Agriculture Department into the unpopular position of cutting food programs, positions from which the Department ultimately had to retreat."

[From the Washington Post, Dec. 11, 1971]

SEATTLE JOBLESS TO HAVE CHOICE OF FREE SURPLUS FOOD OR STAMPS

The U.S. Department of Agriculture, faced with a federal court order and an embarassing offer of "foreign aid" from Japan, decided yesterday to provide surplus commodities for the unemployed of the Seattle area.

Seattle, where the 15.7 per cent unemployment is the nation's worst, was to receive 1,000 pounds of canned food from its "sister city" of Kobe, Japan. At the same time, a federal judge ruled that the Department of Agriculture was arbitrarily refusing to provide Seattle with surplus food in addition to its food-stamp program.

Agriculture Secretary Earl Butz yesterday announced that USDA will bow to the court ruling and abandon its long-standing policy against operating both food programs in one area. Butz said the decision rests on "the singular conditions" in the Seattle area. A department spokesman insisted that the decision was not influenced by the food shipment from Japan.

Sen. Warren G. Magnuson (D-Wash.) said, however in a Senate speech: "In one simple humanitarian gesture, Japan has made a mockery of our pious claims of being a nation dedicated to serving the cause of human dignity and concern for the wellbeing of our citizens."

USDA, which originally considered an appeal of the federal court ruling, announced that Seattle families, who are eligible for aid will now be able to choose whether they want the surplus food, which is free, or the food stamps, which must be purchased by the needy.

In the Seattle area, where 106,000 are unemployed, many are technicians from the aerospace industry who are used to middle-class incomes. They need their cash to meet mortgage payments to keep their homes, so the surplus food program may be more attractive to many of them.

[From Time magazine, Jan. 24, 1972]

HUNGER IN SEATTLE

The sky, was slate gray. Snow, which had fallen a few nights before, had turned to slush. About 50 people, some with small children, waited patiently for more than an hour in front of a former supermarket at 23rd and Madison in Seattle's shabby central area. When the doors opened at 10 a.m., the people entered quickly and filled shopping carts with free surplus food—dry beans, scrambled-egg mix and a score of other items. Hundreds of other Seattle residents followed, collecting an allotment of 40 lbs. per person. In less than a week, workers at the store distributed 125,000 lbs. of food. Two weeks later, 220,000 lbs. of food had been given away.

Thus the first of three free-food distribution centers in the Seattle area opened just before the New Year; five more will be opened later. The food was supplied by the U.S. Department of Agriculture after more than five months of pressure from Washington Senators Warren Magnuson and Henry ("Scoop") Jackson, who had urged that federal food surpluses be sent to Seattle to feed the city's hungry. People on welfare, those collecting Social Security benefits and most of the 30,500 who exhausted their unemployment benefits are eligible for free food under the new program.

Hunger became a problem in Seattle almost two years ago, when the city's economy began to falter because of the layoff of 63,000 workers at Boeing, Seattle's largest employer. An ailing forest-products industry added to the problem, and the result was an unemployment rate of about 12% at the start of 1972. Of the 1,400,000 people living in the three-county area in and around Seattle, 72,500 were out of work.

Until the Federal Government came tardily to the rescue, Seattle's jobless relied mainly on an impressive, volunteer, church and community effort called Neighbors in Need, started in November 1970 to mobilize Seattle's haves to aid its have-nots. By December 1971, the group had given out nearly 500,000 bags of food, and its 1,500 volunteer workers had put in 400,000 man-hours feeding an average of 15,000 people per week. The food came from door-to-door collections and other individual donations. Washington farmers gave tons of apples, pears, potatoes and wheat; one package contained two live chickens.

HELP FROM KOBE

The Seattle Totems professional hockey team collected 1,000 donations of food for Neighbors at one of its games. The Seattle SuperSonics professional basketball team drew 900 paying customers—at $1 a head—to a practice session. The proceeds, and food donated by another 600 fans in lieu of cash admissions, went to the Neighbors' hunger program. Help also came from Kobe, Japan, Seattle's "sister city," which had received shipments of food and supplies from Seattle residents after World War II. Last week Actress Katharine Cornell sent a $500 check.

When he told the Senate of the Japanese gifts, Magnuson declared: "I have never felt disgraced by my Government. But today I stand here on the floor of the greatest deliberative body in the world in total humiliation." Magnuson was angry because he, Jackson and others had repeatedly requested that surplus food in warehouses and granaries around the country be sent to Seattle. Agriculture and Administration officials, though sympathetic, thought that they were hamstrung by federal regulations.

SPACE SHUTTLE

But in November, the staff of the Senate Select Committee on Nutrition and Human Needs issued a report contending that the Agriculture Department was violating the intent of the laws by withholding the surplus food. A federal district court agreed. Three weeks later, Magnuson asked his fellow Senators to approve a resolution that would prevent the department from appealing the court decision; it passed. By mid-December, 4,000,000 lbs. of surplus food—enough to feed 100,000 people for a month—began arriving in Seattle. The shipments will continue as long as needed.

Seattle will need more than free food. While much of the rest of the country is beginning to feel the end of the recession, and unemployment is leveling off in many areas, Seattle has not yet shared in this trend. Some 90,000 in the state may get 13 more weeks of aid through the Extension of Unemployment Benefits Act signed by President Nixon in December. Nixon's approval of the space-shuttle development project (Time, Jan. 17) also could improve the city's employment outlook if Boeing gets a healthy portion of the contracts to be awarded this summer. The 38,000 workers still at Boeing were somewhat upset when the Pay Board rejected a proposed 12% pay increase for aerospace workers and then voted to limit the first year raise to 8.3%. Although some Boeing employees fired off protest letters and telegrams to the President, most admitted that they were happy they still had jobs to go to. In Seattle, that is all that matters.

[From the Washington Star, Dec. 10, 1971]

BUNDLES FOR SEATTLE

Who would have dreamed 30 years ago, in the direct wake of Pearl Harbor, that someday the Japanese might be sending a version of care packages to America. But it happened this week. The city of Kobe, Japan, has a "sister-city" relationship with Seattle, and from Kobe has come 1,000 pounds of canned food and rice noodles to be distributed to the hungry unemployed in the Seattle area.

If that doesn't embarrass the Nixon administration it ought to. So should the ruling this week of a federal judge who declared that former Secretary of Agriculture Hardin has "abused his discretion" and acted unlawfully in refusing to establish a food-distribution program for the many people who are going hungry in Seattle.

The Seattle area, largely because of sharp cutbacks in Boeing's aerospace contracts, has the nation's most serious unemployment problem. More than 100,000 people are out of work, well over double the total of two years ago. As a recent report of the Senate Select Subcommittee on Nutrition and Human Needs points out, a great many of Seattle's jobless are formerly prosperous engineers, technical personnel and skilled craftsmen, people who possess homes, cars, insurance policies and other assets the middle-class takes for granted.

These people are in a peculiar situation. Their assets are worth enough, at least on paper, so that these families are ineligible for welfare or food stamps. Even if they do qualify for food stamps, families with no more income than unemployment compensation frequently have too little cash with which to buy them. Seattle's churches and charities have pitched in with food assistance. But their resources, as well as local public funds, are limited.

The Agriculture Department could easily have helped by distributing free food in Seattle under the surplus-commodity program. While federal law prohibits the use of both the food-stamp and commodity programs in any one area, an exception is made where local and state leaders declare an emergency. But Agriculture, minimizing the food problem in Seattle, has consistently turned down all pleas from that city and the State of Washington.

The administration's policy has been needlessly tough and wrongheaded; and it would be incredible were Agriculture's new Secretary Butz and the President's domestic advisers to decide to appeal the court decision. With no further delay, they should reverse their course and get to Seattle some American food parcels.

[From the Pasco, Wash., Tri-City Herald, Nov. 29, 1971]

SEATTLE AREA HUNGER CONFIRMED BY STUDY

WASHINGTON.—A Senate committee staff study has concluded that many Seattle-area families are hungry and that the situation probably will get worse as more families exhaust their unemployment benefits.

The study of unemployment and hunger in Seattle was conducted by the Senate Select Committee on Nutrition and Human Needs.

The staff recommendations, including distribution of federal surplus foods as well as food stamps, were endorsed by Sen. George McGovern, D-S.D., committee chairman and Sen. Charles Percy, R-Ill., ranking Republican.

During an inquiry in Seattle the week of Oct. 25, the staff found "widespread evidence that many families are suffering nutritional deprivation."

The report says with unemployment at a record 13 per cent and expected to continue at about 11 per cent, the situation will worsen as families exhaust unemployment benefits at an increasing rate.

The staff also concluded that probably less than half of those eligible for the Food Stamp Program are participating.

"Clearly, many are not paticipating because they cannot afford to buy into the program to receive their bonus stamps," the report said.

It contrasted food stamps with the program of direct surplus food distribution, which the

Agriculture Department repeatedly has turned down for Seattle.

"A food-stamp allotment of $28 to a person, when he needs $14 to buy the stamps and doesn't have that $14, is useless," the report says. "That same person, however, would be entitled to $18 worth of surplus food for nothing."

Church-supported voluntary food banks, which have met 300,000 requests for food, are in danger of collapsing because "the community has simply run out of the ability to give," the report continues.

"There is deep concern throughout the community about the possible adverse effects of an end to the food banks, particularly should it occur as winter approaches.

"There is clearly a demonstrated need for further food assistance in the Seattle area . . . The federal government's direct distribution program could be of vital assistance in alleviating the area's nutritional needs."

The committee staff says the Agriculture Department has ample food available and clear legislative authority to approve the state's application to operate a direct distribution program along with the food stamp program.

The department, the report says, takes the position that it will not approve such an application for Seattle, or any other area.

Many of the "new poor" in Seattle would still be ineligible for federal food programs because of such assets as a home and car.

"It is imperative that these families have someplace to turn in moments of crisis, so they will not go hungry," the report says.

It recommends a food-assistance experiment, using money appropriated for the emergency food and medical services program of the Office of Economic Opportunity to support the voluntary food banks in Seattle.

McGovern said the study documents the need for emergency assistance in the Seattle area, and "I hope that the facts developed will lead to a change of heart and of mind by the Agriculture Department."

Percy said "It seems incongruous for this Nation with the most bountiful harvest this year in its history to share that largess with millions of Pakistani refugees and not to see fit to provide food to malnourished American families who are in great need because of conditions beyond their control."

[From the Washington Post, Dec. 9, 1971]

JAPANESE SEND FOOD TO JOBLESS IN SEATTLE

(By Nick Kotz)

Unemployed residents of Seattle, Wash., began receiving foreign aid donations from Japan this week. At the same time, a federal judge said the U.S. Agriculture Department has illegally withheld food aid from the city.

The foreign aid is coming from Seattle's "sister city" of Kobe, which shipped 1,000 pounds of canned food and rice noodles to the jobless poor.

Kobe offered the food to Seattle as a gesture of friendship after learning of the city's massive unemployment problem and of the unwillingness of the U.S. government to distribute surplus food under the commodity distribution program. The Japanese food is being distributed by Neighbors in Need, a church-sponsored privately operated food bank program.

On Tuesday, U.S. District Judge William Beeks of Seattle, in a sharply worded ruling, declared that former Agriculture Secretary Clifford Hardin had unlawfully denied the city a food commodity program and thereby had "abused his discretion" and acted in an "arbitrary and capricious manner."

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Human Need, yesterday asked the new Agriculture Secretary, Earl Butz, to heed the court order. He reminded Butz that he had pledged support of food aid during the Senate fight over his confirmation. Earlier, Butz had been sharply critical of food aid programs.

An Agriculture Department spokesman said yesterday, however, that the department has not yet decided whether it will accept the court ruling and implement a commodity program or whether it will appeal the decision to the Ninth Circuit Court of Appeals.

The legal dispute concerns the unwillingness of USDA to utilize a provision of the 1971 Food Stamp Act, which permits a county, in emergency situations, to operate both the food stamp program and the commodity distribution program.

USDA has contended that both programs were not needed in Seattle, and said it would not permit any county to have both food programs.

The Nixon administration therefore turned down a bipartisan request that came from state, county, and city officials and the state's congressional delegation. The officials also unsuccessfully presented their case to John Erlichman, a former Seattle attorney and now the President's assistant for domestic affairs.

They pointed out that 106,000 persons are now unemployed in Seattle which has been hard hit by cutbacks in the aerospace industry, and that many unemployed cannot qualify for food stamps or afford them. The city's 15.7 per cent unemployment rate is the nation's highest.

The Senate Select Committee on Nutrition, in a report entitled "Seattle: Unemployment, the New Poor, and Hunger," said that thousands of engineers, technicians and other normally well paid employees had too much in assets to qualify for food stamps. Others couldn't afford to pay for stamps after making payments on their homes, autos and insurance policies.

The lawsuit in behalf of Seattle's "new poor" was filed against USDA by Ronald Pollack, an attorney for the Center on Social Welfare Policy and Law, which is based in New York.

Judge Beeks ruled that the Agriculture Secretary had acted unlawfully by establishing national policy against permitting any county to operate both food programs. In the Seattle case, the judge said the Secretary's action was "arbitrary and capricious and an abuse of discretion.

"Congress clearly intended that in areas experiencing severe economic hardship, dual operation (of food programs should be permitted," Judge Beeks said. "Large numbers of the poor are finding it impossible to obtain adequate nutrition under the food stamp programs because their net incomes are too low to afford food stamps.

"If dual operation cannot gain approval here with the unemployment rate the highest in the nation for a metropolitan area and where thousands have exhausted their unemployment compensation, then the (Food Stamp Reform) act has been rendered a nullity."

Mike McManus, director of Operation Hunger, a Seattle program soliciting voluntary food aid for the unemployed, told the Senate committee that "the community simply has run out of the ability to give."

[From the Washington Post, Dec. 2, 1971]

THE NEW POOR OF SEATTLE

It has been known for some time that hard days have come to Seattle and surrounding areas in Washington state. The unemployment rate for Seattle has reached over 13 per cent, now the highest in the nation. As is commonly known, this economic plunge has been largely caused by the declining activity of the aerospace industry over the past several years; it is said that from January 1970 through August 1971, unemployment went from 43,900 to 106,400.

A unique situation exists for many of the families who are now getting by on unemployment insurance, public assistance, food stamps, school lunches or neighborhood generosity: they are both poor and not poor The newly unemployed are, in large part, well educated and highly skilled. They possess houses, cars, life insurance policies, belong to clubs, go on vacations and are generally accustomed to a comfortable life. Yet they are barely able to get by. A report of the Senate Select Committee on Nutrition and Human Needs, issued earlier this week, calls this group "the new poor." The irony of their situation, said the report, is that the accumulated assets of the family "have only bargain-sale value on the open market, and therefore, could only be sold at staggering losses. Yet these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the federal food stamp program."

An immediate and increasingly desperate problem for many of the newly unemployed is food. A well-run food stamp program has been operating, along with school lunches; both are federal programs and both have been rapidly expanded for the crisis. In addition, some 34 church-sponsored food banks have been helping out. But city, county and state officials have stated that these efforts—federal and private—are not enough. One serious problem, as Rep. Thomas Foley (D-Wash.) has noted, is that a family receiving unemployment insurance must use that money for such things as mortgage payments, utilities, medical expenses, transportation (to seek a new job); thus, little or no money is left over to buy food stamps.

Congress foresaw such emergencies and wrote provisions into the law in 1970 for the Department of Agriculture to run a direct food distribution program concurrently with a food stamp program. An advantage of the former is that although the food is less varied, it is free. In normal conditions, the law prohibits the two programs in one area, but an exception may be made when the state or local government believes it has an emergency and is willing to pay for the administrative costs. This willingness has been expressed. To date, however, the Department of Agriculture has refused to establish the second program of free food distribution. A department official says that the government has no "hard evidence" of a grave food problem in Seattle. This is odd; staff members of the Senate Nutrition Committee had no trouble finding hard evidence, nor have city and state officials. What are the 34 emergency food banks in business for?

Since no area has yet to have these two programs running concurrently, the Agriculture Department is apparently reluctant to set a precedent. If Seattle is allowed two programs, other places will soon be in line for the same request. But what does this argument—and the one of "no hard evidence"—mean to a community where many have little or no food. Regarding its current stance, an official in the Department of Agriculture said there is "a chance we'll change." If so, the department has little time to waste the reasons for change are strong and growing.

[From the Washington Post, Nov. 29, 1971]

FOOD SOUGHT FOR SEATTLE'S SKILLED POOR

A Senate panel called on the government yesterday to provide emergency food supplies for a new kind of poor—well-educated and highly skilled professionals in Seattle who have been hit by an economic depression.

The Senate Nutrition Committee, describing the situation in once-booming Seattle as an economic disaster, said many families there are going hungry. Unemployment is running at 13 per cent.

The crisis is caused by sharp cuts in the payroll of the Boeing Aircraft Co. and related firms.

The Senate committee said the "new poor" own houses, cars, life insurance policies, even luxuries like boats, yet do not have enough money to eat.

The committee reported: "Unemployment compensation, combined with careful plan-

ning and husbanding of other resources, has enabled most families to retain the assets of a lifetime's work," but these assets "could only be sold at staggering losses."

Yet these assets make many of those who are out of work ineligible for existing federal and local food programs.

The Senate committee, headed by Democratic presidential contender George McGovern of South Dakota, investigated after the Agriculture Department refused a request from the state for free distribution of food surpluses in Seattle.

[From the New York Times, Nov. 29, 1971]

AGENCY ASSAILED ON SEATTLE FOOD—STAFF OF SENATE COMMITTEE ASKS ACTION TO AID NEEDY

(By Juan M. Vasquez)

WASHINGTON, November 28.—A Senate committee's staff charged today that the Department of Agriculture was violating Congressional intent by refusing to institute a direct, free food distribution program to feed the hungry in Seattle.

Its report contends that the food stamp program and other public assistance efforts have failed to meet the area's nutritional needs.

The 26-page report was prepared by the staff of the Senate Select Committee on Nutrition and Human Needs.

It was prepared at the request of the committee's chairman, Senator George McGovern, Democrat of South Dakota, and its ranking Republican member, Senator Charles H. Percy of Illinois. The full committee did not act on the staff report, which presented a bleak picture of Seattle's economy.

There are almost as many unemployed in the area now as were employed by the aerospace industry there at its peak, the report says, while the food stamp program has grown from 93,000 participants in 1969 to 263,000 and the dollar value of the stamps has grown from $6.6-million to 44.2-million.

"ECONOMIC DISASTER"

"Despite the generally sound economic base of the state as a whole, it is not unfair to call Seattle an area of 'economic disaster,'" the report states. It says that the general unemployment rate of more than 13 per cent is the highest in the nation.

The report, made public today, is titled "Seattle: Unemployment, the New Poor, and Hunger."

It argues for more Federal help in the form of a direct food distribution program to run concurrently with the food stamp program, and even further Federal help for those ineligible under existing programs.

Under the food stamp program, a participant may buy Federal food stamps that can be redeemed for groceries with a higher monetary value. Although the direct distribution program has some drawbacks, such as a narrower choice of foods, it is completely free.

OFFICIAL DENIES CHARGE

In 1970, Congress gave the Secretary of Agriculture authority to institute concurrent food stamp and direct distribution programs if certain criteria are met.

The report contends that such criteria—primarily that of evident need and a formal request from the State of Washington—have been met in Seattle but that the department has refused to comply.

The assertion that the department is thwarting the intent of Congress was denied by a department official.

Richard E. Lyng, assistant secretary for marketing and consumer services, said in a telephone interview that no "hard evidence" had been found to support an assertion of widespread malnutrition in the Seattle area.

Such a finding would be necessary to trigger the provision for instituting concurrent food assistance programs.

The report states that "there is widespread evidence that many families are suffering nutrition deprivation." But Mr. Lyng said:

"We have been unable to find any evidence of that."

CALLED DISCRETIONARY

Moreover, he said, the department is given discretionary authority to set up concurrent programs and is not required to do so. He added that no such concurrent programs had been set up since the 1970 amendment was passed.

According to the committee report, Seattle has responded to the unemployment and hunger problems by setting up an emergency food program called "Neighbors in Need." Organized by church groups, the volunteer effort involves the distribution of food to the needy through 34 "emergency food banks." The report suggests that the Federal Government provide financial help for this program.

"It is currently estimated that the food banks are serving 12,000 persons a week, 48,000 monthly," the report states.

"A large number of those persons going to the food banks report that they are unable to afford the cost of food stamps and that public assistance payments do not provide enough for them to eat adequately," the report adds. The costs of stamps varies depending on family size and income level.

Part of the report deals with the plight of "the new poor"—men and women who have been employed most of their lives but who have been affected by the slump in the aerospace industry.

Although these persons have been able to accumulate "the assets of a lifetime work," the report states, "The irony of the assets of the new poor is that they have only bargain-sale value on the open market, and, therefore, could only be sold at staggering losses. Yet these assets render many of the new poor ineligible for the benefits of the state's public assistance program and for the Federal food stamp program."

[From the Seattle Times, Nov. 28, 1971]

SENATORS URGE SURPLUS-FOOD USE FOR SEATTLE AREA

(By Ray Ruppert)

Senate investigators found in Seattle "widespread evidence that many families are suffering nutritional deprivation" and warned that the Neighbors in Need food-bank program is in danger of collapsing because "the community has simply run out of the ability to give."

The staff of the Senate Select Committee on Nutrition and Human Needs made a strong recommendation for federal distribution of commodities in the Puget Sound region in addition to the use of food stamps.

The recommendation was endorsed by Senator George McGovern, South Dakota, Democrat, chairman, and Senator Charles Percy of Illinois, the ranking Republican on the committee.

The staff conducted an inquiry in Seattle the week of October 25. The report's contents were learned yesterday.

Unemployment was a record 13 per cent and is expected to continue at about 11 per cent for the next year, the report said. The hunger situation will get worse, the investigators predicted, as families exhaust unemployment compensation at an increasing rate.

Probably less than half of those eligible for food stamps are able to buy them, the report said. "Clearly, many are not participating because they cannot afford to buy into the program to receive bonus stamps."

The report continued, "A food-stamp allotment of $28 a person when he needs $14 to buy the stamps and doesn't have that $14 is useless.

The Agriculture Department has refused to have a dual program of both food stamps and surplus-food distribution here, despite many pleas by Neighbors in Need spokesmen and others.

Mentioning the uncertain future of the food banks, the report said:

"There is deep concern throughout the community about the possible adverse effects of an end to the food banks, particularly should it occur as winter approaches.

"There is clearly a demonstrated need for further food assistance in the Seattle area. . . . The federal government's direct-distribution program could be of vital assistance in alleviating the area's nutritional needs."

The Neighbors in Need food banks, established in 36 neighborhoods, have fed nearly 400,000 persons in little more than a year. An estimated 20,000 persons a week are given food, obtained through donations of food and money.

The committee staff said the Agriculture Department has ample food available and clear legislative authority to approve the state's application to operate a direct-distribution program along with the food-stamp program.

Many of the "new poor" in Seattle would still be ineligible for federal food programs because of such assets as a home and automobile.

"It is imperative that these families have some place to turn in moments of crisis, so they will not go hungry," the report said.

The investigators recommended a food-assistance experiment, using money appropriated for the emergency-food and medical-services program of the Office of Economic Opportunity to support the voluntary food banks.

McGovern said the study had documented the need for emergency assistance in the Seattle area. He added, "I hope that the facts developed will lead to a change of heart and of mind by the Agriculture Department."

[From the Evening Star, Aug. 25, 1971]

MCGOVERN ASKS LIFTING OF SCHOOL LUNCH RULES

Sen. George McGovern is asking the Department of Agriculture to withdraw new school lunch regulations, contending that they could curb expansion of the program, according to a staff member.

Gerald Cassidy, general counsel for McGovern's Select Committee on Hunger and Malnutrition, said yesterday the number of children receiving school lunches under the program is expected to increase by almost 2 million this year, "and I know they can't reach them under this budget."

McGovern, a Democratic presidential candidate from South Dakota acted after the school-lunch directors of 33 states accused the Agriculture Department of bringing school-lunch programs to "a screeching halt" less than a month before schools open.

ANNOUNCED AUGUST 13

At an Aug. 7 meeting of the American School Food Service Association in Minneapolis, the directors said the new regulations set spending ceilings that are unequivocally inadequate. The regulations were announced Aug. 13 but the association executives had been given a preview of them before Aug. 7.

McGovern feels "the only reason that these regulations could be offered would be to curb expansion of the program and to conserve funds under the inadequate budget that the administration has requested for the program," Cassidy said.

If the regulations are not changed, Cassidy said, "we expect to have a hearing to explore the purposes behind adopting this policy."

The state school-lunch directors said the new regulations place greater restrictions on how they can spend federal school lunch funds and, considering the rising costs of food and labor, give them less to spend.

"Fiscal discipline is always difficult but it is absolutely essential . . . if we're to live within our budget," said Asst. Secretary of Agriculture Richard Lyng when he announced the regulations.

The Department of Agriculture, which administers the school-lunch program, said it helped feed 5.1 million hungry children in the 1969–70 school year, and 7.3 million last year.

"They should be reaching this year 9.1 million," Cassidy said. But, he said, the department had asked for exactly the same amount of money from Congress this year that it had last year.

Jack Quinn, another staff-member of the McGovern hunger committee, said this year's request was $225 million for regular lunches for all children, $256 million for free or reduced-price lunches for needy children, and $16.1 million for kitchen equipment and similar-nonfood items.

MORE AUTHORIZED EARLIER

Congress authorized spending $33 million for equipment this year when it wrote the law two years ago, Quinn said.

He had most of the 23,000 schools that still have no lunch programs are either older inner-city schools or rural schools, both with no lunchrooms, and with a high concentration of poor children who qualify for free or reduced-price lunches.

A higher equipment appropriation would help bring them into the program, he said.

The school-lunch directors termed inadequate the average limit of 5-cents the federal government will pay for each regular school lunch under the new regulations, and the 30-cents for each free or reduced-price lunch.

[From the Washington Post, Aug. 28, 1971]

HUNGER IN THE CLASSROOM

"Fiscal discipline is always difficult but it is absolutely essential . . . if we're to live within our budget." Thus spoke Assistant Secretary of Agriculture Richard Lyng the other day in announcing some new belt-tightening regulations for administration of the school lunch program. He is entirely right about this, of course, and the directors of any chamber of commerce would have little difficulty in grasping the validity of his observation if they heard it in the course of a luncheon speech as they were finishing their dessert and sipping their coffee. Discipline is a term more easily understood on a full stomach than on an empty one.

The fiscal discipline Mr. Lyng has in mind will be felt most intimately by a large number of school children whose families cannot afford to buy lunches for them and who will, in consequence, be called upon to accept the discipline on empty stomachs. It is to take the form of a reduced contribution to the school lunch program by the federal government, if proposed new regulations of the Agriculture Department go into effect. The formula by which federal funds are allocated to this program is a complicated one. But the nub of the matter appears to be that the department aims to contribute to the feeding of an expected 9.1 million poor and hungry children in the school year ahead with the same amount of money it supplied for the feeding of 7.3 million last year. The department did not ask for additional funds to finance the expected expansion; and, although Congress authorized the expenditure of $100 million out of a special fund available to the department, Secretary Hardin has declined to do this.

The state directors of the school lunch program responded to these proposed regulations with a unanimous outburst of indignation. "The average rate of 30 cents per meal for free and reduced lunches set forth in proposed regulations," they declared in a formal statement, "is unequivocally inadequate, and furthermore we feel that such a limitation would jeopardize the existing program and preclude any expansion to reach the additional estimated three to five million hungry children in America. The regulatory restrictions and funding projections as proposed are bringing the school lunch programs to a screeching halt, and will result in a termination of programs in many places. The state plans of operation as prepared for 1971–72 become null and void by each state as the plans were developed in good faith to meet the challenge of the President and Congress to feed the hungry children in America's schools."

This impassioned statement comes from men and women in the field who have to administer the school lunch program. Their indignation is becoming. Senator George McGovern, chairman of the Senate Select Committee on Nutrition and Human Needs, reacted similarly, charging in a letter to Secretary Hardin that the proposed regulations "blatantly violate both the spirit and the letter of the school lunch law passed by Congress last year." It is a curious order of priorities indeed that puts resuscitation of an aircraft manufacturer ahead of human hunger. It is a strange sort of fiscal discipline that puts its burden upon children.

FEDERAL SCHOOL LUNCH PLAN FAILS TO HELP 1.9 MILLION POOR PUPILS

WASHINGTON, August 29.—Today, nine months after President Nixon's target date of Thanksgiving, 1970, for extending the school lunch program to reach all needy children, 19-million children of the poor get none of its benefits.

But the Department of Agriculture—delegated the responsibility for carrying out the President's mandate—maintains that Mr. Nixon's original goal has technically been met.

Edward J. Hekman, administrator of the Food and Nutrition Service Division of the department, said in an interview that Mr. Nixon's goal was based on a figure of 6.6 million needy children—a figure used frequently by Dr. Jean Mayer, the President's nutrition expert.

Mr. Hekman said that his department had extended the lunch program to that number of needy children by January, 1971—only two months behind schedule. He said that the number now reached was 7.4 million.

A NEW TIME TABLE

He said that statistics gathered later indicated that instead of 6.6 million, the estimate on which the president's goal was based, there were 9.3 million needy children.

"It would have been physically impossible to reach this new figure by Thanksgiving," he said.

Mr. Hekman said that the Department of Agriculture and the National Advisory Council created by the 1970 amendment of the School Lunch Act had discussed a new timetable.

"I expect the council to set a new target of about three years hence," he said. "The problem is bringing the approximately 20,000 schools not now a part of the program into the picture."

Mr. Hekman estimated that these schools—largely inner city or rural poverty areas—had one million eligible children.

A MOOT QUESTION

These, coupled with the 400,000 eligible but unreached children in schools that already participate in the program, would necessitate expenditure of about $570.4-million a year.

This is based on Congress' estimate of $100-million for equipment alone and on Mr. Hekman's estimate of a Federal share of 42 cents a lunch for each of the 1.4 million additional children.

The amount spent last year for free or reduced-price lunches totaled $356.4-million. The amount budgeted this year exceeds that amount by about $33-million, according to Mr. Hekman.

Special provisions were made by Congress to provide $38-million in the fiscal year 1971 and $33-million in the fiscal year 1972 to put facilities in nonprogram schools.

The Administration cut this amount back to $16.1-million the first year and plans to use only $16-million this year.

"It may not be enough, but it will go a long way," Mr. Hekman said.

The sizable increase in the number of needy children—from 3.8 million in 1969 to 9.3 million today—is related to state-initiated changes in eligibility guidelines, Mr. Hekman said.

The figure of 6.6 million children results from states using a $3,940 poverty level as a guideline, he said. Now, at least 22 states have raised their poverty-level standard to around $4,350.

Opponents of the department's methods of implementation and budgeting have accused the Administration in recent weeks of using calculated methods to halt the growth of the program.

The more notable critics include Senator George McGovern, Democrat of South Dakota, and a group of 35 directors of state child nutrition programs.

GUIDELINES CRITICIZED

Each charged that while not cutting back in program funds, the Administration had designed Federal reimbursement guidelines that held the state liable for a matching portion above that of last year's, in effect limiting expansion in states faced with financial problems.

Members of Senator McGovern's staff charged that funds in one special section had been released to states only after they had exhausted the two principal sections that provided funds under the lunch program act.

Senator McGovern plans a Congressional hearing on the program Sept. 7. He said that he would ask the Secretary of Agriculture, the director of the Office of Management and Budget and Mr. Hekman to testify.

[From the Washington Post, Sept. 3, 1971]

U.S. CUTTING SCHOOL LUNCH FUNDS

(By Jack Anderson)

At Christmas time, 1969, President Nixon made a sugar-plum promise to the nation's nine million needy children to end their hunger. Now his accountants are squeezing $300 million out of the states' school lunch program, which would have the effect of taking food from the mouths of those same children.

By depriving hungry children of school lunch money, the Nixon administration would save enough ready cash, say, to bail out the corporate executives who have been mismanaging Lockheed.

The school lunch budget is a complex $1.1 billion document, which provides lunch subsidies that vary according to the needs of the children. The most needy children were supposed to get 60 cents per meal until the White House Scrooges went to work on the budget. They triumphantly saved $300 million by slashing the subsidy to a stark 35 cents under a complicated new formula.

Theoretically, the states are supposed to make up the difference. But most states, lacking the funds, will merely reduce the feeding of hungry children.

This scheme to water the soup of the poor was worked out by budget and agriculture officials in a series of private meetings and telephone talks. The chief Scrooge at the backroom meeting was President Nixon's assistant budget director, Richard Nathan. The Agriculture Department was represented by Assistant Secretary Richard Lying and nutrition administrator Edward Hekman.

DOUBLE PRESSURE

They were under pressure to cut the budget not only from the President but from the equally formidable Rep. Jamie Whitten (D-Miss.). As chairman of the House Agriculture Appropriations subcommittee, he is accustomed to dictating how agriculture funds will be spent. And school lunches come out of the agriculture budget.

Part of the money set aside by Congress for the lunch program is supposed to be taken from a customs revenue fund, which Whitten has always guarded jealously. He wants to keep his fund available to bail out rich farmers who have poor harvests.

State officials, meanwhile, have raised an almighty howl over the report that their needy children will be short-changed 25 cents per meal. Agriculture Department spokesmen, talking to us, sought to minimize this outcry. But we have obtained some of the complaints from their private files. Here are typical excerpts:

Memphis School Superintendent John Freeman: "We cannot continue our free lunch program as it is presently operated if the (Agriculture Department) puts its proposed regulations into effect."

Mrs. Carl A. Peterson, Nebraska's Urban League welfare task force chairman: "It would be a grave error for the (Agriculture Department) to deny to hungry children what in thousands of families is the only real meal such children have each day."

Sen. George McGovern (D-S.D.), the Senate nutrition committee chairman, is also mad as a hornet over the school lunch slash. In a private letter to Agriculture Secretary Cliff Hardin, the senator has condemned the reduction as "regressive." He has also summoned budget and agriculture officials to an emergency hearing on Sept. 7.

This has unnerved agriculture officials who now tell us their minds are still open. The budget cut "is not locked up by any means," administrator Hekman assured us.

[From the New York Times, Sept. 6, 1971]

FEEDING HUNGRY CHILDREN

The Administration, under pressure from critics of the Federal school lunch program, acknowledges that 1.9-million needy children are still not being fed. No deluge of official statements about progress made and targets met can disguise the national disgrace involved in having so many youngsters go hungry.

The Department of Agriculture, administrator of the program, finds statistical comfort in noting that President Nixon's promise to have 6.6 million children on the school lunch roster by Thanksgiving 1970 was fulfilled, with only two months' delay. What causes the present gap, the department explains, is that the definition of poverty has changed and the number of needy children now turns out to be 9.3 million, not 6.6 million.

Such statistics do not make unfed children any less hungry. It is appalling to find Agriculture Department spokesmen estimating that it may take three years before the rest of the poverty-level children can be included in the program. By then the damage caused by nutritional deficiencies may be beyond repair.

Particularly puzzling is the department's claim that lack of food service equipment in many schools remains a major obstacle. In 1969 the Administration announced, with much fanfare, that revised regulations would speed airline-style lunches to children in unequipped schools.

All the unanswered questions and statistical alibis give credence to complaints that budget-cutting is the real cause of the delays. In two successive years the Administration has cut Congressional authorizations for food-service facilities in half, and further cuts are said to be contemplated in the amount of money to be made available for lunches in the new school year. In addition, rigid matching requirements appear to have hurt the program in precisely those states where poverty is the most serious problem.

Hearings before the Senate's Committee on Nutrition and Human Needs, scheduled for this week by Chairman George McGovern, should aim at putting an end to the battle of statistics. There is a simple yardstick: The program is inadequate if one child goes hungry.

[From the New York Times, Sept. 8, 1971]

McGOVERN SCORES PUPIL LUNCH PLAN

WASHINGTON, Sept. 7.—Senator George McGovern, chairman of the Senate Select Committee on Nutrition and Human Needs, accused the Department of Agriculture today to bowing to pressure from the Office of Management and Budget to cut over-all costs of the school lunch program. The South Dakota Democrat agreed with school officials who have charged before the nutrition committee that newly revised rules for funding the program will bar the inclusion of 1.9 million needy children.

Specifically at issue at the hearing was a new allocation formula, revised Aug. 18, that school officials across the country contended would cut Federal reimbursement to schools from 60 cents to 35.

The school officials and a group of sympathetic Senators and Representatives contend that the reimbursement rate of 35 cents will force school systems either to provide the remaining cost of lunches out of their own funds or to curtail their programs. The average cost for each lunch is 50 cents, according to the Agriculture Department.

SUBSTANTIAL CUTS CHARGED

Lawrence Bartlett, chairman of the American School Food Service Association, testified today that the new regulations substantially cut the funds many school districts were expecting.

He said that cuts of $9-million were expected for California, $3.2-million for Massachusetts, $1.4 million for Detroit, $1.2-million for New Mexico, $375,000 for Indianapolis and $750,000 for St. Louis.

Josephine Martin, State Director of School Food Services in Georgia, told the committee that even based on the Department of Agriculture's own "inadequate" reimbursement rate of 35 cents, a minimum of $180-million was needed to sustain the lunch program at last year's level in view of its growth rate of 10 per cent.

The school lunch program budget for the fiscal year 1972 is $78.8-million above last year's, according to the Department of Agriculture.

The amount spent last year for free or reduced-priced lunches totaled $356.4-million. The amount budgeted this year exceeds that amount by about $33-million, according to the Department of Agriculture.

Critics also attacked the department for having released the proposed regulations less than a month before schools opened and while Congress was in recess.

Richard E. Lyng, Assistant Secretary of Agriculture, said that school officials misunderstood the regulations. He said that they represented a "dramatic breakthrough that will enable school systems to bring in as many needy children as they want with the assurance that they are guaranteed a minimum of 35 cents per meal per child."

PRESSURE SUGGESTED

"Is it true that you were under pressure from the Budget Director to cut the over-all costs of your program?" Mr. McGovern asked Mr. Lyng.

"We haven't cut the cost of the program," Mr. Lyng replied. "Our restraint is the amount of money appropriated by Congress."

"But what we are really talking about is a situation where the Office of Management and Budget told you to cut to a certain figure, isn't that correct?" Mr. McGovern persisted.

"In that the O.M.B. approves our budget before it is submitted to Congress, yes, it has some say," Mr. Lyng replied.

Mr. McGovern said that the reduction from 60 cents to 35 cents for each lunch would result in a $300-million cut in the program and suggested that the Nixon Administration was backing away from Congress' and its own commitment to feed all hungry school children.

[From the Washington Star, Sept. 8, 1971]

SCHOOL LUNCH CRUNCH

Agreed, that the times call for selective governmental austerity. But about the last service that should be affected by it is the feeding of school children. That's because school is the only place where millions of children get a square meal, and because many others—possibly two million—can't even get lunches there.

But the Agriculture Department, just after Congress went home for its month-long vacation, hatched some questionable new lunch regulations that took effect when schools reopened for the current term. The alterations, say the school-lunch directors of 33 states, can bring the program to "a screeching halt." That is without doubt an exaggeration. But the new spending limitations certainly can compound the inadequacies that already afflict the program, constricting it when it needs to be enlarged.

What the department plans, in essence, is to hold back half the allocations that help finance free and reduced-price lunches for poor children, until the states demonstrate by exhausting their other funds that they really need the money. They've come to expect 60 cents for each "poverty lunch" in federal aid, but now they'll have some difficulty getting more than 30 cents.

And schools will be held to a five-cent limit of federal aid on regular (non-poverty) school lunches. That was shown to be insufficient last year, and it will be even less adequate during the next school term with inflated costs and more youngsters to feed. Congress last year provided extra "bail-out" money because some states were unable to pay their share of the regular lunch program, and they were given up to 12 cents in federal assistance.

Moreover, the states contend they already have proved their needs, with detailed plans submitted to the Agriculture Department earlier this year. They see very little chance of coming up with more state matching money. So state directors fear that school-lunch prices will have to be raised as a result of the new requirements, and that food services may have to be curtailed.

The Agriculture Department's reasoning in these matters is convoluted, but some impressions are inescapable: The department is intent on holding down federal spending for school lunches, and its maneuvers and policies threaten to delay a needed expansion of the program. In announcing the new regulations, Assistant Secretary of Agriculture Richard Lyng said that "fiscal discipline" is always difficult, but is an absolute necessity "if we're to live within our budget." The problem is that Agriculture asked Congress for no increase in lunch funds for the next year in spite of the swelling costs and needs.

Nor has it moved vigorously enough to aid the 23,000 public schools, mostly in poor areas, that have no lunch programs at all. It wants to spend less than half the money that Congress authorized for that purpose.

Congress should demand explanations from Agriculture officials. The feeding of children should not be subjected to the strictest of fiscal disciplines.

[From the Washington Post, Sept. 8, 1971]

U.S. DENIES CUTTING SCHOOL LUNCH FUNDS

The Nixon administration yesterday denied repeated charges that it has cut spending for school lunch programs so severely that up to 2 million needy children will go hungry this year.

Assistant Secretary of Agriculture Richard Lyng insisted at a hearing of the Senate Select Hunger Committee that more money will be available than ever before—$667.3 million—to provide poor youngsters with a wholesome meal each day.

"We believe that significant additional progress is possible," Lyng said. "In fact . . . we believe that our proposal presents a dramatic breakthrough in program funding."

Chairman George S. McGovern (D-S.D.) said he called the hearing in response to "an outcry" raised by local and state school officials around the nation over changes in school lunch funding proposed by the Agriculture Department on Aug. 13.

Critics charged that the revisions amounted to cutting federal reimbursement from 60 cents to 35 cents per meal. They said this would force schools either to make up the difference or cut back their lunch programs.

Lyng, however, said critics have "misunderstood" the rules changes. He said the 35-cent figure would be a floor, not a ceiling, and that "neediest schools" would still be eligible for full 60-cent reimbursement.

"Our proposals are not designed to have funds," Lyng said. "We have not reduced the maximum rates of assistance that were authorized for last year."

Unconvinced, McGovern charged that the new rules amounted to "total defiance" of Congress, which last year ordered school lunch programs expanded to every needy child.

In the 1970–71 school year, the programs provided free or reduced-cost lunches to about 7.3 million of the nation's estimated 9 million hungry schoolchildren.

[From the Wall Street Journal, Sept. 16, 1971]

AGENCY SEEKS CURB ON SCHOOL-LUNCH FUNDS; STIFF QUIZ IS LIKELY BY SENATE PANEL TODAY

(By Burt Schorr)

WASHINGTON.—The Nixon administration is planning to pull the drawstring on Uncle Sam's school-lunch moneybag far tighter than local program administrators ever expected.

As a result, hundreds of thousands of low-income youngsters who are enjoying their first nutritious midday school meals at little or no cost may soon do without again.

The financial curb is contained in a set of bewilderingly complex new lunch-funding regulations that the Agriculture Department proposed just three weeks before classes resumed this month. The state school food service directors, unit of the American Food Service Association charges that the regulations "are bringing the school-lunch programs to a screeching halt . . . and preclude any expansion to reach the additional estimated three million to five million hungry children in America."

That may be overstating the case somewhat, but it's true that the Nixon administration doesn't want to spend as much money for lunches as the state directors and their congressional allies, mainly liberal Democrats, believe is needed.

State and local officials are especially peeved because until now Washington's school-lunch rhetoric didn't give any hint that federal money to feed poor kids wouldn't be ready when needed. President Nixon, signing liberalizing amendments to the school-lunch statutes back in May 1970, said the legislation "will assure that every child from a family whose income falls below the poverty line will get a free or reduced-price lunch."

But now the Agriculture Department proposes, in effect, to cut the estimated federal contribution to each such lunch to about 37 cents from the 42 cents being contributed last spring—out of a typical cash cost of 53 cents. Moreover, the proposed regulations would prevent expansion of the free and low-cost meals to more than the seven million children currently being served even if Congress should appropriate money to pay for the lunches. (Eighteen million other youngsters get lunches at higher prices.)

Agriculture Department officials face a tough confrontation today when they are due to appear before the Senate Agriculture Committee, which has direct legislative responsibility for the lunch program, to explain their position.

Initially there hadn't been any reaction on Capitol Hill, apparently because it took several weeks for local school officials to decipher the real meaning of the proposed regulations. "But now they're really screaming, and a number of Senators are concerned," says an Agriculture Committee staffer.

Yesterday, Michigan Sen. Philip A. Hart, a liberal Democrat, and Kentucky Sen. Marlow Cook, a middle-of-the-road Republican, said they had found 42 other signers for a letter to Mr. Nixon warning that the reduced funding rate will leave "hungry children in America's schools" and produce "absenteeism, dropouts and apathetic students."

Certainly, Agriculture Committee Chairman Herman Talmadge isn't pleased by the proposed regulations. Earlier this month the Georgia Democrat wrote Mr. Nixon that the rules already have "precipitated a fiscal crisis in school districts" of his home state. Waiting to hold some hearings of his own is Rep. Carl Perkins, Democratic chairman of the House Education and Labor Committee, which keeps watch on the school lunch program from the other side of the Capitol. Mr. Perkins' home state of Kentucky seems to have school lunch woes even worse than those Georgia schools face.

AN $80 MILLION JUMP

Agriculture officials, for their part, argue that the $615.2 million appropriated for Washington's direct cash contribution to school lunches in the fiscal year ending June 30, an $80 million jump from last year's spending, is, after all, what Congress voted. (Overall, the federal share comes to approximately $1.1 billion, including special milk funds and donated federal commodities. It's expected to help feed some 25 million youngsters this year, including around seven million from needy families. But it won't help roughly seven million other youngsters attending the more than 20,000 schools still without any lunch program, many of them serving low-income populations.)

Under the National School Lunch Act Uncle Sam is obliged to contribute a minimum of five cents toward every school lunch—even those for children not classified as needy—and 30 cents toward those offered free or at a reduced price. In practice, though, the contributions have been considerably greater.

The food service administrators, through a survey just completed by their Denver-based organization, respond that the appropriated funds actually are some $170 million shy of what low-income students will need by the time the last lunch bell tolls next spring. Moreover, the administrators argue, the proposed regulations are written in a way that prevents schools from spending any supplemental funds Congress might choose to appropriate.

Ironically, many of the states that strived hardest to expand feeding in their schools at the Agriculture Department's urging now are reaping the biggest headaches. Illinois, for example, foresees a statewide lunch deficit of between $13 million and $18 million in the 1971–72 school year, largely because cities like East St. Louis and Chicago have been expanding their lunch programs into older schools by means of newly installed kitchens, cold meals delivered from a central kitchen and other techniques. "We have the poverty pockets right here in the larger cities and that's where the hungry kids are," says Edward F. Gaidzik, director of Chicago's school-lunch operations.

Similar expansion is causing California officials to reckon their fund shortage at $9 million. For New Jersey, the estimate is $8 million; for Florida, $6.9 million, and for Georgia, $6 million.

The missing dollars portend an even grimmer human deficit. The nine school districts serving the Phoenix metropolitan area face a combined funding gap of only $150,000. But this may be large enough to cut off many of the 40,000 youngsters now getting free and reduced-price lunches (or roughly a fourth of total lunch program participants), estimates Norman Mitchell, food service director for Phoenix's Isaac School District No. 5.

In Detroit, public schools lunch chief Howard W. Briggs reckons that a substantial number of the 45,000 kids of the free and reduced-price-list in his district—better than half the total youngsters getting lunches this year—are threatened with loss of their prepared midday meal. Mr. Briggs worries that this will "worsen communications" with poor parents, many of them black, who only lately have been persuaded to enroll their children in the program.

For Nebraska's school food services administrator, Allen A. Elliott, the Nixon administration's proposed rules revision landed like a "real bombshell on us." Prior to the announcement, his state was betting on the addition of 45 to 50 schools to the lunch programs, but now local school boards indicate the increase will total only "10 or less," he says.

NO FOREST TO HIDE IN

There's nothing to prevent states and localities from increasing their own school lunch funding in lieu of federal aid, but school officials almost to a man declare that alternative out of the question on such short notice. One particularly hard-hit state, Kentucky, has a common problem: Its legislature won't convene until January, and then to begin work on the budget for the two years starting next July 1. Furthermore, state governments and local school boards never have been overly quick to grab the school-lunch check; last year their share of the $2.8 billion total cost for midday school feeding came to only 21%, against the 36% picked up by Uncle Sam and the 43% paid by youngsters themselves.

The new rules do grant states the right to tip federal aid toward the neediest districts within their borders, but the prospect of breaking such news to better-off districts, whose funding share would decline in proportion, frightens administrators. "They're asking state directors to be Robin Hoods; but the directors don't have a forest to hide in," says Detroit's Mr. Briggs.

The underlying issue, of course, is just how big—and firm—Uncle Sam's financial responsibility to needy students really is. "There's no place in the law that says the federal government shall foot the entire bill" for feeding needy youngsters, says Assistant Agriculture Secretary Richard Lyng. But his reading of the law and the intent of Congress does seem open to question. Section 11 of the National School Lunch Act, though it sets a minimum of 30 cents a lunch, plainly authorizes "such sums as may be necessary to assure access to the school-lunch program . . . by children of low-income families."

And an interpretation of congressional funding intent was provided by Republican Sen. Robert Dole of Kansas during the Senate debate on the 1970 amendments when Sen. Hart sought unsuccessfully to amend Section 11 by adding specific authorization figures for the 1971–73 fiscal years. Arguing against the wisdom of the Hart proposal, Sen. Dole, who often reflects Nixon administration thinking and who has since become Republican national chairman, asserted: "As I recall the deliberation of the (Agriculture) Committee when we had the hearings, and following the hearings, after consultation with the Executive Branch, we felt we should leave it (the money authorization) open-ended so that there could be provided whatever might be necessary. . . ."

[From the New York Post, Sept. 18, 1971]

FORTY-FOUR SENATORS FIGHT SCHOOL LUNCH CUTS

(By Antony Prisendorf)

WASHINGTON.—Forty-four senators have urged President Nixon to block Agriculture Dept. cutbacks in school lunch and breakfast programs.

In a letter to the White House, they said a recently announced change in formulas for the current school year would result in a loss of "millions" of dollars.

In March the Agriculture Dept. announced that the federal government was prepared to contribute a maximum of 60 cents for each free or reduced-price meal served.

But on Aug. 13, the department reported that the federal contribution would be limited to 35 cents a meal.

"This will have a disastrous effect on the school lunch and breakfast programs," the senators wrote, "and will pose a very real threat to the continued progress of the National School Lunch Program.

Neither the Agriculture Dept. nor the Senate Select Committee on Nutrition has information available to indicate how much New York State school-lunch programs would lose if the proposed cutbacks went into effect.

The chief of the state's bureau of school food programs, Richard Reed, was not available for comment.

It is known from committee sources that if the cutbacks are put into effect, the Buffalo school system alone will lose more than $900,000 in federal funding.

Data supplied by other states indicates, the senators said, that Missouri would lose $4 million, California $9 million and New Jersey $8 million.

"The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitation of available funds, the senators wrote.

"Therefore, many needy and eligible children will go without school lunches."

In some states, the effects might be even more calamitous, the senators warned. In Kentucky, for instance, the breakfast program will have to be canceled at the beginning of October unless more federal funds are allocated.

The letter, which has not yet drawn a response, was prepared by Sens. Hart (D-Mich.) and Cook (R-Ky.), both members of the Senate Committee on Nutrition.

[From the Daily Mail, Hagerstown, Sept. 16, 1971]

FORTY-FOUR SENATORS URGE NIXON TO SCRAP PROPOSED SCHOOL-LUNCH REGULATIONS

(By Austin Scott)

WASHINGTON.—Forty-four senators today asked President Nixon to scrap proposed new school-lunch regulations they said will cost states millions of dollars and force many schools out of the program.

Signers of a letter to the President include Sen. Gale McGee, D-Wyo., chairman of the Senate Agriculture appropriations subcommittee, and Democratic whip Robert Byrd of West Virginia. Ten of the signers are Republicans.

The letter said that under the proposed new regulations, announced by the Agriculture Department just 3 weeks before most schools began to open, states will be denied millions of federal dollars that would have helped school districts pay for lunches under the old regulations.

As examples, the letter said, Missouri will lose $4 million, California $9 million, Massachusetts $3.24 million, Ohio $5.56 million, Georgia $4.1 million, West Virginia $2.66 million, and Florida $6.91 million.

"The states cannot make up this loss from state or local funds and will have no alternative but to reduce planned participation to stay within the limitations of available funds," the letter said.

"Therefore, many needy and eligible children will go without school lunches," it said. "Certainly this was not the intent of Congress when it passed (the school lunch law), or your intent when signing it into law on May 14, 1970."

Aides to Sens. Philip Hart, D-Mich.; George McGovern, D-S.D., and Marlow Cook, R-Ky., circulated the letter after attending a Senate hearing last week where several state school-lunch directors testified the new regulations would reduce the scope of the program—not increase it as the Agriculture Department claimed.

Agriculture Department officials said at the time they announced the new regulations Aug. 4 that "we must have discipline if we're going to live within our budgets."

Three days later, 33 state school-lunch directors signed a protest accusing USDA of bringing school-lunch programs to "a screeching halt" by cutting the amount of money available to help the school districts pay for each lunch served.

McGovern asked Agriculture Secretary Clifford Hardin to withdraw the new rules, but a spokesman for McGovern's Committee on Nutrition and Human Needs said there is no indication the department will.

The 44 senators asked President Nixon to keep the old regulations in effect. "In this way we could be certain that the funds Congress made available . . . would be fully utilized," their letter said.

CUT IN FEDERAL SCHOOL LUNCH FUNDS REPORTED NEAR

WASHINGTON, September 24.—An official of the Department of Agriculture said today that formal approval would be soon given to several controversial amendments to guidelines governing disbursement of funds for the school lunch program.

Meanwhile, at a news conference today, the American School Food Service Association said the amendments would provide for cuts in the amount of Federal reimbursements to states for the cost of each meal by 7 cents. The group said that this would force at least 44 states to pay larger matching shares totaling more than $123-million.

The department does not deny this contention but argues that states are better off because of a $33-million increase in the budget for free and reduced priced meals over last year. And it says the states must live within their budgets.

Assistant Secrtary Richard E. Lyng, who discussed the school lunch program at a Congressional hearing recently, said that the department—like all Government agencies—had been pressured by the Office of Management and Budget to hold-the-line in expenditures.

The more controversial changes in the amendments would affect the reimbursement rates and the methods of funding.

A 35 CENT MINIMUM

Under the amendments, the Federal Government would guarantee states an average minimum reimbursement of 35 cents a meal. The average rate of reimbursement last year was 42 cents and the national average cost of a meal of 52.6 cents.

States are funded from two categories of general aid—one for all meals served and the other for free and reduced-price meals.

The department is empowered to use money from an emergency fund if necessary to insure success of the program.

Last year states could tap each of the three sources simultaneously and receive reimbursements up to 60 cents a meal.

The amendments would require that all funds in the two general categories be exhausted before the emergency funds could be tapped.

Opponents maintain that financially strapped school systems could never get emergency funds because they could not support the increased matching responsibility long enough to exhaust general funds.

Mr. Lyng said the amendments required that available funds be distributed to states in better relationship to program growth, thus avoiding the mid-year funding uncertanties that were experienced last year. He said fund shortages in some states were threatening programs while other states had millions of dollars in excess funds under existing guidelines.

EXPANSION POSSIBLE

In addition, he said, a state needing to expand its program to substantially more schools and children can do so within its available funds without fear that it will be at the expense of unwarranted reduction in funding of already participating schools.

The School Lunch Association said that the Administration had arrived at the 35-cent reimbursement rate by dividing the current $390-million budget by the expected total number of free and reduced price meals to be served this year without regard for actual needs and rising costs of food and preparation.

Josephine Martin, State Lunch Director of Georgia who is a member of the association, said that labor costs in Gary, Ind., for example were 24 cents and the cost of a serving of milk was 7 cents.

"At the 35-cent reimbursement rate this leaves only 4 cents for meat and vegetables," she said.

Miss Martin said her association had queried state school officials around the country on how they would fare with the 35-cent reimbursement rate.

"We were told that 44 of them expect deficits, ranking up to $9-million in California, $8-million for New Jersey, $8.8-million for Texas, $9-million for South Carolina and $6-million in my home state."

Other opponents of the amendments include the school lunch directors association and a group of 44 United States Senators.

The Senators have petitioned President Nixon to rescind the amendments, and two Senators, Herman E. Talmadge and David H. Gambrell of Georgia, have introduced a joint resolution in Congress that would require the Secretary of Agriculture to increase the reimbursement rate to a level "sufficient for operating the program."

The resolution will be taken up on Wednesday by the Senate Agriculture Committee, which Senator Talmadge chairs.

The committee—which shape policy for the department—is expected to approve the resolution.

Senator Talmadge was instrumental in introducing legislation to increase funding of the school lunch program in 1965.

SCHOOL LUNCH BATTLE LOOMS

(By James Welsh)

The Senate Agriculture Committee, in a showdown set for tomorrow, appears ready to demand that the Nixon administration put up at least $100 million more than it wants to for school lunch programs for the needy.

By so doing, the committee might well wreck an enduring Washington cliche.

For any conservative purpose, so the cliche holds, the congressional agriculture committees and the executive Agriculture Department always march hand in hand.

But this time around, with Chairman Herman E. Talmadge, D-Ga., in the lead, the Senate committee is not only taking on the Agriculture Department, it is ready, in an unusual move, to approve a joint Senate-House resolution that would write school lunch regulations that Agriculture refuses to set and to impose subsidy levels the President's budget-makers refuse to approve.

NEW IN POST

Talmadge, who this year replaced Sen. Allen Ellender, D-La., as committee chairman, ordered the resolution prepared last week.

It directs the Agriculture Department to subsidize local school districts by 45 cents per lunch for every needy child, rather than the 35-cent limit imposed by the department in stringent regulations announced Aug. 13. And it says the department "shall spend" whatever it has to of the $100 million extra school-lunch appropriation approved by Congress for this fiscal year but since impounded by the administration.

The committee will meet in executive session tomorrow.

Talmadge is expected to carry all of the committee's eight Democrats with him, including six Southerners.

One of the two Northern Democratic members, Sen. George McGovern of South Dakota, a liberal closely identified with the hunger issue, expects to be absent tomorrow but has given Talmadge his proxy.

The legislation, to be effective, must be passed by both houses of Congress and signed by President Nixon.

The administration could avert a showdown by relenting on its stand.

Rep. Paul Perkins, D-Ky., chairman of the House Education and Labor Committee, has introduced a resolution identical to the one the Senate committee is expected to approve tomorrow.

REBUFFED BY OMB

But the Agriculture Department was reported today to have been rebuffed by the Office of Management and Budget and ready to announce that its Aug. 13 regulations will be made final.

OMB officials are determined to keep a lid on last fiscal year's federal spending of $615 million for school lunches. More than half this amount was for the needy.

To many state and local school districts, the federal government's posture on school lunches has been a constantly shifting one.

In 1970, Congress passed the School Lunch Reform Act, sponsored in part by Talmadge. President Nixon, in signing it, called for "an end to hunger in the nation's school rooms."

Last spring, the Agriculture Department relaxed its spending regulations, permitting the federal payment per lunch to rise well above its previous 33-cent maximum. From March to May, as a result, the number of children in the program rose from 6.3 million to 7.1 million.

FORTY-TWO CENTS EXPECTED

For this school year, local districts confidently expected a federal subsidy averaging 42 cents per lunch for more than 7 million children.

The Aug. 13 pronouncement lowering that to 35 cents, proved a shocker. It came three weeks before the opening of school and well after most local school boards had set budgets.

In the wake of the announcement, a number of school districts are reported to be abandoning the school lunch program or considering such a move. They include Albuquerque, N. Mex., Bridgeport, Conn., and Buffalo, N.Y.

Josephine Martin, the State of Georgia's food services director, said today her state stands to lose $6 million if the new regulations become final.

"For our school districts, the only alternatives will be to cut participation or the quality of the lunches," she said.

Miss Martin has worked closely with Talmadge on the problem.

POPULAR ISSUE

"Talmadge," said one Capitol Hill observer, "is really taking the lead on us. He's convinced the school lunch program is very popular in Georgia. Sen. Ellender is friendly to the program too, but he would not have challenged the Agriculture Department the way Talmadge has done."

"The committee's stand has really shook up the people at Agriculture."

McGovern was the first to protest the New Agriculture Department regulations.

But it was a little-noticed Agriculture Committee hearing on Sept. 16 that set the stage for the current showdown.

At that hearing, Talmadge and fellow Southerners, including Sens. Ellender; B. Everett Jordan, D-N.C.; James B. Allen, D-Ala.; and Lawton Chiles, D-Fla., ripped into Asst. Agriculture Secretary Richard Lyng, telling him he hadn't proven his case.

SENATE ACTS TO FORCE RISE IN AID FOR SCHOOL LUNCHES

(By Marjorie Hunter)

WASHINGTON, October 1.—The Senate voted today to direct the Nixon Administration to borrow sufficient funds to feed the nation's needy school children.

The rare move was a sharp rebuff to the Administration, which just six weeks ago announced new school lunch regulations that critics say would bar some two million children from free or reduced-price lunches.

The Senate measure, approved by a vote of 75 to 5, directs the Administration to borrow money from a special Agriculture Department fund derived from import duties on farm products.

Under the Senate measure, this would enable the Federal Government to increase its payment for free or reduced-priced lunches from 35 cents to 46 cents.

A similar measure has been introduced in the House and may reach the floor within several weeks.

The lopsided Senate vote reflected widespread complaints from school administrators over the Agriculture Department's allotments formula, announced in late August, just weeks before most schools opened.

In fixing the Federal allotment to the states at 35 cents a meal, Agriculture Department officials said this was the maximum available under the $615-million voted by Congress for the year that began July 1.

Congressional critics of the Administration's cutback in school lunch allotments complained that Congress had voted every penny that the Agriculture Department had said it should have to feed the needy.

The move to force the Administration to increase the allotment was led by Senator Herman E. Talmadge, Democrat of Georgia who is chairman of the Senate Agriculture Committee.

Terming it "emergency legislation," Senator Talmadge said it was essential to relieve "chaos, consternation and confusion in school lunch programs across the country."

NIXON VOWED RECALLED

He recalled that just last year Congress passed a law requiring that every needy school child in the nation receive a free or reduced price lunch.

He also recalled that President Nixon, is signing that bill into law, "promised to put an end to hunger among American school children."

The Senate action was unusual in that it represented one of the few times that a legislative (or authorizing) committee had sought to appropriate funds. Under normal procedure, such funding originates in Senate or House appropriations committees.

Complaining that they have been bypassed, several members of the Senate Appropriations Committee opposed the Talmadge measure. They said their own committee planned to bring out a supplemental appropriations bill within several weeks to increase funds for school lunches.

Dismissing these arguments, Senator Warren G. Magnuson, Democrat of Washington, commented: "When you're hungry, you're hungry. You can't wait until some bureaucrat sends letters back and forth."

SURPLUS IN FUND

The money that the Senate ordered the Administration to borrow from the import duty fund would be paid back later through a supplemental appropriation. The import duty fund now has about $300-million in what is called "carry-over" money, not earmarked for other uses.

In addition to the extra 11-cent allotment for free or reduced-priced lunches, the Senate voted to increase from 5 cents to 6 cents the Federal allotment for all school lunches, including those fully paid by students.

Estimates of the cost of the increased allotments range anywhere from $100-million to $200-million.

Voting against the Talmadge resolution were Allen J. Ellender, Democrat of Louisiana who is chairman of the Appropriations Committee; Milton R. Young, Republican of North Dakota, ranking Republican on that committee; George D. Aiken and Robert T. Stafford, Republicans of Vermont; and Roman L. Hruska, Republican of Nebraska.

LUNCHES FOR HUNGRY CHILDREN

The 75-to-5 vote in the Senate to provide more Federal money for school lunches should be a prod to the Administration to fulfill its pledges to banish hunger among America's schoolchildren.

An allowance of 35 cents to provide each needy pupil with a nourishing meal is preposterous in this period of high costs. Even the new Senate-approved standard of 46 cents is pitifully low.

The Senate's indignation at the gulf between Administration promises and performance in combating hunger in the schools prompted it to elbow aside its own Appropriations Committee and vote to "borrow" upward of $100 million from surpluses in an agricultural import-duty fund. The justification for this unorthodox procedure was well stated by Senator Magnuson of Washington: "When you're hungry, you're hungry. You can't wait until some bureaucrat sends letters back and forth."

The nation's children will be more adequately fed if the House shows similar impatience.

[From the New York Times, Oct. 7, 1971]

U.S. INCREASES PUPIL LUNCH AID BUT TIGHTENS RULE ON ELIGIBILITY

WASHINGTON, Oct. 6.—Yielding to Congressional pressure, the Department of Agriculture today liberalized Federal payments to states under the school lunch program.

At the same time, however, the department issued a new restriction that critics estimate will eliminate about one million needy children from the program.

Under the regulations made public by the department today, the Federal share of lunch program costs was increased from a proposed level of 35 cents a meal to 45 cents a meal, one cent short of the level approved by Congress last week.

The department first sought to revise regulations governing disbursement of school lunch program funds in mid-August. Assist-

ant Secretary of Agriculture Richard E. Lyng said then that the department would for the first time guarantee a minimum Federal reimbursement to states of 35 cents a lunch. Before this, there was no set reimbursement rate, and states could get up to 60 cents a meal back from the Government.

A period of 15 days was allowed for public comment on the proposed change.

The department's original 35-cent proposal met with sharp criticism from at least 22 Congressmen and school lunch officials across the nation. These critics charged that the 35-cent rate—7 cents lower than the average rate paid last year—would necessitate massive cuts in the number of children receiving lunches.

Some of these same critics said today that the department's new stipulation, which provides that states must adhere to an income level of $3,940 a year in determining eligibility, would have the same result.

Senator George McGovern of South Dakota, chairman of the Senate Select Committee on Nutrition and Human Needs, and Representative Carl D. Perkins of Kentucky, both Democrats, estimated that one million children would be forced out of the program as a result of the new restriction.

Senator McGovern said about 40 states and the District of Columbia had used income levels higher than the official $3,940 Federal level to determine eligibility. In New York, for example, the level used to determine eligibility is $4,250, he said. In many other states the level is between $5,500 and $6,000, he said.

Mr. McGovern also said that heretofore all welfare recipients were eligible but that this would not be the case under the new regulation.

Phillip Olsson, Deputy Assistant Secretary of Agriculture, said the new restriction was aimed at halting a trend.

He said: "We have found that some school districts are raising their poverty levels so that more names can be added to lunch rolls, resulting in the Government paying for the entire program.

"In Newark for example, one district requested funds using a poverty level of $7,000," Mr. Olsson said.

Critics of the new regulation expressed concern that, unlike the other proposed regulation changes, it was not subject to a period of public comment.

Critics said this was a last-ditch effort by the department to stay within an inadequate budget.

Senator McGovern said the move might even be illegal, but Mr. Olsson said it was within the department's prerogatives.

"We usually allow a period of public comment prior to finalizing regulations because we think it's a good idea, but in cases where we must add regulations at the last minute we waive this policy," he said.

The new regulation was imposed after the department failed to reach a compromise with Representative Perkins yesterday on a Federal share of costs somewhere between 37 cents and 45 cents.

[From the Wall Street Journal, Oct. 7, 1971]

ADMINISTRATION TO LIFT SCHOOL LUNCH FUND $135 MILLION BUT TIGHTENS ELIGIBILITY RULES

WASHINGTON.—The Nixon administration, retreating before charges that it's refusing to feed low-income children, said it will increase its spending for free and reduced-price school lunches $135 million in the current school year.

At the same time, Assistant Agriculture Secretary Richard Lyng said lunch eligibility standards were being tightened, a move that critics said would continue to keep hundreds of thousands of youngsters in higher-income states from participating in the program.

The latest change in school lunch policy is incorporated in a revised version of Agriculture Department regulations to be published shortly in The Federal Register. When the original version of the regulations was proposed in August, state and local lunch administrators protested that it would hold Washington's school feeding contribution at a level lower than they had expected and possibly force an end to free and reduced-price meals in many areas.

Under the final regulations, the basic federal cost of all lunches served continues to be a minimum of five cents. For free and reduced-price meals, though, Agriculture will pay a minimum of 40 cents additional, or 10 cents more than was called for in the initial proposal. The new figures would hold Washington's share of the average school lunch cost at about the levels of last year, instead of allowing that share to decline, as the administration had intended. The Agriculture Department estimates that in the fiscal year ended last June 30, Uncle Sam picked up about 33% of the 60-cent cost of an average lunch, state children accounted for the remaining 44%.

Mr. Lyng estimated that the increase in reimbursement rates will raise the cost of the federal school lunch program to about $750 million in the current fiscal year, about 40% more than last year. The additional funds will enable the program to reach eight million needy children with free or reduced-price meals, Mr. Lyng said. This will be nearly one million more than the department first estimated, on the basis of the regulations as they originally were written.

Agriculture has enough funds to start spending at the higher level immediately but probably will go to Congress later in the year for supplemental funds, Mr. Lyng added.

Whether Congress will be satisfied with these plans isn't certain. Last week, the Senate, by a 75–5 margin, voted to impose on the administration a more generous formula for distributing school lunch funds than it originally proposed. The Senate formula is close to the one announced by Mr. Lyng, except that its basic contribution would be one cent higher, or six cents, adding $41 million more to federal costs, the Agriculture Department figures.

The House Education subcommittee wound up its hearings on school lunch regulation yesterday. Subcommittee Chairman Roman D. Pucinski (D., Ill.) and Carl D. Perkins (D., Ky.), chairman of the parent committee, both favor House passage of the Senate bill.

However, the major question now appears to be whether the House committee will challenge the Agriculture Department's new restrictions on the approximately 30 higher-income states, which define poverty at an income level higher than the one used by the department in its lunch regulations. More than 500,000 youngsters in these states, many from welfare families, who were eligible for free and reduced-price lunches on this basis last year, thus will be excluded this year.

Kenneth Schlossberg, staff director of the Senate Select Committee on Nutrition and Human Needs, who was present at the briefing by Mr. Lyng, said that some one million youngsters will be frozen out of the program by the changed regulation. "The Nixon administration is giving $135 million with one hand and taking away almost as much with the other," he contended.

This may be an overstatement, but the department doesn't have an estimate of its own to refute it. Mr. Lyng could only estimate that the federal cost of serving needy children in the 30 states last year amounted to $20 million to $30 million. A school lunch aide acknowledged, however, that, because the program had the potential of reaching more children this year than last, the federal saving through tighter poverty guidelines could be substantially larger than that figure in 1971–72.

[From the Washington Post, Oct. 7, 1971]

U.S. RETAINS LUNCH SHARE, TRIMS SCOPE

(By Nick Kotz)

The Nixon administration, bowing to congressional pressure, yesterday decided not to reduce federal contributions to the free school lunch program. But at the same time, it tightened eligibility standards, thus eliminating 584,000 children from the program.

Assistant Secretary of Agriculture Richard Lyng announced that the government will pay about 45 cents of the cost of a free or reduced-price lunch for poor children. The Senate last week had voted overwhelmingly to reject an administration plan to drop the federal contribution to 35 cents.

However, the government trimmed the rolls of children eligible for the free lunch program by limiting federal benefits to children from families with annual income of less than $3,940 for four persons.

The 1970 National School Lunch Reform Act stipulated that schools in the program must provide meals free or at a token cost (5 to 20 cents) to all children whose families met the $3,940 poverty-income guideline. But states were also permitted to establish more generous guidelines. Forty states did, including Maryland, Virginia and Washington, D.C.

These states no longer will get special federal funds to continue providing free lunches to an estimated 584,000 children from families with more than $3,940 income. The free lunches will continue only if state and local governments pick up the full costs.

A New York State school lunch official said perhaps a majority of New York City children will lose their free lunches.

In Montgomery county, Maryland, four-member families with $4,400 to $4,650 annual income, had been eligible for benefits, depending on the number of a family's children in school.

In Virginia, Arlington, Fairfax, and Falls Church provided free meals if a child's family had less than $4,940 income.

The District of Columbia gave free or reduced-priced meals to children in families with less than $4,830 income.

All children, poor and nonpoor alike, receive a partial federal subsidy of meals provided them under the National School Lunch Program set up in the 1940s. The federal government pays 5 cents in cash and 7 or 8 cents in surplus commodities toward the cost of all school lunches.

For example, the total actual cost of a Montgomery County School lunch is 68 to 73 cents. The child pays 45 or 50 cents, the federal government 13 cents, and the rest is made up in state or local funds. This applies to rich and poor children.

But in the case of a poor child, the federal government now will pay 45 cents of the total cost.

Lyng said the federal government will pay $225 million in cash and $300 million in commodities toward the lunch costs of all children and an additional $500 million toward costs of free or reduced price meals for poor children.

The dispute in Congress involved the amount of the federal share of cost for free or reduced price meals. The administration had planned to cut the average federal contribution, but now will raise it slightly over last year.

School lunch officials throughout the country had protested to Congress that the reduced federal payment would cripple their lunch programs.

Lyng said about 8 million poor children this year will receive free or reduced-price lunches.

An additional 16 million non-poor children participate in the program and benefit from the smaller federal subsidy.

Another 30 million school children are not in the national lunch program, either because they don't choose to buy lunch at school or because their school is not in the program.

Sen. George McGovern (D-S.D.), chairman of the Senate Select Committee on Nutrition praised the administration for its decision to increase federal support of lunches for the poor, but said the change in eligibility requirements "robs a poor Peter to help a poor Paul."

The increased federal payments will cost an additional $135 million a year, but the government hopes to save about $47 million by its new restrictions on eligibility.

Sen. Herman Talmadge (D-Ga.) sponsor of the Senate resolution ordering the administration not to cut payments, said he was "gratified . . . that the Agriculture Department had now agreed to obey the law."

McGovern said the Agriculture Department was clearly violating the "letter and spirit" of the 1970 School Lunch Reform Act, which provided that states can set higher eligibility standards. He pointed to legislative history, in which members of Congress stressed that states could implement more lenient standards.

Lyng, however, said yesterday that USDA can limit eligibility because the law calls for giving priority to the neediest children. Lyng said many states and school districts lack "fiscal restraint." He said one school district provided lower-cost meals to children from families with less than $7,500 annual income.

Lyng said he opposes the concept of providing free school lunches to all children and that he believed many school districts were heading in that direction.

[From the Washington Star, Oct. 8, 1971]

REMEDY FOR HUNGER

It seems a shame that the nation's school lunch program should be subjected to a shoving match between the White House and Congress. But now that the match is on, it would be well if Congress stuck to its guns by insisting that no needy American child is denied a free, nourishing lunch when he goes to school.

Only last year President Nixon, in signing the School Lunch Reform Act, called for putting an end to hunger in the nation's schools. But two months ago, responding to orders from White House budget-makers, the Agriculture Department announced it was lowering from 42 to 35 cents the federal subsidy per lunch for every needy child. It was easy to predict the consequences: Lowered participation in the program, or lowered quality of the lunches, or both.

The Senate Agriculture Committee, traditionally conservative, traditionally attuned to getting along with the Department, last month fashioned a bold remedy. With its new chairman, Herman E. Talmadge, a Georgia Democrat, taking the lead, the committee approved a resolution not only setting a new subsidy level of 45 cents per lunch but directing the Secretary of Agriculture to spend whatever funds may be necessary from an import duty over which he has discretion.

With the full Senate having passed the resolution and the House due to act soon, the administration decided to shove back. Now it says it will pay the 45-cents-per-lunch subsidy. But it will tighten eligibility, limiting federal benefits to children from families with incomes no higher than $3,940 a year for four persons. Once again it should be clear what the consequences will be if the decision is allowed to stand. About a half million of the seven million needy children now in the program will be disqualified.

It should be remembered that the prevailing school-lunch law, while setting the $3,940 income figure as an eligibility floor, specifically permits states to raise that figure. Thirty-one states have done so, including, interestingly enough, Talmadge's state of Georgia. And so we have an administration, dedicated to law and order, now seeking to save money by circumventing the law.

Congress, in completing action on the joint resolution, should flatly prohibit the truncation of the school-lunch program. Feeding needy kids should have been an exception all along to the rule of hold-the-line fiscal discipline.

[From the New York Times, Oct. 8, 1971]

FUDGE FOR LUNCH

The Administration is demonstrating a remarkable capacity for missing the point of the school lunch program. Congress has repeatedly made clear that it wants the low-income children of the nation to have lunches available to them, but the Department of Agriculture, looking at budgets rather than children, keep resisting the intent of Congress. Last week the Senate voted to direct the Agriculture Department to reimburse the states more generously than the department's formula announced last summer would allow. Overruling its own Appropriations Committee—a rare gesture in itself—the Senate authorized the temporary use of other departmental funds to expand the lunch program.

Now the Agriculture Department has increased its spending for free and reduced-price lunches but at the same time set a new, low eligibility of $3,940 a year for a family of four. At least thirty states permit children to participate although their families have incomes slightly higher than this. In New York, for example, the eligibility level is set at $4,250.

The effect of the department's bureaucratic maneuver is to cut about one million needy children out of the lunch program. It is a direct blow at the nation's working poor, who have already suffered worst from the inflation of recent years. The Administration has shown how resourceful it is at fudging the hunger issue, but fudge does not make a satisfactory lunch.

[From the Washington Post, Oct. 9, 1971]

TAKING BACK THE LUNCH MONEY

As though involved in a complicated game of football—a long gain made on one play is wiped out by a fumble on the next—the Department of Agriculture increased federal payments to the free school lunch program by $135 million a year but then cut back $47 million by imposing new restrictions on eligibility. It is a positive move that the administration is raising its share in the cost of free or reduced-price lunches for poor children to about 45 cents, even though it was forced to this generosity by the Senate. Pushed away from the table, however, are an estimated one million children; they have the bad luck to be members of families where the income is above $3,940 a year for four persons.

This figure was set as a minimum eligibility requirement by the 1970 National School Lunch Reform Act. States were allowed to help children from families earning more than the minimum; officials realized that these families—earning, say, $4,300 or $5,500 a year—are very much in poverty also and can be hard-pressed for children's lunch money. But these children are now to be cut off; the free lunches will continue only if state and local governments come through, a questionable prospect. Sen. George McGovern, chairman of the Senate Select Committee on Nutrition, aptly said that the administration's shift "robs a poor Peter to help a poor Paul." Of course, this robbing is not the kind usually associated with that unsavory word—a gun stuck in the ribs, an order to fork over the cash. An assistant secretary of the Agriculture Department was quick to express his belief that the new restrictions on eligibility were within the law. Others, including Sen. McGovern, disagree.

While the legal argument goes on, at least 600,000 children, and perhaps double that, are expected to be told, "Sorry, no more food for you." (In the District of Columbia, an estimated 12,000 children might be dropped.) What is a child to think when told this—that the cutback makes sense because the government will save $47 million? Hardly. The children will feel cruelly rejected. The parents will be embittered once again, even more so if they happen to recall the ringing words of President Nixon: "The moment is at hand to put an end to hunger in America . . . for all time." That was said in May, 1969, more than two years ago; apparently, the moment to end hunger is no longer at hand.

A possibility exists that the administration's decision can be reversed or at least eased. The Department of Agriculture is meant only to carry out the law, not make it. Rep. Carl Perkins of the House Education and Labor Committee is hard at work to bring legislative pressure to prevent the elimination of these children from the program. He expects to bring proposals before the House shortly. One can only hope his efforts will succeed.

[From the New York Times, Oct. 15, 1971]

NIXON'S OWN EXPERT CRITICIZES CUTBACKS IN SCHOOL LUNCHES

WASHINGTON, Oct. 14.—The Nixon Administration was sharply rebuked today by a House committee and by its own leading authority on hunger for seeking to eliminate federally subsidized school lunches for possibly 1.5 million needy children.

These were among developments today that strengthened the likelihood that Congress would order the Administration to reverse itself next week.

By a vote of 31 to 0, the House Education and Labor Committee reported out a measure to require such a reversal. The size of the vote was regarded as a strong sign that the House would pass the measure easily when it comes up Monday.

ECONOMY REASONS CITED

And at a Senate hearing an hour earlier, Dr. Jean Mayer characterized the proposed cuts as "mean-spirited." Dr. Mayer is a Harvard nutritionist who has served as President Nixon's special consultant on hunger and as chairman of the White House's 1969 Conference on Nutrition and Hunger.

The cuts were called for, he said later in an interview, by the White House's Office of Management and Budget for economy reasons. "We ought to find better ways to save our money than to take it out of the mouths of hungry children," he said.

The budget office, he said, is pursuing "a narrow, legalistic approach at the meanest possible level."

In a further development, it was learned that at least 50 Senators, including leaders of both parties, had signed a letter protesting the cuts, to be sent to the President tomorrow.

Such breadth of sentiment is taken as a strong indication that the Senate will endorse a House-passed bill in conference, also likely next week.

The Senate has already passed an earlier, different Administration plan to restrict lunch subsidies for needy children.

This plan would have restricted the amount of Federal subsidy for each lunch but left unchanged the number of children served. After the Senate vote, this plan was changed. The per-meal subsidy was increased, but the number of children was reduced.

This prompted angry assertions that the Administration was giving with one hand and taking away with the other.

Such reactions were renewed today in the House committee session. Representative Roman C. Pucinski, Democrat of Illinois, said, "It is amazing the extent to which the

Administration rewrites the intent of Congress. When Congress passes legislation we mean that it should be enforced."

The measure reported out by the committee expressly barred the Administration from reducing the number of children served by the subsidized school lunch program.

According to estimates by the Department of Agriculture, about 600,000 children would be eliminated from the program by the new Federal policy. The Senate Nutrition Committee, however, estimates the total at 1.5 million. The latter figure is in accord with a survey last week by the House committee showing 1.2 million in 39 states.

Of these, an estimated total of 400,000 children would be cut in New York alone. That fact prompted 19 members of the state's House delegation to send a joint letter of protest today to Secretary of Agriculture Clifford M. Hardin.

The House committee also endorsed an amendment, offered by Representative James H. Scheuer, Democrat of the Bronx, requiring reversal of recent restrictions in the school breakfast program. This is a much smaller but rapidly growing program designed for needy children.

Dr. Mayer testified at a hearing of the Senate Nutrition Committee on the desirability of free school lunches for all children. This has been proposed by Senator Hubert H. Humphrey, Democrat of Minnesota.

Dr. Mayer said he thought such a program would cost as much as $7-billion.

"I would hope," he said, "that we are smart enough not to have spent $7-billion to buy lunch for all children in order to reach all needy children.

"But if the [office of management and budget] pressures continue to exercise themselves on the school lunch program with as much mean spirit as they recently have been exercised, they will leave us no recourse but to fight for a universal school lunch program."

The present Federal policy would permit subsidies only to children of families below the federally defined poverty level, now $3,940 for an urban family of four.

"But no one who has followed the issue would have expected the Administration to interpret 'needy' to exclude people who are poor but not quite that destitute," Dr. Mayer said later.

[From the New York Times, Oct. 17, 1971]

SCHOOL LUNCHES: THE SCRIPT CALLED FOR SOME EMPTY TRAYS

WASHINGTON.—National School Lunch Week was marked here last week, and the formalities were scrupulously observed. The President issued the usual proclamation. An elaborate display of child nutrition photographs went up in the Agriculture Department lobby.

But in the eyes of many, these honorifics had ironic overtones. For while the bureaucracy was performing the mindless rituals; the Administration was trying to eliminate as many as 1.5-million needy children—perhaps 400,000 in New York alone—from the most critical part of the school lunch program.

This is the "free and reduced price" component, which now provides Federal funds for subsidized lunches for 7.3-million children, many of whom otherwise would not eat lunch at all.

Thus there was widespread outrage when the Administration pressed a sustained effort to restrict the program. Dr. Jean Mayer, who has served as President Nixon's chief adviser on hunger, said the Administration was pursuing "a narrow legalistic approach at the meanest possible level". An aroused Congress started to weigh in even more sternly.

By a 31-to-0 vote, a House committee last week cleared a bill forbidding the Administration to cut either the number of dollars, or children in the program. A protest letter to the President quickly attracted the signatures of 59 Senators, including the Republican leaders. And there was general expectation that by the end of next week, Congress as a whole will bluntly order the Administration to reverse itself.

The Administration's conduct provoked almost as much astonishment as outrage. For the Administration had pledged to provide subsidized lunches to every needy child—and it has, with Congressional prodding, come close to that goal, doubling the number of children served since it took office in January, 1969. Just last March, the Department of Agriculture greatly liberalized Federal spending for the program.

Then, on Aug. 13, the department announced sudden new cutbacks in its financial support of the program. Since the department had already approved state feeding plans on the liberalized basis, and since schools were just days away from opening, there was turmoil.

Once back from vacation, an aroused Senate quickly ordered the Administration once again to increase spending. And five days later, the Administration announced an ostensible surrender on the financial side. But there was a catch.

Having failed to cut the Federal subsidy per child, the Administration took a new tack. Now it would cut the number of children requiring subsidies, forbidding states to use Federal funds for children of the near poor (which it largely left to the states to define), only permitting their use for the poor (families of less than $3,940 income).

The official rationale was that some states had abused the program, subsidizing children who were not truly needy.

Even critics concede there is a valid question about how far up the income scale the Federal subsidy should reach. But few believe the rationale; making $3,940 the cutoff point for assistance was judged to be an obvious attempt at budget-cutting.

According to one insider's account, the August effort to restrict Federal subsidies came only after White House budget officials refused an Agriculture Department plea for more money.

And the case for cynicism about the second effort at cutting the program is plain junk from the arithmetic, says John R. Kramer, a leading figure in the antihunger lobby. The cost of the August proposal was more children but less money per child—would total $432-million. "Isn't it odd," he asks, "that the second approach—more money but fewer children—also totals out to $432-million?"

Even with legislative relief now imminent, some Congressmen are so angered by the Administration's conduct that they want to deprive it of any discretion and give free lunches to all schoolchildren to insure that all needy children are covered.

Dr. Mayer, among others, opposes this, arguing it could cost $7-billion, only a fraction of which would reach the needy. But, he said last week, if the Administration's budget pressures continue with as mean a spirit, "that will leave us with no recourse but to fight for a universal school lunch program"—even one that costs $7-billion.

[From the Evening Star, Oct. 18, 1971]

PENNY-PINCHING ON HUNGRY KIDS

(By Milton Viorst)

One of the few programs identified with the Nixon administration which can genuinely be called humanitarian is the one promising a nutritional lunch at school each day to every needy child in the country.

President Nixon pledged to meet the aims of this program after the White House Conference on Hunger in 1969. He said feeding the hungry involved "the honor of American democracy." Eliminating hunger was to be in his administration's answer to the Johnson administration's war on poverty.

But while the President has been busily giving away billions to business in questionable subsidies to stimulate the economy, he has been nibbling away at the funds to feed hungry kids.

The tragedy was eloquently summed up the other day by Dr. Jean Mayer, who served as the President's own consultant on hunger at the 1969 conference. He called the administration's penny pinching on school lunches "mean-spirited."

"We ought to find better ways to save our money," Mayer said, "than to take it out of the mouths of hungry children."

Indeed, of an estimated 14 million children of families at or below the poverty line, the administration proposes to feed barely half next year. The question at this point is how tough Congress will get to push the figure up.

Both the Senate and the House have, in fact, shown themselves uncharacteristically generous in the school lunch program. It's not a controversial experiment striking at the roots of political power, as the war on poverty started out to be. Congress has seen in school lunches a chance to help the poor without stirring up the vested interests at home.

The way the program works is that the Department of Agriculture reimburses a school district at a certain rate for every lunch it dispenses to a poor child.

The arrangement means that if a district chooses not to run a lunch program, for whatever reason, the administration does nothing about feeding the kids in that district.

It's an arrangement which gloriously preserves the integrity of the federal system, but it's knocked out about 4 million hungry kids—almost a third of the total—without a crust of bread. It's not surprising, I suppose, that most of the excluded children are black.

The law does provide the administration with incentives to offer to school districts to establish lunch programs, but these have scarcely been used. The Agriculture Department has had enough trouble reducing existing programs. It's not going out looking for more.

This year, on orders of the White House budget-cutters, the Agriculture Department notified the school districts that it would reduce its reimbursement maximum for each lunch from 60 cents to 35 cents.

Nationally, the average cost of a lunch is about 50 cents. States like New York and California, where wage costs are high, exceed this figure considerably. At 35 cents, it's likely that many districts would drop out of the school lunch program entirely.

That's when the Senate stepped in and, despite some hard lobbying by the administration, voted by an astonishing margin of 75 to 5 to increase the rate to 46 cents. The Agriculture Department agreed to the raise, but then announced smugly that at the higher rate it would have to reduce the program to feed only 8 million children.

The House Committee on Education last week went the Senate several steps better—by a vote of 31 to 0. It ordered the department to restore the 60-cent maximum and the previous standards of eligibility, to include all 9 million (Agriculture Department figure) or 10 million (Senate Hunger Committee figure) needy children in the program.

The committee also instructed the department to take the funds out of import duties—and said that Congress would make reimbursement later. The committee margin indicated that the full House was likely to go along.

There may still be a fight to resolve the House and Senate bills—but, whatever the outcome, the administration will have to run a bigger school lunch program than it planned.

The President, of course, will find that regrettable. He thinks the money can be bet-

ter used by Lockheed, Penn Central and the other big businesses that need welfare subsidies.

[From the Washington Post, Oct. 18, 1971]

NIXON ORDERS CLARIFYING OF SCHOOL LUNCH RULES

Responding to an appeal from 59 senators, the White House announced yesterday that President Nixon has ordered the Agriculture Department to "clarify" a controversial set of school-lunch regulations imposed earlier this fall.

"The President has long been committed to the achievement of a program which provides a school lunch to every needy child," Presidential Assistant William E. Timmons said in a letter to the senators. The letter, dated Saturday, was made public yesterday.

The senators asked Mr. Nixon Friday to stop the Agriculture Department from setting "unlawful" guidelines they estimated would cut more than one million children from the federal school-lunch program.

Timmons said Mr. Nixon "has been aware of questions raised concerning the Department of Agriculture's implementation of his policy and has directed the department to immediately clarify its regulations."

The controversy over school lunches began in mid-August when, just three weeks before many schools were scheduled to open, the department set new limits on how much federal help states would receive for their lunch programs.

Last year the federal government paid on a sliding scale that ranged as high as 60 cents for each lunch served for or at a reduced price to needy children.

The new guidelines guarantee 35 cents for such lunches.

[From the New York Times, Oct. 19, 1971]

HOUSE ORDERS NIXON AIDES NOT TO CUT PUPIL LUNCHES—IT PASSES BILL, 353 TO 0, ONLY HOURS AFTER ADMINISTRATION ABANDONS PLAN—MEASURE IS SENT TO SENATE

(By Jack Rosenthal)

WASHINGTON, October 18.—The House, by a 353-to-0 vote, passed legislation today ordering the Administration to abandon its plan to eliminate Federal school lunch subsidies for as many as 1.5 million needy children.

The action came only hours after the Administration, anticipating the sentiment for the House, had announced abandonment of the plan. But its new plan remains somewhat cheaper than that called for by the House.

The bill now goes to the Senate, which has already decisively voted a similar, though narrower, measure. The principal question is whether the Senate will be satisfied with the Administration's new position or order it to accept all provisions of the bill.

Today's revised Administration position came after President Nixon ordered the Department of Agriculture to clarify its subsidized lunch regulations immediately.

This order was disclosed yesterday fn a White House letter to 59 Senators who had written to Mr. Nixon Friday to protest the Administration's proposed cuts.

"The President has long been committed to the achievement of a program which provides a school lunch to every needy child," the response said.

Action by the House came only 12 days after the Administration announced its second effort to restrict Federal lunch subsidies, despite their wide popularity in Congress.

The "free and reduced price" program, a component of the national school lunch program, is designed to provide at least one decent meal daily to needy children. Some 7.3 million are now served.

On Oct 6, the Department of Agriculture announced a new, stricter definition of "needy." Congressional studies showed that this could mean the elimination of 1.5 million children, 400,000 in New York alone.

The House bill forbids the Administration to cut the number of children. It also requires sharp increases in the amount of Federal subsidy for each child.

The prior subsidy level was an average of 35 cents a meal. The bill raises the amount to 46 cents and also directs that this be the minimum subsidy, not the average.

This is one of three principal differences between the bill and the Administration's new position, expressed in revised regulations of the Department of Agriculture. The regulations adopt the 46-cent level, but as an average, not a minimum.

Congressional observers said today that use of an average would be cheaper. Agriculture officials said that use of a minimum would be a departure and extremely difficult to administer.

Even a 46-cent average, however, would mean a jump in Federal spending for the program, from about $390-million to $525-million. The latter figure is "more than 100 times—$4.8 million that was available" three years ago, according to the White House.

A second possible difference is whether the Agriculture Department will go along with states that allow cities to define "needy" children at a higher income figure than the statewide figure.

The question affects 100,000 children in Philadelphia, Newark, Portland, Oreg., and 20 other cities.

Conflicting interpretations of the House bill on this point were expressed on Capitol Hill today. Also, the new regulations are unclear on the issue, Richard E. Lyng, Assistant Secretary of Agriculture, acknowledged. "They will be clarified soon," he said.

A third difference is that the regulations say nothing about the school breakfast program, while the bill undo recent agriculture restrictions. This program now serves about a million children. Mr. Lyng said that breakfast program regulations would be issued separately.

These various issues could be resolved by Congress if the new bill is now sent to a House-Senate conference. But it is possible, Senate informants said, that the House bill may be taken directly to the Senate floor, limiting the possibility for clarifications.

The Senate bill which passed 75 to 5 on Oct. 1, directed the Administration to abandon its earlier plan to restrict the subsidized lunch program. That plan, announced Aug. 13, would have limited the amount of subsidy for each child.

The Senate bill did not refer to restrictions on the number of children covered. The Administration first proposed that plan five days after the Senate vote.

[From the Evening Star, Oct. 19, 1971]

AGRICULTURE BOWS TO CRITICS, ENDS SCHOOL LUNCH CUTBACK

The Agriculture Department's effort to cut costs in the nation's school lunch program for the needy has ended before it began.

Buckling under heavy congressional opposition, a Department spokesman announced yesterday that the new regulations, issued Oct. 6 to take effect yesterday, would be rescinded.

At almost the same time, the House took the first step toward canceling the proposed regulations with a new law. The vote was 354–0 on a bill to set the program back on its previous footing.

The dispute began Aug. 13, when the federal agency published proposed new regulations for reimbursing states participating in thes school lunch program.

TWO ACTIONS INVOLVED

Two actions were involved. First, Agriculture set a poverty-level guide at $3,940 for a family of four, raising it from $3,720 and calling it a ceiling rather than a floor. Thus, states that defined poverty at a higher income level, bringing children into the food program, would be held back.

Second, the department decided that cash assistance to states would be based on a total of 35 cents for each free or reduced-price lunch, instead of 42 cents.

Critics of the department's plan argued that it would deny 1.3 million children free or reduced-cost breakfasts and lunches.

In a state-by-state survey, the House Education and Labor Committee determined that more, not less, federal help is needed. Some 8.6 million children are covered by the program this year, the committee said, an increase of a million over last spring.

ABOUT $511 MILLION NEEDED

In dollars, the need added up to $511 million, the House panel reported. Agriculture had proposed to make $390.1 million available.

The House bill that passed yesterday would bar the federal agency from cutting back and directs that all needy children shall be fed. The minimum rate of reimbursement would be raised to a total of 46 cents per meal. The estimated cost for this year is $615.2 million.

Rep. Roman C. Pucinski, D-Ill., pressed for passage of the bill yesterday despite the change of mind at Agriculture, to assure that there would be no rollback in the future.

The Agriculture Department also got a push from the White House, which had been denounced by Democrats as an enemy of needy children. President Nixon ordered the agency to "clarify" its position. Within 24 hours, the proposed regulations were abandoned.

[From the Washington Post, Oct. 19, 1971]

UNITED STATES DROPS CUT IN SCHOOL LUNCH PLAN

The Nixon Administration, bowing to Congressional pressure, yesterday dropped a regulation that would have eliminated more than one million children from the free school lunch program.

The action came after 59 senators had protested to President Nixon against the cutback and just before the House, by a 353-to-0 vote, ordered that the children not be dropped.

The Agriculture Department announced that it would continue providing federal aid for children declared eligible by the states for free or reduced-priced lunches.

Earlier, in a cost-saving effort, USDA said eligibility would be limited to children from families of four with $3,940 or less income. The estimated saving was $47 million. Members of Congress protested that the 1970 School Lunch Reform Act permitted states to have more generous eligibility requirements.

More than 40 states would have been forced to cut back on the number of poor children eligible.

Officials of the Children's Foundation warned yesterday that the Agriculture Department still might reduce the number of eligible children in about 30 major urban school systems. These are city schools which were permitted by states to have more generous eligibility than state standards. Virginia, for example, has permitted Arlington, Fairfax, and Falls Church schools to have more generous eligibility requirements.

Richard Lyng, assistant secretary of Agriculture, said children will not be dropped if states authorize local school districts to use easier standards.

The House-passed bill, ordering the Department not to cut children from the program, now goes to conference with a similar Senate bill. Both the Senate and House reacted against various proposed changes which would have reduced federal support of the school lunch program. But the administration apparently now has complied with the congressional orders.

[From the Wall Street Journal, Oct. 19, 1971]

ADMINISTRATION CANCELS ATTEMPTS TO PARE SCHOOL LUNCH SYSTEM BY CURBING ELIGIBILITY

WASHINGTON.—The Nixon administration, in the last of several somewhat bewildering maneuvers on school lunch funding, agreed to provide free and reduced-price meals for all children qualified by state programs.

The latest announcement, made through Richard Lyng, Assistant Agriculture Secretary, puts the administration's school lunch plans where critics said they should have been all along. It also leaves uncertain the fate of somewhat different school lunch bills passed overwhelmingly by the House and Senate to force the administration's hand.

Mr. Lyng's major concession was to offer federal support for free and reduced-price lunches eaten by youngsters from low-income families qualified under state eligibility standards but whose incomes exceeded federal poverty guideline figures.

Earlier this month, the department had said it wouldn't accept the state figures for eligibility—a move some estimated would prevent more than one million youngsters, many of them from welfare families, from participating in the program.

The previous announcement was coupled with a retreat from a still-earlier department decision to hold school lunch spending to a figure lower than state and local school administrators had anticipated. In backing off from that position, the administration agreed to boost its outlays in the current year by $135 million above the sum requested in the budget for the fiscal year that began July 1.

The latest concession also promised a guaranteed federal contribution of six cents each to the cost of all school lunches. Previously, the guaranteed figure had been set at five cents. As announced earlier, the government's share of free and reduced-price lunches will be a minimum 40 cents, or 10 cents higher than the Agriculture Department originally proposed. The government estimates the cost of the typical school meal at about 60 cents. Payments by states, localities and school children cover the remainder of the cost.

The final retreat apparently was intended to get the administration out of increasingly hot water with Congress. The latest sign of this displeasure was the 353–0 House vote, taken after Mr. Lyng's announcement, in favor of a bill that would require full funding for the program and support of state-eligible youngsters.

A Senate bill failed to address the state eligibility question, and the difference would have to be reconciled in a House-Senate conference committee. But it isn't certain if school lunch backers in Congress will choose to carry the legislation any further.

[From New York Times, Oct. 21, 1971]

FOOD, NOT PROMISES

The White House statement that "the President has long been committed to the achievement of a program which provides a school lunch to every needy child" would be more persuasive had the Department of Agriculture not persisted in stratagems to bar needy children from the program.

A unanimous House action, joined yesterday in a voice vote by the Senate, has ordered the Administration to abandon plans to tighten school-lunch eligibility requirements. This clearly indicates that Congress has lost faith in White House pledges as long as bureaucratic manipulations continue to undercut them. The extent of the crisis of confidence was underscored when Dr. Jean Mayer, Mr. Nixon's chief adviser on hunger, recently denounced the Administration's action as "a narrow legalistic approach at the meanest possible level."

Apparently, the accountants have been allowed to deal with what is a humanitarian problem. The cost-cutting device is the establishment of a rigid national definition of poverty. Yet, Federal cost-of-living statistics are readily available to show how fallacious such a yardstick inevitably is in practice. It would, for example, cut off about 400,000 children from free lunches in New York because the definition of a poverty-level annual family income here is $290 above the proposed national standard. Agriculture Department staff members evidently have done little comparison food shopping.

Until there is convincing evidence that what the White House claims it is anxious to provide will not be taken away by the Agriculture Department, Congress is justified in its extraordinary action of prohibiting Administration cutbacks. Hungry children cannot eat promises.

[From New York Times, Oct. 21, 1971]

PUPIL LUNCH BILL IS SENT TO NIXON—SENATE, LIKE HOUSE, PASSES MEASURE UNANIMOUSLY

(By Jack Rosenthal)

WASHINGTON.—The Senate passed today by unanimous voice vote legislation forbidding any cuts in federally subsidized school lunches for needy children. The measure, approved Monday by the House, 353 to 0, now goes to the President.

Particularly in view of Congressional unanimity, the President is thought sure to sign the legislation. New Department of Agriculture regulations, reflecting the Congressional mandate, would follow within a matter of days, officials said.

These would end a heated controversy that began Aug. 13 when the Agriculture Department issued regulations to limit the amount of Federal subsidy for each needy child. When that step was challenged by Congress, the department announced, on Oct. 6, a plan to limit, instead, the number of children eligible to receive subsidies.

On Monday, hours before the House vote, the Agriculture Department announced a substantial reversal. It said that it would no longer seek to limit the number of children and would increase, to 46 cents, the average subsidy for each meal.

But the measure now enacted by both houses requires that the 46-cent subsidy be a minimum, not an average. This will cost at least somewhat more. How much more, officials could not estimate today.

AIDED 7.3 MILLION PUPILS

The present program of free and reduced-price lunches serves 7.3 million children. The current budget is $390-million. The Administration has estimated that it will cost $525-million, assuming a 46-cent average.

On the issue of eligibility, the new legislation forbids the Administration to change present standards during the current fiscal year. This means that children who are near-poor, as well as those whose families' income is less than the official poverty level, will continue to be served.

These near-poor children would have been eliminated by the earlier Administration plan. Congressional estimates put the number in jeopardy at 1.5-million, 400,000 in New York alone.

Before the Senate vote, Senator Herman E. Talmadge, Democrat of Georgia, sought to clarify an eligibility question left ambiguous in the House.

Some states permit individual cities to define needy children at a higher income figure than the statewide average. If this was eliminated, 10,000 children would be affected.

But it is his understanding, Senator Talmadge said in response to questions on the floor, that the legislation prohibits elimination of this procedure during the current fiscal year.

SEPARATE GUIDELINES

The new measure also calls for the Administration to lift recently proposed restrictions on subsidies for school breakfasts, a smaller but growing program. The Agriculture Department, in its reversal statement Monday, did not refer to this program. Officials say that separate guidelines are expected.

The new agriculture position came after President Nixon, responding to a letter of protest from 59 Senators, ordered the department to "clarify" its position.

In a statement on the floor today, Senator Talmadge took note of the change, saying that he was "pleased that the Department of Agriculture finally yielded on most issues."

"However," he continued, "the schoolchildren of the country deserve a final answer. They deserve to know whether they are going to receive free lunches during this school year."

[From the Washington Post, Oct. 22, 1971]

THE FREE LUNCH REVERSAL

In a burst of candor, a Department of Agriculture officials concerned with food and nutrition testified recently in Senate hearings that one way to move his agency is by Richard Lyng, an assistant secretary, "would perhaps force our hand, force us to move more quickly than we might otherwise do." This appears to be exactly what happened this week concerning the free school lunch program. Two weeks ago, the Department of Agriculture issued a regulation that would have prevented more than one million children from continuing to receive free school lunches. More than 40 states would have been forced to cut back the number of poor children eligible; the department would have saved $47 million. Quickly, the Senate and House acted. Fifty-nine senators protested directly to the President; the House, by a 353–0 vote, ordered that the children not be dropped.

This is hardly the ideal way to run a department, much less a food program—force us and we'll do it. Nor does it suggest that the administration's concern for poor children is especially high. But after the politics of it all is put aside, at least now the children will be fed. From their viewpoint—to look at it that way, for once—it matters little who came to their rescue, but only that someone in Washington did. Both Congress and the Department of Agriculture can take praise for the new policy.

It remains unclear at this moment whether the department will permit states to authorize their local subdivisions to have more generous eligibility guidelines. In Virginia, for example, the state uses the $3,940 guideline but has allowed Arlington, Fairfax and Falls Church to provide free lunches to children in families of four with less than $4,940 income and reduced-price lunches to families of four with less than $5,350 income. Now that the broad stroke of reform has been made, it is hoped these smaller—but no less crucial—concerns will be attended to by Agriculture officials.

Considering the knot in which the food lunch program is tied—Congress pulls this way and Agriculture the other, with the helpless children caught between—the time is right to begin thinking about a universal free school lunch program for all American children. Senator Humphrey and Representative Perkins have introduced legislation. The idea has merit for several reasons: first adequate nutrition is as much a part of education as adequate books and, second, if all children were to receive free lunches, the Agriculture Department would not have to solicit pressure upon itself before it can swing into action. That in itself would be a considerable gain.

[From the Washington Star, Oct. 22, 1971]

OUR CHILDREN AND THE ADMINISTRATION'S SCROOGES

(By Carl T. Rowan)

We go on placing our faith in F14 fighters, B70 bombers and new generations of missiles, but it must be obvious to most Americans that this country cannot be any stronger in the year 2000 than the Americans who are today's children.

It is appalling and inexplicable, then, that a government that talks so much about "national security" should foster so many rules and regulations that cheat and stunt the development of this generation of children.

Whether it is adequate medical care, lunches for the needy or the general welfare of millions of dependent children, the bureaucracy keeps coming up with penny-pinching measures designed to make children suffer even while adult fatcats go on enjoying governmental largesse.

It now looks as though millions of needy schoolchildren will get hot lunches this year, but no thanks to the scrooges in the Nixon administration.

For weeks someone in the Department of Agriculture, the Office of Agriculture, the Office of Management and Budget or the White House had been playing a game of now-you-see-your-lunch, now-you-don't. In August, Agriculture came up with new rules which reduced federal subsidies for each lunch served. This provoked a storm of protests from educators who said 1.9 million needy children would be excluded from the program.

There was a lot of hemming, hawing, excuse-making, and finally a Senate hearing. Agriculture officials claimed they were doing the best they could with the money they had. But angry senators pointed out that the department had gotten every cent it requested—and then some. They made clear that if there was a lack of money, it was because the administration had not wanted to spend enough.

The Senate was so upset that it bypassed its Appropriations Committee and quickly voted, 75 to 5, to authorize the administration to borrow enough money from another source to raise federal assistance by 11 cents per lunch.

Did Agriculture say, "Thanks, we're glad to have this extra help, and we'll use it to feed more children"? No, sir. They promptly changed the rules again. They increased federal support payments from 35 to 45 cents, but then turned around and lowered the eligibility ceiling for free lunches to $3,940 annual income for a family of four. Some 40 states had been using higher levels, so the result of this action was that an estimated 1.5 million of the near-poor stood to lose their free lunches.

Again, Congress came to the rescue. Fifty-nine senators shot off a letter of protest to President Nixon, and the House of Representatives voted, 353 to 0, to order the administration to abandon its latest restrictions. Faced with that kind of opposition, the Department of Agriculture backed down.

The disturbing thing is that Agriculture should try to "save money" by taking food out of the mouths of hungry children—and just two years after the celebrated White House Conference on Hunger and Nutrition which brought forth a pledge by President Nixon to wipe out hunger in America.

The dismaying thing is that anyone deemed worthy of public trust would try to take lunch away from needy pupils in a country that just shelled out $3.7 billion in farm subsidies, including millions paid for not growing food.

In 1970 the Sunflower County, Mississippi, plantation of Sen. James O. Eastland got $164,048 in subsidies from that same Agriculture Department that wanted to take bread out of the mouths of babes (a department that Eastland oversees, by the way, as a senior member of the Agriculture and Forestry Committee).

What kind of country is it that will pay $500,000 or more in subsidies to each of 23 farmers but can't find milk, meat and bread for hungry children who are in no way responsible for their plight?

Let the record show that our country has made progress in the four years since a Senate committee turned a grisly spotlight on the sick and hungry in urban ghettos and pockets of rural poverty like Appalachia.

Food stamps and surplus commodities are helping to feed twice as many people as at the time of that White House conference. The school lunch program provides free or reduced-price lunches for more than 7 million youngsters now, compared with 3 million 2 years ago.

But there are still millions of American adults who are ill-fed and ill-nourished. Millions of children still cannot learn because they go to school hungry and return home hungry. Recent Senate testimony illustrated that malnutrition is still so serious among migrant workers that some of their children suffer from marasmus, scurvy and rickets.

So this clearly is no time to rest on the laurels of what progress has been made—and surely no time for Agriculture to throw a million or more children back into the jaws of hunger.

A recent Senate witness warned that "hunger hasn't gone away; only the issue of hunger has."

The nation's needy children can be grateful to Congress for illustrating forcefully that the issue is not as dead as someone in the Agriculture Department thought.

[From the Washington Post, Nov. 14, 1971]

LUNCH FUND TO CONTINUE AT 1970 LEVEL

The Agriculture Department has announced new spending regulations for the school lunch program similar to last year's level—three weeks after Congress ordered it to stop trying to cut back the program.

The department says the new rules won't go into effect until they are officially published next Wednesday.

Sources involved in the three-month battle over school lunch funding said the regulations seem to conform to the instructions passed unanimously by both houses of Congress in mid-October.

In a news release, the department said the new rules provide federal payments averaging six cents in every state for each school lunch served under the program.

Also, the department will pay a minimum of 40 cents for reduced-price lunches served to needy children, and a 60-cent minimum for free or reduced-price lunches served to the "especially needy."

In no case, the department said, will the federal payment be more than 60 cents, or more than the cost of the lunch.

[From the Washington Post, Nov. 21, 1971]

F.Y.I.

"I believe that what I have had to say will stand the scrutiny of rational examination, whether or not one agrees with the point of view presented."—Vice President Spiro T. Agnew, in a speech at Miami Beach, Nov. 3, 1971.

Not being among those who regularly agree with the point of view of the Vice President, we probably subject what he has to say with more scrutiny than most people, especially when he is talking about us. You could call it masochism, but it has its rewards—when you discover the level of accuracy and the degree of integrity which Mr. Agnew brings to his self-appointed role as Inspector General of the media you can't help feeling just a little bit better about your own work. For example, there is the Vice President's recent tantrum about two quotations—one from a book review in this newspaper and one from a review of the same book ("Our Gang," by Philip Roth)—in Newsweek—both of which alleged that the Nixon administration had planned to eliminate free lunches for 1.5 million poor children. Mr. Agnew called this a "distortion" and a "misrepresentation" and a "propaganda *canard*" (which is an elitist way of calling something a lie) and by way of trying to prove his point he went on to assert "the facts of the case"—that the number of needy children receiving free lunch under federal programs will have increased from 2.8 million, when Mr. Nixon took office, to 8 million by the end of the current fiscal year. Now, this is fair enough and may even turn out to be accurate. But it also has absolutely nothing to do with the two quotes from The Washington Post and Newsweek which Mr. Agnew took exception to, and strictly For Your Information we would like to set the record straight.

What the Post book review said was that Mr. Nixon had "wanted to eliminate lunches for 1.5 million presumably needful schoolchildren, a proposal his own nutrition expert called 'mean-spirited' ". (Understandably, Agnew severed that last part of the sentence, for it is a fact that Mr. Jean Mayer, the former White House consultant on nutrition who was appointed by Mr. Nixon to run the 1969 White House Conference on Hunger, did characterize the Nixon administration's approach to the school lunch program in just those words.) For his part, Newsweek's book reviewer made a glancing reference to "the administration's plans to deprive a million and a half children of meals in school." Now the truth of the matter is that both of these allegations are beyond dispute; one might quibble over the precise number of children involved, but it is a fact that last month the Agriculture Department issued new regulations lowering the annual family income figure which defines "poverty" for the purpose of qualifying for free school lunches, and nobody questions that as many as 1.5 million children would have been lopped off the rolls under the new guidelines. This was not an idea under consideration, mind you; it was actually decided and publicly announced. And it was only *undone* after a howl of outraged protest from Congress, including a letter to the White House from 59 senators, Republicans as well as Democrats, who urged the President to "intervene in this situation immediately and to prevent what we must consider an unlawful interpretation (of the law) which was passed by the Congress and signed by you as a fulfillment of our pledges to put an end to hunger in America's schoolrooms." Bowing to this pressure, the Agriculture Department reversed itself. That in brief, is what we would consider to be a "rational examination" of the facts of this case and you may judge for yourself who was engaging in propaganda and dealing in "canards."

EXTENSION OF NUTRITION COMMITTEE

Mr. PERCY. Mr. President, the Senate Select Committee on Nutrition and Human Needs has decided unanimously today in its executive session to extend its life for another year.

The decision of the committee was made in light of its accomplishments during the past legislative year. The committee has performed, in my estimation, invaluable work in the area of bringing adequate nutrition to all Americans. Furthermore the committee played

a key role through its oversight function by being the focal point for initiatives of administrative action in the food stamp and school lunch areas.

The achievements of the committee are manifold; but, more important, much work remains to be done in the field of nutrition education, in revising our national approach to child feeding, in developing new ideas for institutional feeding, and in insuring that all the feeding programs are carried out adequately. I hope that Senators will see fit to renew the important work of this committee for another year.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the immediate past chairman of the White House Conference on Nutrition, Health, and Food.

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

JANUARY 26, 1972.

Hon. CHARLES H. PERCY:
Ranking Minority Member, Senate Select Committee on Nutrition and Human Needs, U.S. Senate, Washington, D.C.

DEAR SENATOR PERCY: I wanted to take this opportunity to again commend you for the fine work of the Select Committee in the past year, and to urge that the Committee be continued in able to fulfill the objective of eliminating hunger and malnutrition from the nation.

Clearly, the Select Committee has important work still to do. In the area of malnutrition and poverty alone, we have not yet achieved the nation's stated commitment to ensure every poor family an adequate diet. Despite the expansion of the food stamp program, there are still millions of poor families not receiving badly needed food benefits. Although the national school lunch program now reaches over seven million poor children, there are still at least three million children being left out.

These are only the most important highlights of the Committee's remaining responsibilities. There is still the relationship of the family food programs to welfare reform to be resolved. We must be sure that whatever welfare reform program is finally enacted, that sufficient income or other means is provided for adequate nutrition. Another important area for consideration is the consumer nutrition issues which affect all American families but especially affect the ability of low-income families to purchase adequate diets. These issues include nutrition and ingredient labeling, unit pricing and open dating of food stuffs. An additional area of concern, not previously addressed by the Committee, might also be seriously considered. That is the area of institutional feeding, especially in homes for the elderly and the retarded.

In short, I applaud the past contribution of the Select Committee toward the health and well-being of all our people, and urge that contribution be continued.

Sincerely,

JEAN MAYER.

SENATE RESOLUTION 242—SUBMISSION OF A RESOLUTION RELATING TO THE RECOGNITION BY THE UNITED STATES OF BANGLADESH

(Referred to the Committee on Foreign Relations.)

Mr. McGOVERN submitted the following resolution:

S. RES. 242

Whereas the people of East Bengal have clearly indicated a firm decision, following a tragic and costly civil war, to become an independent nation called Bangladesh;

Whereas the citizens of that newly formed nation have confirmed Shiekh Mujibur Rahaman as their Prime Minister;

Whereas the government of Bangladesh is an effective government in its own country and in a position to meet all of its responsibilities and obligations: Now, therefore be it

Resolved, That it is the sense of the Senate that the President should recognize Bangladesh as an independent country, should recognize the government of Bangladesh, and should commence negotiations leading to the establishment of diplomatic relations between the United States and Bangladesh, and that the President take appropriate steps toward securing funds to be channeled through multi-lateral agencies for the resettlement of the refugees and the rehabilitation of the country.

SENATE RESOLUTION 243—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT ENTITLED "REPORT TO THE PRESIDENT AND CONGRESS ON NOISE" AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. RANDOLPH submitted the following resolution:

S. RES. 243

Resolved, That the report of the Administrator of the Environmental Protection Agency to the Congress of the United States (in compliance with Sec. 402 (b) of Title IV, PL 91-604), entitled "Report to the President and the Congress on Noise" be printed with illustrations as a Senate document.

Sec. 2. There shall be printed two thousand five hundred (2,500) additional copies of such document for the use of the Committee on Public Works.

SENATE RESOLUTION 244—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

(Referred to the Committee on Rules and Administration.)

Mr. SPARKMAN, from the Committee on Banking, Housing, and Urban Affairs, reported the following resolution:

S. RES. 244

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 Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, 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 Committee on Banking, Housing and Urban Affairs, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $577,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $172,000 shall be available for a study or investigation of—

(1) banking and currency generally;
(2) financial aid to commerce and industry;
(3) deposit insurance;
(4) the Federal Reserve System, including monetary and credit policies;
(5) economic stabilization, production and mobilization;
(6) valuation and revaluation of the dollar;
(7) prices of commodities, rents, and services;
(8) securities and exchange regulations;
(9) credit problems of small business; and
(10) international finance through agencies within legislative jurisdiction of the committee.

SEC. 4. Not to exceed $175,000 shall be available for a study or investigation of public and private housing and urban affairs generally.

SEC. 5. Not to exceed $230,000 shall be available for an inquiry and investigation pertaining to the securities industry.

SEC. 6. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 7. 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.

ADDITIONAL COSPONSORS OF RESOLUTIONS

SENATE RESOLUTION 203

At the request of Mr. HATFIELD, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of Senate Resolution 203, to establish American fishing industry representation at the 1973 United Nations Law of the Sea Conference.

SENATE RESOLUTION 232

At the request of Mr. CHILES, the Senator from South Dakota (Mr. McGOVERN), the Senator from Missouri (Mr. EAGLETON), the Senator from Vermont (Mr. STAFFORD), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. HARRIS), the Senator from Arkansas (Mr. McCLELLAN), the Senator from Alabama (Mr. ALLEN) and the Senator from Georgia (Mr. GAMBRELL) were added as cosponsors of Senate Resolution 232, expressing the sense of the Senate that the remainder of the amount appropriated for the rural electrification program for fiscal 1972 be immediately released by the Office of Management and Budget.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 33

At the request of Mr. BROCK, the Senator from North Dakota (Mr. BURDICK), the Senator from Delaware (Mr. ROTH), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Concurrent Resolution 33 regarding the persecution of Jews and other minorities in Russia.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971—AMENDMENTS

AMENDMENT NO. 829

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

Mr. ERVIN (for himself and Mr. ALLEN) submitted an amendment intended to be proposed by him to the bill (S. 2515) to further promote equal employment opportunities for American workers.

AMENDMENT NO. 830

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

Mr. CHILES submitted an amendment intended to be offered by him to the bill (S. 2515), supra.

AMENDMENT NO. 833

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

Mr. GAMBRELL submitted an amendment intended to be offered by him to the bill (S. 2515), supra.

AMENDMENT NO. 834

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

Mr. HRUSKA submitted an amendment intended to be offered by him to the bill (S. 2515), supra.

SOCIAL SECURITY AMENDMENTS OF 1971—AMENDMENT

AMENDMENT NO. 831

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

Mr. HARTKE submitted an amendment intended to be proposed by him to the bill (H.R. 1) 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 child health programs with emphasis on improvements in their operating effectiveness, to replace the existing Federal-State public assistance programs with a Federal program of adult assistance and a Federal program of benefits to low-income families with children with incentives and requirements for employment and training to improve the capacity for employment of members of such families and for other purposes.

AMENDMENT NO. 835

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

Mr. PERCY submitted an amendment intended to be proposed by him to the bill (H.R. 1), supra.

AMENDMENT NO. 836

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

Mr. PERCY (for himself, Mr. MATHIAS, Mr. MONDALE, Mr. NELSON, and Mr. SAXBE) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

AMENDMENT NO. 837

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

Mr. PERCY (for himself, Mr. CASE, Mr. HART, Mr. HUMPHREY, Mr. MATHIAS, Mr. NELSON, Mr. PELL, and Mr. SAXBE) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 1), supra.

AMENDMENT NO. 838

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

Mr. PERCY. Mr. President, on behalf of myself and Senators CASE, PACKWOOD, PASTORE, BAYH, COOK, JAVITS, SCOTT, and STEVENS, I am reintroducing today my emergency welfare relief proposal, revised according to White House agreement, as an amendment to H.R. 1 to bring States much needed interim fiscal relief from sharply increased welfare costs until such time as welfare reform legislation is enacted by Congress.

I had previously introduced this proposal, on November 17, as an amendment to the Revenue Act of 1971. During the course of the debate, I withdrew my amendment after gaining commitments from the administration, Senator LONG, and Senator RIBICOFF that they would each support emergency welfare relief in principle, insuring the inclusion of interim fiscal aid provisions as a part of any welfare reform program to be voted by the Senate.

I am very happy to note the growing support in Congress for relieving States of their immediate welfare cost problems. Senator RIBICOFF's introduction of the welfare fiscal relief amendment proposed in the House by the chairman of the Ways and Means Committee, WILBUR MILLS, and the Congressman from my State, GEORGE COLLINS, is a welcome addition.

However, I am not happy with two aspects of the Mills-Collins-Ribicoff amendment. Their amendment would neither protect welfare recipients from benefit cutbacks nor would it insure any element of cost control by limiting Federal reimbursements.

Therefore, I hope that whatever emergency welfare relief proposal is accepted by the Senate will include the essential features of my amendment: Protection of States from the rising costs of welfare; protection of welfare recipients from cutbacks; and Federal reimbursement based on the specific welfare costs and case needs of each State, closed ended to insure welfare cost control.

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

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

AMENDMENT NO. 838

At the end of title V of the bill, add the following new part:

PART F—FISCAL RELIEF FOR STATES WITH RESPECT TO STATE PUBLIC ASSISTANCE PROGRAMS

FISCAL RELIEF FOR STATES

SEC. 551. Title XI of the Social Security Act (as amended by sections 221 (a), 241, 505, 542 (10), and 512 of this Act) is further amended by adding at the end thereof the following new section:

"FISCAL RELIEF FOR STATES

"SEC. 1126 (a) The Secretary shall, subject to subsection (c), pay to any State (other than the Commonwealth of Puerto Rico, Guam, or the Virgin Islands) which has a State plan approved under title I, X, XIV, or XVI, or Part A of title IV, of this Act, for each quarter beginning after June 30, 1971, in addition to the amounts (if any) otherwise payable to such State under such title on acocunt of expenditures as cash assistance, an amount equal to the excess (if any) of—

"(1) an amount equal to the lesser of—

"(A) the amount of the non-Federal share of the expenditures, under the State plan approved under such title or such part A (as the case may be), as cash assistance for such quarter (not counting any part of such expenditures which is in excess of the amount of the expenditures which would have been made as cash assistance under such plan if such plan had remained as it was in effect on June 30, 1971) or,

"(B) an amount equal to 120 per centum of the amount referred to in clause (2), over

"(2) an amount equal to 100 per centum of the non-Federal share of the total average quarterly expenditures, under such plan, as cash assistance during the four-quarter period ending June 30, 1971.

"(b) For purposes of subsection (a), the non-Federal share of expenditures for any quarter under a State plan approved under title I, X, XIV, or XVI, or part A of title IV, of this Act as cash assistance, referred to in subsection (a)(1), means the excess of—

"(1) the total expenditures for such quarter under such plan as, respectively, (A) old-age assistance, (B) aid to the blind, (C) aid to the disabled, (D) aid to the aged, blind, or disabled, and (E) aid to families with dependent children, over

"(2) the amounts determined for such quarter for such State with respect to such expenditures under, respectively, sections 3, 1003, 1403, 1603, and 403 of this Act and (in the case of a plan approved under title I or X) under section 9 of the Act of April 19, 1950.

"(c) No payment under this section shall be made for any quarter to any State on account of expenditures, as cash assistance, under a State plan of such State if—

"(1) the standards, under the plan, for determining eligibility for, or the amount of, cash assistance to individuals under such plan have been so changed as to be less favorable, to all (or any substantial class or category) of the applicants for or recipients of such assistance under the plan, than the standards provided for such purpose under such plan as in effect on June 30, 1971, and

"(2) the amount of the non-Federal share of the expenditures, under such plan, as cash assistance for such quarter is less than 150 per centum of the non-Federal share of the expenditures, under the State plan, as cash assistance for the quarter ending June 30, 1971."

FOREIGN ASSISTANCE AND RELATED PROGRAMS APPROPRIATIONS, 1972—AMENDMENT

AMENDMENT NO. 832

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

Mr. KENNEDY. Mr. President, on behalf of myself and the Senator from Michigan (Mr. HART), I submit an amendment to the foreign aid appropriations bill.

Mr. President, I am dismayed that the Committee on Appropriations thought it necessary to cut the appropriation request for migration and refugee assistance, and to recommend the elimination of the U.S. refugee program for Europe. Over the years this program has effectively carried out our Nation's humanitarian concerns in Europe, and today is serving as a primary channel in our country's effort to assist Soviet Jews permitted to leave their homeland and re-

settle elsewhere. The anticipated number of persons who will be assisted by the U.S. refugee program this year is 70,000—of whom some 40,000 will be Jews from the Soviet Union and other countries in Eastern Europe. To scrap this humanitarian program now would have a disastrous effect on the international machinery to facilitate their migration and resettlement, and would bring needless hardship to those many thousands who have waited so long to join their relatives and friends overseas.

I am extremely hopeful that the Senate will support this amendment.

ANNOUNCEMENT OF HEARINGS BY DISTRICT OF COLUMBIA COMMITTEE

Mr. MATHIAS. Mr. President, on behalf of the chairman of the Committee on the District of Columbia and myself, I wish to announce that a public hearing will be held at 9:30 a.m., February 4, 1972, in room 6226, New Senate Office Building, on H.R. 9580, a bill to authorize the Commissioner of the District of Columbia to enter into agreements with the Commonwealth of Virginia and the State of Maryland concerning the fees for the operation of certain motor vehicles. Persons wishing to present testimony before the committee should contact Mr. Robert Harris, staff director of the District of Columbia Committee, room 6222, New Senate Office Building, before the close of business on February 2, 1972.

NOTICE OF HEARING ON OFFENDER REHABILITATION ACT

Mr. BURDICK. Mr. President, as chairman of the Judiciary Committee's Subcommittee on National Penitentiaries, I wish to announce hearings for the consideration of S. 2732, the Offender Rehabilitation Act, beginning at 10 a.m., on February 3, 1972, in room 6206 of the New Senate Office Building.

The purpose of this legislation is the quieting of old criminal records that serve as a barrier to the employment of rehabilitated first offenders. I believe it represents a vital step needed to begin facing the problem of recidivistic crime in our Nation.

This is the first scheduled hearing on this legislation, and I would anticipate that several additional days will be necessary to carefully consider this proposed legislation. These additional days will be scheduled as time permits.

Any person who wishes to testify or submit a statement for inclusion in the record should communicate as soon as possible with the Subcommittee on National Penitentiaries, room 6306, New Senate Office Building.

ADDITIONAL STATEMENTS

FLAMMABLE FABRICS

Mr. MOSS. Mr. President, the editorial in the February issue of Consumer Reports concerning the intolerable delay from congressional passage of the 1967 Flammable Fabrics Amendment until the effective date of a flammability standard for children's sleepwear demonstrates the urgent need for the passage of legislation to create a Consumer Safety Agency as we have proposed in the committee print of S. 983.

Government performance in this field has been shoddy. The epidemiological data compiled by the Department of Health, Education, and Welfare is barely adequate. The prolonged delay by the Department of Commerce in issuing the sleepwear standard is lamentable, but even more critical, the total absence of regulations concerning stockpiling of goods before the effective date of the standard, July 1973, demonstrates a lack of comprehension of the marketplace.

I would not be so much concerned were it not for the poor job of the sleepwear manufacturers in complying with the standard. But now, more than a year after the Department of Commerce proposed its testing protocol, CU found that only one out of 76 models of children's sleepwear could meet the Commerce Department's flammability standard. With initiative like this we cannot but assume that the sleepwear industry will not make a single garment to comply with the standard until July 31, 1973. Even at that date, what with hand-me-downs and the stockpiling of inventories, there will probably be a large number of unprotected children until 1975 or 1977.

We need a Consumer Safety Agency, an agency manned by dedicated individuals, serving in the public interest, free of all conflicts, and technically capable of fulfilling the challenge of consumer product safety, which confronts the American people. The chairman of the Committee on Commerce, the distinguished Senator from Washington (Mr. MAGNUSON), and I have pledged ourselves to the creation of just such an agency.

Mr. President, I ask unanimous consent that the text of the Consumer Reports editorial and the statement of Betty Furness on behalf of Consumers Union be printed in the RECORD.

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

CHILDREN'S FLAMMABLE SLEEPWEAR

Last July, partly on the basis of reports compiled by the Department of Health, Education and Welfare, the Secretary of Commerce promulgated a new flammability standard for children's sleepwear. HEW studies had shown that, among victims of accidentally ignited nightclothes, children under six years old constituted an unusually high percentage. Stiffer standards, it was hoped, would reduce the incidence of those tragic accidents.

Even though the new standard is limited to the protection of children, its promulgation was a big step in the right direction. But a disturbing fact is that manufacturers of children's sleepwear are permitted to sell their present wares, as is, until next July. During the following year, children's sleepwear that doesn't meet the standard may be manufactured and sold if it's labeled: "Flammable. . . . Should not be worn near sources of fire." After July 1973, the law is supposed to take full effect. Even then, however, highly flammable goods of this type may be sold if they were manufactured before the cutoff date. In other words, it will have taken five years after Congress called for action in its 1967 amendment to the Flammable Fabrics Act, and two years or longer after a standard was promulgated to "protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage."

That's a long delay. But then it occurred to us that perhaps sleepwear manufacturers, having been forewarned long ago by the 1967 Congressional action, might be already striving to comply voluntarily with the new standard promulgated last year. To check, we conducted a shopping survey in the New York City area. We bought 76 models of children's sleepwear in sizes up to 6X (the largest size covered by the standard, although this is a matter of some confusion because sizing nomenclature varies throughout the industry). No model was labeled as flammable. Only one brought up the issue of flammability on its label; it was, to give it its complete designation, the *Sears Perma-Prest Flame-Retardant Gown of Cotton Flannel, Cat. No. 3326.*

All samples were tested for flammability according to the Government-prescribed procedure. Basically, the test sets limits to the char lengths of suspended specimen swatches exposed for three seconds to a controlled flame. It also sets limits to the time material fallen from the samples may continue to burn after the flame has been removed.

Seventy-five of our 76 samples failed the test. The one that passed was the *Sears 3326.*

The initial reaction of industry spokesmen to the standard the Secretary of Commerce proposed was negative. They contended that they could not meet the July 1973 deadline. They referred to the difficulty of obtaining satisfactory test results and the need for more time to develop flame-retardant sleepwear. CU's tests, of course, produced remarkably uniform results: all samples failed the flame test on the first try except the *Sears 3326;* it passed five times in a row.

As for the need for more time to develop fire retardant sleepwear, the Secretary of Commerce, presumably on considered advice, determined that two years was time enough. And, again, the *Sears 3326* is tangible evidence that the technology already exists in at least one form.

Some concern was also voiced that the imposition of stricter standards would greatly increase the price of children's sleepwear. Obviously, flame-retardant treatment costs more than no treatment at all, but the added expense needn't be exorbitant. The *Sears 3326,* listing at $3.69 plus shipping, was approximately in the middle of the price range of the *Sears* models we tested—and none of the more expensive models passed the flame test.

As of this writing, however, the industry appears to be having second—and more constructive—thoughts. The American Apparel Manufacturers Association proposed on December 13, 1971, to move forward the date for full compliance with the standard for children's flame-retardant sleepwear from the required July, 1973 date to April, 1973. In addition, the association indicated that, with some amendments to the proposed standard, it would be possible to eliminate the planned one-year grace period scheduled to begin July 1, 1972, during which manufacturers could sell flammable garments providing they were so labeled. As we go to press, we have not had an opportunity to evaluate the amendments the association has proposed, so we cannot judge whether they may have significantly weakened the proposed standard or not. If they have and if their amendments are implemented, we'll have more to say on the subject later.

But until the standard takes effect, what is the safety-conscious parent to do? Wait, for one thing. If everything goes according to schedule, flammable children's sleepwear

should be either identifiable starting next July or off the market. In the interim, all we can do is offer a few morsels of advice (in addition to the obvious one of keeping children away from sources of flame). Consider the *Sears 3326*, the only model we found that was satisfactorily flame-retardant. In lieu of that, give preference to tight-fitting nightclothes; they should ignite and burn less readily than billowing garments, which permit air to reach the fabric from both sides.

We don't know how many models of children's sleepwear are on the market. There are virtually countless combinations of styles, fabric compositions, sizes, patterns and colors—all of which may, in one way or another, have an influence on flammability. But if our sampling is at all respresentative of sleepwear marketed on a national scale, we'd say that the chances of buying at random models that now meet the Government flammability standard are mighty slim indeed.

STATEMENT BY BETTY FURNESS ON BEHALF OF CONSUMERS UNION [1]

Ladies and gentlemen, we are here today because Consumers Union, the nonprofit publisher of *Consumer Reports* magazine believes that there is no excuse for the problem of flammable fabrics to exist as it does today.

Although the first Flammable Fabrics Act was passed in 1953—nearly two decades ago—the February issue of *Consumer Reports* will reveal that Consumers Union tests of children's sleepwear showed that our children are still being dressed in unnecessarily flammable sleepwear.

And the problem doesn't stop there—it includes draperies, mattresses, bedding and upholstered products.

We are here today because we believe industry has shown pathetic little evidence of progress in marketing flame retardant consumer products.

We are here to call on our government—and specifically the Secretary of Commerce—to use the power Congress has provided—power to provide the industry with clear directions for acting promptly in the interest of public welfare on the full range of dangerously flammable fabrics.

And we are also here to demonstrate to our fellow consumers the extent of the problem so that they may become informed allies in the fight for a more active response from government and industry.

The problem is really far greater than most of us might imagine. By official government estimate, some 3,000 persons are burned to death every year by fires associated with the clothing they wear. Another 150,000 are injured.

And, the statistics show that relatively more victims are children. Many are elderly. These are two groups that are distinctly unable to fend for themselves.

Take the example of the 5-year-old boy who tipped over a candle. That innocent child paid for the accident with 60 days in the acute burn ward of a Boston hospital, then another 42 days in an intensive care tent. With repeated skin grafts, he is making a physical recovery. But what about the mental scars?

No wonder the child's father had this to say:

"The people in power leisurely debate (the subject of flammability) as though they were deciding a change in the rules of gin rummy. That they are so detached is almost as shocking as the sight of a burned child."

And that brings us to the crux of the reason why we are here to show you the results of procrastination and neglect.

Let me give a brief history which shows what we mean. The first Flammable Fabrics Act in 1953 was in response to sweaters which virtually exploded into flame when touched by a spark. The law prohibited only wearing apparel like the so-called "torch sweaters" and exempted more than 99 percent of the fabrics and garments on the market.

Nearly 10 years later, in 1963, the Federal Trade Commission sought to extend the definition of the 1953 law to include infant's receiving blankets. Industry pointed out that the FTC did not have legal authority to proceed along these lines.

In 1967 President Johnson called for immediate action to strengthen the Flammable Fabrics Law—both to improve the old flammability standards and to keep pace with technological developments.

As my first official act as the President's consumer affairs advisor I testified before Congress and urged extension of the law's coverage. I thought it should include a variety of flame-prone consumer-purchased textile products such as draperies, carpeting, bedding.

As a result of the Johnson-Administration appeal, the Secretary of Commerce was given broad administrative powers to promulgate new definitions of flammability and to establish rules for all manner of consumer-purchased textile products, not just wearing apparel.

Unfortunately, these 1967 Amendments to the law did not themselves upgrade the flammability standards. They left all that up to the Secretary of Commerce.

Since then—and largely on the urging and presentation of test results by Consumers Union—the Secretary of Commerce has set forth two carpet flammability standards. For the record, Consumers Union considers them only first-generation standards needing considerable revision.

The only other action that has been completed since 1967 has been in the area of children's sleepwear. In November 1970, the Secretary of Commerce granted formal recognition to the need for a standard to cover children's sleepwear. Some eight months later, he proposed a standard.

While we feel the definition of flammability it imposes is adequate, we feel the provisions under which it will go into effect simply are not.

For one thing, it only affects sleepwear up to size 6-X, which is what a big 5-year-old might wear. For another thing, sleepwear doesn't have to meet the flammability standard until July 1973. And even then it can continue to be sold, just as long as it was manufactured before July 1973.

All that is required is that any sleepwear produced after this July, must be labeled that it is flammable.

So what we are saying is that a year and a half from now, by law, some of our children's sleepwear will finally be flame retardant. According to the law, flammable sleepwear that is produced between July 1972 and July 1973 must carry a permanently affixed label. We have a sign here showing the wording specified by the Commerce Department:

"Flammable (Does Not Meet U.S. Department of Commerce Standard DOC FF 3–71.) Should not be worn near sources of fire."

I'd like to make one special point about the labeling regulation as it is presently stated. It is *negative* labeling. You are only told if a garment is flammable. Suppose there is no reference to flammability on a pair of pajamas or a nightgown? As the rules stand now, later this year you will have no way of knowing if the garment *is* flammable, but manufactured before July 1972.

CU believes that until the law takes full effect all flame-retardant children's sleepwear should *also* be labeled. Those which meet the Department of Commerce standard should state on the label "Flame-Retardant."

Action, it's said, speaks louder than words, so let us show you what we mean when we talk about flammable sleepwear . . . and then let us show you one that does not burn.

This is not, and I repeat, *not* the way these products are tested in our laboratory. The test procedure calls for a gas flame to be applied to the fabric for three seconds. We will be applying the candle for that length of time. We believe this is an accurate reflection of the laboratory standard put into a real-life situation.

(Demonstration.)

The last test sample is *the one* of 76 different brand/models we recently tested for a February *Consumer Reports* article that passed the government's flammability standard. Because of time limitation, this demonstration sample was not washed, but those samples of the product tested in our laboratories were washed the 50 times specified by the standard test procedure.

Now, the industry has said it would be an intolerable hardship to force it to mass produce flame-retardant sleepwear; that the flame-retarding additive would alter the feel of the fabric and make it unattractive to consumers; that the process would be so expensive that consumers would not be willing to pay the price; and the industry originally said it could not make flame-retardant sleepwear for years to come.

What we have just shown you is a garment which demonstrates that none of these claims is so.

We paid between two and ten dollars for each of our 76 test samples. This garment cost just about in the middle of that price range.

As for the feel of the fabric, it is not harsh or abrasive to the skin and I invite you to feel swatches of it and judge for yourself.

And as for the industry claim that it couldn't be done for years to come—well, this was on the market when our tests began months ago.

Ironically, it was sold nationally as a winter-line product and unfortunately, is probably not available. But it does prove it can be done.

And while we are deeply concerned with the problem of sleepwear, the problem of flammable blankets may be an even greater one in that there are no standards yet in effect to protect innocent shoppers.

As with sleepwear, mattresses, draperies, and all those household fabrics, the Secretary of Commerce was given the authority in 1967 to take steps to reduce the flammability hazard of blankets.

Again, what we are about to show you is not the way it is done in the labs. But this is the way it can happen in real-life.

(Blanket demo.)

The blankets that flame up after being touched for only a second with the match flame are rayon-blend blankets.

The ones on which the match extinguishes itself are made of wool.

Other fibers and blends present different degrees of hazard. What we can say clearly at this time is that Consumers Union advises everyone to steer clear of any blanket containing any percentage of rayon. The fiber content must be stated on the label. If it says "rayon"—no matter what else it says—don't buy it.

We could show you other examples—flaming drapes, smoldering mattresses, and burning upholstered products.

In short, what we have been saying is that an industry has been dragging its feet—the Secretary of Commerce has not moved with force or speed and an uninformed public has been too long an inattentive audience to this shoddy performance.

Consumers Union thinks it is time to get moving. "We call on industry and government to take a more responsible approach to the problem. CU believes strongly in the need for meaningful action. *Consumer Reports*

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[1] Miss Furness is a member of the Board of Directors of Consumers Union.

will continue to carry reports on the progress of flame-retardant products and, as they are marketed, we will help draw public attention to them in the pages of *Consumer Reports*.

TRIBUTE TO SENATOR TOWER

Mr. SCOTT. Mr. President, one of my most effective legislative leaders in the Senate is JOHN TOWER, of Texas. I have learned that when he is acting as floor leader, as he has for several bills affecting the economy, housing and national defense, that the leadership is in good hands.

The senior Senator from Texas has repeatedly demonstrated an uncanny knack for securing those crucial votes so necessary for the implementation of vital legislation.

In fact, if I could select from the Senate membership a special team to take my side on a parliamentary issue, JOHN TOWER would be among my first choices, because he is effective, articulate, and persuasive. These are qualities which command the respect of the Senate.

UKRAINE'S ANNIVERSARY

Mr. PASTORE. Mr. President, on January 22, liberty-loving people the world over observed the 54th anniversay of the independence of Ukraine—although it is an independence that has been sadly lost.

It is an occasion which causes us of America to address ourselves to the tragedy of Captive Nations—whose freedoms have been swallowed up in the oppression of the U.S.S.R.

Our repeated observance might seem to be of no avail. Yet, silence would be sadder—and to speak our minds does keep alive remembrance of our own independence not 2 centuries old—won from the great world power of that day. Ours was an adventure in government of, by and for the people themselves—setting the example and the expectancy of freedom for proud peoples anywhere.

Let us turn back half a century to what Ukraine might anticipate from the 1917 Declaration of Rights issued by the People's Commissariat. It established "the right of the Nations of Russia to free self-determination including the right to secede and form independent States."

How did it work out?

An independent Ukrainian Republic was recognized by the Bolsheviks in 1917—but in the same year they established a rival Republic of Kharkov. In July, 1923, with the help of the Red Army a Ukrainian Soviet Socialist Republic was established and interpolated with the U.S.S.R.

And so with the fate of the other captive non-Russian nations in the Soviet Union—the phantom of freedom proved only a phantom.

So we pause on this Ukraine anniversary—we pause to ponder that disaster—we shudder for the moment as we weigh what captivity means—for the individual or the nation.

Surely it makes us resolve to retain our American freedoms—and to maintain our national strength—so that we may continue to set an ideal for others—to take despair out of the hearts of the captive peoples—and keep alive that hope for freedom—that self determination that alone can be the assurance of peace in this world whose ideologies are competing for the souls of men.

As we approach the bicentennial of our own independence—may it prove the birthday of that birthright of independence for those now captive nations that have given and can still give so much of value to all mankind.

SUCCESS OF NEW HAMPSHIRE UPWARD BOUND PROJECT

Mr. McINTYRE. Mr. President, I have closely followed the development and operation of Project Upward Bound, which is administered by the Office of Education in the Department of Health, Education, and Welfare. I feel that this program is an extremely worthwhile and effective approach to the problem of equalizing educational opportunities.

Project Upward Bound, which was moved from the Office of Economic Opportunity to the Office of Education in 1969, is a precollege program designed to give talented young people from low-income families a chance for a better education. Through intensive summer sessions, the project attempts to give these low-income high school students the added preparation they will need to successfully continue their education—and thus break the cycle of poverty.

I am pleased, today, to have the opportunity to bring to my colleagues' attention the outstanding success of the Upward Bound project operating at the University of New Hampshire. I recently received a progress report showing that, of the 40 students participating in this Upward Bound program, 83 percent showed an improvement in their first semester school grade reports.

Of course, grades are only one of many indicators of the program's results. But I feel that this is such an impressive indication of the project's success that it deserves to be recognized.

I would therefore like to congratulate all those involved in the Upward Bound program at the University of New Hampshire. All Upward Bounders contributed to the program's success. I would also like to personally congratulate the following students, whose grades in their respective high schools indicate superior achievement:

Mike Kazukiewicz, Somersworth, N.H.; Vicki Weiser, Portsmouth, N.H.; Brenda Moore, Somersworth, N.H.; Patty White, Portsmouth, N.H.; Gilda Gubellini, Portsmouth, N.H.; Denise Snyder, Durham, N.H.; and Ron Chambers, Dover, N.H.

I would also like to recognize the following students who improved at least one full grade over their last year's average:

Eunice White, Portsmouth, N.H.; Sharon Smith, Portsmouth, N.H.; Priscilla Clark, Portsmouth, N.H.; Gerry Plante, Somersworth, N.H.; Mark Siranian, Dover, N.H.; April Kliphan, Dover, N.H.; and Karen Gower, Dover, N.H.

THE PRESIDENT'S PEACE PLAN

Mr. KENNEDY. Mr. President, the President's address to the Nation is less a new initiative than it is a confession of failure. Virtually everything the President said last night could have been said months or years ago.

The only difference is that in recent months, while the killing has gone on without remission, we have been pursuing a path of secret negotiations that have now been proved a failure.

The plan we have heard last night from the President is not a plan to end the war. In spite of the years of constant promises he has made, it is clear that he is not yet prepared to make the only sort of offer that can end the killing in Vietnam.

We do not need an eight-point plan to end the war. All we need is a one-point plan—a complete withdrawal of American ground, sea, and air forces, by a date certain, in exchange for a return of our prisoners.

So long as we try to condition our withdrawal on things like free elections, a cease fire, or any of the other trappings disclosed last night, reasonable as they may seem, we shall be pursuing the same blind alley in public negotiations that we have followed with such futility in private.

When will we learn that America cannot and should not attempt to dictate the terms of the political settlement in South Vietnam? If we have not been able to achieve that settlement with the expenditure of 10 years of effort and the blood of 50,000 American lives, we will not be able to do it now or in the future.

Let us recognize the clear reality of the war. Let us recognize that the time has come for a total end to American involvement in Vietnam. Let us recognize that the only condition we can reasonably attach to America's complete withdrawal is the return of America's prisoners. That is the only way we shall ever establish the generation of peace which the President wants and which is always in our deepest prayers.

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

Mr. HARTKE. 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 the rules of the Committee on Veterans' Affairs be printed in the RECORD.

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

RULES OF THE COMMITTEE ON VETERANS' AFFAIRS

I. GENERAL

All applicable requirements of the Standing Rules of the Senate and of the Legislative Reorganization Act of 1946, as amended, shall govern the committee and its subcommittees.

II. MEETINGS

The committee shall hold its regular meetings on the first and third Monday of each month, when Congress is in session, or at such other times as the chairman shall determine. Additional meetings may be called by the chairman as he deems necessary to expedite committee business.

III. QUORUM

Three 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 testimony.

IV. VOTING

(a) Votes may be cast by proxy.

(b) There shall be a complete record kept of all committee action. Such record shall contain the vote cast by each member of the committee on any question which a "yea" or "nay" vote is requested.

V. SUBCOMMITTEES

(a) The committee chairman and the ranking minority member shall be ex-officio members of any subcommittee of the committee.

(b) Subcommittees shall be considered *de novo* whenever there is a change in the chairmanship and seniority on the particular subcommittee shall not necessarily apply.

VI. HEARINGS AND HEARING PROCEDURE

(a) The committee or any subcommittee thereof shall make public announcement of the date, place, time and subject matter of any hearing to be conducted on any measure or matter at least one week in advance of such hearing unless the committee or subcommittee determines there is good cause to begin such hearing at an earlier date.

(b) The committee shall as far as practicable require each witness, who is scheduled to testify at any hearing, to file his written testimony with the committee not later than forty-eight hours prior to his scheduled appearance. Said written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony.

(c) No hearing of the committee or any subcommittee shall be scheduled outside of the District of Columbia except by the majority vote of the committee or subcommittee or by authorization of the chairman of the committee.

FULL DISCUSSION AND EXAMINATION NECESSARY ON AUTO INDUSTRY REQUEST TO DELAY MEETING 1975 CLEAN AIR STANDARDS

Mr. WILLIAMS. Mr. President, information has come to my attention which is quite disturbing to me, and should be just as disturbing to every American concerned about improving the quality of our environment. I understand that General Motors has already made one attempt to initiate EPA proceedings to secure a 1-year extension of the auto exhaust emission standards mandated by Congress for 1975 automobiles. The GM application was rejected on January 19 by the Environmental Protection Agency for technical reasons, but can be refiled. And, if I understood Henry Ford's year-end statement correctly, the Ford Motor Co., is also considering an application for a 1-year extension of the deadline.

Thus, less than 15 months since this body unanimously declared that it shall be the national policy of the United States to have a nonpolluting automobile by 1975, the automakers are taking the first opportunity provided under the Clean Air Act Amendments of 1970 to claim that they will be unable to meet the deadline.

Now the Administrator of the Environmental Protection Agency announced in a release last September 24, 1971 that EPA, the Army, Ford Motor Co., and Texaco, Inc., have developed a prototype engine that has already met EPA's 1976 emission standards in initial tests. I repeat, that is the 1976 standards which have been met by this jointly developed engine. In the release, Mr. Ruckelshaus is quoted as saying:

> This engine is the cleanest we have ever tested. It represents a breakthrough in emissions-control technology and means that the truly clean car is not as far away as many people thought.

Thus it would seem to me that the auto industry, with its vast resources and massive commitment to research and development can translate these breakthroughs into showroom models in the next 3 years. And if they cannot make the commitment that Congress has, the public deserves an adequate and thorough explanation.

Mr. President, these are the major auto companies. These are the auto companies which even the very conservative report issued just 2 weeks ago by the National Academy of Sciences indicated could meet the standards. The intent of this legislation, the Clean Air Act Amendments of 1970, was very clear. The Congress did not say to the auto companies that these pollutants should be removed from auto exhaust if it was convenient—or even difficult—or even if the auto companies claimed that it was impossible. The legislation stated that these poisons must be removed from the auto exhaust because they were damaging the health and endangering the lives of millions of Americans. The author of that legislation, the Senator from Maine, was accused by the auto companies at that time of "legislating technology." He did not deny it. He said it must be done if we are, quite literally, to survive and remain in good health.

The automobile industry has the greatest of technological resources at its disposal. Their laboratories have designed and their engineers have given us automatic transmissions, power brakes, power steering, soundproofing, air conditioning, 400 horses under the hood, onboard computers, and even retractable headlights. Now, with our environment deteriorating as it is, I prefer to think that there is no paralysis of technology in Detroit.

Mr. President, it is time for the Congress and the Environmental Protection Agency to deal with the auto industry in the same way which seat belts were required to be put in cars. We must begin to use the laws and powers available to us to persuade the auto industry that it cannot indulge in the luxury of delay. Limitations on automotive traffic are already under consideration in some of our cities and large urban areas. Ultimately this can only mean fewer cars and fewer jobs. Clean cars, on the other hand, will assure the continuing growth of the industry in a responsible manner. In my judgment, this is a key aspect of the whole situation. The Congress has responded to the problem of automotive air pollution by enacting legislation that not only addresses itself to the preservation of human health and welfare, but to the economic advantages of clean-burning cars as well.

The report of the National Academy of Sciences demonstrates that the Clean Air Act legislation is flexible enough to permit the industry to meet 1975 standards under certain conditions without a delay. In fact, the latitude afforded by the legislation has been made a subject of litigation. A suit has been filed by two environmental groups, National Resources Defense Council and Center for Science in the Public Interest, alleging that the allowable emissions stipulated by the Clean Air Act already have been more than doubled by administrative action of the Environmental Protection Agency.

Obviously, to accede to the requests of the auto companies without a full hearing and final resolution of the issue does not lead eventually to achieving the goals of the legislation. EPA and the Congress must set a strong example and make a firm stand here and now.

Mr. President, I will follow very closely the EPA public hearings on the request for extension and the oversight hearings which, I understand, the able Senator from Maine will hold shortly. The purpose of those hearings is to determine what progress is being made toward achieving the 90-percent reduction in emissions mandated by the act. We cannot afford to let this matter be resolved without a full discussion and examination of these vital issues by all concerned—particularly the public who have a right to a clean environment. We must have all of the information squarely on record.

MUST AFRICA'S PROBLEMS BE RESOLVED BY VIOLENCE

Mr. KENNEDY. Mr. President, Charles Yost, formerly the Chief U.S. Ambassador to the United Nations has expressed profound feelings of concern about developments on the African Continent. With a massive wealth of experience in international affairs, Mr. Yost presents a very clear and reasonable concern about the future relations between this country and African nations. In the Washington Post today, he asks questions that may appear unanswerable. But they are questions that deserve the concentrated attention of our Government. For, Mr. Yost has raised one question that deserves very careful consideration:

> Why does the U.S. continue to offer black Africa as little as we can get away with, while providing substantial comfort for the architects of the minority ruled regimes in South Africa, Rhodesia, and the Portuguese colonies?

I believe Mr. Yost has presented an exceptionally concise analysis of U.S. relations in Africa. His presentation deserves the careful review of this Senate. For that reason, I ask unanimous consent that a article entitled "Must Africa's Problems Be Resolved by Violence?" as

published in the Washington Post of January 27, 1972, be printed in the RECORD.

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

AMBASSADORS COMPLAIN OF NEGLECT BY BIG POWERS—MUST AFRICA'S PROBLEMS BE RESOLVED BY VIOLENCE?

(By Charles W. Yost)

During the decade from 1960–1970, while I served at the United Nations, the number of African states represented rose from 5 to 40. It now constitutes nearly one third of the total membership. Nevertheless, the African ambassadors complain with increasing resentment that the vital interests of their continent are systematically neglected by the United States, and the other big powers. Again and again, one or another of them has asked me: "Is violence and bloodshed the only way we can attract and hold your attention, the only means of getting sufficient help to resolve our problems?"

Several events in or affecting Africa have received some attention in the news media during the past two or three months and reminded the American public fleetingly of the existence of that continent. There was the adoption of legislation by the United States Congress requiring the President either to permit imports of chrome from Rhodesia, in violation of our U.N. obligations, or to stop imports from the Soviet Union.

There was unusual violence in Rhodesia by blacks protesting an agreement between Britain and the Smith regime. There was President Nixon's meeting with the Portuguese Prime Minister in the Azores following a new base agreement and the extension of a $435 million loan to Portugal. There was a guarantee by the United States Export-Import Bank of a $48 million loan to South Africa. There was another military coup in Ghana. There was the decision to hold an extraordinary meeting of the U.N. Security Council in Addis Ababa.

These events seemed to most Americans to be confusing, insignificant or irrelevant. To the 40 African governments they seemed acutely relevant to the issues most important to them—freedom and development—and vividly revealing of American indifference to those issues insofar as Africa is concerned.

The Africans remind us that whites constitute about 5 per cent of the population of Rhodesia, about 5 per cent of the population of Angola, Mozambique and Portuguese Guinea, about 15 per cent of the population of Southwest Africa, and about 17 per cent of the population of South Africa itself.

Yet these white minorities, miniscule in numbers in the case of Rhodesia, Southwest Africa and the Portuguese territories, wholly dominate the politics and economies of those countries, and in South Africa enforce the brutal and backward system of apartheid.

The United Nations has over the past decade, for the most part with United States support, again and again taken action designed to correct or improve these situations which are so inconsistent with the almost universal evolution toward freedom and independence elsewhere in the world. It has, on British initiative, imposed sweeping economic sanctions against the illegal regime in Rhodesia. It has terminated the South African mandate over Southwest Africa. It has embargoed the export of arms to South Africa and to the Portuguese territories. It has repeatedly denounced apartheid and called on Portugal to grant self-determination to the people of Angola, Mozambique and Guinea.

None of these actions seems to have the slightest effect. The white regimes are as firmly entrenched as ever and as determined to remain so. It is, on the contrary, the United Nations countermeasures which are falling apart. Even Britain and the United States seem about to abandon the sanctions against Rhodesia. France makes no bones about selling arms in large quantities to South Africa.

The United States, for the sake of the Azores bases, confers its blessing and economic support on the Portuguese government. All of these are easy things to do, but are they wise in the longer run?

It is quite true that economic sanctions against Rhodesia have not worked, that they would be even less likely to work against South Africa, and that no one seriously considers sending a U.N. military force to overthrow the white regimes.

What answer, then, are we going to give to the Africans when they ask, "are violence and bloodshed, black against white, the only means by which the huge black majorities in Southern Africa are to obtain equal rights and freedom?" If the answer is yes, what is the rest of the world going to do when violence and bloodshed actually break out on a large scale?

On the basis of my experience with these problems at the U.N., I am convinced that they are not going to be solved peacefully and progressively by the whites of Southern Africa without very strong outside pressure. The status quo is far too comfortable. On the other hand, if the problems are left to be resolved eventually by violence, we may expect to see a ghastly repetition of what has recently taken place in East Pakistan—except in this case with far-reaching and traumatic black-white overtones.

Frankly, the United States has never seriously addressed itself to this problem, because Africa has not seemed all that urgent or important. We have tried to do, are still trying to do, the minimum that would appease the 40 African governments without seriously incommoding our South African and Portuguese friends,

We can rock along that way for some time longer, but in the end it won't work. Some day Africa will be shockingly and hideously on all the front pages. Then we will ask ourselves why we did not, while there was still time, press and drive South Africa and Portugal into the modern world with all the non-military resources at our command.

FOREIGN TRADE

Mr. HARTKE. Mr. President, on January 25, 1972, our Government announced that in 1971 we had suffered the worst trade deficit in our Nation's history. Last year our imports exceeded our exports by more than $2 billion. A growing trade deficit is not the only index that our national trade policies are in desperate disarray. In 1970, the United States lost its position as world leader in the exporting of manufactured goods.

It was in response to these conditions, already clear in the middle of 1971, that I introduced S. 2592, the Foreign Trade and Investment Act. Capital and the jobs they produce have been flowing out of the country. A surge of imports and growing unemployment have been the result.

A recent article in the Washington Post details some of the trade and balance-of-payments difficulties that we have encountered in the recent past. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

THE 1971 TRADE DEFICIT: $2 BILLION

(By James L. Rowe, Jr.)

The United States last year suffered its most severe trade deficit in history, the government said yesterday, representing an adverse swing of about $4.7 billion on its trade account from 1970 to 1971.

The trade imbalance—the difference between what the nation imported and exported—was $2.05 billion last year, compared with a 1970 surplus of $2.7 billion. The last year the country had a trade deficit was 1888, a Commerce Department official said.

Harold Passer, Assistant Secretary of Commerce for Economic Affairs, said that realignment of the world's currency rates and current negotiations to remove barriers to U.S. exports should improve the 1972 picture substantially.

The nation made improving the U.S. export prospects one of its prime objectives in the President's New Economic Policy announced Aug. 15—when he also imposed the wage-price freeze.

The trade ledger is one of the major components of the total balance of payments—which measures the difference between what Americans spend abroad and foreign nations spend here.

For the first nine months of 1971, the United States experienced a balance-of-payments deficit of $7.6 billion on its trade and long-term investment accounts. Included in these figures are all U.S. trade, services, travel, U.S. government grants and loans, and long-term U.S. investment overseas.

On what is called an official reserve balance, which includes movement of short-term capital, the nation experienced a $23.3 billion outflow in the first nine months of the year.

In another economic development, the Treasury said it would ask Congress next week to temporarily increase the government's authority to go into debt by another $50 billion, the largest boost in the debt ceiling ever requested.

The request, if approved, would permit the government to borrow up to a total of $480 billion through June 30, 1973 to enable it to pay its bills. However, the President, in his budget message last week, indicated that the so-called public debt would be $493.2 billion at the end of June 1973.

A Treasury spokesman could not explain the apparent discrepancy. The House Ways and Means Committee will hold hearings on the debt ceiling increase next Monday. Last year the administration asked for a temporary $40 billion increase in the debt ceiling, and was given a $35 billion boost. The permanent ceiling is at $400 billion.

Government officials attributed part of the poor trade showing to dock strikes that alternately tied up East and West Coast ports for most of the last six months of 1971.

The Census Bureau, which collects the trade data, said, however, that it "does not have adequate information to enable it to specifically measure the influence of the strikes or anticipated strikes on the statistics."

West Coast ports were idle from July until early October, when the government obtained a Taft-Hartley injunction that sent the dockworkers back for 80 days. East and Gulf Coast ports were ordered back to work in late November after nearly a two-month strike.

West Coast dockworkers went back on strike earlier this month when the back-to-work order expired.

Commerce's Bureau of Economic Analysis said it noted "some evidence of import stockpiling" in anticipation of a resumed West Coast strike when December's net entries of imports into Customs bonded warehouses "were nearly $100 million higher than the monthly norm."

A trade deficit for 1971 had been expected since June, when Commerce Secretary Mau-

rice Stans hinted at a Senate hearing that the nation could be in a net deficit trade position for the first time this century.

But the magnitude of the deficit was not expected until October showed a trade imbalance of $821 million, by far the largest monthly deficit ever recorded.

The nation has experienced deficits in seven of the last eight months, with September showing a trade surplus of $265.4 million, most of it accounted for by a pickup in shipping in anticipation of the East and Gulf Coast strikes.

For the year as a whole, exports rose 2 per cent (from $42.66 billion in 1970 to $43.55 billion in 1971, while imports skyrocketed 14 per cent from $39.95 billion to $45.60 billion.

THE PEACE CORPS

Mr. MATHIAS. Mr. President, on January 25, the Senate Appropriations Committee reported out a proposed authorization for the fiscal year of $77.2 million for the Peace Corps. Very shortly, the entire Senate will be asked to agree to the committee's rcommendation. I intend to support that figure; and, I urge each of my colleagues to do the same.

This relatively modest amount in already $5 million less than that requested of the Congress by the President. It is the absolute minimum necessary if the Peace Corps is to continue as our most positive expression overseas of American desire to assist the people of the developing nations and, by so doing, help to create a more peaceful world society.

Anything less than this amount will require the Peace Corps to immediately begin bringing home large numbers of volunteers presently engaged in vital programs and to go back on its previous commitments to the governments of the countries in which these volunteers are working.

It is a paradox that the Peace Corps should feel its continued existence threatened at the very time when applications are at the highest point in the past 5 years. This past year alone, over 25,000 Americans—of all ages and of all backgrounds—expressed their wish to join the Peace Corps; and this figure will probably be greater this year.

I am proud to note that from my own State of Maryland, there are at this very moment 122 men and women serving in such countries as Morocco, Venezuela, Thailand, Ethiopia, and Costa Rica. They are working in the schools and hospitals and on the farms, helping the people of these countries to build a better life for themselves and for their children. If we withdraw our support for these programs, we will not only be denying to thousands of other Americans the opportunity they desire to serve others but also withdrawing a measure of hope for a better future that the Peace Corps volunteer represents.

To do other than give our fullest support to this program would be to run counter to the expressed wishes of the American public. The most recent sampling of public opinion indicated clearly the strong support that the Peace Corps enjoys. Three important points were made by their replies. They found the Peace Corps to be unique—in the tasks it performs and the services it provides; they considered its work to be important—not only to the countries in which volunteers work but also to the United States, 93 percent feeling that volunteers became "more useful citizens"; and, they find it to be successful—speaking highly of the people-to-people character of its approach.

I share these views, I am pleased to make known my personal support for this program and feel certain that I will be joined by an overwhelming majority of my fellow Members in giving the Peace Corps the vote of confidence that it merits.

HUMAN RESOURCES, CREDIBILITY, AND THE 1973 BUDGET

Mr. CHURCH. Mr. President, yesterday President Nixon sent to Congress a $246.3 billion budget and a $25.5 billion deficit for fiscal 1973.

In view of this administration's poor track record in budget forecasting, doubts are already mounting concerning the credibility of this prediction. And with justification. For fiscal 1971, the administration envisioned a $1.3 billion budget surplus. It turned out to be a $23 billion deficit. For this fiscal year, the administration's miscalculations have reached new heights. Originally it predicted an $11.6 billion deficit. Now this figure has swelled to nearly $40 billion, the largest deficit since World War II.

Perhaps even more disturbing are the very inaccurate and misleading impressions that the fiscal 1973 budget attempts to create. According to administration definitions, human resources programs will account for 45 percent of the budget for next year, compared with 32 percent for national defense. This may be one way to justify an $83.4 billion expenditure for the Pentagon or a jump of $6.3 billion in defense expenditures.

But it also leads to serious misconceptions because a very substantial portion of these so-called human investment expenditures are really trust fund items, such as the social security and medicare programs. Unlike defense expenditures—which come from general revenues—these funds have been built up primarily through payroll contributions during the working lives of social security recipients.

As chairman of the Senate Committee on Aging, I am especially distressed by the gross distortions in outlay estimates for older Americans. These sleight-of-hand tactics can serve no useful purpose except to create false impressions and possibly precipitate a divisive controversy over spending priorities with regard to the young and old. And this was expressed very forcefully in an editorial in the January 25 issue of the Washington Post, which stated:

> The issue here is not whether the elderly should have been given less, but whether other parts of the population should not have been given more.

It is also a harsh irony that this administration makes it appear that the aged will be the beneficiaries of about 20 percent of our budget expenditures for fiscal 1973. According to administration figures, total spending to benefit older Americans will reach about $49.6 billion. However, about $48.5 billion—or nearly 98 percent of the administration's total outlay—is for social security, retirement, income supplement, and health programs. These outlays derived from payroll contributions by the elderly during their working lives.

The Federal Government is not giving them something extra. This is something that they have earned during their working years.

Moreover, puffing up these figures cannot conceal the hard facts of life for older Americans:

Nearly 5 million persons 65 and older live in poverty, approximately 100,000 more than in 1968.

Approximately 6 million may be living in substandard, dilapidated, or deteriorating housing.

The average health care bill for an older American is approaching $800, three times that for persons in the 19-to-64 age category and six times that for individuals under 19.

About 2 months ago a historic White House Conference on Aging was called to come to grips with these very problems and to develop a national policy on aging.

That Conference concurred with the Senate Committee on Aging in assessing the gravity of the wide array of problems facing the elderly. If we are to implement the goals of the Conference, it is also absolutely essential that we have accurate information which is in no way tainted by any question of credibility or authenticity.

Mr. President, I ask unanimous consent that the administration's table on projected outlays for the elderly be printed at this point in the RECORD.

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

BUDGET OUTLAYS FOR PROGRAMS SERVING OLDER AMERICANS

[In millions of dollars]

	Fiscal year		
	1971	1972	1973
Total all reported programs	39,178.3	44,031.8	49,616.0
Departments:			
Agriculture	341.9	410.4	467.9
Defense	408.1	470.6	517.9
HEW	31,779.2	35,752.3	40,655.4
Office of Education	2.5	2.6	2.3
Public Health Service	128.0	120.7	108.8
Social and Rehabilitative Services	2,842.7	3,234.1	3,661.3
Social Security Administration	28,826.0	32,395.0	36,883.0
Housing and Urban Development	274.2	363.3	426.6
Labor	33.3	40.2	37.0
Transportation	9.3	10.9	11.6
Independent agencies:			
Action	10.0	19.1	41.1
Civil Service Commission	1,882.0	2,138.9	2,469.5
Office of Economic Opportunity	95.1	94.0	87.7
Railroad Retirement Board	1,613.0	1,794.0	1,772.0
Veterans' Administration	2,712.2	2,938.1	3,129.3

THE PRESIDENT'S SPEECH ON VIETNAM

Mr. BENNETT. Mr. President, in his brilliant television speech last Tuesday to the American people outlining the secret negotiations that have taken place

in Paris for the past year, President Nixon said:

> Some of our citizens have become accustomed to thinking that whatever our government says must be false and whatever our enemies say must be true.

Of course, his political opponents cannot be expected to agree with anything Richard Nixon does and I believe the American people recognize their reaction for what it is. My faith in the American people, however, has remained strong throughout the very difficult years that this country has been involved in South Vietnam. The war became our most difficult domestic problem. But through all the years of the war I think the American people have retained a good sound faith in their Government and last evening President Nixon gave them every reason to retain that faith and even strengthen it.

I believe the speech reaffirmed the greatness of Richard Nixon, and reaffirmed the total grasp that he has on his responsibilities and duties as President of the United States especially in the field of foreign policy. It revealed again that he is making every human effort to resolve the conflict in Vietnam and to bring an era of peace and stability to international relations.

I believe the proposal which Mr. Nixon has made to the Communists through Dr. Kissinger is imminently fair. Most hopefully it offers an end to the conflict through a cease-fire. It was bold in that it offered to withdraw all American troops, leaving not even a residual force, in exchange for the release of those brave Americans who are still held captive in North Vietnam.

I applaud the peace plan because of the hope it gives for the American prisoners of war. Their fate and the absolute necessity of their eventual release has never escaped the President and he has formulated his overall strategy and policy in a way designed to win their release and a return to their families. I applaud the President's efforts in this regard.

The plan is honorable because it gives freedom an excellent chance of survival in South Vietnam by allowing all the people to vote on their future form of government. That is the reason why the United States got involved in South Vietnam in the first place. I believe the President's offer to withdraw all troops and hold free elections in exchange for the release of the prisoners of war and a cease-fire is fair in the minds of any right thinking individual. The new Nixon peace plan certainly places the burden of proof on the back of the Communists.

Mr. Nixon has pursued every avenue to find a just and a lasting peace without a sellout to the enemy. The President has negotiated in Paris both secretly and openly but without success. The Vietnamization policies of the Nixon administration, masterfully implemented by General Abrams, are proving very successful. If the expected Communist offensive comes in the next few months the Vietnamization program will be tested as never before. I remain confident, however, that it will meet the test.

Finally, the President has brought nearly 500,000 Americans back to the United States since he assumed office in January 1969. Furthermore, he has reduced American deaths in that war to nearly zero. In the 1968 campaign President Nixon told the American people that he would end American involvement in South Vietnam. That was not an empty promise. Having been deeply involved in government and knowing the intricacies of foreign policy he knew that the implementation of his promise would be difficult and possibly take a long time. But he is keeping that promise and is on the verge of completing it. In the process South Vietnam is reasonably stable and able to stand on its own two feet. I am sure that most of the American people accept and believe Mr. Nixon and the only people who do not are those who seem to believe that everything the enemy does is right and everything the U.S. Government does is wrong.

PRESIDENT NIXON'S EIGHT-POINT VIETNAM PEACE PROPOSAL

Mr. THURMOND. Mr. President, the eight-point peace proposal unveiled Tuesday night by President Richard Nixon certainly proves beyond any doubt that the American Government has taken every reasonable step to end this war.

The time has come for the Communist leaders in North Vietnam to take off the false face they have been wearing and deal honestly in bringing this war to an end.

The critics of President Nixon should now be able to understand how and why the appearance of a lack of support in the Congress has undermined the courageous efforts of the President to end this war.

This eight-point peace plan could provide the basis for a settlement if the Congress and all Americans join hands in solidly backing the President in this matter. Such an action would result in a signal to the Communists which they may be unable to reject.

Further, it should be recognized that a Communist offensive could result in the occupation of some South Vietnamese territory. They would want to be in the strongest possible position when the final bargaining begins. Because the South Vietnamese forces cannot be everywhere in large numbers some towns and land could be lost. As always, the Communists choose the place and time of an attack because they are the aggressors.

Mr. President, significant developments in this ill-fought war are obviously close at hand. Hopefully, the release of American prisoners of war may now be measured in months rather than years.

In any event, everyone should now actively support the President on his eight-point peace plan not only because such support is deserved, but also because such support will accelerate the release of our long suffering servicemen being held prisoners.

FARM PRICES AND FARM COSTS

Mr. McGOVERN. Mr. President, the defeat of H.R. 1163 in the Senate Agriculture Committee was a bitter defeat for our Nation's wheat and feed grain producers. It was so bitter because these farmers had responded to the Department of Agriculture's call for greatly increased production because of the possibility of the corn blight. Secretary Butz said in no uncertain terms that he would have made the same decision as his predecessor since there was no way to predict the blight.

Secretary Butz indicated it would have been unconscionable to have risked a food shortage, so the farm program for 1971 was designed to encourage massive plantings. It is fair to say that it would have been unwise to have proceeded otherwise, given the facts at hand. Yet it seems incomprehensible to me why the Secretary and his predecessor failed to consider the possibility of plummeting prices in the event of overproduction. This possibility was considered and called to the attention of the Department of Agriculture by legislation introduced in both bodies of the Congress while the blight was still an unknown factor. We would ask no other segment of our society to work harder and receive less in return. No other country would treat its agricultural producers so shabbily.

For some time now, prices farmers receive have dropped while costs have risen tremendously. A former Senator from Minnesota and Governor of that State has detailed in very real terms just how this cost-price squeeze operates. I commend Elmer A. Benson for his continued concern for American agriculture and ask unanimous consent that his statement be printed in the RECORD.

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

STATEMENT OF ELMER A. BENSON

Political leaders are again suggesting plans to help agriculture and most of these plans suggest that more credit be made available to farmers. I should think by this time, even politicians would know that it is not more credit that is needed but a better price for the things the farmer produces.

For more than twenty years the price of everything the farmer buys has gone up 300 or 400 per cent while what he produces has gone down 300 per cent.

The following table should be interesting:

	1948	1968	1971
Flax	$6.96	$3.05	$2.42
Soybeans	4.16	2.55	2.79
Rye	2.63	.98	.78
Corn	2.63	1.00	1.00
Oats	1.29	.67	.53
Eggs A	.41	.18	.18
Cream L	.92	.72	.68
Tractor TD	4,500.00	16,000.00	17,500.00
Tractor MD	2,600.00	6,000.00	7,500.00
5 bottom plow	650.00	1,200.00	1,800.00
Drill	600.00	1,500.00	2,200.00
Truck 1½-ton	1,800.00	3,000.00	5,500.00
Truck 2½-ton	2,225.00	5,000.00	6,500.00
Combine	3,400.00	7,000.00	13,000.00
Jeep	1,400.00	3,500.00	4,200.00
Digger 17'	400.00	900.00	1,500.00
Taxes, R.E.	179.68	448.50	629.84

For the past twenty years we have had a Federal Law making it possible for the Secretary of Agriculture to set support prices at 90 per cent of parity or more but at no time have they been set at more than 70 per cent of parity. Furthermore, during most of the same twenty year period the government's policy has been to sell farm commodities in order to keep farm prices depressed and this

policy has been so stated by the Secretary of Agriculture.

Sincerely,

ELMER A. BENSON.

ELDERLY WOMEN: POOREST OF THE POOR

Mr. CHURCH. Mr. President, the 7.5 million widows and single women aged 65 and older probably constitute the poorest segment in our society today.

More than 63 percent of all elderly women living alone or with nonrelatives are classified as poor or near poor. Of this total, 50 percent fall below the official poverty index.

Moreover, their median annual income is only $1,888—just a few dollars above the $1,852 poverty threshold for a single person.

And there is very strong evidence to indicate that aged women suffer from deeper extremes of impoverishment. Nearly 34 percent of all elderly women living alone, for example, have annual incomes below $1,500.

Several factors account for their great deprivation. Characteristically, they have been employed in lower paying jobs than men with comparable backgrounds. Moreover, they run a much greater risk of career interruptions because of family responsibilities. And according to recent data from the Social Security Administration, nearly 7 out of every 10 persons entering the retired-worker benefit rolls with minimum benefits were women.

Probably even more significant, large numbers of women are widows with no Social Security coverage from their own work records. There are now approximately 6.3 million widows aged 65 and older. And these women are entitled to only 82½ percent of the primary insurance amount received by their deceased husbands.

A recent article in McCall's, by Ralph Nader, describes in very human terms the problems encountered by aged women. It also provides very compelling reasons for enactment of a measure I have sponsored—S. 923—to allow a widow to receive all of her husband's social security benefits instead of just 82½ percent.

Mr. President, I commend the article, entitled "How You Lose Money by Being a Woman," to Senators and ask unanimous consent that it be printed at this point in the RECORD.

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

HOW YOU LOSE MONEY BY BEING A WOMAN

(By Ralph Nader)

You're a healthy, active woman caught up in a career or a family or both. Do you ever stop to consider what your financial situation will be twenty, thirty, or forty years from now? You should. Because by then you just might not be able to afford 50 cents to buy this magazine.

Exaggerated? Unfortunately not. Women, to a far greater extent than men, have to face the prospect of poverty when they grow old. You may find yourself in the situation of Mrs. B. Portland, Oregon, who spent twenty-five years in a large suburban home raising three healthy children. Her husband, a self-employed engineer, earned a comfortable income, and Mrs. B., who had a college degree in science, was able to help him in his work. They didn't save much during those years, but they planned to start a retirement fund after the children were grown. Then, suddenly, Mr. B. died at age fifty, and Mrs. B.'s life changed drastically.

She had to give up her house. The only job she could find was as a housemother for a college fraternity, which supplied her room and board and a little extra money. When she turned sixty-five, she lost even this job and found herself ineligible for other employment. Her only income was $100 a month from Social Security. Her children lived in other parts of the country and were unable to help her financially. Now, at seventy-two, Mrs. B. has a part-time job in a nursery school and a yearly income of $1,976—just ten dollars a month more than the officially defined poverty level.

Mrs. B.'s case is far from unusual. In fact, many elderly women have to live on considerably less: The 7.5 million widows and single women over sixty-five constitute the poorest segment of our society. In 1970, half of these women had yearly incomes of $1,888 or less.

Our present retirement-security system is fragile at best, but particularly unfair to women. Our society encourages a woman, sometimes against her will, to stay home and take care of her family, and then penalizes her later for not having worked. Under the present law, a wife can receive only a portion of her husband's Social Security benefit if he dies. Widows are regularly excluded from pension benefits their husbands have earned. Women who do work feel the full impact of discriminatory wage scales and hiring practices when they retire—and discover that their retirement benefits are considerably less than the benefits for men.

Workingwomen in private industry are far less likely than men to be covered by a pension. They are more often employed by small firms without pension plans and are the first to be laid off. When they take maternity or any leave of absence, they lose the years of "continuous service" necessary to qualify for benefits. One woman worked for the same industry (and union) forty-nine years; yet because of a five-year period when she was forced to change jobs, she was denied a pension when she reached sixty-five. Currently, less than 10 percent of all unmarried retired women workers are beneficiaries of private pensions.

Significantly, industries with the greatest percentage of women workers often have the least satisfactory wage and pension arrangements for them. The $665 average annual private pension benefit for unmarried women—$200 less than the average benefit for single men—reflects the fact that women generally receive lower wages throughout their careers, that they often voluntarily work fewer years, and that sometimes they are forced by their company to retire early.

The vast majority of private pension plans have no provisions at all for income payments to a widow. When her husband dies, the income stops. This is often because her husband failed to exercise his "survivors' benefit option." It usually turns out that he neglected to fill out papers agreeing to take a reduction in his lifetime pension in exchange for a benefit for his widow. In many instances, men don't want to be bothered with what they feel is burdensome paperwork. Sometimes they simply put it off until too late. Frequently, and tragically, husbands feel they cannot afford to take a reduction in their already meager pension benefits.

Many widows get nothing, even when their husbands exercise a survivors' option, because of restrictive conditions attached. Mrs. D. of New York was recently informed by her husband's employer that she would not receive a survivors' benefit because her husband died too early—that is, before retirement. Other plans provide that a widow will receive nothing if her husband dies after retirement or fails to reach a certain age before he dies.

The inadequacies of survivors' benefits in private pension plans have been virtually ignored by lawmakers, government officials, corporate executives, and labor leaders. Business leaders disparage survivors' benefits because of their substantial cost. Anyway, they point out, their firms offer group term life insurance. Yet such insurance has numerous limitations. It does provide benefits for widows (or other named beneficiaries), but usually only if the employee dies before retirement. Even then, the payments are incredibly small. The average benefit, paid in a lump sum, is less than the deceased employees' income for one year.

Whether you work or not, you may be depending almost entirely on Social Security—yours or your husband's—to see you through retirement. If so, you may have to reduce your standard of living drastically. Social Security today provides, on the average two-thirds of what a retired couple needs for a moderate level of living. Benefits for unmarried people (two out of three older women) are considerably lower. Social Security averages under $115 a month for older unmarried women. Older unmarried men average $145.

Women receive lower Social Security benefits because they have usually earned an average of 60 percent less than men, and Social Security benefits are based largely on earnings. Widows are entitled to only 82.5 percent of their husbands' benefits. Husbands, of course, receive 100 percent of their benefits if they outlive their wives. Are a woman's needs really 17.5 percent less than a man's?

Many women, of course, rely on other means of securing their future. Men frequently insure themselves and designate their widows as beneficiaries. Unfortunately, these life-insurance policies are no guarantee of an adequate income. A recent survey showed more than 90 percent of all policies paid beneficiaries $10,000 or less. Further, the most common type of life insurance is the cash-value policy, which allows the insured to cash in the policy to meet immediate financial needs. In numerous cases, this has meant that a wife's future is exchanged for ready cash, and she is left without any insurance protection.

Perhaps you are counting on cash savings or other forms of assets, such as stocks, bonds, or real estate. If you are able to save adequately for your retirement, you are in a very small minority. At least one-fourth of all unmarried women over sixty-five, including widows, have no assets of any kind. Most people cannot afford to begin saving for retirement until their late forties or early fifties. By then, inflation has substantially reduced the buying power of their dollars.

If you are healthy you can work to supplement your income. One in seven unmarried women over sixty-five do. But they usually have the lowest paying jobs and are the last to be hired and the first to be fired. Until they are seventy-two, they cannot earn more than $140 a month without losing some of their Social Security benefits.

Only the most destitute of women are eligible for welfare payments. Currently about 1.4 million women are receiving Old Age Assistance. Welfare payments vary according to state, but they are never adequate. An elderly woman in California may receive $115.05 a month, while a welfare recipient in Mississippi gets only $46.65.

Living on a reduced budget is particularly difficult for the elderly. Contrary to popular belief, expenses—for food, medicine (even with Medicare), and transportation—are higher for those over sixty-five than those, say, between fifty-five and sixty-five. Rising sales, income, and property taxes and housemaintenance costs fall hardest on those with fixed incomes.

Unless women take action soon, they will

continue to face a severe drop in their living standard in their later years. Here is what to do now:

WIVES: Find out about the survivors' benefits under your husband's pension plan—or whether he is covered by a plan at all. Ask if he has exercised a survivors' option, if one is available. Find out whether you will get a benefit, and how much, if he dies while he is working or after he is retired. If he is covered by group insurance, ask whether you will get anything if he dies after his retirement.

WORKINGWOMEN: Examine your pension plans. If you find that "continuous service" or early-retirement provisions are unfair to women employees, bring it to the attention of your employer and your co-workers. If you are not covered by a pension, discuss this with your firm's executives.

Women in unions should form women's divisions to work for better retirement benefits, as well as better wages and equal hiring practices. Women workers also should press for survivors' benefits in pension plans.

A number of proposals pending before Congress have been ignored, shunted aside, or defeated, because women have not fought hard enough for their rights in this crucial area of security benefits for women.

One proposal would allow a widow to receive all of her husband's Social Security benefit instead of only 82.5 percent. Another would give widows (and widowers) a Social Security benefit equal to three-fourths of the combined benefits of husband and wife.

Both provisions are included in H. R. 1, the Social Security-welfare package. Women should express their views in letters to Sen. Russell B. Long (D.-LA.), chairman of the Senate Finance Committee.

Another proposal, H.R. 996, introduced by Rep. Bertram L. Podell (D.-N.Y.), would allow a man to set aside in a special account a "household allowance" of up to $25 a week for his wife's retirement. This amount would not be taxed until it is used as income after retirement, like the pension funds set up by self-employed people.

Sen. Charles Percy (R.-Ill.) has introduced bills proposing reduced rates for the elderly on all interstate vehicles, free prescription drugs, and tax relief on medical expenses. Rep. Henry Reuss (D.-Wis.) has introduced H.R. 6883 to allow low-income elderly people to deduct up to 75 percent of their property taxes from their federal income tax.

Express your views on this legislation by writing the sponsors in Congress. Remember, it's an election year, when letters from constituents have a special impact.

Women should also press for state laws that protect their right to a comfortable old age. Some thirteen states have already provided property-tax exemptions for the elderly. Several cities, including New York, Boston, and Washington, D.C., have reduced bus fares for older people.

Civic and religious groups should inform their members about the inequities of the retirement system as it affects women.

Finally, everyone should support groups that provide special services—home health care, homemaker aides, inexpensive or free meals—to those older women who cannot take care of themselves.

Too often, the older needy woman is ignored—even by women who might someday find themselves in her place. Proud, and often bewildered by her plight, she is one of the loneliest figures in our society. It is a special responsibility of younger women to fight for her rights—not only for her benefit but for their own future.

SOCIAL SECURITY LEGISLATION

Mr. STAFFORD. Mr. President, the distinguished senior Senator from Illinois (Mr. PERCY) testified this morning before the Senate Finance Committee to urge major improvements in our social security and medicare programs. He also recommended certain steps which, if taken, could bring about better care for elderly patients in long-term-care facilities.

So that Senators may have the benefit of the Senator's recommendations, I ask unanimous consent that his statement as submitted to the Senate Finance Committee be printed in the RECORD:

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

TESTIMONY OF SENATOR CHARLES H. PERCY, ON THE SOCIAL SECURITY AMENDMENTS OF 1972, BEFORE THE SENATE FINANCE COMMITTEE, JANUARY 27, 1972

Mr. Chairman and members of the committee: I come before you today to advocate reform in those programs of such great concern to our elderly population, Social Security and Medicare. At the outset, let me once again commend the Senate Finance Committee for its dedication to and interest in the problems of the elderly.

SOCIAL SECURITY—INCOME MAINTENANCE

Full benefits for widows

Under the present law, a retired man can draw 150 percent of his monthly Social Security allotment if he is married. If the man is a widower, he receives his full benefits, or 100 percent of what is termed his "primary insurance amount." If he leaves a widow, she can receive only 82½ percent of his total allotment as an individual, even though a widow's expenses are no less than a widower's.

This situation creates serious hardships for many elderly widows, for although their income decreases almost by half, their expenses do not. Certainly landlords do not cut rents when their tenants' income drops. Nor do grocers, utility companies or doctors cut their bills. The drastic drop in income is particularly unfortunate when one considers the emotional adjustments facing the elderly widow.

To correct this problem, I urge the committee to allow widows to receive 100 percent, rather than only 82½ percent, of their deceased husbands' primary insurance amount.

Automatic cost-of-living increases

Among all of the various groups in our society, those living on fixed incomes such as Social Security suffer the most from inflation. The cost of living may rise rapidly, as it has in recent years, but elderly Social Security recipients must wait for Congress to adjust benefits.

This can sometimes take several years. In the meantime, pensioners suffer hardships for which no belated congressional actions can compensate.

The only way to protect elderly people—many of whom are largely or totally dependent upon Social Security for their income—is to allow automatic benefit increases to correspond with rises in the cost-of-living. Cost-of-living increases have become an integral part of the salaries paid to American workers. It is my view that our elderly citizens are entitled to the same protection against inflation as that given to younger workers. I therefore urge the committee to approve automatic benefit increases in Social Security.

Earnings limitations

Perhaps one of the most unpopular aspects of our Social Security system is the limitation placed on the amount of money a recipient earns between $1680 and $2880 in one year, he suffers a $1 for $2 reduction in benefits. Beyond $2880, he loses one dollar for every dollar earned.

There is no issue about which elderly Americans are more distressed than the earnings limitation. They think it ludicrous, and so do I, that wealthy older citizens can receive $100,000 in dividends and still get their full Social Security benefits. Yet if they work, their payments are reduced after earning the first $1680.

A full quarter of the 25 million elderly Americans live at or near the poverty level. Many of these people are poor for the first time in their lives, and for reasons beyond their control. For instance, some have lost private pension rights due to plant shutdowns, even though they may have served a company for as long as 15 or 20 years. Others have worked throughout their lives, but because their incomes were never more than marginal, they never could accumulate large savings or invest sufficiently in stocks and bonds to provide an adequate retirement income. Still others may have saved for their retirement years, but found their savings completely wiped out because of serious and prolonged illnesses.

For these people, the present system offers two choices: They can try to supplement their Social Security incomes by working, or they can do so by going on welfare. Those able and willing to work can retain only a modest portion of their earnings over $1680.

In addition to economic need, we should also consider the need of elderly people—indeed, of all people—to contribute to society through working, and to feel that one's contribution has a value. In this connection, I would like to cite from the responses to a questionnaire I gave to the Illinois delegates to the White House Conference on Aging. The specific question I asked was this: Do you feel inadequate income is the most serious problem facing the aged? If not, what do you feel is the most serious problem? Some of the answers were:

"Inadequate income is one of the most serious problems, but we might give almost equal weight to the problem of loss of one's role in society."

"Insufficient income is a significant problem . . . but equally important are social interaction and work."

"I agree that inadequate income is the serious problem confronting many senior citizens today, but for many others, in almost equal numbers, lack of a satisfying role in their later years is more serious, and for them, finding a place in society will compensate for a lack of income or meet their needs more adequately than money can."

"Among the less visible problems are loneliness, a feeling of purposelessness, a feeling of rejection, and other causes that contribute to mental deterioration."

The earnings limitation not only runs counter to the high value our society places on independence and the willingness of individuals to support themselves, but it also actively discourages many elderly persons from finding meaningful jobs.

I believe this social value, as well as the desire among elderly people to find satisfying work roles, should be recognized to a greater extent in our earnings limitation policy. I would like to see the earnings limitation abolished completely, but to be practical, I urge the committee to raise it to $2400 immediately, and to $3000 by January 1, 1974. Between now and January 1, 1974, I propose that the Administration review all aspects of the "retirement test," and report back to Congress with recommendations at that time. The in-depth review should re-evaluate the retirement test in light of present-day private pension plan deficiencies and the trend toward increasing life expectancy. It should also examine the feasibility of linking the amount of allowable earnings to need.

As an additional measure of relief for those over age 65 who want to work, I propose a credit or refund of Social Security taxes withheld from their wages up to $1680 annually. There would be a corresponding reduction in the taxes paid on income of self-employed individuals.

MEDICARE AND NURSING HOMES

Prescription drugs and Medicare, and full medical expense deductibility from Federal income taxes

Despite the enactment of Medicare, medical expenses continue to take up a large portion of the elderly person's income. In 1970, the average health bill for persons 65 and over was $791, six times that of a youth, and three times that of people between the ages of 19 and 64.

Medicare pays for less than one-half of the health care costs of the elderly, and it does not cover out-of-hospital prescription drugs. Yet drugs constitute the largest personal health care cost of the elderly, accounting for about 20 percent of their out-of-pocket health expenditures. Many elderly people forego badly needed medical care simply because they cannot afford it.

The Senate Special Committee on Aging, the 1971 Advisory Council on Social Security, and the 1971 White House Conference on Aging, have all recommended that Medicare be expanded to cover out-of-hospital prescription drugs.

I urge the committee to adopt this recommendation, and in addition, to restore full deductibility for medical expenses from older person's incomes subject to Federal taxation, as provided prior to 1967.

Nursing home care and standards

There are approximately one million elderly persons residing in nursing homes and related institutions in this country. A very high proportion of these people are suffering not only from serious and chronic illnesses, but also from inadequate care. In too many cases, they suffer from severe mistreatment.

Although the reasons underlying the shortcomings in our nursing homes are numerous and complex, the subcommittee on long-term care of the Senate Special Committee on Aging has managed to pinpoint certain major problems. One cause contributing to the nursing home problems is the diffusion of responsibility among governmental agencies for administering and implementing nursing home standards. During hearings held last year in Chicago on nursing home conditions in Cook County, it was found that four levels of government—city, county, state and federal—are involved in the establishment and enforcement of nursing home standards:

County health officials inspect homes, but only the State Department of Public Health may take action to revoke licenses;

The Chicago Board of Health sets standards for homes and also issues licenses;

The State Department of Public Aid decides the level of reimbursement for public aid recipients, while the Department of Public Health oversees the City's effectiveness in licensing and inspecting;

And the Social Security Administration and the Social and Rehabilitation Service of the Department of Health, Education and Welfare administer and enforce congressionally authorized standards for the Medicare and Medicaid programs.

Since the hearings, the State of Illinois has taken commendable steps to improve the administration and enforcement of its nursing home standards, but the consequences of this diffusion of responsibility are serious enough to warrant a change in our Federal law which would vest in a single State agency the authority to administer nursing home standards and to license and inspect long-term care facilities.

To aid the States in their efforts to administer and enforce nursing home standards, I propose the institution of a training program for State inspectors under the auspices of the Department of Health, Education and Welfare.

I am pleased to note that the Administration has already initiated a Federal effort with respect to the training of State inspectors. I urge that this effort be accelerated further through the adoption of my amendment to HR 1 which authorizes $17.5 million over the next four fiscal years for this purpose.

Demonstration program for the rehabilitation and remotivation of patients in long-term care facilities

At a minimum, nursing homes should see that their patients receive adequate medical supervision and good nursing services. Beyond that, they should seek to rehabilitate nursing home patients through physical therapy and other activities which improve the physical and spiritual condition of the patient.

In their investigation of nursing homes in Cook County, *Chicago Tribune* reporters found that many patients sit for hours doing nothing, or all they do is watch television because so few opportunities for social and physical activity exist. In describing the grimness of this situation, one reporter wrote: "They sit in rooms where the paint is peeling from the walls and the windows are covered with grime and they stare." Conditions vary, of course, from the best to the worst, but there is substantial evidence to warrant fear that this dismal atmosphere prevails in too many homes.

Many nursing home administrators would like to do more in terms of rehabilitating their patients, but because of a reimbursement system which discourages the rehabilitation of patients, they cannot afford to undertake such efforts. In Illinois, it is reasonable to believe that at least 150 homes could spend this money and benefit from it.

To encourage homes to develop rehabilitation programs and to learn more about what can be done in this area, I propose the authorization of $35 million over the next four fiscal years for demonstration programs designed to rehabilitate aged in-patients of long-term care facilities.

Mr. Chairman, the elderly are neither a militant nor a loud group, and they do not have the money to finance high-powered lobbyists to fight for their needs. Instead, they are inclined to suffer their hardships in silence, even though their hardships might seem unbearable and infinite. Their sense of pride and dignity is admirable and refreshing, but we should not allow the elderly to be taken advantage of merely because they do not storm Congress with demands.

Their problems are starkly real. And their needs are immediate. It is with these thoughts in mind, therefore, that I urge the adoption of the foregoing proposals and the prompt enactment of them as part of HR 1.

THE WAR GOES ON

Mr. McGOVERN. Mr. President, I deeply regret that I have not been able to support the recent proposals Mr. Nixon has made on Vietnam. The key to ending the war is for our Government to set a definite date for the complete withdrawal of American forces from Vietnam. That is why I have proposed a bipartisan committee of Senators to work with the administration in finding a way to set the date and thus insure the release of our prisoners and the return of our troops.

It is clear that there is a great difference between offering to negotiate about setting the date and actually setting it. I believe that only the actual setting of a date for withdrawal and the end of bombing—which Mr. Nixon did not mention—will bring our forces and our prisoners home.

To those who believe that Mr. Nixon's offer will defuse domestic criticism of his war policy, I say that I wish that we could end all argument about the war. And the way to do that is to end the war itself. But I am sure that most Americans realize today that the Nixon proposals have not made any difference at all in the lives of the hundreds of prisoners still in North Vietnam or of the American soldiers still engaged in combat or of the Vietnamese who still die by the hundreds each week. No policy can be called a success until it brings relief to them.

TRIBUTE TO FORMER SENATOR HAYDEN

Mr. FANNIN. Mr. President, editorials in yesterday afternoon's Phoenix Gazette and this morning's Arizona Republic express the respect, affection, and gratitude that Arizonans feel for the late former Senator Carl T. Hayden.

I ask unanimous consent that these two editorials be inserted in the RECORD.

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

HE BELONGED TO ARIZONA

Arizona can never fully measure the debt it owes to Carl Hayden.

His name is in the nation's history books for the vast span and great accomplishments of his long service, first in the U.S. House of Representatives, then in the Senate.

But in Arizona, the name of Carl Hayden is in our hearts as well as in our histories. His death cannot remove it because, as they said of Lincoln, he was a man for the ages.

He will be with us as long as the fields are green and the cities flourish in Arizona; there is no facet of the state's development since before statehood which has not felt the imprint of Carl Hayden's quiet, often self-deprecating genius.

To try to list the achievements of this man who worked so long at the highest levels of government would be futile. The number is too great to count.

We can only say, with his passing, thank God he was permitted to be so long with us. His death sorrows us all, but even in sorrow we have the joy of knowing he was ours while he walked the earth.

THE GREATEST ARIZONAN

Many colorful figures have swept across the Arizona stage. Priests, gun-slingers, gamblers, miners, ranchers, land developers, remittance men, solid citizens—the list goes on almost endlessly. But perhaps the least colorful of them all has left the biggest mark.

Dead at the age of 94, Carl Hayden casts an increasing shadow across the state he loved and did so much to build. He decided early in life that he would be, in his own words, "A work horse, not a show horse." And so the man who served longer than any other in the U.S. Congress spent his time in committee work, not making speeches on the floor of the House or the Senate.

For many years he was chairman of the Senate Appropriations Committee, and he presided over the authorization of untold billions of dollars in government spending. While he always knew how to benefit from superb staff work, he also took the trouble to read the bills and study the appropriations. He knew where the money was going, and he tried his best to stop any possible waste.

Carl Hayden never sneered at politicians or at the give-and-take of political processes. He walked the dusty streets of small Arizona towns seeking votes; he attended party caucuses without end; he served as precinct committeeman, which prepared him for be-

ing chairman of national conventions; he was a Democrat, and he often opposed party leaders in preliminary meetings, but once a party policy had been laid down, he supported it loyally.

Naturally as a westerner he understood the problems of the West far better than the more numerous Eastern members of Congress. He also knew the hard rules of the House and Senate. Without violating his innate integrity, he was able to make the trades that are an essential part of the legislative process. To Hayden, more than to other men, should be attributed the federal appropriations for reclamation and parks that have made the West such a desirable place in which to live.

Senator Hayden played a big role on the national stage when he pushed through massive war appropriations, great veterans' measures, and all-important social welfare projects. But he never forgot the basic factor in his constituency, the little guy in Arizona. No letter to his office went unanswered; no request that could legitimately be fulfilled was ignored.

A grateful state will pay its last tribute to Senator Hayden as he lies in state at the Capitol Building tomorrow and at the funeral ceremonies in Grady Gammage Auditorium in Tempe Saturday. No man has done more, with less fanfare, for Arizona.

EDITORIAL IN AUGUSTA CHRONICLE NEWSPAPER: "YOUTH IS MALIGNED"

Mr. THURMOND. Mr. President, an editorial entitled "Youth Is Maligned" appeared in the January 18, 1972 issue of the Augusta Chronicle newspaper, Augusta, Ga.

This editorial quotes figures from a nationwide youth survey which dispel the idea that our young people are an alienated generation.

Mr. President, I ask unanimous consent that this editorial be printed in the Extension of Remarks at the conclusion of my comments.

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

YOUTH IS MALIGNED

Attitudes on the part of youth, as reflected in two new polls by Scholastic Magazine's Institute of Student Opinion, indicate very clearly the error of those who promote the idea of a racial, alienated generation.

It just isn't so, one must conclude on checking results of the polls.

The alleged generation gap seems to be largely fictitious in light of responses by more than 8,000 high school students. A closeness and sense of obligation to parents is indicated when only 9 per cent say they would not want to help their parents when they have finished school. The same group said with virtual unanimity that they wanted children in their future families—41 per cent preferring two children, 31 per cent preferring three children, 25 percent wanting four children and 3 per cent desiring one child only.

Religion is playing a greater role in American life than in the past, 40 per cent of the respondents said in a far broader poll—one one which surveyed the opinion of 85,000 junior and senior high school students in more than 2,000 schools. Of the total number an additional 15 per cent think the degree of influence by religion continues on the same level as in the past, 27 per cent did not have an opinion, and only 18 per cent think religion is declining as an influence.

In the same group of 85,000, small town residence was preferred by the greatest number—35 per cent. Another 19 per cent prefer suburban life, and 14 per cent chose cities.

It seems obvious from such responses that the overwhelming majority of students are conventional, well adjusted individuals. Those who spread sensational statements which assume resentment and rebellion as a way of life among most youth had better take a second look.

HOME REPAIRS SERVICES FOR THE ELDERLY

Mr. CHURCH. Mr. President, approximately 68 percent of all aged persons in the United States own their own homes.

But it is estimated by the Senate Committee on Aging, of which I am chairman, that 6 million older Americans live in unsatisfactory quarters.

Additionally, their housing problems are further complicated by substantially reduced income in retirement, limited mobility, and a greater likelihood of suffering from a chronic health condition. As a consequence, many elderly persons now live in run-down and dilapidated housing which is oftentimes structurally unfit for human occupancy. And in far too many cases, essential home repairs must be delayed because of limited income, failing health, or the lack of requisite skills.

Yet, with a small amount of help, these deteriorating units could be renovated and made livable again.

It was for these reasons that I recently introduced the Older Americans Home Repair Assistance Act, S. 288. Briefly, this measure would make home repair services available for elderly persons who otherwise would have difficulty in paying for these costs. Equally important, this proposal would provide new opportunities for productive employment in a wide range of helpful services—including carpentry work, painting, repairing leaky roofs, replacing rotten floors, and many others—for individuals 55 and older.

A few months ago, the Senate Committee on Aging held hearings in Boise, Idaho, on the effectiveness of the Administration on Aging. However, at these hearings the aged also discussed their problems fully and frankly. And one key concern mentioned was the need for a home repairs program, especially for elderly widows.

An excellent example of this viewpoint was presented by Mrs. Fern Trull, of Weiser, Idaho.

Mr. President, I commend the testimony of Mrs. Trull to Senators and ask unanimous consent that it be printed in the RECORD.

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

STATEMENT OF MRS. FERN TRULL OF WEISER, IDAHO

Mrs. TRULL. Senator Church and members of the panel and friends, when most of us retired from our jobs I hope that most of us did so gracefully. But I think that when we retired it was not with the thought that we were to be placed on a shelf, and that our time of service was ended.

Most of us brought to our retirement age a vast wealth of experience, of learning, and of skills, and were lauded for that. Then we reached the age of 65 and all of a sudden nothing seemed to count, no one wanted our skills, no one cared that we might have experience to help in some of our problems.

The mental change for many of us was certainly great. We wondered how we might fill our days, besides watching TV and walking the dogs.

In Washington County, Idaho, we had a project which worked very successfully for us and I think it worked throughout the western Idaho community action group very well.

This plan was to hire senior men and women who were employable and who desired to work for various reasons to repair the homes and take care of the yards of those older Americans who were unable to do it themselves and who had no money to buy the materials or to hire a painter or a carpenter or someone to do the work from the professional fields.

Some of our women worked in the homes, cleaning up the homes of some of the bachelors, helping some of the women do their washing and ironing, preparing some meals for them, staying with them when they returned from the hospital, and working with them so that those individuals were kept from the very expensive nursing homes and hospitals, thus lowering the cost of the taxpayer in Washington County.

The Federal grant which we received for 1 year paid the minimum wage to each of these workers of $1.60 an hour, and paid for the paint and materials needed to repair that leaky roof, to have a more cheerful dining room for some elderly person, to put a railing on steps so that that person would not fall and injure him or herself, and that type of work.

We found it most successful, in fact we declared it was our most successful venture in the helping of the aging. It did not compete in the labor world, for these elderly people who had the repairs done could not have afforded a regular painter or a carpenter. Had this work not been done by senior men and women it would not have been done at all.

SUCCESSFUL PROGRAM TERMINATED

The year ended and we spoke to deaf ears. Wherever we talked to the seniors they were interested in the program, when we talked to those in power they didn't hear us, yet they were perfectly willing to continue programs for us which were not as successful as this labor program. We have not had any success in getting it back. Like many of the Idaho cities, our city and our county do not have the money to carry on such a project, and we are still trying, and trying hard, to get it back, because it benefited the individual mentally. As one man said: "I no longer wake up in the morning and wonder what I am going to do this long endless day. I know I am going out to work. I am going to meet friends, I am going to meet new people, and I will come home tired and sleep." Another man said: "I am glad I bought my winter clothing when I was working on this project, otherwise I would have had to gone to charity, and that is one thing I will not do."

It helps them maintain their independence, their self-respect and their dignity, which they had had on their jobs when they were employed prior to 65.

I think we need to take some of these things into consideration. None of us want to punch a timeclock, I certainly don't, and I usually manage to evade substitute teaching if I can possibly help it, because I have grown a little bit lazy since I have retired.

But there are things we can give to the community in the way of our skill and our experience, and we do have people who need the money economically. All of us need something to do for our mental health.

Another way we might help the employment of our senior citizens is to follow along with the line of Lewiston, Idaho, with their syringa flowers, and with the Washington

County seniors who showed you the vests and the skirts which they are making, and which they sell out in the community, and as far away as Alaska. Now, Senator Church will take one back to Washington, D.C.

This work is done by volunteers, by women who take the work home and do it on their own time. We would like to have a workshop like Lewiston has, whereby our seniors, many of whom are very skilled, can bring their handmade articles to sell at a shop in our new senior center which we purchased the middle of May. We are still paying for it, of course, for we mortgaged our souls to get it. In our new senior center we have a lovely large room for a workshop, which we are going to use to try to help our members who want extra money for their too small income. The skills are there. We can devise ways which will not compete with regular labor, for our unemployment in Washington County is very high. We seniors can devise ways whereby our people can become fully employed in various ways, or as much as they want without ever competing with the painters or the carpenters or the truckers, or those individuals who are the semiskilled. But we cannot do it without a little extra money, so we are looking to the Federal Government for a little bit of money to get us started, just as they helped us get started on our senior center. And when we have the great big bang-up opening of our center, we will invite you all and say, with the help of our community we did it ourselves. Thank you.

Senator CHURCH. Isn't she a good saleswoman?

I want to say, Mrs. Trull, that I think you hit the nail right on the head. I think of this program that you had in Weiser; I know that we had part of this impact program in Emmett. I am told there are people who worked on that program and did good work and did it for elderly people who couldn't possibly pay the normal wage to a painter, or to get such help from the labor market. It was either a question of having no work done or getting it on this basis.

Now some of these people who are cut off, because no funds are available, are forced back on welfare again to supplement their income.

In the end it is just the question of how the public will pay. You would think that we would have sense enough to try and arrange it in such a way that we can pay to get constructive work done and help the elderly, and help the community, instead of paying it out through a demeaning welfare system.

I so hope that this is one of the things that we can accomplish at the White House Conference, to get programs of this kind started again, and not just on a little experimental basis here and there, but on an extensive basis that will really reach the elderly all over the country and give them this chance.

WELFARE PROGRAMS

Mr. FANNIN. Mr. President, the Wall Street Journal today contains a very interesting article under the headline: "Welfare: Separating Myth and Fact."

This commentary was written by Richard A. Snyder, an attorney from Lancaster, Pa., and a ranking minority member of Pennsylvania's Senate Public Health and Welfare Committee.

Mr. Snyder points out that the advocates of welfare expansion are seeking to create new myths which support their point of view. Proponents of grandiose welfare programs claim to be trying to clear up misconceptions, but instead they are substituting their own interpretations and backing these up with misleading statistics.

Mr. President, I ask unanimous consent to insert in the RECORD the article from today's Wall Street Journal.

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

WELFARE: SEPARATING MYTH AND FACT

(By Richard A. Snyder)

The Department of Health, Education and Welfare, apparently stung by taxpayer criticism of ever-more-costly welfare programs, has published a booklet in its own defense. Like any piece of propaganda, it may tell us something about its creator. It certainly doesn't contribute much clarity to the confusion surrounding welfare and its dilemmas.

The booklet, "Welfare Myths vs. Facts," has been widely circulated by the department and has served as the basis for a number of newspaper articles. It purports to explode "popular misconceptions" about welfare and welfare recipients.

Such misconceptions "not only malign the victims of poverty but the social workers who labor with dedication to make the present inadequate welfare system work," says John D. Twiname, HEW's Social and Rehabilitation Service administrator, in the pamphlet.

While conceding that the current system is indeed inadequate (and putting in a plug for the Nixon welfare reform legislation), the booklet nonetheless argues that the present system is being unfairly criticized by those who suggest, for example, that many welfare recipients are lazy or unethical.

Or, as the HEW frames the proposition:

"Myth: The welfare rolls are full of able-bodied loafers!"

"Fact: Less than 1% of welfare recipients are able-bodied unemployed males."

ARE STATISTICS ACCURATE?

Even if that statistic is accurate it is deceptive, for it implies that finding jobs for these men would have a negligible effect on welfare. The fact is that there is an average 3.7 persons per family on relief, which means that this percentage, rather than 1%, would move off the rolls if the breadwinner went to work.

But is the figure accurate? Or has HEW been too generous in interpreting who is "able-bodied"? For example, it recently came to light that the Pennsylvania Department of Public Welfare had entered into a formal plan with HEW's regional office in Philadelphia to permit any physical impairment of either parent—however trivial—to qualify the family for federal and state funds under the federal work incentive program. Those with no more impairment than the need for eyeglasses qualify the family for cash, food stamps and free medical aid.

Emphasis on males alone is also misleading. It ignores the mothers, a huge and largely untapped work force. As Blanche Bernstein of the New School for Social Research in New York City has pointed out, about 25% of the welfare mothers in New York City, for example, have at least a high school education, making them eligible for many jobs advertised. Half of all mothers have only one or two children, making day-care arrangements feasible.

As part of its denial that many welfare recipients are employable, HEW makes the point that mothers and children get most of the money spent for welfare.

This is true in the sense that Mother cashes the check. However, the indirect but actual beneficiary is more often the absent father. If he leaves his family and lives alone he can spend all the wages on himself, a comfortable equivalent of bachelorhood. If he lives with a woman who is not his wife, he is similarly favored in an economic sense, especially if she is on welfare or employed and their incomes are merged. If he makes clandestine visits to his own home, his paycheck and his wife's welfare check in combination give the outwardly separated family a double income.

There are cases, of course, where the mother is widowed, or the father is ill, imprisoned or otherwise incapacitated. But these do not explain why deserted families on welfare increased from 12,000 to 80,000 in New York City within seven years. Responsible sociological opinion, typified by Nathan Glazer of Harvard, points out that there is a cash incentive to break up the family, or not to form it. For example, the unwed mother on welfare and the putative father on wages would lose her income if they marry.

For years welfare apologists prefaced any discussion of relief with references to the "aged, blind and disabled," which made any criticism of welfare seem hard-hearted. Now that these have become a bare quarter of the whole cost, the stress has been on children and mothers, with discrete avoidance of the men whose escape brought about the situation.

Another straw man from the HEW booklet:

"Myth: Give them more money and they'll spend it on drink and big cars."

"Fact: Most welfare families report (in an HEW survey) that if they received any extra money it would go for essentials."

One can hardly imagine a recipient testifying otherwise, at least in any inquiry conducted by the department. Other random surveys, however, have disclosed push-button telephones, stereos, new and expensive furniture in homes receiving public assistance, and other luxuries purchased with public assistance grants. Credit is often readily available to public assistance recipients because merchants have confidence in the flow of funds.

HEW has special difficulty in encouraging good judgment in spending because the current thrust in welfare is to separate the computing of eligibility from the rendering of social services, such as advice on budgeting, family management, child care, homemaking and employment. It is a tenet that the recipient should not be submitted to the "indignity" of having such advice thrust upon him.

"Myth: Once on welfare, always on welfare."

"Fact: The average welfare family has been on the rolls for 23 months. . . . The number of long-term cases is relatively small."

The department's own figures don't wholly confirm its position. By its charts, more than a third of those on welfare have been there three years or more. HEW personnel admit, moreover, that this does not take into account "repeaters" who have been on for varying periods previously.

In fact, "on-again, off-again" welfare is the case with many recipients, as local administrators acknowledge. For these families, welfare becomes the quickest port of call in any emergency. The easy availability diminishes the likelihood that the recipient will be resourceful, take part-time or overtime work to bridge the gap, or solicit help from relatives.

UNTO THE THIRD GENERATION

The most familiar situation in which welfare has become a way of life is the young unwed mother and her child. And when the child in turn becomes an adolescent and becomes pregnant, a third welfare generation has begun.

According to HEW's pamphlet, 32% of the more than 7 million children in welfare families were born out of wedlock, and these demonstrably constitute much of the caseload that is either on relief on a long-term basis or at recurring intervals.

HEW puts the average length of time a family is on welfare at 23 months, but information in the files of Chairman Wilbur Mills' House Ways and Means Committee establishes the figures at 42 months; this figure

would be even greater if welfare rolls weren't growing so fast.

There is an astonishing lack of data in HEW with respect to how long the closed cases had been on welfare (the Department says no studies have ever been made in this area), and data on this group is needed for an accurate index. Any figure based on those on relief at any given point in time also obviously doesn't include the prospective remaining period each case will be on the rolls, nor does it include any period present recipients may have been on the rolls prior to that point in time.

Dr. Bernstein and others have pointed out that figures on poverty and low incomes aren't reliable. Many families are prone to report net rather than gross figures and to be inexact about part-time earnings and teenagers' income. Or the wife is frequently the source of information about her husband's income but is ill-informed about it. In other words, many families commendably have income from assorted sources, which brings them slightly above the poverty line, although the statistics provided show they are below it.

This also serves to explain in part why many in rural and small-town America would be shocked to be told that they are in poverty. They live frugally but to their own satisfaction on limited resources, or sometimes on help from kin. Census figures are thrown out of kilter by the Amish farmers, for example, who would classify as underprivileged if measured by the absence of radios, TVs or cars, but who manage to earn sufficient income to buy expensive farms for their sons.

Bismarck is reputed to have said that people are happiest if they know little about how their laws and sausages are made. He might have included welfare administration. What is everyone's business has become no one's business except the social scientists', and they haven't given satisfying answers.

BURGEONING DEMANDS

Legislators, at the state level particularly, are becoming frustrated by the burgeoning demands of welfare, which drains educational and other parts of the state budget. And they bear the lament of taxpayers who feel the pinch of welfare and other costs. States, responding to grass-root pressure, cut back on grants. HEW, with its pamphlets, seeks to justify its system.

Welfare is an enormously complex issue, and one that tends to arouse strong emotions in all concerned—from the needy recipient to the taxpayer who foots the bill. Any progress toward a solution of what society can and should do to care for its destitute—a solution that has evaded man since the beginning of history—will be made only through cool rationality.

It is natural that HEW react defensively to criticism and state its case positively. It would be unrealistic to expect it to quote Edward C. Banfield of Harvard, for example, to the effect that current welfare policies encourage idleness, dishonesty, and reduced production.

The public has, however, a right to accuracy and objectivity, and HEW propaganda broadsides such as "Welfare Myths vs. Facts" are no help at all.

FREEDOM IN RHODESIA

Mr. McGOVERN. Mr. President, the situation in Rhodesia is deteriorating. As of yesterday, some 14 Africans have been killed in demonstrations against the proposed agreement between the British Government and the rebellious Rhodesian Government.

Since the Rhodesian Government declared itself independent in 1965, the British Government has tried to bring it to grant full rights of citizenship to its black citizens as a condition of recognition. British recognition is vital to the legitimacy of the Rhodesian regime. No other country has yet recognized that state. Once the British accept its independence, most other countries can be expected to follow suit.

Last November, a British commission headed by Lord Pearce concluded an agreement with the government of Ian Smith. Now that commission is attempting to convince the African population of Rhodesia to accept the agreement.

The Pearce accord gives the white minority 50 seats in the Rhodesian legislature and gives the black majority only 16. It contains the promise of equality of representation at some vague future date. Majority rule would come even later, if, in fact, at all. This agreement is a far cry from the goal one-man, one-vote set by progressive black leadership in Rhodesia.

As members of the Pearce Commission have traveled through Rhodesia, they have met with strong opposition from Africans. In some cases this has led to violence. Eight black members of Parliament in Salisbury have rejected the plan. Africans clearly doubt that, once Rhodesia is on its own, the Smith government will make a real commitment to letting 5 million Africans have a greater voice than 250,000 whites.

The position of the British Government is understandable. It wants to shed the albatross of Rhodesia—a country which has declared its independence and over which the British can now exercise only feeble control. The only measure which has had any effect is the U.N.-sanctioned economic boycott of Rhodesia. But that policy has not succeeded in changing Rhodesian policy. In short, the British now appear determined to make the best of a bad situation.

The United States and other countries can sit back and let Britain negotiate for them. The result is likely to be the acceptance into the international community of a country that is pledged only to give lipservice to the civil rights of the vast majority of its citizens.

We should not let the British make this decision for us. Instead we should put the British Government on notice that the United States will not acquiesce in the Pearce agreement since it is clearly opposed by a majority of Rhodesians. We should inform the British that the United States will not alter its policy toward Rhodesia even if the Pearce Commission flaunts the will of the majority and reports to London that the agreement should be implemented. And we should take the lead in seeking a United Nations resolution rejecting the Pearce agreement.

Because Britain is, in fact, acting on behalf of the international community, does not give us the right to shirk our own responsibility. By prompt and decisive action, we shall act in the best interest of the 5 million Africans of Rhodesia, and we may be able to show the British Government that we expect it to do more than cut them loose without any real hope for civil justice.

SENATOR CARL HAYDEN

Mr. WILLIAMS. Mr. President, I wish to join my colleagues in expressing the deep sorrow and profound sense of loss I felt upon learning of the death, Tuesday night, of former Senator Carl Hayden.

It is by now well known that Senator Hayden served as a Member of Congress longer than any other person in the history of our country—a total of 57 years. What is less widely known, perhaps, is the great esteem in which he was held by those of us privileged to work with him, and the tremendous impact he had on shaping legislative action during his years in the House and Senate.

Carl Hayden came to Congress as one of the "frontier lawmakers" from the newly admitted States of the Old West, and lived to become one of the last of that unique breed. When Arizona was admitted to the Union as the 48th State on February 14, 1912, Carl Hayden was the sheriff of Maricopa County; a few days later he entered the U.S. House of Representatives as Congressman at Large from the newest State. Following eight terms in the House, he was elected to the Senate and he served as a distinguished Member of this body from March 4, 1927, until January 2, 1969, when he retired.

During his years in the Senate he served as chairman of the Rules Committee, and later as chairman of the Appropriations Committee; it was in these posts that he quietly but decisively made his mark on the programs developed and funded by the Congresses in which he served.

Although Senator Hayden was little concerned with publicity—he held only one news conference during his first 50 years in Congress—his persistent efforts in support of highway construction and land reclamation programs were well known here and in his home State. Those efforts contributed to a large degree to helping Arizona grow from a population of some 200,000 when Carl Hayden first entered Congress, to more than 1.7 million today.

Politically, Carl Hayden's record was, to say the least, consistent. He lost his first election—for the presidency of student body at Stanford University—but won every one he ever entered from then on. Furthermore, he won on his own high terms, never needing to resort to discussing the weaknesses of his opponent.

Mr. President, I know I can confidently say that Senator Hayden, and the contribution he made to our country, will long be remembered. His passing is a deep loss to his family and friends, to the Members of Congress who knew him, to the people of Arizona, and to our entire Nation.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time set apart for the transaction of routine morning business has now expired. Morning business is closed.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT OF 1971

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Chair lays before the Senate the

unfinished business, S. 2515, which the clerk will please state by title.

The assistant legislative clerk read the bill by title, as follows:

A bill (S. 2515) to further promote equal employment opportunities for American workers.

The ACTING PRESIDENT pro tempore. The pending question is on agreeing to the amendment offered by the distinguished Senator from North Carolina (Mr. ERVIN), amendment No. 597.

Mr. BYRD of West Virginia. Mr. President, will the distinguished Senator

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

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. from North Carolina yield to me?

Mr. ERVIN. I am delighted to yield to the assistant majority leader.

Mr. BYRD of West Virginia. I thank the distinguished Senator from North Carolina.

Mr. President, the yeas and nays have been ordered on the pending amendment by the distinguished Senator from North Carolina (Mr. ERVIN). It is my understanding that all sides are about ready for that vote to occur. Therefore, I take the floor at this time just to alert the cloakrooms on the respective sides of the aisle that they may know that the vote is about to take place and, in turn, may inform Senators, so that they may come to the floor.

Mr. JAVITS. Mr. President, if the Senator will yield, overnight my staff and that of Senator WILLIAMS and the staff of Senator ERVIN and the agencies concerned—to wit, the Equal Employment Opportunity Commission and Government procurement people—have been in touch with each other. That is, the agency of the Department of Labor dealing with Government contractors and equal employment opportunity have been in touch with each other, and they have now produced a draft of a revised Ervin amendment which takes account of the problems raised by the Senator, with which there was substantial agreement by the Senator from New Jersey (Mr. WILLIAMS) and myself, except that I could not see that the way in which the amendment had been drafted solved the problems. I now believe that it solves the problems equitably, technically, and appropriately and I am prepared, on a rollcall vote, to vote for the amendment.

I would hope that perhaps right now the Senator from North Carolina could revise his amendment according to the new draft, so that when we come out of the next quorum call we will be ready to vote for it without further delay.

Mr. ERVIN. Mr. President. I thank the distinguished Senator from New York. Inasmuch as the rollcall vote has been ordered on the original amendment, the Senator from North Carolina has lost his capacity to modify his original amendment without unanimous consent by the Senate.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. ERVIN. I therefore ask unanimous consent that my amendment No. 597 be modified to conform to the draft agreed upon by the staff of the Senator from New Jersey, the staff of the Senator from New York, and my staff. I send to the desk a copy of the revised draft and ask the clerk to state it so that the Senate may know what modifications are being made.

The ACTING PRESIDENT pro tempore. The modification will be stated for the information of Senators and then the question will be put as to whether unanimous consent is granted for the modification.

The legislative clerk read the modified amendment as follows:

At the end of the bill add the following new section.

SEC. 14. No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or suspended, by any agency or officer of the United States under any equal employment opportunity law or order, where such employer has an affirmative action plan which has previously been accepted by the Government for the same facility within the past twelve months without first according such employer full hearing and adjudication under the provisions of 5 U.S.C. § 554, and the following pertinent sections. *Provided, however,* That if such employer has deviated substantially from such previously agreed to affirmative action plan, this section shall not apply. *Provided further,* That for the purposes of this section an affirmative action plan shall be deemed to have been accepted by the government at the time the appropriate compliance agency has accepted such plan unless within 45 days thereafter the Office of Federal Contract Compliance has disapproved such plan.

Mr. ERVIN. Mr. President, perhaps I should clarify the remarks I made about the manner in which the compromise draft was reached. I stated that it was worked out by the staffs of the Senator from New York, the Senator from New Jersey, and myself. I might state that they did so under our direction. The staffs did a remarkable job in putting in understandable phraseology, the agreement which we had reached in respect to this very important matter.

Mr. WILLIAMS. Mr. President, I wanted to say that rather late last evening I was working with the Senators' staffs. I think that we can all be grateful for their faithfulness to the observations made by the Senator from North Carolina on the floor and after we left the floor. It represents, in my judgment, a solution to the question and some of the anxieties felt which prompted the Senator to offer the original amendment in the spirit in which I agreed with it yesterday with certain reservations. The reservations have now been removed. I think that this modification is necessary as part of this legislation to insure that the objectives are reached and the process of scrupulous fairness preserved.

Mr. ERVIN. I thank the Senator. I would suggest, so early in the session, with so few Senators in the Chamber, that it might be advisable to have a quorum call before we vote. So far as I am concerned, I am ready to vote.

The ACTING PRESIDENT pro tempore. If the Senator will excuse the Chair, unanimous consent has not yet been given.

Mr. ERVIN. Mr. President, I ask unanimous consent that I be permitted to modify my amendment in accordance with the compromise draft worked out by the Senator from New Jersey, the Senator from New York, and myself, with our respective staffs.

The ACTING PRESIDENT pro tempore. Is there objection to the modification proposed by the distinguished Senator from North Carolina? The Chair hears none, and it is so ordered.

Mr. ERVIN. Mr. President, I suggest the absence of a quorum so that the cloakrooms can inform Senators that a rollcall vote will be held shortly.

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

The question is on agreeing to the amendment offered by the Senator from North Carolina as modified. 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 Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

I further announce that, if present and voting, the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. JACKSON), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) would each vote yea.

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK) and the Senator from Oregon (Mr. PACKWOOD) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

The result was announced—yeas 77, nays 0, as follows:

[No. 14 Leg.]

YEAS—77

Aiken	Fannin	Nelson
Allen	Fong	Pastore
Anderson	Fulbright	Pearson
Baker	Gambrell	Pell
Beall	Griffin	Percy
Bellmon	Gurney	Proxmire
Bennett	Hansen	Ribicoff
Bentsen	Harris	Roth
Bible	Hart	Saxbe
Boggs	Hartke	Schweiker
Brock	Hatfield	Scott
Brooke	Hollings	Smith
Burdick	Hruska	Sparkman
Byrd, Va.	Hughes	Spong
Byrd, W. Va.	Javits	Stafford
Cannon	Jordan, N.C.	Stennis
Case	Jordan, Idaho	Stevens
Chiles	Kennedy	Symington
Cook	Long	Taft
Cooper	Mansfield	Talmadge
Cotton	McClellan	Thurmond
Cranston	McGee	Tower
Curtis	McIntyre	Weicker
Dole	Miller	Williams
Ellender	Mondale	Young
Ervin	Moss	

NAYS—0

NOT VOTING—23

Allott	Gravel	Montoya
Bayh	Humphrey	Mundt
Buckley	Inouye	Muskie
Church	Jackson	Packwood
Dominick	Magnuson	Randolph
Eagleton	Mathias	Stevenson
Eastland	McGovern	Tunney
Goldwater	Metcalf	

So Mr. ERVIN's amendment as modified was agreed to.

Mr. ERVIN. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR

Mr. ERVIN. Mr. President, I ask unanimous consent that the following members of my staff be permitted to be on the floor of the Senate to assist me during the remainder of the consideration of the bill: Rufus Edmisten, William P. Goodwin, Jr., and Walker Nolan.

The PRESIDING OFFICER (Mr. HOLLINGS). Without objection, it is so ordered.

Mr. ERVIN. 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 (Mr. GAMBRELL). Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bill in which it requests the concurrence of the Senate:

H.R. 6957. An Act 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.

HOUSE BILL REFERRED

The bill (H.R. 6957) 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 U.S. mining laws, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

QUORUM CALL

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 proceed 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.

FIFTEEN-MINUTE RECESS

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess for 15 minutes.

The motion was agreed to; and (at 11:45 a.m.) the Senate took a recess for 15 minutes.

The Senate reassembled at 12 o'clock noon, when called to order by the Presiding Officer (Mr. GAMBRELL).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT (H. DOC. No. 92-228)

The PRESIDING OFFICER (Mr. GAMBRELL) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Joint Economic Committee:

To the Congress of the United States:

The American economy is beginning to feel the effects of the new policies launched last August.

I undertook the New Economic Policy because it was becoming clear that not enough was being done to meet our ambitious goals for the American economy. The new measures are designed to bring the Nation to higher employment, greater price stability, and a stronger international position.

The essence of the New Economic Policy is not the specific list of measures we announced on August 15; it is the determination to do all that is necessary to achieve the Nation's goals.

Nineteen hundred and seventy-one was in many ways a good economic year. Total employment, total output, output per person, real hourly earnings, and real income after tax per person all reached new highs. The inflation which has plagued the country since 1965 began to subside. In the first 8 months of the year the rate of inflation was 30 percent less than in the same months of 1970.

But I did not believe this was enough to meet the Nation's needs. Although the rate of inflation had declined before August, it was still too high. Although unemployment stopped rising, it remained near 6 percent. In the first part of the year, our international balance-of-payments deficit—the excess of our payments to the rest of the world over their payments to us—had risen far too high.

The conditions called for decisive actions. On August 15, I announced these actions.

First, I imposed a 90-day freeze on prices, wages, and rents.

Second, I suspended conversion of dollars into gold and other reserve assets.

Third, I imposed a temporary surcharge on imports generally at the rate of 10 percent.

Fourth, I proposed a number of tax changes intended to stimulate the economy, including repeal of the excise tax on automobiles, a tax credit for investment, and reductions of income taxes on individuals. At the same time I took steps to keep the budget under control.

The package of measures was unprecedented in scope and degree. My Administration had struggled for 2½ years in an effort to check the inflation we inherited by means more consistent with economic freedom than price-wage controls. But the inflationary momentum generated by the policy actions and inactions of 1965–68 was too stubborn to be eradicated by these means alone. Or at least it seemed that it could only be eradicated at the price of persistent high unemployment—and this was a price we would not ask the American people to pay.

Similarly, more than a decade of balance-of-payments deficits had built up an overhang of obligations and distrust which no longer left time for the gradual methods of correction which had been tried earlier.

The measures begun on August 15 will have effects continuing long into the future. They cannot be fully evaluated by what has happened in the little over 5 months since that date. Still the results up to this point have been extremely encouraging.

The freeze slowed down the rate of inflation dramatically. In the 3 months of its duration the index of consumer prices rose only 0.4 percent, compared to 1.0 percent in the previous 3 months. The freeze was a great testimonial to the public spirit of the American people, because that result could have been achieved with the small enforcement staff we had only if the people had been cooperating voluntarily.

The freeze was followed by a comprehensive, mandatory system of controls, with more flexible and equitable standards than were possible during the first 90 days. General principles and specific regulations have been formulated, staffs have been assembled and cases are being decided. This effort is under the direction of citizens on the Price Commission and

Pay Board, with advice from other citizens on special panels concerned with health services, State and local government, and rent. These citizens are doing a difficult job, doing it well, and the Nation is in their debt.

While this inflation-control system was being put in place, vigorous action was going forward on the international front. The suspension of the convertibility of the dollar was a shock felt around the world. The surcharge emphasized the need to act swiftly and decisively to improve our position. Happily, the process of adjustment began promptly, without disrupting the flow of international business. Other currencies rose in cost relative to the U.S. dollar. As a result, the cost of foreign goods increased relative to the cost of U.S. goods, improving the competitive position of American workers and industries. International negotiations were begun to stabilize exchange rates at levels that would help in correcting the worldwide disequilibrium, of which the U.S. balance-of-payments deficit was the most obvious symptom. These negotiations led to significant agreements on a number of points:

1. Realignment of exchange rates, with other currencies rising in cost relative to the dollar, as part of which we agreed to recommend to Congress that the price of gold in dollars be raised when progress had been made in trade liberalization.
2. Commitment to discussion of more general reform of the international monetary system.
3. Widening of the permitted range of variation of exchange rates, pending other measures of reform.
4. Commitment to begin discussions to reduce trade barriers, including some most harmful to the United States.
5. Assumption of a larger share of the costs of common defense by some of our allies.
6. Elimination of the temporary U.S. surcharge on imports.

The third part of the August 15 action was the stimulative tax program. Enactment of this package by Congress, although not entirely in the form I had proposed, put in place the final part of my New Economic Policy.

In part as a result of this program, economic activity rose more rapidly in the latter part of the year. In the fourth quarter real output increased at the annual rate of 6 percent, compared with about 3 percent in the 2 previous quarters. Employment rose by about 1.1 million from July to December, and only an extraordinarily large rise of the civilian labor force—1.3 million—kept unemployment from falling.

Nineteen hundred and seventy-two begins on a note of much greater confidence than prevailed 6 or 12 months ago. Output is rising at a rate which will boost employment rapidly and eat into unemployment. There is every reason to expect this rate of increase to continue. The Federal Government has contributed impetus to this advance by tax reductions and expenditure increases. The Federal Reserve has taken steps to create the monetary conditions necessary for rapid economic expansion.

The operation of the new control system in an economy without inflationary pressure of demand holds out great promise of sharply reducing the inflation rate. We are converting the fear of perpetual inflation into a growing hope for price stability. We are lifting from the people the frustrating anxiety about what their savings and their income will be worth a year from now or 5 years from now.

For the first time in over a decade the United States is moving decisively to restore strength to its international economic position.

The outlook is bright, but much remains to be done. The great problem is to get the unemployment rate down from the 6-percent level where it was in 1971. It was reduced from that level in the sixties by a war buildup; it must be reduced from that level in the seventies by the creation of peacetime jobs.

It is obvious that the unemployment problem has been intensified by the reduction of over 2 million defense-related jobs and by the need to squeeze down inflation. But 6-percent unemployment is too much, and I am determined to reduce that number significantly in 1972.

To that end I proposed the tax reduction package of 1971. Federal expenditures will rise by $25.2 billion between last fiscal year and fiscal 1972. Together these tax reductions and expenditure increases will leave a budget deficit of $38.8 billion this year. If we were at full employment in the present fiscal year, expenditures would exceed receipts by $8.1 billion. This is strong medicine, and I do not propose to continue its use, but we have taken it in order to give a powerful stimulus to employment.

We have imposed price and wage controls to assure that the expansion of demand does not run to waste in more inflation but generates real output and real employment.

We have suspended dollar convertibility and reduced the international cost of the dollar which will help restore the competitive position of U.S. workers and thereby generate jobs for them.

We have instituted a public service employment program to provide jobs directly for people who find it especially hard to get work.

We have expanded the number of people on federally assisted manpower programs to record levels.

We have established computerized Job Banks to help match up jobseekers and job vacancies.

We have proposed welfare reform to increase incentives to employment.

We have proposed special revenue sharing for manpower programs, to make them more effective.

We have proposed revision of the minimum wage system to remove obstacles to the employment of young and inexperienced workers.

We expect that these measures, and others, will contribute to a substantial reduction of unemployment.

In addition to getting unemployment down, a second major economic task before us is to develop and apply the price-wage control system, which is still in its formative stage, to the point where its objective is achieved. The objective of the controls is a state of affairs in which reasonable price stability can be maintained without controls. That state of affairs can and will be reached. How long it will take, no one can say. We will persevere until the goal is reached, but we will not keep the controls one day longer than necessary.

The success of the stabilization program depends fundamentally upon the cooperation of the American people. This means not only compliance with the regulations. It means also mutual understanding of the difficulties that all of us—working people, businessmen, consumers, farmers, Government officials—encounter in this new complicated program. Our experience in the past few months convinces me that we shall have this necessary ingredient for success.

We embarked last year on another great task—to create an international economic system in which we and others can reap the benefits of the exchange of goods and services without danger to our domestic economies. Despite all the troubles in this field in recent years both the American people and our trading partners are enjoying on a larger scale than ever before what is the object of the whole international economic exercise—consumption of foreign goods that are better or cheaper or more interesting than domestic goods, as well as foreign travel and profitable investment abroad.

We don't want to reduce these benefits. We want to expand them. To do that, we in the United States must be able to pay in the way that is best—chiefly by selling abroad those things that we produce best or more cheaply, including the products of our agriculture and our other high-technology industries. This is our objective in the international discussions launched by our acts of last year and continuing this year.

These tasks, in which Government takes the lead, are superimposed on the fundamental task of the American economy, upon which the welfare of the people most depends and which is basically performed by the people and not by the Government. That fundamental task is the efficient and innovative production of the goods and services that the American people want. That is why I have emphasized the need for greater productivity and a resurgence of the competitive spirit.

The outstanding performance of the American economy in this respect provides a background of strength which permits the Government to face its economic problems with confidence and to bring about a new prosperity without inflation and without war.

RICHARD NIXON.

JANUARY 27, 1972.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GAMBRELL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of Senate proceedings.)

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GAMBRELL). 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.

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. ALLEN. Mr. President, I call up an amendment at the desk and ask that it be stated. It is an amendment offered on behalf of myself and the distinguished Senator from North Carolina (Mr. ERVIN).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

In lieu of the language proposed to be substituted for the original language of the bill by the committee substitute, as amended, substitute the following:

SEC. 2. (a) Paragraph (6) of subsection (g) of section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(f)(6)) 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 (h) of this section, 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 such section 705 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, provided that the Attorney General shall conduct all litigation 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 Commission."

SEC. 3. (a) Subsection (a) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) is amended to read as follows:

"(a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based and the person or persons aggrieved) that an employer, employment agency or labor organization has engaged in an unlawful employment practice, the Commission, within five days thereafter, shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the 'respondent') with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year."

(b) Subsection (d) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) is amended to read as follows:

"(d) A charge under subsection (a) shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency. Except as provided in subsections (a) through (d) of this section and in section 707 of this Act, a charge filed hereunder shall be the exclusive remedy of any person claiming to be aggrieved by an unlawful employment practice of an employer, employment agency, or labor organization."

(c) Subsection (e) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) is amended to read as follows:

"(e) 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), 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: *Provided*, That 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 the 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 claiming to be aggrieved, or (2) if such charge was filed by a member 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 (b) or further efforts of the Commission to obtain voluntary compliance."

(d) Subsections (f) through (k) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) are redesignated as subsections (g) through (l), respectively, and, in newly designated subsection (k) the reference to subsection (i) is changed to subsection (j), and the following new section is added after section 706(e) thereof:

"(f) 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 the court having jurisdiction over such action shall have the authority to grant such temporary or preliminary relief as it deems just and proper: *Provided*, That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable. It shall be the duty of a court having jurisdiction over proceeding 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 (h) of section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5) as redesignated by this section, is amended to read as follows:

"(h) If the court finds that the respondent has intentionally engaged in or is intentionally 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 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). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual, pursuant to section 706(a) and within the time required by section 706(d), neither filed a charge nor was named in a charge or amendment thereto, or was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 704(a). No order made hereunder shall include back pay or other liability which has accrued more than two years before the filing of a complaint with said court under this title."

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alabama will state it.

Mr. ALLEN. Mr. President, the amendment which has been offered by the Senator from North Carolina and myself is a substitute for the committee substitute. The substitute is the exact language of the House bill, H.R. 1746, as it passed the House.

The question I wish to propound to the Chair is: Will the amendment which has just been offered itself be subject to amendment?

The PRESIDING OFFICER (Mr. GAMBRELL). The Senator is correct. It will be subject to amendment.

Mr. ALLEN. Then, as long as this amendment is pending, it will be the vehicle by which amendments may be offered to the pending bill. It can be used as a vehicle for the introduction of amendments separate from the other measures pending; is that not correct?

The PRESIDING OFFICER. The Senator's amendment can be used as a vehicle for amendments to the bill, but also perfecting amendments can be offered to the committee amendment while the Senator's amendment is pending.

Mr. JAVITS. Mr. President, will the Senator from Alabama yield so that we can clarify this matter?

Mr. ALLEN. I yield.

Mr. JAVITS. When the Chair refers to the committee amendment, I gather it refers to S. 2515 as reported to the Senate, Calendar 412.

The PRESIDING OFFICER. That is correct.

Mr. JAVITS. So amendments will lie to S. 2515 as well as or in the alternative to the substitute of the Senator from Alabama. Will amendments to the bill of the committee, that is, Calendar No. 412, be also amendments in the second degree?

The PRESIDING OFFICER. An amendment to the committee substitute is an amendment in the first degree.

Mr. JAVITS. But amendments to the Allen substitute are amendments in the second degree.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. So that amendments to the committee substitute may in turn be amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. That is, if they are submitted at this time, under this framework.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. However, the Senate decision will then have to be mutually conclusive, am I correct, in that if the Allen amendment, as amended, is carried, that would preempt the committee bill as amended.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Just so that we have everything clear, I thought that should be explained. I have one other thing to bring out. How would the votes come? Would amendments to the committee amendment, including amendments to those amendments, be voted on first; or is it indiscriminate, depending upon when they are offered?

The PRESIDING OFFICER. Perfecting amendments to the committee substitute will have preference over the Allen substitute.

Mr. ALLEN. Mr. President, the amendment which is at the desk and up for consideration seeks to substitute for the pending committee amendment the language of House bill H.R. 1746 entitled, "A bill to promote equal employment opportunities for American workers."

The bill, S. 2515, introduced in the Senate and referred to the Health and Education Subcommittees of the Committee on Labor and Public Welfare, was amended in the committee by the writing of an entirely new bill, and that is what was the pending business until the pending amendment was offered, which would substitute the House language for the language which the committee seeks to substitute for the bill as originally introduced.

Mr. President, I feel that every Member of this body wants to see fair and equal employment opportunity for every citizen in this country. I feel that every Senator wants to see any man or woman, or any boy or girl, go just as far in life as his abilities, energies, and ambitions will take him. All of us want to see every person receive fair and equal treatment before the law.

The EEOC was set up some 7 years ago as a Federal agency, an advisory agency, and an investigatory agency to aid in the matter of seeing that everyone had an equal opportunity to obtain fortune and receive promotion. This Commission does not have the power to make orders which it cannot enforce. Some sort of machinery needs to be set up to allow the EEOC to obtain enforcement of its orders based upon its findings.

So the purpose of S. 2515 and the purpose of H.R. 1746 is to provide enforcement machinery for the orders of the EEOC. It is not a question of which one offers more substantive right. Neither bill would create a different degree or weight for equal employment opportunity. The law would be the same with regard to the enforcement procedure under either bill.

One method provides that the Commission—and this is in S. 2515—receive the charge, make the investigation, and, as now amended, refer the complaint over to the general counsel who files charges before the Commission which received the complaint originally and which made the investigation. And this Commission—under S. 2515, but not under the amendment introduced by the Senator from North Carolina and myself—receives the complaint, investigates it, and forms a judgment with respect to it, or it would not bother to send it to the General Counsel for the filing of charges. Then the General Counsel files a charge before the Commission which, the junior Senator from Alabama submits, the Commission has already formed a judgment on. Then they proceed to reach a decision and issue a cease-and-desist order that the employer must comply with.

Mr. ERVIN. Mr. President, will the Senator yield for a question at that point?

Mr. ALLEN. I would be delighted to yield to the distinguished senior Senator from North Carolina.

Mr. ERVIN. Mr. President, is it not a principle of the common law which prevails in the overwhelming majority of the States of the Union that no man can be a judge in his own case?

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Mr. President, the committee bill authorizes members of the Commission to file charges of unlawful employment practices. Then these charges, if approved by the General Counsel, would be prosecuted before the Commission itself, sitting as a jury and judge, and the Commission is to make a judicial decision based upon the charges which its members have filed.

Mr. ALLEN. The Senator is correct. That is what S. 2515 provides. We are trying to get that changed.

Mr. ERVIN. As I understand it, one of the fundamental principles of the substitute offered by the Senator from Alabama on behalf of himself and myself is to make certain that, instead of having the judicial function exercised by the members of the Commission who have preferred the charges or whose associates have preferred the charges, the validity should be determined by the district courts of the United States as in all other civil actions.

Mr. ALLEN. The Senator is correct.

Mr. ERVIN. Does not the fundamental principle of justice say that every person is entitled to have his cause judged, to borrow a quotation from Edmund Burke, "with the cold neutrality of an impartial judge"?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that when one attempts to weigh the power to prefer charges—to conduct an investigation and prefer charges—with the power to judge the validity of those charges, he sets up a system which absolutely divorces the agency empowered to act in the matter from the fundamental principles upon which any fair system of justice must necessarily rest?

Mr. ALLEN. Yes; that is correct.

Mr. ERVIN. So the substitute amendment of the Senator from Alabama is offered for the purpose of insuring that there shall be a fair and a just determination of the charges by an impartial tribunal instead of by a tribunal which is empowered to investigate charges and make charges?

Mr. ALLEN. Yes; that is correct. This tribunal would not be an agency that is not sympahtetic to civil rights. On the contrary, the Federal district courts throughout the country have displayed great compassion, great interest, great belief in, and great determination to enforce the civil rights of all citizens. So it would not be an unfriendly tribunal by which those charges or complaints would be heard. They would be heard by the Federal district courts.

Mr. ERVIN. The Senator from Alabama is conscious of the solicitude of the Federal courts for civil rights, is he not?

Mr. ALLEN. Yes.

Mr. ERVIN. But he is also conscious of the fact that Federal courts are also more likely to enforce civil rights by procedures that do not in and of themselves constitute civil wrongs?

Mr. ALLEN. Yes.

Mr. ERVIN. I thank the Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator from North Carolina for giving me the benefit of his views and for participating in this colloquy.

Mr. President, an effort was made previously in the Senate to amend S. 2515, so as to do away with the procedure by which the Commission is judge, jury, and prosecutor, and to require that the forum for determining the rights of the parties involved would not be the Commission which received the complaint, considered it, and passed it on to the General Counsel for action. It would not be that body which had already, in effect, formed some sort of opinion about the matter. It would be a Federal district court of the place where the alleged unfair employment practice took place.

At one time, it looked as though the Senate were going to accept that amendment, because then it did reconsider the vote by which the amendment failed of adoption. But then, on a second vote on the matter, by a vote of 48 to 46, it failed to agree to the amendment, if the memory of the junior Senator from Alabama is correct.

So the strong sentiment of just about an equal number of Senators is that the forum for settling and determining the rights of citizens shall be the Federal judiciary, starting at the courts closest home.

The Dominick amendment failed of adoption. The proponents of cease and desist by Commission fiat won that battle. It may have been a most expensive victory, because, if the junior Senator from Alabama correctly interprets the feelings and the determination of a large number of Senators, this bill may not—and he says "may not"—be forced to a vote in the Senate. That would be a tragic happening. In many respects, that would be a reaching out for more than the Snate is willin gto give, going further than public opinion would require.

For 7 years, the Commission has operated without the power of cease and desist. Why does it need that power now, in this fashion? Why will it not accept going into court to prove its charges? Why does it want to try its charges itself? That just depends on the thoughts, ideas, and concepts of due process and of our Anglo-Saxon system of jurisprudence. Why not be satisfied to go into Federal court and make out the charges? "Oh," they say, "the Federal courts are just clogged with work. That would make it very difficult to get a man's rights adjudged."

Mr. ERVIN. Mr. President, will the Senator yield at that point, without losing his right to the floor, so that I may call his attention to an editorial published in the New York Times of January 25, 1972?

Mr. ALLEN. I am delighted to yield for that purpose.

Mr. ERVIN. This editorial reads:

> Superficially, the cease-and-desist route holds out the promise of swifter action and more uniform administration of the law, but experience with N.L.R.B. hearing examiners suggests that they do not dispose of cases more rapidly than Federal district judges.

I should like to ask the Senator from Alabama if the record does not show that, notwithstanding the fact that the powers of the EEOC Commission are limited by present law to the investigation of charges and the making of charges—and I might add, in the absence of an amendment like the one of the Senator from Ohio, the prosecution of charges by those who made the accusatory charges—nevertheless, the Commission is some 18 months behind in its work.

Mr. ALLEN. Yes. I understand it is 18 to 24 months behind.

Mr. ERVIN. And if the committee bill passes, giving the Commission jurisdiction over 10 million employees of State and political subdivisions, and, in addition, giving jurisdiction over the activities of every little businessman in America who employs as many as eight persons, can we not look forward to a delay of 10, 15, or 20 years in the processing by the Commission of its work unless we multiply its employees to such an extent that they will be comparable to a plague of locusts who go abroad throughout this land and eat up the substance of the taxpayers?

Mr. ALLEN. Yes; that is correct. The Commission does not now have authority, under S. 2515, to take into the Federal service or to avail itself of the use of unpaid or voluntary workers, who would have to have prejudice or bias or they would not be volunteering their services.

Mr. ERVIN. Does not the Senator from Alabama share the belief of the Senator from North Carolina that the reason why the Congress denied the EEOC cease-and-desist power when it enacted title VI of the Civil Rights Act of 1964 was to divorce the investigatory and the prosecutory power from the power to make judicial decisions?

Mr. ALLEN. Yes.

Mr. ERVIN. Is the Senator from Alabama not familiar with the decision in the case of *Wong Yang Sung* v. *McGrath*, 339 United States 33, where the Supreme Court quoted with approval a report of the Attorney General's Committee on Administrative Procedure which declared:

> These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. But they are also avoidable and should be avoided by appropriate internal division of labor. For tne disqualifications produced by investigation or advocacy are personal psychological ones which result from engaging in those types of activity; and the problem is simply one of isolating those who engage in the activity. Creation of independent hearing commissioners insulated from all phases of a case other than hearing and deciding will, the Committee believes, go far toward solving this problem at the level of the initial hearing provided the proper safeguards are established to assure the insulation.

Is not the Senator from Alabama familiar with that decision?

Mr. ALLEN. Yes, I am.

Mr. ERVIN. I ask the Senator from Alabama if the committee bill does not leave the commission in such a situation that it has the power to investigate and also the power to try the validity of the charges which it may initiate.

Mr. ALLEN. Yes.

Mr. ERVIN. Was not that separation considered desirable by the Attorney General's committee, which was quoted by the Supreme Court with approval in the opinion from which I have just read?

Mr. ALLEN. Yes.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that the citation of that report is a strong indication that the members of the Supreme Court who participated in the McGrath decision may have believed that a situation permitting the same persons who exercise the investigating power and the power to prefer charges and the power to decide those charges, even though the individual who may have preferred the charges may be excluded from the trial process, is hardly consistent with the due process clause of the fifth amendment?

Mr. ALLEN. I certainly agree with the Senator from North Carolina.

Mr. ERVIN. Does not the Senator from Alabama believe that the members of an agency which is charged with the enforcement of a particular type of law and which is empowered to investigate alleged violations of the law and to charge violations of the law and to judge violations of the law necessarily have an interest in a decision which tends to support the charges which they or their fellow members may have filed?

Mr. ALLEN. Yes, it certainly seems that way to the junior Senator from Alabama.

Mr. ERVIN. Therefore, does not the Senator from Alabama agree that, under a setup like that, members of the agency, no matter how well intentioned they are to do justice, are under a psychological handicap which does not permit them to hold the scales of justice evenly?

Mr. ALLEN. I certainly agree.

Mr. ERVIN. Does the Senator agree that those people would certainly have a psychological tendency toward supporting the charges which they or their fellow members have filed?

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama recall that a few years ago the State of Michigan enacted a law which enabled a Michigan State judge to sit as a grand jury, and that under that law a Michigan judge charged that a certain individual who had appeared before him in court had been guilty of a contempt of his court, and that therefore that judge appointed himself a one-man grand jury to investigate the charge whether this individual had committed a contempt of court against the court, which was heard in that one-man grand jury, and the case went to the Supreme Court, which held that that act of the State of Michigan permitting the judge to act as a one-man grand jury under those circumstances violated the due-process clause of the 14th amendment, which was identical in meaning to the due-process clause of the fifth amendment?

Mr. ALLEN. Yes.

Mr. ERVIN. And does not the Senator from Alabama agree with the Senator from North Carolina that, if there is going to be a law providing for the adjudication of rights created by law, it is essential for that law and for law enforcement in general to be respected by the people of the United States, to make certain that the judging of the charges of violation of that law is done by a tribunal which is unbiased and impartial and which, to quote the words of Edmund Burke, is considered by "the cold impartiality of a neutral judge"?

Mr. ALLEN. Yes, it should be, and it is not under S. 2515, and would become that way under the amendment we have offered.

Mr. ERVIN. I would like to suggest to the Senator from Alabama, if I may do so without losing his right to the floor, that he insert in the RECORD as a part of his speech the editorial from the New York Times, from which I have quoted, which states in substance that the New York Times thinks that the best way to enforce the law is through the courts.

Mr. ALLEN. Mr. President, I make the request.

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

[From the New York Times, Jan. 25, 1972]

ENFORCING EQUALITY

It is more than seven years since Congress enacted a comprehensive Civil Rights Act

banning discriminatory practices in many fields including employment. But the latest job statistics show that the rate of unemployment is twice as high for Negroes as for whites. In part, this lag is attributable to the inferior education and deprivation which many blacks have suffered in the past. Unfortunately, however, it is also due to concealed racial bias on the part of some employers and some unions.

The Equal Employment Opportunity Commission established by the 1964 law lacks effective power to reach and overcome prejudice in the job market. If conciliation fails, it is up to the individual who filed the complaint to pursue the matter in the courts by suing the employer or the union. The Justice Department has the power to sue only if it can show that a pattern or consistent practice of discrimination exists.

The House last year passed a bill authorizing the commission to institute a suit in the courts at public expense on behalf of the individual. The issue is now before the Senate. A bipartisan coalition of liberals on the Senate Labor Committee has reported a different bill which would give the E.E.O.C., authority to issue a cease-and-desist order, the same authority which the National Labor Relations Board has in the area of collective bargaining. The bill would also transfer to the commission the power now lodged with the Justice Department to move against broad patterns of discriminations.

In the past, The Times has favored giving the commission this power to enforce its own findings. We are still convinced that such an arrangement would represent a vast improvement over the present ineffectual method. But a strong case can be made for the idea that effective, nonpartisan enforcement of the law may in the long run be more certain through reliance upon the courts than upon a politically appointed commission whose members change with each Administration.

Administrative agencies were given broad enforcement powers in the labor field because it used to be thought that the Federal judiciary had an antilabor bias. Whatever the truth of that estimate as applied to the courts in the 1930's, it is clearly untrue concerning their approach to racial discrimination today. Of the three branches of government, the judiciary has consistently been most vigilant and consistent in protecting minority rights in recent decades.

Superficially, the cease-and-desist route holds out the promise of swifter action and more uniform administration of the law, but experience with N.L.R.B. hearing examiners suggests that they do not dispose of cases more rapidly than Federal district judges. As for uniformity of interpretation, the harder issues will only be settled by appeal to the Supreme Court whether they originate in E.E.O.C., orders or in district court lawsuits.

A closely divided Senate will decide today whether to substitute the court approach for the cease-and-desist order. If the final Senate vote is for cease-and-desist orders, the question will go to a House-Senate conference. There is satisfaction at least in the knowledge that either version of the bill would bring about an improvement over the existing feeble arrangement.

Mr. ALLEN. Mr. President, I do not find myself too often in agreement with the New York Times, but this one I find highly enlightening.

Mr. ERVIN. The Senator from North Carolina will concede that sometimes the New York Times does seem to be right.

Mr. ALLEN. Yes, that is right, and in this case they did. I appreciate that.

I believe I was discussing the matter of the charge that the district courts might be too busy, their dockets might be clogged, and therefore there could not be a determination, a settlement, an adjudication of these disputes by requiring that the Commission go into the Federal district courts to prosecute these charges.

It so happens that there is only one Equal Employment Opportunity Commission, whereas there are 398 Federal district judges. So we have one Commission here in Washington, to have a final determination on charges and complaints, and they have built up a backlog already, without bringing in this extra work, of from 1½ to 2 years' workload.

They anticipate, I assume under the terms of the present law, 32,000 additional cases this year—that is, this fiscal year, to July 1, 1972—and they anticipate 45,000, again I assume under the existing law, in the next fiscal year.

If we are going to bring in 10 million State, county, city, and local agency employees, if we are going to bring in every teacher in the country, if we are going to bring in every employer who employs as many as eight persons, reducing that from the present 25, business is going to pick up at the EEOC.

Mr. WILLIAMS. Mr. President, will the Senator yield at that point?

Mr. ALLEN. I yield.

Mr. WILLIAMS. And also labor unions with eight members.

Mr. ALLEN. Yes, that is correct. Labor unions are governed by S. 2515. I appreciate the Senator's bringing that to my attention.

In that sense, however, I might say to the distinguished Senator from New Jersey, labor unions would be employers, I assume, to the extent that they employed people in their operations. So the word "employer" actually covers the labor unions. Labor unions can be employers as well as being representatives of their members. But be that as it may——

Mr. WILLIAMS. Well, I think there should be a little clarification on that. It is broader than the labor union as a wage-paying employer. This runs to membership, too.

Mr. ALLEN. Yes.

Mr. WILLIAMS. So it is broader than is indicated by the Senator.

Mr. ALLEN. Well, did the Senator think it would be necessary to put in a special provision for labor unions? Was that the theory?

Mr. WILLIAMS. No. In perfect equity, on the labor-management side, the present law applies to both businesses and labor unions, and as we amend that to broaden the coverage to smaller businesses, we also amend it to broaden it to smaller unions.

Mr. ALLEN. Yes.

Mr. WILLIAMS. But they are both in the present law.

Mr. ALLEN. Yes.

Mr. WILLIAMS. Unions and businesses.

Mr. ALLEN. Well, now, if they went beyond the role of employer——

Mr. WILLIAMS. As it is now, there is no change in that. It was just, I thought, a bit of a misstatement of the present law when the Senator was referring to unions only as employers.

Mr. ALLEN. Well, I did not refer to the unions. The Senator from New Jersey first mentioned them.

Mr. WILLIAMS. Yes, but in his reply to that, the Senator suggested that it was only the union as employer.

Mr. ALLEN. Well, why would it not be?

Mr. WILLIAMS. The law has a prohibition against discrimination against members.

Mr. ALLEN. Would the Senator say, then, that that would mean that a union could not discriminate in admitting to union membership certain individuals? Is that right?

Mr. WILLIAMS. Exactly. That is the whole point.

Mr. ALLEN. Would that, then, have the effect of requiring unions that are predominantly white unions, composed of white members, to open their membership ranks to all minority citizens?

Mr. WILLIAMS. Yes.

Mr. ALLEN. Yes. That is the purpose of the bill at that point?

Mr. WILLIAMS. Where there is discrimination, that is exactly correct.

Mr. ALLEN. Yes. Well, would the Senator feel that it would be discrimination if a labor union, by one method or another, prevented black persons, refused to allow them to have membership in the union?

Mr. WILLIAMS. Well, I am not going to sit as judge on hypotheticals. Every case depends on its facts. But that is exactly what we are trying to eliminate, exclusion or discrimination that is based on the various specified reasons that are listed in the bill.

Mr. ALLEN. A lot of the building trades unions, are they not composed largely of white citizens?

Mr. WILLIAMS. I would think that is accurate. But if they discriminate, they are running contrary to the law.

Mr. ALLEN. Well, now, how would they discriminate? John Jones, a black employee on a construction project, applies to a union for membership in the union, or a nonworker, a man who wants to get work, but a black citizen. Would he then, under this bill, be able to require the union to accept him into membership?

Mr. WILLIAMS. If he thought he was discriminated against, he could file a charge.

Mr. ALLEN. I guess he would be discriminated against if he was not admitted to union membership and given a job. That would seem to me to be discrimination. Is that the opinion of the Senator from New Jersey?

Mr. WILLIAMS. Well, again, this is the guts of the factual determination, whether he was discriminated against and kept out because he was black. If he was, that is contrary to the law.

Mr. ALLEN. The Senator would not have any doubt that that was discriminating against him because he was black, if he applied for membership in the union and was turned down? Would not the Senator feel that that individual was discriminated against?

Mr. WILLIAMS. If he was turned down for that reason, that is contrary to the law.

Mr. ALLEN. Well, suppose they used another reason, but that was the real reason.

Mr. WILLIAMS. That is what the process of complaint, full hearing, and

due process is all about. It is for him to have the opportunity to prove a case in support of a complaint that he was discriminated against because of his race.

Mr. ALLEN. Yes. I appreciate this enlightenment very much that the distinguished Senator from New Jersey has given on the subject.

Mr. WILLIAMS. Well, I do not know if it was enlightenment. All of this speaks for itself, really. But it is interesting.

Mr. ALLEN. Yes; it has enlightened me. I say that in all fairness, and I appreciate the enlightenment. I thank the Senator.

Mr. WILLIAMS. I appreciate the opportunity of enlightening the Senator from Alabama.

Mr. President, will the Senator yield for a question?

Mr. ALLEN. For further enlightenment?

Mr. WILLIAMS. No. This is to enlighten me.

Mr. ALLEN. I yield for that purpose.

Mr. WILLIAMS. The Senator has offered the House bill as a substitute.

Mr. ALLEN. In effect, yes—the language of the House bill.

Mr. WILLIAMS. I ask the Senator whether the substitute he has offered would cover labor unions as the bill does and as we just described it. Would labor unions with eight members or more be covered under the substitute offered by the Senator from Alabama?

Mr. ALLEN. I will say to the Senator that I am sure he knows the answer to that question, because he is the chairman of the committee to which the bill was referred, and the committee has put out a report on the bill consisting of four lines. I am sure that he read the bill at that time, or he would not have reported the bill. It is the very same provision of the House bill which the Senator studied in the committee.

Mr. WILLIAMS. This is the report to accompany H.R. 1746, in which the committee says:

> The Committee on Labor and Public Welfare, to which was referred that bill, reports thereon without recommendation.

As chairman of the committee, I joined the committee, without recommendation. But now the Senator from Alabama is recommending that bill to us, and that is why I want to know at this point whether labor unions down to eight members are covered.

Mr. ALLEN. I am not sure whether or not the bill provides that, and I was hoping that the Senator, inasmuch as he had studied it at the time the bill was considered by his committee—and extensive hearings were held on these bills—could further enlighten the Senator from Alabama.

Mr. WILLIAMS. I am not recommending the House-passed bill. I am recommending the Senate reported bill, and in that we extend coverage to unions with eight members.

I am advised that the House bill does not reach discrimination with respect to men who want to be in a union where there are only eight members.

Mr. ALLEN. It would cover the union as an employer of persons, would it not?

Mr. WILLIAMS. Again, under present law, not the smaller ones. There have to to be 25 or more employees.

Mr. ALLEN. I understand. But this bill would still apply, or the law would still apply, to labor unions as employers, would it not?

Mr. WILLIAMS. Oh, yes.

Mr. ALLEN. It does not go into the matter of who can and who cannot join a union—the language of the House bill. Is that right?

Mr. WILLIAMS. The House bill does not change the present law. Under the present law, there cannot be discrimination in a union of the size of 25 members or more. We want to reach more working people in unions as well as on the job.

Mr. ALLEN. There are many particulars in which the House bill did not cover the same ground as did the Senate bill. For example, it does not put the State, county, and city employees under the provisions of EEOC, as does the committee bill espoused by the distinguished Senator from New Jersey.

Mr. WILLIAMS. That is one of the greatest oversights of the House bill.

Mr. ALLEN. It does not cover teachers.

Mr. WILLIAMS. Another grave oversight. Of all the people who should be entitled to the protection of law and equality, it is the teachers of our young people.

Mr. ALLEN. The Senator does not seem to realize that in Alabama and in the South, the Federal district courts already, in effect, control the hiring and firing of teachers there—it is already controlled by one agency—and the placement of pupils.

I was going to go on and point out, on the matter of the overclogging of the dockets of the district courts, that whereas a large number of integration cases are pending in the district courts of Alabama and the South, very few such suits are pending in areas outside the South. So there would be plenty of time for these 398 Federal district judges to pass on some of these charges of unfair employment practices.

So it occurs to the junior Senator from Alabama that that is in the field in which the House bill seeks to act—that is, arming the Commission with the power to obtain enforcement of their efforts to eliminate particular instances of unfair employment practices. That is what the House bill seeks to do. It does give to the Commission power that it does not now have. It does not take any power away from the Commission. All it does is add to it. It finds the Commission, after 7 years, with no enforcement authority; and it gives it the authority to move into the Federal court and obtain Federal decisions and the long arm of the Federal Government, the Federal judiciary, to seek to eliminate unfair employment practices throughout the country.

Also, if a final determination is to be made on a charge of unfair employment practice, it occurs to the junior Senator from Alabama that it would be much more equitable to all concerned to have that matter tried in the area where the alleged unfair employment practice took place, rather than to have the matter finally adjudicated by a fi e-man Commission in the city of Washington. They already have a 2-year backlog. They do not need more coverage. They need to get rid of some of the backlog they have or, under the provisions of the House bill which we are seeking to substitute, have these matters decided in the Federal district court.

It would seem to the junior Senator from Alabama that the Commission would welcome this opportunity to obtain this additional power, that it would accept this additional power to better enable it to provide for equal employment opportunities throughout the country.

Mr. President, yesterday, an amendment was debated on the floor as to the ability or the power of the Commission to avail itself of the use of voluntary and uncompensated employees, and the Senate decided that it was going to continue this power in the hands of the Commission, so that it could avail itself of the use of volunteer workers who would be taken off the street and sent out over the country in connection with alleged unfair employment practices. Possibly, that is the way they are going to get rid of this tremendous backlog of cases—through the use of these voluntary employees.

Mr. President, it is one thing to introduce a bill with all these ramifications: We are going to bring in State, county, and city employees; we are going to bring in employees of all State agencies, all governmental agencies at the local level. We have a special provision for Federal employees. We are going to bring in all teachers throughout the country. It is estimated that over 10 million employees of local governments—and there is no telling how many hundreds of thousands of teachers—are being covered for the first time.

Now, Mr. President, one of the easiest ways for an institution of higher learning, or any public school for that matter, to lose its accreditation—and that is most important to young men and young ladies who are in school, it is most important to the school itself, the faculty, and all who are connected with it—it is important to the State in which an educational institution is located, that it be accredited.

One of the easiest ways for a school to lose its accreditation is to have its affairs always embroiled with governmental agencies. If the Governor of a State interferes with an institution so that politics becomes the word of the day rather than excellence in education, we will find that institution very quickly will lose its accredation.

Academic freedom is something we hear about quite often—pleas that we have academic freedom in our institutions of higher learning, not to interfere with the professor's right to express his opinion, not to interfere with his right to have a different opinion from our own. We have freedom of expression, freedom of thought, and freedom of association. But if we turn over to the EEOC the matter of determining the employment practices and promotion practices in our institutions of higher learning, and have a big wrangle over the school's right to employ the members of the faculty that

they want, we will soon have that college or that institution without any academic freedom and without any accreditation.

The amendment which the Senator from North Carolina and I have offered would not extend the power and authority of the EEOC over educational institutions. It would not extend their power over State and local governments. It would not have in it the power to employ voluntary and uncompensated employees who, of necessity, would have some interest in the work of the Commission that they were doing or they would not come in and apply to do that work. Someone would have to be paying them. Very few of them would work without compensation. Some group, some foundation, or some person with an ulterior motive, prejudice, or bias, of necessity would have to be paying these volunteer workers who, if they felt that some organizations or businesses throughout the country, small employers throughout the country, were not giving equal employment opportunities to minority groups, or to women, can volunteer their services to the Commission and the Commission could avail itself of their services and send them out throughout the country, arming them with the power of Federal authority.

Would they be Federal employees? They would be doing the work of Federal employees. As was brought out yesterday, right now the EEOC has 1,000 employees. It is suggested by the manager of the bill that in the next couple of years that will go up to 2,000.

Under the provisions of the bill we are seeking to amend, if we leave out all this additional authority, the Commission could employ 5,000 or it could arrange for the services of 5,000 people.

Well now, Congress has the power to set the limit on the activities and the scope of the work of any of its agencies.

Mr. GAMBRELL. Mr. President, will the Senator from Alabama yield for a question?

The PRESIDING OFFICER (Mr. CHILES). Does the Senator from Alabama yield to the Senator from Georgia?

Mr. ALLEN. I am happy to yield to the Senator from Georgia for a question.

Mr. GAMBRELL. I should like to ask the junior Senator from Alabama if I understand correctly the purpose of the amendment, or one of the primary purposes of the amendment which he is offering, that it is to substitute the court enforcement procedure recommended by the House of Representatives in its version of the bill for the cease-and-desist Commission enforcement procedure as recommended by the Senate committee on this subject.

Mr. ALLEN. That is correct.

Mr. GAMBRELL. That was my understanding.

If I may ask another question of the Senator from Alabama with reference to the New York Times editorial of January 25, 1972, which was printed in the RECORD a short while back by the Senator from Alabama, I should like to ask if it is not consistent with the Senator's approach to this matter which, I might say, I share, that is, favoring court enforcement procedures. Is it not also consistent with that philosophy in the statement made in the New York Times editorial, to this effect:

> But a strong case can be made for the idea that effective, nonpartisan enforcement of the law may in the long run be more certain through reliance upon the courts than upon a politically appointed commission whose members change with each Administration.
>
> Administrative agencies were given broad enforcement powers in the labor field because it used to be thought that the Federal judiciary had an antilabor bias. Whatever the truth of that estimate as applied to the courts in the 1930's, it is clearly untrue concerning their approach to racial discrimination today. Of the three branches of government, the judiciary has consistently been most vigilant and consistent in protecting minority rights in recent decades.

Mr. ALLEN. Yes, sir; that is correct.

Mr. GAMBRELL. I ask the Senator from Alabama if he would not agree that the New York Times editorial in that respect has concisely expressed the reason for supporting the court enforcement approach and that, in fact, what the Senate committee bill undertakes to do does violence to the separation of powers of our Government and, in particular, in instances where the courts have shown vigorous and, in fact, in some cases, overvigorous and overzealous efforts to pursue the protection of minority rights.

Mr. ALLEN. Mr. President, I certainly agree with the junior Senator from Georgia (Mr. GAMBRELL). He is making an important contribution to the case for the use of the language in the House bill instead of this broad, scatter-shot approach of the committee substitute.

Mr. President, I appreciate the remarks of the distinguished Senator from Georgia on this subject. He very ably points out that the Federal judiciary, more than either of the other branches of the Government, has shown a concern for the civil rights of our people. He points out that placing executive and judicial functions in one department or in one agency of the Government would do violence to the doctrine of separation of powers. Certainly under the committee substitute to S. 2515, the Commission is judge, jury, and prosecutor.

Mr. President, an amendment was agreed to by the Senate a day or so ago that was supposed to have taken out from the bill the prosecutor role for the Commission. They set up what they called an independent General Counsel. He will be independent of the Commission, and therefore the Commission would not have the role of prosecutor, judge, and jury combined in one department.

It was provided under the amendment—and it is part of the substitute as amended—that under the provisions of that amendment, the President appoints a General Counsel. Well, to show his independence then, I assume that he would have a right to appoint his regional attorneys all over the country, because I assume that the Commission is going to operate all over the country. It is doing that now and has been for the last 7 years. But we assume that since it is an independent General Counsel, he would have the right to name his regional attorneys throughout the country. That is not so at all. Before he appoints anyone under him, he has to have the concurrence of the Commission.

That seems passing strange to me if they are going to be independent. When it comes to appointing them, the general counsel will have to go to the Commission. To show his independence, the first time he tries to appoint somebody under him, he has to come in and ask the Chairman of the Commission, "Will you join with me in appointing John Jones as regional attorney for the Commission?"

The Commission says, "No, I will not do that. I do not like him. He is not zealous enough. I can't do that."

He then has to come up with another name. All of that is allowed under the bill as it exists now, the committee substitute which we are seeking to amend. So what is the position? Well, we had a colloquy on the floor, and I was asking one of the authors of the amendment about it.

Under the substitute as it exists now, in regard to the assertion that the commission is judge, jury, and prosecutor, what is the procedure? A man comes in to a representative of the Commission and reports that he feels he was denied a job. Or, a woman comes in and says that she was denied a job because she was a woman. A man comes in and says that he was denied employment, that, although there was a job there, he was denied employment because he was a member of the minority.

The Commission receives the complaint, starts a file on it, I assume, investigates it, and if it feels that a case of discrimination exists, the charge or complaint is turned over to the independent general counsel, so-called.

Then he files charges in such cases as are referred to him by the Commission. Then this independent general counsel—and I doubt if independent counsel is going to do too much of it himself, because he will be working with these attorneys and through the attorneys appointed by him with the concurrence of the Commission—will file charges with the Commission. Then the Commission sits in judgment on these charges and renders its decision.

It is stipulated in the present law that the Commission, if it finds that an unfair labor practice has been engaged in, will try to compromise or conciliate the matter.

That is fine. I think that is splendid. That is wonderful if there is a blatant case of discrimination and that can be pointed out to the employer. Whether he agrees with it or not, if he feels that the best way out of the matter is to compromise it or settle it or conciliate it, then that is done. And that much of it is fine. But if we go on and turn the complaint or grievance over to the general counsel for the filing of a charge, once they make their finding, they have no way to enforce it under the present law.

I am inclined to the opinion that this agency should be more than just a conciliation agency and that it should have some way to carry through on its findings, if they are properly arrived at; and that brings on the amendment.

I feel that some enforcement procedure should be established, and that is the reason for the amendment that has been submitted. It does provide a method by which the charge of unfair labor practice is brought before a court for the taking of testimony and for a determination of the issues. Then there is a decree by a Federal court. That will demand and command much more respect than an order of the EEOC, arrived at through the performance of its threefold function—prosecutor, judge, and jury.

Why should not the judiciary perform judicial functions? Why should not the Commission exercise its investigatory powers? Why should not the Commission investigate? Why should it not rereceive complaints, and let it prosecute? Let it perform those two functions. Let it receive complaints, and let it prosecute the complaints, but prosecute them in a Federal court, before one of the 398 Federal district judges. Do not let the Commission make a judicial finding. The present law allows the Commission to investigate, to judge, to define, and to seek to conciliate. But it does not give the Commission any enforcement powers.

The Commission can go in one of two ways. The committee bill would permit the Commission to investigate and prosecute the matter and to issue a cease-and-desist order. It would have the power of the Federal Government assigned to it, and that must be appealed to the court of appeals before it will be enforceable as the law or the mind of the Federal Government.

Mr. ERVIN. Mr. President, will the Senator yield at that point?

Mr. ALLEN. Yes, I am happy to yield to the Senator from North Carolina.

Mr. ERVIN. The U.S. court of appeals is the Federal appellate court having jurisdiction between the U.S. district court and the Supreme Court. Its jurisdiction covers a vast territory comprising many States, does it not?

Mr. ALLEN. Yes, that is correct.

Mr. ERVIN. The territory of one U.S. court of appeals—I think it is the fifth circuit—starts on the Atlantic coast and runs out through the State of Texas—all that distance.

Mr. ALLEN. I am sorry to say that it covers Alabama, also.

Mr. ERVIN. Yes, it does cover Alabama. I can understand why the Senator from Alabama expresses his opinion about the circuit court of appeals for that circuit.

Does not the Bill of Rights provide that before a man can be tried for a Federal crime, the case must be tried in a district court close to the city in which the man lives?

Mr. ALLEN. Yes.

Mr. ERVIN. Under the bill, an employer of eight men, a man who has invested his meager resources in his business, can be taken all the way from the coast of Georgia or the Everglades of Florida clear over to Texas to have his day in court.

Mr. ALLEN. Yes; and the trial would be on a record; it would not be a trial de novo.

Mr. ERVIN. Can the Senator from Alabama explain to the Senator from North Carolina why, when we have a Bill of Rights, for which we have so much veneration, a Bill of Rights which provides that a person charged with crime shall have a reasonable opportunity to present his case, the proponents want to drag a poor little businessman half way across the continent to a strange court, in a strange city, to defend his human right to employ persons to make his little business a success rather than a failure?

Mr. ALLEN. It is a bad departure from the concept of our Founding Fathers. It is a return to despotism, from which our Founding Fathers sought to extricate themselves when they separated from the mother country and the tyranny of King George III.

Mr. ERVIN. If there is to be a judicial trial, then the trial should be held in court, if the bill is intended to provide justice.

Mr. ALLEN. Yes.

Mr. ERVIN. The trial should occur in the district near the city where the business involved is located, should it not?

Mr. ALLEN. That is only fair. More facts can be obtained from both sides—the employer and the employee—in that way. Take the case of an employee who is supposedly discriminated against. He certainly would benefit by being able to have the case tried on his home ground, among his peers.

Mr. ERVIN. The case should be tried by witnesses who can come in person, not tried on a record.

Mr. ALLEN. Yes.

Mr. ERVIN. Does the Senator from Alabama agree with the Senator from North Carolina that if we reduced to cold writing, in the form of a record, the testimony of a man as truthful as George Washington is reputed to have been, and the testimony of as big a liar as Ananias was said to be, we could not tell the difference between the two?

Mr. ALLEN. In cold print, they would look very much alike.

Mr. ERVIN. Does the Senator from Alabama recognize that if truth is to be developed by the testimony of witnesses, the body which is to determine what the truth is should have the right to observe the conduct and demeanor of witnesses while they are testifying?

Mr. ALLEN. Yes; even a criminal has a right to be confronted in person by his accusers, not by persons who have testified somewhere else.

Mr. ERVIN. Does not the Senator from Alabama agree with the Senator from North Carolina that it makes a mockery of justice to require that a court hearing be held on a printed record, in the absence of witnesses, and before a tribunal which may be located hundreds and hundreds and hundreds of miles away from the place where the business is located?

Mr. ALLEN. Yes; that is mockery and a travesty of justice.

I thank the distinguished Senator from North Carolina for his sage comments. I know that he has not said all that he wants to say on this subject. For that reason, I yield to the distinguished Senator from North Carolina, who has other remarks to make with regard to the bill and the amendment.

Mr. ERVIN. Mr. President, I advocate the adoption of the amendment in the nature of a substitute offered by the distinguished Senator from Alabama in his own behalf and in my behalf.

I should like to point out that the substitute bill, which is in identical form to that passed by the House of Representatives, makes a very substantial change in the method of enforcing title VII of the Civil Rights Act of 1964. As I construe title VII of the Civil Rights Act of 1964, the aggrieved party—that is, the party who complained that he had been discriminated against on the grounds of race or religion or national origin or sex—would have to bring the action in the district court in his own behalf to obtain a remedy for the discrimination.

The substitute, which is identical with the House-passed bill, has substantially different provisions on this point. It still preserves the right of the party aggrieved to bring a suit in the district court for relief against the discrimination allegedly practiced against him, but it contains these additional provisions, and I read from page 4 of the substitute:

"(e) 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), 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 . . .

Mind you, Mr. President, the Commission brings the action in the district court at the expense of the taxpayers, because it is a public agency, supported with tax funds, whereas the poor little businessman, with as few as eight employees under the Senate bill, or even under the substitute, would have to bear the entire expense of defending against the charges of the Commission in the district court.

Then the substitute further provides, on page 6:

"(h) If the court finds that the respondent has intentionally engaged in or is intentionally 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 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).

And here the Commission is given full authority, under the substitute, to sue in the Federal district court, at the expense of the taxpayers, to obtain relief for the aggrieved party, and the right of the aggrieved party, as defined under the Civil Rights Act of 1964, is still retained in full force.

The substitute, which has already passed the House, also contains these further provisions, and I read from the top of page 6:

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 and the court having jurisdiction over such action shall have the authority to grant such temporary or preliminary relief as it deems just and proper:

Provided, That no temporary restraining order or other preliminary or temporary relief shall be issued absent a showing that substantial and irreparable injury to the aggrieved party will be unavoidable.

The last proviso is merely a statement of the rule of equity which ordinarily exists in any suit brought for a temporary restraining order or a temporary injunction, and is a very just and time-honored principle of equity.

The constitution of my State of North Carolina contains a statement of undeniable truth. It says that a frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

I should like to direct the attention of the Senate to the Preamble to the Constitution of the United States of America. I read the Preamble:

We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

The Preamble to the Constitution states that the people established and ordained that instrument for the following purposes: First, to form a more perfect Union; second, to establish justice; third, to insure domestic tranquility; fourth, to provide for the common defense; fifth, to promote the general welfare; and sixth, to secure the blessings of liberty to ourselves and our posterity.

I assert, without fear of successful contradiction, that the bill reported by the Senate committee and now pending before the Senate is utterly repugnant in a number of respects to the objectives which the people of the United States had in mind when they ordained and established the Constitution of the United States. From what has been said, the committee bill is incompatible with the objective of the people of the United States to ordain and establish a Constitution to form a more perfect Union.

The Constitution of the United States was drawn to create the United States of America, not to create one centralized, united state. I shall elaborate in detail at a subsequent time why this bill is incompatible with the objective of the Founding Fathers to form a more perfect union of 13 colonies and the States subsequently admitted to the United States of America.

Here we have a Federal agency, which has headquarters in the city of Washington, given power under the committee bill to dictate to every one of the 50 States in the United States, to every county within those 50 States, to every city and town within the borders of those 50 States, to every school board operating within the boundaries of those 50 States, to every educational institution, in addition to the public schools, which undertakes to afford education even at the higher levels, whom they must hire, whom they must promote, and whom they cannot discharge.

If Congress should give such concentrated and dictatorial powers to a Federal agency over all the States of America, over all the political subdivisions of all the States of America, and over the employment practices of every person within the borders of these 50 States who invests his talents or his resources in an enterprise which employs as many as eight or more persons, Congress would do more to destroy than to improve the perfect Union which the people of the United States drafted and ratified the Constitution to ordain and establish.

The committee bill is also utterly repugnant to the objective of the American people expressed in the Preamble to the Constitution to establish justice. The bill is cleverly contrived to make it virtually impossible to achieve justice in the employment area which is committed to the jurisdiction of the EEOC by the Senate committee bill. I say this for a number of reasons.

In the first place, the Senate committee bill is inconsistent with the ancient principle of the common law that no man can be a judge in his own case. The common law decreed that no man could be a judge of a case in which he has an interest in the outcome of the case. The Senate bill clearly would set up a politically appointed commission, which changes as the national administration changes, composed of men who are responsible to nobody on earth for their official actions, men who are not elected by the people to exercise any governmental function whatever, and who are not answerable to the people in any respect whatsoever; and this provision of the Senate committee bill is not only inconsistent with the purpose of the people who drafted and ratified the Constitution to establish justice, but it is also contrary to the principle of the Declaration of Independence that all just power is derived from the consent of the governed.

Another reason that the Senate committee bill is repugnant to the objectives of the people of the United States who drafted and ratified the Constitution to establish justice is that it concentrates in this agency the duty to enforce a specific law, and thereby gives them the same interest in the enforcement of the law that field prohibition agents had in the enforcement of the Volstead Act, and which the Alcohol Board employees had in the enforcement of our revenue laws. It gives this board the same interest in the enforcement of the law prohibiting discrimination that the Internal Revenue Service has in the act of Congress which provides for the levying and the collection of revenues. Yet nobody could be so presumptuous as to say that the Internal Revenue Service should have the power to make judicial determination in respect of controversies between the Internal Revenue Service and a taxpayer with respect to the validity of the amount of a tax.

It is incompatible with any fair system of justice to vest the power to judge whether violations of law have been committed in the people who are empowered to charge violations of such law, and to judge whether such violations have occurred.

The Supreme Court of the United States declared in the McGrath case, reported in 339 U.S., commencing at page 339, that the function of being a prosecutor and a judge—uniting those functions in one agency or one individual—is indefensible; and they struck down the regulations of the Immigration Service which had so united these two inconsistent and repugnant functions in agents of the Immigration Service.

The proponents of this bill will assert that they have divorced the function of a prosecutor from that of a judge by the milquetoast amendment offered by the distinguished Senator from New York (Mr. JAVITS) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER). This amendment undertakes to create the office of general counsel and undertakes, in a rather specious way, to declare that the general counsel shall be independent of the EEOC. But the same paragraph which engages in this unattained objective makes the general counsel dependent upon the consent of the Commission in respect to the appointment of the regional counsel who are to act on behalf of the supposedly independent general counsel in the various regions of the United States.

So I assert, without fear of successful contradiction, that notwithstanding the good motives which actuated these distinguished Senators to offer this amendment to the committee bill, this amendment, in its ultimate analysis, merely represents the symbol of an homage which unrighteousness pays to righteousness.

I have elaborated upon some of the provisions of the Senate-passed bill which I say are absolutely inconsistent with the purpose expressed in the preamble to the Constitution to establish justice. Let me elaborate a little more on this aspect of the bill.

After charges have been filed with the commission, and after the charges have been investigated by the commission or some of its members or some of its agents, members of the commission can prefer charges, based upon their investigation, in which they charge that the respondent has discriminated against some person in employment on the basis of his race or his national origin or his religion or his sex.

It is the commission which sets in motion the action of the supposedly independent general counsel; and when the general counsel, after being so set in motion by the commission, prosecutes the case, he has to prosecute it before the members of the commission, who sit as a jury and as a judge—I might add that, under the terms of the Senate bill, they also sit as executioners—of the poor, little businessman who is haled before them by the might of the United States of America and who has to defend himself against the charges investigated, preferred, and judged by the same agency which investigated and preferred the charges.

With all due respect to the proponents of the bill, I would have to submit that, in my judgment, a respondent's chances to obtain a fair trial and a just judgment under these circumstances are about on a par with the chances of a snowball to exist throughout the month of August in the hottest spot in hell.

So I say that this bill commits what I consider—and rightly consider—the

greatest affront which can be committed against justice, and that is that it prostitutes the judicial process in order to make as certain as possible that only one side of a proceeding instituted before the commission can have any reasonable opportunity to win a favorable decision.

To be sure, the Senate committee bill provides that after the members of the commission or their agents have preferred charges against the respondent and have investigated those charges and have ruled as judges on those charges, the respondent can take an appeal to the Court for redress.

I will proceed further on this in a moment. Before doing so, however, I invite the attention of the Senate again to what the Supreme Court said in the McGrath case, by way of quotation from the report of a committee appointed by the Attorney General of the United States to consider the abominable practice in certain executive departments and agencies of concentrating the investigatory power, the prosecuting power, and the judging power in one individual or one agency.

I read from page 44 of the McGrath decision. It is a quotation from the report of the Attorney General's Committee on Administrative Procedure which the court cited with approval:

> These types of commingling of functions of investigation or advocacy with the function of deciding are thus plainly undesirable. But they are also avoidable and should be avoided by appropriate internal division of labor. For the disqualifications produced by investigation or advocacy are personal psychological ones which result from engaging in those types of activity; and the problem is simply one of isolating those who engage in the activity. Creation of independent hearing commissioners insulated from all phases of a case other than hearing and deciding will, the Committee believes, go far toward solving this problem at the level of the initial hearing provided the proper safeguards are established to assure the insulation.

Now the Senate committee bill leaves the investigating function and the judging function to the members of the commission. To be sure, it states, in effect, that a member of the commission or an agent of the commission who has investigated a matter and made charges shall not sit on the trial of those charges, but that provision does not get away from the evil which the Attorney General's Committee on Administrative Practices pointed out. It still leaves each member of the commission and each agent of the Commission with investigatory powers in some cases and with judicial powers in other cases. The Supreme Court, by citing this statement of the Attorney General's Committee on Administrative Procedures and Practices, has stated that that is not sufficient, that we have to separate the hearing power—not the person that does the hearing—but the hearing power rather than the investigatory power and the adjudicatory power from each other, and that the evil of such a system is not removed by merely allowing the members of the commission to judge cases which some of them have investigated, and to hear the charges which some of them have made, merely precluding those who exercise the adjudicatory power, rather, on a particular occasion, from exercising the investigatory and charging power on other occasions.

When people desire to accomplish an objective which they fear cannot be accomplished by fair methods, they adopt procedures which are inconsistent with fairness but which at the same time give a little appearance of some remote relationship to fairness.

So the Senate bill says that after the biased commission and its agents who are charged with the duty of enforcing the law have investigated charges and have preferred charges and have rendered decisions adverse to the respondent on the charges which the commission or some of its members have preferred against him, that respondent can apply to the circuit court for some pretended relief.

I pointed out a moment ago, in colloquy with the distinguished Senator from Alabama, that when the provisions of the Constitution were written to govern the places where criminal trials were to be had in Federal court, the sixth amendment declared:

> In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial judge of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

That amendment sets forth the places where those who drafted and ratified the Constitution thought that criminal charges should be tried and determined. They said it had to be in the district in which the trial was alleged to have been committed. Yet, under the Senate committee bill, the review of the decisions of the commission on the charges investigated by it, preferred by it, and judged by it, must be in a circuit court. Some of the circuit courts sit at points hundreds of miles away from the place where the alleged unfair or discriminatory practice occurred. That is bad enough. In my judgment, the old adage, "All seasons for justice and in every place a temple," would require as a matter of fair play that a man be given a trial, or the right of review from an adverse judgment of the commission in a court which sits somewhere in the neighborhood of where he resides or where his alleged illegal act occurred. So that these provisions, giving jurisdiction to the circuit courts, are an affront to any fair system of justice which contemplates, as the sixth amendment does, that a man shall be tried somewhere in the locality where the crime is being investigated a reviewed and obviously somewhere in the locality where he resides. But the attempt of this bill to frustrate the purpose of the men and women who drafted the Constitution to establish justice does not stop there.

I invite the attention of the Senate to certain provisions on pages 42, 43, 44, and 45 of the Senate committee bill, that provide that an employer has been condemned for alleged discriminatory practices in employment by the EEOC on charges investigated and made by the EEOC and if he goes to a distant court of appeals seeking relief from a judgment that the law ought not to have ever permitted to have been made—that is, a judgment by biased, willful judges—he finds that he cannot get any relief whatever if there is more than a scintilla of evidence tending to support the conclusion of a biased commission.

Page 42 of the Senate committee bill, in lines 16, 17, 18, and 19 read:

> The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

Page 43 of the bill has a similar provision with respect to the burden of evidence where the commission hears additional evidence and modifies its original findings. It states on page 43, beginning with line 1 and ending with line 6:

> The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, . . .

Mr. President, I charge that those provisions are placed in the bill to disable the court from reversing the finds of fact in decisions of the commission even in cases where the court finds that the findings of the commission are repugnant to the greater weight or preponderance of the evidence. To be sure, some similar provisions with respect to the version of the evidence can be found in some of the laws enacted by Congress at the instance of regulatory bodies. But I submit that the fact that iniquitous legislation had been enacted by Congress in times past is no justification for enacting new iniquitous legislation, as Congress would do if it should pass the Senate committee bill.

To argue that because iniquitous legislation appears in other areas where regulatory bodies wish to compel courts to affirm their rulings have much that may be repugnant to the preponderance of the evidence or its greater weight is no justification for doing so here.

We might as well argue that we can argue with equal intelligence that because murder and stealing have occurred in times past, we ought to declare that murder is meritorious and larceny is legal.

In reference to reviewing the other circumstances by the courts, it is stated on page 44 of the Senate bill that:

> The findings of the commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive.

On page 45 we find this additional provision with respect to these other cases under review:

> The commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive . . .

These are provisions which are designed to bar a court which reviews the findings and judgments of the EEOC to discover what is true with respect to such findings. They are designed to make the court accept as conclusive 1, 2, 3, 4, or 5 percent of the evidence in the case

even though 95 percent of the other evidence shows that the findings of the commission are untrue.

I submit here that if the substitute amendment offered by the distinguished junior Senator from Alabama and myself is not agreed to by the Senate, I shall offer an amendment to the Senate bill which would strike out these clauses I have read concerning substantial evidence being conclusive and would provide that where a court reviews the findings and judgment of the Commission, the court shall be at liberty to disregard the findings of fact of the Commission if it concludes that those findings of fact are not supported by the preponderance of the evidence.

I could cite multitudes of cases on this point, but it is the case of Se-Ling *Hosiery Company, Inc.* v. *Margulies,* 364 Pennsylvania 45, 70 Atlantic 2d 854, which says that:

> Proof by a preponderance of evidence is the lowest degree of evidence recognized in the administration of justice, and that the evidence which the burdened party offers does not become proof unless it preponderates in evidentiary weight against the opposing evidence.

In other words, the court there declares what is recognized as the rule in all civil cases in the United States—that the prevailing party—that is, the party who makes the charges—must establish that charge by a preponderance of evidence; and that he fails to establish the charge unless the evidence he offers preponderates in evidentiary weight against the opposing evidence. This is a far different requirement from the provisions of the bill, which burdens the courts in their research for proof when a respondent seeks review from the findings of fact and judgment entered by the Commission on charges investigated and preferred by the Commission itself.

What is proof by a preponderance of evidence?

> Proof by a preponderance of evidence means that the jury must believe that the facts asserted are more probably true than false. Preponderance of evidence is a phrase which, in the last analysis, means probability of the truth.

The first of this quotation was from the Oregon case of *Cook* v. *Michael,* 214 Oregon 513, 330 Pacific 2d 1026, 1032. The second was from a Kentucky Federal court case, *Asher* v. *Fox,* 424 Federal 2d, 727, 729.

Then, in the case of *Marcantal* v. *Aetna Casualty and Surety Company,* a Louisiana case reported in 219 Southern 2d, 180, at page 183, we have this definition of "preponderance of evidence."

> By a preponderance of evidence is meant simply, evidence which is of greater weight, or more convincing, than that which is offered in opposition to it; that is, evidence which, as a whole, shows the fact or causation sought to be proved is more probable than not.

I could multiply the quotations of what is meant by "preponderance of evidence" scores and scores—yes, hundreds—of times. Let us see what "substantial evidence" is.

In the case of *Kelly* v. *Celebreze,* 420 Federal 2d, page 614, we read:

> Substantial evidence is more than a scintilla but less than a preponderance.

In the case of *Carpenter* v. *Flemming,* 178 Federal Supplement 791, page 793, a Federal court sitting in West Virginia declared:

> Under a statute providing for final decision of a social security disability, claim must be accepted as conclusive if there is substantial evidence to support. Substantial evidence is more than a scintilla but less than a preponderance.

I could cite scores and scores of cases to the effect that substantial evidence is merely evidence which is not entirely imaginary or which is more than a scintilla but is less than a greater weight or preponderance of the evidence.

Some courts define "substantial evidence" as evidence which is merely sufficient to carry a case to a jury and resist a nonsuit. Under that ruling, if 5 percent of the evidence is to one effect, and 95 percent of the evidence tends to show that that effect is not true, then there is a substantial degree of evidence.

So everything in the procedures which the Senate bill is designed to authorize for the avowed purpose, the professed purpose, the plain purpose of doing justice is repugnant to every sound rule devised by the experience of the English-speaking race to secure justice and reveal truth.

The Senate-passed bill is repugnant to the purpose declared in the Preamble of the Constitution, "to form a more perfect union," and the purpose, also declared in the Preamble of the Constitution, "to establish justice." It simply rapes and ravishes the provision of the assertion in the Preamble of the Constitution that "the people of the United States ordain and establish this Constitution for the United States" and to "secure the blessings of liberty to ourselves and our posterity."

I have had the privilege of serving in three legislative bodies: namely, the legislature of North Carolina, the House of Representatives of the United States for a brief period, and the Senate of the United States for 17 years.

I assert, without fear of contradiction, that this bill does more to destroy the freedom of the American people than any legislative proposal which ever came before any of those three legislative bodies while I was privileged to be a member of them.

I say the entire foundation underlying this bill is unsound. The bill does not make illegal the hiring of any person by any employer as such. Under the terms of this bill and under the terms of every other principle of law, the hiring of one man by another to perform services for an employer is a perfectly legal external act. Under the law a man can hire anybody he pleases, and under this bill he can hire anybody he pleases, as long as he does not have some intent down in the innermost recesses of his mind that accompanies that act.

I have a right, if I am an employer, even under the Senate bill, to hire anybody I please as long as I am not moved to hire him because of his race or because of his religion or because of his national origin or because of his sex. It is only the intent or the motive which accompanies the hiring which makes the hiring illegal under this bill and under the original title VII of the Civil Rights Act of 1964.

Mr. President, I respectfully submit that there is nothing iniquitous in a free American preferring to hire a man of one race rather than a man of another race, or preferring to hire a man of one religion rather than a man of another religion, or preferring to hire a man of one national origin rather than a man of another national origin, or preferring to hire a person of one sex rather than a person of another sex. But under this bill a hiring prompted by any one of these preferences—and all discrimination is a preference for one man over another—is made illegal. A commission is selected because it is biased to turn itself into a psychologist and determine from innermost recesses of a man's mind, which they cannot see, whether the innocent motive which Congress declares iniquitous accompanied the hiring.

This is a dangerous law for that reason. In the first place, it makes illegal acts which are entirely natural for a human being to do. I think it is natural, and certainly not iniquitous, for an American employer to prefer a person whose national origin is American rather than a person whose national origin is foreign. Yet under this bill, if an American employer prefers to employ an American, and does employ an American, in preference to a person of foreign origin, he is declared to be an iniquitous man, performing an illegal act, and he can have charges preferred against him by the Commission and have the Commission judge the validity of the charges which it has already investigated and found to be true. The notion that he can get any justice at the hands of such a Commission is unrealistic. Rather than get justice in court and have the court determine the truth by the evidence, which shows what is true rather than false, they create artificial rules to prevent the court from being free to search for the truth.

I have very little faith in the capacity of people to determine the motives of other people. In this respect, the bill is different from every other law. Under every other law we punish people for external acts which are iniquitous, and under this bill we castigate and punish people, by unfair methods, for thoughts. I do not think men are quite capable of doing that.

I want to read from the 7th verse of the 16th Chapter of the First Book of Samuel:

> But the Lord said unto Samuel, Look not on his countenance, or on the height of his stature; because I have refused him: for the Lord seeth not as man seeth; for man looketh on the outward appearance, but the Lord looketh on the heart.

Here a commission is to be appointed that is going to assume to exercise the power of the Almighty—not to judge men by external appearances, not to judge men by their external acts, not to judge men because they hire this man or that, but to judge men on the basis of what the commission thinks or imagines they had in their hearts at the time

they did what was otherwise a perfectly natural and a perfectly legal act, namely, hiring an individual to perform service for them.

One of the proponents of the bill stated on the floor that he supported this bill because it was designed to enforce human rights. We have a habit of using cliches to explain or justify our actions.

Mr. President, I submit that if a man belonging to a minority race, or professing a minority religion, or having a particular racial origin, or a person of a particular sex, has a human right to seek employment because of those factors, that is, because he is a member of a minority race or of a minority religion, or of a foreign national origin, then, by the same token, a man of a majority race, or a man of a majority religion, or a man of American origin, has an equal human right to seek employment; and that any law which undertakes to compel employers to hire people of a minority race or a minority religion or a minority national ancestry in preference to a man of a majority race or a majority religion or a majority national origin is not a law to promote equality, but a law to promote discrimination.

I also submit that there are such things as human rights, and I maintain there is no kind of rights recognized in the law except human rights. But if there is such a thing as a human right, the supposedly free American who has a little capital or has some talent, who invests his resources and talents in a little business for the purpose of making a livelihood for himself and his family and a profit, has a right to select as his employees the persons who he believes will aid him to make his business a success rather than a failure; and I say that when the Federal Government undertakes to deny him that right, it is denying him a human right, and is engaged in a course of conduct which is incompatible with freedom.

You know, when I hear people advocate bills which are repugnant to freedom, they so often prate about the superiority of human rights over property rights. In 1946, when I had the privilege of serving a few months in the House of Representatives, there was a Congressman who claimed to be a liberal in the modern use of that very much abused and misleading term who used to rise on the floor of the House of Representatives every time he had an opportunity and proclaim his conviction that human rights are superior to property rights.

One day, however, a Member of the House who might be described as something of a moth-eaten conservative, in the much-abused modern-day use of that term "conservative," became aroused while the Congressman was expounding superiority of human rights over property rights, and silenced him with a question. I shall never forget that occasion.

This person I have designated as having the appearance, in the modern parlance, of being a moth-eaten conservative, arose and stated this question:

He said, "In the early days of this Nation, a settler would go out into the wilderness and carry his rifle to protect himself and his family against the Indians, his Bible so that he might strengthen his faith in the Divine, and an ax which he might use for material purposes." He said, "This frontiersman, when he got out into the forest, took his ax and cut down some trees, and he fashioned those trees into a little cabin which he used to shelter himself, his wife, and his children."

This old man who I say could be described as a moth-eaten conservative then said, "Now, all of us, including my friend who extols human rights over property rights, will agree, I think, that that frontiersman had a right to use that cabin erected by his own hands in the wilderness as a shelter for himself, his wife, and his children." Then he said, "Mr. Speaker, the question I put to my friend is this: Was the right of that frontiersman to occupy that cabin as a home for himself and his family a property right or a human right?"

Well, the person to whom the question was addressed never answered the question, and I would have to testify on his behalf that subsequent to that time, he did not so frequently extol the superiority of human rights over property rights.

As a matter of fact, there is no such thing as a property right. There is not a single piece of property or a single inanimate object of any kind which has any rights in this Nation under the law of this Nation. Every right belongs to a human being, and in that sense is a human right.

It is a human right which the law gives to a man to acquire, to own, to use, or to dispose of property, and it is this legal right which has made this Nation the most powerful economic entity the earth has ever known.

There is a professor of law at New York University who is one of the most valiant fighters for the preservation of freedom in human rights of any man of my acqaintance. He wrote a book entitled "The Labor Policy of the Free Society." This is Prof. Sylvester Petro. I want to read some words from a chapter of his book entitled "Property Rights, Human Rights, and the State." He says:

> Denigration of the right of private property usually begins with a sharp distinction between "human rights" and "property rights." Those who habitually make this distinction normally go on to contend that society—and by society such persons usually mean government—may qualify property rights without seriously affecting the "essential human freedoms." They argue, indeed, that the restrictions on property rights which they favor will in fact expand the "essential human freedoms."
>
> There is no truth in any of these assertions. Property rights are human rights, and nothing else. The various human rights comprehended in the general right of private property cannot be neatly distinguished, portioned out, and separated in the real world of action; those are things which cannot be done satisfactorily even in analytical abstraction. Pruning and excisions, divestitures and re-allocations of property rights, all necessarily amount to arbitrary action which reduces human freedom and social productivity. Everyone now realizes that slavery is arbitrary; but few, apparently, know why it is arbitrary. For most people who oppose slavery are in favor of discriminatory taxation, in spite of the fact that such taxation is arbitrary in exactly the same sense that slavery is arbitrary.

I digress from the reading a moment to note this. If the law says to A, "You must work for B even though you do not choose to do so," that is slavery, by any definition of the term. If the law says to A, "You must hire B to work for you, even in a small personal company, even though you do not want to do so or even though you prefer someone else of another race or religion or national origin," you may not call that slavery, but you certainly cannot call it freedom so far as an employer is concerned. It is only a question of degree between the servitude you impose upon the one man and the servitude you impose upon another. Either one of these servitudes is an infringement of freedom.

I continue reading from Dr. Petro's book:

> Some objections to the right of private property are of a relatively superficial kind, easily cleared up by placing the right in its appropriate social context. The right of private property did not spring full-blown upon the world. Nor did the intimately related idea of the strictly enforceable contract have an easy time of it. Sir Henry Maine was of the opinion, indeed, that "the positive duty resulting from one man's reliance on the word of another is among the slowest conquests of advancing civilization." As defined in this book, property and contract rights are the end products of a long and fitful evolutionary process; they are understood and appreciated only by men in a relatively sophisticated stage of development.
>
> The evolution to the final, symmetrical form was dictated by the necessities which presented themselves to our forebears who wished to live in free and productive societies. Private property in its broad form commended itself to those men because it worked. It offered both freedom and order. It set loose the constructive energies of men, and at the same time constituted a rational, social basis for the integration of the activities of all men. It was a great central organizing principle that carried within itself the idea of the society which might be both free and harmonious. Private property in its comprehensive form is not merely indispensable to the free society; it is the free society itself. Once this is perceived, a good many of the objections disappear.
>
> Yet there are still many who rebel against the comprehensive definition, who insist that the "good of society"—a concept which they never define—absolutely requires that the state be generally empowered at all times to expand or diminish or revise the right of private property. These are the people who see red when they hear the words "inalienable property rights," no matter how carefully those words may be used. The idea of property rights secured to all persons against invasion by the state or anyone else, seems hopelessly "dated," even "reactionary," to them. Rejecting both "totalitarianism" and comprehensive property rights as the central principles of social organization, they call themselves "liberals," "progressives," or some other such modest name, and announce that they have found a "middle way."
>
> Beyond any question, application of the private-property principle does create difficult problems at times. Emotional and intellectual difficulties present themselves even when the general principle itself is rightly understood. The more complicated the society, moreover, the more frequently do difficulties of application arise. But this kind of thing is unavoidable. As a matter of fact, in the free society it really reflects the existence of a state of affairs which most find highly desirable. For property problems become the

more complicated the more widely dispersed the property rights happen to be, and the more intensely human affairs are integrated. Restrict property rights narrowly, reduce personal autonomy to the minimum, and you will have a minimum of property problems. Take away private-property rights completely, destroy entirely the autonomy of the person, and you have no private-property problems at all. If no person *legally* owns or controls anything, including himself, the problem of control is solved quite simply by force. If all property rights are vested in the state (that is, in the strongest force in the community) problems of personal *right* likewise do not arise to complicate the social structure. A monolithic structure of this kind may appeal to some. But it is no way to achieve personal freedom, well-being, and security.

As to the so-called "middle way" in current usage, this is actually a misnomer. Personal private-property rights, in the sense of the common-law doctrines and old-fashioned liberal political theory, represent as meaningful a pursuit of the "middle way" between the political absolutes of anarchy and socialism as straight thinking has yet produced. One may, in short, make a respectable argument to the effect that the private-property way is the only meaningful "middle way," since totalitarianism and anarchy are the only other pure forms of social organization which may be meaningfully conceived.

But the "middle way" as used in current debate is only a semantically attractive synonym for the *interventionist* state. It defines a condition in which the state is at all times authorized to modify personal property rights at will: the state may expand or contract the rights of persons as political exigency may seem to dictate to those in public office. The perpetual dynamic equilibrium of personal rights as here defined is anathema to the interventionists.

Many interventionists insist, it is true, upon respect for the rights of free speech, free thought, and free press. But they are apparently not aware of the unity of all personal rights. They do not see that all personal rights have a common core in the autonomy of the person, that the so-called "human rights" are merely one surface manifestation of the elemental right of private property.

The interventionist state is actually a state moving intermittently toward the complete destruction of all the personal freedom which it can reach. As such, in terms of formal analysis it must be defined as a totalitarian state, since its own proponents insist that the state is the source of all rights. In empirical terms it might be called a potential totalitarian state.

How long will freedom of the press endure, if interventionism finally triumphs? Freedom of the press is nothing more nor less than the condition which exists when publishers have their property rights intact. Even in the United States today, when interventionism is still struggling to substitute political exigency for private property rights, interventionists have unconsciously shown what they genuinely think of freedom of the press. The term "captive press" gets a great deal of use from trade unionists and from politicians who consider themselves "moderates."

If interventionism finally triumphs, will its less moderate apostles limit themselves to this mere vilification of those who oppose them? Have interventionists, when they have come to full power and when political conditions have been propitious, ever so limited themselves? Is not vilification always the first step—and only the first step—of demagogues? When Juan Peron tired of freedom of the press in Buenos Aires, he expropriated the publishers. If "it" happens here, expropriation in one form or another will be the means used. The basis for such expropriation exists in the way that interventionists look at property rights, thinking of them as subject to revision whenever the "good of society" so requires. The Union of Soviet Socialist Republics may very well today have a law or a bill of rights which "guarantees" both freedom of speech and freedom of the press. But what good is such a guarantee when no private person or group may own a printing establishment?

It is inaccurate to describe a press based on private property rights as "captive." Publishers under such conditions are limited in what they print only by their own personal views or interests and by the libel laws—and those laws are themselves an expression of the property right in the integrity of one's character. It is inaccurate also to say that the editorial policies of newspapers are determined by advertisers. Businessmen may be the greatest source of advertising revenue of one branch of the press, the dailies and the other periodicals. But advertising revenues rise and fall in accordance with the circulation of the particular newspaper or magazine, not with the secret or public ideology of the publisher. . .

We in the United States compose a still largely free society, based on private property and freedom of contract. But, as a matter of history, the distortions of the principles of property and contract which mar our society trace to the demagoguery implicit in the characterization of our pioneering businessmen as "robber barons" and "malefactors of great wealth."

Mr. President, Professor Petro expounds the doctrine that the right of private property and the right to contracts are human rights and that each is essential to the existence of the country as a free society.

This bill would interfere very greatly with the right of contracts. I cannot see why, as an American, there is anything iniquitous in employing a fellow American, because I prefer to do so, rather than having to employ a person of another national origin. I do not think there is anything iniquitous in a person preferring to employ a member of his own race, or of his own religion, or a person of the same national origin as himself.

Just calling it iniquitous does not make it so, but, unfortunately, when the country embarks upon a policy of restricting freedom in order to deprive people of their liberty to choose those whom they seek to employ to make their business a success, no one can again say the fact that it is not iniquitous. It is only iniquitous because it is declared by act of Congress to be so. An act of Congress does not make that iniquitous which is natural and the right of every American.

The trouble with laws of this kind is well illustrated in an action which is frequently taken in employment cases. We have the Office of Federal Contract Compliance in virtually every case, and the EEOC in many cases, compelling businessmen of America to practice discrimination in employment. Congress attempted to prevent that. Congress attempted to make it so that each case would be judged on its merits, that it be judged as an individual case. So Congress wrote into the Civil Rights Act of 1964 that no employer should be compelled to employ people of any race, religion, national origin, or sex by quotas; and yet we have decisions made almost every day in the Office of Federal Contract Compliance to order the businessmen of America to practice discrimination in reverse by hiring a person of a particular race, a particular religion, of a particular national origin, of a particular sex. That is discrimination in reverse.

I say, in all seriousness, that I do not see how we can expect criminally minded people to obey the laws when men in public office disobey the very laws and the very Executive order they are supposed to enforce. The Executive order which the Office of Federal Contract Compliance in the Department of Labor is charged with enforcing is an Executive order which says that there shall be no discrimination in Government employment or by a person having Government contracts, on the basis of race, religion, national origin, or sex. Yet the very Office of Federal Contract Compliance makes it a consistent practice to violate the very Executive order it is charged with the duty of enforcing. It orders businessmen who desire Government contracts to employ persons of a particular race, or a particular religion, or a particular national origin, or a particular sex—or particularly persons of a particular race according to fixed or variable numbers, proportions, percentages, quotas, goals, or ranges, and thus violates the very Executive order it is charged with the duty of enforcing. The same thing on occasion can be said about the EEOC.

I do not see how we can better conditions in America and promote law and order while governmental agencies created for the avowed purposes of preventing discrimination in employment may discriminate in employment.

I expect to offer an amendment to the original bill in the event the substitute amendment offered by the Senator from Alabama on behalf of himself and myself is rejected by the Senate. I hope that this substitute amendment will be agreed to. It provides that we will have enforcement in the courts. It affords an adequate procedure by which the EEOC, suing at the expense of the American taxpayers, can have a right of vindication in the court according to the established rules of procedure and the established rules of evidence. And that is all that any American ought to ask for. He ought not to ask to have specific procedures established for or designed to prevent the fulfillment of the men and women who drafted the Constitution to establish justice.

Mr. President, I yield the floor, and suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, will the Senator withhold his request?

Mr. ERVIN. Mr. President, I withhold my request.

REFERRAL OF RESOLUTION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN), I ask unanimous consent that the resolution he submitted today (S. Res. 241) to extend the life of the Select Committee on

Nutrition and Human Needs be referred to the Committee on Rules and Administration. I am advised by the Senator from South Dakota that this matter has been cleared.

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

ORDER FOR ADJOURNMENT TO 10 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 10 o'clock tomorrow morning.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND FOR THE UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the recognition of the two leaders under the standing order on tomorrow there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements limited therein to 3 minutes, and that at the conclusion of the routine morning business, the Chair lay before the Senate the unfinished business.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

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 a quorum call be rescinded.

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. JAVITS. Mr. President, I wish to announce on the part of the Senator from New Jersey (Mr. WILLIAMS) and myself that at 3:30 I shall move to table the substitute.

Mr. President, I would like to state to the Senate our reasons for this action. No one knows better than I the feelings of Senators with regard to a tabling motion.

Personally, I do not remember having made, perhaps, more than one or two. I have had a long career, and I am very respectful of Senators' opportunities to debate and consider questions at the greatest length they feel they should. I have myself been cut off far more often by tabling motions than I have ever cut off other Senators. But in this particular case, I will explain why, not because I am an advocate of the bill, but because I think this is almost a classic example of the proper use of the tabling motion.

We have been given notice that this is the beginning of a filibuster, and the notice has been given in unequivocal terms. I invite the attention of the Senator from Alabama (Mr. ALLEN) to his words that I am about to read to the Senate. I have the written record from the Official Reporter. The Senator from Alabama said as follows:

> The Dominick amendment failed of adoption. The proponents of cease and desist by commission fiat won that battle. It may have been a most expensive victory, because if the junior Senator from Alabama correctly interprets the feeling and the determination of a large number of Senators, this bill may not—and he says "may not"—be forced to a vote in the Senate. That would be a tragic happening. In many respects, that would be a reaching out for more than the Senate is willing to give, going farther than public opinion would require.

It seems to be obvious that the Senator from Alabama would not have said that if it did not represent his own feeling; and from the indications of the debate which we have already heard, coupled with this statement, I think we get the point. I do not think we need to have a finger put in our eyes to understand exactly what to expect.

In addition, the move which has been made is clearly an unnecessary one. We have voted five times. When we take into consideration the first vote, the vote on the motion to table the first vote, the vote on the reconsideration of the first vote, then the second vote, then the motion to table reconsideration of that second vote, we have voted five times on the Dominick amendment. It seems to me that that is a very adequate expression by the Senate.

The Senator from Alabama himself admitted, when he submitted the substitute, that it is open to any amendment to which the original bill is open. He also said—and the Chair confirmed this—that the original bill also is open to amendment in any respect. Indeed, the Chair ruled that it is open in two degrees. So nothing whatever is accomplished by substitutes of any kind or character except an opportunity to reargue and revote on the Dominick amendment.

After all, I think we have a right to vote on a tabling motion because an unnecessary action is being asked of the Senate, an action which does not represent any decision by the Senate, which is a substantial requirement for a decision on a procedural ground; that is, no conceivable opportunity to amend is cut off, or to table, or to move in any way that the opponents of the legislation desire, by tabling; and obviously, as they themselves were entirely receptive to any amendment that would substitute in the shape it ought to be in, they do not have to extend, as far as they are concerned, as it is very clear that the essential argument is that it is simply a "re-do" of the Dominick amendment.

It is entirely the privilege of the opponents to talk as long as they can and as long as the rules will allow. If we wish to invoke cloture, we know exactly how to do it. That is fine and legitimate. But at least the Senate ought to take a direct approach to that question: Has it heard enough upon this measure, and does it now want to restrict amendments to those which are at the desk? Second, does it wish to provide 1 hour for each of the 100 Senators? Or does it wish to hear more debate? Those are legitimate questions, and we may be required to decide them. From what I see, we probably will. But why have the screen of this substitute as the subject for debate when its only purpose, obviously, is to reconsider the amendment, which, as I say, has already been voted on five times?

For these reasons, I believe a tabling motion is perfectly proper. I speak of this in a sense of explanation, because I am not happy about such a motion; I do not like it; as I say, I have been the victim of a tabling motion far more often than I have been the beneficiary. I seek to justify the reason why, in this particular case, such a motion is proper.

Also, as a very necessary part of making this motion, I wish to spread upon the RECORD the differences between the House bill, which is sought to be substituted, and the Senate bill. The differences are significant and substantial, the most significant being the difference between cease and desist and court enforcement. In the second place, State and local people are covered by the Senate bill, but are not covered by the House bill.

Third, the House bill does not extend coverage to more private enterprise employers; the Senate bill does, to employers of eight or more persons, as distinguished from 25 in the House bill; and

Fourth, educational institutions are included in the Senate bill.

Other amendments which relate to the importance of whether the Senate bill should be the one that prevails include one which deals with the coverage of Federal employees and the extent of coverage. They include one which deals with the transfer of pattern and practice suits from the Department of Justice to the Commission after 2 years.

Another deals with backpay limitations for 2 years from the date of complaint, which is in the House bill, rather than from the date of the charge—that is, the filing of the charge—with the Commission, which is now in the Senate bill, as it is amended.

There are other differences, but I have given the basic and significant differences which, it seems to us, dictate that the Senate has a superior instrument for working the Senate's will on the House bill.

But in the final essence, the matter is very clear. This is simply an effort to reargue and revote on the Dominick amendment. It results in giving us an issue that is not a substantive issue that ought to tie up further debate on the bill. If we are going to get cloture, let us get it directly on the fundamental issue involved; namely, does the Senate wish to hear further debate on the bill, and how much? Or does it wish to limit debate,

remembering that every Senator is limited in his right to speak?

Mr. ALLEN rose.

Mr. JAVITS. Mr. President, I will yield for a question, of course.

Mr. ALLEN. Mr. President, will the distinguished Senator from New York allow me to speak for some 15 minutes, with the assurance that I will return the floor to the Senator, so that I may make a statement with regard to the pending amendment?

Mr. JAVITS. I am sorry to tell the Senator that I am unable to do that, and that I do not wish to yield my right to the floor, because I must make my motion. But I will certainly yield to the Senator and ask unanimous consent that he may make a statement in lieu of a question without my losing my right to the floor. I have talked for 5 or 6 minutes—I will say 5 minutes—and will yield him 5 minutes, if that is agreeable to the Senator.

Mr. ALLEN. I appreciate the Senator's position of kindness and courtesy. That is all the junior Senator from Alabama was asking for. He agrees that the Senator from New York should have the floor back.

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

Mr. JAVITS. It is 5 minutes, then; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ALLEN. Mr. President, the distinguished Senator from New York made two points, as the junior Senator from Alabama understood his remarks: One, that on account of some remarks by the junior Senator from Alabama to the effect that this bill without the Dominick amendment having been added might be difficult to bring to a vote, and that for that reason he is going to move to table this amendment, and he indicated that he would go on with a motion of cloture, indicating that the remarks of the junior Senator from Alabama provoked that action. Let me say that the junior Senator from Alabama, in coming to the Capitol this morning from his home in Virginia, heard on the radio that the proponents of the measure were planning to file a cloture motion. So the Senator from Alabama does not feel that any action by him has brought the proponents of the measure to that decision.

The Senator also stated that this is rearguing the Dominick amendment and that is all it is. The junior Senator from Alabama begs to differ on that point, because the amendment offered by the distinguished Senator from North Carolina and myself substitutes the language, not of the Dominick amendment, but of the House bill, which a majority of the Members of the House have passed as the proper method of giving the EEOC more authority to enforce its findings.

The junior Senator from Alabama respectfully submits that if this amendment is adopted and it does become the bill and the bill is passed by the Senate, it will go to the House and, it being the exact language that the House has already approved, we will get earlier approval of the bill, and this additional power will have been conferred on the EEOC; whereas, if the amendment or a similar one is not adopted, there is a good chance we will have no bill whatsoever.

So this is not a reargument of the Dominick amendment—far from it. This is saying that the Senate, if it will agree to the House language, in all likelihood will get a bill, there being a chance that no bill will be enacted if this amendment is not adopted.

I yield back my time.

Mr. JAVITS. I thank my colleague.

Mr. President, I move to table the pending substitute.

CALL OF THE ROLL

Mr. ALLEN. 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 further proceedings under the quorum call be discontinued.

Mr. ERVIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The rollcall was resumed and concluded, and the following Senators answered to their names:

[No. 15 Leg.]

Aiken	Cotton	Pastore
Allen	Ervin	Pearson
Baker	Hatfield	Percy
Bellmon	Inouye	Roth
Bennett	Javits	Schweiker
Brooke	Jordan, N.C.	Scott
Byrd, Va.	Jordan, Idaho	Stafford
Byrd, W. Va.	Mansfield	Talmadge
Case	Mathias	Thurmond
Church	Mondale	Williams
Cook	Montoya	Young

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Anderson	Gambrell	Miller
Bayh	Griffin	Moss
Beall	Gurney	Nelson
Boggs	Hansen	Pell
Brock	Hart	Proxmire
Burdick	Hartke	Randolph
Cannon	Hollings	Ribicoff
Chiles	Hruska	Saxbe
Cooper	Hughes	Smith
Cranston	Kennedy	Sparkman
Curtis	Long	Stennis
Dole	McClellan	Stevens
Ellender	McGee	Symington
Fannin	McGovern	Tower
Fong	McIntyre	Weicker

The PRESIDING OFFICER. A quorum is present.

Mr. JAVITS. Mr. President, I ask for the yeas and the nays.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Does the Senator from Alabama seek recognition?

Mr. ALLEN. I suggest the absence of a quorum.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Is that in order?

The PRESIDING OFFICER. It is in order. There has been business since the last quorum. The ordering of the yeas and nays is business, under the Senate precedents, and the clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 16 Leg.]

Aiken	Fannin	Montoya
Allen	Fong	Moss
Anderson	Gambrell	Nelson
Baker	Griffin	Pastore
Bayh	Gurney	Pearson
Beall	Hansen	Pell
Bellmon	Hart	Percy
Bennett	Hartke	Proxmire
Boggs	Hatfield	Randolph
Brock	Hollings	Ribicoff
Brooke	Hruska	Roth
Burdick	Hughes	Saxbe
Byrd, Va.	Inouye	Schweiker
Byrd, W. Va.	Javits	Scott
Cannon	Jordan, N.C.	Smith
Case	Jordan, Idaho	Sparkman
Chiles	Kennedy	Stafford
Church	Long	Stennis
Cook	Mansfield	Stevens
Cooper	Mathias	Symington
Cotton	McClellan	Talmadge
Cranston	McGee	Thurmond
Curtis	McGovern	Tower
Dole	McIntyre	Weicker
Ellender	Miller	Williams
Ervin	Mondale	Young

The PRESIDING OFFICER. A quorum is present.

The question now recurs on agreeing to the motion of the Senator from New York (Mr. JAVITS) to table the amendment of the Senator from Alabama.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CANNON (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Maine (Mr. MUSKIE). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Washington (Mr. MAGNUSON), the Senator from Washington (Mr. JACKSON), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Virginia (Mr. SPONG), the Senator from Illinois (Mr. STEVENSON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Mississippi (Mr. EASTLAND) is absent because of illness.

On this vote, the Senator from Washington (Mr. JACKSON) is paired with the Senator from Mississippi (Mr. EASTLAND).

If present and voting, the Senator from Washington would vote "yea" and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from Illinois (Mr. STEVENSON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from California (Mr. TUNNEY), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New York (Mr. BUCKLEY) is absent on official business.

The Senators from Colorado (Mr. ALLOTT and Mr. DOMINICK), the Senator from Oregon (Mr. PACKWOOD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The Senator from Arizona (Mr. GOLDWATER) is absent by leave of the Senate.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Colorado (Mr. DOMINICK) would vote "nay."

The result was announced—yeas 45, nays 32, as follows:

[No. 17 Leg.]

YEAS—45

Aiken	Hatfield	Pearson
Anderson	Hughes	Pell
Bayh	Inouye	Percy
Beall	Javits	Proxmire
Boggs	Kennedy	Randolph
Brooke	Mansfield	Ribicoff
Burdick	Mathias	Saxbe
Byrd, W. Va.	McGee	Schweiker
Case	McGovern	Scott
Church	McIntyre	Smith
Cooper	Mondale	Stafford
Cranston	Montoya	Stevens
Fong	Moss	Symington
Hart	Nelson	Weicker
Hartke	Pastore	Williams

NAYS—32

Allen	Ellender	Long
Baker	Ervin	McClellan
Bellmon	Fannin	Miller
Bennett	Gambrell	Roth
Brock	Griffin	Sparkman
Byrd, Va.	Gurney	Stennis
Chiles	Hansen	Talmadge
Cook	Hollings	Thurmond
Cotton	Hruska	Tower
Curtis	Jordan, N.C.	Young
Dole	Jordan, Idaho	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Cannon, against.

NOT VOTING—22

Allott	Goldwater	Muskie
Bentsen	Gravel	Packwood
Bible	Harris	Spong
Buckley	Humphrey	Stevenson
Dominick	Jackson	Taft
Eagleton	Magnuson	Tunney
Eastland	Metcalf	
Fulbright	Mundt	

So the motion to table the Allen amendment was agreed to.

Mr. COTTON. Mr. President, before the next amendment is offered, I would like to use not more than 5 minutes for some observations on the bill itself. I wish to get these remarks into the RECORD at this time because I am compelled to be away for at least part of tomorrow.

Mr. President, the Senator from New Hampshire voted for every civil rights bill back through the years in the 17 years he has been in the Senate except for the so-called omnibus civil rights bill of 1964. The reason that the Senator from New Hampshire could not vote for the 1964 bill, although he voted for cloture in order that the Senate would have its opportunity to work its will on the measure, was because of title VII in that bill.

The Senate will recall how the coverage of the Equal Employment Opportunity Commission was automatically expanded over a 4-year period. The first year after it became law, the application of unfair employment practices and unfair discrimination between color, sex, national orgin, and so forth, would only apply to those establishments employing at least 100 employees. The second year it automatically would go down to 75. In the third year, it would automatically go down to 50. In the fourth year it would automatically go down to 25.

At that time the Senator from New Hampshire approached the distinguished Senator from Minnesota (Mr. HUMPHREY), who was managing the bill. At that time it was the position of the Senator from New Hampshire that he could not support a measure that enabled the Federal Government to permit discrimination in employment in those establishments employing a small number of employees.

I offered an amendment to hold it at 100 instead of dropping it to 25. I do not want to go into that in detail. I was and am perfectly willing to support legislation creating a Commission and creating machinery to prevent discrimination in employment so far as it concerns large plants, plants large enough to permit discrimination by reason of the policies of a corporation, the policies of a labor union, or the policies of a hiring hall.

But I am one who happens to live in a little county-seat town of 10,000 population. In my State there are many small but active communities. When a country bank, for instance, employs only 30 or 40, or even 50, employees, or a small insurance agency has perhaps only 15 or 20 employees, and the proprietor or the organization operating that business selects an employee, that is an intensely personal relationship. It is almost like selecting a partner. For the Federal Government to move into situations involving small business institutions and try to enforce a discriminatory law which forces the employer to deal with this nationality or that nationality, this color or that color, is a naked display of Federal power that goes far beyond the reasonable views of those who framed this Republic.

Furthermore, I feel that it impedes rather than promotes fairness and a lack of discrimination anywhere. For instance, if a black man has worked long and hard, has built up a small business, employs 25, 30, or 35 employees, and is prospering through his ability and his long years of hard work, I would not, for the life of me, want to be a party to going in and saying to him, "You have to employ so many white people. You cannot give persons of your own race a chance in this business that you have built up." I am still referring to a small business, not to a factory, not to an industry, not to a large department store, or any enterprise like that. I cannot understand how any law can be administered justly that applies to small institutions.

Furthermore, there be many a case, as a practical matter, when an employer having a small business wants to give a break, perhaps, to a person of a different color, or to one who has not had many opportunities or much education. That employer also knows that once he admits that he is in need of an extra employee, and he gives such a person a break, he cannot fire him if it develops he is not a good employee.

There are white men who are industrious and white men who are lazy—just as there are black men who are industrious and black men who are lazy. Perhaps I should not say it but there may also be women who are industrious and women who are not industrious.

A person having a small business depends on his associates with almost a family relationship. He is not going to indicate that he needs another employee until he gets the one he wants, if he knows that once he has given a less advantaged person a chance, he is stuck with him; and while he could fire a white Anglo-Saxon Protestant, if he turns around and has to discharge a member of another nationality or another color, he may find himself in trouble with his government.

So I took the position that unless the limit for title VII, which I had hoped would be held to 100, was held at 50, I could not vote for the entire measure, and I did not do so.

I was pointed out and subjected to a good deal of attack because I was one of five Senators from north of the Mason-Dixon Line who voted against that particular civil rights bill.

The measure before us reduces the number to eight employees. It imposes certain safeguards, but it permits the Commission to go into a man's business, if he employs just eight employees. If it is a family business, he can be harassed, penalized, and handicapped in trying to make his business go, because he does not have the free and full opportunity to employ those with whom he has been closely associated and in whom he has complete confidence.

It will be said, and it probably has been said, that the enforcement arm of the Commission would not, in its discretion, harass the persons running a very small business or a family business. That is the reason why business institutions that are connected with religious organizations are permitted to discriminate in favor of members of their own religious group. Nevertheless, it is never safe to write into the statutes an opportunity for a naked display of Federal power in such a way as to oppress and harass citizens of this country simply on the assumption that whoever may be charged with enforcement will do so carefully and discreetly.

I could not vote for the civil rights bill of 1964, even though I was able to support every other title and section in the bill, because of my strong objection on the point I have just spoken about—and I feel just as strongly about it now.

Regardless of any other amendment, if, when we come to the final passage of this measure, it still places in the hands of the Commission the power to deal with

small business institutions of eight—which is ridiculous—or 25 or 35 or 50, I shall be compelled to vote against this whole measure, just as I was compelled to vote against the civil rights bill of 1964.

I appreciate the patience of the Senate. I wanted to get that statement clearly in the RECORD at some time during the debate so that when the time comes when and if I am compelled to vote against this measure, the reasons will be clear.

I yield the floor.

Mr. PEARSON. Mr. President, the Civil Rights Act of 1964 made clear that every person in this Nation is entitled to equal treatment with regard to a job. The Equal Employment Opportunity Commission, under the provisions of that act was charged with a responsibility of making that policy a reality. But the only enforcement power granted the EEOC was the authority to seek voluntary compliance with the law, a weakness which the legislation before us today would correct.

I think it is clear that the majority of this Nation's employers recognize the intent of Congress to insure fair employment practices and have abided by the law. But it is also clear that unemployment discrimination still exists today, a situation which fairminded people cannot and should not tolerate.

Mr. President, the immediate issue before us is not whether the EEOC should have enforcement powers. Rather the issue is what procedures must be used in the exercise of that power. As the Senate is aware, the House of Representatives has approved a measure which requires the EEOC to go to court to enforce their rulings. The legislation before us here, however, would authorize the EEOC, following an investigation of unlawful employment practices and an administrativee hearing on such complaints, to issue an appropriate enforcement order. That order would be subject to a full and complete review in the U.S. Courts of Appeals.

It has been argued that this grant of authority is without precedent in the law. But that is not the case. The National Labor Relations Board and the Federal Trade Commission have similar authority. For each of these Agencies, this grant of authority has improved their capability to protect the public from unfair labor practices and consumer fraud and deception.

Mr. President, the technical nature of this issue should not confuse the fact that this is a matter of civil rights. It is a matter which tests our commitment to equality and basic human fairness. My record in the Senate on civil rights legislation is one which reflects, I believe, a commitment to these values. And though some would ask me to do so, I will not deviate from the course I have set over the last 10 years.

I support the Equal Employment Opportunity Enforcement Act of 1971.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

REPORT OF DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. STAFFORD) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

I transmit herewith the Sixth Annual Report of the Department of Housing and Urban Development for the calendar year 1970.

RICHARD NIXON.

THE WHITE HOUSE, *January 27, 1972.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. STAFFORD) laid before the Senate a message from the President of the United States submitting the nomination of Peter G. Peterson, of Illinois, to be Secretary of Commerce, which was referred to the Committee on Commerce.

THE PRESIDENT'S ECONOMIC REPORT

Mr. JAVITS. Mr. President, the key factor in the economic report of the President is the continued stubbornness of unacceptable unemployment. The prediction of a reduction in unemployment from 6 percent to 5 percent this year based on the present economic plans of the Federal Government seems to me too optimistic. I had hoped that the economic report would have provided a bolder approach to the stubborn problem of unemployment through a greatly strengthened program of productivity increase, adjustment assistance to workers and others adversely affected by the sudden impact of imports or other economic dislocations and manpower training.

Turning to the section of the report dealing with the United States and the world economy, the administration is to be commended for the open-minded way in which it is approaching the long-term reform of the international monetary system. However, I would caution against expecting too much, too soon from the historic interim monetary agreement of December 16, 1971. Over the long run, this agreement, which includes the devaluation of the dollar, will strengthen the competitive position of American-produced products at home and abroad. However, it is probable that 1972 will see another trade deficit, and this should be expected. Our rapidly expanding economy will generate increased demand from imports in 1972 at the same time that the relatively stagnant economies of Japan and Western Europe will limit the demand for American products despite the newly more competitive position of these products. While I recognize that the forces of protectionism may seek to use this short-term development to their advantage and may attempt to discredit the December 16 agreement as the elections approach, it should be widely recognized that the full benefits of the currency realinement package will not be felt until 1973 and 1974.

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. GAMBRELL. Mr. President, I have filed an amendment at the desk. I shall not call it up at this time, but I would like to take these few movements to address myself to the bill as a whole, or the pending business, and in connection therewith to make some comments in reference to the amendment which I have offered. The amendment which I have offered, incidentally, is a revision of a previous amendment which I have on file No. 810. I propose to call up the amendment which I filed today at a later time in place of calling up No. 810. However, what I have had to say on a previous occasion in reference to amendment No. 810 would be equally applicable to the one I have filed today.

Mr. President, on January 21, the date on which I filed the amendment which now bears the number 810, I addressed myself to the purposes of the bill and also to the purposes of the amendment. I might say we have had some considerable debate, and at least three or four votes, which in substance dealt with the question of how the Equal Opportunity Employment Act was to be enforced. Of course, the RECORD will show that I have voted on a number of occasions to substitute the so-called Dominick plan or the House plan for the plan contained in the Senate committee report, which now apparently will be the method of enforcement, the cease-and-desist method adopted by the Senate committee and now proposed for adoption by the Senate as a whole.

Of course, as I understand the procedure, if this bill in its present form is adopted by the Senate as a whole, there will be a conference with the House of Representatives, which adopted the court enforcement procedure called for in the Dominick plan, and there will be some further discussion of the type of enforcement procedure to be used.

This entire question of the method of enforcement seems to me to place many Senators, including myself, in a very awkward position. I would like to support equal employment opportunities, but the bill in its present form does not, I think, permit me to do so. As I said on January 21 when I offered my amendment, there seems to be an undue surge toward the adoption of the cease-and-desist method, which smacks of an effort to play politics with job discrimination, and to leave the entire field in a constant uproar, resulting in continued racial tension and consequent disruption of trade and commerce.

Mr. President, it seems to me, if the present conciliation method of enforcement has not proved to be effective, that rather than racing in an unseemly way to the ultimate enforcement method or technique available, the cease-and-desist

method, in an attempt to achieve the goals of fair employment practices and conciliation of animosities that exist between the races, an effort should be made to carry this forward on a step-by-step basis, to try to demonstrate confidence rather than lack of confidence in the American court system.

The Senator from Alabama this morning put in the RECORD an editorial from the New York Times which I think very ably sets forth one of the fundamental concepts in our system of law and law enforcement, based on the separation of powers: That courts, and not executive or administrative agencies, are much better able to give a consistent enforcement pattern to the enforcement of laws of all kinds; that courts historically and traditionally are not subject to the ebb and flow of political opinion, they are not nearly as subject as political agencies to excesses of enforcement, and the judgments of courts are much more likely to have acceptance by the people and by the public than are those of political bodies, which the public, or parts of the public, would hope, from time to time, to be able to sway either to more aggressive or less aggressive, or more conservative or more liberal, interpretations of the law.

Therefore, for that reason I have concluded in my own mind that I could not possibly support the bill in its present form, because the enforcement practice that is set forth in the bill contains this cease-and-desist provision, which I think is an excess which is only warranted, if at all, by the most extreme and most aggravated condition of noncompliance with law.

Mr. President, this same thought, the excesses or the possible and I would say historically probable excesses of executive or political agencies in enforcing laws of this type, has led me to the introduction of the amendment which I have sent to the desk this afternoon.

The amendment which I have offered seeks to grant some relief to small businesses and small labor unions which may, under this act, be accused of engaging in unfair, discriminatory employment practices which are banned by the act. The amendment does not seek to exempt small businesses or small labor unions; it simply seeks to put them on an equal footing in terms of enforcement with the Federal Government agency which confronts them.

I think all of us have files loaded with complaints and concerns expressed by constituents of government agencies abusing the tremendous economic resources available to them to compel and enforce and bully to achieve so-called compliance with regulatory authority. I know in many cases in my own experience as a practicing lawyer of clients who have come to my office and said, "You know, we have got this complaint," or, "We are under investigation for thus and so, and it looks like it is going to cost us thousands and thousands of dollars even to find out whether we are liable or responsible or guilty or not, and frankly, we would just rather give in, accept whatever they say, and do it their way, rather than try to find out whether we are right or wrong in the first place, because we can see a swarm of Federal agents coming in here, examining our books, reviewing our practices, interviewing our employees, and churning up our business here, where our margin of profit is very small, and we just economically cannot afford to combat in the courthouse with a Federal agency, much less combat before that same agency which is making the charges."

I have no answer to that. I guess in a sense I may be an idealist. I would like to tell this client, "Well, you owe it not only to yourself but to other businesses similarly situated to make this point of law or to try to establish this question of fact that is in issue in this case, but I cannot, in good conscience, tell you to set out to defend yourself against the many, many very highly qualified experts in this field."

At the same time, Mr. President, I in my practice of law have had large corporations come in, under the same circumstances, who have told me, "Mr. Attorney, we want you to fight a scorched-earth policy on this subject, if it takes 10 years. We are not going to submit to this, and we are willing to set aside the expenses that it takes to defend it."

I have seen that carried out, and I have seen such corporations obtain consent judgments, where the Government finally said, "My God, we cannot afford this expenditure any more; we have had it out with this company, and we cannot afford to devote all our resources to fighting with this one company. We could go after all these little bitty fellows and get a lot of precedents established by them giving in, so why should we fight the big fellow? Let's take this consent judgment and let this big guy off with an easy slap on the wrist."

Mr. President, I think that is entirely unfair, and yet I think every Member of the Senate who has had any experience with Government activities knows that this type of thing goes on. I do not mean to be critical, or contend that it is done with malevolent intent, but in enforcement practices, just like anything else, the line of least resistance is the one that people take.

If you have two cases and one is easy to prosecute and one is difficult, you take the one that is easy. If your opposition is going to cave in, you push him real hard. If the opposition in the other case is going to fight back, you say, "Let's dodge that as long as we can."

I suggest that we very much need to reconsider and review this matter. When this amendment is called up, I expect to point out a number of instances of other enforcement agencies where abuses—what I would consider abuses—have been committed, as I say, in good faith in most instances. But in an unknowing effort and an insensitive effort to achieve a favorable result, to build a good file, a Government agent has driven a small business out of business, into bankruptcy, in a good faith effort to enforce the law.

Mr. President, at this time I will not call up my amendment, under the understanding with the assistant majority leader that there will be no rollcall votes today. But I do intend to call it up in due course in the consideration of this bill. I might say that ultimately, and unfortunately, if the bill finally comes to a vote, with or without the amendment I suggest, it will be necesary for me to vote against it.

I yield the floor.

Mr. WILLIAMS. Mr. President, just a word in reference to the amendment that will be called up at a later time by the Senator from Georgia. It deals with a matter that has been discussed at length in the committee, relating to attorneys' fees and other costs recoverable by a party who is involved in a complaint and prevails.

I believe that when the amendment is offered by the Senator from Georgia, there will be comprehensive consideration of the costs of these employment suits, both from the standpoint of small business and from the standpoint of individuals who are complainants under the law.

Mr. President, the situation as we assess it at this point is that there will be full opportunity, as we return tomorrow on this bill, for the proposed legislation to be considered for further amendment. I know that at this time some amendments that have been suggested are being considered very carefully. It is my hope that some of the suggestions that will be in amendments can be worked out toward the objective of fashioning a stronger and sounder bill. I know that one which was considered briefly yesterday—we had a record vote on it—dealt with the services of volunteers. There was limited debate, and the record vote retained the provision as it is in the bill. It was suggested that there is some ambiguity as to exactly what is meant by the authority to accept volunteer services. It might well be that we will have further discussion of that, and perhaps by amendment a clarification of it will be generally acceptable on the permitted volunteer services—those who, for good reason, the Commission should be in a position to accept as volunteers.

These are two of the amendments. There will be others. We are on the seventh day, I believe, of debate on this issue. Its importance is emphasized by the longevity of the debate in which the Senate already has engaged. This was the first measure to come before the Senate upon our return from recess. It has been the only major legislative business. We have had a week of debate. The amending process is working well and will continue to be available to us as we return tomorrow.

Mr. GAMBRELL. Mr. President, will the Senator yield to me, without losing his right to the floor, for a comment on what he has said in reference to my amendment?

Mr. WILLIAMS. I yield.

Mr. GAMBRELL. The Senator and his staff has worked with me in connection with the amendments I have offered and it has resulted in a division of the amendment which I have offered today.

I have no enormous disagreement with the committee on the subject they wish to bring up; but, as I understand, they are insisting on my including in my amendment something which is different from the purpose of the amendment.

I would suggest that if they wish to pursue the provision of attorneys' fees for individual intervenors in this case, they offer an amendment to that effect themselves. I simply do not care to insert that in my own plan.

Mr. WILLIAMS. It was not my intention to suggest that the Senator did want personally to include this in his amendment, but it is part of the general subject matter and probably will be discussed at that time. It may be offered as an amendment to the Senator's amendment.

Mr. BYRD of West Virginia. Mr. President, based on what the distinguished Senator from Georgia has stated, it is my distinct understanding, after consultation with other Senators, that there will be no additional rollcall votes today.

I thank the able Senator for yielding.

AMENDMENT NO. 818

Mr. ERVIN. Mr. President, on behalf of myself and the distinguished Senator from Alabama (Mr. ALLEN), I call up amendment No. 818.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 41, lines 15 and 16, strike out the words "or in the Court of Appeals for the District of Columbia Circuit.".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. ERVIN. Mr. President, it is my understanding that the leadership does not contemplate any more votes, so I will not undertake to present the argument in favor of this amendment this evening.

Mr. WILLIAMS. Mr. President, may I have the amendment restated?

The PRESIDING OFFICER. The clerk will restate the amendment.

The legislative clerk read as follows:

On page 41, lines 15 and 16, strike out the words "or in the Court of Appeals for the District of Columbia Circuit.".

Mr. ERVIN. The effect of the amendment is merely to require that all the reviews be had in the circuit court of the circuit where the proceeding arose, rather than having an option of bringing them into the Circuit Court of the District of Columbia regardless of where they originated.

Mr. WILLIAMS. It has been announced that there will be no further votes; so if there is no further debate, this will be something for this Senate to think about over the evening.

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

The PRESIDING OFFICER (Mr. STAFFORD). Without objection, it is so ordered.

AUTHORIZATION FOR COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS TO FILE REPORT ON CERTAIN NOMINATIONS

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs have until midnight tonight to file a report on certain nominations which the committee has considered today.

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

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The second 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. BYRD of West Virginia. Mr. President, that was the final quorum call of the day, for the information of the cloakrooms.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow is as follows:

The Senate will convene at 10 a.m. After recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business.

The pending question at that time will be on agreeing to amendment No. 818 of the distinguished Senator from North Carolina (Mr. ERVIN). No time agreement has been entered into on that amendment.

I would say, Mr. President, that there is a likelihood of one and possibly more rollcall votes tomorrow.

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. WILLIAMS. 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 10 a.m. tomorrow.

The motion was agreed to; and (at 5:07 p.m.) the Senate adjourned until tomorrow, Friday, January 28, 1972, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate January 27, 1972:

DIPLOMATIC AND FOREIGN SERVICE

Robert Stephen Ingersoll, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

U.S. NAVY

Rear Adm. William W. Behrens, Jr., U.S. Navy, for appointment to the grade of vice admiral for the duration of his service in duties determined by the President to be of importance and responsibility within the contemplation of subsection (a), title 10, United States Code, section 5231, for which duties I have designated Admiral Behrens.

DEPARTMENT OF COMMERCE

Peter G. Peterson, of Illinois, to be Secretary of Commerce, vice Maurice H. Stans.

HOUSE OF REPRESENTATIVES—*Thursday, January 27, 1972*

The House met at 12 o'clock noon.

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

Let us therefore follow after the things which make for peace.—Romans 14: 19.

Almighty God, our Father, from whom all thoughts of truth and peace proceed, kindle, we pray Thee, in the hearts of all men a true love for peace and guide with Thy wisdom those who take counsel for the nations of the earth, that in deed and in truth Thy kingdom may go forward in our world.

By the might of Thy spirit quench the animosity, the greed, and the pride which cause man to strive against man, nation against nations, and people against people. Lead us all in the ways of truth and love and hasten the day when war shall be no more and when peace shall live in the heart of Thy glorious creation.

We thank Thee for Carl Hayden and for his devotion to our country. May we learn from his life to be gentle in goodness, strong in spirit, and faithful to the highest we know.

In the spirit of Christ 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.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 10086

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee

on Interior and Insular Affairs have until midnight tonight to file a supplemental report on H.R. 10086, a bill to provide increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes.

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

There was no objection.

RESIGNATION FROM COMMITTEES

The SPEAKER laid before the House the following resignation from committees:

WASHINGTON, D.C.,
January 27, 1972.

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

DEAR MR. SPEAKER: Due to my nomination today by the Committee on Committees to the vacancy on the House Appropriations Committee created by the death of my colleague from Alabama, Congressman George W. Andrews, I hereby resign from the House Committee on Banking and Currency and the House Committee on Post Office and Civil Service.

Sincerely,

TOM BEVILL.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. ULLMAN. Mr. Speaker, I offer a privileged resolution (H. Res. 779) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 779

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on Appropriations: Tom Bevill, Alabama;

Committee on Banking and Currency: William P. Curlin, Jr., Kentucky;

Committee on Merchant Marine and Fisheries: Ralph H. Metcalfe, Illinois;

Committee on Science and Astronautics: Bob Bergland, Minnesota.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—(H. DOC. No. 92-228)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Joint Economic Committee and ordered to be printed, with illustrations:

To the Congress of the United States:

The American economy is beginning to feel the effects of the new policies launched last August.

I undertook the New Economic Policy because it was becoming clear that not enough was being done to meet our ambitious goals for the American economy. The new measures are designed to bring the Nation to higher employment, greater price stability, and a stronger international position.

The essence of the New Economic Policy is not the specific list of measures we announced on August 15; it is the determination to do all that is necessary to achieve the Nation's goals.

Nineteen hundred and seventy-one was in many ways a good economic year. Total employment, total output, output per person, real hourly earnings, and real income after tax per person all reached new highs. The inflation which had plagued the country since 1965 began to subside. In the first 8 months of the year the rate of inflation was 30 percent less than in the same months of 1970.

But I did not believe this was enough to meet the Nation's needs. Although the rate of inflation had declined before August, it was still too high. Although unemployment stopped rising, it remained near 6 percent. In the first part of the year, our international balance-of-payments deficit—the excess of our payments to the rest of the world over their payments to us—had risen far too high.

The conditions called for decisive actions. On August 15, I announced these actions.

First, I imposed a 90-day freeze on prices, wages, and rents.

Second, I suspended conversion of dollars into gold and other reserve assets.

Third, I imposed a temporary surcharge on imports generally at the rate of 10 percent.

Fourth, I proposed a number of tax changes intended to stimulate the economy, including repeal of the excise tax on automobiles, a tax credit for investment, and reduction of income taxes on individuals. At the same time I took steps to keep the budget under control.

The package of measures was unprecedented in scope and degree. My Administration had struggled for 2½ years in an effort to check the inflation we inherited by means more consistent with economic freedom than price-wage controls. But the inflationary momentum generated by the policy actions and inactions of 1965–68 was too stubborn to be eradicated by these means alone. Or at least it seemed that it could only be eradicated at the price of persistent high unemployment—and this was a price we would not ask the American people to pay.

Similarly, more than a decade of balance-of-payments deficits had built up an overhang of obligations and distrust which no longer left time for the gradual methods of correction which had been tried earlier.

The measures begun on August 15 will have effects continuing long into the future. They cannot be fully evaluated by what has happened in the little over 5 months since that date. Still the results up to this point have been extremely encouraging.

The freeze slowed down the rate of inflation dramatically. In the 3 months of its duration the index of consumer prices rose only 0.4 percent, compared to 1.0 percent in the previous 3 months. The freeze was a great testimonial to the public spirit of the American people, because that result could have been achieved with the small enforcement staff we had only if the people had been cooperating voluntarily.

The freeze was followed by a comprehensive, mandatory system of controls, with more flexible and equitable standards than were possible during the first 90 days. General principles and specific regulations have been formulated, staffs have been assembled and cases are being decided. This effort is under the direction of citizens on the Price Commission and Pay Board, with advice from other citizens on special panels concerned with health services, State and local government, and rent. These citizens are doing a difficult job, doing it well, and the Nation is in their debt.

While this inflation-control system was being put in place, vigorous action was going forward on the international front. The suspension of the convertibility of the dollar was a shock felt around the world. The surcharge emphasized the need to act swiftly and decisively to improve our position. Happily, the process of adjustment began promptly, without disrupting the flow of international business. Other currencies rose in cost relative to the U.S. dollar. As a result, the cost of foreign goods increased relative to the cost of U.S. goods, improving the competitive position of American workers and industries. International negotiations were begun to stabilize exchange rates at levels that would help in correcting the worldwide disequilibrium, of which the U.S. balance-of-payments deficit was the most obvious symptom. These negotiations led to significant agreements on a number of points:

1. Realignment of exchange rates, with other currencies rising in cost relative to the dollar, as part of which we agreed to recommend to Congress that the price of gold in dollars be raised when progress had been made in trade liberalization.

2. Commitment to discussion of more general reform of the international monetary system.

3. Widening of the permitted range of variation of exchange rates, pending other measures of reform.

4. Commitment to begin discussions to reduce trade barriers, including some most harmful to the United States.

5. Assumption of a larger share of the costs of common defense by some of our allies.

6. Elimination of the temporary U.S. surcharge on imports.

The third part of the August 15 action was the stimulative tax program. Enactment of this package by Congress, although not entirely in the form I had proposed, put in place the final part of my New Economic Policy.

In part as a result of this program, economic activity rose more rapidly in the latter part of the year. In the fourth quarter real output increased at the annual rate of 6 percent, compared with about 3 percent in the 2 previous quarters. Employment rose by about 1.1 million from July to December, and only an extraordinarily large rise of the civilian

labor force—1.3 million—kept unemployment from falling.

Nineteen hundred and seventy-two begins on a note of much greater confidence than prevailed 6 or 12 months ago. Output is rising at a rate which will boost employment rapidly and eat into unemployment. There is every reason to expect this rate of increase to continue. The Federal Government has contributed impetus to this advance by tax reductions and expenditure increases. The Federal Reserve has taken steps to create the monetary conditions necessary for rapid economic expansion.

The operation of the new control system in an economy without inflationary pressure of demand holds out great promise of sharply reducing the inflation rate. We are converting the fear of perpetual inflation into a growing hope for price stability. We are lifting from the people the frustrating anxiety about what their savings and their income will be worth a year from now or 5 years from now.

For the first time in over a decade the United States is moving decisively to restore strength to its international economic position.

The outlook is bright, but much remains to be done. The great problem is to get the unemployment rate down from the 6-percent level where it was in 1971. It was reduced from that level in the sixties by a war buildup; it must be reduced from that level in the seventies by the creation of peacetime jobs.

It is obvious that the unemployment problem has been intensified by the reduction of over 2 million defense-related jobs and by the need to squeeze down inflation. But 6 percent unemployment is too much, and I am determined to reduce that number significantly in 1972.

To that end I proposed the tax reduction package of 1971. Federal expenditures will rise by $25.2 billion between last fiscal year and fiscal 1972. Together these tax reductions and expenditure increases will leave a budget deficit of $38.8 billion this year. If we were at full employment in the present fiscal year, expenditures would exceed receipts by $8.1 billion. This is strong medicine, and I do not propose to continue its use, but we have taken it in order to give a powerful stimulus to employment.

We have imposed price and wage controls to assure that the expansion of demand does not run to waste in more inflation but generates real output and real employment.

We have suspended dollar convertibility and reduced the international cost of the dollar which will help restore the competitive position of U.S. workers and thereby generate jobs for them.

We have instituted a public service employment program to provide jobs directly for people who find it especially hard to get work.

We have expanded the number of people on federally assisted manpower programs to record levels.

We have established computerized Job Banks to help match up jobseekers and job vacancies.

We have proposed welfare reform to increase incentives to employment.

We have proposed special revenue sharing for manpower programs, to make them more effective.

We have proposed revision of the minimum wage system to remove obstacles to the employment of young and inexperienced workers.

We expect that these measures, and others, will contribute to a substantial reduction of unemployment.

In addition to getting unemployment down, a second major economic task before us is to develop and apply the price-wage control system, which is still in its formative stage, to the point where its objective is achieved. The objective of the controls is a state of affairs in which reasonable price stability can be maintained without controls. That state of affairs can and will be reached. How long it will take, no one can say. We will persevere until the goal is reached, but we will not keep the controls one day longer than necessary.

The success of the stabilization program depends fundamentally upon the cooperation of the American people. This means not only compliance with the regulations. It means also mutual understanding of the difficulties that all of us—working people, businessmen, consumers, farmers, Government officials—encounter in this new and complicated program. Our experience in the past few months convinces me that we shall have this necessary ingredient for success.

We embarked last year on another great task—to create an international economic system in which we and others can reap the benefits of the exchange of goods and services without danger to our domestic economies. Despite all the troubles in this field in recent years both the American people and our trading partners are enjoying on a large scale than ever before what is the object of the whole international economic exercise—consumption of foreign goods that are better or cheaper or more interesting than domestic goods, as well as foreign travel and profitable investment abroad.

We don't want to reduce these benefits. We want to expand them. To do that, we in the United States must be able to pay in the way that is best—chiefly by selling abroad those things that we produce best or more cheaply, including the products of our agriculture and our other high-technology industries. This is our objective in the international discussions launched by our acts of last year and continuing this year.

These tasks, in which Government takes the lead, are superimposed on the fundamental task of the American economy, upon which the welfare of the people most depends and which is basically performed by the people and not by the Government. That fundamental task is the efficient and innovative production of the goods and services that the American people want. That is why I have emphasized the need for greater productivity and a resurgence of the competitive spirit.

The outstanding performance of the American economy in this respect provides a background of strength which permits the Government to face its economic problems with confidence and to bring about a new prosperity without inflation and without war.

RICHARD NIXON.

JANUARY 27, 1972.

CHICAGO NEWSPAPER BEGINS COMPLETE USE OF TOTALLY RECYCLED PAPER

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

Mr. ROSTENKOWSKI. Mr. Speaker, the printing of the Tuesday, January 25, Chicago Sun-Times marked a first in the history of major American newspapers and also another milestone reached in the continuing effort to preserve our environment.

The paper for the entire Sun-Times edition was made without cutting down a single tree. It was the product of recycling old newspapers at a Field Enterprises Inc., paper plant, the FSC Paper Corp., in Alsip, a Chicago suburb.

The Field Enterprises mill uses a special deinking process to reclaim old newspapers and turn them into rolls of paper for future editions of the Field newspapers and 30 other papers. The daily production of the plant is more than 260 tons of newsprint. Nearly 115,000 tons of waste paper are used annually in the process.

Recycling at the Field plant annually conserves 1.5 million trees for other uses. Estimates indicate that deinked paper saves U.S. newspapers about $3 million a year because raw materials and plant are located closer to pressrooms, and the United States saves almost $50 million in international payments.

Mr. Speaker, in the past few years, much has been said about what each of us must do to save our ever-diminishing natural resources. But in the final analysis, our individual efforts, significant though they may be, will not be the decisive factor in the battle for the environment. What will be needed are more of the substantial measures, measures along the lines of those recently taken by the Chicago Sun-Times.

When we consider that the Sun-Times has a daily circulation of almost 550,000 and a Sunday circulation of over 700,000, we begin to realize the true significance of their recent action. I believe that the Sun-Times has set a truly noteworthy precedent—a precedent that hopefully will be followed by many other American newspapers in the near future.

THE FISCAL POLICY

(Mr. DEVINE asked and was given permission to address the House for 1 minutes and to revise and extend his remarks.)

Mr. DEVINE. Mr. Speaker, yesterday you made a statement for release to the afternoon papers entited "A Straight Look At The Economy" and treated a number of the subjects having to do with

the economy pointing out inflation had averaged 5.5 percent in the last 2½ years.

I would like to invite to your attention and to the attention of the membership that the inflation rate now is 2.3 percent and reducing and it is the lowest it has been in a number of years.

You pointed out intolerable, increasing unemployment. You failed to point out that we are in a transition period between a Democrat wartime economy and a Republican peacetime economy and that the unemployment rate is just 2 percent above the full employment concept by the Bureau of Labor Statistics.

In addition to which, we now have currently employed over 80 million people in the United States which is the highest in the history of the country and the budget deficit that many of our Members seem to deplore—those Members who vote for every spending program in the Congress—I should point out that the budget submitted by the President of $246 billion contains in it—and get this—$181 billion of uncontrollable expenses that have been enacted by this and previous Congresses—Democrat controlled.

Seventy-two percent of the budget is uncontrollable.

In the Tax Reform Act of 1969 and the Tax Cut Act we the Congress enacted last year, $22.4 billion income would have been generated by 1973, but the people retain this and it also helps to create these deficits. Let us put the saddle where it belongs, Mr. Speaker, on the Congress, not the President.

GOVERNMENT EXPENDITURES

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

Mr. BOGGS. Mr. Speaker, there is an old saying that figures do not lie. For fiscal 1970, the Nixon budget request for appropriations was $135.2 billion. Congress cut that request for appropriations in the appropriation bills by $5.6 billion. The President had predicted a surplus that year of $3.4 billion. Despite the appropriation cut by the Congress of almost $6 billion, the deficit was $2.8 billion.

For fiscal 1971 the budget request for appropriations was $140.1 billion. Congress appropriated $138.4 billion in regular annual appropriation bills in that budget year, or a cut of $1.7 billion in the President's request. That year he predicted a surplus of $1.3 billion. There was a deficit of $23 billion.

In fiscal 1972 the Nixon budget request for appropriations was $158.7 billion. Congress appropriated $156.5 billion, or a cut of $2.2 billion.

The original deficit predicted was $11.6 billion. The projected deficit now is something like $40 billion, so much so that the Committee on Ways and Means is now considering a new increase in the debt ceiling. As a matter of fact, the projection for the 4 years of this administration is that the unified deficit will be something like $90 billion, or $124 billion on the Federal funds basis, one of the largest wartime or peacetime deficit in the history of the United States.

Now, Mr. Speaker, these deficits are not caused by congressional overappropriation. Each year Congress has substantially reduced the appropriations bills requests made by the executive. They are caused by the failure of this administration to sponsor economic policies that make possible full production and full employment in this country.

THE FISCAL SITUATION

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, my good friend, the gentleman from Louisiana, I am sure made one or two inadvertant errors in his comments. As I recall, he talked about $129 billion and $158 billion. I think the truth is he left out $100 billion in each case. The figures that he had in his comments are right, except he just left $100 billion off in each instance.

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

Mr. GERALD R. FORD. I yield to the gentleman from Louisiana.

Mr. BOGGS. The gentleman is correct as far as the unified budget is concerned. The totals were $213 billion in fiscal 1970, $236.4 billion for fiscal 1971, and $249.8 billion in fiscal 1972.

I was referring to the funds handled in the fiscal year appropriations bills each session and the effect is the same.

Mr. GERALD R. FORD. But the second point, Mr. Speaker, is that the gentleman from Louisiana talked about a reduction in obligational authority. The Congress may have done that but I want to look at the specifics on the record. On the other hand, the Congress under the leadership of the gentleman from Louisiana and others added to all the deficits by the actual enactment of certain authorizing legislation that forced greater expenditures over those requested by the administration, and as the gentleman knows authorizations are an integral part of fiscal responsibility.

Mr. Speaker, there will be the usual chorus of outrage from critics of the administration about the size of the expected deficit for this year, now that the budget is out. And as usual, the shrillest cries will come from those whose philosophy of government, and whose heedless contribution to the spawning of new programs, qualifies them least to talk of fiscal sanity. Many of these same critics have been consistent in their advocacy of a more "expansionist" fiscal policy, to provide greater stimulus for an economy with a 6 percent unemployment rate. Obviously, you cannot have it both ways: To be more "expansionist" the budget would have to show an even greater deficit.

We all know that economic policy is one of balance—one of trade-offs between countering trends and pressure. If we are going to be honest with the American people we will decide as politicians where our greatest economic threat lies, will advocate balanced policies to minimize that threat, and will not try to pretend we can have it one way today, another way tomorrow, wherever the short-term policies of economic comment will take us.

The President has put it all together in his budget. He has sought a balanced plan for economic progress. We on this side of the aisle are going to support such a plan, and to see that those who want to play it all ways—now calling for a lower deficit, now urging fiscal expansionism, now deploring the size of expenditures they have played a part in creating, now advocating new and more expensive programs—are properly exposed for their efforts to manipulate the American people in this vital area of concern.

PEACE CORPS SHOULD BE FUNDED AT HIGHEST POSSIBLE LEVEL

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

Mr. BUCHANAN. Mr. Speaker, the Peace Corps is probably one of the best ideas in foreign policy in this century, yet it faces today a serious challenge to its continued effectiveness.

Both the House and Senate have authorized expenditures for the Peace Corps of $77.2 million for fiscal 1972, but the House has appropriated only $68 million.

This reduction is made even more critical by the fact that the Peace Corps operated on a continuing resolution for the first 3 months of this fiscal year with a ceiling of $82.2 million, for the next 3 months at $77.2 million figure, and for the past month at $72 million.

Thus the Corps has obligated in good faith moneys under these higher authorizations and, should this lower level prevail, will be forced to recoup these funds during the remaining months of this fiscal year.

Even at a level of $72 million the Peace Corps may be forced to cease operations in as many as 15 countries and curtail its activities in some 40 others by mid-February.

Under the direction of Joe Blatchford, the Peace Corps has included an increasing number of highly skilled volunteers who have carried this Nation's technological advancements to underdeveloped nations where they have combatted disease, introduced new agricultural techniques and helped to raise the quality of life.

Applications to the Peace Corps by volunteers are at a 5-year high. Foreign governments have requested an additional 2,000 volunteers. Yet, despite its popularity at home and abroad, the Corps will be required to say "no" to the volunteers and to those countries seeking our help in their development.

The Corps, Mr. Speaker, should, in my judgment, be given the opportunity to continue appropriations for the Peace Corps at $77.2 million and I am hopeful this is the level at which it will be funded.

NORTH VIETNAM DOES NOT WANT PEACE IN SOUTHEAST ASIA

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

Mr. COLLIER. Mr. Speaker, it should now be obvious to anyone with reasonable intelligence that North Vietnam does not want peace in Southeast Asia. Hanoi's response to President Nixon's eight-point Indochina peace plan is arrogant and deceitful. It again becomes evident that totalitarian dictatorships prefer human suffering to a peace which merely provides the right of the people to make a choice of the government under which they are to live. That is the singular issue as the situation now stands in Southeast Asia notwithstanding the smokescreen of political rhetoric here at home and upon which Hanoi is leaning so heavily.

THERE ARE TWO SIDES TO BUDGETS

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

Mr. CEDERBERG. Mr. Speaker, I have listened with interest to the majority leader and his discussion about the economic situation. I have just spent all morning in the full Appropriations Committee on that very subject. We can all get together and deplore budget deficits, which, of course, I think we all do. I would, however, point out the gentleman has to share some responsibility in this area because there are two sides to budgets. There is the spending side and the receipt side.

The gentleman is the ranking member on the Ways and Means Committee.

We had a tax reduction in 1964, another in 1969, and another in 1971; which substantially reduces the revenues while at the same time we are increasing on the expenditure side.

I should like to ask the distinguished majority leader if he supports the proposal for a total spending ceiling so that we can bring under control what the gentleman has been deploring.

Mr. BOGGS. I have grave doubts about that proposal. We have done that before.

Mr. CEDERBERG. I am talking about an emergency.

Mr. BOGGS. The gentleman really does not touch the issue. The gentleman knows that that decline in revenue is almost entirely attributable to the economy. The President himself admits that. That is why he sends up what he calls a full-employment budget.

Mr. CEDERBERG. I completely agree with the gentleman on that point. One of the reasons for the downturn in the economy is that we have seen 2.5 million people leave the military and military-defense-related industry, moving from war to peace.

In other words, it was easy to have a booming prosperity—which we did—and a 4-percent unemployment with a full-blown economy, while the guns were booming and the Nation's industry was geared for war.

But now the President is ending the war. We have to readjust the lives and incomes of 2½ million people in this one area alone. Of course, we are going to have this turndown, and the reduction in the revenues of the Government. It certainly does not help to have the Congress, at the same time, escalating expenditures and expanding programs.

There is no way I know that the President can spend one dime of public money that Congress has not authorized, and the Congress ought to be willing to bear this responsibility and blame. It is neither candid nor conscionable to try to pass the buck to the other end of Pennsylvania Avenue.

PROVIDING PAY COMPARABILITY ADJUSTMENTS FOR CERTAIN HOUSE EMPLOYEES WHOSE PAY RATES ARE SPECIFICALLY FIXED BY HOUSE RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 741) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 741

Resolved, That until otherwise provided by law, effective as of January 1, 1972, the per annum gross rate of pay of each employee (except an employee who is an elected officer of the House) whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution is increased by an amount equal to 5.5 per centum of his per annum gross rate of pay. No rate of pay shall be increased by reason of the adoption of this resolution to an amount in excess of the rate of basic pay of level V of the Executive Schedule contained in section 5316 of title 5, United States Code. The contingent fund of the House is made available to carry out the purposes of this resolution.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 1, line 4, immediately following the word "the" strike out the word "House)" and insert "House or who is an Official Reporter of Debates or an Official Reporter to Committees.)"

The SPEAKER. Without objection, the committee amendment is agreed to.

Mr. HALL. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman reserves the right to object to the adoption of the amendment.

Mr. HALL. I do, until it is explained, Mr. Speaker.

I wonder if the gentleman would take time to explain the amendment, which was a little more than I anticipated. I yield to the gentleman for that purpose.

Mr. THOMPSON of New Jersey. I do not understand what my distinguished friend from Missouri means when he says it "was a little more than I anticipated."

The effect of the amendment, I might say to my friend from Missouri, is to strike from the original resolution, House Resolution 741, those who record—the stenographers who record—the debates or the colloquies such as we are having now on the floor of the House, and those who record—those House employees, stenographers who record—the committee debates.

Mr. HALL. Is that because they are now drawing excessive pay above the rate of level V of the Executive Schedule?

Mr. THOMPSON of New Jersey. I might say to my friend from Missouri they are not drawing excessive pay in any sense or above what he states, but the committee decided that their salaries at the current level—at least the committee insofar as it relates to this resolution decided that the top is at about $35,000 and it goes down a little bit lower—that their compensation is adequate at this time.

Mr. HALL. Mr. Speaker, I certainly agree with the gentleman insofar as his last sentence is concerned, and I might add that it is time we all considered reductions in lieu of additions, if we are serious about inflation and fiscal responsibility.

Under my reservation, may I make one further inquiry as to the general content of House Resolution 741, as amended? Am I to understand, Mr. Speaker, that this does not involve the regular employees, the Member-appointed employees on Capitol Hill, but that the saving clause there is "whose pay is disbursed by the Clerk of the House and is fixed at a specific rate by House resolution?"

Mr. THOMPSON of New Jersey. The gentleman is precisely correct, and if he will withdraw his reservation so that I can briefly explain the resolution, I shall be glad to yield further for any other questions that he might have.

Mr. HALL. Mr. Speaker, that is all I seek. I will withdraw my reservation of objection.

The SPEAKER. Without objection, the committee amendment is agreed to.

There was no objection.

So the committee amendment was agreed to.

Mr. THOMPSON of New Jersey. Mr. Speaker, under the system long in existence here, a number of the employees of the House who actually work here every day, a number of whom I can see at the desk now, are not within the overall Federal pay structure nor are they employees of individual Members of this body. They are, therefore, distinguished by that difference. Each and every time in past years that committee staff or Member staff allowances have been increased, the Committee on House Administration has made an effort to keep these—I call them rather isolated employees—at a level commensurate with that of our own staffs and the committee staffs.

Following the rule set down by phases I and II of the President's economic policy, determination was made that Federal employees subject to the recommendation of those for whom they worked could get up to 5.5 percent raises on the individual Member's recommendation or on the recommendation of the respective committee chairmen.

I have no statistics with respect to the decisions made by the individual Members, but I can report to the House that every one of the committee chairmen

recommended 5.5 percent increases for their employees.

This leaves this small group of 33 people, excluding the official reporters, without the benefit of that 5.5 percent raise. The effect of this resolution would be to give them that.

The total cost per annum of this resolution is $23,857, approximately $20,000 per annum less than it would have been had the Reporters been included.

Mr. Speaker, I reiterate that there is a total of 33 majority and minority employees involved.

Does the gentleman from Missouri have any further question?

Mr. HALL. No, Mr. Speaker. I appreciate the gentleman yielding. I think the gentleman's explanation has been adequate and it would appear to me that this is equitable and just.

I compliment the Committee on House Administration for being a good watchdog of the contingent fund.

As I understand it, this resolution is directed to equity for those who do not have statutory appointments?

Mr. THOMPSON of New Jersey. This is precisely correct.

Mr. HALL. I thank the gentleman.

Mr. THOMPSON of New Jersey. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT OF COMPENSATION FOR CERTAIN COMMITTEE EMPLOYEES

Mr. THOMPSON of New Jersey. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution—House Resolution 769—and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 769

Resolved, That there shall be paid out of the contingent fund of the House of Representatives such sums as may be necessary to pay the compensation for services performed during the period beginning January 3, 1972, and ending at the close of January 31, 1972, by each person (1) who, on January 2, 1972, was employed by a standing committee or any select committee of the Ninety-second Congress and whose salary was paid under authority of a House resolution adopted during the Ninety-second Congress, or who was appointed after January 2, 1972, to fill an existing vacancy or a vacancy occurring subsequent to January 2, 1972, and (2) who is certified by the chairman of the appropriate committee as performing such services for such committee during such period.

Mr. THOMPSON of New Jersey. Mr. Speaker, the effect of this resolution, House Resolution 769, is very simple. The effect of it is to allow all of the committees of the House to expend moneys at the level at which the House authorized them to spend last year for a period of 1 month. This will enable the respective and distinguished committee chairmen to prepare their budgets for this year and will give the Subcommittee on Accounts an opportunity to schedule hearings which, indeed, we will do on their desires for the current year.

I might report that all but one committee to my knowledge has carryover money expended and moneys from last year.

I might report also that the committee chairmen and the ranking minority members have been assiduous in complying with the House Administration requirement that they report monthly all of their expenditures, their list of employees, and activities.

To me this is particularly important because the Members will remember that in the series of resolutions authorizing committee moneys for the past year we emphasized the responsibilities that committees have under last year's Reorganization Act to exercise their oversight responsibilities. They have done so and I think they have done so admirably.

Mr. Speaker, the one instance where a committee is short of funds, in the amount of approximately $31,000—that is, without this continuing resolution—they would be $31,000 short.

The subcommittee will take that into consideration, and that amount will be deducted from the amount that the committee requests in the next Congress.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 8085, AGE REQUIREMENTS FOR CIVIL SERVICE APPLICANTS

Mr. O'NEILL. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 616 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 616

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service. After general debate which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Post Office and Civil Service now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Massachusetts (Mr. O'NEILL) is recognized for 1 hour.

Mr. O'NEILL. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 616 provides an open rule with 1 hour of general debate for consideration of H.R. 8085 regarding age requirements for Federal employees. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 8085 is to establish a congressional policy which will require the Government to promote employment or promotion of persons based on ability rather than age, and prohibit arbitrary age discrimination. Excepted as well as competitive employees would be covered.

The President would be authorized to establish a maximum age requirement for appointment in the civil service when the requirement is established on the basis of a determination that age is an occupational qualification necessary to the performance of duties.

The present law stating the existing policy against discrimination as to age and the present law authorizing the Secretary of the Interior to set minimum and maximum age limitations for employment by the U.S. Park Police would be repealed.

Mr. Speaker, I urge the adoption of House Resolution 616 in order that the bill may be considered.

Mr. QUILLEN. Mr. Speaker, House Resolution 616 will permit consideration of H.R. 8085 under an open rule with 1 hour of general debate. In addition, the rule makes the language substituted by the Committee on Post Office and Civil Service in order as an original bill for the purpose of amendment.

The purpose of the bill is to reaffirm the present congressional policy against discrimination with respect to age in the competitive service of the U.S. Government, and to extend this policy, with necessary flexibility, to all Federal employment.

The bill establishes a policy which will require the Federal Government to promote employment of persons based upon ability to perform the job in question rather than age and will prohibit age discrimination in all Federal employment.

At the same time the bill authorizes the President to establish a maximum age requirement to any position in the executive agencies or the competitive service if it is determined that age is a

bona fide requirement for successful job performance. If a maximum age limit is established in any job category, the President is required to send to the two Post Office and Civil Service Committees a statement of justification and explanation at least 60 days before the age requirement goes into effect.

Finally, the bill repeals the existing authority of the Secretary of Labor to fix the minimum and maximum age limits within which appointments may be made to the positions in the Park Police.

Existing law, which prohibits age discrimination makes no allowances for any exceptions. Therefore, Federal agencies which meet such a situation must go to Congress for relief. This is what the Department of Interior did with respect to its Park Police. Two other departments have already requested exceptions in particular cases, the Department of Justice and the Department of Transportation. It seems far wiser to provide administrative relief by statute so that in exceptional cases where age is a factor of occupational qualification this fact should be recognized.

No cost to the Government is anticipated except for minimal administrative costs. The legislation is the outgrowth of a request by the Civil Service Commission.

There are no dissenting views.

Mr. O'NEILL. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. ROUSSELOT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 9]

Abbitt	Dennis	Hosmer
Abourezk	Dent	Jacobs
Adams	Derwinski	Johnson, Pa.
Alexander	Diggs	Keith
Anderson, Tenn.	Downing	Kemp
Annunzio	Dwyer	Kluczynski
Arends	Edmondson	Landgrebe
Ashbrook	Edwards, Calif.	Landrum
Aspin	Edwards, La.	Latta
Badillo	Esch	Leggett
Baring	Eshleman	Lennon
Bell	Evins, Tenn.	Long, La.
Biaggi	Forsythe	McClure
Blanton	Fraser	McKay
Blatnik	Frey	McKinney
Bow	Galifianakis	Mailliard
Brasco	Gallagher	Martin
Brinkley	Giaimo	Meeds
Camp	Gibbons	Metcalfe
Carey	Goldwater	Mills, Ark.
Carney	Grasso	Mitchell
Celler	Gray	Moorhead
Chisholm	Green, Oreg.	Murphy, N.Y.
Clark	Gude	Nelsen
Clay	Hansen, Idaho	Nix
Cleveland	Harrington	O'Konski
Conable	Hastings	Patman
Conte	Hawkins	Pelly
Corman	Hays	Pettis
Culver	Hébert	Railsback
Davis, Ga.	Heckler, Mass.	Rhodes
	Hicks, Wash.	Rogers
Rosenthal	Springer	Wampler
Runnels	Stanton, J. William	Widnall
St Germain	Steele	Wilson, Bob
Scheuer	Steiger, Wis.	Wilson, Charles H.
Schneebeli	Stephens	Wolff
Shipley	Teague, Calif.	Wright
Sikes	Udall	Wydler
Sisk	Ullman	Yatron
Smith, Calif.	Van Deerlin	Young, Fla.
Smith, Iowa	Waldie	Zion
Smith, N.Y.		

The SPEAKER. On this rollcall 305 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

AGE REQUIREMENTS FOR CIVIL SERVICE APPLICANTS

Mr. HENDERSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina, (Mr. HENDERSON).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8085, with Mr. WAGGONNER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina (Mr. HENDERSON) will be recognized for 1 hour, and the gentleman from Iowa (Mr. GROSS) will be recognized for 1 hour.

The Chair recognizes the gentleman from North Carolina (Mr. HENDERSON).

Mr. HENDERSON. Mr. Chairman, I yield such time as he may consume to the distinguished Chairman of the full Committee on Post Office and Civil Service, the gentleman from New York (Mr. DULSKI).

Mr. DULSKI. Mr. Chairman, I sponsored H.R. 8085 on the basis of an official recommendation sent to Congress by the Chairman of the U.S. Civil Service Commission.

There are two main objectives:

First, it reaffirms the Government's strict policy against discrimination because of age in employment in the competitive service and extends that policy to all employment in the Federal service.

Second, the bill recognizes the need for providing some flexibility in this area by authorizing the President, or his agent, to establish maximum age limits for appointments to positions in executive agencies where age is found to be a necessary qualification.

The authority granted to the President under this bill would be similar to that now held by the Secretary of Labor with respect to positions in private industry.

At the present time there is an outright statutory ban against the establishment of a maximum age limit for employment in the competitive service.

Since the existing law does not provide for administrative exceptions, any agency that feels it has positions needing exception must now look to the Congress for individual relief.

A number of agencies have indicated that they will seek authority from the Congress to establish maximum age limits for certain types of positions.

Our Committee on Post Office and Civil Service believes that instead of action on individual requests, it would be far more desirable to authorize the President, or his designated agent, to set maximum age limits for such positions.

In view of the strong desire of the Congress to eliminate age discrimination in Federal employment, except where absolutely necessary, this legislation provides for advance congressional review of any proposed exception.

Thus, there is no danger that the proposed authority to set maximum age limits will be abused by the President or his designated agent.

Mr. Chairman, I believe that the authority to establish maximum age requirements, where necessary, should be vested in the President, subject to congressional review, and I, therefore, urge the passage of H.R. 8085.

Mr. HENDERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 8085, a bill relating to age requirements for appointments to positions in executive agencies and in the competitive service.

First, may I say that this bill before us has no cost implications. Secondly, it is an administration proposal; and, thirdly, all it does, basically, is to provide an orderly and uniform procedure for establishing age requirements for entrance into Federal Government positions.

BACKGROUND

There is at present an outright ban on establishing maximum age limits for entry into the competitive service. This present policy against age discrimination in Federal employment dates back to 1956 when Congress wrote into the Independent Offices Appropriation Act (70 Stat. 355) a prohibition against the use of appropriated funds to pay the salary of any Federal employee who sets a maximum age for entry into any position in the competitive service.

There has been an exception when the Secretary of Interior, in 1969, was granted the authority to set minimum and maximum age limits for U.S. Park Police. The legislation did not go through the Committee on Post Office and Civil Service.

So far in this session of Congress our committee has had requests from the Attorney General for authority to set age limits for several of his law enforcement positions and from the Secretary of the Department of Transportation to set age limits for air controllers. In time, there will undoubtedly be more such requests.

On Monday, September 27th, the House Committee on Post Office and Civil Service voted out an air controller bill, H.R. 8083, with a section relating to age

requirements in the original bill deleted to conform to the principles detailed in the legislation before us today.

FLEXIBILITY

Age, by itself, should never be a bar to employment, either in private industry or in the Federal Government. In keeping with this principle, H.R. 8085 reaffirms congressional policy against discrimination as to age. But, it is equally desirable that a degree of flexibility, similar to that already existing for positions in private industry, be provided for Federal positions to permit exceptions without the necessity for congressional action in each case when age is found to be a bona fide occupational qualification.

The primary effects of the bill before you would be to give the President an administrative authority, with congressional control, that is parallel to the authority granted to the Secretary of Labor for positions in private industry—Age Discrimination in Employment Act of 1967, 81 Stat. 602.

CONGRESSIONAL CONTROL

To insure continued congressional interest and control, the President or his agent is required to give notice to the Committee on Post Office and Civil Service of the House and Senate at least 60 days prior to establishing a maximum age requirement. The report to the two committees must include a full and complete statement concerning the need for such a maximum age requirement.

PUBLIC HEARINGS

The Subcommittee on Manpower and Civil Service in July took testimony on H.R. 8085 from the chairman of the Civil Service Commission and representatives of several Federal Government employee organizations.

Chairman Hampton fully supported the proposed legislation. The employee organizations objected to the bill so long as there was no congressional control.

The bill was amended in subcommittee to provide this congressional control.

COST

The only cost involved, as I stated earlier, would be minimal, arising from general administrative costs.

SUMMARY

Mr. Chairman, this is a noncontroversial bill, sponsored by the administration, with little or no costs. It emphasizes ability rather than age as a prerequisite for a Federal Government job. But, H.R. 8085 provides for flexibility in Federal personnel management where age becomes a bona fide occupational qualification by authorizing the President to set a maximum age in making an appointment to a position in an executive agency as in the competitive service.

Congressional control is guaranteed by giving the Post Office and Civil Service Committees of the Senate and House at least 60 days advance notice with full justification for the proposed Presidential action.

Mr. Chairman, I urge all Members' support of this bill.

APPLICATION OF H.R. 8085 TO THE POSTAL SERVICE

I wish to call attention to the statements appearing in the first full paragraph on page 5 of the committee's report on H.R. 8085.

The last sentence of that paragraph states that the U.S. Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5 of the United States Code, and, therefore, is not covered by the provisions of the new section 7155.

The new section 7155, as added by H.R. 8085, authorizes the President to establish maximum age requirements in connection with appointments to positions in an "Executive agency" or in the "competitive service," when such requirements are necessary.

After the report was filed, the question arose as to the correctness of the statement on page 5 of the report, concerning application of the new provisions to the Postal Service.

Section 410(b) of title 39, United States Code, specifically provides that the provisions of chapter 71 of title 5 shall apply to the Postal Service. It would appear, therefore, that any amendments to the provisions of chapter 71 of title 5, likewise would be applicable to the Postal Service unless specifically provided otherwise.

Since the first section of H.R. 8085 adds a new section 7155 to chapter 71, and in view of the doubts which arose after the Committee Report was filed, Chairman DULSKI requested the Postmaster General to furnish his comments on this question. I will insert at the end of my statement the letter Chairman DULSKI addressed to the Postmaster General, and the reply dated September 28, 1971, from the Senior Assistant Postmaster General and General Counsel, David A. Nelson.

The reply agrees with our conclusion that the statement in the report is erroneous, but does not agree that all amendments to chapter 71 of title 5, United States Code, enacted hereafter, would automatically apply to the Postal Service.

The letter points out that subsequent amendments might not be within the framework created by the Postal Reorganization Act, and would be conflicting and completely contrary to other provisions in the Postal Reorganization Act. The Postal Service recommends that specific provisions be included if it is the intent of Congress that the Postal Service be subject to amendments to chapter 71 and other provisions specifically referred to in section 410 of the Postal Reorganization Act.

The questions raised in this matter are not easy ones to answer. We do not need to resolve the issue at the present time. The committee hereafter can establish a policy, as it may desire, in making subsequent amendments to the appropriate provisions of title 5 applicable to the Postal Service. In this particular case, it is not important.

The Postal Service in its reply stated that the amendment proposed by this legislation is in harmony with the Age Discrimination in Employment Act of 1967, and its extension to the Postal Service would not be inconsistent with the concept that employment within the Postal Service should be more nearly comparable to employment in the private sector.

It is stated that, as a practical matter, the Postal Service undoubtedly would follow the policy embodied in H.R. 8085, even though the legislation does not specifically apply to the Postal Service.

Mr. Chairman, in view of the position taken by the Postal Service, I see no need to offer a specific amendment to the bill, making it apply specifically to the Postal Service.

The letters that I referred to above are set forth below:

SEPTEMBER 17, 1971.

Hon. WINTON M. BLOUNT,
Postmaster General, U.S. Postal Service, Washington, D.C.

DEAR MR. POSTMASTER GENERAL: A question has arisen as to the application to the United States Postal Service of certain provisions that are contained in pending legislation.

Section 410(b) of title 39, United States Code, specifically provides that several provisions of law shall apply to the Postal Service, including the provisions of chapter 71 of title 5, United States Code.

H.R. 8085, which was ordered reported by our Committee and is now pending before the House, proposes to add a new section 7155 to chapter 71 of title 5.

It is the purpose of this provision to authorize the President to establish maximum age requirements in connection with appointments to a position in an "Executive agency" or in the "competitive service".

The Committee report on the Legislation (House Rept. No. 92–416), in the last sentence of the first full paragraph on page 5, states that the United States Postal Service is specifically excluded from the definition of "independent establishment" in section 104 of title 5, and, therefore, is not covered by the new section 7155.

I believe that this statement is incorrect. It certainly does not coincide with the intent expressed by representatives of the Postal Service when they testified on the legislation, or with the intent of the Committee in considering section 410 of title 39.

It is my belief that section 410(b) has the effect of applying all provisions of chapter 71 of title 5, and the provisions of other sections mentioned in that subsection, to the United States Postal Service, without regard to any definition that may be included in the actual provisions of chapter 71, or the other provisions made applicable to the Postal Service by section 410.

The identical question has now arisen in connection with another bill the Committee is now considering, which adds a new subchapter to chapter 71 of title 5, relating to the rights of privacy for Federal employees. During the Subcommittee markup of this legislation, a motion was made, and approved, to include provisions in the new subchapter 3, and in title 39, making the provisions of the new subchapter 3 applicable specifically to the United States Postal Service.

It is my view that the provisions of section 410(b) have the effect of applying the provisions of the new subchapter 3 to the United States Postal Service, and that the provisions of the new section 7155, proposed by H.R. 8085, will apply to the United States Postal Service, without any specific reference to the inclusion of the Postal Service in the new legislation.

I would appreciate having your comments on this matter at the earliest opportunity as the Subcommittee on Employee Benefits will meet next week for the further consideration of the legislation, and it is expected that H.R. 8085 will be considered on the Floor of the House in the very near future.

Copies of the material to which I have referred are enclosed for your information.

With kindest personal regards,

Sincerely yours,

THADDEUS J. DULSKI,
Chairman.

U.S. POSTAL SERVCE,
Washington, D.C., September 28, 1971.

Hon. THADDEUS J. DULSKI,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Postmaster General has asked me to respond to your letter of September 17, 1971, requesting our comments on the question whether certain proposed revisions in chapter 71 of title 5, United States Code, would, if enacted, apply to the Postal Service.

We agree with your conclusion that the exclusion of the Postal Service from the definition of an "independent establishment" in 5 U.S.C. § 104 does not provide a complete answer to the question of how far the Postal Service might be bound by amendments to those provisions of title 5 that now apply to the Postal Service. 39 U.S.C. § 410(b) makes chapter 71 of title 5 applicable to the Postal Service, and insofar as this provision may manifest a Congressional intent that the Postal Service be subject to subsequent amendments of chapter 71, the statutory exclusion of the Postal Service from the definition of an independent establishment for the purpose of ttile 5 would appear to be immaterial.

The scope of 39 U.S.C. § 410(b) cannot be properly assessed, it seems to me, without reference to the considerations that led to the enactment of section 410(a). That section, which exempts the Postal Service from all but a limited number of Federal laws "dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds," was manifestly designed to help the Postal Service improve the quality and efficiency of its services by granting the new independent establishment broad relief from the intricate network of public laws and administrative regulations to which the Post Office had been subject as an executive department. In the light of that objective, I would not interpret section 410(b) as meaning that any and all amendments to the provisions cited in that section will automatically apply to the Postal Service, regardless of the consistency of such amendments with the framework created by the Postal Reorganization Act and regardless of whether they have a logical connection with the provisions to which the Postal Service was made subject at the outset. If Congress amended chapter 71 of title 5 to prohibit executive agencies from negotiating agreements with labor organizations, for example—an amendment that would conflict with the employee-management provisions of the Postal Reorganization Act and would introduce a subject not within the purview of chapter 71 as in effect at the time of adoption of the Postal Reorganization Act—I do not believe that the amendment could reasonably be read as applying to the Postal Service unless the amendment itself contained language expressly bringing the Postal Service within its terms.

On the other hand, an amendment to chapter 71 dealing with matters that were covered by that chapter when the Postal Reorganization Act was passed, and doing so in a manner not inconsistent with the provisions of the Act, might well be deemed to apply to the Postal Service even though the amendment did not so state.

It is a close question, I think, whether the Postal Service would be covered by H.R. 8085, if that bill were enacted in the form in which it was reported by your Committee. In prohibiting arbitrary maximum-age requirements for entrance into the Federal service, the bill deals with a type of discrimination that was not covered by chapter 71 of title 5 when the Postal Reorganization Act was passed. On the other hand, the amendment is in harmony with the Age Discrimination in Employment Act of 1967, and its extension to the Postal Service would thus not be inconsistent with the concept that employment within the Postal Service should in general, be made more nearly comparable to employment in the private sector. As a practical matter, I suspect that the Postal Service would try to comply with the policy embodied in H.R. 8955 regardless of its legal obligation to do so; but if it is the intent of Congress that the Postal Service be subject to the bill as a matter of law, it would seem desirable to include an express provision to that effect.

With respect to the proposed addition to chapter 71 of a new subchapter III, defining a broad new category of employee rights and establishing a detailed statutory mechanism for handling complaints of violations of such rights, I do not believe that the proposed subchapter, as presently drafted, would apply to the Postal Service. The subject matter of the new subchapter has little in common with that of the two subchapters that were in effect when the Postal Reorganization Act was passed, and it has no analogue in the body of federal law applicable to private employers. If the measure were held to be applicable to the Postal Service, moreover, it would have the effect of withdrawing from the collective bargaining process a number of matters—both substantive and procedural—that would have been subject to collective bargaining under the Postal Reorganization Act. Such an intent should not, I think, be inferred lightly.

The applicability to the Postal Service of any amendment to the provisions specified in 39 U.S.C. § 410(b) depends, in the final analysis, upon an interpretation of the intent of Congress in adopting the amendment. The Courts would be hard put, I believe, to impute to Congress an intent to bring the Postal Service within the coverage of an amendment that makes no reference to the Postal Service, that is inconsistent with the principles underlying the Postal Reorganization Act, and that deals with subjects not covered in the provisions that were made applicable to the Postal Service when section 410(b) was enacted. The question raised in your letter is not an easy one, and I hope that you will find these comments helpful.

With kindest personal regards,

Sincerely,

DAVID A. NELSON.

At the present time, there is no prohibition against establishing a maximum age limit for appointments to positions in the excepted service. The existing statutory prohibition—5 U.S.C. 3307—applies only to positions in the competitive service.

Under the provisions of this bill, maximum age requirements for positions in both the competitive service and the excepted service could be established only by the President or his agent.

All positions in the FBI are in the excepted service. A maximum age requirement of 40 years has been established for an appointment to the position of special agent in the FBI. Under the provisions of this bill, the maximum age limit of 40 would have to be established by the President or his agent, subject to congressional approval. The FBI could no longer exercise such authority.

Under the authority of Public Law 91–73, the Secretary of the Interior has established a maximum age limit of 30 years for appointments to the U.S. Park Police. This authority is repealed by H.R. 8085. Such age limit would have to be established by the President or his agent.

The committee has received letters from two agency heads seeking authority to establish maximum age limits for appointments to certain positions.

One letter is from the Attorney General, seeking authority to establish minimum and maximum age limitations for appointments to the following positions—

First. Border Patrol Agent—Immigration and Naturalization Service;

Second. Criminal Investigator—Bureau of Narcotics and Dangerous Drugs;

Third. Correctional Officer—Bureau of Prisons; and

Fourth. Deputy U.S. marshal.

The other letter is from the Secretary of Transportation, seeking authority to establish a maximum age limit for appointments to the position of Air Traffic Controller.

Mr. HALL. Mr. Chairman, would the distinguished gentleman from North Carolina yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Missouri.

Mr. HALL. I appreciate the gentleman's statement. I have listened intently. I must say that this is a problem that has bothered me for a long time. In the days of my active practice of medicine and surgery, when I was of necessity required to advise people to retire and live graciously, and try to explain to them why, as well as how, to live graciously, I would often say that a man has a right to elect to die with his boots on. But unfortunately it is not always given to us to know when we are going to continue to be able to pull our boots on or even take them off.

There is nothing that is more sad than perhaps a self-appointedly indispensable individual who has the ravages of physical disease to the point where he is no longer rational, equitable, or exercises good judgment. By the same token, I would hasten to add that there is nothing more beautiful than some grandmother who is an octogenarian, who may be ravaged physically, but who remains mentally acutely aware, awake, and agile.

I do not know how we can fix this. I am worried about three things. I wonder if we are not giving to the executive agency and to the Chief Executive, the various heads of the departments and bureaus, a power which rightly should remain in the Congress to the point where we are eliminating management's tools of discernment.

I am conscious of the fact, as I am sure the distinguished gentleman is, that in recent months and years we have taken away practically all bars to Federal employment—in turn, race, social and national origin, sex—and now we are taking away, in fact, age as a bar to employment—not in the exceptional case alone, but by this action, as I read it, in all cases. It would seem to me that management, whether it be in public trust or whether it be in private enterprise, should have some rules of discernment based on means or averages, with which they could lay an average or make a generally applicable rule.

Mr. HENDERSON. If the gentleman would permit me on that point, his remarks are very much in keeping with the consideration that our subcommittee members gave to this legislation. Here the problem is whether or not the President or his agent, and I believe the Presidential authority granted here would be delegated to the Civil Service Commission—or whether Congress should set maximum entry age for employment in the federal system. The Congress has done this in the past for the Federal Bureau of Investigation. I think a very good case was made than and could be made for the continuation in that instance. As I mentioned in my statement, in 1969, we granted this authority to the Department of the Interior for the Park Police. I personally think that through the action of our subcommittee, in reporting this bill and by granting this authority to the President or his designated agency, we will get the real expertise that I think the gentleman is talking about. An age limit for entrance in the Federal service must be based solely on job-related qualifications. I think if we do not pass this bill, the Congress from time to time in acting will have no sort of uniformity for the entrance requirements as opposed to uniform action by the Civil Service Commission.

Mr. HALL. I hope the gentleman is correct, because the ravages of disease and time hanging over all our heads becomes more and more apparent the older one gets, if he is honest with himself; and we face the same problem, of course, right here in our own operation. As a matter of procedural fact, do I correctly understand from the gentleman that if the Secretary of Defense would come in here and ask for an age limitation for entry and/or retirement of the members of the Armed Forces, we would have only 60 days in which to veto such a request?

Mr. HENDERSON. This would not affect the uniformed military but only our civil service employees within the Defense Department. The Secretary would make the request, I assume, to the Civil Service Commission, if designated by the President, and the Commission would hold the proper hearings and receive the evidence. If based on that record, they decided to make an age limitation in a particular job, they would report that fact together with the justification to the committees of the Congress 60 days before it would go into effect in order to provide the Congress an opportunity to act.

Mr. HALL. And that would be the so-called veto in reverse. If we acted arbitrarily then, it would not go into effect, and it would have the effect then of the Reorganization Act of 1949?

Mr. HENDERSON. The way it is presented, I will say to the gentleman, it does not require congressional action, so in the absence of such action, the proposal would become a requirement. I reiterate, however, that the Congress would have the opportunity by virtue of the 60 days' notice to act before that did become effective.

Mr. HALL. Mr. Chairman, I certainly appreciate the gentleman's forebearance. I, of course, historically am against the veto in reverse where the legislative body, instead of assuming the responsibility and acting in fulfilling its responsibility, allows the executive body to act and then reserves unto itself or one or other of the bodies, so many days in which to act.

Finally, could this not be a two-edged sword, would the gentleman from North Carolina agree, to the effect that if the limits are set too high, it may kill incentive because of the "hangers on" over and above the normally prescribed age of retirement in any one division, department, or operating branch of the Government?

Just a few years ago we here were lowering constantly the ages for retirement, and, of course, retirement is involved. I do not see how we can say, as the report does, that there is practically no cost involved; because if we set the age younger, there is much less contribution of the employee, and the Federal Government and the Federal taxpayers contribute that much more. But be that as it may, my point is the sword cuts both ways, and if people hang around too long, or are extended by the President or his Cabinet members, would it not ruin the incentive within the service?

Mr. HENDERSON. I think the best evidence that the committee received was pertinent to the air traffic controllers under the FAA in the Department of Transportation. A clear case was made because of the unique pressures of that particular job. An air traffic controller is required to suffer pressures that are inherent only in the course of that career. I am sure our committee would have adopted minimum ages for entrance if we had not anticipated the enactment of this legislation. Or, to say it another way, if this bill is not enacted into law, I feel sure our committee will come back and present to the House at least in that instance the minimum age requirement. The objective there would be to insure that we get young men into the service so that they could complete a full course and retire before the job-related problems just get to them and make it impossible for them to perform.

Mr. HALL. I do understand that, and I appreciate the gentleman yielding. My point, though, is just the reverse. Suppose a future Administrator of the FAA came back and said, "No, we erred," as we had during a recent administration when we began to lower the ages for retirement. The Administrator will say, "Let us increase the ages for requirement. Experience is of great value. It is not so difficult any more. Therefore we will require these people to stay until they are 70." At the same time we may find the young air traffic controllers would resign en masse because they could not expect to go to the top brackets in that circumstance. I know it is far-fetched. It does happen with jet fliers, and it could in other matters of severe nerve and physical strain.

Mr. DULSKI. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I yield to my chairman on this point, the gentleman from New York.

Mr. DULSKI. Mr. Chairman, I appreciate the chairman of the subcommittee yielding.

The gentleman from Missouri is referring to retirement. There is nothing in this bill relating to retirement. It is only a maximum entry age for appointment to a position in the competitive service. Would the gentleman from North Carolina agree?

Mr. HENDERSON. That is correct.

I might say further to the gentleman from Missouri that we had the proposal before us for earlier retirement for the FAA controllers only.

Of course, I believe it would be far more expensive to the Federal Government if we were to have that early retirement without a requirement for entry age. If we were to grant full retirement for less than a normal 20-year period, it would be more expensive than setting minimum entrance ages allowing for a full career, where possible.

Mr. HALL. I appreciate these informative comments, but things equal to each other come out the same in the end.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. HENDERSON. I am delighted to yield to the gentleman from Texas, a member of the committee.

Mr. WHITE. There are three problems in connection with this particular bill, as I see it, and which are addressed by an amendment I will show the gentleman, which I hope to offer for acceptance.

First, as mentioned by the gentleman from Missouri, there is a delegation of authority by the Congress and an abdication of this power to the President. That qualification as to age has always been traditional in the Congress.

Second, in the term of notice to the Congress the bill speaks of 60 days. However, it is not said, "while Congress is in session." It just says to notify the committees 60 days prior to its enforcement or its going into being. That is another pitfall.

Another pitfall I see is that there is a question relating to the validity of notices to committees instead of to the Congress. The amendment I have would call for notice to the Congress, and it would give a 90-day notice to the Congress.

One other section of the amendment I have reaches to what I regard to be a hazard. Suppose a new President came into office, and he therefore had many obligations to fill positions for those who had helped him. This is a practical political reality. Suppose he decided he wanted to find spots for these faithful supporters and that he set a lower level for the occupational age limit, thereby creating new positions, for those who reach the ceiling and therefore have to retire.

Mr. HENDERSON. The gentleman is getting far off the point. Let me say that we are setting only entrance ages. Do not confuse that with those who are in service. Anyone in service would not be affected. This only affects the age of a person entering the service.

Mr. WHITE. For legislative history, the gentleman is saying this would not affect the need for an individual to leave that employment. In other words, it has a built-in grandfather clause with respect to those already in service?

Mr. HENDERSON. This has absolutely nothing to do with employees who have already entered the service or with regard to their retirement.

With regard to the gentleman's first point, I have no objection to the gentleman offering an amendment requesting a 90-day notice for reports made to the Congress. I would be glad to discuss this amendment with him.

Mr. WHITE. I should like to go a little further. What would be the feeling of the gentleman in the well, a very distinguished chairman of this committee, as to this notice to be made to the Congress, giving either House of the Congress the right to veto?

Mr. HENDERSON. I believe the gentleman knows I have opposed that, and would do so on the floor. Of course, that is a decision for the Committee of the Whole to make as we debate the amendment.

Mr. GROSS. Mr. Chairman, will my friend from North Carolina yield?

Mr. HENDERSON. I am delighted to yield to the distinguished gentleman from Iowa.

Mr. GROSS. In response to a question asked by the gentleman from Missouri (Mr. HALL) the gentleman provided an answer but I believe it could be more specific. Is it not true that in the case of review as set forth in this legislation it would still take the enactment of a law by Congress to upset any abuse of what is here provided as to age for entrance into Federal employment?

Mr. HENDERSON. The gentleman is absolutely right. It would take legislative action within 60 days; or thereafter, of course, Congress could exercise its legislative authority. The gentleman is correct.

The CHAIRMAN. The gentleman from North Carolina has consumed 20 minutes.

Mr. GROSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, again I find myself in the unpleasant position of opposing a bill from the committee of which I am a member.

Mr. Chairman, this bill has only one real purpose and that is to delegate authority to the President to set maximum age requirements for employment with the Federal Government.

The so-called reaffirmation of congressional policy against age discrimination is totally superfluous in that it has been national policy since 1956 when Congress wrote into the statutes strict prohibitions against age discrimination for employment with the Federal Government.

Additionally, in 1967, Congress enacted the Age Discrimination in Employment Act, making it unlawful for any employer in the private sector to refuse to hire an individual because of his age.

H.R. 8085, while declaring a policy against age discrimination in Federal employment on one hand, turns right around and specifically gives carte blanche authority to the President, or to his agent, to establish age requirements for any and all of the 1,500 job occupations which compose the Federal work force.

I can see some need for a measure of flexibility wherein some machinery might be created to set maximum age requirements for certain specific positions. Types of jobs, for example, where age could possibly be a factor include certain law enforcement personnel, firefighters, and air traffic controllers.

However, Mr. Chairman, I am opposed to the provisions of this bill, which proposes to further abdicate the historic responsibility of Congress in a vital area of national concern, and to bestow this authority upon the President, any President. And particularly since the bill provides for no meaningful congressional oversight of the determinations that might be made by the President.

The one thing that disturbs me most, Mr. Chairman, about this bill is that it is another, in what has become a long series of bills from the committee, of which I am a member, which require the Congress to completely abdicate its historical and constitutional prerogatives and turn those prerogatives over to the executive branch.

For example, in the last 4 years—

We have turned over to the President the authority to set the salaries of Members of Congress, all Federal judges, and all Cabinet officers, and other Federal executives.

We have turned over to the President complete authority to set the pay of all other employees—the so-called rank-and-file employees of the Federal Government—under the statutory salary systems.

We have turned over to the Postmaster General the authority to negotiate the rates of pay for all postal employees.

We have turned over to a so-called independent Postal Rate Commission the authority to set postal rates. I might point out here that the same postal rate increase proposal which this Commission has been considering since last February, under a procedure that has taken over 16,000 pages of printed testimony and involvement by practically every attorney in Washington, is the same postal rate increase which this Congress was ready to approve a year and a half ago, until the Postmaster General stated that postal reform was then more important to him than a postal rate increase.

By reason of the action of the committee of which I am a member, the President of the United States today sets the pay of every officer and employee of the entire Federal Government with the exception of his own pay and that of the Vice President.

I have consistently opposed each of these delegations of authority to the President. I think our actions have not only been unwise but extremely dangerous, and certainly not in the best interests of the American people and constitutional government.

However, getting back to this particular bill, I must emphasize that it represents a dramatic departure from a long-time firm policy wherein the Congress has flatly prohibited all age discrimination in Federal employment and wherein the Congress itself has determined if and where exceptions to that policy should be made.

This bill is opposed, and properly so, by the large employee unions who are most concerned that the wide discretion it imposes on a President, any President, could be abused.

I cannot support the bill and I urge its defeat.

Mr. HENDERSON. Mr. Chairman, I have no further requests for time.

Mr. GROSS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, once again we in the Congress are being asked to approve legislation to diminish the role of the legislative branch by turning over to the executive branch authority to set maximum age limits for appointments in the Federal service. I do not intend to be a part of that effort. This is exactly what H.R. 8085 purports to do and I oppose it on these grounds alone.

Mr. Chairman, let us examine the reasons for this recommendation. We are told that a number of Federal agencies have indicated, and properly so, that they will seek authority from the Congress to set maximum age limits for entry into several types of jobs and, therefore, in the interest of uniformity and appropriate control, it is far better to have this authority vested in the President or his agent. I totally disagree. In 1969, the Congress heard the request of the Department of the Interior for setting maximum age limits for the U.S. Park Police and enacted Public Law 91-73. This action clearly indicates the willingness of the Congress to take action and that—it was receptive to the arguments presented by the Interior Department and approved their request on the basis of logic. What is there in the record to believe that in the future the Congress will not be receptive or that it will not be judicious in its consideration of the views of other agencies in similar exceptions? I, for one, am not satisfied with the answer that we are given, that we must constantly turn over more and more power to the executive branch of Government. Because that branch is the only one capable of dealing with special age problems.

Mr. Chairman, I say the time has come to say "no," I submit that any agency that feels it needs relief from the strict letter of the law can present its case to the Congress and expect to receive a fair hearing. We do it all the time.

Mr. Chairman, I recognize the need for providing flexibility in this area in place of the present outright ban on age limits for entry into the competitive service, but I do not subscribe to the theory which seems to be quite prevalent today, that the executive branch is omniscient and can do a better job than the legislative branch. I believe that in many cases the opposite is true and I will not be a party here today of an effort to turn more of our responsibilities over to the executive branch.

Mr. Chairman, I oppose this legislation.

Mr. GROSS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding. I know that one of the principal aims of our older citizens these days is to find useful employment, and that seems to be even more

prominent in their needs than even increased social security and other benefits, including hospitalization and other things of that nature.

The thing that concerns me about this legislation is whether or not it is going to provide more opportunity for useful employment for these older citizens who are seeking that kind of outlet, and who have such tremendous talents that should be utilized, and whether or not this will discourage them or deprive them of the chance of such employment.

So I would like to have some answers to that question from someone who is on the committee, and who would be able to answer whether or not this would deprive persons, for instance, who have completed a successful career in business, and who might be utilized in various capacities in the Federal service.

Would this encourage their employment, and give them greater opportunity and give us a better chance to utilize their skills, experience, and talents, or is it going to leave things about the same, or diminish those chances?

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. HENDERSON. Mr. Chairman, in reply to the inquiry of the gentleman from Illinois let me state that it is envisioned by the hearings and the legislative intent here that the authority granted to set entrance age requirements would be job related clearly, as to whether the age ought to be 35 or 40 is envisioned, the same as we have done for the FBI, and in other positions in the Department of Justice for such as the Border Patrol, the Narcotics Agents, and so on. The only other exception to law enforcement that I know of is the FAA flight controllers. So we do not anticipate that there would be requests for large numbers of positions to be covered under the minimum age entrance requirement.

It is for that reason that we believe that the reporting of their proposed actions to the Congress could give us sufficient oversight in these areas.

Mr. McCLORY. Mr. Chairman, it seems to me that if we would simply abolish or repeal the age discrimination which exists in the law, just flatly, perhaps with exceptions in the area of law enforcement and a few areas like that which the Congress could speak upon, that then we would be responding to the needs and desires of these older citizens.

Mr. HENDERSON. Mr. Chairman, if the gentleman will yield further, I do not quite understand the gentleman's argument because the law now clearly says that there should be no discrimination because of age. So in the Federal law enforcement agencies where clearly there ought to be some age at which you would require the officer or the employee to enter the service that we have got to have either specific legislative authority or this authority to set those ages. And obviously the gentleman is not arguing that a retiree of age 65 ought to have the right to enter the law enforcement field.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GROSS. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I thank the gentleman for the additional time, and I hope the gentleman from Iowa can enlighten me on this subject because I do not seem to be satisfied with the answers so far in regard to my inquiry.

What is the opinion of the gentleman from Iowa with regard to eliminating age as a barrier—as a source of discrimination by this Congress? What is the effect of this legislation on that kind of discrimination which I think is flagrant today, and which is not only depriving our older citizens of their opportunity, but is depriving the Nation of the services, talents, and experience of our older citizens.

Mr. GROSS. I believe the gentleman has addressed the question to me. I think there are a few areas that we ought to take care of, and the Congress ought to take care of those areas, such as law enforcement officers and firefighters, and as I have stated previously here this afternoon, as well as air traffic controllers, those limited areas, but I think we ought to take care of it as far as wiping it out altogether. The point I am trying to make here is that whatever is done ought to be done consistently throughout the Federal Government, and it ought to be done by Congress.

I think it is most inconsistent coming here today and delegating this kind of power to the President or to any President of the United States—present or future. I think we ought to look ourselves in the face if we are going to have this and we ought to set the age requirements for the Congress—why not begin right here among ourselves?

Mr. McCLORY. It seems to me from the gentleman's answer that what we are doing is delegating to the executive branch a responsibility that historically and constitutionally belongs with the U.S. Congress.

If any request for maximum entry age limits are desired by the Federal Government, then it should be the duty of the U.S. Congress to receive testimony by all interested parties and proceed in an orderly and responsible manner. This subject is far too important to be dealt with in any summary fashion.

We, the elected Members of Congress, should and must decide on any maximum entry age limits because too much is at stake for our senior citizens. For these reasons, I must oppose this bill.

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. HENDERSON. Mr. Chairman, I yield the gentleman 1 additional minute.

I think we want to get on the point that the gentleman is making and I do not think any of us have quite gotten on it.

Mr. Chairman, I will put it this way. The law now provides that there shall be no discrimination because of age. If the gentleman knows any older citizens who have been discriminated against in Federal employment, then that matter ought to be brought to the attention of the Civil Service Commission, and we on the committee would like to have it. But what the gentleman is saying is that older citizens are discriminated against because they are older citizens. We have all the laws we need on the books on that and this legislation has nothing to do on that point.

Mr. GROSS. Mr. Chairman I yield the gentleman 1 minute and if the gentleman will yield to me I will appreciate it.

Mr. McCLORY. I yield to the gentleman.

Mr. GROSS. Let me quote from section 3307, title V.

This reads as follows:

§ 3307. Competitive service: maximum-age requirement; restriction on use of appropriated funds

Appropriated funds may not be used to pay an employee who establishes a maximum-age requirement for entrance into the competitive service.[1] (Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 419.)

What this bill seeks to do is to repeal this section of the law.

Mr. McCLORY. That is my understanding.

Mr. GROSS. And if we defeat this bill, we will have preserved the statute.

Mr. McCLORY. I thank the gentleman.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman.

Mr. ROUSSELOT. Mr. Chairman, I think the point the gentleman from Illinois is making is a correct one. That is we in Congress are delegating away from ourselves the power to make selective and individual choices in given areas where it may be proper to set maximum and minimum age limits. But under this legislation we are now delegating that authority away to the executive branch. I think it is an abandonment of our responsibility to our constituents and to all others involved in Federal employment. I think it is wrong and I think the gentleman from Illinois is making a good point.

Mr. LLOYD. Mr. Chairman, the Washington Post recently published an editorial which pointed out that the 1970 census found 3.5 million more Americans over the age of 65 than in the census taken 10 years previously. The same census further revealed 5 million less persons under the age of 5 years in 1970 than in 1960. This further emphasizes the very dramatic increase in the average age of Americans and underscores the vital necessity of eliminating discriminations in employment based upon age wherever feasible. Older Americans have been and are handicapped in their efforts to retain and secure employment which they are perfectly capable of fulfilling. We must increase our concentration on the job of making older citizens feel integrated rather than segregated from the responsible activities of society.

Therefore, I wish to take this opportunity to voice my support for H.R. 8085, which will establish a congressional policy that will require the Federal Government to promote the employment of persons on their ability, rather than age, and which will prohibit arbitrary dis-

crimination on the basis of age in all employment in the Federal service.

Age by itself should never be a bar to employment, either in private industry or in the Federal Government, and Congress must do all that it can to insure that the Federal Government does not discriminate on the basis of age in its own hiring practices.

This bill is an extension of a congressional policy established in 1956 that prevents the establishment of maximum age ceilings for appointments in the Federal competitive service. At the present time, however, there is no such provision that applies to positions in the excepted services. In keeping with the Government's policy against age discrimination, it seems to me highly desirable that Congress should extend the prohibition of age limits to the excepted services.

Passage of this bill will reaffirm and strengthen our commitment to fight age discrimination and will help guarantee that qualified persons are not excluded from Government service merely because they are older than other applicants for the same position.

This bill is flexible, however, in that it provides that the President can establish maximum age requirements, but only when age is found to be a bona fide occupational qualification.

With the passage of H.R. 8085, we will take another step forward in eliminating age discrimination in Government employment.

Mr. BADILLO. Mr. Chairman, I rise in opposition to H.R. 8085, a bill whose passage has been sought by the administration. It would enable the President, or more realistically, the Civil Service Commission, to establish a mandatory legal maximum age for the initial employment of Federal civilian personnel. In my view, this would be an unwarranted relaxation of the 1956 and 1957 acts which prohibited discrimination in Federal employment on the basis of age.

In examining the record of the hearings on this legislation, I find no adequate justification for imposing a maximum entry age. It seems to me that the present medical examinations for entry into the Federal service are ample safeguards to determine conclusively whether an applicant can properly perform on the job. If the medical departments of the various agencies find applicants fit for duty, no other official or agency should be in a position to invoke arbitrary legal maximum age requirements to deny free access to all jobs of professionally and physically qualified applicants.

In view of the tremendous potential for misuse of such authority, as well as the very limited number of occupations which might properly be subject to such a requirement, I believe this legislation must be rejected.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asembled, That (a) subchapter II of chapter 71 of title 5, United States Code, is amended by adding at the end thereof the folowing:

"§ 7155. Maximum-age entrance requirement

"It is the policy of the United States to promote employment of persons based on their ability rather than age and to prohibit arbitrary age discrimination in employment in the Federal service. A maximum-age requirement may be applied in making an appointment to a position in an Executive agency or in the competitive service only when the President, or such agent as he may designate, has established and placed in effect this requirement on the basis of a determination that age is a bona fide occupational qualification reasonably necessary to the performance of the duties of the position. Not later than the 60th day before establishing and placing in effect a maximum-age requirement under this section, the President or his agent shall transmit to the Committee on Post Office and Civil Service of the Senate and the Committee on Post Office and Civil Service of the House of Representatives a report which includes a full and complete statement justifying the need for that maximum-age requirement.".

(b) The analysis of subchapter II of chapter 71 of title 5, United States Code, is amended by inserting the following new item after item 7154:

"7155. Maximum-age entrance requirement.".

SEC. 2. (a) Section 3307 of title 5, United States Code, is repealed.

(b) The analysis of subchapter I of chapter 33 of title 5, United States Code, is amended by striking out—

"3307. Competitive service; maximum-age requirement; restriction on use of appropriated funds.".

SEC. 3. Public Law 91–73 approved September 26, 1969 (83 Stat. 116) is repealed.

Mr. HENDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: On page 2, line 19, insert "(a)" immediately before the word "It".

On page 2, line 22, strike out the word "A" and insert "Subject to the provisions of subsections (b) and (c) of this section, a" in lieu thereof.

On page 2, line 22, strike out the word "Not" and all that follows down through the second period in line 11 on page 3 and insert in lieu thereof the following:

"(b) When the President or his agent has determined that it is necessary to establish a maximum age requirement for a particular position in an Executive agency or in the competitive service, he shall transmit to the Congress his recommendation concerning such maximum age requirement together with a statement explaining the need for such requirement.

"(c) The maximum age requirement recommended by the President or his agent and transmitted to the Congress under subsection (b) of this section shall become effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the recommendation is transmitted. The continuity of a session is broken only by an adjournment of the Congress sine die. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.".

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent that the further reading of the amendment be dispensed with, and I would like to explain the amendment.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The CHAIRMAN. The gentleman from Texas (Mr. WHITE) is recognized in support of his amendment.

Mr. WHITE. Mr. Chairman and members of the committee, this amendment follows in line with the colloquy I had with the chairman of the subcommittee.

While the bill provides 60 days notice to the House Post Office and Civil Service Committee and the Senate Post Office and Civil Service Committee, this amendment provides for 90 days notice during a session of the Congress, with the allowance for days of recess of the Congress. This is consonant with the rules of the House.

Mr. HENDERSON. Mr. Chairman, will the gentleman yield?

Mr. WHITE. I yield to the gentleman.

Mr. HENDERSON. Mr. Chairman, in behalf of the majority, we accept the amendment.

Mr. WHITE. I thank the gentleman very much.

The purpose of the amendment is to give the Congress more opportunity to look at the Presidential recommendation. Ninety days will enable the Congress, either body of Congress, to initiate legislation to rectify or reverse a Presidential order to keep it in line with what the Congress deems should be a proper age requirement, or to nullify the President's order. So I urge the committee to accept the amendment.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

The CHAIRMAN. The gentleman from Iowa is recognized for 5 minutes.

Mr. GROSS. Mr. Chairman, I take this time to ask the gentleman from Texas (Mr. WHITE) if the language which I shall read has not been stricken from his original statement. This is the language—

Unless, between the date of transmittal and the end of the 90-day period, either House adopts a resolution disapproving the maximum age requirement so recommended and transmitted.

Mr. WHITE. I did because of the fear that the sentiment of the House would be against a reverse veto; that is, a veto by the House of a Presidential order. So I limited my amendment as offered to the House to call for a 90-day notice to the Congress.

Mr. GROSS. Then I will have to say to my friend from Texas, whom I hold in high regard and esteem, that his amendment to this bill is little more than window dressing.

Mr. WHITE. It would give the Congress more time to act. The bill as it stands provides a 60-day period.

Mr. GROSS. But if Congress wants to disapprove what a President does by way of this delegated authority with respect to age requirements for entrance into

Federal employment, it would have to pass a law.

Mr. WHITE. If the gentleman feels like a substitute amendment would be in order, I would be happy to vote for such a substitute in line with the wording contained in the original amendment.

Mr. GROSS. I should like to have some immediate recourse on the part of Congress. You have stricken that language from your amendment, and as ineffective as that would be, it would still be some brake upon the executive.

I urge defeat of the pending amendment, my colleagues, because it does nothing except provide something on the order of a half-baked review. It adds nothing to this bill, which is bad on the face of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 32.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. WHITE

Mr. WHITE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITE: on page 2, line 19, insert "(a)" immediately before the word "It".

On page 2, line 22, strike out the word "A" and insert "Subject to the provisions of subsections (b) and (c) of this section, a" in lieu thereof.

On page 3, line 4, strike out the word "Not" and all that follows down through the second period in line 11 on page 3 and insert in lieu thereof the following:

"(b) When the President or his agent has determined that it is necessary to establish a maximum age requirement for a particular position in an Executive agency or in the competitive service, he shall transmit to the Congress his recommendation concerning such maximum age requirement together with a statement explaining the need for such requirement.

"(c) The maximum age requirement recommended by the President or his agent and transmitted to the Congress under subsection (b) of this section shall become effective at the end of the first period of 90 calendar days of continuous session of the Congress after the date on which the recommendation is transmitted unless, between the date of transmittal and the end of the 90-day period, either House adopts a resolution disapproving the maximum age requirement so recommended and transmitted. The continuity of a session is broken only by an adjournment of the Congress sine die. The days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 90-day period.".

Mr. WHITE (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD. I shall explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. WHITE. Mr. Chairman, this amendment is precisely the same as the originally prepared amendment to which attention was called by the gentleman from Iowa (Mr. GROSS). I have restored the wording with the one sentence which would give the Congress the right to veto a Presidential order for a change of age requirements. In other words, in totality this amendment would call for the President, upon making a finding, to present his recommendation to the Congress 90 days prior to the instituting of the age limit change.

At that time either House of Congress could then veto the Presidential order and it would be annulled. That is the effect of this amendment.

Mr. HENDERSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas. I think the Members who have been on the floor understand exactly what the situation is, so I do not think it is necessary for us to repeat that the Congress must act to disapprove the recommendation of the President in this particular instance. But the provision of the amendment that the committee just turned down, which, I might add, this side was willing to accept, still reserved to the Congress the right to act. So really what we are saying is we either do it by disapproving the President's action or pass a bill setting the age that we think ought to be set, if any, in that particular instance.

It is not a matter of great importance but only of procedure. I still think the bill reported from the committee is much better without the amendment offered by the gentleman from Texas. I hope the amendment will be defeated.

Mr. DULSKI. Mr. Chairman, I rise in opposition to the amendment and I move to strike the requisite number of words.

Mr. Chairman, I think in my opening remarks on this bill I stated that this gives authority to set a maximum age limit, which we feel will not be abused by the President or his designated agent.

The provisions of the bill that were ordered reported by the committee include a requirement, in the sentence beginning in line 4 on page 3 of the reported bill, that before any age requirements may be placed into effect a report must be transmitted to the Post Office and Civil Service Committees of the House and the Senate. The report is required to include a statement justifying the need for any maximum age requirements, and must be transmitted at least 60 days prior to the date that a maximum age requirement is placed into effect.

The committee felt that 60 days' advance notice for establishment of such age requirements was sufficient to afford the committee an opportunity to examine the matter and take such action as may be appropriate, but the language does not provide any veto authority by either of the committees or by the Congress.

The amendment pending before the committee at this time would strike out such language of the reported bill, and establish a procedure that would permit a congressional veto of the proposed maximum age limitation.

Mr. Chairman, this same amendment was offered by the gentleman from Texas when the Subcommittee on Manpower and Civil Service was marking up the bill. An amendment was offered as a substitute amendment the provisions which require the proposal to be reported to the committees, but the amendment did not contain any veto authority. The substitute was adopted by the subcommittee, with one dissenting vote. The same amendment was then offered again in the full committee, and was defeated by a record vote of 7 to 8.

Mr. Chairman, while I have supported in the past proposals that provide congressional vetoes of recommended actions by the executive branch, I see no justification for extending that authority in this case. I am convinced that we have provided adequate safeguards in the bill by requiring the reporting to the Congress. It is a greater safeguard than is required by existing law, applying, for example, to the Secretary of the Interior, who is authorized under Public Law 91–73, to fix the minimum and maximum limits of age within which original appointments to the U.S. Park Police may be made.

Mr. Chairman, I see no justification for this amendment, and urge that it be voted down.

Mr. GROSS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have never liked these provisions which provide for back door, after the fact, disapprovals. In this case it would be disapproving an action that would set aside something that had already been promulgated by the President. I do not like it, but it would improve this bill if it is to be passed by the House. I would suggest adoption of the amendment and a vote against the bill, because even with the amendment, it does not stop another serious unnecessary delegation of power to the executive branch of the Government.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to H.R. 8085. In my opinion, passage of H.R. 8085 would be a relaxation of the principle expressed in the Independent Offices Appropriation Act of 1957, when Congress first became aware of the emerging problem of the unemployability of workers of 40 years of age or more.

It has been said that some people are old at 50, while others are still young at 65. Professional competence, physical health, and ability to meet the basic requirements of the job, coupled with the present medical examination for entry into the Federal service, are much more meaningful criteria for employment in the Federal service, in my opinion, than setting an arbitrary age limitation.

Congress has already granted an exception to this in Public Law 91–73 in the case of the U.S. Park Police when they authorized the Secretary of the Interior to determine the minimum and maximum age within which original appointments could be made to this service.

Should other agencies determine that a similar exception should be made in their case, I feel that legislation should be requested by the relevant authorities, rather than granting a blanket over-all authority for age requirements, which H.R. 8085 would authorize.

This bill was opposed in committee hearings by union representatives, who testified that this was just another example of the executive department attempting to usurp the constitutional prerogatives of the Congress. Let me suggest that my colleagues examine the testimony of John Griner, president of the American Federation of Government Employees in this respect, which begins on page 15 of the hearings held on July 20 and 21, 1971. I, for one, agree with him, and urge my colleagues to defeat this measure.

Mr. Griner said:

We see no justification whatsoever to establish a mandatory legal maximum age for the initial employment of Federal civilian personnel.

He continued, on page 16:

You know, Mr. Chairman, I have said many times, some people are old at age 50 while other people are young at age 65.

I see no need for this legislation, Mr. Chairman, and urge that it be defeated.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment, in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. WAGGONNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8085) relating to age requirements for appointments to positions in executive agencies and in the competitive service, pursuant to House Resolution 616, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 81, nays 249, not voting 101, as follows:

[Roll No. 10]

YEAS—81

Abernethy	Brown, Mich.	Dingell
Aspinall	Burlison, Mo.	Dorn
Baker	Caffery	Dulski
Betts	Chamberlain	Erlenborn
Biester	Chappell	Fascell
Boggs	Collier	Ford, Gerald R.
Bolling	Colmer	Frelinghuysen
Bray	Cotter	Gettys
Broomfield	Curlin	Gibbons
Brotzman	Davis, S.C.	Griffin
Halpern	McCollister	Preyer, N.C.
Hamilton	McCormack	Purcell
Hammer-schmidt	McDonald, Mich.	Quie
Hastings	McKay	Randall
Hathaway	McKevitt	Rees
Hechler, W. Va.	Macdonald, Mass.	Reid
Henderson	Mallary	Robison, N.Y.
Hogan	Melcher	Rodino
Ichord	Miller, Ohio	Rosenthal
Jacobs	Minish	Roush
Johnson, Calif.	Mollohan	Schwengel
Jones, Ala.	Montgomery	Smith, N.Y.
Jones, N.C.	Morse	Taylor
Kee	Mosher	Thone
Leggett	Pike	Waggonner
Lloyd	Poff	Ware
Lujan		White
		Wylie

NAYS—249

Abourezk	Gallagher	Pepper
Abzug	Garmatz	Perkins
Adams	Gaydos	Pickle
Addabbo	Giaimo	Pirnie
Anderson, Calif.	Goldwater	Poage
Anderson, Ill.	Gonzalez	Podell
Andrews	Goodling	Powell
Archer	Green, Pa.	Price, Ill.
Ashley	Griffiths	Price, Tex.
Badillo	Gross	Pucinski
Barrett	Grover	Quillen
Begich	Gubser	Rangel
Belcher	Gude	Rarick
Bennett	Hagan	Reuss
Bergland	Haley	Riegle
Bevill	Hall	Roberts
Bingham	Hanley	Robinson, Va.
Blackburn	Hanna	Roe
Boland	Hansen, Wash.	Roncalio
Brademas	Harsha	Rooney, N.Y.
Brooks	Harvey	Rooney, Pa.
Brown, Ohio	Hawkins	Rostenkowski
Broyhill, N.C.	Heinz	Rousselot
Broyhill, Va.	Helstoski	Roybal
Buchanan	Hicks, Mass.	Ruppe
Burke, Fla.	Holifield	Ruth
Burke, Mass.	Horton	Ryan
Burleson, Tex.	Howard	Sandman
Burton	Hull	Sarbanes
Byrne, Pa.	Hungate	Satterfield
Byrnes, Wis.	Hunt	Saylor
Byron	Hutchinson	Scherle
Cabell	Jarman	Scheuer
Carter	Johnson, Pa.	Schmitz
Casey, Tex.	Karth	Scott
Cederberg	Kastenmeier	Sebelius
Celler	Kazen	Seiberling
Chisholm	Keating	Shipley
Clancy	Keith	Shoup
Clausen, Don H.	Kemp	Shriver
Clawson, Del	King	Skubitz
Clay	Koch	Slack
Collins, Ill.	Kuykendall	Snyder
Collins, Tex.	Kyl	Spence
Conable	Kyros	Springer
Conyers	Landgrebe	Staggers
Coughlin	Lent	Stanton, James V.
Crane	Link	Steed
Daniel, Va.	Long, Md.	Steiger, Ariz.
Daniels, N.J.	McClory	Stratton
Danielson	McCloskey	Stubblefield
Davis, Wis.	McCulloch	Sullivan
de la Garza	McDade	Symington
Delaney	McEwen	Talcott
Dellenback	McFall	Teague, Calif.
Dellums	McKinney	Teague, Tex.
Denholm	McMillan	Terry
Devine	Madden	Thompson, Ga.
Dickinson	Mahon	Thompson, N.J.
Donohue	Mann	Thomson, Wis.
Dow	Mathias, Calif.	Tiernan
Dowdy	Mathis, Ga.	Ullman
Drinan	Matsunaga	Van Deerlin
Duncan	Mayne	Vander Jagt
du Pont	Mazzoli	Vanik
Eckhardt	Meeds	Veysey
Edwards, Ala.	Miller, Calif.	Vigorito
Edwards, Calif.	Mills, Md.	Whalen
Eilberg	Mink	Whalley
Esch	Minshall	Whitehurst
Evans, Colo.	Mizell	Whitten
Findley	Monagan	Widnall
Fish	Morgan	Wiggins
Fisher	Murphy, Ill.	Williams
Flood	Myers	Wilson, Bob
Flowers	Natcher	Winn
Foley	Nedzi	Wyatt
Ford, William D.	Nichols	Wyman
Fountain	Obey	Yates
Fraser	O'Hara	Young, Tex.
Frenzel	O'Neill	Zablocki
Fuqua	Passman	Zwach
	Patman	
	Patten	
	Pelly	

NOT VOTING—101

Abbitt	Flynt	Nix
Alexander	Forsythe	O'Konski
Anderson, Tenn.	Frey	Pettis
Annunzio	Fulton	Peyser
Arends	Galifianakis	Pryor, Ark.
Ashbrook	Grasso	Railsback
Aspin	Gray	Rhodes
Baring	Green, Oreg.	Rogers
Bell	Hansen, Idaho	Roy
Biaggi	Harrington	Runnels
Blanton	Hays	St Germain
Blatnik	Hébert	Schneebeli
Bow	Heckler, Mass.	Sikes
Brasco	Hicks, Wash.	Sisk
Brinkley	Hillis	Smith, Calif.
Camp	Hosmer	Smith, Iowa
Carey, N.Y.	Jonas	Stanton, J. William
Carney	Jones, Tenn.	Steele
Clark	Kluczynski	Steiger, Wis.
Cleveland	Landrum	Stephens
Conte	Latta	Stokes
Corman	Lennon	Stuckey
Culver	Long, La.	Udall
Davis, Ga.	McClure	Waldie
Dennis	Mailliard	Wampler
Dent	Martin	Wilson, Charles H.
Derwinski	Metcalfe	Wolff
Diggs	Michel	Wright
Downing	Mikva	Wydler
Dwyer	Mills, Ark.	Yatron
Edmondson	Mitchell	Young, Fla.
Edwards, La.	Moorhead	Zion
Eshleman	Moss	
Evins, Tenn.	Murphy, N.Y.	
	Nelsen	

So the bill was rejected.

The Clerk announced the following pairs:

Mr. Annunzio with Mr. Arends.
Mr. Hébert with Mr. Bow.
Mr. Hays with Mr. Rhodes.
Mr. Biaggi with Mrs. Dwyer.
Mr. Blatnik with Mr. Ashbrook.
Mr. Brasco with Mr. Mailliard.
Mr. Kluczynski with Mr. Michel.
Mr. Mikva with Mr. Conte.
Mr. Wolff with Mr. Cleveland.
Mr. Sikes with Mr. Young of Florida.
Mr. Sisk with Mr. Martin.
Mr. Blanton with Mr. Bell.
Mr. Carey of New York with Mrs. Heckler of Massachusetts.
Mr. Clark with Mr. Peyser.
Mr. Moorhead with Mr. Dennis.
Mr. St Germain with Mr. McClure.
Mr. Fulton of Tennessee with Mr. Nelsen.
Mr. Evins of Tennessee with Mr. Latta.
Mr. Flynt with Mr. Derwinski.
Mr. Dent with Mr. Schneebeli.
Mr. Davis of Georgia with Mr. Jonas.
Mr. Lennon with Mr. Frey.
Mr. Jones of Tennessee with Mr. O'Konski.
Mr. Stephens with Mr. Hillis.
Mr. Yatron with Mr. J. William Stanton.
Mr. Charles Wilson with Mr. Eshleman.
Mr. Moss with Mr. Hosmer.
Mr. Murphy of New York with Mr. Pettis.
Mr. Gray with Mr. Railsback.
Mrs. Green of Oregon with Mr. Forsythe.
Mr. Rogers with Mr. Smith of California.
Mr. Stuckey with Mr. Hansen of Idaho.
Mr. Smith of Iowa with Mr. Steiger of Wisconsin.
Mr. Aspin with Mr. Steele.
Mr. Abbitt with Mr. Wampler.
Mr. Edmondson with Mr. Camp.
Mr. Anderson of Tennessee with Mr. Wydler.
Mr. Baring with Mr. Zion.
Mr. Corman with Mr. Stokes.
Mr. Roy with Mr. Nix.
Mrs. Grasso with Mr. Mitchell.
Mr. Metcalfe with Mr. Diggs.
Mr. Carney with Mr. Hicks of Washington.
Mr. Udall with Mr. Waldie.
Mr. Wright with Mr. Alexander.
Mr. Brinkley with Mr. Long of Louisiana.
Mr. Culver with Mr. Downing.
Mr. Galifianakis with Mr. Pryor of Arkansas.
Mr. Runnels with Mr. Mills of Arkansas.
Mr. Harrington with Mr. Landrum.

Mr. LEGGETT changed his vote from "nay" to "yea."

Messrs. BARRETT, HANNA, BURKE of Massachusetts, MILLER of California, BEGICH, LENT, DONOHUE, GARMATZ, CLANCY, HORTON, MILLS of Maryland, TERRY, PEPPER, and GREEN of Pennsylvania changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HENDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill H.R. 8085 and to include extraneous matter.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I take this time for the purpose of asking the distinguished majority leader the program for the remainder of this week, if any, and the schedule for next week.

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

Mr. GERALD R. FORD. I yield to the distinguished gentleman from Louisiana.

Mr. BOGGS. Mr. Speaker, in response to the question of the distinguished minority leader, we have completed the legislative program for this week.

Next week, on Monday, we have scheduled H.R. 10086, national park appropriations ceilings and boundaries, under an open rule with 1 hour of debate.

Tuesday there will be a call of the Private Calendar, to be followed by consideration of S. 748, Inter-American Development Bank, under an open rule, with 1 hour of debate; S. 749, Asian Development Bank, under an open rule, with 1 hour of debate; and S. 2010, International Development Association, under an open rule with 1 hour of debate.

For Wednesday and the balance of the week we have scheduled:

H.R. 7987, Bicentennial Commission medals, subject to a rule being granted;

H.R. 11394, U.S. district judgeships, under an open rule with 1 hour of debate; and

H.R. 12089, Special Action Office on Drug Abuse, subject to a rule being granted.

Conference reports may be called up at any time.

Mr. GERALD R. FORD. Mr. Speaker, may I ask the distinguished majority leader a question? It would appear from that schedule, as well as the general arrangements that we talked about last week, there would not be a session on Friday?

Mr. BOGGS. I believe that is a reasonably safe assumption. I would expect to conclude this program on Thursday.

Mr. GERALD R. FORD. I thank the gentleman.

ADJOURNMENT OVER TO MONDAY, JANUARY 31, 1972

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 CALENDAR WEDNESDAY BUSINESS 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 of next week, February 2.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE REPORT ON H.R. 8382

Mr. TAYLOR. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight Friday, January 28, to file a report on H.R. 8382, a bill to provide for the establishment of the Buffalo National River in the State of Arkansas, and for other purposes.

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

There was no objection.

THE WAR IN VIETNAM

The SPEAKER pro tempore (Mr. HUNGATE). Under a previous order of the House the gentleman from Ohio (Mr. WHALEN) is recognized for 15 minutes.

Mr. WHALEN. Mr. Speaker, when I was sworn in as a Member of Congress on January 10, 1967, I accepted the Vietnam war as an unhappy fact of life. I neither supported it, nor did I publicly oppose it.

Eighteen months later, after a great deal of serious study and deep soul-searching, I came to the conclusion that this Nation's military involvement in Vietnam was contrary to our own interests. Therefore, I determined that we should terminate our activties in Southeast Asia.

Since then, I have enunciated my opinions on this subject many times in speeches on the House floor and by other means. Essentially, my position has centered on two points. First, every stated objective for our presence in Vietnam has been repudiated. Thus, it is clear we do not know why we are there. Second, aside from that fact, any benefits which have accrued to us from this conflict have been far outweighed by the human, economic, and political costs we have sustained.

These views have led me to engage actively in efforts to bring an expeditious end to our participation in the Vietnam war.

In 1969, I stated on the House floor that I could not support the fiscal year 1970 Department of Defense Appropriations bill unless "it was amended to require complete U.S. troop withdrawal, effective December 31, 1970."

In 1970, I was among the original sponsors of the resolution which later became known as the Vietnam Disengagement Act.

In 1971, it fell my lot, by virtue of my position on the House Armed Services Committee, to carry the ball on the so-called "end-the-war amendments." Specifically, I coauthored the Nedzi-Whalen amendment which, since it was offered to the fiscal year 1972 military procurement bill, had very limited application. On June 28, 1971, my motion to instruct the House conferees to accept the Mansfield amendment to the draft bill was defeated. On October 19, 1971, had I been recognized, I would have offered this motion again. One hundred and ninety-three Members voted against the previous question on the motion to recommit to try and give me that opportunity.

During debate on any given issue, differences are accentuated. The focus is not on areas of agreement. This is the essence of debate. Consequently, it may appear that I have opposed in every respect the administration's Vietnam policy. In fact, however, I agree with a number of its aspects.

First, I concur in its direction. Before President Nixon acceded to office, the number of American troops in Vietnam had increased to 549,500. Since January, 1969, our Vietnam force has been substantially reduced. By May of this year American troop levels will reach 69,000.

Second, these withdrawals are implicit agreement with my view that it is not in our interest to be in Vietnam.

Third, logistically, it would not have been possible to withdraw all U.S. troops by January 1, 1970.

Therefore, our disagreement actually centered on the question of timing. For the reasons, which I have stated frequently and which I have just reiterated, I believe that withdrawal should have been at a faster rate. The President, for his own reasons, has felt otherwise.

Despite the question of timing, the President and I obviously share the goal of complete withdrawal. The plan I have advocated to obtain that goal consists of setting a tentative withdrawal date, usually within 6 to 9 months, subject to Hanoi and Vietcong acceptance of certain conditions. These qualifications include: first, the release of all American prisoners of war held by the Government of North Vietnam and forces allied with such government; and second, negotiations with the Government of North Vietnam for an immediate cease-fire by all parties to the hostilities in Indochina.

In supporting this approach, I, of course, could give no assurances to my colleagues in the House of Representatives that the North Vietnamese and the Vietcong would accept such an arrangement. Needless to say, it was my most profound hope that the other side would find it acceptable.

As all of us learned less than 48 hours

ago, President Nixon privately, and now publicly, has adopted the essential elements of the position which I have advocated.

Mr. Speaker, my purpose in offering these remarks this afternoon is twofold. Since I have been a critic in the past, fairness dictates that I acknowledge that my views and those of the President now coincide on this issue. Accordingly, I also want to express my gratitude to the President for embarking on this course. For me to fail to do so would, in my view, be less than honest.

In closing, just as I could offer no guarantee that the Nedzi-Whalen or Mansfield amendments would meet with the approval of the North Vietnamese, so too, the President cannot assure us, and has not assured us, that his effort will be favorably received. For the sake of the generation of peace, another goal which the President and I share, and for the sake of the fullest development of all mankind, we pray that an agreement will be possible. Surely, we can be hopeful since Hanoi, while assailing the President's plan, has not rejected it outright.

Even if rejection should be the response, I believe that it is clear that neither the President nor the Congress will stop at this point. Clearly, the President's offer is flexible enough to permit a continuation of negotiations. Nevertheless, should negotiations ultimately fail, I would hope that the President will not halt the withdrawal schedule. Naturally, negotiation, which would both end the fighting and terminate our involvement, is the preferred approach. However, the goal of bringing our forces home remains paramount.

APPALLING STATISTICS ON ABORTIONS IN NEW YORK STATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I was appalled to read in a recent issue of Trial magazine a statement that the first-year statistics on New York State's liberalized abortion law "disclosed a gratifying, dramatic decrease in abortion-related medical complications and maternal mortality rate as compared to the year preceding the ready availability of legalized abortion."

The appalling aspect of this statement is that, immediately preceding this pronouncement, the article indicates that 64 percent of the abortions in New York State were done for women from other States and communities.

In other words, Mr. Speaker, this "gratifying, dramatic decrease" in abortion complications refers only to 36 percent of the women who were aborted in New York State. The other 64 percent from out of State return to their home States immediately after being aborted and any followup complications will only surface in the statistics of their home States.

Because of my stanch opposition to the liberalization of abortion laws, several physicians from around the country have written to let me know of the patients to whom they have had to give remedial treatment after complications arising from New York abortions. In some cases, such remedial treatment is too late, as in the case of a young Ohio woman who died shortly after she was brought to her Ohio doctor after complications from a New York abortion.

Mr. Speaker, I have spoken many times in this Chamber in opposition to the liberalization of abortion laws throughout the country. However, my opposition becomes even more firmly established when statistics are twisted to give some very sad cases a rosy glow. Let us not forget as well that the New York State statute, which passed the New York Legislature by one vote in 1970, has in its first year caused the death of 200,000 unborn innocents.

TRANSPORTATION LABOR-MANAGEMENT DISPUTES ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 10 minutes.

Mr. FINDLEY. Mr. Speaker, transportation strikes have caused more concern and discussion in Congress in the past 5 years than any other type of labor-management dispute. This is so because such strikes can quickly bring the entire Nation to its knees.

Hardships from prolonged strikes are shared by everyone—the families of workers on strike, management, stockholders, the local community, and ultimately the entire Nation. Third parties—like farmers—are directly affected but have little, if any, way to influence the settlement.

The dockworkers strikes on virtually all of our ocean ports, which began in mid-1971 and are still unresolved, are prime examples of heavy losses suffered by the entire Nation when labor-management disputes continue for an extended period.

Before President Nixon invoked the Taft-Hartley law, the Nation's wheat, feed grains, and soybean farmers had reaped a harvest of despair. Record crops resulted in depressed prices even before the effect of the strikes was felt. With docks struck, marketing of the harvest came to a halt. Corn was piled in city streets. Customers waiting overseas with cash so badly needed to shore up our sagging balance of payments began to look elsewhere for supplies.

The effect on market prices resulted in direct loss to the Nation's grain farmers of $1 million each day the strike continued. Several foreign importers diverted ships from our shores to make their purchases of grain in Mexico and Canada. These customers may be hard to win back.

Japan, our leading overseas agricultural market, has already asked other nations to increase grain production. It seeks to lessen its dependence on American exports.

In his message last Friday, President Nixon said:

> Layoffs, reduced operations, and even business failures also hang over the heads of many other Americans who engage directly or indirectly in exports. Some areas are specially vulnerable, such as the state of Hawaii, which has been hit by shortages of vital supplies, mounting food costs and unemployment rates unmatched for half a generation. Also hard pressed are California, Oregon, and Washington.

To this list of hard pressed I add the grain farmers of the Midwest and particularly my home State of Illinois. They have sold much of their corn crop for 10 cents per bushel below the price normally received and 25 cents per bushel below normal prices for soybeans, and in some cases below production costs. These losses cannot be recovered. Farmers have had no choice but to tighten their belts.

A recent independent survey of Illinois farmer attitude toward the dock strike showed that 88 percent are certain that the dock strike lowered their grain prices.

These same farmers feel the Federal Government should take decisive action to prevent such strikes. Of those polled, 43.5 percent favor legislation requiring management and labor to submit differences to compulsory arbitration, 13.5 percent favor stopping the strikes after 30 days, and 41.5 percent favor complete prohibition of these strikes.

The impact of the dock strike is felt throughout the Nation. According to the U.S. Department of Agriculture the loss to farmers producing tobacco will be $1 million just to recondition the tobacco for export.

There will be a similar loss in fruits, vegetables, and perishables. It is difficult to estimate the loss, but for July and August approximately $215 million in export sales were lost through west coast port strikes. About $40 million in fresh fruit and vegetables was totally spoiled.

In the Pacific Northwest more than $55 million in wheat export sales were lost. In Nebraska, Kansas, Oklahoma, and Texas, wheat shipments were off, because of uncertainty as to whether the strike would affect Texas ports. Shipments decreased 664,000 tons, representing about $40 million in market value.

In Ohio 1.5 million bushels of corn had to be dumped on the ground without proper storage because of the dock strike. In Illinois 4 million bushels were stored on the ground. In Oregon the wood products industry lost shipments of $5 million a week due to the dock strike.

The Taft-Hartley law has proven effective in many strikes. But it has not provided the necessary means for settling most strikes affecting the shipping and transportation industries. Only one of the seven stevedoring strikes and two of the three maritime strikes which have occurred since 1947 were settled during the 80-day cooling-off period provided by a Taft-Hartley injunction. A 30-percent record of success is not good enough when the strikes cause so much hardship to the public.

Unfortunately, Congress has done little to ease the hardship caused when transportation workers and their employers cannot reach agreement on wages and working conditions. President Nixon submitted legislation to deal with transportation strikes over 2 years ago, but no action has yet been taken. Although millions of dollars have been lost and great suffering endured by the people, Congress has not acted.

In an attempt to present another al-

ternative legislative approach to the problem of strikes in the transportation industry, nine of my colleagues are today joining Congressman MICHEL and me in introducing the Transportation Labor-Management Disputes Act of 1972.

This legislation provides the President with new effective tools for settling actual or potential transportation strikes. At the same time, the bill recognizes the legitimate interests of both labor and management.

Here is how this act will operate. In any case where an actual or threatened strike or lockout imperils the health or safety of the Nation or a substantial part, or could deprive any section of the country of essential transportation services, the President is authorized by this bill to appoint a board of inquiry to study the issues, file a public report and submit to the President a recommendation for settlement of the strike, Upon receipt of the board of inquiry's report, the Secretary of Labor may take one or more of the following steps:

First. Order the unions back to work for 30 days.

Second. Call for partial operation of struck facilities.

Third. Order both labor and management to submit a list of resolved and unresolved issues, together with their final offers for settlement of the strike.

Fourth. Appoint a three-member panel empowered to select the final offer from those submitted and make it binding upon all parties for 18 months.

The bill differs significantly from the administration's proposal, in that it specifically is designed to cover those strikes which deprive any section of the country of essential transportation services, even if the strike does not threaten the entire Nation. Last fall, during the strike at Chicago and west coast ports, the Justice Department was denied an 80-day Taft-Hartley injunction at Chicago, because the strike was too localized. As a result, many farmers throughout the Midwest were brought to the brink of financial ruin by actions over which they had no control.

Other differences between this bill and the administration's are the increased flexibility it provides to the President in the way he decides to deal with individual strikes and the 30-day "cooling-off period" for regional strikes.

The bill leaves untouched the provision in the Taft-Hartley Law authorizing the President to seek an 80-day "cooling off" period during strikes which imperil the national health or safety. But it does add other remedies for strikes which may not be national in scope, or fit the exacting criteria of Taft-Hartley. Such strikes can adversely affect millions of people and cost many millions of dollars.

This legislation is badly needed. It will prevent the great losses and hardships long-term transportation strikes often cause. It will avoid the necessity of the President asking Congress to settle individual strikes, as he did in his message of January 21 regarding the west coast dock strike. Clearly legislated settlements are not in the best interests of labor or management. Congress and the executive branch abhor such action and the struck industry is unhappy with the prospects of a contract over which they have little control or direction.

NATIONAL BIKECOLOGY WEEK, MAY 1–7, 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HALPERN) is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, we are presently engaged in a phenomenon which is sweeping the Nation—the reemergence of the bicycle as a functional and pleasurable mode of transportation. Corresponding with an increase in the national awareness for the need to combat pollution, the bicycle is taking its place alongside all other systems of transportation in terms of viability and efficiency.

Importantly, it must be realized that cycling is not a fad. Secretary of Transportation John Volpe has stated that—

> As far as I am concerned . . . bicycles have equal rights with automobiles on our city streets.

Due to the serious concern of all Americans to clear the air of contaminants and exhaust fumes, there is developing, at staggering proportions, a national move toward making the bicycle an alternative to the automobile as a means of transportation.

Due to breakthroughs in bicycle technology, namely the development of the 10-speed bike, a wider range of people are being afforded the opportunity of enjoying themselves while bicycling. This year alone, an estimated 10 million bicycles will be sold, compared with 3.7 million in 1960. All told, nearly 80 million Americans are bicycle riding, twice as many as a decade ago. Hertz car-rental company is now leasing bicycles in 14 cities around the country and facilities for bicycle parking have appeared on such places as New York's Fifth Avenue and in many Government buildings.

Last May 8 over 45 cities held bikecology days. Some efforts brought forth citywide participation to enjoy the new life of spring in cities emerging from April showers and chilly temperatures. In Washington, D.C., 150 cyclists, undeterred by rain, biked with the Secretary of Transportation Volpe and City Councilman Gilbert Hahn for 7 miles along Rock Creek Parkway to the Washington Monument. Spurred by this, Sunday bike-ins saw over a thousand enthusiastic cyclists on the parkway which was closed to auto traffic for a few hours. Seventeen of you joined me in a Capitol Hill ride to publicize National Bikecology Day. Other cycling citizens throughout the country enjoyed partially closed off streets in shopping areas for an ambience long forgotten.

This economical, invigorating, short distance, individualized mode of transportation has quietly resurfaced in America as one of the resourceful, nonpolluting and demonstrative solutions to the emerging national need for a daily short distance urban movement. We have sidewalks and streets. Somewhere we need to find room for 3 to 6 feet for bicycle safety lanes.

Communities and States throughout America are giving cognizance to this century-old vehicle. Some are making more elaborate changes than others. A national movement toward including this means of moving about in a balanced transportation plan is definitely afoot. Let us lend support to this movement by declaring May 1–7, 1972 as National Bikecology Week.

My distinguished colleagues ED KOCH of New York and JEROME WALDIE of California having joined me as prime sponsors of this legislation, and the Honorable Senator ALAN CRANSTON of California is introducing the same measure on the Senate side.

This legislation reads as follows:

H.J. RES. 1033

Whereas, nearly 80 million Americans are bicycling today, almost twice as many as a decade ago; and

Whereas, the health and the quality of life of urban Americans are increasingly threatened by congestion and air pollution; and

Whereas, the automobile is the major source of air pollution and congestion in our urban areas; and

Whereas, the bicycle is an efficient, nonpolluting and healthful alternative to the automobile as a means of commuter transportation; and

Whereas, it is in the national interest to promote a more balanced transportation system that places less stress on our environment; and

Whereas, this national interest can be enhanced by encouraging the use of the bicycle and focusing public attention on the individual and community benefits that can be gained from bicycling; now

Therefore be it resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that

The week of May 1–7, 1972, is designated as National Bikecology Week and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

SPONSORS OF THIS LEGISLATION

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I would like to take this opportunity to insert in the RECORD a concise and cogent article entitled "Why National Bikecology Week?" Prepared by the national organization, Friends for Bikecology, I believe this article vividly points out the need to establish a National Bikecology Week.

With the upsurge in bicycling reaching into every corner of the Nation and cutting across all age groups, it is high time that recognition be given to the singular place this pastime has had as an American tradition and the broadening features it holds for the American future. The article follows:

WHY NATIONAL BIKECOLOGY WEEK?

Before the turn of the century, bicycling was a way of life for Americans. Bike enthusiasts banded together, compiled road maps, and lobbied for paved roads that would carry them into the virgin countryside. Unfortu-

nately, their efforts served only to aid Henry Ford and his followers; soon the roads were swarming with cars.

For the first time since 1897, it is predicted that this year more bicycles will be sold in America than cars—approximately 10 million. Yet in the entire nation there are only a few miles of bikeways—mostly adaptations of roads designed and built for cars. Despite the growing army of cyclists, and their efforts to establish biking routes, their needs continue to be ignored . . . perhaps because government officials and the general public have been slow to get the word on us "bikeys".

For almost three quarters of a century, America's "car culture" has shoved us aside. Our society has for years been molded—socially, economically, even geographically—to accomodate the "insolent chariots" and all their supportive fixtures. All of us (yes, even cyclists) are in the habit of spending a great portion of our lives commuting on jam-packed freeways, ferrying our families around the community, and making the rounds of shopping centers and drive-in facilities ranging from car washes to restaurants to banks and even to churches. "What's wrong with all that?" some will ask. After all, automobiles are popular because they are a fast, convenient, and personal form of transport. We like cars, if they are kept in their proper perspective. But we also like bicycles—and trains, tramways, trolley cars—and walking shoes! And we also like the right of having quietness and clean air and green, spacious countryside. And we believe that the poor, the elderly, and the isolated deserve equal rights to explore beyond their own neighborhoods. We are simply asking for freedom to choose among alternative modes of transportation—ones that do not necessarily corrupt our economy, divide our neighborhoods, and obscenely deface our landscape.

People are beginning to realize that the present auto-industrial complex is self-perpetuating and, in the end, destructive for us all. Unless we do something about it, we will remain enslaved to it. And unless we act soon, cycling will be devoured (along with railroads and trolleys) by the insatiable thirst of the highway culture.

Cycling offers an alternative that is healthful, fun and non-injurious to the environment. If you are tempted to laugh at this suggestion, just remember that 60% of all auto passenger trips in this country are for less than 5 miles. For many of these trips, the bicycle would be far preferable to the auto. The major deterrent is the desperate need for legitimate routes where cyclists can ride—more bikeways and safe lanes on streets.

We cannot obtain bicycle routes unless we get organized, capture the attention of our fellow citizens, and make our needs known. Our competitors are richer and stronger. But we are numerous and increasing in numbers every day. As a start to our efforts, let's come together during National Bikecology Week and begin working for positive change in our transportation priorities. Bikecoology is not a panacea; but it represents a choice for millions of us who desire a truly balanced transportation system.

WILLIAM McKINLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. Bow) is recognized for 15 minutes.

Mr. BOW. Mr. Speaker, this week the people of Ohio and many others throughout the United States who revere his memory will observe the birthday anniversary of William McKinley.

It is an event of especial significance for me, for the late President's influence has been felt in much of what I have done throughout my lifetime, and for 21 years I have had the privilege of representing the same district which first brought him to nationwide attention so long ago.

McKinley's brilliant career was ended by an assassin in the early fall of 1901 at a time when the Congress was not in session. When Congress resumed a day was established for memorial services for the martyred President, and the Congress invited the distinguished Secretary of the Treasury, John Hay, to deliver the memorial address. His address is in the best tradition of American oratory, and I include it with my remarks at this point in the RECORD.

[From the CONGRESSIONAL RECORD, Feb. 27, 1902]

The PRESIDENT pro tempore of the Senate. It is now the agreeable duty of your presiding officer to present the Hon. John Hay, who has been selected by a committee of Congress to deliver the address on this occasion.

The Hon. John Hay then delivered the following address:

WILLIAM M'KINLEY

For the third time the Congress of the United States are assembled to commemorate the life and the death of a President slain by the hand of an assassin. The attention of the future historian will be attracted to the features which reappear with startling sameness in all three of these awful crimes: the uselessness, the utter lack of consequence of the act; the obscurity, the insignificance of the criminal; the blamelessness—so far as in our sphere of existence the best of men may be held blameless—of the victim. Not one of our murdered Presidents had an enemy in the world; they were all of such preeminent purity of life that no pretext could be given for the attack of passional crime; they were all men of democratic instincts who could never have offended the most jealous advocates of equality; they were of kindly and generous nature, to whom wrong or injustice was impossible; of moderate fortune, whose slender means nobody could envy. They were men of austere virtue, of tender heart, of eminent abilities, which they had devoted with single minds to the good of the Republic. If ever men walked before God and man without blame, it was these three rulers of our people. The only temptation to attack their lives offered was their gentle radiance—to eyes hating the light that was offense enough.

The stupid uselessness of such an infamy affronts the common sense of the world. One can conceive how the death of a dictator may change the political conditions of an Empire; how the extinction of a narrowing line of kings may bring in an alien dynasty. But in a well-ordered Republic like ours, the ruler may fall, but the State feels no tremor. Our beloved and revered leader is gone—but the natural process of our laws provides us a successor, identical in purpose and ideals, nourished by the same teachings, inspired by the same principles, pledged by tender affection as well as by high loyalty to carry to completion the immense task committed to his hands, and to smite with iron severity every manifestation of that hideous crime which his mind predecessor, with his dying breath, forgave. The sayings of celestial wisdom have no date; the words that reach us, over two thousand years, out of the darkest hour of gloom the world has ever known, are true to the life today; "They know not what they do." The blow struck at our dear friend and ruler was as deadly as blind hate could make it; but the blow struck at anarchy was deadlier still.

What a world of insoluble problems such an event excites in the mind! Not merely in its personal, but in its public aspects, it presents a paradox not to be comprehended. Under a system of government so free and so impartial that we recognize its existence only by its benefactions; under a social order so purely democratic that classes can not exist in it, affording opportunities so universal that even conditions are as changing as the winds, where the laborer of today is the capitalist of tomorrow; under laws which are the result of ages of evolution, so uniform and so beneficent that the President has just the same rights and privileges as the artisan; we see the same hellish growth of hatred and murder which dogs equally to the footsteps of benevolent monarchs and blood-stained depots. How many countries can join with us in the community of a kindred sorrow! I will not speak of those distant regions where assassination enters into the daily life of government. But among the nations bound to us by the ties of familiar intercourse—who can forget that wise and high-minded Autocrat who had earned the proud title of the Liberator? that enlightened and magnanimous citizen whom France still mourns? that brave and chivalrous King of Italy who only lived for his people? and, saddest of all, that lovely and sorrowing Empress, whose harmless life could hardly have excited the animosity of a demon. Against that devilish spirit nothing avails—neither virtue, nor patriotism, nor age nor youth, nor conscience nor pity. We can not even say that education is a sufficient safeguard against this baleful evil—for most of the wretches whose crimes have so shocked humanity in recent years are men not unlettered, who have gone from the common schools, through murder, to the scaffold.

Our minds can not discern the origin, nor conceive the extent of wickedness so perverse and so cruel; but this does not exempt us from the duty of trying to control and counteract it. We do not understand what electricity is; whence it comes or what its hidden properties may be. But we know it as a mighty force for good or evil—and so with the painful toil of years, men of learning and skill have labored to store and to subjugate it, to neutralize, and even to employ its destructive energies. This problem of anarchy is dark and intricate, but it ought to be within the compass of democratic government—although no sane mind can fathom the mysteries of these untracked and orbitless natures—to guard against their aberrations, to take away from them the hope of escape, the long luxury of scandalous days in court, the unwholesome sympathy of hysterical degenerates, and so by degrees to make the crime not worth committing, even to these abnormal and distorted souls.

It would be presumptuous for me in this presence to suggest the details of remedial legislation for a malady so malignant. That task may safely be left to the skill and patience of the National Congress, which have never been found unequal to any such emergency. The country believes that the memory of three murdered comrades of yours—all of whose voices still haunt these walls—will be sufficient inspiration to enable you to solve even this abstruse and painful problem, which has dimmed so many pages of history with blood and with tears.

Before an audience less sympathetic than this, I should not dare to speak of that great career which we have met to commemorate. But we are all his friends, and friends do not criticise each other's words about an open grave. I thank you for the honor you have done me in inviting me here, and not less for the kind forbearance I know I shall have from you in my most inadequate efforts to speak of him worthily.

The life of William McKinley was, from his birth to his death, typically American. There is no environment, I should say, any-

where else in the world which could produce just such a character. He was born into that way of life which elsewhere is called the middle class, but which in this country is so nearly universal as to make of other classes an almost negligible quantity. He was neither rich nor poor, neither proud nor humble; he knew no hunger he was not sure of satisfying, no luxury which could enervate mind or body. His parents were sober, God-fearing people; intelligent and upright; without pretension and without humility. He grew up in the company of boys like himself; wholesome, honest, self-respecting. They looked down on nobody; they never felt it possible they could be looked down upon. Their houses were the homes of probity, piety, patriotism. They learned in the admirable school readers of fifty years ago the lessons of heroic and splendid life which have come down from the past. They read in their weekly newspapers the story of the world's progress, in which they were eager to take part, and of the sins and wrongs of civilization with which they burned to do battle. It was a serious and thoughtful time. The boys of that day felt dimly, but deeply, that days of sharp struggle and high achievement were before them. They looked at life with the wondering yet resolute eyes of a young esquire in his vigil of arms. They felt a time was coming when to them should be addressed the stern admonition of the Apostle, "Quit you like men; be strong."

It is not easy to give to those of a later generation any clear idea of that extraordinary spiritual awakening which passed over the country at the first red signal fires of the Civil War. It was not our earliest apocalypse; a hundred years before the nation had been revealed to itself, when after long discussion and much searching of heart the people of the colonies had resolved that to live without liberty was worse than to die, and had therefor wagered in the solemn game of war "their lives, their fortunes, and their sacred honor." In a stress of heat and labor unutterable, the country had been hammered and welded together; but thereafter for nearly a century there had been nothing in our life to touch the innermost fountain of feeling and devotion; we had had rumors of wars—even wars we had had, not without sacrifices and glory—but nothing which went to the vital self-consciousness of the country, nothing which challenged the nation's right to live But in 1860 the nation was going down into the Valley of Decision. The question which had been debated on thousands of platforms, which had been discussed in countless publications, which, thundered from innumerable pulpits, had caused in their congregations the bitter strife and dissension to which only cases of conscience can give rise, was everywhere pressing for solution. And not merely in the various channels of publicity was it alive and clamorous.

About every fireside in the land, in the conversation of friends and neighbors, and, deeper still, in the secret of millions of human hearts, the battle of opinion was waging; and all men felt and saw—with more or less clearness—that an answer to the importunate question. Shall the nation live? was due, and not to be denied. And I do not mean that in the North alone there was the austere wrestling with conscience. In the South as well, below all the effervescence and excitement of a people perhaps more given to eloquent speech than we were, there was the profound agony of question and answer, the summons to decide whether honor and freedom did not call them to revolution and war. It is easy for partisanship to say that the one side was right and that the other was wrong. It is still easier for an indolent magnanimity to say that both were right. Perhaps in the wide view of ethics one is always right to follow his conscience, though it lead him to disaster and death. But history is inexorable. She takes no account of sentiment and intention; and in her cold and luminous eyes that side is right which fights in harmony with the stars in their courses. The men are right through whose efforts and struggles the world is helped onward, and humanity moves to a higher level and a brighter day.

The men who are living today and who were young in 1860 will never forget the glory and glamour that filled the earth and the sky when the long twilight of doubt and uncertainty was ending and the time of action had come. A speech by Abraham Lincoln was an event not only of high moral significance, but of far-reaching importance: the drilling of a militia company by Ellsworth attracted national attention; the fluttering of the flag in the clear sky drew tears from the eyes of young men. Patriotism, which had been a rhetorical expression, became a passionate emotion, in which instinct, logic, and feeling were fused. The country was worth saving; it could be saved only by fire; no sacrifice was too great; the young men of the country were ready for the sacrifice; come weal, come woe, they were ready.

At seventeen years of age William McKinley heard this summons of his country. He was the sort of youth to whom a military life in ordinary times would possess no attractions. His nature was far different from that of the ordinary soldier. He had other dreams of life, its prizes and pleasures, than that of marches and battles. But to his mind there was no choice or question. The banner floating in the morning breeze was the beckoning gesture of his country. The thrilling notes of the trumpet called *him*—him and none other—into the ranks. His portrait in his first uniform is familiar to you all—the short, stocky figure; the quiet, thoughtful face; the deep, dark eyes. It is the face of a lad who could not stay at home when he thought he was needed in the field. He was of the stuff of which good soldiers are made. Had he been ten years older he would have entered at the head of a company and come out at the head of a division. But he did what he could. He enlisted as a private; he learned to obey. His serious sensible ways, his prompt, alert efficiency soon attracted the attention of his superiors. He was so faithful in little things they gave him more and more to do. He was untiring in camp and on the march; swift, cool, and fearless in fight. He left the army with field rank when the war ended, brevetted by President Lincoln for gallantry in battle.

In coming years when men seek to draw the moral of our great civil war nothing will seem to them so admirable in all the history of our two magnificent armies as the way in which the war came to a close. When the Confederate army saw the time had come, they acknowledged the pitiless logic of facts, and ceased fighting. When the army of the Union saw it was no longer needed, without a murmur or question, making no terms, asking no return, in the flush of victory and fullness of might, it laid down its arms and melted back into the mass of peaceful citizens. There is no event, since the nation was born, which has so proved its solid capacity for self-government. Both sections share equally in that crown of glory. They had held a debate of incomparable importance and had fought it out with equal energy. A conclusion had been reached—and it is to the everlasting honor of both sides that they each knew when the war was over, and the hour of a lasting peace had struck. We may admire the desperate daring of others who prefer annihilation to compromise, but the palm of common sense, and, I will say, of enlightened patriotism, belongs to the men like Grant and Lee, who knew when they had fought enough, for honor and for country.

William McKinley, one of that sensible million of men, gladly laid down his sword and betook himself to his books. He quickly made up the time lost in soldiering. He attacked his Blackstone as he would have done a hostile intrenchment; finding the range of a country law library too narrow, he went to the Albany Law School, where he worked energetically with brilliant success; was admitted to the bar and settled down to practice—a brevetted veteran of 24—in the quiet town of Canton, now and henceforward forever famous as the scene of his life and his place of sepulture. Here many blessings awaited him; high repute, professional success, and a domestic affection so pure, so devoted and stainless that future poets, seeking an ideal of Christian marriage, will find in it a theme worthy of their songs. This is a subject to which the lightest allusion seems profamation; but it is impossible to speak of William McKinley without remembering that no truer, tenderer knight to his chosen lady ever lived among mortal men. If to the spirits of the just made perfect is permitted the consciousness of earthly things, we may be sure that his faithful soul is now watching over that gentle sufferer who counts the long hours in their shattered home in the desolate splendor of his fame.

A man possessing the qualities with which nature had endowed McKinley seeks political activity as naturally as a growing plant seeks light and air. A wholesome ambition; a rare power of making friends and keeping them; a faith, which may be called religious, in his country and its institutions; and, flowing from this, a belief that a man could do no nobler work than to serve such a country—these were the elements in his character that drew him irresistibly into public life. He had from the beginning a remarkable equipment; a manner of singular grace and charm; a voice of ringing quality and great carrying power—vast as were the crowds that gathered about him, he reached their utmost fringe without apparent effort. He had an extraordinary power of marshaling and presenting significant facts, so as to bring conviction to the average mind. His range of reading was not wide; he read only what he might some day find useful, and what he read his memory held like brass.

Those who knew him well in those early days can never forget the consummate skill and power with which he would select a few pointed facts, and, blow upon blow, would hammer them into the attention of great assemblages in Ohio, as Jael drove the nail into the head of the Canaanite captain. He was not often impassioned; he rarely resorted to the aid of wit or humor; yet I never saw his equal in controlling and convincing a popular audience by sheer appeal to their reason and intelligence. He did not flatter or cajole them, but there was an implied compliment in the serious and sober tone in which he addressed them. He seemed one of of them; in heart and feeling he *was* one of them. Each workingman in a great crowd might say: That is the sort of man I would like to be, and under more favoring circumstances might have been. He had the divine gift of sympathy, which, though given only to the elect, makes all men their friends.

So it came naturally about that in 1876—the beginning of the second century of the Republic—he began, by an election to Congress, his political career. Thereafter for fourteen years this Chamber was his home. I use the word advisedly. Nowhere in the world was he so in harmony with his environment as here; nowhere else did his mind work with such full consciousness of its powers. The air of debate was native to him; here he drank delight of battle with his peers. In after days, when he drove by this stately pile, or when on rare occasions his duty called him here, he greeted his old haunts with the affectionate zest of a child of the house; during all the last ten years of his life, filled as they were with activity and glory, he never ceased to be homesick for this Hall. When he came to the Presidency, there was not a day when his Congressional service was not of

use to him. Probably no other President has been in such full and cordial communion with Congress, if we may except Lincoln alone. McKinley knew the legislative body thoroughly, its composition, its methods, its habits of thought. He had the profoundest respect for its authority and an inflexible belief in the ultimate rectitude of its purposes. Our history shows how surely an Executive courts disaster and ruin by assuming an attitude of hostility or distrust to the Legislature; and, on the other hand, McKinley's frank and sincere trust and confidence in Congress were repaid by prompt and loyal support and cooperation. During his entire term of office this mutual trust and regard—so essential to the public welfare—was never shadowed by a single cloud.

He was a Republican. He could not be anything else. A Union soldier grafted upon a Clay Whig, he necessarily believed in the "American system"—in protection to home industries; in a strong, aggressive nationality; in a liberal construction of the Constitution. What any self-reliant nation might rightly do, he felt this nation had power to do, if required by the common welfare and not prohibited by our written charter.

Following the natural bent of his mind, he devoted himself to questions of finance and revenue, to the essentials of the national housekeeping. He took high rank in the House from the beginning. His readiness in debate, his mastery of every subject he handled, the bright and amiable light he shed about him, and above all the unfailing courtesy and good will with which he treated friend and foe alike—one of the surest signatures of a nature born to great destinies—made his service in the House a pathway of unbroken success and brought him at last to the all-important post of Chairman of Ways and Means and leader of the majority. Of the famous revenue act which, in that capacity, he framed and carried through Congress, it is not my purpose here and now to speak. The embers of the controversy in the midst of which that law had its troubled being are yet too warm to be handled on a day like this. I may only say that it was never sufficiently tested to prove the praises of its friends or the criticism of its opponents. After a brief existence it passed away, for a time, in the storm that swept the Republicans out of power. McKinley also passed through a brief zone of shadow; his Congressional district having been rearranged for that purpose by a hostile legislature.

Some one has said it is easy to love our enemies; they help us so much more than our friends. The people whose malevolent skill had turned McKinley out of Congress deserved well of him and of the Republic. Never was Nemesis more swift and energetic. The Republicans of Ohio were saved the trouble of choosing a Governor—the other side had chosen one for them. A year after McKinley left Congress he was made Governor of Ohio, and two years later he was reelected, each time by majorities unhoped-for and overwhelming. He came to fill a space in the public eye which obscured a great portion of the field of vision. In two National Conventions, the Presidency seemed within his reach. But he had gone there in the interest of others and his honor forbade any dalliance with temptation. So his nay was nay—delivered with a tone and gesture there was no denying. His tour was not yet come.

There was, however, no long delay. He became, from year to year, the most prominent politician and orator in the country. Passionately devoted to the principles of his party, he was always ready to do anything, to go anywhere, to proclaim its ideas and to support its candidates. His face and his voice became familiar to millions of our people; and wherever they were seen and heard, men became his partisans. His face was cast in a classic mold; you see faces like it in antique marble in the galleries of the Vatican and in the portraits of the great cardinal-statesmen of Italy; his voice was the voice of the perfect orator—ringing, vibrating, tireless, persuading by its very sound, by its accent of sincere conviction. So prudent and so guarded were all his utterances, so lofty his courtesy, that he never embarrassed his friends, and never offended his opponents. For several months before the Republican National Convention met in 1896, it was evident to all who had eyes to see that Mr. McKinley was the only probable candidate of his party. Other names were mentioned, of the highest rank in ability, character, and popularity; they were supported by powerful combinations; but the nomination of McKinley as against the field was inevitable.

The campaign he made will be always memorable in our political annals. He and his friends had thought that the issue for the year was the distinctive and historic difference between the two parties on the subject of the tariff. To this wager of battle the discussions of the previous four years distinctly pointed. But no sooner had the two parties made their nominations than it became evident that the opposing candidate declined to accept the field of discussion chosen by the Republicans, and proposed to put forward as the main issue the free coinage of silver. McKinley at once accepted this challenge, and, taking the battle for protection as already won, went with energy into the discussion of the theories presented by his opponents. He had wisely concluded not to leave his home during the canvass, thus avoiding a proceeding which has always been of sinister augury in our politics; but from the front porch of his modest house in Canton he daily addressed the delegations which came from every part of the country to greet him in a series of speeches so strong, so varied, so pertinent, so full of facts briefly set forth, of theories embodied in a single phrase, that they formed the hourly text for the other speakers of his party, and give probably the most convincing proof we have of his surprising fertility of resource and flexibility of mind. All this was done without anxiety or strain. I remember a day I spent with him during that busy summer. He had made nineteen speeches the day before; that day he made many. But in the intervals of these addresses he sat in his study and talked, with nerves as quiet and a mind as free from care as if we had been spending a holiday at the seaside or among the hills.

When he came to the Presidency he confronted a situation of the utmost difficulty, which might well have appalled a man of less serene and tranquil self-confidence. There had been a state of profound commercial and industrial depression, from which his friends had said his election would relieve the country. Our relations with the outside world left much to be desired. The feeling between the Northern and Southern sections of the Union was lacking in the cordiality which was necessary to the welfare of both. Hawaii had asked for annexation and had been rejected by the preceding Administration. There was a state of things in the Caribbean which could not permanently endure. Our neighbor's house was on fire, and there were grave doubts as to our rights and duties in the premises. A man either weak or rash, either irresolute or headstrong, might have brought ruin on himself and incalculable harm to the country.

Again I crave the pardon of those who differ with me, if, against all my intentions, I happen to say a word which may seem to them unbefitting the place and hour. But I am here to give the opinion which his friends entertained of President McKinley, of course claiming no immunity from criticism in what I shall say. I believe, then, that the verdict of history will be that he met all these grave questions with perfect valor and incomparable ability; that in grappling with them he rose to the full height of a great occasion, in a manner which redounded to the lasting benefit of the country and to his own immortal honor.

The least desirable form of glory to a man of his habitual mood and temper—that of successful war—was nevertheless conferred upon him by uncontrollable events. He felt the conflict must come; he deplored its necessity; he strained almost to breaking his relations with his friends, in order, first—if it might be—to prevent and then to postpone it to the latest possible moment. But when the die was cast, he labored with the utmost energy and ardor, and with an intelligence in military matters which showed how much of the soldier still survived in the mature statesman to push forward the war to a decisive close. War was an anguish to him; he wanted it short and conclusive. His merciful zeal communicated itself to his subordinates, and the war, so long dreaded, whose consequences were so momentous, ended in a hundred days.

Mr. Stedman, the dean of our poets, has called him "Augmenter of the State." It is a noble title; if justly conferred, it ranks him among the few whose names may be placed definitely and forever in charge of the historic Muse. Under his rule Hawaii has come to us, and Tutuila; Porto Rico and the vast archipelago of the East. Cuba is free. Our position in the Caribbean is assured beyond the possibility of future question. The doctrine called by the name of Monroe, so long derided and denied by alien publicists, evokes now no challenge or contradiction when uttered to the world. It has become an international truism. Our sister republics to the south of us are convinced that we desire only their peace and prosperity. Europe knows that we cherish no dreams but those of world-wide commerce, the benefit of which shall be to all nations. The State is augmented, but it threatens no nation under heaven. As to those regions which have come under the shadow of our flag, the possibility of their being damaged by such a change of circumstances was in the view of McKinley a thing unthinkable. To believe that we could not administer them to their advantage, was to turn infidel to our American faith of more than a hundred years.

In dealing with foreign powers, he will take rank with the greatest of our diplomatists. It was a world of which he had little special knowledge before coming to the Presidency. But his marvelous adaptability was in nothing more remarkable than in the firm grasp he immediately displayed in international relations. In preparing for war and in the restoration of peace he was alike adroit, courteous, and far-sighted. When a sudden emergency declared itself, as in China, in a state of things of which our history furnished no precedent and international law no safe and certain precept, he hesitated not a moment to take the course marked out for him by considerations of humanity and the national interests. Even while the legations were fighting for their lives against bands of infuriated fanatics, he decided that we were at peace with China; and while that conclusion did not hinder him from taking the most energetic measures to rescue our imperiled citizens, it enabled him to maintain close, and friendly relations with the wise and heroic viceroys of the south, whose resolute stand saved that ancient Empire from anarchy and spoliation. He disposed of every question as it arose with a promptness and clarity of vision that astonished his advisers, and he never had occasion to review a judgment or reverse a decision.

By patience, by firmness, by sheer reasonableness, he improved our understanding with all the great powers of the world, and rightly gained the blessing which belongs to the peacemakers.

But the achievements of the nation in war and diplomacy are thrown in the shade by

the vast economical developments which took place during Mr. McKinley's Administration. Up to the time of his first election, the country was suffering from a long period of depression, the reasons of which I will not try to seek. But from the moment the ballots were counted that betokened his advent to power a great and momentous movement in advance declared itself along all the lines of industry and commerce.

In the very month of his inauguration steel rails began to be sold at $18 a ton—one of the most significant facts of modern times. It meant that American industries had adjusted themselves to the long depression—that through the power of the race to organize and combine, stimulated by the conditions then prevailing, and perhaps by the prospect of legislation favorable to industry, America had begun to undersell the rest of the world. The movement went on without ceasing.

The President and his party kept the pledges of their platform and their canvass. The Dingley bill was speedily framed and set in operation. All industries responded to the new stimulus and American trade set out on its new crusade, not to conquer the world, but to trade with it on terms advantageous to all concerned. I will not weary you with statistics; but one or two words seem necessary to show how the acts of McKinley as President kept pace with his professions as candidate. His four years of administration were costly; we carried on a war which, though brief, was expensive. Although we borrowed two hundred millions and paid our own expenses, without asking for indemnity, the effective reduction of the debt now exceeds the total of the war bonds. We pay six millions less in interest than we did before the war and no bond of the United States yields the holder 2 per cent on its market value. So much for the Government credit; and we have five hundred and forty-six millions of gross gold in the Treasury.

But, coming to the development of our trade in the four McKinley years, we seem to be entering the realm of fable. In the last fiscal year our excess of exports over imports was $664,592,826. In the last four years it was $2,354,442,213. These figures are so stupendous that they mean little to a careless reader—but consider! The excess of exports over imports for the whole preceding period from 1790 to 1897—from Washington to McKinley—was only $356,808,822.

The most extravagant promise made by the sanguine McKinley advocates five years ago are left out of sight by these sober facts. The "debtor nation" has become the chief creditor nation. The financial center of the world, which required thousands of years to journey from the Euphrates to the Thames and the Seine, seems passing to the Hudson between daybreak and dark.

I will not waste your time by explaining that I do not invoke for any man the credit of this vast result. The captain can not claim that it is he who drives the mighty steamship over the tumbling billows of the trackless deep; but praise is justly due him if he has made the best of her tremendous powers, if he has read aright the currents of the sea and the lessons of the stars. And we should be ungrateful, if in this hour of prodigious prosperity we should fail to remember that William McKinley with sublime faith foresaw it, with indomitable courage labored for it, put his whole heart and mind into the work of bringing it about; that it was his voice which, in dark hours, rang out, heralding the coming light, as over the twilight waters of the Nile the mystic cry of Memnon announced the dawn to Egypt, waking from sleep.

Among the most agreeable incidents of the President's term of office were the two journeys he made to the South. The moral reunion of the sections—so long and so ardently desired by him—had been initiated by the Spanish war, when the veterans of both sides, and their sons, had marched shoulder to shoulder together under the same banner. The President in these journeys sought, with more than usual eloquence and pathos, to create a sentiment which should end forever the ancient feud. He was too good a politician to expect any results in the way of votes in his favor, and he accomplished none. But for all that the good seed did not fall on barren ground. In the warm and chivalrous hearts of that generous people, the echo of his cordial and brotherly words will linger long, and his name will be cherished in many a household where even yet the Lost Cause is worshipped.

Mr. McKinley was reelected by an overwhelming majority. There had been little doubt of the result among well-informed people; but when it was known, a profound feeling of relief and renewal of trust were evident among the leaders of capital and of industry, not only in this country, but everywhere. They felt that the immediate future was secure, and that trade and commerce might safely push forward in every field of effort and enterprise. He inspired universal confidence, which is the lifeblood of the commercial system of the world. It began frequently to be said that such a state of things ought to continue; one after another, men of prominence said that the President was his own best successor. He paid little attention to these suggestions until they were repeated by some of his nearest friends. Then he saw that one of the most cherished traditions of our public life was in danger. The generation which has seen the prophecy of the Papal throne—*Non videbis annos Petri*—twice contradicted by the longevity of holy men was in peril or forgetting the unwritten law of our Republic: Thou shalt not exceed the years of Washington. The President saw it was time to speak, and in his characteristic manner he spoke, briefly, but enough. Where the lightning strikes there is no need of iteration. From that hour, no one dreamed of doubting his purpose of retiring at the end of his second term, and it will be long before another such lesson is required.

He felt that the harvest time was come, to garner in the fruits of so much planting and culture, and he was determined that nothing he might do or say should be liable to the reproach of a personal interest. Let us say frankly he was a party man; he believed the policies advocated by him and his friends counted for much in the country's progress and prosperity. He hoped in his second term to accomplish substantial results in the development and affirmation of those policies. I spent a day with him shortly before he started on his fateful journey to Buffalo. Never had I seen him higher in hope and patriotic confidence. He was as sure of the future of his country as the Psalmist who cried "Glorious things are spoken of thee, thou City of God."

He felt that the harvest time had come, to arrange a treaty which gave us a free hand in the Isthmus. In fancy he saw the canal already built and the argosies of the world passing through it in peace and amity. He saw in the immense evolution of American trade the fulfillment of all his dreams, the reward of all his labors. He was—I need not say—an ardent protectionist, never more sincere and devoted than during those last days of his life. He regarded reciprocity as the bulwark of protection—not a oreach, but a fulfillment of the law. The treaties which for four years had been preparing under his personal supervision he regarded as ancillary to the general scheme. He was opposed to any revolutionary plan of change in the existing legislation; he was careful to point out that everything he had done was in faithful compliance with the law itself.

In that mood of high hope, of generous expectation, he went to Buffalo, and there, on the threshold of eternity, he delivered that memorable speech, worthy for its loftiness of tone, its blameless morality, its breadth of view, to be regarded as his testament to the nation. Through all his pride of country and his joy of its success, runs the note of solemn warning, as in Kipling's noble hymn, "Lest we forget."

"Our capacity to produce has developed so enormously and our products have so multiplied that the problem of more markets requires our urgent and immediate attention. Only a broad and enlightened policy will keep what we have. No other policy will get more. In these times of marvelous business energy and gain we ought to be looking to the future, strengthening the weak places in our industrial and commercial systems, that we may be ready for any storm or strain.

"By sensible trade arrangements which will not interrupt our home production we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. * * * Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established. * * * The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not."

I wish I had time to read the whole of this wise and weighty speech; nothing I might say could such a picture of the President's mind and character. His years of apprenticeship had been served. He stood that day past master of the art of statesmanship. He had nothing more to ask of the people. He owed them nothing but truth and faithful service. His mind and heart were purged of the temptations which beset all men engaged in the struggle to survive. In view of the revelation of his nature vouchsafed to us that day, and the fate which impended over him, we can only say in deep affection and solemn awe, "Blessed are the pure in heart, for they shall see God." Even for that vision he was not unworthy.

He had not long to wait. The next day sped the bolt of doom, and for a week after—in an agony of dread broken by illusive glimpses of hope that our prayers might be answered—the nation waited for the end. Nothing in the glorious life that we saw gradually waning was more admirable and exemplary than its close. The gentle humanity of his words, when he saw his assailant in danger of summary vengeance, "Don't let them hurt him;" his chivalrous care that the news should be broken gently to his wife; the fine courtesy with which he apologized for the damage which his death would bring to the great Exhibition; and the heroic resignation of his final words, "It is God's way. His will, not ours, be done," were all the instinctive expressions of a nature so lofty and so pure that pride in its nobility at once softened and enhanced the nation's sense of loss. The Republic grieved over such a son—but is proud forever of having produced him. After all, in spite of its tragic ending, his life was extraordinarily happy. He had, all his days, troops of friends, the cheer of fame and fruitful labor; and he became at last—

"On fortune's crowning slope,
"The pillar of a people's hope,
"The center of a world's desire."

He was fortunate even in his untimely death, for an event so tragical called the

world imperatively to the immediate study of his life and character, and thus anticipated the sure praises of posterity.

Every young and growing people has to meet, at moments, the problems of its destiny. Whether the question comes, as in Thebes, from a sphinx, symbol of the hostile forces of omnipotent nature, who punishes with instant death our failure to understand her meaning: or whether it comes, as in Jerusalem, from the Lord of Hosts, who commands the building of His temple, it comes always with the warning that the past is past, and experience vain. "Your fathers, where are they? and the prophets, do they live forever?" The fathers are dead; the prophets are silent; the questions are new, and have no answer but in time.

When the horny outside case which protects the infancy of a chrysalis nation suddenly bursts, and, in a single abrupt shock, it finds itself floating on wings which had not existed before, whose strength it has never tested, among dangers it can not foresee and is without experience to measure, every motion is a problem, and every hesitation may be an error. The past gives no clue to the future. The fathers, where are they? and the prophets, do they live forever? We are ourselves the fathers! We are ourselves the prophets! The questions that are put to us we must answer without delay, without help—for the sphinx allows no one to pass.

At such moments we may be humbly grateful to have had leaders simple in mind, clear in vision—as far as human vision can safely extend—penetrating in knowledge of men, supple and flexible under the strains and pressures of society, instinct with the energy of new life and untried strength, cautious, calm, and, above all, gifted in a supreme degree with the most surely victorious of all political virtues—the genius of infinite patience.

The obvious elements which enter into the fame of a public man are few and by no means recondite. The man who fills a great station in a period of change, who leads his country successfully through a time of crisis; who, by his power of persuading and controlling others, has been able to command the best thought of his age, so as to leave his country in a moral or material condition in advance of where he found it—such a man's position in history is secure. If, in addition to this, his written or spoken words possess the subtle quality which carry them far and lodge them in men's hearts; and, more than all, if his utterances and actions, while informed with a lofty morality, are yet tinged with the glow of human sympathy, the fame of such a man will shine like a beacon through the mists of ages—an object of reverence, of imitation, and of love. It should be to us an occasion of solemn pride that in the three great crises of our history such a man was not denied us. The moral value to a nation of a renown such as Washington's and Lincoln's and McKinley's is beyond all computation. No loftier ideal can be held up to the emulation of ingenuous youth. With such examples we can not be wholly ignoble. Grateful as we may be for what they did, let us be still more grateful for what they were. While our daily being, our public policies, still feel the influence of their work, let us pray that in our spirits their lives may be voluble, calling us upward and onward.

There is not one of us but feels prouder of his native land because the august figure of Washington presided over its beginnings; no one but vows it a tenderer love because Lincoln poured out his blood for it; no one but must feel his devotion for his country renewed and kindled when he remembers how McKinley loved, revered, and served it, showed in his life how a citizen should live, and in his last hour taught us how a gentleman could die. [Prolonged applause.]

A MEDICAL AND SOCIAL PERCEPTION OF THE VIETNAM ERA VETERAN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 5 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, the Vietnam veteran, returning into the mainstrain of American life, faces, too frequently, problems of quite large dimension. In an attempt to gain deepened insight into the means of easing these problems, and the transition from military to civilian life, as well as anticipating the unique needs of our returning servicemen, the Veterans' Administration recently authorized a highly valuable series of research studies.

The genuine commitment of the Veterans' Administration to serving and helping our returning servicemen, through the use of every tool of modern technology, medicine, and manpower deserves much credit, and, as a member of the Veterans Affairs Committee, I take great satisfaction in the ever-deepening quality of Veterans' Administration responsiveness to the contemporary needs of our Vietnam veterans.

In this connection, Dr. Marc James Musser, the Chief Medical Director of the Veterans' Administration, presented a highly significant and revealing paper to the New York Academy of Medicine last night, entitled: "A Medical and Social Perception of the Vietnam Era Veteran." This illuminating and timely study, undertaken by Dr. Musser, and Dr. Charles A. Stenger, is worthy of intensive study, and I am highly pleased to include it within my remarks:

VETERANS' ADMINISTRATION,
Washington, D.C., January 25, 1972.

The Honorable MARGARET M. HECKLER,
Cannon Office Building,
Washington, D.C.

DEAR PEG: I enclose herewith a paper to be delivered by Doctor Marc James Musser, Chief Medical Director of the Veterans Administration, before the New York Academy of Medicine tomorrow night, January 26.

I think it is an excellent paper, and I certainly encourage you to place it in the Record. Since this paper does contain references and bibliographic material, perhaps your Administrative Assistant should go over it and place it in proper form for insertion in the Record.

Don Johnson sends his warm regards, and certainly without my saying it, I am sure you are aware of the fact that you have mine.

Sincerely,

RICHARD L. ROUDEBUSH,
Assistant Deputy Administrator.

A MEDICAL AND SOCIAL PERCEPTION OF THE VIETNAM ERA VETERAN

(By Marc J. Musser, M.D., and Charles A. Stenger, Ph. D.)

The Vietnam Era Conflict, the longest and most controversial war in which our country has ever been engaged, has been a strange and devastating chapter in our country's history.

When the United States first became involved in Southeast Asia in 1960, it was neither intended nor expected that the events there would lead to an American war. Yet, in terms of numbers of men under arms and those killed and wounded, the Vietnam conflict now represents the second largest war effort in the history of our country, even though combat operations from the onset have been governed by strictly limited military objectives. Above and beyond the number of people involved and the casualties, it has been a devastating war in terms of its tremendously divisive impact upon our society. This and other related socio-economic factors have had a singular influence upon the lives and personalities of many of our young men and women.

Whatever the characteristics of the Vietnam Era Conflict, it now becomes important, as we appear to be reaching the end of United States involvement, for our society to provide the veterans of this conflict the maximum of assistance in readjusting to civilian life in the most constructive and productive manner. The Veterans' Administration is the Federal agency charged by legislation to provide a wide range of assistance to these veterans, as well as veterans of previous wars. And yet, this is only a portion of the total responsibility of our society. In order to do the job that must be done, it is important that the characteristics, needs and problems of the Vietnam veteran be thoroughly understood by all those who might relate to him. Particularly, it is important that he be seen in the perspective of the war in which he has fought, and of the society of which he is a member.

Since the beginning of the Vietnam Era in 1964, more than eight million Americans have served in the Armed Forces—nearly twice the number who served in World War I. Of these, 55,000 have died in Vietnam, 1,500 are missing or captured, and almost a quarter of a million already have compensable service-connected disabilities of one kind or another. Nearly 10 percent of these—approximately 25,000—are 100 percent service connected.

All veterans with a service-connected illness or disability become the direct and primary responsibility of the Veterans' Administration. An increasing number of other veterans have sought and will continue to seek medical care within the Veterans' Administration health care system as they meet certain eligibility requirements established by law. In 1968, four percent of the daily average of 83,000 patients in Veterans' Administration hospitals were Vietnam Era veterans. By 1971, this number had risen to almost 13 percent.

As the number of Vietnam Era patients in Veterans Administration hospitals has increased, it has become more and more apparent to the staffs of those hospitals that they are dealing with a "new breed" as compared to veterans from other wars. Therefore, a series of studies were initiated to more specifically identify the needs of these new veterans, and to determine the best mechanisms for meeting them. These studies have been conducted by Vietnam Era Committees operating in each Veterans Administration hospital and clinic, by seminars and regional conferences, by a number of research studies, and by Vietnam veterans themselves.

The results of these studies have helped immensely in directing the ways Veterans Administration services should be modified in order to meet the needs of the Vietnam veteran. In addition to their impact upon hospital operations, these results have provided the basis for new approaches to the administration of the GI Educational Program and other legislated benefits, and in the assumption by the Veterans Administration of broader responsibility for the development of employment opportunities and job placement for veterans. Also, the studies have generated important information for occupational medicine as it is concerned with the total individual and his adjustment to the work-a-day world.

THE VIETNAM ERA VETERAN

There are a number of characteristics of the Vietnam Era veteran group which should be recognized at the outset.

First: They are the youngest veterans who have ever served. The average age for non-career servicemen is under 26, and the majority have not reached their 22nd birthday at the time of separation from the service.

Secondly: They are the best educated group of any American veterans. Only 15 percent have not completed high school as compared to 55 percent for World War II and 38 percent for Korean veterans. More than one out of five have had some college. However, relatively few have had significant work experience.

Thirdly; and perhaps most important: They are high calibre young people. Not only have the more stringent, selective service procedures filtered out the less well qualified individuals, but unlike many other members of their generation, most Vietnam Era veterans have demonstrated the self-discipline necessary to adjust to a highly regimented way of life and to cope with the many stresses involved in military service.

COMBAT CASUALTIES

Data pertaining to American casualties in Vietnam not only provide some indications of the nature of the post-war health problems of the Vietnam Era veteran, but also allow for comparisons with the experiences of prior wars.

When all deaths due to combat are considered, it becomes apparent that such losses in Vietnam have occurred at a lesser rate than in Korea or in Europe in World War II. Among Army troops in Vietnam from July 1965 through February 1971, deaths due to all combat causes occurred at a rate of 18.0 per thousand average troop strength per year, as compared to a rate of 43.2 for Korea and 51.9 for the European Theater of Operations from June 1944 through May 1945 in World War II. Must higher proportions of combat deaths in Vietnam have been due to small arms fire and to booby traps and mines than in Korea or World War II. Much lower proportions have been due to artillery and other explosive projectile fragments than in these earlier conflicts. A comprehensive analysis of the causes of death in 2,600 servicemen killed in action in Vietnam indicated that 83.6 percent resulted principally from wounds of the head, neck, and thorax. The primary causes of death in most instances were damage to the central nervous system, uncontrolled hemorrhage, or respiratory obstruction.

Of the Army servicemen wounded in Vietnam who were admitted to medical treatment facilities, 2.6 percent died, with 60 percent of the deaths occurring within 24 hours after admission. This is similar to the 2.5 percent mortality recorded for the Korean Conflict, but considerably lower than the 4.5 percent mortality in World War II.

The peculiar nature of the combat in Vietnam, the types of wounds it has produced—especially the high incidence of multiple wounds—and the excellent care the wounded have received, have resulted in a higher incidence of certain types of complicated disabilities. This is illustrated quite dramatically by the following statement of a veteran at a regional meeting:

"One of the things that makes this war so different is the fact we couldn't tell who we were fighting half the time—I was responsible for 200 men and was in a position where I should have known but just didn't. I was injured by enemy gunfire—was shot four times, then hit by two grenades—the helicopter must have been there almost immediately. Just to give you some idea of the medical work the Navy did, one bullet went through the left arm, one hit me in the left side, went through my lung, hit my heart, went through my diaphragm, stomach, intestine, spleen, gall bladder, adrenal gland—then I went down!

"After that I was hit by two grenades—I never lost consciousness until I got on the hospital ship—they performed a miracle, a real miracle."

Relevant to this experience is the circumstance that improved techniques of vascular surgery has made it possible for combat area surgeons to save limbs which would have been amputated in the past, and to reduce the major tissue destruction associated with traumatic amputations. Some estimates indicate that 75 percent to 80 percent of limbs that would have been lost in World War II are now being saved.

In addition to the more complex general disabilities created by multiple wounds are the increased incidence of quadriplegia and paraplegia resulting from spinal cord injuries and multiple amputations. This is noteworthy because of the need it has created for special types of long term rehabilitation programs.

Thus far, the Veterans Administration has received 2,372 Vietnam service-connected veterans as transfers from military hospitals with paralysis resulting from spinal cord injuries. Of these 35 percent are quadriplegics, which is a considerably higher proportionate number than from prior wars. There are presently some 12,000 living spinal cord injury veterans, of whom more than 1,000 are hospitalized at any given time in 14 Veterans Administration Spinal Cord Injury Centers.

Despite the technical gains which have been made, the Veterans Administration has received 5,090 service-connected Vietnam Era amputees. Of these 18.1 percent have multiple amputations. This incidence is much higher than that of the Korean Conflict (9.3 percent) and World War II (5.8 percent). An index of the magnitude of the rehabilitation program for Amputees in the Veterans Administration is reflected in the fact that there are now 26,566 service-connected amputees from all wars on its rolls. In 1971, 34,100 prostheses of all types were provided to Vietnam veterans alone.

PSYCHIATRIC DISORDERS

There is evidence that the incidence of psychiatric disorders has been significantly lower in the Vietnam conflict than in previous wars. Bourne has reported an incidence of 12 per 1,000 for such casualties in all branches of the Services in Vietnam, as compared to an incidence of 37 per 1,000 in Korea and 101 per 1,000 in World War II. Thus far, 48,391 Vietnam era veterans are receiving compensation for service-connected psychiatric and neurologic disorders. Nearly 11,000 were admitted to Veterans Administration Hospitals in 1971. Diagnostically, there has been a considerable increase in character and situational disorders over the more classical anxiety and conversion reactions, when compared to the experience in prior wars. However, the incidence of psychoses has remained approximately the same.

Thus far, there has been no evidence of the delayed psychiatric illnesses that some experts have thought would result from the unique conditions of the Vietnam conflict, including the presumption that guilt over participation in an unpopular war would create a special degree of emotional stress. Most servicemen find the hostile components of their reception upon returning home to be quite disturbing, but apparently it is not significantly affecting their emotional stability.

CHARACTERISTICS AND ATTITUDES OF VIETNAM VETERANS

During the past several years, a great deal has been written and said about the characteristics and attitudes of the Vietnam era veteran. In much of this there has been a tendency to generalize a number of limited experiences and observations, and more often than not this has accrued to the disadvantage of the majority of Vietnam era servicemen.

A recent poll of discharged Vietnam veterans, the general public, and employers, conducted by Louis Harris and Associates, Inc., has produced a considerable amount of interesting information in this regard. Among other things, it has indicated that the large majority of veterans have taken their military service experience and their reception back to civilian life in stride, and have had little or no difficulty with readjustment. However, the general public polled made the observation that "the whole question of treatment of returning veterans is a serious burden on the conscience of the American Public". The dichotomy is well expressed in one of the conclusions of the poll: "While the American public and employers are keenly aware of how returning veterans *should* be treated and yet feel guilty about the way ex-servicemen *are* being treated, among veterans the story is different. The returning servicemen seem less preoccupied with the way things should be, and are content to accept things as given and do the best they can to readjust to civilian life. This passive acceptance holds for all groups except the alienated veterans—the non-white and non-high school graduates. Among these servicemen, there is a real feeling that society owes them something for their efforts."

A number of studies of the characteristics and attitudes of the Vietnam Era veteran patients, which include the so-called "alienated group", have generated a considerable amount of more detailed information. From these studies has emerged a descriptive personality profile of these veteran patients, but it would seem to be equally descriptive of a large segment of the current younger generation in our society. Five distinctive characteristics were identified . . .

First, he responds more assertively to authority and is quite willing to question and to challenge it.

Second, he expects authority, nevertheless, to be unresponsive to him and to seek to control and suppress him. The term, "the establishment," carries this implication, and being "turned-off" characterizes his response.

Third, he feels a general sense of uncertainty toward the future and a greater urge for fulfillment today—the "NOW phenomenon."

Fourth, he feels a kind of protective identification with his own age group which he believes shares his uneasy perceptions of his society.

Fifth, he has less control over feelings and impulses, and is more impatient and impulsive.

Other studies have attempted to determine how and why Vietnam era veterans differ from the veterans of previous wars. They have concluded that the differing characteristics of the Vietnam Era veteran more than anything else reflect the increased complexity and everchanging nature of the society of which he is a part. He views life with less conviction about established principles and values. He has been influenced by the necessity to fight in an unusual kind of war, in which political realities frequently must outweigh military necessities, and where enemy and friend are indistinguishable. He is different because he has been treated very differently by the society he served upon his return. He does not return to the assured respect and appreciation of his countrymen. Instead, he typically returns to indifference, disapproval, and scorn, particularly from his peers who did not serve.

The returning Vietnam veteran believes he has served his country well, as indeed he has, but many feel a sense of confusion, of frustration, ambivalence, and anger. They rather easily become disenchanted and alienated, and become irritated and impatient with policies and procedures they do not understand. They are particularly sensitive to mechanical or impersonal treatment, or unresponsiveness to their human needs—particularly from an agency, like the Veterans Administration, that has been charged with

the mission of helping them. Despite all this, they have a strong desire to achieve understanding with those around them, regardless of age, and to communicate openly and undefensively.

When listened to, they communicate remarkably well, and their criticisms invariably are reasonable and "on target".

DRUG ABUSE

There has been a widespread tendency to link the drug abuse problems of the Vietnam era veteran to his personality and attitudinal characteristics. This is probably true, but only to a limited extent. In the experience of the Veterans Administration Drug Treatment Program it is significant that while 60 percent of the patients have been Vietnam era veterans, the remainder have been World War II and Korean Conflict veterans. Also, the data compiled by the Department of Defense would suggest that the incidence of "main line" heroin addicts is less than 1 percent of all Vietnam era servicemen. This is a figure that helps further to establish the proper perspective. The Harris Poll would tend to confirm this. By "private ballot", 2 percent of the national sample of veterans admitted to some use of heroin. From a practical standpoint, not all of these can be considered as serious users.

In fiscal year 1968, less than 2,000 veterans were admitted to Veterans Administration hospitals for treatment of their drug abuse problems; in 1971 over 11,000 were admitted. Except for some 700 active duty servicemen transferred to Veterans Administration hospitals prior to separation, all of these veterans have sought treatment voluntarily. Thus far, it has been impossible to obtain accurate indications of the total number of veterans with a drug abuse problem. From the Department of Defense and other studies, it seems reasonable to assume that there are about 50,000 to 75,000 "hard" drug users among veterans, although these figures must be considered as no more than an educated guess. There are virtually no data regarding the magnitude of use of other drugs.

Of the veterans treated in Veterans Administration hospitals thus far slightly more than half had been using narcotic drugs, predominantly heroin. The remaining half had been using other drugs, predominantly the barbiturates, hallucinogens and marijuana. Several studies of small samples of these patients have generated some details of their characteristics. A large percentage were associated with the so-called "alienated" segment of society: 60 to 70 percent were black, 90 percent had high school educations or less. Their ages ranged from 18 to 70-plus years. Sixty percent had been arrested, and 30 percent admitted using drugs prior to service. Of those addicted to heroin, 40 percent became so in Vietnam, the remainder while on assignments elsewhere overseas and in the continental United States, or after service. More than half had had prior and unsuccessful treatment.

Presently, all of the 165 Veterans Administration hospitals with their associated 202 outpatient clinics have the capability of providing at least the initial phase of treatment for drug abuse problems. Of these hospitals, 32 have special drug treatment centers with multi-modality treatment programs involving a short but comprehensive inpatient medical and psychological evaluation, detoxification when indicated, and the initiation of the specific treatment program deemed appropriate. These include methadone maintenance, abstinence, and experimental nonnarcotic blocking agents—all based upon intensive psychotherapeutic and rehabilitation programs. Once established, treatment is continued in Day Treatment Centers, Therapeutic Communities, and the more conventional outpatient clinics. Special emphasis is directed toward getting the patient into some type of productive activity—such as school, vocational training, or a job. Since many of the patients have never worked, the latter poses a particularly difficult challenge.

In order to maintain staff competency, various types of training programs are maintained for physicians, psychologists, nurses, social workers, and vocational counselors. Particularly successful thus far has been the use of appropriately trained ex-addicts as counselors in the maintenance of the intimate day to day relationships with the patient.

The experience of the Veterans Administration Drug Treatment Program clearly indicates that the success of treatment depends upon the motivation and commitment of the patient and the ability of treatment staffs to be appropriately responsive to his needs. Encouraging thus far has been the increasing number of veterans who have turned to the Veterans Administration hospitals after other treatment efforts have failed, and the relatively small percentage (about 20 percent) of those who have dropped out of treatment.

THE VIETNAM VETERAN AND EMPLOYMENT

One of the major objectives of the Harris Poll was to determine how returning Vietnam era veterans were doing in the job market. According to the study, the public, employers and veterans agreed that most veterans were more mature and more stable than when they entered service, and thus were better qualified for jobs. Among employers, the highest positive ratings were given to enlisted men generally, recent returnees, and those who served in Vietnam and combat zones. Sixty percent of all businessmen interviewed had hired veterans during the past year, and those operating small companies (20 employees or less) had employed proportionately more veterans than those operating large companies.

Of the veterans interviewed, 15 percent were not working. Of this group, 4 percent, as students or for other reasons, were not in the labor market. However, the not-working percentages for non-whites and those who had not finished high school were 21 and 31 percent respectively.

The Bureau of Labor Statistics reports that there are currently about 320,000 unemployed Vietnam era veterans in the country's labor force.

Fifty-nine percent of the employed veterans expressed satisfaction with their jobs. Employer satisfaction with the veterans they had hired was tied to the complexity of the job and to the amount of education and training required for it. Thus, veterans in professional, technical and administrative positions rated high. On the other side, employers were less enthusiastic about veterans' performance in jobs requiring less skill. This becomes an added disadvantage to those veterans with limited educational and training qualifications.

SUMMARY

From this general assessment of the characteristics and medical experience of the Vietnam era veteran, it seems possible to conclude that the overwhelming majority have the potential to be better risks in adapting to their society and to both academic and industrial environments than their nonmilitary peers. A significant number of them have residual physical disabilities for which special types of training and employment opportunities will be necessary. An additional number have drug abuse problems, the eventual outcome of which is not yet possible to determine. Veterans who are nonwhite and those with limited education and training present a number of special problems which must be given proper attention.

It is also important to recognize that this generation of young people, veteran and nonveteran, view the world of work and their relationships with authority quite differently. Four factors seem to have a particular significance for young people today—integrity, involvement, responsiveness, and caring.

Thus, this group of young veterans will do better in the industrial environment as it is possible to convey to management the increased importance of a more open, responsive interface with employees, and the involvement of employees in a more meaningful way with the company and its products. If this is possible, it could become a fine example of preventive medicine, at its best.

MILITARY DRUG OFFENDERS—THE NEED FOR PROBATIONARY SENTENCING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 10 minutes.

Mr. RODINO. Mr. Speaker, I am today introducing legislation to correct a glaring inequity which exists under present courts-martial sentencing procedures.

In the last decade, numerous authors, legislators, and legal scholars have been made scathing attacks on the military justice system in this country. Some of their most severe criticisms were obviated by the enactment of the Military Justice Act of 1968.

In place of the law officer, the 1968 law created the military judge and endowed him with new powers and duties, similar to those of a civilian judge.

In my judgment, the 1968 act was patently deficient in one particular respect. It did not grant the military judge the power to suspend the sentence of a first-time drug offender.

For this reason, I am introducing legislation which would expressly authorize courts-martial to place a person on probation in the event of a first-time conviction for certain drug related offenses.

I am aware that the convening authority and the Secretary of the appropriate military department presently possess the power to reduce and suspend the sentence imposed by a court-martial. In this regard, I have been advised in a January 10, 1972, letter from Mr. Richard K. Cook, Deputy Assistant to President Nixon—that—

> The Department of Defense and the military departments are aware of the stigmatizing effect and postservice disadvantages of a less than honorable discharge. For these reasons, the officials who administer courts-martial and administrative discharge proceedings are scrupulously careful in their evaluations of and actions on each case, giving due consideration to all facts and circumstances, and in particular, to the individual concerned.

However, it is not enough that the Defense Department recognizes the gravity of the situation and is attempting to implement existing procedures in order to alleviate the problem.

Instead, Congress must endeavor to insure that military procedures relating to the handling of drug offenders are brought into conformity with civilian procedures.

For example, in enacting the Controlled Substances Act of 1970, Congress provided first-time civilian drug offenders with the alternative of sentencing for probation. Certainly, first-time military drug offenders are entitled to, and should

receive, the same measure of justice and compassion as their civilian counterparts.

This is especially true in light of the fact that a large number of individuals are exposed to drugs for the first time while serving in our Armed Forces.

Specifically, this legislation would authorize the court-martial to place on probation any person who has been convicted of, or pleads guilty to, certain drug offenses.

Furthermore, such probationary period may not exceed 1 year in duration, and the probation alternative may not be utilized without the consent of the accused.

This legislation also stipulates that upon fulfillment of all the terms and conditions of the probation, the individual shall be released and all proceedings against him shall be dismissed without an adjudication of guilt.

Likewise, the bill provides that such release and dismissal shall not be considered a conviction for purposes of disqualification or disability imposed under the Uniform Code of Military Justice.

In addition, this proposal established procedures which would allow a person to expunge from military records all information relating to his drug violation.

In summary, the primary purpose of this legislation is to restore a first-time military drug offender to the status he occupied before his arrest or before a charge was made against him. This relief is presently available to first-time civilian drug offenders and I can discern no logical reason why it should not be extended to similarly situated servicemen.

ISRAEL DETERMINED TO PROTECT ITSELF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, I was indeed fortunate to visit the nation of Israel during the congressional recess and to witness firsthand the courage and determination of the people of Israel and that nation's leaders. I was also privileged to meet with Prime Minister Golda Meier, Minister of Defense Rea Lavie, Minister of Foreign Affairs for North America Michael Elizur, and other government officials.

As a member of the House Appropriations Committee and the Defense Appropriation Subcommittee I was particularly interested in discussing the balance of military strength in the Middle East and the prospects for a lasting peaceful settlement of the Mideast conflict.

The one fact which impressed me the most in all my conversations with Israel's Government officials was the desire and determination to maintain Israel's military strength at a level which assures that Israel will be able to defend herself without calling on any other nation for troop support. Israel is simply not going to allow herself to fall into a position where she is dependent on the United States or even the United Nations for troop assistance should the Arab States attack Israel.

This policy is one which stands as a strong warning to Israel's neighbors even in light of these rather shocking facts. I was told that the Russians have brought about a shift in Arab military power which in terms of raw power means that Israel is now outnumbered in aircraft 3 to 1; outnumbered in artillery up to 20 to 1; and outnumbered in tanks 2 to 1. In addition I was told that approximately 20,000 Soviet advisers are present in the Middle East to assist in the deployment of this hardware.

Notwithstanding this awesome display of Soviet provided military might, the Israeli officials, with whom I spoke, made it clear to me that Israel does not want U.S. military advisers of any kind, but rather Israel wants technical assistance and modern weaponry so that she can defend herself without involving foreign troops. I find that attitude commendable and will urge the Congress to support an aid policy which can keep Israel in a position to accomplish that goal.

I have been a consistent supporter of Israel's right to purchase arms for her own defense and have pressed this administration to deliver the Phantom jets which we have finally agreed to ship to Israel. More important, in terms of long-range policy however, is the need to have a clear U.S. policy with respect to the Middle East—a policy which will be unequivocal and which will not cause even a temporary deterioration of United States-Israel relations such as occurred last year when Israel's requests for Phantom jets did not receive prompt attention.

Mrs. Meier is a most impressive and sincere person whose leadership is responsible. Mrs. Meier wants defensible borders and the military strength to defend those borders without outside troop assistance. She will negotiate so long as prior conditions are not imposed upon her nation and she will be reasonable and responsible in those negotiations in my opinion.

Mr. Speaker, I found Israel to be the outstanding example of a nation which is not a party to any military security pact, such as NATO or SEATO, but wants only to remain strong enough to defend herself. That kind of policy, I believe is in the national interest of the United States. We must have a clear and firm policy of aid to Israel so that other nations will understand that we will not let Israel become weak while her neighbors grow militarily strong. For those reasons, I return from my trip to Israel convinced that we must avoid any deterioration in our relations with Israel and that we should be prepared to provide military assistance or rely on the United Nations to protest that bastion of democracy in the Middle East. Israel can and will defend herself if we adopt such a policy. It will be a valuable ally on the south shore of the Mediterranean which we so sorely need in our own defense plan, especially with the tremendous building of Russian naval bases in the Middle East.

THE QUALITY SCHOOL ASSISTANCE ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WILLIAM D. FORD) is recognized for 5 minutes.

Mr. WILLIAM D. FORD. Mr. Speaker, today I am reintroducing the Quality School Assistance Act of 1972 with an additional 32 cosponsors. I originally introduced this proposal along with my distinguished colleagues from Michigan, Mr. DINGELL, Mrs. GRIFFITHS, Mr. NEDZI, and Mr. O'HARA, on December 16, 1971.

This bill is designed to overcome the crowded and deteriorating conditions in our Nation's schools. It is designed to bring quality education and equality in education into every neighborhood in America by providing more Federal dollars to local educational agencies.

The Quality School Assistance Act has three basic provisions. First, it would provide a greatly expanded form of general aid to local educational agencies with special provisions for those districts with large concentrations of students from low-income families. Second, it would provide Federal funds for construction or modernization of overcrowded and obsolete facilities, with priority given to school districts now being forced to operate on half-day sessions. Finally, it would extend the impact aid program which provides additional Federal funds for school districts with concentrations of children of Federal employees.

Under the general aid program of this bill the Federal Government would provide an allocation to each local school agency equal to 20 percent of the product obtained by multiplying the number of children in its elementary and secondary schools by the State average per pupil expenditure or the national per pupil expenditure whichever is higher. The Federal percentage would increase 5 percent per year for the next 3 years until it reaches a level of 35 percent in 1976. Presently the Federal contribution to elementary and secondary education amounts to less than 7 percent of the total expenditures.

Increasing Federal spending for elementary and secondary education purposes to these substantially higher levels has received widespread support. It has been recommended by Government-supported studies and education associations and it has been endorsed by high-ranking officials in the Nixon administration.

As I pointed out when I originally introduced this bill in December, a comprehensive study financed by the Office of Education recently recommended that public schools should receive at least 22 percent, and preferably 30 percent, of their total revenue from the Federal Government to accomplish legitimate and appropriate Federal purposes.

The National Education Association has called for substantial general Federal support of public education with the ultimate goal of having the Federal Government furnish at least one-third of the cost of operating our Nation's schools. A study conducted by the American Federation of Teachers indicates

that a Federal contribution in excess of 30 percent of total expenditures would be necessary to provide our Nation's children with a good quality education.

I was especially happy to note that apparently the Nixon administration is also now committed to increasing the Federal contribution to elementary and secondary education. On December 16, 1971, the day on which I originally proposed this legislation, the Nixon administration, speaking through Dr. Sidney Marland, the Commissioner of Education, endorsed the concept of increasing the Federal contribution to the 25 to 30 percent level. Speaking to nine big-city mayors in Wilmington, Del., on that day, Dr. Marland stated that he believed the Federal Government should pay 25 to 30 percent of the cost of public education.

The need for a substantial increase in the Federal Government's contribution to the cost of educating our children can no longer be questioned—and in light of the verbal support we hear coming from almost everyone connected with education, including parents and students, teachers and administrators, school board officials, and local, State, and Federal Government officials, this need is no longer being questioned.

The only questions we hear now are "When is the Federal Government going to act? When is the U.S. Congress going to respond to this financial crisis? When is the President going to respond?"

Mr. Speaker, rhetoric will no longer satisfy our Nation's educators; it will no longer satisfy the taxpayers. The time has now come for action.

President Nixon is fully aware of this financial crisis. He referred to it very explicitly in his state of the Union address last week, when he stated that "soaring school costs and soaring property tax rates now threaten both our communities and our schools."

Unfortunately, however, Mr. Nixon evidently still feels that problems can be solved by rhetoric rather than action, because he continues to mislead the American people by telling them that his own proposal, the so-called special revenue sharing for education program, will solve the problems which now confront our schools.

Mr. Speaker, I think it is only appropriate to clear up, once and for all, the significant differences between our proposal, which calls for an actual increase in Federal funds, and Mr. Nixon's proposal, which amounts to nothing more than a transfer of Federal funds from one place to another.

First of all, our proposal calls for an actual and substantial increase in Federal funds over and above the funds presently being received by local education agencies for existing programs. Our proposal does not call for the repeal of any existing program under which a local educational agency is presently receiving Federal funds.

During fiscal year 1973, if fully funded, the quality assistance portion of the Quality School Assistance Act would provide an estimated $10.6 billion in Federal funds to local educational agencies. The estimated State-by-State distribution of these funds would be as follows:

1973 DISTRIBUTION OF FUNDS UNDER THE QUALITY ASSISTANCE PROGRAM OF THE QUALITY SCHOOL ASSISTANCE ACT

State	Distribution based on number of school-age children	Distribution based on equalization factor	Total for State
Alabama	143,761,676	87,857,434	231,619,110
Alaska	11,695,264	2,919,732	14,614,996
Arizona	55,889,960	19,110,982	75,000,042
Arkansas	75,916,316	53,351,494	129,267,810
California	600,677,070	223,492,328	824,169,398
Colorado	70,318,062	1,858,012	72,176,074
Connecticut	118,915,800	21,499,854	140,415,654
Delaware	18,001,348	4,512,314	22,513,662
Florida	181,817,030	57,332,948	239,149,978
Georgia	168,899,084	87,061,144	255,960,228
Hawaii	30,619,182	6,635,756	57,254,938
Idaho	29,854,316	5,574,036	35,428,352
Illinois	444,971,164	113,073,316	558,044,480
Indiana	184,874,698	37,160,244	222,034,942
Iowa	111,039,180	32,913,358	143,069,896
Kansas	84,130,182	22,030,716	106,160,898
Kentucky	116,613,106	80,159,956	196,773,062
Louisiana	142,237,876	76,709,362	218,947,238
Maine	38,252,020	12,475,224	50,727,244
Maryland	137,611,412	39,018,256	176,629,668
Massachusetts	195,141,908	49,635,468	244,777,376
Michigan	377,252,532	83,079,699	460,332,222
Minnesota	158,397,808	40,079,978	198,477,786
Mississippi	100,080,136	91,573,460	191,653,596
Missouri	158,437,926	57,332,948	215,770,874
Montana	28,448,420	6,635,756	35,084,176
Nebraska	54,623,570	16,722,110	71,345,680
Nevada	10,534,400	2,123,442	12,657,842
New Hampshire	22,928,930	3,716,024	26,644,954
New Jersey	284,008,044	70,073,604	354,081,648
New Mexico	43,388,894	18,845,552	62,234,446
New York	994,545,834	250,300,790	1,244,846,624
North Carolina	198,636,148	122,486,818	321,122,966
North Dakota	27,776,048	9,820,920	37,597,004
Ohio	378,603,768	90,511,738	469,115,506
Oklahoma	91,116,630	40,345,408	131,462,038
Oregon	78,360,576	17,783,830	96,144,406
Pennsylvania	442,725,254	130,060,856	572,786,110
Rhode Island	34,849,824	8,759,200	43,609,024
South Carolina	110,374,834	75,382,210	185,757,044
South Dakota	28,747,236	13,802,376	42,549,612
Tennessee	146,665,388	79,363,664	226,029,052
Texas	394,505,022	158,992,760	553,497,762
Utah	40,890,696	7,962,908	48,853,604
Vermont	15,639,768	4,246,884	19,886,652
Virginia	159,113,024	74,320,488	233,433,512
Washington	116,390,467	28,666,474	145,056,950
West Virginia	80,352,664	43,329,486	123,682,150
Wisconsin	173,602,820	34,505,940	208,108,760
Wyoming	13,948,214	2,388,872	16,337,086
Washington, D.C.	29,767,260	11,678,934	41,446,194
Total	7,962,909,586	2,652,537,908	10,615,447,494

Furthermore, additional funds would be distributed under the quality construction provisions of our bill, and the impact aid program would be extended, by continuing Public Law 815 and Public Law 874 in their present form.

Now let us examine what Mr. Nixon's special revenue sharing would accomplish. First of all, Mr. Nixon's proposal calls for the repeal of almost all existing Federal categorical aid programs. Among the programs which Mr. Nixon would repeal are the title I program of the Elementary and Secondary Education Act of 1965, the impact aid program, and the vocational and adult education programs.

Furthermore, Mr. Nixon's proposal would result in almost no actual increase in the Federal Government's contribution to educating our children. He simply proposes to take the money which the Federal Government would save by repealing existing programs, and redistribute it under a different formula. The point I would like to emphasize is that Mr. Nixon's proposal could not possibly begin to solve the schools' financial crisis because he does not propose to give the schools any additional money.

Mr. Speaker, I would now like to compare the distribution formulas in these two proposals, and once again I would like to point out some further inconsistencies between what the President says publicly and what he has actually proposed to Congress. In his state of the Union message to Congress Mr. Nixon stated his unequivocal commitment to "one fundamental principle with which there can be no compromise: local school boards must have control over local schools."

Yet this proposed special revenue sharing for education program would accomplish the exact opposite. His proposal would actually take control away from local school boards and vest it in the State.

Under the provisions of the existing programs, which Mr. Nixon wants to repeal, Federal funds are channeled directly from the Federal Government to local educational agencies. Under the provisions of the program which Mr. Nixon has proposed, the Federal funds which are now channeled to local school boards would be channeled instead to the State educational agencies.

In other words, under the Nixon proposal the States would receive all the funds and local school boards would be required to conform to State-imposed guidelines and regulations before they could receive their fair share of Federal funds to which they are entitled. In contrast, the Quality School Assistance Act which we have introduced would channel all funds directly to the local school boards, which would enable them to retain local control.

Mr. Speaker, I would like to once again emphasize that we in the U.S. Congress can no longer avoid this issue. The Federal Government must come to the aid of our financially crippled elementary and secondary school systems, and we must do so now.

I have documented the inadequacies of the President's special revenue sharing proposal, and it is abundantly clear that his proposal simply cannot do the job. It neither provides financial relief for our schools nor enhances local control of our schools.

In contrast, the Quality School Assistance Act which we have introduced today will provide the financial relief which is so urgently needed and will permit the continued local control of our schools.

Mr. Speaker, I strongly urge my colleagues to give this bill their most careful and favorable consideration.

At this point I would like to insert the names of my distinguished colleagues who have joined me in introducing the Quality School Assistance Act of 1972:

LIST OF COSPONSORS

Mr. Abourezk (D-S. Dak.).
Mr. Clark (D-Pa.).
Mr. Clay (D-Mo.).
Mr. Conyers (D-Mich.).
Mr. Cotter (D-Mich.).
Mr. Dominick Daniels (D-N.J.).
Mr. Danielson (D-Calif.).
Mr. Dent (D-Pa.).
Mr. Dingell (D-Mich.).
Mr. Don Edwards (D-Calif.).
Mr. Eilberg (D-Pa.).
Mrs. Griffiths (D-Mich.).
Mr. Harrington (D-Mass.).
Mr. Ken Hechler D-W. Va.).
Mr. Helstoski (D-N.J.).
Mrs. Louise Day Hicks (D-Mass.).
Mr. Matsunaga (D-Hawaii).
Mr. Meeds (D-Wash.).
Mr. Mikva (D-Ill.).
Mr. George Miller (D-Calif.).
Mrs. Mink (D-Hawaii).
Mr. Mitchell (D-Md.).
Mr. Moorhead (D-Pa.).
Mr. Moss (D-Calif.).
Mr. Nedzi (D-Mich.).
Mr. O'Hara (D-Mich.)
Mr. Pepper (D-Fla.).
Mr. Perkins (D.-Ky.).
Mr. Price D-Ill.).
Mr. Rangel (D-N.Y.).
Mr. Rees (D-Calif.).
Mr. Rosenthal (D-N.Y.).
Mr. St Germain (D-R.I.).
Mr. Scheuer (D-N.Y.).
Mr. Steed (D-Okla).
Mr. Tiernan (D.-R.I.).

PERSONAL TRIBUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BURKE) is recognized for 5 minutes.

Mr. BURKE of Massachusetts. Mr. Speaker, I want to take this opportunity to congratulate a young constituent of mine, Brian Scott Young, whose family I have known and had the pleasure to represent for many years. Brian will be 13 years old and will be a participant in the centuries-old rite of bar mitzvah, on February 3 at Temple Israel in Brockton, Mass. As Brian crosses this official threshold to manhood and maturity, I wanted to pay a special tribute to a wonderful family for the excellent young man they have reared. An accomplished skier and competition swimmer, Brian is an active young citizen of the Brockton community and I know my colleagues join me in wishing him every success in the future. Brian's parents are Dr. Arthur and Nancy Young and his sister, Bonnie Beth, and his proud grandparents are Henry M. and Fanny Young, longtime residents of Brockton. I also want to make a bow in the direction of Louis and Esther Silverman of Langley Park, Md., his other proud grandparents. My best wishes to all on this proud occasion.

THE 54TH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

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

Mr. HANLEY. Mr. Speaker, I rise today to join my distinguished collegues in honoring a strong and valiant people, the people of the Ukraine.

Today we observe the 54th anniversary of Ukrainian independence, a day that pays tribute to the men and women who struggled to make the Ukraine a Republic. But while it is a day of honor for these great people, it is also a day of sober reflection, for 47 million Ukrainians live today under the tyranny of communism. They must live behind the Iron Curtain, under a puppet government that was forced upon them. They must live with the tragic reality that they are slaves in their own country, captives of the Soviet Union's imperialism.

America's heritage and character demand that we give full support to those nations on whom the despot treads. To do less would be surrender to injustice. We are a nation deeply committed to the rights of individual freedom and self-determination. By supporting the Ukrainian cause, we reinforce the principles on which this country was founded.

We, who value freedom so highly, can offer more than a dim ray of hope to these oppressed people. Certainly, we must voice our outrage at the inhuman policies of communism, but we must offer more than fine sounding words. It is important that we praise their courage and perseverance, but it is more important that we support their cause with action.

First, we can act in a legislative manner. There are several bills pending in Congress regarding this matter that deserve support.

Second, we can act as a nation. The President will soon be traveling to Moscow to meet with Soviet leaders. It is my fervent hope that he will seize this opportunity to reaffirm our policy regarding the Ukraine and other captive nations, and impress upon the Soviet leadership our determination to see the Ukraine and the countries like it free from the yoke of communism.

Americans of Ukrainian descent have contributed much to the greatness of this Nation, and I am proud to represent many of these fine citizens. Today they still hope and pray that their native land will be free once more and that they will be reunited with their loved ones.

It is our moral duty to lend substance to their hope, and the hope of their countrymen held captive.

SOME BLOOD KILLS

(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, the incidence of serum hepatitus in blood collected for human transfusions is shocking. In the United States there is on the average one death for every 150 patients over 40 years of age who receive transfusions. Dr. J. Garrott Allen of Stanford University has stated that these transfusions are responsible for at least 3,500 deaths a year and the medical injury of another 50,000 Americans. The Center for Disease Control has stated that the actual rate of hepatitus may be well in excess of the official figure due to the failure of many physicians to report serum hepatitus cases. The center estimates that as many as 35,000 deaths and 500,000 illnesses a year may be due to the presence of serum hepatitus in blood for transfusions.

Stringent regulations affecting the collection of blood are practically nonexistent in the Nation. Seventeen States have no regulations affecting blood banks. Twenty-one States have laws which prohibit those injured from tainted blood from pursuing a cause of action under a warranty of fitness or merchantability. Only seven States have licensing requirements for blood banks. Even these lack adequate regulation.

The incidence of hepatitus in blood collected by commercial blood banks from paid donors is estimated to be about 10 times greater than that collected from volunteer donors. The paid donor is much more likely to lie in order to be accepted. Also many of the commercial blood banks are located in the slum areas of our cities where the health of the donors is questionable.

A recent investigation by three reporters of the Chicago Tribune discovered that commercial blood banks located in Chicago's slums were buying blood from donors with fresh needle marks in their arms—an indication that they had given blood much more recently than the recommended 6-week waiting period between donations. Also it was discovered that suspected hepatitus carriers who were rejected by some blood banks were accepted by others. This lack of consistency of policy and the absence of adequate regulation can only result in inferior and dangerous blood being made available to the general public in time of need.

While it is clear that not all blood banks operate in an unconscionable manner those that do tarnish the reputation of the many reputable and conscientious blood banks operating throughout the country. Disruptable blood banks must improve their standards to an acceptable level or cease operations. The lives of our hospital patients throughout the country must not be jeopardized by the ingestion of tainted blood.

We must act to terminate this deplorable situation. Therefore, today I am introducing the National Blood Bank Act of 1972. This bill would establish a national blood bank program in the Department of Health, Education, and Welfare to inspect, license, and regulate all blood banks. Since the blood of voluntary donors has been found to be a high-

ly reliable product, provision is made for the establishment of a $9 million national program to recruit voluntary donors. With the implementation of this program we would have to rely less upon paid donors to supplement the available blood supply.

Provision has also been made to establish a national registry of donors to insure that blood banks will be able to discover hepatitus carriers with ease and accuracy and thereby prevent that blood from being made available.

This proposed legislation utilizes both regulation and recruitment to attack this major health problem of the country. I urge my colleagues to support this needed legislation. Too many people are dying or becoming ill for us not to take any decisive corrective action.

THE UNITED STATES AS SLUMLORD

(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, "The United States as Slumlord" is certainly not a characterization which our Nation should bear with pride. Yet this is the title which the New Republic chose for an article in its December 11, 1971, edition. And as the article points out, the title is not without justification.

The House Subcommittee on Legal and Monetary Affairs, which I chair, is currently conducting investigative hearings on the problem outlined in the article and we welcome articles such as this one which throw light upon the exploding national problem. The article follows:

THE UNITED STATES AS SLUMLORD

(By Ken Hartnett)

The administration has a pressing reason for wanting to build virtually all subsidized rental housing from now on in the outer city and not in the inner city. In explaining HUD's new policy of scattering subsidy apartments, Secretary Romney tells us a lot about the scarcity of land in the inner city, about legitimate demands for social justice, and about the flight of jobs to the outer city necessitating new, lower-rent housing in the suburbs. But he doesn't publicly admit the motive of government self-interest: the Department of Housing and Urban Development will have accumulated, by 1978, a multibillion dollar investment in subsidized apartments (estimates range up to $80 billion in total obligations over the 40-year life of the mortgages) and those in the ghetto—about one-third of the present total—are going sour at an alarming rate. In short, HUD faces the grim prospect of becoming the nation's No. 1 slum landlord when privately developed but federally guaranteed and subsidized projects belly up, the hulks turned over to the government for management or disposal.

Having only barely recuperated from the recent speculation scandals of the homeownership program, HUD is now sifting the early but dreary returns on interest-subsidy programs for apartments, particularly projects for low- and moderate-income families. The news is bad from Boston, where, for example, the rate of default on mortgages is 80 percent for the 3022 inner-city apartments rehabilitated three years ago. Housing consultant Hortense W. Gabel took a reading on New York City subsidized projects less than three years old and found that many were "already exhibiting mild to severe maintenance problems." HUD's own statisticians have warned Romney to brace for a five percent default rate. George Sternlieb, an expert on inner-city housing at Rutgers University, says flatly "the bulk of all the housing that was built under (interest subsidy) in the central cities is essentially bankrupt."

Real estate entrepreneurs, with large profits already pocketed in many cases, say the problems are too severe in the inner city, and they won't take the plunge again without some kind of protection, such as an association with a community-based organization. "Why should we go into an area where we know we'll get our brains knocked out before we're in round two," said Gerald Schuster, president of Continental Wingate, a Boston construction firm. Schuster and like-minded businessmen have difficulty coping with the demands of community groups for heavy minority representation on construction crews and for a voice in the direction of the projects. They are also unsophisticated about the slum syndrome of crime, drugs, despair and decay that only too readily engulfs their units.

To the surprise of no one familiar with past Federal Housing Administration programs, the real beneficiaries of the subsidies are not low- and moderate-income families ($4000 to $12,000 a year) but the housing business and a new breed of real estate investor. "The housing being produced, by and large, is a disaster," said Roland L. (Sam) Larson, executive director of the Inter Faith Housing Corp. of Boston, one of the nation's leading nonprofit housing packagers. "It's a total ripoff and nobody is going to jail for it. The programs make the rich richer through subsidies but the tenants get only higher rents and modestly improved housing." This from Anthony Henry, executive director of the National Tenants Organization: "I think it's going to be worse than public housing and in a shorter period of time."

Inspection of numerous inner-city subsidy projects by this reporter found appalling instances of shoddy and inept construction. Plumbing backups, severe water leaks and chilling drafts are common. Walls are generally paper thin, doors poorly hung, windows of the cheapest design. The builders, with some justification, blame Congress for unrealistic cost ceilings that prevent quality building. Tenants, with more justification, blame the FHA for inadequate inspection that allows corner cutting in construction.

Rents for these apartments—most of them located in seedy, crime-infested neighborhoods—approach middle-class levels, despite the government's covering all but one percent of the interest charges. Rent scales at Methunion Manor in the South End of Boston run up to $222 a month for a five-bedroom apartment—hardly a rent within the means of even a "moderate" income family. A five-city HUD survey of subsidy projects found the average tenant paying 34 percent of income for rent. The goal was 25 percent. Adding insult, many sponsors have felt forced by soaring operating costs to extract rent increases from these already hard-pressed tenants shortly after the projects opened, the survey showed. The predictable result has been a coast-to-coast wave of tenant strikes and law suits.

The main tenant complaint is about the large profits generated by the special tax preferences given subsidized housing in the 1969 tax revision act. The tax shelters, plus the congressionally mandated goal of 6 million subsidized units by 1978, plus the dire depression of the housing industry in the late 1960s, all combined in a volatile mix that allowed HUD to drive subsidized housing starts to a record 500,000 this year. (Some subsidized projects are occupied with another 2820 under construction.)

The tax shelter, says Boston entrepreneur Max Kargman, is the key to understanding the financial dynamic of multifamily subsidized housing: "That's what makes the whole deal work; it's what makes it profitable for the builder. Otherwise why should he put in all this time and effort, with all the risks and struggle. For what?"

The builder-developers make their profit by selling shelter equity to rich professionals and businessmen. For a percentage of the 90 percent federally guaranteed mortgage, usually between 12 and 20 percent, the investors purchase the right to offset taxes on other earnings with the rapid depreciation losses permitted on the full value of the apartments. In other words, on a $1-million project, they would pay between $120,000 and $200,000 for $1 million in depreciation used over a five-to-ten-year period. The return in federal income taxes avoided can run as high as 30 percent a year for the investor in the 50 percent tax bracket. These absentee landlords, known as limited dividend partners, have no hand in management which remains in most cases the responsibility of the builder-developer. The investors often don't even know where their investment is located unless their broker tells them.

Shelter sale is also the honey that draws entrepreneurs to subsidized housing, especially so-called easy fringe and suburban projects catering to young, white professionals with low but rising income. With actual cash equity of only $33,000—a not unusual proportion—a developer of a $1-million project can get a cash return in less than two years equal to five times his investment, if not more, depending on his sophistication.

The inequities and distortions are blatant in the shelter dynamic. When operating costs increase builder-developers resort to rent hikes and won't dip into front-end profits from the sale or use of shelters. The public hears only about the current $175-million a year cost of interest subsidies on the apartments and is ignorant of the millions lost to the Treasury each year because of the tax writeoffs. Furthermore, because profit dominates the process, private enterprise is drawn to the safest location possible for building subsidized apartments—fringe areas where 61 percent are located. "The guy who makes the most money is the guy who builds the projects where they don't need them anyhow," said housing consultant Robert H. Kuehn of Boston. Although the taxpayer guarantees the mortgage, puts up the interest subsidies, and supplies the financial coal, says Milton Semer, a former HUD official in the Johnson administration, private interests are determining where this new brand of public housing will be built, who will live in it, and under what circumstances. And most profits are front-end, meaning that while the government has a 40-year stake in the mortgage, the money men are home free from possible recapture of profits by the Internal Revenue Service if the project remains viable for ten years. "There's nothing to keep their feet to the fire," said an aide to Romney, worrying about a massive bailout of the money interests in the 1980s.

Even nonprofit housing sponsors are thinking up ways to harvest a share of the dollars spinning out of the program. Fearing a loss of their preferred tax status, the nonprofits until now left the tax gimmicks unused when they launched a project. But at least seven of the community-based and church groups have recently launched joint ventures with entrepreneurs, planning to use part of the shelter proceeds to support social services in the projects. "We have a low-income housing program in this country and we are going to use it," said Larry M. Lefkowitz, director of public affairs for the Non-Profit Housing Center in Washington. "You can either do nothing or use the tools in your tool box."

What went wrong with a program once hailed as the ideal way public seed money

could generate private sector enterprise of social worth? For one thing, HUD officials pressured by Romney until recently to meet production goals, have shaved operating and maintenance cost estimates 10-to-20 percent to bring proposed projects within federal cost limits. Since initial rents were pegged to the unrealistic estimates, the predictable result has been increases shortly after, or even before apartments are occupied. Needless to say, general inflation has added to the cost squeeze. For another thing, builders say they can't construct durable subsidized projects because Congress has set unrealistically low cost limits in the mistaken belief that there is such a thing as low-cost (versus low-rent) housing for the poor. And Congress made niggardly allowance for amenities, really necessities, such as playgrounds, day care facilities, teenage recreation centers, and counseling. Particularly important in the government's view is the short supply of competent housing managers.

All these problems are intensified by crime, drugs and decay in ghetto projects. The most desirable tenants tend to leave at the first opportunity for something safer. Finding the right replacement tenant becomes more difficult. Slowly, the project becomes poorer. Repair costs rise, rent receipts decline. Deterioration accelerates. "I just don't have the dollars to stem the tide," complained one hard-pressed housing manager in the Roxbury section of Boston. "Society asks him (the manager of low-income housing) to take on all its problems—drugs, alcohol, and welfare dependency—then blames him when he fails," said Edwin D. Abrams, a Boston housing consultant who also manages subsidy units. "But the government provides none of the social services money that might make this possible."

Faced with the necessity of doing something about a deteriorating situation, the government has the option of tinkering with the interest subsidy formula or changing direction completely in housing the poor. One first-aid method might entail operating subsidies, such as those recently instituted in public housing, to keep rents down and projects afloat. A variant might be infusion of money for social services. A third could be a return to direct, low-interest federal loans for construction. Radical surgery might entail abandoning interest subsidies and moving to direct stipends, allowing poor families to shop for shelter that doesn't carry the social stigma of a "project." Tony Henry and the NTO would have tenants themselves manage and control subsidized units. Norman V. Watson, the assistant HUD secretary for housing management, voiced the government's confusion on just what to do when he observed: "We've got to look at a housing strategy real quick."

THE JUSTICE DEPARTMENT AND THE PENN CENTRAL INVESTIGATION

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

Mr. PATMAN. Mr. Speaker, the Banking and Currency Committee has conducted an 18-month long investigation of the collapse of the Penn Central Railroad. The sixth report, incorporating the results of this investigation, was published on January 3.

Shortly after the publication of this document, three persons intimately involved with the affairs of Penn Central and one of its major subsidiaries—Executive Jet Aviation—were named in charges filed by District Attorney Arlen Specter of Philadelphia. I place in the RECORD a copy of a news story detailing this development.

THREE EX-AIDES OF PENN CENTRAL ACCUSED OF FRAUD

PHILADELPHIA.—Warrants to arrest three former executives enmeshed in the affairs of Penn Central Transportation Co. were issued as a result of an investigation by the city's district attorney's office. They charge criminal activity in connection with the financial collapse of the giant railroad.

In other developments, despite coal and dock strikes the railroad narrowed its November losses to $28 million from $37.1 million a year earlier. And Judge John P. Fullam, overseeing the reorganization of the rail subsidiary of Penn Central Co., indicated in a court order that the trustees of the New Haven Railroad have a lien, of indeterminate amount, or priority, against assets of Penn Central Transportation.

The warrants, alleging conspiracy to cheat and defraud and fraudulent conversion, were issued against David C. Bevan, former chairman of the railroad's finance committee; Charles J. Hodge, former chairman of the executive committee of what was then F. I. duPont, Glore Forgan & Co., investment bankers for the railroad, and Olbert F. Lassiter, former president of Executive Jet Aviation Inc., a Columbus, Ohio, charter airline in which Penn Central Transportation is selling its 57% ownership.

CHARGES SPELLED OUT

In a 57-page document spelling out the charges, District Attorney Arlen Specter said the three "conspired in their corporate activities to divert in excess of $21 million from the treasury of the Penn Central for themselves and others."

Mr. Specter said he was aided in the investigation by federal law-enforcement officials and by the trustees of the railroad that filed for reorganization in June 1970. Mr. Specter said other arrest warrants for key Penn Central officials, or ex-officials, weren't imminent and said he didn't know whether any federal charges would be brought against the three.

The alleged acts of Messrs. Bevan, Hodge and Lassiter, which the district attorney said "substantially drained the resources of the Penn Central, contributing to its bankruptcy," included:

—Establishing a world-wide airfreight and passenger system ultimately to benefit a travel agency which they, their relatives and friends privately owned and controlled.

—Manipulating more than $85 million in Penn Central investments to benefit a private investment group owned by themselves, their relatives and friends.

In addition to these charges, Mr. Lassiter is charged with personally misappropriating more than $130,000 of Executive Jet Aviation funds and siphoning them to his own company, Lassiter Aircraft Corp., a then newly formed supersonic jet research concern.

Mr. Bevan called the district attorney's charges "incredible" and a "grave mistake." In a prepared statement, he dubbed himself a "scapegoat," and asserted, "Except for the fact that I am experiencing it myself, I would say this sort of thing just cannot happen in America. I am instructing my counsel to demand an immediate trial, so that I can at last be vindicated."

Mr. Hodge had "no comment" on the case.

Yesterday, the reorganization court approved sale of Penn Central's 57% interest in Executve Jet for $950,000. The purchasers are Bruce G. Sundlum, Executive Jet president and a Washington attorney, and Robert L. Scott, Jr., Executive Jet's sales director and a Philadelphia businessman. Two months ago, the Civil Aeronautics Board authorized the sale; the CAB had ordered a divestiture in 1968 after finding that the railroad's interest in the carrier constituted a conflict of interest.

Regarding the railroad's losses to date, the trustees said the 11-month deficit narrowed to $248.9 million from $290.1 million a year earlier.

Both the November and the 11-month figures provide for certain rents, taxes and interest payments that aren't being paid, having been deferred by order of the reorganization court.

OPERATING RATIO CUT

The trustees said the company reduced its operating ratio—the percentage of operating revenue consumed by operating expenses—in November to 91.1% from 95.9% a year earlier. Moreover, freight revenue for the month rose to $117.1 million from $108.1 million as a result of rate increases offsetting traffic volume lost to the dock and rail strikes the trustees noted.

In the case of the New Haven Railroad's lien, Judge Fullam, while indicating the trustees of the New Haven have a lien, said, "The ultimate disposition of the claims asserted by the New Haven trustee is deferred pending completion of a program for handling proofs of claim in these proceedings . . . and consideration of objections."

Circuit Court Judge Robert Anderson of Connecticut, overseeing the New Haven estate, ruled last June that the New Haven was entitled to the lien against the property it transferred to the Penn Central in their 1969 merger. Attorneys for the Penn Central Railroad argued that Judge Anderson hadn't any jurisdiction over Penn Central affairs.

A Supreme Court decision in June sparked the turmoil. At the time the high court raised the price the Penn Central was to pay for the New Haven. Noting, however, that the New Haven already had been given 956,756 shares of Penn Central stock, valued at $87.50 a share, as a part of the purchase price, the Supreme Court sent back the case to Judge Anderson and to the Interstate Commerce Commission to reconsider the value in light of the Penn Central reorganization filing.

Throughout this investigation, the Banking and Currency Committee has offered its full cooperation with law enforcement agencies at all levels. The staff of the committee has worked with Mr. Specter's staff and, in addition, the U.S. Justice Department has been offered access to the various records and documents on this case.

Despite repeated offers of assistance, the Justice Department has given no firm indication of what, if anything, it plans to do in connection with the Penn Central matter. On January 7, I again wrote the Attorney General urging that his Department either take specific action or announce that there was no reason for prosecutions in the case.

As I told the Attorney General, I feel that it is important that the Penn Central case—which is now more than 18 months old—be cleared up as soon as possible. Confidence in law enforcement is not enhanced when such issues are delayed month after month, particularly when the facts have been so thoroughly laid on the public record.

Mr. Speaker, I place in the RECORD a copy of my January 7 letter to the Attorney General and a reply which I have received from Mr. Richard G. Kleindienst, the Deputy Attorney General:

HOUSE COMMITTEE ON
BANKING AND CURRENCY,

Washington, D.C., January 7, 1972.

Hon. JOHN MITCHELL,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you know, the District Attorney in Philadelphia has

brought criminal prosecutions against three key figures in the Penn Central case. These charges involve events detailed in reports released by the House Banking and Currency Committee in December of 1970, February of 1971, and January 3 of 1972.

While it is commendable that the local law enforcement officials have gathered together the resources to prosecute these cases, I question why the Justice Department has not been active on these same issues. I have offered your Department the full cooperation of the Committee and have made available the various documents collected in the course of our 18-month investigation. Once again, let me repeat my offer of full cooperation in any law enforcement activities which your office might enter in connection with the various issues raised in the Penn Central matter.

Much attention has been focussed on law enforcement in recent months and I know that you agree that there is a great need to improve the confidence of the American people in their various law enforcement agencies. Confidence is not enhanced when a feeling grows that large corporations and persons with important business and financial ties are immune from the actions of these agencies.

In this regard, there has been much concern expressed about the recent decision of the Federal Communications Commission to drop its investigation of the American Telephone and Telegraph Company (A.T.&T.) because of the mammoth size of this corporation. This, in my opinion, is a sad situation and it would be highly regrettable if any substantial part of the American public was led to believe that "bigness" was an immunity from law enforcement and regulatory investigations.

It is my sincere hope that the Justice Department does not concur with the manner in which the A.T. & T. case was dropped and I think it would be in the public interest for you to make it clear that the mere size of a corporation or the importance of an individual would not be used as a criteria for any law enforcement activities. Such a statement, in my opinion, would be very helpful in boosting the confidence of the people in their Government.

In regard to the specifics of the Penn Central matter, it is not my purpose to prejudge any of the cases which might be under investigation. It may well be that the Justice Department has determined that there is no basis for further investigation or prosecution and if this is the case, this fact should be made known to the American people. Eighteen months have passed since the failure of this corporation and, in the intervening period, the Banking and Currency Committee and various publications have detailed the major events surrounding the bankruptcy. With all of the spotlight that has been thrown on the Penn-Central matter, I think it is time for some type of firm determination to be made concerning any further action by your Department.

If it is the desire of your Department to pursue this matter further, I will make certain that the documents are made available for inspection by your staff and that the staff of the Committee provides full cooperation. Your Department has worked with the Banking and Currency Committee on many matters and I know that we can approach the Penn Central case in a spirit of mutual cooperation. This is something that requires vigorous action by both the legislative and Executive branches and I know that is how you view the matter. Let me know if there is any way that I can be of further help to you on these issues.

With best regards, I am

Sincerely,

WRIGHT PATMAN, *Chairman.*

JANUARY 17, 1972.

Hon. WRIGHT PATMAN,
Chairman, Committee on Banking and Currency, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Attorney General has asked me to reply to your January 7, 1972 letter regarding the Penn Central investigation.

As you know, in response to your letter of March 11, 1971, in which you referred the Penn Central matter for our consideration, the Criminal Division on March 30, 1971 advised that the information developed by the House Banking and Currency Committee was being reviewed and appropriate investigation was contemplated. Since that time, the Federal Bureau of Investigation and the Securities and Exchange Commission have undertaken investigations and the entire Penn Central matter has been under continuing review within the Criminal Division.

We are unable to comment at this time, of course, as to the eventual outcome of these efforts. However, you may be assured that our investigation will be carried through to completion and, if the situation warrants, appropriate prosecutive action will be instituted by this Department.

Your offer of assistance in the completion of the investigation is appreciated.

Sincerely,

RICHARD G. KLEINDIENST,
Deputy Attorney General.

THE CONSUMERS DO NOT SHARE IN INTEREST RATE REDUCTIONS

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

Mr. PATMAN. Mr. Speaker, this is an election year, and the propaganda is growing about various economic projections and indicators.

This administration is extremely nervous about the fact that interest rates continue at extremely high levels for home buyers and consumers despite some downward trends in broad money market rates. The administration continues to talk about lower interest rates in the money markets, but it has not explained why the consumer and the home buyer have not shared more fully in these lower rates.

Last week, Dr. Arthur Burns, Chairman of the Federal Reserve Board and Chairman of the President's new Committee on Interest and Dividends conceded that the home buyers and consumers were not sharing in the savings recorded in the money markets. Dr. Burns issued a mild warning to the lenders about their reluctance to give the consumers a break on interest rates.

Despite sizable increases in the money supply by the Federal Reserve, interest rates are remaining at relatively high levels and later this year the conditions will worsen rather than improve. Because of the growing Federal deficits—$38.8 billion in the current fiscal year and $25.5 billion projected for the next fiscal year—the Treasury will be in the money markets in heavy volume later this year. In addition, corporate loan demands are expected to increase as the economy expands.

All of this points to extreme pressure on the money markets and another round of interest rate increases. The administration has made a very serious error in failing to carry out the Economic Stabilization Act and apply controls on all levels of interest rates. Once the interest rates start climbing again in the money markets, the administration will find it politically difficult to hold the line. The controls should be imposed now before it is too late.

In addition to guarding against future increases in the money markets as the loan demands increase, the controls are needed now to force lenders to pass on savings to home buyers and consumers. Virtually no consumer rates have come down and the great majority of installment credit is ranging between 18 percent and 24 percent and millions of consumers are borrowing at 36 percent and higher on so-called small loans. Beyond this are shady areas where credit merchants and loan sharks are obtaining interest ranging up to 100 percent and more. These rates are unconscionable at any time, but they cannot be tolerated at a time when the administration is attempting to hold the line on wages and prices through the Economic Stabilization Act.

Mr. Speaker, I place in the RECORD a copy of the letter I have sent to Dr. Arthur Burns concerning the interest rate problems and the recent actions of the Committee on Interest and Dividends.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., January 22, 1972.

Hon. ARTHUR F. BURNS,
Chairman, Board of Governors, Federal Reserve System, Washington, D.C.

DEAR MR. BURNS: Reading between the lines, your statement as Chairman of the Committee on Interest and Dividends issued on January 19 reflects a new concern that recent interest rate reductions in the money markets have not been passed on to homebuyers and consumers. As you know, this is a point which many of us in the Congress have been trying to impress on the Administration since the wage-price program went into effect on August 15. I welcome your public statement of concern about this problem.

While you have stated it in restrained language, the analysis is clear. I was particularly impressed by the paragraph which read:

"Interest rates on borrowings by households, such as on home mortgages, automobiles, and personal loans, are less sensitive than market rates to changes in underlying conditions. They have tended to move in the same direction as rates on open market instruments of comparable maturity. But these movements generally have followed market rate fluctuations with a considerable lag and have fluctuated within a much narrower range. In part, this sluggishness reflects the heavy cost of administering such loans."

You later followed this with a specific warning to the lenders in these consumer areas, and I quote:

"The Committee on Interest and Dividends expects lenders to be aggressive in passing on promptly to the borrower the benefits of reduced costs of funds available in the credit markets."

These savings which have been recorded in the money markets have obviously not been passed on to the consumer and homebuyer and the use of the future tense in your statement is well-taken.

The statement is in sharp contrast to the almost flippant attitude taken by the Cost of Living Council in its statement on interest rates issued December 22. With virtually no supporting data, the Council refused to implement Section 203(e) of the Economic Stabilization Act and found interest rates to be satisfactory.

While I find your new awareness of the interest rate problem refreshing, I do take exception to the fact that you attempted to use the high interest period of 1970 as a base period in discussing what is happening to mortgage rates. This period marked the highest interest rates for home mortgages in the history of the United States and it does not serve the public understanding of this problem to judge the reasonableness of interest rates against this disastrous period. Basically, we should look at the mortgage picture as it relates to the current Economic Stabilization program.

Immediately before the wage-price freeze was announced on August 15, the effective interest rate on new homes nationwide stood at 7.66%. The figures issued last month—even after a decline recorded for the month of November—showed that mortgage rates were at 7.79%. In short, Dr. Burns, the mortgage interest rates are actually higher today—as recorded by the Federal Home Loan Bank Board—than they were just prior to President Nixon's implementation of his freeze orders.

The spread between the money market rates and the mortgage interest rates is fantastically wide. The prime rate at many banks today stands at 4¾% while mortgage rates are still ranging between 7½% and 8% nationwide. It is obvious that the savings in the money markets are not being passed on.

This condition is even more pronounced in the consumer area where small loan rates are generally 36% and higher in the various states. Revolving credit and credit card operations are bearing interest rates of 18% in the great majority of cases. In some areas, this rate is 21% and 24%. None of these areas—which directly affect the consumer—have benefitted from any of the much-heralded interest rate reductions in the money markets.

We may well see fractional declines in mortgage rates in the next few months but, as you are well aware, it will take a drastic reduction in interest rates on this type of credit if we are to sustain a high level of homebuilding and particularly if we are to provide housing for low and moderate income families. I hope you will do your part to keep the developments on these interest rates in proper context in the public statements which will be emanating from your Committee.

It is my sincere hope that your Committee will spend more of its time and effort on the rates paid by homebuyers and by consumers, particularly in the low and moderate income range. As you know, Congressional hearings—and newspaper investigative stories—have recounted numerous instances of extortionate and usurious interest rates of 50%, 60% and even 100%. These are practices which continue today and I most sincerely question whether the credit merchants and loan companies which are charging 36% and more to millions of consumers will respond to "voluntary" programs.

The stating and the restating of the various money market rates—which has dominated the Administration's comments on interest rates—serves little public purpose. These rates are published daily in hundreds of newspapers and anyone with 10¢ has full access to this data. It seems absurd for the Administration to set up committees—and to use its top officials—to reassemble and restate this information. What is needed is definite and complete information on what consumers are being charged and on what terms they are able to receive credit. This kind of information has not been forthcoming and the Administration continues to operate in violation of the requirements of the Economic Stabilization Act in this area.

So far, you have issued only a warning to the lenders about passing on savings to the consumers but you have given no indication of what steps will be taken if these mimeographed statements are ignored. I would like to know what is contemplated if these charges are not reduced and what further steps will be taken to comply with the letter and the spirit of the Economic Stabilization Act as it relates to interest rates and credit charges.

Sincerely,

WRIGHT PATMAN.

I also place in the RECORD a copy of an article which appeared in the New York Times on Monday, January 24, with the headline: "Bond Men Expect Rates To Go Higher."

BOND MEN EXPECT RATES TO GO HIGHER—BUT FEDERAL RESERVE IS LIKELY TO TRY TO HOLD MARKETS STEADY

(By John H. Allan)

The bond market, which last week had its worst setback since September, now pessimistically believes that interest rates are headed higher.

The Treasury, however, is scheduled Wednesday afternoon to announce how it plans to refinance $4.5-billion of the national debt that matures Feb. 15, so the Federal Reserve doubtless will work to keep the credit markets on an even keel for the next several weeks.

As a result of this likely Federal Reserve action, any move toward still higher interest rates and lower bond prices probably won't be very large, some credit market analysts reasoned late last week.

A SHOCKING FIGURE

Much of last week's steep rise in rates was caused by news that the Federal budget deficit for fiscal 1972 would be nearly $40-billion, a figure that shocked Wall Street.

Treasury bill rates, for example, climbed from their recent low of 2.98 per cent to 3.42 per cent last Friday.

High-grade utility bond yields—rising for the first time since November—moved up to 7.30 per cent from 7 per cent, and investors still showed little enthusiasm.

Tax-exempt bond yields generally increased 20 or 25 basis points (hundredths of a percentage point).

The failure of investors to step in and buy bonds briskly once these higher yield levels were reached was the most discouraging aspect of last week's credit market performance for Wall Street.

It was odd, some dealers thought, that the credit market's atmosphere should be so pessimistic at a time when major commercial banks were again lowering the prime rate, when the Federal Reserve appeared to be accelerating its efforts to expand the monetary aggregates and when demand for bank loans decreased.

Furthermore, there seemed to be something fishy about the $40-billion budget deficit projection, too.

The figure—$28.4-billion larger than President Nixon projected a year ago—exceeded the projections of several leading Government finance specialists in New York who found the credit markets reaction perhaps overdone.

In a newsletter published last Friday, the Research Institute of America explained the big deficit figure in these political terms:

"The close-to-$40-billion red ink for fiscal '72, leaked to the press early to prepare the public for the shock, serves to make the big fiscal '73 deficit seem relatively small. And, assuming that he's re-elected, Nixon would be able to point to better-than-budget performance in '73 as an accomplishment."

Henry Kaufman of Salmon Brothers, writing in his Comments on Credit, suggested that the $40-billion figure seemed "improbable."

SIX-MONTH OUTLOOK

With the budget deficit for the six months ended Dec. 30 equaling $20-billion, the Government would have to incur an unprecedented $20-billion deficit in the second half of its fiscal year, a time when the Treasury is usually in surplus, Mr. Kaufman noted.

New legislation and advancing some 1973 spending into the final month of fiscal 1972 could produce a $40-billion deficit, however, he also indicated.

The Morgan Guaranty Trust Company's Monthly Survey, published today, described the Nixon Administration as "wholly committed intellectually" to an activist budget policy and relatively unconcerned by red-ink financing.

Pointing to the large budget deficits for fiscal 1972 and fiscal 1973, the Survey concluded: "Clearly, no intent exists to scale them back sizably either by expenditure cuts or by tax hikes."

In short, the $40-billion projection that belted the bond markets so hard last week may have been a political ploy, but it also served as a very real reminder of the Government's reflationary effort that lies ahead this year, one analyst reasoned.

Against this background Government financing activity this week will be heavy, the corporate bond sale schedule will be a moderate $450-million and the tax-exempt bond and note volume will be a fairly heavy $800-million.

SALES SCHEDULED

The Treasury Department not only has its usual $3.9-billion sale on three-month and six-month bills this afternoon but also will sell $1.7-billion of nine-month and one-year bills tomorrow.

On Wednesday the Treasury's debt managers are scheduled to disclose how they plan to refinance $4.47-billion of bonds and notes that come due in three weeks.

The Bankers Trust Company, writing in its weekly Market Comments, said the market's current "nervousness" might dissuade the Treasury either from refunding in advance any other Government securities or from offering a long-term issue to help extend the average maturity of the national debt.

Consequently, Bankers Trust suggested, the Treasury may merely offer two notes, one due in 15 or 18 months and the other in about seven years. The market's tone indicates a rate of 4⅝ per cent on the shorter note and about 6⅛ per cent for the longer issue, the bank also said.

The Federal National Mortgage Association plans to sell $700-million of debentures tomorrow and the Tennessee Valley Authority plans to sell $110 million of 119-day notes.

The big test for the tax-exempt bond market this week will be $300-million of high-grade securities scheduled for sale by five states—California, Hawaii, Pennsylvania, Delaware and Maryland.

MUNICIPALS OFFERED

This week's major local government bond and note sales (all at competitive bidding unless noted otherwise) include:

MONDAY

Columbus, Ohio, $10-million notes, due February, 1973.

TUESDAY

California, $100-million bonds, due 1973–1992, rated AA by Moody's and AAA by Standard & Poor's.

Hawaii, $55-million bonds, due 1975–1992, rated A by Moody's and AA by Standard & Poor's.

Pennsylvania, $50-million bonds, due 1974–2001, rated Aa and AA.

Massachusetts, $77-million notes, due March, 1973.

Delaware, $30-million bonds, due 1973–1992, rated Aa and AA.

WAR POWERS: A DIFFERENT APPROACH

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

Mr. BINGHAM. Mr. Speaker, on December 7, the so-called War Powers Act of 1971, sponsored by Senator JAVITS and supported by Senator STENNIS and others was ordered reported by the Senate Foreign Relations Committee by a vote of 13 to 0.

While I have deep respect for many of the Senators who apparently favor this method of restricting the power of the President to carry on hostilities without a declaration of war, I am deeply concerned by certain aspects of this bill. Specifically, I am concerned that it attempts to spell out the conditions under which the President can embark on hostilities and also that it sets a 30-day deadline for congressional authorization.

It is my belief that a different approach should be adopted, based on the principle that the President can carry on hostilities in the absence of a declaration of war only so long as he has at least tacit approval of both Houses of Congress. The corollary of this principle is that either House, acting alone, should be able by resolution to terminate the President's authority to carry on hostilities.

I have put this approach into bill form—H.R. 12645, introduced yesterday—the text of which follows:

H.R. 12645

A bill governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "War Powers Act of 1972".

PURPOSE

SEC. 2. It is the purpose of this Act to fulfill the intent of the framers of the Constitution of the United States, and insure that the collective judgment of both the Congress and the President will apply to the initiation of hostilities involving the Armed Forces of the United States, and the continuation of such hostilities.

REPORTS

SEC. 3. The use of the Armed Forces of the United States in hostilities in the absence of a declaration of war or specific authorization by Congress shall be reported promptly, and in no event later than 24 hours after the commencement of hostilities, in writing by the President to the Speaker of the House of Representatives and the President of the Senate, together with a full account of the circumstances under which such hostilities were initiated and the estimated scope of such hostilities. In the event the Congress is not in session, the President shall convene the Congress in extraordinary session. Whenever Armed Forces of the United States are engaged in hostilities outside of the United States, its territories and possessions, the President shall, so long as such forces continue to be engaged in such hostilities, report to the Congress periodically on the status of such hostilities, as well as the scope and expected duration of such hostilities, but in no event shall he report to the Congress less often than every six months.

TERMINATION OF AUTHORITY

SEC. 4. The authority of the President to deploy Armed Forces of the United States and to direct or authorize such Armed Forces to engage in hostile action, in the absence of a declaration of war or specific authorization of the Congress, shall terminate upon the adoption by either House of the Congress of a resolution disapproving continuance of the action taken.

CONGRESSIONAL PRIORITY PROVISIONS

SEC. 5. Any such resolution of disapproval shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it orginates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays. Any resolution so reported shall immediately become the pending business of the House to which it is reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

SEC. 6. Upon the adoption of any such resolution of disapproval, the President shall proceed at once to effectuate the immediate withdrawal to the United States or any territory subject to its jurisdiction of the United States forces involved, having due regard to the need to protect such forces from attack while in the process of withdrawal.

EFFECTIVE DATE

SEC. 7. This Act shall take effect on the date of its enactment.

I hope that this bill will receive serious consideration in the Foreign Affairs Committee and in the House, at least to the same extent as the Javits bill is considered, if the latter passes the Senate.

It may be noted that, although the House has already passed House Joint Resolution 1 requiring certain information from the President in the event of undeclared war, House Joint Resolution 1 and S. 2956—the Javits bill—cannot be sent to conference because one is a bill and the other a joint resolution.

I insert herewith a copy of a statement I made before the Senate Foreign Relations Committee explaining in greater detail my concern about the Javits bill and my reasons for supporting a different approach, and the text of my earlier resolution House Joint Resolution 669:

STATEMENT SUBMITTED BY HON. JONATHAN B. BINGHAM, A MEMBER OF THE HOUSE OF REPRESENTATIVES FROM NEW YORK

I wish to thank you, Mr. Chairman, and the Members of this Committee, for providing me this opportunity to present my views on proposed legislation dealing with the war powers of the President and the Congress. As a Member of the Foreign Affairs Committee of the House of Representatives, and of the Subcommittee on National Security Policy and Scientific Affairs, I have had occasion to study in considerable detail the numerous legislative proposals in this area. As you undoubtedly are aware, the Resolution on Presidential War Powers passed by the House on August 2, 1971 (H.J. Res. 1), requires only that the President report to the Congress should he commit American troops without specific prior approval by the Congress. I certainly feel that that resolution does not go far enough in clarifying the President's responsibility to the Congress. On the other hand, I am deeply disturbed about certain provisions of more comprehensive war powers legislation that was considered by the House and which this Committee is now considering. The main purpose of my statement today is to alert this Committee to a number of serious difficulties and dangers in the proposals before the Senate—dangers which I feel have not been sufficiently recognized or dealt with in the already lengthy national debate on this issue.

First, I am forced to conclude that it is quite futile and unwise to attempt specifically to prescribe the circumstances under which the President may engage in hostilities in the absence of a declaration of war. If the criteria stated are sufficiently broad, they amount to no restraint at all. This is especially true since successive Presidents have shown themselves quite capable of interpreting Congressional prescriptions to suit their own needs and to justify their actions. Surely, the Gulf of Tonkin Resolution is a striking illustration. Highly restrictive prescriptions, on the other hand, could interfere with the President's capacity for quick, flexible response under circumstances that could prove tragic. The Javits bill (S. 731), for example, in my view would have inhibited or prevented President Truman from responding as he did to the invasion of South Korea. Similarly, the Javits bill could make it difficult for a President to respond adequately to a sudden Soviet-Arab attack in the Middle East. So it seems to me that any effort to prescribe circumstances in which the President is authorized to deploy combat forces is destined to fall either by imposing, in effect, no real restraint on the President or too much.

Second, it is my judgment that any deadline on Presidential or Congressional action is ill-advised and probably unworkable. The thirty-day provision of the Javits, Eagleton, and Stennis bills, after which Presidential action would have to be terminated unless continued by Congress, could well force the Congress into a premature decision or terminate Presidential action before a full assessment could be made of the situation. Similarly, any time limit is likely to be arbitrary and none can hope to suit every circumstance.

There is also the procedural problem of determining when the specified time period commences. To base a time limit on a Presidential report of troop deployment has grave drawbacks. As recent experience indicates, Presidents can be slow to report to Congress, especially when foreign involvement occurs gradually, rather than through decisive action. How long after we became involved in Vietnam, for example, did the Congress receive a clear report of that fact from the President? When would we have started counting off thirty days with regard to our Vietnam involvement? Such questions seems to me to raise serious doubts about the practicability of any time limit on Presidential intervention.

Third, I believe Congress should not be placed in a position where it must act in order for Presidential action to continue. If the Congress does act, then the President receives a blank check to proceed as he sees fit from there on out, and the Congress is all too likely to be swept up in the enthusiasm of the moment, giving the President authority that it might later regret having given. Again, our dismal experience under the Tonkin Resolution should be a warning. Rather, the responsibility and authority which the Congress now has—through the "power of the purse"—to restrict or terminate Presidential action should be spelled out clearly. What is now a blunt and awkward tool should be sharpened so that it can be used with more precision.

Mr. Chairman, I hope and trust that the distinguished Members of this Committee and of the full Senate will give careful consideration to these difficulties with pending

Senate legislation before taking further action. It is my feeling that an entirely different approach is required than is offered by any of the Resolutions pending before this Committee. Specifically, it is my conclusion that the authority to carry on hostilities in the absence of a declaration of war should continue only so long as the President has at least tacit approval of both houses of Congress: in other words either house, acting alone, should be able to "blow the whistle" on the President at any time. Each house fully represents the American public, and the first body to reach a majority in opposition to Presidential action should be able to terminate it. There is clear precedent for such an approach in the Executive Reorganization Act, which stipulates that rejection by either house of the Congress is sufficient to kill a Presidential effort to reorganize the Executive Branch.

The approach I am suggesting as an alternative to those before the Senate is embodied in legislation I submitted in the House but which has not, to my knowledge, been introduced in the Senate, and I submit the text of that resolution to follow my remarks in the record of these hearings.

HOUSE JOINT RESOLUTION 669

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That use of the Armed Forces of the United States in military hostilities outside the territory of the United States in the absence of a declaration of war shall be unlawful following the adoption by either House of the Congress of a resolution disapproving continuation of such use. Any such resolution of disapproval shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than one day following its introduction, unless the Members of such House otherwise determine by yeas and nays. Any resolution so reported shall immediately become the pending business of the House to which this reported, and shall be voted upon within three days after such report, unless such House shall otherwise determine by yeas and nays.

Upon the adoption of any such resolution of disapproval, the President shall proceed at once to effectuate the immediate withdrawal to the United States or any territory subject to its jurisdiction of the United States forces involved, having due regard to the need to protect such forces from attack while in the process of withdrawal.

LEGISLATION TO SETTLE RAILROAD AND AIRLINE LABOR DISPUTES

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

Mr. HARVEY. Mr. Speaker, nine times since last May, I have introduced legislation that would establish permanent mechanisms for the settlement of railroad and airline emergency labor disputes. During this period, the proposal has received the bipartisan support of 69 Members of the House. We all feel that this Congress must improve the inadequate mechanisms of the Railway Labor Act for dealing with emergency strikes.

When we first introduced this legislation, the Nation was facing a crippling rail strike, and this Congress was on the verge of passing another in a series of ad hoc bills to settle the rail dispute. Also on the horizon at that time was a longshore strike of national proportions, and we seriously considered including all transportation disputes in our legislative packet. We rejected the idea for the time, however, because we believed it to be unworkable without further study. Our main concern was to provide the Railway Labor Act with permanent mechanisms for settling emergency disputes. As a member of the Interstate and Foreign Commerce Committee which has jurisdiction over the Railway Labor Act, I felt that I was in a better position to guide our legislation through committee if we concentrated on railroads and airlines alone.

During the extensive hearings held by the Transportation and Aeronautics Subcommittee of the Interstate and Foreign Commerce Committee on our bill, it became very clear that a bill which included all emergency transportation disputes under one heading might not be the most desirable approach for solving the problem. Witnesses for both labor and management in the railroad and airline industries stated repeatedly that they did not want to see the Railway Labor Act abolished and their industries shifted into the jurisdiction of the Taft-Hartley Act. They emphasized the many advantages of the Railway Labor Act in areas other than emergency disputes, and they urged the committee to find a solution that would not emasculate this act.

A jurisdictional dispute among House committees also reduces the desirability of transferring all transportation industries to the Taft-Hartley Act. Legislation to amend the Railway Labor Act is sent to the Interstate and Foreign Commerce Committee, while those bills that seek to amend the Taft-Hartley Act are referred to the Education and Labor Committee. Any proposal that attempts to form a single umbrella over the entire transportation industry creates a very complex and often unresolved situation.

Today, with the Nation's economy being threatened by the resumption of the west coast dock strike—a strike that President Nixon has called "intolerable"—the administration has again requested ad hoc legislation to settle a transportation labor dispute. The time has come for this Congress to face up to its responsibilities to the American people and to create permanent mechanisms for the settlement of all such transportation work stoppages. Ad hoc legislation is simply not the answer; we must give the President the necessary tools to bring about a rapid and equitable settlement.

With the pressure of this new dock strike increasing continuously, I have been able to develop an approach that will provide permanent mechanisms for both the Railway Labor Act and the Taft-Hartley Act in the area of emergency disputes. Briefly, this proposal maintains the legal divisions that already exist in labor legislation in the transportation industry by amending both the Railway Labor Act and the Taft-Hartley National Labor Relations Act of 1947. The significant difference between this bill and the several others that have previously been introduced is that each of the laws is amended separately, in a different title of the new legislation. There is ample precedent for dividing controversial legislation into separate titles. In the 92d Congress, two examples come quickly to mind. The Interstate and Foreign Commerce Committee and the Committee on House Administration worked well together to report and pass a historic campaign spending bill. Earlier in the Congress, Chairman STAGGERS and Chairman MILLS worked very closely to pass the Airport-Airways Development Act. Emergency strike legislation offers the committees yet another opportunity to work together to find a solution that will benefit the national health and well-being.

Title I of the legislation that we are introducing today is identical to H.R. 11281, the latest version of our bill to amend the Railway Labor Act. This bill is now pending in executive session of the Transportation and Aeronautics Subcommittee and, in brief, it provides an "arsenal of weapons" approach to railroad labor disputes. It guarantees a solution to these disputes by providing three weapons—selective strikes, final offer selection, and a 30-day cooling-off period. These options are to be used until a settlement is reached and thus, the all-too-frequent event of the President requesting temporary legislation to end a rail strike would be eliminated.

Title II of this bill amends the Taft-Hartley Act in essentially the same fashion. If, after the 80-day injunction, the parties have not reached an accord, the President would have three alternative courses of action—final offer selection, an additional 30-day cooling-off period, and the imposition of partial operations—which would be used until a settlement is reached. We have replaced the selective strike option of title I with partial operations because of the nature of the industries regulated by Taft-Hartley. While a working definition of a selective strike, with limits and public safeguards, can be made for the railroad industry, similar attempts in the other transportation fields would result in confusion and invite disaster. As in title I, the amendments to the Taft-Hartley Act would also guarantee a solution by providing finality and guarding against future destructive strikes.

If this Congress is going to tackle the problems of emergency transportation strikes, it must do so without delay. The current west coast dock strike becomes more intolerable by the minute. When coupled with the previous longshore walkouts of this past summer and fall, and the "selective" U.T.U. rail strike in July and August, its economic effects are devastating. Indeed, the dock strike has been blamed for the $2 billion trade deficit for 1971—the first such unfavorable balance since 1893. My cosponsors and I believe that we have provided this Congress with a vehicle for action. We urge its prompt and complete consideration.

A TURNING POINT FOR WORLD TRADE

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

Mr. PEPPER. Mr. Speaker, the Honorable Peter M. Towe, Minister of Economic Affairs, Canadian Embassy, Washing-

ton, D.C., on January 21, 1972, delivered an able and most impressive address before the Board of International Trade of Miami on the vital subject, "A Turning Point for World Trade." The Board of International Trade is deeply interested in the whole scope of international trade because Miami is becoming a very large factor in international trade and commerce. Hence, the officials of the Board of International Trade of Miami sought as the speaker on this occasion a man of conspicuous knowledge in the field of international economics and trade. Such a man is the Honorable Peter M. Towe, Minister of Economic Affairs in the Canadian Embassy in Washington, D.C. He has had a wide experience and possesses a deep knowledge of this vast field of international trade. His contact has been with many parts of the world over many years. Moreover, the Board of International Trade of Miami was well aware that Canada is our great neighbor and our best customer. It was a very appropriate selection, therefore, for the Board of International Trade in Miami to invite Mr. Towe to speak on this significant occasion in Miami. All who heard Mr. Towe were deeply impressed with his message which he delivered in his characteristically charming manner.

Since the Congress is so vitally concerned in the problem of international trade and when such an issue is so critical to our country, I commend Minister Towe's able address to my colleagues and my fellow citizens, Mr. Speaker, and I include his address at this point in this RECORD:

A TURNING POINT FOR WORLD TRADE

First, may I thank you for this opportunity to speak to so important a gathering. I confess I always feel a certain embarrassment when I am introduced in such generous detail: the number of positions I've held is probably no more than par for the average Canadian foreign service officer. I suspect the introduction I had a short time ago in the mid-west gave a much more accurate impression. "Mr. Towe", said the Chairman of the meeting, "has had so many different posts that his service in each must have been exceptional—in fact, it would not be too much to say that his career has been a life of unbroken blemish!"

When I accepted your invitation to speak, the selection of a theme was not too formidable: the United States surcharge and the related measures—which bore with special severity on Canadian exports and employment—were becoming for Canada increasingly intolerable. International monetary arrangements were in disorder. But perhaps even more important, there were pervasive uncertainties about the whole future direction of United States foreign economic policy. Not only were some senior officials of the Treasury Department in Washington telling the world that Uncle Sam was through playing Santa Claus, but they were actually suggesting that other countries should try the role for a change. With the Christmas season approaching the metaphor may have been apt. But because the intentions of the U.S. Government were unclear this suggestion was perhaps the most disconcerting of all.

It was in truth a tough time for Canada. Contrary to popular rumor, we really *are* your biggest trading partner and stood to lose the most by your trade and investment restrictions. Measures which were directed at other countries were seen as likely to have much more devastating effects on Canada.

Well, as you all know, many things *have* changed since early December. The surcharge and the discriminatory application of the investment tax credit which went with it have been dropped. A measure of order has been restored in the international monetary field. And there is at least some prospect the world will move again toward freer international trade and payments. Still, Christmas itself is an excellent season and I hope the new and neighbourly spirit that began in December will continue through and beyond the new year.

Today, instead of complaining about United States measures, I'll ask you to share with me a neighbour's view of the current international economic scene, and some ideas as to where the United States and Canada should be going together, in co-operation instead of controversy. Maybe in the course of these comments we will be able to cast some fresh light on the extent to which the U.S. really was acting as a sort of free world Santa Claus.

My excuse for discussing that sometimes dreary subject of international trade and payments is simply that it is of great importance for Canada, and I suggest more than of passing interest to the United States. For Canada over 50% of our production is exported; over one-quarter of our national income is generated by foreign trade. Comparative figures for the United States are, of course, much smaller. But for both countries exports are vital to the maintenance of income and employment in many critical sectors. We are, of course, each other's biggest customer. You take 65% of our exports and supply nearly 75% of our imports: we buy ten billion dollars worth of your products every year, virtually as much as Japan and the entire European Common Market put together. Canada is by far your biggest, and I suggest, your best customer. From Florida alone, Canadians purchase over $25 million worth of goods annually; and perhaps more important, this state is a tourist mecca for Canadians, especially during our long, cold winters. (Incidentally, I was very pleased to learn recently of the progress being made by Dade County officials in the construction of new facilities at the Miami International Airport. When these are completed it will make it even more inviting for Canadians to fly to Miami and the elimination of current delays will help us get into that delightful Florida sunshine that much sooner.)

You Americans are of course more important to us as a trading partner than we are to you. I doubt that many Americans have sleepless nights worrying about the policies which the Canadian Government might adopt. On the other hand, it is difficult to conceive of any United States economic measure, whether international or domestic, which wouldn't have important implications for Canada. Because of its size, what the United States does—or what the United States does not do—affects not only the welfare of Americans, but also that of the world as a whole and, because we are so close and interdependent, of Canada in particular.

It's not all that far back to the Great Depression of the 30's, when sky-high tariffs were imagined capable of blasting a country's exports into foreign markets, and when in fact beggar-your-neighbour policies resulted in an even worse downward spiral in international trade and by extension, a growing lack of confidence in domestic economies. The Hawley Smoot Tariff Act of 1930 raised your tariffs to the highest level in history and together with certain revenue duties introduced in 1932 effectively shut off Canadian exports to this country of a number of key products. The American economy sneezed, and the Canadian economy caught pneumonia.

Happily by 1934 there was a growing recognition of the boomerang effect of the policies adopted in '30 and '32: an awareness that when a country closes its markets to the world the world cannot in turn buy the things it wishes to sell. In 1934, the reciprocal Trade Agreements Act provided the President with the authority to reduce duties by 50% through the negotiation of reciprocal tariff concessions on the basis of the most-favoured-nations (MFN) principle. The United States succeeded Great Britain as the major proponent of MFN. Had it not done so, world trade would have been thrown into even more confusion following World War II and a sound basis for trade recovery would have been lacking.

At the conclusion of the Second World War, most of the industrialized countries of the world were impoverished—and we had not yet *even* begun to give much thought to the less developed world. Canada and the United States, however, had emerged from the agonies of war with their economies immensely strengthened. Together we shared the task of helping former allies help themselves. With other like-minded nations we fashioned a new international economic philosophy and the institutions to give it substance—the International Monetary Fund, the International Bank for Reconstruction and Development and the GATT—the General Agreement on Tariffs and Trade. And drawing on the experiences of the 1930's we began a series of multilateral tariff negotiations which contributed in no small measure to the annual growth since then in world trade of roughly 10%.

In these early post-war years there was much optimism and, I suggest, a greater appreciation than ever before in history of the benefits of international specialization. There was even the beginnings of recognition that there was little logic in barriers to imports of goods which are unobtainable at home or can be produced much less expensively abroad.

There was then no serious economic rival to the United States—indeed many books and articles were devoted to the problem of national existence in a lopsided world where a chronic dollar shortage appeared as an insoluble problem.

It's now somewhat fashionable to allege that this was a period during which the United States was somehow soft in negotiations, that deals struck were indefensibly out of balance or wildly in favour of foreigners. There's very little validity in such an allegation. Reciprocity meant then, as it means now, mutual profit, the practice of give and take. Reciprocity doesn't imply a need for a precise balance in arrangements worked out, for example, between the rich and the decidedly not so rich. The stronger partner in so-called reciprocal arrangements doesn't use his economic strength to accomplish the self-defeating objective of further relative impoverishment of his trading partner and potential customer.

If the United States made agreements which acknowledged the inequality of the partnership, it was because such acknowledgements were in America's best interests.

In short, I believe that the trade and related commercial arrangements made by the United States were largely appropriate to the circumstances of time. And in my judgment these arrangements did not in themselves contribute greatly to the United States balance of payments problem which began to emerge most clearly in the early 1960's.

What then did cause these important problems? Your industrial productivity had taken an enormous quantum jump during and immediately after World War II. American productivity continued steadily to improve. But almost suddenly European and Japanese economies, recovered from wartime devastation, took a similar quantum jump—and instead of being a light year behind, were now suddenly breathing down the U.S. economy's neck. U.S. productivity in most fields is still ahead and still progressing: but its advantage over its rivals in purely relative

terms has nearly disappeared. Both the reduction in the U.S. trade surplus and the increasing desire of American business to invest abroad were symptomatic of this fundamental change. As the late Walter Winchell used to say, nothing recedes like success.

Well, what to do about it? The classical remedy to such a situation would have been to devalue the dollar. But devaluation would not be easy under the then accepted international monetary rules: the U.S. was virtually obligated to follow a dollar policy of "benign neglect". More important, there was a marked psychological aversion in the United States even to the concept of dollar devaluation. It seemed somehow to be an admission of defeat. If the U.S. set the example, lit the way as it was, where would it ever end? One could be excused if they thought at this point of the old Scot who was holding the lantern for the doctor while the Scot's wife gave birth. No sooner had one baby been delivered than the doctor cried, "don't take the light away, Jock, I think it's going to be twins" and sure enough, a second child was produced. The Scot was just recoiling from this rude surprise when the doctor called out, "bring the lantern closer again Jock! I think there'll be yet more!" "Och no," said the Scot, retreating quickly, "it must be the light that's attracting them!"

Now the reduction in the competitiveness of United States products in world markets to which we've referred was, of course, a reflection of the economic recovery of Western Europe and Japan, which rendered the old exchange rates unrealistic and out of date. It was a reflection as well of the fact that it was the turn of other countries to enjoy sky-rocketing growth in productivity. Making the problem worse was a growing case of inflation in the United States, due in part at least from the mid-1960's to American involvement in the Vietnam war.

In recent years overseas critics of United States balance of payments problems have been many and vocal. But few were willing to concede that concrete contributions—such as revaluation and faster removal of discriminatory barriers against U.S. exports—would be required on their part if the American problems they criticized were to be relieved.

As far back as the 1950's, USA official reserves had decreased as America's somewhat disproportionately large share of the world's gold was distributed more widely. But as the gold stocks continued to fall, the monthly deficits, which once had come to be accepted, now became a cause for real concern. By the summer of 1971, it was starkly evident that the deterioration in the United States balance of payments position simply could not be sustained. For the first time since the nineteenth century, the United States was running successive deficits every single month in its trade balance and international currency speculation against the dollar was rampant. It appeared unlikely, at least in Washington, that multilateral action could be taken soon enough or perhaps even at all; and unilateral action seemed to be the only alternative.

Thus on August 15, the United States Government bit the bullet. The measures then announced, in particular the floating of the United States dollar, marked a watershed, the beginning of a new era for the United States as well as for the world trading community.

In Canada most of the August 15 measures were applauded and welcomed as the beginning of necessary reforms. But the import surcharge, which was part of the package, was regarded as a totally unnecessary trapping and one which seemed to call into question the whole reliability of the United States as a trading partner. The surcharge seemed designed principally for its shock effect. To convince others that August 15th was the start of a new ball game. Some, however, felt that as an additive to the closing of the gold window it represented economic overkill. It reminded me of the story of the farmer—who must have been from Texas—who was seen by a friend behind the barn hitting a mule over the head with a huge 2 x 4. "My God," said his friend, "What are you trying to do?" "Train it," replied the Texan. "But you'll kill it if you hit it so hard!" said his friend. 'How can you consider that to be 'training'." "Well," said the Texan, before the training actually starts you've got to attract its attention!"

Our attention was certainly attracted by some of the August 15 decisions. We had always assumed that our access to the United States market would be at least as free and as dependable as American access was to our market. The broad lines of our industrial development since the late 1930's had been based on the possibility of selling a large part—even occasionally the major part—of production in the U.S., (indeed many American plants, especially those near the border, have come to count on the Canadian market for a large part of their sales.)

Perhaps however on reflection, August 15 was a timely warning. Perhaps we Canadians had, albeit unwittingly, been placing too many of our eggs in the U.S. basket.

There is no doubt that the closing of the gold window on August 15 marked the end of an era—that it signalled the need for a truly international solution to the U.S. balance of payments problem. But I confess that many Canadians bridled somewhat at the charge that we had somehow contributed to the problem.

In fact, we felt that we had more than met the tests of good trading partner as outlined by President Nixon on August 15. We couldn't be accused of holding to an artificial exchange rate for our currency. We had let our dollar float freely since May 1970, and it had appreciated by about 8%. And certainly we had no illegal or discriminatory trade barriers against the United States.

Soon after the guns of August, we were reminded by our American friends that after long years of deficits in our trade balance with the U.S., we were enjoying, for the moment at least, a favourable balance. This overlooked the fact that in overall current account transactions between Canada and the United States (that is not only goods and services, but also interest and dividends) the United States continues to enjoy a surplus as it has done every year with us since 1946. For 1970, our figures show a Canadian deficit on current account with the United States of $214 million.

Well, as I said at the outset, many things have happened since August 15th. The import surcharge and the discriminatory aspects of the investment tax credit have been eliminated. We now have in prospect a new exchange rate system and Congress is to be asked to raise the price of gold. Short term bilateral trading deals are being worked out between the U.S. and Japan, the EEC and Canada.

As far as Canada is concerned there is no suggestion that we should somehow pay for the surcharge removal or for the new system of exchange rates which has been tentatively agreed. Rather there is a determination on both sides of the border to use unsettled conditions as the stimulus to solve unsettled problems. We are expecting the U.S. to move toward elimination of some of its trading procedures and practices which are causing us the most harm. Americans will, understandably, be expecting us to review some of our practices with the object of making them (not more reciprocal) but more appropriate to today's changed economic circumstances. One obvious example concerns the value of goods which Canadian tourists can bring home duty free.

(I suppose I should say a word about the Canada-U.S. Automotive Agreement which was concluded in 1965. As a result of these arrangements production and employment on both sides of the border has increased significantly. Rather unexpectedly, however, and somewhat fortuitously I might add, we have recently experienced a surplus in trade with you in the automotive sector. Incidentally, our accumulative trade deficit in this sector since 1964 approaches $2 billion and other cumulative net payments on current account in this sector (interest, dividends, etc.) total nearly another billion. Nonetheless we are continuing to examine with you possible modifications and modernization of the existing arrangements in an effort to make them even more defensible on both sides of the border.)

But what of the future? Certainly it is a new ball game now and the relative balances of economic power have altered. But there's really nothing very sinister as some would suggest in the fact that between 1950 and 1970 the United States share of the world gross national product declined from 39.3% to 30.2%. It would be wrong to believe that this reflects anything but a welcome advance in the standards of living of other countries. Surely it is not in the U.S. interest, or of any other relatively wealthy country such as Canada, that the gap in per capita income which existed at the end of World War II between North America and the rest of the world be accentuated.

But new trading arrangements will have to take recent economic developments fully into account. For its part Canada stands ready to play a role, appropriate to its size and importance in world trade, in the development of new measures which we hope will lead to an expansion of international trade on a sustained basis. At the same time, it would be quite wrong to proceed from the assumption that the United States balance of payments problem can somehow be solved by concessions from others. Let us not forget that the United States is now, and happily is likely to remain for some time, the most powerful economic force in the world. The net international investment position of this country in 1960 was about $45 billion; in ten years it had increased by more than 50%. Direct and indirect U.S. investment in Canada alone totals the staggering sum of $34 billion. The net private investment income from foreign investments of United States residents in 1970 was over $6 billion, and it's increasing at a mind-boggling rate; by the second quarter of 1971, the figure had passed $9 billion at annual rates.

I don't suppose there are many responsible Americans who would deny that for better or worse United States still has to be the leader if there is to be one in the field of international trade. And I suspect that most Americans would prefer it that way. Enlightened leadership involves a willingness, indeed an eagerness, to find ways to break down trade barriers. For the United States it means justifiable self-confidence in the future competitiveness of the American economy. Enlightened leadership proclaims that the welfare of a nation is enhanced through imports paid for by exports of goods and services on the basis of comparative advantage. Although foreign trade is directly responsible for only a small part of this nation's annual increase in wealth, a healthy, expanding and dynamic trading environment can serve to promote not only greater international understanding but increased confidence at home. While the economic and political climate may not at the moment seem the most promising for concluding the sort of far-reaching trade arrangements needed to meet the challenges of the decade, a bold start must be made now.

And Canada, for one, is anxious to be on the starting line. If we've learned anything from the events of the past twelve months, it is that in international trade the only alternative to progress is retrogression. We have come as close as we dare (and perhaps closer than was prudent) to a breakdown in

international trading confidence. Such a breakdown would impede rates of growth and prejudice economic well-being not only in the world at large, but also and perhaps with the most far-reaching conesquences, in the United States as well.

Lest you consider me a mere Cassandra, let me finish with a little story that illustrates the importance of the *one* single ingredient both our countries must have in these challenging times.

It seems two young nuns, out on a mission of mercy, were returning to their convent late at night when their car ran out of gas. Seeing a gas station down the road they walked to it and asked if the attendant could sell them some gas and something to carry it in. After a long search the attendant had to admit that all he could find to hold the gas was an old chamberpot. Undismayed, the good sisters said the chamberpot would do, and cheerfully carried it back to their car.

As they were pouring the gas into the tank two Baptist ministers drove around the corner. The headlights of their car illuminated the extraordinary sight of the nuns filling their tank from a chamberpot, they were struck with astonishment. Finally one of them said to the other, "you know, you may not agree with everything they *say*, but you sure have to admire their *faith!*"

SUPPLEMENTAL FUNDING FOR BILINGUAL EDUCATION

(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, on the opening day of this session of the 92d Congress I introduced legislation—H.R. 12424—to provide full funding for bilingual education for fiscal year 1972. I am reintroducing this legislation today with 10 cosponsors. This legislation provides a supplemental appropriation of $65 million for fiscal year 1972 to bring the appropriations for title VII of the Elementary and Secondary Education Act up to the full authorization level. Title VII authorized $100 million for fiscal year 1972; $35 million was appropriated, and the administration's budget request was even less—$25 million.

As an original sponsor of the Bilingual Education Act, I am particularly concerned that it receive full funding. The bilingual education program is a desperately needed domestic program that has been undercut by the warped state of our national priorities. In the United States there are over 3 million schoolchildren who lack a command of even basic English. For a majority, their first language is Spanish. The bilingual education program provides a system of compensatory education for both youth and adults to overcome the language handicaps which persons of limited English-speaking ability face in our society. The inability to use the English language affects opportunities for education and, ultimately, for employment.

The bilingual education program is comprised of a broad range of activities, including research and pilot projects for improved techniques for the teaching of English, adult education, promoting closer ties between home and school, and special training programs to prepare qualified individuals to become teachers in bilingual education endeavors. It is important to note that the program stresses the importance of the history and culture of the participants, so that they will appreciate their own heritage and understand its contributions to American society.

There is a very great need for this program in New York City where in the 1970–71 school year 299,280 Spanish-surnamed children were enrolled in the public elementary and junior and senior high schools. These children constituted 26.3 percent of the public school children in New York City, and the percentage is rising.

It is quite clear that the non-English-speaking child who at the beginning of school is unable to acquire literacy in English in competition with his English-speaking classmates and who is not permitted to acquire it in his own language makes a poor beginning that he may never be able to overcome. He thus may tend to drop out and drift into unemployment or a very low-paying job.

Thus far, American schooling has not met the needs of bilingual children. Passage of this supplemental appropriation bill is critical to the future of these children and critical to the effectiveness of the program.

Members of Congress joining me in cosponsoring this legislation are: Mrs. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER.

ANNOUNCEMENT OF HEARINGS ON PROPOSALS TO MAKE ELECTION DAY A LEGAL PUBLIC HOLIDAY, BY REPRESENTATIVE DON EDWARDS OF CALIFORNIA

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

Mr. EDWARDS of California. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings on H.R. 3840 and H.R. 6140, designating certain election days as legal public holidays. These hearings will be held on February 24 and 25, 1972, at 10 a.m., room 2141, Rayburn House Office Building.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

DEFENDING THE WEED—HOW EMBATTLED GROUP USES TACT, CALCULATION TO BLUNT ITS OPPOSITION

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

Mr. PERKINS. Mr. Speaker, I would like to call my colleagues' attention to an article appearing January 24, 1972, in the Wall Street Journal, entitled "Defending the Weed—How Embattled Group Uses Tact, Calculation To Blunt Its Opposition:"

DEFENDING THE WEED—HOW EMBATTLED GROUP USES TACT, CALCULATION TO BLUNT ITS OPPOSITION

(By Jonathan Kwitny)

WASHINGTON.—Lunching in a Washington restaurant, Anne H. Duffin scans the menu and utters a little exclamation of delight. Swordfish is back.

It's not that Mrs. Duffin likes mercury. She just tends to sympathize with anything or anybody cast in an underdog's role. That's because she works for one of the biggest underdogs of all, the Tobacco Institute, the tobacco industry's chief lobbying and public relations organization.

Few industries—perhaps only the ones run by the Mafia—have been called worse names by more eminent name-callers than the tobacco industry. Few have been beset more often by restrictive legislation, constrictive regulation and punitive taxation. Still, probably no other has so skillfully finessed its way out of its dilemmas, turning a series of imminent disasters into near victories—or, at the very least, quite comfortable and profitable accommodations. The clinching evidence: Despite concerted attacks on smoking and increasing data linking cigarets with cancer and heart ailment, domestic cigaret consumption rose 3% in 1971.

The main credit goes to the Tobacco Institute, assisted, of course, by the seemingly unshakable addiction to nicotine of an estimated 50 million Americans. Even the most outspoken antismoking antagonists are quick to congratulate the institute staff's shrewd professionalism, low-keyed Southern charm and refusal to panic under pressure. "Their strategy over the past couple of years has been bright and able," says Michael Pertschuk, chief counsel for the Senate Commerce Committee, source of many of the industry's woes.

THE ROLE OF MR. CLEMENTS

Mr. Pertschuk adds: "Other industries can't get their members to do anything to head off regulation until it's too late. The automobile industry never did anything about safety until it was too late. But the Tobacco Institute has moved its members to take the initiative. In terms of PR, the industry is in a better position now than it has been since the (smoking) hazards came to light, while none of its steps really damaged the market."

Unlike trade associations that follow, rather than lead, their corporate membership, the Tobacco Institute has developed its own institutional clout. That partly explains its high level of performance. Probably more responsible than anyone else for the institute's vigor is its former president, Earle C. Clements, who in 1964 brought an astute political mind and some high-level influence to the institute's affairs.

A former Democratic Congressman and Senator from Kentucky, Mr. Clements had served as head of the party committee that distributed campaign funds and as whip—second in command—to Lyndon B. Johnson when Mr. Johnson was the Senate's Democratic majority leader. Mrs. Clements' daughter later served as Lady Bird Johnson's White House social secretary. In 1964 Mr. Clements went to work for the institute as a lobbyist, but some observers say he almost immediately became its chief in all but title. He was named president in 1966.

Mr. Clements, 74 years old, now holds an informal post as resident chief adviser. Two other heavyweights are moving up in the institute. One is Horace R. Kornegay, who was named president last year; he is a former Congressman from a North Carolina tobacco district. The other is William Kloepfer, an experienced hand in unpopular causes; he worked for the often-embattled Pharmaceutical Manufacturers Association before becoming public relations director for the institute in late 1967.

Like a pair of successful policemen, Mr.

Kornegay and Mr. Kloepfer complement each other; Mr. Kornegay, the nice guy, radiates antebellum charm, while Mr. Kloepfer, a crusty New Yorker, talks tough.

TEARS AT A PARTY

Perhaps surprisingly, the institute itself seems to have little trouble finding and holding other loyal staffers. There seem to be few personal crises over the morality of defending cigarets. According to Mrs. Duffin, none of the institute's 30 employes has left to take another job in the two-and-a-half years she has worked there. Cigaret companies haven't been so fortunate. For example, Robert Wald, former legal counsel to Loew's Theatres' Lorillard division, quit last year because of personal misgivings. "I haven't the slightest doubt that cigarets cause lung cancer," he says. "I had to come home every night and face my kids' saying, 'Daddy, why do you work for a cigaret company?' " (Curiously, he wound up in a job representing Bon Vivant, which last year manufactured some poisoned vichyssoise.)

Institute employes do have their problems. Mrs. Duffin admits that she endures constant teasing about her job, and not long ago she "burst out crying at a party when an old friend accused me of defending tobacco just because I get paid for it." And the institute failed recently when it tried repeatedly to employ a respected science writer for a $40,000-a-year report-writing job. "They asked a great many of us, and nobody took that job," says Judy Randall, a science writer for the Washington Star. "I don't think any legitimate science writer would want to work for the Tobacco Institute or for any other special-interest group seeking to minimize what seems to be clear evidence of major risk."

On the other hand, Gilbert Heubner, who left his medical practice in Bluffton, Ind., to become the institute's resident physician, says he turned down several job offers in industry because the institute "had the most intriguing problem. It had controversy." Dr. Heubner's, and the institute's, problem: convincing people that smoking hasn't proved dangerous.

Nobody—not even the Tobacco Institute—argues that smoking will improve your health. So the industry instead has focused its attack on flaws in research that purports to show that smoking definitely is dangerous. "If our product is harmful," says James Bowling, vice president of Philip Morris, "we'll stop making it. We now know enough that we can take anything out of our product, but we don't know what ingredients to take out. In 1920 it was accepted as scientific fact that smoking caused TB. It was later found out they had no connection—after some states had even outlawed smoking. We don't know if smoking is harmful to health, and we think somebody ought to find out."

The institute took that attitude as early as 1958, when the smoking and health issue grew unavoidable. But only in 1964, with the report to the U.S. Surgeon General that heavy smoking was implicated in such diseases as lung cancer, did the industry take the offensive. Philip Morris—and later the institute itself—hired the law firm of Abe Fortas, a friend of Lyndon Johnson, to protect its interests. The institute also enlisted the law firm of former Secretary of State Dean Acheson, and the lobbying help of Jack Mills, former executive director of the Republican Congressional Campaign Committee.

One of the first things the institute encouraged its members to do was backpedal their promotion and advertising in sensitive areas—the youth market, for example. The companies stopped promoting cigarettes on college campuses. "Hell, when I went to college you couldn't have put out a football program without the help of about three tobacco companies," Mr. Kornegay, more or less accurately, recalls. "That's all out now."

The institute quickly exhibited a genius for protective compromise. Its stand on legislation to require a health warning on cigaret packages is a case in point. In 1965, the institute actually greased the path for such legislation. The antismoking forces wound up with the requirement that cigaret packages carry this statement—in rather small and inconspicuous type—"Warning: The Surgeon General Has Determined That Cigarette Smoking Is Dangerous to Your Health."

In return, the industry won some important ground. Its support of that legislation effectively undercut the effort of the Federal Trade Commission and other groups to require a scarier caveat. The industry-supported legislation prevented federal and state agencies from imposing further sanctions against cigarets. Moreover, industry lawyers found still another advantage: A health warning of some kind might help them defend personal damage suits filed by cancer patients or their survivors.

Similarly, in 1969, the industry volunteered to take cigaret advertising off radio and television, at a time when Congress again was mulling stiffer sanctions against cigarets. The main beneficiary of this move, which was put into effect on Jan. 7, 1971, was the industry itself; it had been spending nearly a quarter of a billion dollars a year on commercials that turned out to be of questionable worth.

BEHIND THE SCENES

"When we stepped back and looked at how the advertising had grown, it was startling," Mr. Kloepfer says. "The extreme competition among the six companies had gone too far." Mr. Kornegay adds, "You really question the business judgment of it, because for 1971 (after the commercials stopped) sales of cigarets went up. Was it worth living with all the criticism the ads brought on?"

With cigaret ads barred from television and radio last year, the industry's ad spending dropped about 30%, the institute says. Cigaret advertisers spent about $200 million in 1971.

The institute's outward show of sweetness and light sometimes has been achieved only by bucking its own members. Messrs. Kornegay, Kloepfer and Clements are adept at powdering old scars, but the institute's back rooms have seen numerous internal conflicts and tribulations.

One conflict surfaced in 1965, when American Brands (then American Tobacco) quit the institute. The company was adamant against giving an inch to antismoking forces. And for years, some insiders report, tobacco company lawyers fought over policy questions with Hill & Knowlton, the institute's outside public relations counsel.

Hill & Knowlton, insiders say, wanted to concede from the beginning that smoking may harm some people, and at the same time to stress the industry's efforts to make cigarets safe. Fearful that such an admission might encourage lawsuits, the lawyers fought Hill & Knowlton, and won. At the end of 1968, the institute says, it let lapse its contract with Hill & Knowlton. The institute maintains that it preferred its own in-house PR group. Hill & Knowlton now claims to have quit the account for its own reasons.

THE TRUE FIASCO

However unhappy the Hill & Knowlton affair, it was bliss compared to the institute's brief fling with high-powered advertising man Rosser Reeves. Mr. Reeves was the prime instigator of a January 1966 article in True magazine that shrilly disputed medical findings that smoking is dangerous. Reprints went out to hundreds of thousands of doctors, government officials and other "opinion makers" along with a cover letter from "The Editors" of True. There was no indication that tobacco interests had sponsored the mailing.

A few months later, this newspaper disclosed that the writer of the article had been paid by Brown & Williamson, a tobacco manufacturer, and that Mr. Reeves' advertising agency had paid for the reprints. By all accounts but its own, the institute then dumped Mr. Reeves. Mr. Reeves won't comment on the episode. Mr. Clements contends that he let Mr. Reeves' contract lapse, like Hill & Knowlton's, only because he wanted an in-house PR man.

There also are charges that doctors have been paid for "pro-tobacco" testimony before congressional committees. Mr. Wald, the former Lorillard lawyer, says doctors have been paid "very handsomely" by an ad hoc committee of tobacco company lawyers. Ed Merlis, a staffer for the Senate Commerce Committee, says some doctors have admitted they were paid. Mr. Clements says only that "the institute has had nothing to do with the witnesses that testified before Congress." Mr. Kornegay says he doesn't know if anybody paid the medical witnesses or not. In any case, if Mr. Wald's account is correct, they were paid by individual tobacco firms or their lawyers rather than the institute.

Mr. Clements, with Southern delicacy, declines to answer when asked if he was ever embarrassed by anything done in the institute's name. He says he won't "answer any questions about our internal operations" because "that's like asking what happened in bed the night before with your wife"—a simile he used three times in one interview to ward off questions.

Yet, if some of the industry's machinations stray from the path of intellectual virtue, the industry's opponents don't always appear virginal, either. Anticigaret crusaders, for example, often bandy hard-to-document but impressive statistics like "300,000 excess deaths a year" or "100,000 doctors have quit smoking."

"The 300,000 excess deaths included suicides, people (smokers) run over by trucks and everything else," Mr. Kornegay claims. "They threw in everybody who died of cancer, everybody who died of heart attacks, even if they were going over Niagara Falls in a barrel at the time. But as soon as somebody said it everybody else started repeating it. This kind of statistic is like goat barbecue—the more you chew it the bigger it gets."

Moreover, tobacco men complain—with some evidence to back them up—that the scientific establishment sometimes stifles publication of research suggesting that smoking is not all that dangerous and on occasion has greatly overstated the significance of research with antismoking implications. And finally, they complain, again apparently with some justice, that results of anticigaret research get much more extensive and sensational publicity than studies tending to support the industry view.

The industry actually has spent tens of millions of dollars on smoking and cancer research. The industry even solicited the advice of Dr. Cuyler Hammond, vice president of the American Cancer Society and a major smoking foe, about who should run the industry research effort. And, Dr. Hammond says, the man he recommended got the job.

Other smoking critics also speak kindly of the institute. "There's not the antagonism people might expect," says a spokesman for Sen. Frank Moss (D., Utah), perhaps the industry's chief congressional opponent. "I'm personally impressed with them." Clifton Reed, who runs public relations for the cancer society, says, "Whenever we call them for information, we get it."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MITCHELL (at the request of Mr. BOGGS), for today, 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 Members (at the request of Mr. TERRY) and to revise and extend their remarks and include extraneous matter:)

Mr. WHALEN, for 15 minutes, today.
Mr. HOGAN, for 5 minutes, today.
Mr. FINDLEY, for 10 minutes, today.
Mr. HALPERN, for 5 minutes, today.
Mr. BOW, for 15 minutes, today.
Mrs. HECKLER of Massachusetts, for 5 minutes, today.

(The following Members (at the request of Mr. MCKAY) and to revise and extend their remarks and include extraneous matter:)

Mr. RODINO, for 10 minutes, today.
Mr. ADDABBO, for 15 minutes, today.
Mr. GONZALEZ, for 10 minutes, today.
Mr. WILLIAM D. FORD, for 5 minutes, today.
Mr. BURKE of Massachusetts, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MADDEN.

(The following Members (at the request of Mr. TERRY) and to include extraneous matter:)

Mr. MCCULLOCH.
Mr. ROBISON of New York.
Mr. HANSEN of Idaho.
Mr. ARCHER.
Mr. PELLY.
Mr. CLANCY.
Mr. SCHMITZ in four instances.
Mr. FINDLEY.
Mr. ANDERSON of Illinois.
Mr. HALPERN in two instances.
Mr. DU PONT.
Mr. BROOMFIELD in 10 instances.
Mr. GOLDWATER.
Mr. KEATING.
Mr. WYMAN in two instances.
Mr. VANDER JAGT.
Mr. VEYSEY in three instances.
Mrs. HECKLER of Massachusetts in two instances.
Mr. TERRY.

(The following Members (at the request of Mr. MCKAY) and to include extraneous matter:)

Mr. BRINKLEY.
Mr. PREYER of North Carolina.
Mr. BLANTON.
Mr. BLATNIK.
Mr. BADILLO in three instances.
Mr. MOSS in three instances.
Mr. ASPIN in 10 instances.
Mr. GIAIMO in 10 instances.
Mr. ANDERSON of Tennessee.
Mr. ROSENTHAL in five instances.
Mr. ROE in two instances.
Mr. ROY.
Mr. WILLIAM D. FORD.
Mr. MAZZOLI.
Mr. ANDERSON of California in two instances.
Mr. MACDONALD of Massachusetts.
Mr. DULSKI in five instances.
Mr. DELANEY.
Mr. HAGAN in three instances.
Mr. GONZALEZ in two instances.
Mr. RARICK in five instances.
Mr. ROGERS in five instances.
Mr. FRASER in five instances.
Mr. SCHEUER.
Mrs. CHISHOLM.
Mr. DENHOLM.
Mr. FOUNTAIN.

ADJOURNMENT

Mr. MCKAY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), under its previous order, the House adjourned until Monday, January 31, 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:

1439. A letter from the vice president and general manager, Chesapeake & Potomac Telephone Co., transmitting a statement of receipts and expenditures of the company, pursuant to chapter 1628, acts of Congress 1904, and a comparative general balance sheet, pursuant to paragraph 14 of the act of March 4, 1913; to the Committee on the District of Columbia.

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. TAYLOR: Committee on Interior and Insular Affairs. H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes (Rept. No. 92-743 (pt. II)). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 741. Resolution providing pay comparability adjustments for certain House employees whose pay rates are specifically fixed by House resolutions; with an amendment (Rept. No. 92-776). Ordered to be printed.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 769. Resolution authorizing payment of compensation for certain committee employees (Rept. No. 92-777). Ordered to be printed.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 532. A bill to authorize certain persons to accept gifts of money for the purpose of acquiring objects to be placed in the Capitol; with amendments (Rept. No. 92-778). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1010. A bill to amend the Internal Revenue Code of 1954 to modify the provisions relating to taxes on wagering to insure the constitutional rights of taxpayers, to facilitate the collection of such taxes, and for other purposes; with amendments (Rept. No. 92-779). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 1246. A bill to amend section 1071 of the Internal Revenue Code of 1954, as amended; with an amendment (Rept. No. 92-780). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 1247. A bill to amend the Internal Revenue Code of 1954 and the Tax Reform Act of 1969 regarding the treatment of charitable contributions; with amendments (Rept. No. 92-781). Referred to to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 1467. A bill to amend section 152(b)(3) of the Internal Revenue Code of 1954 for the purpose of including nationals of the United States within the definition of the term "dependent" in connection with deductions for personal exemptions; with amendments (Rept. No. 92-782). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 2466. A bill to amend section 2039 of the Internal Revenue Code of 1954 (relating to estate tax treatment of annuities); with an amendment (Rept. No. 92-783). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 5372. A bill to amend section 5042(a)(2) of the Internal Revenue Code of 1954 to permit individuals who are not heads of families to produce wine for personal consumption; with amendments (Rept. No. 92-784). Referred to the Committee of the Whole House on the State of the Union.

Mr. CORMAN: Committee on Ways and Means. H.R. 5527. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; with amendments (Rept. No. 92-785). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 5815. A bill to clarify the status of funds of the Treasury deposited with the States under the act of June 23, 1836; (Rept. No. 92-786). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10264. A bill to amend the Internal Revenue Code of 1954 to provide an election by certain foreign corporations to treat interest income as income connected with U.S. business; with an amendment (Rept. No. 92-787). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10335. A bill relating to the tax on self-employment income in the case of retired partners; with an amendment (Rept. No. 92-788). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10646. A bill to amend section 956(b) of the Internal Revenue Code of 1954 to eliminate from the concept of U.S. property certain debt obligations acquired by controlled foreign corporations engaged in the banking business; with amendments (Rept. No. 92-789). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 10837. A bill to amend section 7275 of the Internal Revenue Code of 1954 with respect to airline tickets; with amendments (Rept. No. 92-790). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 11197. A bill to reduce the required charitable distributions under the Internal Revenue Code of 1954 in the case of certain contributions received by private foundations before the date of enactment of the Tax Reform Act of 1969; with amendments (Rept. No. 92-791). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 7025. A bill to amend the Internal Revenue Code of 1954 to permit affili-

ated banks to contribute in their fiduciary capacities to a common trust fund maintained by one of the affiliated banks for the benefit of the entire group; with amendments (Rept. No. 92-792). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAREY of New York: Committee on Ways and Means. H.R. 9040. A bill to amend the Internal Revenue Code of 1954 to provide an exemption from the Federal estate tax for certain debt obligations of domestic corporations in cases where the interest on such obligations would be treated as income from foreign sources for purposes of the interest equalization tax (Rept. No. 92-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. ULLMAN: Committee on Ways and Means. H.R. 10412. A bill to amend the Internal Revenue Code of 1954 to provide a carryback and carryover of certain foreign taxes on mineral income; with amendments (Rept. No. 92-794). Referred to the Committee of the Whole House on the State of the Union.

Mr. PATMAN: Committee on Banking and Currency. H.R. 7987. A bill to provide for the striking of medals in commemoration of the bicentennial of the American Revolution (Rep. No. 92-795). Referred to the Committee of the Whole House on the State of the Union.

Mr. POAGE: Committee on Agriculture. S. 2672. An act to permanently exempt potatoes for processing from marketing orders (Rept. No. 92-796). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 782. Resolution providing for the consideration of H.R. 10086. A bill to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes (Rept. No. 92-797). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 783. Resolution providing for consideration of H.R. 11394. A bill to create an additional judicial district in the State of Louisiana, to provide for the appointment of additional district judgeships, and for other purposes (Rept. No. 92-798). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 784. Resolution providing for the consideration of S. 748. An act to authorize payment and appropriation of the second and third installments of the U.S. contributions to the Fund for Special Operations of the Inter-American Development Bank (Rept. No. 92-799). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 785. Resolution providing for the consideration of S. 749. An act to authorize U.S. contributions to the Special Funds of the Asian Development Bank (Rept. No. 92-800). Referred to the House Calendar.

Mr. MATSUNAGA: Committee on Rules. House Resolution 786. Resolution providing for the consideration of S. 2010. An act to provide for increased participation by the United States in the International Development Association (Rept. No. 92-801). 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 Mrs. ABZUG:

H.R. 12687. A bill to amend the Hazardous Materials Transportation Control Act of 1970 to require the Secretary of Transportation to issue regulations providing for the placarding of certain vehicles transporting hazardous materials in interstate and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER (for himself, Mrs. ABZUG, Mr. ADDABBO, Mr. BADILLO, Mr. BIAGGI, Mr. BINGHAM, Mr. BRASCO, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. CONABLE, Mr. DELANEY, Mr. DOW, Mr. DULSKI, Mr. FISH, Mr. GROVER, Mr. HALPERN, Mr. HANLEY, Mr. HASTINGS, and Mr. HORTON):

H.R. 12688. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. CELLER (for himself, Mr. KEMP, Mr. KING, Mr. KOCH, Mr. LENT, Mr. MCEWEN, Mr. MURPHY of New York, Mr. PEYSER, Mr. PODELL, Mr. RANGEL, Mr. REID, Mr. ROBISON of New York, Mr. ROSENTHAL, Mr. RYAN, Mr. SCHEUER, Mr. SMITH of New York, Mr. STRATTON, Mr. TERRY, and Mr. WOLFF):

H.R. 12689. A bill to eliminate racketeering in the sale and distribution of cigarettes and to assist State and local governments in the enforcement of cigarette taxes; to the Committee on Ways and Means.

By Mr. DELANEY:

H.R. 12690. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for tuition expenses incurred in providing private nonprofit elementary and secondary education; to the Committee on Ways and Means.

By Mr. EDWARDS of Alabama:

H.R. 12691. 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. FINDLEY (for himself, Mr. MICHEL, Mr. BURKE of Florida, Mr. CÓRDOVA, Mr. GOODLING, Mr. HOSMER, Mr. JONES of North Carolina, Mr. KING, Mr. LATTA, Mr. RAILSBACK, and Mr. ROBINSON of Virginia):

H.R. 12692. A bill to provide a fair and effective means for the settlement of certain emergency labor disputes; to the Committee on Interstate and Foreign Commerce.

By Mr. FLOWERS:

H.R. 12693. 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. FOLEY (for himself, Mr. MCCORMACK, Mr. MCCLURE, Mr. HANSEN of Idaho, and Mr. ULLMAN):

H.R. 12694. A bill to amend the Soil Conservation and Domestic Allotment Act, as amended, to provide for a Columbia-Snake-Palouse program; to the Committee on Agriculture.

By Mr. WILLIAM D. FORD (for himself, Mr. ABOUREZK, Mr. CLARK, Mr. CLAY, Mr. CONYERS, Mr. COTTER, Mr. DANIELS of New Jersey, Mr. DANIELSON, Mr. DENT, Mr. EDWARDS of California, Mr. EILBERG, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mrs. HICKS of Massachusetts, and Mr. MATSUNAGA):

H.R. 12695. A bill to assist local educational agencies to provide quality educational programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mr. WILLIAM D. FORD (for himself, Mr. MOSS, Mr. PEPPER, Mr. PERKINS, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ST GERMAIN, Mr. SCHEUER, Mr. STEED, Mr. TIERNAN, Mr. MEEDS, Mr. MIKVA, Mrs. MINK, Mr. MILLER of California, Mr. MITCHELL, and Mr. MOORHEAD):

H.R. 12696. A bill to assist local educational agencies to provide quality education programs in elementary and secondary schools; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 12697. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the cost of fire science programs; to the Committee on Science and Astronautics.

By Mr. GRIFFIN:

H.R. 12698. 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. HALPERN:

H.R. 12699. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and breathing apparatus; to the Committee on Science and Astronautics.

By Mr. HAMMERSCHMIDT:

H.R. 12700. 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. HANLEY:

H.R. 12701. A bill to amend title 23 of the United States Code relating to highways to provide that all sections of the officially designated National System of Interstate and Defense Highways shall become toll free for public use; to the Committee on Public Works.

By Mr. HARVEY:

H.R. 12702. A bill to amend the Railroad Labor Act and the Labor Management Relations Act, 1947, to provide more effective means for protecting the public interest in national emergency disputes, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN (for himself, Mr. BROYHILL of Virginia, Mr. FAUNTROY, Mr. GUDE, and Mr. SCOTT):

H.R. 12703. A bill to extend and amend section 8(d) of the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

By Mr. JACOBS:

H.R. 12704. A bill to provide the Secretary of Commerce with the authority to make grants to accredited institutions of higher education to pay for up to one-half of the costs of fire science programs; to the Committee on Science and Astronautics.

By Mr. JONES of North Carolina:

H.R. 12705. A bill to amend the tobacco marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. KEE:

H.R. 12706. A bill to establish mining and mineral research centers, to promote a more adequate national program of mining and minerals research, to supplement the act of December 31, 1970, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KEMP:

H.R. 12707. A bill to amend the Internal Revenue Code of 1954 to provide that the first $5,000 of compensation paid to law enforcement officers shall not be subject to the income tax; to the Committee on Ways and Means.

By Mr. MCCLORY (for himself, Mr. HUNGATE, Mr. ADAMS, Mr. ANDERSON of Illinois, Mr. ANDERSON of Tennessee, Mr. BELL, Mr. BROTZMAN, Mr. BUCHANAN, Mr. DANIELSON, Mr. DELLUMS, Mr. DUNCAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FORSYTHE, Mr. FRENZEL, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr.

McCULLOCH, Mr. MALLARY, Mr. MAZZOLI, Mr. MORSE, Mr. MOSHER, Mr. MYERS, Mr. PRICE of Illinois, and Mr. REES):

H.R. 12708. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. McCLORY (for himself, Mr. HUNGATE, Mr. GRAY, Mr. MEEDS, Mr. SCHEUER, Mr. SCHWENGEL, Mr. SMITH of New York, Mr. TAYLOR, Mr. THONE, Mr. VANDER JAGT, Mr. WINN, and Mr. WYDLER):

H.R. 12709. A bill to establish a Commission on Penal Reform; to the Committee on the Judiciary.

By Mr. McMILLAN (by request) (for himself, Mr. DOWDY, Mr. HAGAN, Mr. FRASER, Mr. JACOBS, Mr. CABELL, Mr. BLANTON, Mr. STUCKEY, Mrs. GREEN of Oregon, Mr. O'KONSKI, Mr. BROYHILL of Virginia, Mr. GUDE, Mr. THOMSON of Wisconsin, and Mr. LINK):

H.R. 12710. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. McMILLAN:

H.R. 12711. A bill to extend the penalty for assaut on a police officer in the District of Columbia to assaults on firemen, to provide criminal penalties for interfering with firemen in the performance of their duties, and for other purposes; to the Committee on the District of Columbia.

H.R. 12712. 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. MATHIS of Georgia:

H.R. 12713. A bill to amend the Agricultural Adjustment of 1938 to authorize the lease and transfer of Flue-cured tobacco acreage-poundage marketing quotas between farms in the same State; to the Committee on Agriculture.

By Mr. METCALFE:

H.R. 12714. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. MONAGAN:

H.R. 12715. A bill to establish a Federal program to encourage the voluntary donation of pure and safe blood, to require licensing and inspection of all blood banks, and to establish a national registry of blood donors; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN (for himself, Mr. QUIE, and Mr. ZWACH):

H.R. 12716. 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. NICHOLS:

H.R. 12717. 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. PELLY:

H.R. 12718. A bill to amend Public Law 89-701, as amended, to extend until June 30, 1973, the expiration date of the act and the authorization of appropriations therefor, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. PEYSER (for himself, Mr. BAKER, Mr. BURKE of Florida, Mr. CONTE, Mr. FISH, Mr. GROVER, Mr. GUDE, Mr. HALPERN, Mr. HILLIS, Mr. KING, Mr. LENT, Mr. McCLORY, Mr. MORSE, Mr. MYERS, Mr. O'KONSKI, Mr. SEBELIUS, Mr. THONE, Mr. WYDLER, and Mr. YOUNG of Florida):

H.R. 12719. A bill to strengthen and improve the Older Americans Act of 1965; to the Committee on Education and Labor.

By Mr. PEYSER:

H.R. 12720. 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. RIEGLE:

H.R. 12721. A bill to provide the Secretary of Commerce with the authority to make grants to States, counties, and local communities to pay for up to one-half of the costs of training programs for firemen; to the Committee on Science and Astronautics.

By Mr. ROBISON of New York:

H.R. 12722. A bill to authorize the President of the United States to propose or agree to a change in the par value of the U.S. dollar; to the Committee on Banking and Currency.

H.R. 12723. A bill to amend title XVII of the Social Security Act to provide financial assistance to individuals suffering from chronic kidney disease who are unable to pay the costs of necessary treatment, and to authorize project grants to increase the availability and effectiveness of such treatment; to the Committee on Ways and Means.

By Mr. RODINO:

H.R. 12724. A bill to amend the Uniform Code of Military Justice in order to provide that courts-martial may place persons on probation upon first-time conviction for certain narcotic-drug-related offenses, and for other purposes; to the Committee on Armed Services.

By Mr. ROE:

H.R. 12725. A bill to amend section 109 of title 38, United States Code, to provide benefits for members of the armed forces of nations allied with the United States in World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. ROUSSELOT:

H.R. 12726. A bill to provide financial aid for local fire departments in the purchase of firefighting suits and breathing apparatus; to the Committee on Science and Astronautics.

By Mr. RYAN (for himself, Mrs. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mr. CAREY of New York, Mrs. CHISHOLM, Mr. HALPERN, Mr. KOCH, Mr. RANGEL, Mr. ROSENTHAL, and Mr. SCHEUER):

H.R. 12727. A bill to provide supplemental appropriations to fully fund bilingual education programs under title VII of the Elementary and Secondary Education Act of 1965 for the fiscal year 1972; to the Committee on Appropriations.

By Mr. STRATTON (for himself, Mr. HELSTOSKI, Mr. CARNEY, Mr. BIAGGI, Mr. METCALFE, Mr. ROE, Mr. HARRINGTON, Mr. ROY, Mr. McKEVITT, Mr. FORSYTHE, Mr. HOGAN, Mrs. ABZUG, Mr. DERWINSKI, Mr. YATRON, Mr. CLEVELAND, Mr. DAVIS of Georgia, Mr. MIZELL, and Mr. KYROS):

H.R. 12728. 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. TEAGUE of Texas (by request):

H.R. 12729. A bill to amend chapter 11, title 38, United States Code, to increase the statutory rates for certain anatomical loss or loss of use; to the Committee on Veterans' Affairs.

H.R. 12730. A bill to amend chapter 19, title 38, United States Code, so as to provide a statutory total disability for insurance purposes to any veteran who has undergone kidney or heart transplant or anatomical loss or loss of use of both kidneys; to the Committee on Veterans' Affairs.

H.R. 12731. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. VANDER JAGT:

H.R. 12732. 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. WIGGINS (for himself, Mr. SANDMAN, and Mr. STEIGER of Arizona):

H.R. 12733. A bill to amend title 18 of the United States Code to provide penalties for the taking and holding of hostages by inmates of Federal prisons, and for the making of certain agreements with such inmates to secure the release of such hostages; to the Committee on the Judiciary.

By Mr. DELLENBACK (for himself, Mr. McCLURE, Mr. RHODES, Mr. McCLOSKEY, Mr. BOB WILSON, and Mr. TEAGUE of California):

H.J. Res. 1031. Joint resolution to provide a procedure for settlement of the dispute on the Pacific coast and Hawaii among certain shippers and associated employers and certain employees; to the Committee on Education and Labor.

By Mr. HALPERN (for himself, Mr. KOCH, Mr. WALDIE, Mrs. ABZUG, Mr. ASPIN, Mr. FORSYTHE, Mrs. GRASSO, Mr. GUDE, Mr. KEMP, Mr. KYROS, Mr. LEGGETT, Mr. LONG of Maryland, Mr. MAZZOLI, Mrs. MINK, Mr. MITCHELL, Mr. PEPPER, Mr. PETTIS, Mr. ROY, Mr. RYAN, Mr. SARBANES, Mr. ST GERMAIN, Mr. TERRY, and Mr. TIERNAN):

H.J. Res. 1032. Joint resolution designating May 1-7, 1972 as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. HALPERN (for himself, Mr. KOCH, Mr. WALDIE, and Mrs. HICKS of Massachusetts):

H.J. Res. 1033. Joint resolution designating May 1-7, 1972 as "National Bikecology Week"; to the Committee on the Judiciary.

By Mr. HECHLER of West Virginia:

H.J. Res. 1034. 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. KEMP:

H.J. Res. 1035. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

By Mr. DELANEY:

H. Con. Res. 513. Concurrent resolution requesting the President to proclaim Sunday, February 20, 1972, as "Community U.S.A. Anti-Smut Day"; to the Committee on the Judiciary.

By Mr. DULSKI:

H. Res. 780. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

By Mr. MORGAN:

H. Res. 781. Resolution providing for expenses of conducting studies and investigations authorized by House Resolution 109; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ECKHARDT:

H.R. 12734. A bill for the relief of Ngan Sham Kwok Chee Stella; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 12735. A bill for the relief of Abdul Mannan; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BLOOD THAT KILLS

HON. VICTOR V. VEYSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. VEYSEY. Mr. Speaker, for the past year I have been studying blood banking in the United States. In that time I have read dozens of articles in the medical, legal and popular press on various facets of this hidden scandal. The article, "Blood That Kills" in the January 29 issue of the National Observer is far and away the best single description of the problem I have seen.

Mr. Gribbin has researched the problem thoroughly and manages to explain the complicated medical, legal, and social questions involved with a clarity that makes it look simple. Having struggled to explain some of these same problems myself in the past, I know it is not.

As the Observer's editor remarked, this article does not take a "my-gawd-ain't-it-awful" approach but just piles up the facts and tries to give everybody his say. I strongly urge my colleagues, if they read anything on blood banking, to read this article:

[From the National Observer, Jan. 29, 1972]

BLOOD THAT KILLS

(By August Gribbin)

As Howard Schmid prepared to undergo surgery, neither he nor his wife saw reason to worry about his necessary but uncomplicated blood transfusion. They didn't know that many U.S. hospitals routinely use "cheap", possibly contaminated blood from skid-row addicts and bums—blood that can make a simple transfusion riskier than the most delicate surgery.

Like most Americans, the LaGrange, Ill., couple also didn't know that most authorities agree that a national blood program could solve the problem, but that the organizations judged most qualified to set one up oppose this solution. So blood transfusions now kill at least 3,500 Americans and medically injure another 50,000 each year, says Stanford University's Dr. J. Garrott Allen, whom many researchers regard as the nation's leading expert on the blood problem.

Of every 150 patients over 40 years old who receive blood transfusions, one dies, Dr. Allen estimates. Howard Schmid, age 52, didn't know that either.

THE HEPATITIS MENACE

Schmid's heart operation in a Chicago hospital went "beautifully," says Mrs. Schmid. "My husband came home. He was feeling better than he had in years. Out walking and everything. Planning to go back to work."

Three months later Schmid awoke one morning with yellow skin and a 102-degree temperature. "We took him to the hospital. And—he died," says Mrs. Schmid. The cause of death: serum hepatitis from contaminated blood.

Serum hepatitis is one of two main forms of a group of liver infections generically called hepatitis. The other main type is infectious hepatitis. The diseases' symptoms are roughly the same; so are their treatments. But infectious hepatitis, nicknamed "dirt disease," comes primarily from contaminated food and water and shows up most often amid crowding, poor sanitation, and malnutrition.

Serum hepatitis, far more serious, comes principally from injecting or transfusing tainted blood. The blood of persons who have had infectious hepatitis, and their uninfected regular associates' blood, is especially suspect. The malady inflames the victim's liver, causing extreme pain, itching, weakness, diarrhea, nausea, fever, and yellowing of the skin.

Researchers haven't isolated the ultimate sources of serum hepatitis. They do know that its infectious agents flourish in the dirt and squalor of city slums and skid rows. And that's just where many commercial blood banks have set up blood-collection stations.

There commercial blood-bank operators are within easy reach of down-and-out donors and drug addicts who sell their blood for $3 to $5 per pint. Outside of skid-row sections, donors normally get $15 to $20 a pint for common types of blood. Rarer types bring $50, $60, or more.

DANGER IS IMPORTED, TOO

The skid-row banks sell common types of blood to hospitals and to other banks for $40 to $50 a pint. One industry source says they net 100 per cent profit after processing and other costs.

The commercial banks also get such "cheap blood" from prisoners. Like addicts, prisoners frequently lie about past illnesses so they can earn a few dollars or special privileges for giving blood.

Some commercial banks also import blood from such willing sources as impoverished, medically backward Haiti. They extract and sell this blood's highly marketable plasma—which also can cause serum hepatitis.

EVERYWHERE THE DOLLAR

Certainly not all commercial suppliers depend on convicts and derelicts as sources of blood. Many suppliers take extreme care in hiring "donors," who often are robust but cash-shy soldiers and college youths. And of course a tiny percentage of the blood from presumably healthy donors may contain hepatitis.

Richard Dice, president of the reputable, commercial Community Blood Services of Alabama, abhors the questionable practices of what he calls "relatively few blood bankers." Commercial banks vary in quality from place to place, he asserts, adding: "If you really dissect blood donating in this country, you'll find that the dollar is involved everywhere. The Red Cross levies fees for the blood it distributes to hospitals; nonprofit banks charge fees. Both have blood-replacement plans."

Under such plans, banks solicit blood from unpaid volunteers by promising them free blood should they ever need it. Some hospitals, which frequently have their own blood banks, and some nonprofit banks "lend" blood, requiring the user to solicit replacement blood from acquaintances.

NOT ALL BLOOD IS EQUAL

Dice says the difference between the banks is not whether they are commercial or nonprofit, but how conscientiously they operate. Many of his colleagues agree wholeheartedly.

Doctors nonetheless make a huge distinction between "commercial blood," whose donors receive payment, and "volunteer blood," whose donors generally receive no cash. The difference can get fuzzy, because many noncommercial banks pay volunteers for their blood, calling the payment an "incentive." Blood obtained from "incentive"-paid donors sometimes is called volunteer blood.

Unpaid contributors' blood is generally considered much safer than that of paid donors. The promise of pay allegedly induces some donors to conceal disqualifying histories of hepatitis, past transfusions, allergies, or communicable diseases.

Statistics support the theory. Stanford's Dr. Allen reports that in one study blood traced to addicts in prisons and slums was found 70 times likelier to carry hepatitis than is blood from unpaid volunteers. Overall, he says, commercial blood is 10 times likelier to harbor hepatitis than volunteer blood is.

Dr. Allen has been studying blood-transfusion problems since 1945. It was he who first discovered commercial blood's special health hazards. He has published widely. And many medical men regard him as the nation's leading authority on blood donating and hepatitis.

HEPATITIS RISK UNDERSTATED

Commercial blood, which the Government says composes one-third of the U.S. supply, is currently indispensable. Without it, hospitals in some major cities would have to curtail transfusions. So it is almost universally available even to the altruistic volunteer whose blood donations to a non-profit bank entitled him to free, safer volunteer blood.

No blood bank has centers in all states. The Red Cross, biggest of the banks, has 59 centers in 42 states. But the centers may not cover the entire state, and they can't always supply blood. So a volunteer donor requiring emergency transfusion in such areas simply gets what's available; the Red Cross or his own nonprofit bank only picks up the tab.

The common use of commercial blood is the biggest contributor to the serum-hepatitis rate among transfusion patients. Nobody knows just how high the rate is, the Government's Center for Disease Control (CDC) in Atlanta says, because physicians often fail to report serum-hepatitis cases. The CDC says the real hepatitis rate could be 2 to 10 times Dr. Allen's estimate, or 35,000 deaths and 500,000 illnesses a year instead of 3,500 deaths and 50,000 illnesses.

DIFFICULTIES OF DIAGNOSIS

Why the confusion?

First, some serum-hepatitis symptoms resemble those of other illnesses. Thus a doctor may diagnose hepatitis as something else—especially if he doesn't know that the patient has had a transfusion. Second, the disease takes two to six months to develop. After that time, both patient and doctor may fail to connect the hepatitis with a transfusion given while treating another malady from which the patient apparently has recovered.

Mrs. Schmid is suing Rush Presbyterian-St. Luke's Medical Center in Chicago for its alleged "failure to warn us that there might be a danger in using blood from paid donors." Had she known of the danger, Mrs. Schmid says, she could have obtained volunteer blood for her husband, whose membership in a fraternal organization made him eligible for free

blood. Schmid's heart operation required 22 pints of blood costing about $750 total. More than half of it was commercial blood.

Presbyterian-St. Luke's will not comment on Mrs. Schmid's suit beyond acknowledging it. The case has not been scheduled for trial.

There have been enough court cases, including Mrs. Schmid's, to help document and define the extent of the blood problem, but there haven't yet been enough court decisions to do much more.

Last October a jury in Billings, Mont., returned the first jury verdict favoring a victim in a post-transfusion hepatitis case. The jury awarded $32,941.41 damages to a Montana man who was disabled by serum hepatitis after receiving transfused blood taken from a woman who allegedly had hepatitis when she sold her blood to a commercial blood bank for a $5 "incentive." The blood bank is appealing the verdict. Lawyers on both sides agree that the case could become an important precedent.

Stanford's Dr. Allen testified as an expert witness at that trial, which brought to public view some of his mass of data on the blood problem.

Dr. Allen says an all-volunteer national blood program would cut the annual toll of hepatitis deaths and illnesses by 90 per cent. He estimates that hepatitis costs Americans $87,000,000 a year, based on a study of 25,000 patients hospitalized by hepatitis.

THE SYSTEM'S SHORTCOMINGS

Moreover, Dr. Allen says he has evidence that:

Inspection of blood banks under Federal jurisdiction "is minimal because inspectors who visit blood banks often are inexperienced, and even veteran inspectors fail to investigate thoroughly enough."

Despite rules of the standards-setting American Association of Blood Banks, some commercial banks let donors give blood almost fortnightly, ignoring the eight-week recommended waiting period.

Patients who "borrow" blood from hospital banks, replacing it with volunteer blood donated by friends, frequently receive "high risk" commercial blood with neither the patient nor his physician knowing it.

ONE INVESTIGATION'S FINDINGS

Newsmen have corroborated many of Dr. Allen's allegations. NBC's *Chronolog* program last October carried a critical report based on nine months of research. Various newspapers, including the New York Times and the Washington Post, have investigated the blood problem in their bailiwicks. Among the best articles was a series by a three-reporter Chicago Tribune "task force."

The Tribune reporters spent two months digging, says Phil Caputo, head of the team. They sold blood. The next day different blood banks readily accepted them as donors, despite their arms' fresh needle marks.

In Chicago's grimy slums they found "winos who sold blood so often they had scar tissue on their arms," Caputo says. His team interviewed skid-row donors who survived solely on garbage, a diet rendering them easy prey for hepatitis.

The reporters learned from blood-bank donor lists that suspected hepatitis carriers were rejected by one bank and then accepted by others. They found that Scientific Blood Bank, Inc., a Chicago-based commercial supplier, paid skid-row "professional donors" with vouchers cashable only at a nearby liquor store that required what Caputo calls "a sizable purchase, not just a pack of cigarettes."

Scientific paid the same way in Washington, D.C., until it closed down its Capital operation two months ago. Scientific's blood-buying facility, located in a ghetto area, paid donors with $5 vouchers stamped "Cash at Moe's Liquors only."

NO PURCHASE NECESSARY

The owner of Moe's, who doesn't want his name used "because all it'll do is make me catch more hell," says he charged Scientific 25 cents per voucher. "We didn't demand that those guys buy booze," he says. "Sometimes they bought it; sometimes they didn't."

Scientific shut down its Washington operations after local newspapers carried stories about its liquor-store vouchering. Asked by The National Observer to comment, Robert Gallagher, president of Scientific, said: "I don't want to be rude, but I honestly believe anything I say will come out wrong. In the past whenever I've talked to reporters it has always come out wrong."

Rep. Victor Veysey, Republican of California, has been thumping for months for reform of the nation's uncoordinated blood programs. He has introduced a House bill that would impose stiffer, broader Federal regulations on blood banks. Charles Percy, Illinois Republican, and Vance Hartke, Indiana Democrat, have introduced a companion bill in the Senate.

The Veysey bill would establish a national blood-bank program run by the Department of Health, Education, and Welfare (HEW), which would be given regulatory authority over all blood banks. No such national regulation now exists. HEW's Division of Biologics Standards (DBS) polices the 166 banks that deal in interstate commerce and supply most of the nation's blood. But most of the 5,000 American blood banks don't operate interstate, so they're subject only to state and local laws.

PROPOSALS AND ACCUSATIONS

Those laws are anemic at best. Only seven states license blood banks. Only five provide for blood inspection. Seventeen states have no blood-bank laws at all, and in 21 other states the only laws relating to the industry are those exempting blood banks from legal claims of patients harmed by tainted blood.

Veysey's bill would require a national registry of blood donors. It would list known or suspected hepatitis carriers, enabling blood banks to exclude them as prospective donors. And it would require labelling commercial blood as "high risk" and volunteer blood as "low risk." At present, doctors often have no way of knowing the source or quality of blood they give their patients.

The Red Cross has been "lackadaisical" for not expanding and trying to remedy the shortage of volunteer blood on its own, Veysey alleges. Dr. Jack J. Levin, the physician who is assistant director of the Red Cross blood program, says in response:

"We haven't expanded. We get no subsidy from Government and we must consider the others involved in blood collecting. Our program is a little more aggressive so far as efficiency and other things are concerned: This is our main thing. We want to improve what we have before we run off to expand."

A MATTER OF AUTHORITY

Veysey also alleges that the DBS has been derelict in its duty by not requiring that commercial blood be so labeled. He says the DBS has clear authority to order labeling, to bring unregulated banks under its jurisdiction, and to prevent suppliers from accepting skid-row donors.

The DBS says it has no such authority. John N. Ashworth, chief of the DBS Blood and Blood Products Laboratory, says no one in DBS "understands exactly what the congressman and others are inferring in their criticism of us. We have no authority to interfere with private enterprise, but we do take action against blood banks that violate the law."

Forty-three DBS inspectors annually inspect the 259 installations of the 166 DBS-regulated blood banks. They examine equipment such as needles, autoclaves, and blood containers. They check records and monitor the bank's technicians for violations of proper medical techniques.

"In extreme cases of rule-breaking we have gone to court to get compliance," Ashworth says. "We've moved against three to five blood banks in the last decade; maybe it was six banks."

It was four. That's the total number of serious watchdog actions against blood banks since regulation began in 1902.

Veysey doesn't think DBS does enough. In fact, his bill stipulates that DBS shall *not* operate the proposed national blood program.

The transfusion-hepatitis risk would be minimal if doctors had an infallible laboratory test to detect serum hepatitis in blood. They don't, although many thought the Australia antigen was it. The antigen, first found in an Australian bushman, causes an observable reaction when introduced into blood containing serum hepatitis.

Last October the Association of American Blood Banks, which represents 1,500 commercial and nonprofit banks, ordered all its members to use tests based on the antigen. The DBS also required such tests. But researchers have found that the Australia-antigen test detects hepatitis only 25 per cent of the time, so the search for a more reliable detector goes on.

Because hepatitis detection is still unreliable, many authorities say the only solution to the nation's blood problem is to use only low-risk volunteer blood nationally. And this, most agree, means creating a national blood program under a single agency.

The Red Cross, which ran the nation's blood program during World War II and afterward and is still the biggest blood banker, doesn't want the job. "I'm not so sure we could handle a national program." Dr. Levin says. "Even if we had a subsidy it would be difficult to recruit people to do the job."

NATIONAL PROGRAM OPPOSED

The Red Cross concedes the need for a national program. But besides declining the job itself, it isn't supporting Veysey's bill. In fact, officials of some autonomous state Red Cross chapters are lobbying against the bill. Some observers say these officials see a national system as a threat to their own blood collecting.

Commercial banks oppose the idea of a national system too. So does the blood-bank association. "We oppose a monolithic system. It would stifle research and creativity," says Mrs. Bernice Hemphill, a spokesman for the American Association of Blood Banks and head of the big, nonprofit Irwin Memorial Blood Bank in San Francisco.

Blood banks could supply enough volunteer blood by switching to other donor-recruitment systems, she says. Since last October, she adds, the Irwin bank has supplied only unpaid volunteers' blood to the 59 hospitals it serves.

Dr. Allen ascribes another motive to the association's opposition. The association vehemently denies his accusations, but he insists that:

"The 'nonprofit' blood banks make huge profits and want to protect them. I know: I had the embarrassment of running a bank that made such profits. The current fee structures make it practically impossible not to clear money."

Dr. Allen says the blood banks camouflage their excess profits by paying $50,000-a-year salaries to key executives. And he alleges that much of the banks' research grants goes to their own researchers. "There's no competition for the money as there would be if the grants were awarded impartially by the National Institutes of Health, for example," he says.

This sort of squabbling has provoked at least one clear, firm decision from a powerful sector: the 14,000,000-member AFL-CIO, which has co-operated closely with the Red Cross since World War II and which wants a national program begun.

Leo Perlis, head of the AFL-CIO's Department of Community Services and an activist in blood programs for more than 25 years, told The National Observer:

"The AFL-CIO is going to give the Red Cross one more year. If we don't see it improve its blood program, we're going to start lobbying hard to set up a national system without it."

"We're not only concerned with hepatitis, bad as it is; we're concerned about the nation's values," Perlis adds. "It's about time we stopped thinking we can buy and sell every single thing. My God, when we start selling the blood from our bodies—and contaminated blood at that—we're going off . . . well, words fail me."

Words don't fail Richard Titmuss, the British author of *The Gift Relationship*, a recent book on blood donating. He sees the American blood controversy as a moral issue constituting "one of the ultimate tests of where the 'social' begins and the 'economic' ends."

Titmuss argues against considering blood a commodity to be bought and sold. To him, "Freedom from disability is inseparable from altruism." Many Americans are beginning to agree, if only because good blood is perhaps one thing the dollar just can't buy.

POSTSCRIPT FROM THE EDITOR

A word of caution: If a fellow named Gus Gribbin comes around to question you, don't underestimate him. He looks a little fragile. But what you don't know is that he runs 20 minutes a day, goes in for calisthenics, and probably is in better shape than you are. His manner is mild and innocent. But by the time he has finished talking with you and two dozen other people he just might know some things about your business that you don't.

I have been studying Gus, with admiration and puzzlement, the whole year since I took on this job. I have decided, tentatively, that maybe he really is just an ordinary average guy—but one who has plunged into life with such zest and persistence that he is an extraordinary person and a superlative journalist.

He's a worker. After whirls at grocery clerking and assemblyline inspecting, he began news work at age 18 (with the Baltimore Sun) and has been at it full-time ever since. In his off-hours, though, he picked up two college degrees (B.S. from Loyola; M.A. from Maryland U.), which I must confess is double the number I hold. When The Observer was launched a decade ago, he was among the first aboard, and he's done nearly every chore around, from photo editing to book reviewing. His reporting has taken him around the land and, quite literally, under the sea.

His greatest flair, though, is spotting topics that get to the guts of readers' personal concerns, and digging right down to the bottom of them.

I suspect you've noted the Page One article in this issue; Gus tells what might be wrong with the blood that could go into your veins. During the past year he has explored on your behalf such varied matters as the perils of big-rig trucks thundering behind you on the highway, shoddy marriage counseling, misbranded and adulterated drugs, supposedly scientific auto clinics that give dubious diagnoses, the pros and cons of the vitamin C boom, the psychological jujitsu of some advertising.

Since all this contributes to our specialty—reporting on the business of living—I encourage Gus to follow a story wherever it leads, and often to name names. When he tackled a major story on consumer complaints against mail-order businesses, one trail inevitably led him back to The Observer itself—for our own publication is sold by mail, and prints mail-order ads for others. Sure, we felt pain when Gus put our human imperfections into print, just as others feel hurt.

But Gus never takes a my-gawd-ain't-it-awful approach. He just piles up the facts, and tries to give everybody his say. Sometimes that means clearing a business reputation, as when Stokely-Van Camp was falsely suspected of canning beans containing botulinum poison. It has even led him, repeatedly, to tick off business complaints against you and me as customers. In an age of consumerism, how dare he?

HENRY GEMMILL.

ANGEL'S HAVEN—HOME FOR MENTALLY RETARDED CHILDREN

HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE SENATE OF THE UNITED STATES

Thursday, January 27, 1972

Mr. BEALL. Mr. President, too often we take for granted the miracles of life, realizing our own good fortune only when faced with the harsh realities of another's misfortune. Such a cruel twist of fate is mental retardation. We can read, write, speak, walk unassisted, and go through life responding without difficulty to what we consider everyday living. But for too many Americans, these activities are extremely difficult, if not impossible. Nearly 2 percent of our population is diagnosed as mentally retarded. Most of these victims of nature's unpredictability are children, doomed from birth to face life profoundly retarded, with little capability for training or education. The most important question, therefore, for those of us who have been much more fortunate, is what can we do to help.

There is, however, a solution for these children and that solution is residential homes for the mentally retarded. These homes offer the personalized care and affection that a large institution cannot. One such place is Angel's Haven, a nonprofit, nonsectarian home in Glen Burnie, Md. Angel's Haven has a unique story that illustrates just what human care and dedication can accomplish. It offers a model not only for residential homes for the mentally retarded, but also for what two people totally committed to helping others, can do.

Angel's Haven was established 11 years ago by Mr. and Mrs. Nick Spiro, seeking companionship for their own adopted child, "Angel," who was severely mentally retarded and epileptic. The Spiros, after many visits to clinics and doctors who advised institutionalizing Angel, decided in 1960 to move to the country and bring other children into their home. They had neither money nor technical skill, but they did possess a greater quality—love. With this as their foundation, Angel Haven was created.

Angel Haven has come a long way since its inception. Now Angel Haven boasts of an eight room home, built by the Spiros, with additions of extra bedroom, bathrooms, a dining room and an examination room. Its purpose is to provide a home atmosphere with a high degree of attention for the children. Along with tender care, their philosophy is simply the utilization of the three R's—reassurance, relaxation, and repetition. Clearly, Angel Haven has proved effective in the care of mentally retarded. Now we, throughout the country, must get behind all the Angel Havens of America, and help the people who so lovingly help others.

I ask unanimous consent that the text of the pamphlet "Angel Haven" be included in the RECORD, so that my colleagues might have the opportunity to read of its fine accomplishments.

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

INTRODUCTION

Through the miracle of life itself, a great majority of our society never knows the cruel twist of fate that is mental retardation. We can read, write, speak, walk unassisted, and go through life responding without difficulty to the normal stimuli that we call everyday living, because we were born without arrested mental development . . . mental retardation!

In most cases, mental retardation strikes children. National statistics are astounding. Nearly 2% of the population is diagnosed as mentally retarded with 98% of the retardation from birth defects leaving the child, a victim of nature's unpredictableness, to face life being categorized . . . profoundly retarded, custodial, low-trainable, trainable or educable. They are left to face life not knowing they are retarded, not knowing that some people call them vegetables and claim there's no use wasting time with them, not knowing the anxieties and fears and tensions that all normal persons live with and accept as the great challenges of life. They are left to face life being misunderstood in improper home surroundings or placed in state institutions long overcrowded and understaffed.

DEDICATION

Fortunately, there is a solution for these children, and that solution is residential homes for the mentally retarded. In the United States, more than 200,000 mentally retarded individuals live in residential homes that are publicly operated. Angel's Haven, a non-profit, non-sectarian home in Glen Burnie, Maryland, is just such a place.

"It is a fine place," says Dr. Ruth Baldwin of University Hospital's Seizure Clinic. "Residential homes are so much better for children like this. An institution is so big and has so many to take care of."

Angel's Haven was established 11 years ago by Mr. and Mrs. Nick Spiro who sought companionship for their own retarded child, "Angel." In short, Grace and Nick are the epitome of dedication. They have truly committed themselves selflessly for these last 11 years so that 25 mentally retarded children of all ages up to 21 could find love and security and the best possible life.

ANGEL'S HAVEN BORN

As a physical property, Angel's Haven started as a converted chicken coop back in 1959. After one year of cramped living, the Spiros built an eight room home, which eventually saw three additions, including a dining room, bathrooms, more bedrooms for the expanding enrollment, and lastly, the addition of an examination room. Today, Angel's Haven stands on an acre of ground surrounded by a sudden suburban sprawl; in the main building are all the normal facilities of a hospital and the shaded yard is designed for exercise and play.

Mrs. Spiro hails from a family of sixteen that grew up in the poverty of a Pennsylvania coal mining town, and early in life learned the meanings as well as practice of the words humility and sharing. It was during a visit back to her hometown of Shamokin nearly 20 years ago that Angel's Haven, quite unknown to the Spiros, got its start.

While seeking out old friends, Grace met an old school chum, who in childhood had

been her envy. There in the basement of an old tenament, hunched and working over an old fashioned wash machine was the once beautiful and fastidious friend, now broken in body and spirit. In place of the wealth of a time gone by was an infant child in a cardboard box and five other children needing care and attention from a busy mother and a father having long since deserted.

"I'll take the baby for a while," Mrs. Spiro said. "You have enough to do."

Back to Baltimore came the Spiros with a beautiful, blonde, four month old baby girl, Katherine, as a foster child. Thus began a drastic change in the lives of the Spiros. A few weeks later, while being fed her lunch, the baby jerked and slumped forward in her high chair. Fortunately, the family doctor was just a few doors away, and the following morning he had the child in the Johns Hopkins Clinic. The diagnosis . . . tuberous sclerosis . . . in short, this lovely little girl was both severely mentally retarded and epileptic. The deep sleep following these attacks was the basis for the statement by Nick Spiro that "she looks as peaceful as an angel," and from this, the name Angel was derived. The Spiros officially adopted Angel at the age of three to save her from a lifetime in an institution. It was in August, 1960, after many visits to clinics, and doctor after doctor, being told by all to institutionalize Angel with others of like ability, and complaining neighbors that the Spiros decided to move to the country and bring other children into their home for companionship. The Spiros, dedicated to the tradition of doing rather than talking, and equipped with neither money, degrees nor engineering skill, but with a shoestring, a prayer and a love stimulated and nurtured originally by Angel, they created Angel's Haven, a resident home for the mentally retarded.

LOVE AT WORK

The concept of a small resident home is becoming widely recognized as one desirable approach to caring for retarded children. Angel's Haven's purpose is to provide a home atmosphere with a high degree of personal care for the children. Along with tender, loving care the Haven's philosophy is simple, let direct; concise, yet enveloping: the Spiros and the staff at Angel's Haven follow the three R's: reassurance, relaxation and repetition. In this atmosphere, it is being proved that these children can be trained and helped.

Above all "love is the answer," Grace Spiro says. And the visitor to Angel's Haven finds it reflected in the eyes of the children, who approach shyly, wanting to touch a necktie, to hold a finger tightly in a tiny hand—not many can talk at all—not many cry either—but they somehow feel, and then you too feel and think and thank Grace and Nick Spiro for the years and years of helping hands for helpless children.

GROWTH IS EVIDENT

Therapy equipment is part of the Spiro dream that costs too much money. Walking devices and whirlpool baths and other health building aids could produce, perhaps, many more miracles at Angel's Haven.

As all things that begin small, Angel's Haven now needs to expand. Consequently, it was recommended that Angel's Haven enlarge and improve its present facilities and become a complete residential home with ultra modern equipment and room for 11 more young children. The expansion, fourth in the Haven's 11 year history, will add a new wing as well as completely renovate the existing structure. The home will then have larger sleeping quarters, a dining room to serve the increased enrollment, an activity room with the space essential to the special needs of the children, and a therapy examination room.

Yes, this venture that started on a wing and a prayer 11 years ago is ready to build and open its doors and take in children that will have a happier life. "People pay what they can and charity groups have been wonderful to us," Grace Spiro says. "But we have dreams now and dreams always seem to cost more money than we have."

SELF-EXPRESSION

Look inside yourself, then admit yes, I can read, write, speak, walk unassisted, and fortunately live life to the fullest. Now let true human stewardship direct your gift to help children that have a right to the best life they can have.

Angel's Haven, once a dream, once a chicken coop, perhaps in a phrase, the Haven is dedicated . . . dedicated to the retarded . . . giving security, care, food, clothing, shelter and love to the mentally retarded child. Send your gift today in the true spirit of humans understanding helpless children, so that a selfless dedicated home and staff may continue to care for and serve mental retardation.

Angel's Haven . . . where love is a never ending gift.

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Mrs. Grace Spiro, *Founder and Director.*
Mr. Nick Spiro, *Founder.*
Mr. Harry L. Gladding, *Chairman of the Board.*
Dr. Ruth Baldwin.
Dr. Joseph B. Francus.
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POLAROID'S PROGRAM IN SOUTH AFRICA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. BINGHAM. Mr. Speaker, the Polaroid Corp. has been conducting a most interesting experimental program in South Africa. Recently the company reviewed its experience with that program and decided to continue it. I insert herewith the company's report dated December 30, 1971:

A REPORT ON SOUTH AFRICA

About a year ago Polaroid Corporation undertook an experimental program in South Africa. We were challenged to stop selling our products there as a gesture of opposition to the apartheid system of that country. A committee of black and white employees at Polaroid was formed to study the question. They sent four members of their group (two black and two white) to South Africa to gather information first hand and to talk to black South Africans. This group returned with a recommendation which the company adopted. We publicly stated our abhorrence of apartheid. We stopped sales of Polaroid products direct to the government. But we decided not to turn our backs on the problem. We would continue our business and attempt to achieve some basic improvements in the lives of black people there. This is a report on that experiment.

Since it was to involve the areas of employee benefits and education, both stringently restricted by the *apartheid* system, the assumption was made by some that the government of South Africa would actively oppose this program, perhaps take punitive action of some sort against us or our distributor there, Frank and Hirsch (Pty.) Ltd. This did not happen. There was no overt government opposition to any of the steps we have taken. Our distributor's business (which includes cameras, film and sunglasses) has continued with no adverse effects.

What specifically did we do in South Africa? Our first step was to ask the distributor and his associated companies (Polaroid has no company or investments of its own in South Africa) to improve "dramatically" the salaries and benefits of their non-white employees. This has been done with diligence and some success. The principle of the same pay for the same job has been accepted and announced publicly. The average monthly salary including bonus for black employees has increased 22%. Individual increases have ranged from 6% to 33%. The average is now 91 Rand (about $127 a month) up from R75. The minimum wage including bonus has been raised to R70. Whereas there were 98 black employees in the lowest salary category a year ago, there are only 39 there now. Twenty-one black employees (out of a total of 151) now make more than R130 per month (about $182). We feel that further progress is possible in this area. Wage discussions including Polaroid, our distributor and the Black Employees Committee of that company have already taken place regarding next year.

Eight black supervisors have been appointed during the course of the year in the Computer, Administration, Services and Distribution departments. One of the first black computer operators in South Africa is one of this group. Some of these positions were formerly held by whites. The black supervisors are being paid on the same pay scale as their predecessors. In addition two men have received instruction outside the company to qualify them to run on-the-job training courses.

A pension plan with death benefits is already in operation with equal provisions for blacks and whites. Our distributor has also set up a plan that will pay the educational expenses of children of black employees as well as for vocational or scholastic training fo the employees themselves. A loan service for black employees is in operation and applications are now screened and recommended by the Black Employees Committee.

A second smaller company associated with our distributor has also instituted wage increases for its black employees of from 16½% to 33⅓%. They have adopted pension and educational aid plans similar to the distributor's.

Another of the goals of our experiment was to create some mechanisms for change in the area of black education. In addition to the steps taken by our distributor and his allied company to aid the children of black employees, we have attempted three specific programs. A grant of $15,000 has been made by Polaroid to a black organized and operated institution, the Association for the Educational and Cultural Advancement of the African People of South Africa (ASSECA). This group was formed to encourage and improve black education in South Africa. The grant has provided funds for staff, transport and administration. ASSECA has embarked on several ambitious schemes in the past year including coaching class for high school examinations, lobbying for new classrooms to be built in Johannes-

burg, and a million Rand fund drive to aid black students.

A second grant of $10,000 was made to the U.S.-South Africa Leader Exchange Program, a private, non-governmental organization. Under this grant two black South Africans and their wives have come to America for an extended period of travel and study. Mr. Seth Manaka, who has a Masters degree in library science, spent three months in this country and visited libraries in 14 cities across the country. Dr. Noel Manganyi, a clinical psychologist, is currently here visiting hospitals, clinics and universities in various parts of the country.

A third grant of $50,000 (derived, as were the others, from profits earned by sales of our products in South Africa) was used to establish a foundation to underwrite educational expenses of black students and teachers in South Africa. This foundation, called ASSET (American-South African Study and Educational Trust) was organized in May, 1971.

Its trustees include some of the most distinguished black leaders in South Africa: Mr. M. T. Moerane, Editor of *The World*; Chief Gatsha Buthelezi, Chief Executive of the Zulus; Mr. R. S. Naidoo, President of the Natal Indian Teachers Association; Professor W. M. Kgware, Professor of Psychology, University of the North; and Mr. David Curry, a leader of the "colored" community. There are two white members as well, Mrs. Helen Suzman, Progressive Party Member of the South African Parliament, and Mr. Helmut Hirsch, Managing Director of Polaroid's South African distributor. ASSET has made a promising beginning. In its first nine months it has given scholarship grants to 679 students from all the major regions of South Africa. Recipients have included blacks, "coloreds," orientals and Indian students at all levels from high school through college and postgraduate study. Teacher training and vocational training have also been funded. Another 2,000 students have benefited from five special grants made for teacher's salaries in various schools. The number of applications for aid, however, has been overwhelming. ASSET has hardly scratched the surface.

We have also participated in the formation of a black owned and operated distribution company in Nigeria (another of the goals we set for ourselves). The company has been operating out of Lagos since September.

This, then, is what the Polaroid experimental program has accomplished in the year it has been in existence. But what effects has it had? What conclusions have we drawn? What is the future of such a program?

Its effects have been quite visible in press reports from South Africa, England, Canada and the U.S. Apparently Polaroid has been the first company from any country to take a public stand against *apartheid* and for the improvement of black working conditions in South Africa. Literally thousands of articles and editorials have been written about the "Polaroid program." Reactions have ranged from applause and support to thoughtful criticism to revolutionary rhetoric. In South Africa the press (which is not controlled by the government) has enthusiastically reported every detail of the program to its readers.

What have other companies done? One of the most important announcements in recent months came from the two largest international banks in South Africa, Barclay's Bank and the Standard Bank, stating that they would pay black employees the same rate for the job as white employees. About 400 black workers are affected. A major American automobile manufacturer also announced recently that they will pay equal wages for equal work, regardless of color. To date, however, whether they have instituted changes or not, most companies in South Africa have been reluctant to make any public statement of their current or future wage policies.

Polaroid has received inquiries from many American companies asking what difficulties we have encountered in South Africa and what pressures have been brought to bear on the implementation of our plans. The answer is simple. We have encountered no major difficulties, have faced no pressures that would alter what we have hoped to achieve. On the contrary, we have been surprised at how much progress has been made in a relatively short time.

Two comments that have come to us in recent months have helped to crystalize our feelings on the complex subject of South Africa and our presence there. Alan Paton, novelist, poet and a leading South African liberal, spoke at the Harvard Commencement in June.

"I'm often asked the question as to whether Americans should withdraw all investments in South Africa. I know this view is strongly held by some, and I respect it, but it is not my own. If those American enterprises in South Africa—and there are not a great many—and here I am quoting from the statement of the Polaroid Corporation entitled 'An Experiment in South Africa', would improve dramatically the salaries and other benefits of their non-white employees then I have no doubt that this would exert a moral pressure on South African employers to do the same . . . Therefore I stand not for the withdrawal of American investment, but for this dramatic improvement in salaries and benefits."

The second was from a black African worker who met our four employees when they were in South Africa. He recently wrote a letter to one of the members of the group.

"The Polaroid program has brought about great ferment in this country and many people seem to be trying to do something about improving the lot of the African people. We have had the case of (a large) bank, which gave a directive to its employees to accord African people the same courtesy accorded the other racial groups. The policy makers of that institution banned the use of the appellation 'boy' or 'girl' when addressing adult Africans. We are to be addressed as Mr. or Mrs. now. . . . What was started by Polaroid is gaining momentum and if it goes on in this way we hope that sanity may eventually be restored to our troubled country. . . . Among the African people, the 'experiment' has been applauded and . . . become the talk of the townships. This I have been able to get from people personally. . . . We would like to repeat what we said to you in December, that we are totally opposed to (your) withdrawal from South Africa. What has happened has in fact been the thin edge of the wedge, which will—we hope—lead to a breakthrough."

We share this hope also. In our opinion relatively little has happened prior to this experiment that could encourage hope for change. The alternative courses of action, after close examination, seem equally bleak to us. Although in a year's time the visible effects on other companies of our experiment have been limited, the practical achievements in salaries, benefits and education have shown what can be done. In this respect the experiment has exceeded the expectations of many. Therefore, we have decided to continue our program in South Africa.

ARTIFICIAL LEG NO HANDICAP FOR HIGH SCHOOL BASKETBALL PLAYER

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, January 27, 1972

Mr. JAVITS. Mr. President, an article by sports writer Jim Greenidge in the January 17 Albany Knickerbocker News Union-Star illustrates well the contention that, given the opportunity, the so-called handicapped can hold their own with the full bodied and underlines dramatically the reasoning behind campaigns to "hire the handicapped."

Mike Coons has an artificial leg. Mike Coons also plays basketball with the Schoharie Central High School team. While he, according to his own admission, is not a star basketball player, there can be little doubt that he is a star athlete. And a good student, too.

Is it Mike Coons, the 17-year-old with the artificial leg who tried out for—and made—the team who is handicapped and who merits our sympathy or is it those who, with all their advantages, just will not try?

To Mike Coons goes our admiration and congratulations. His "handicap" will, I am certain, be a steppingstone and not a stumbling block.

I ask unanimous consent that the article to which I have referred be printed in the RECORD.

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

HE SHOULD FEEL PROUD OF TRAVELING VIOLATION

(By Jim Greenidge)

What's that? You have a jammed thumb and your ankle feels a bit weak? Before you start complaining, stop and think about Schoharie Central High basketball player Mike Coons.

The 6-1, 175 pound Coons has every right to complain and alibi, but you'll never hear anything but a cheerful word or see anything but a gleaming smile from him.

Coons, a senior guard in his first year of high school competition, has an artificial leg. Born 17 years ago with a deformed right leg, it was amputated when he was very young.

He now has a flesh-colored plastic-coated wooden leg, which straps on to his thigh and extends from the knee down.

One thing Mike doesn't want, though is sympathy.

"Mike doesn't consider his leg as being handicap," says Schoharie basketball coach-athletic director Vince Dutkowski. "He does every drill the other players do. He doesn't try to beg his way out of anything.

"He runs wind sprints along with the other players," continued Dutkowski, who came to the school in September from Our Lady of Lourdes in Poughkeepsie. "In fact, one day in practice he beat one of the other players."

Coons, who maintains an 86 average scholastically, has seen action—although very limited—in all but two of the team's eight games. The team has a 3-5 record.

He had to miss the club's first outing because he was late in getting his physical and had to wait until he had the proper number of practice sessions before playing his first game.

"Mike would drop by the gym nearly every day to watch the early pre-season practices," said Dutkowski, recalling how Coons came out for the team. "I knew him through my gym class and I asked him to come out for the team."

"I checked with the State Education Department to see if it was okay medically for him to come out," said Dutkowski, and although they said they wouldn't recommend it, they said it was up to Mike's parents and the school doctor."

Mike, who wants to become a sportswriter or sportscaster, says he has been playing playground pick-up basketball games with his pals "as far back as I can remember."

"I always wanted to try out for the team," Mike continued. "I thought about it in other

years, but I just never did. But when coach Dutkowski came he gave me a chance.

"Coach Dutkowski told me before the season started that I really wasn't going to get that much playing time because he wanted to do a lot of running and plus I knew I wouldn't be of much help playing a pressing defense.

"But I don't mind sitting on the bench, especially if our team wins the game. "I just like to get out and practice with the guys."

"Mike is the kind of person who doesn't feel insulted if he's only able to get in for 20 seconds of a game," says Dutkowski. "He's just happy to dress with the team and glad to be here with the club.

"I know he has a burning desire eating his insides in want for more playing time," Dutkowski went on." And I'm certainly not carrying him on the team to decorate the bench. He's no freebee. He knows, though, I'm rebuilding for next year."

Mike is especially strong against zone defenses, says the coach.

"Mike can certainly pop them in if you give him any kind of room to shoot," Dutkowski said of the southpaw jumper shooter. "His favorite shot comes from the top of the key where he hits on nearly 50 per cent of his shots."

Coons has some difficulty on defense, though. "I can't go in my weak side (to the right) that well," he says. "My man is able to get a few steps in front of me.

"When I played my first game I was really nervous." Coons went on. "It was against Greenville and I knew there were people watching me and my leg, but I feel there are a fewer number of people focusing on me each game now."

Mike scored two points in that first game, his average for the season. "I really don't take that many shots," he says. "Maybe I'll take two or, at the most, three a game.

"I certainly didn't expect to be any kind of a star when I came out," he added. "I used to go to a lot of the games in the past years to watch. One thing's for sure it's certainly harder than it looks from the sidelines.

Veteran Berne-Knox coach Pete Shaul remembers the crowd's reaction to seeing Coons limp on to the court when the Indians played Berne.

"There was such stillness you've never heard before in the gym, says Shaul. "No one said anything. They just looked."

"There's a lot of pressure on Mike when he goes into a game," says Dutkowski. "And it's not the same kind of pressure you or I might experience if we were to go in.

"The kids on the team love Mike" said Dutkowski. "He's really an inspiration to everyone. The sixth, seventh and eighth graders look at Mike and say to themselves: 'I'm going to give it a try.'

"The best way to describe Mike is to say he's an honest, sincere, hardworking person who is always smiling. I don't think there are enough adjectives to describe Mike."

There aren't nearly enough sports to keep him busy, either.

Coons was the second man on the school golf team last year, with an average in the mid-40s for nine holes. He swims most every day during the summer and is also an avid bowler wtih a 145 average.

Mike has also become quite proficient in riding a unicycle, which he took up four years ago. He's forever riding one of his two snowmobiles. He also plays softball, pingpong and likes fishing and hunting. He plays the guitar (favoring the pop tunes) and works on a farm during the summers.

"There's no question that he has a tremendous amount of guts," says Berne-Knox' Shaul. "He's really some person."

"Yes," echoes Schoharie's Dutkowski. "He'll try anything and everything."

AMDOC

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. SCHMITZ. Mr. Speaker, at a time when we hear a great deal of criticism of the medical profession, there is a special need for us all to be aware of the work doctors are doing on their own, without personal profit or the sponsorship of any Government program, to help meet critical medical needs all over the world. In the forefront of this work is a remarkable organization known as AMDOC.

AMDOC, which stands for American Doctors, is a nonsectarian, nonprofit, nonpolitical organization which arranges for doctors to serve short-term assignments abroad. AMDOC was founded by Paul Williamson, M.D., some 8 years ago. Its president is William Van Valin, M.D., who spent considerable time with Tom Dooley, M.D., and was a volunteer at Lambarene, Gabon, central Africa with Dr. Albert Schweitzer. The acting executive director is Tad Lonergan, M.D. The program concentrates on assisting and providing medical services in the emergent nation throughout the free world. AMDOC's function is twofold: It establishes the need for an American volunteer doctor and then finds the right man or woman to fill that need. Paramedical personnel are also provided in the same manner. The AMDOC program has been in operation worldwide for the past 7 years—finding the right doctor for a given hospital or institution. In 1970 AMDOC placed 134 doctors in 24 countries—treating over 430,000 patients. Treatment includes everything from minor ailments to complicated surgical procedures. AMDOC physicians served in the Peruvian earthquake disaster—AMDOC paramedics were among the first on the scene providing skills, supplies, and compassion for the sick and injured. The good will created and monetary value of their work is impossible to estimate.

The basis of this program is the principle that private enterprise—medical technology, in this case—using its own initiative, can make a substantial contribution to the needs of the world today—without Government subsidy. The program's measuring stick for help is: First, genuine need; and second, local leadership to work with AMDOC volunteers. AMDOC does not own or operate hospitals, clinics, dispensaries, or orphanages. Working with the sound self-help principle, the recipient institution provides facilities, equipment, and personnel to assist the doctor while he serves. A skilled American doctor during his tenure has personal contact with patients of another country in a genuine people-to-people program that will bear fruit long after his return home.

A physician willing to accept an AMDOC assignment serves a specific length of time—from 4 weeks to 12 months. He pays his own travel and living expenses plus those of his family, if he wishes them to accompany him. Each doctor in the AMDOC program practices without compensation. Those doctors, however, who may take an assignment for longer periods—1 to 5 years—usually will receive some compensation and reimbursement of travel expenditures from the hospital or clinic which he is serving. On his return from abroad he renders a detailed report on location, medical situation and other vital statistics for AMDOC's records. In some rural areas 15,000 to 100,000 natives are served by one hospital. During his assignment the AMDOC volunteer physician is able to assist in local medical programs by sharing new techniques, teaching students, encouraging public health practices, relieving overworked rural doctors and supporting long-term medical programs operated by religious and voluntary agencies.

The newest program permits medical students to accompany a doctor on his assignment. On this preceptorship basis the student works in a foreign hospital under supervision of the AMDOC physician; in some cases he may serve under a local resident physician. Students who apply are first thoroughly screened by the dean and faculty of their medical school.

Members of the AMDOC operating board are medical men with similar experience and businessmen skilled in finance and administration. On AMDOC's working board are doctors from many different States who have served on one or more AMDOC assignments. Their advice is sought whenever questions arise concerning the area overseas where they have practiced. All of these doctors serve in an honorary capacity because they realize the importance of improved medical standards in developing areas of the free world and they are aware of the contribution that AMDOC can make toward furthering an atmosphere of good will and peace.

Every AMDOC assignment calls for research at both ends of the spectrum and judgment based on experience. There is no doubt that the 134 doctors who volunteered in 1970 have contributed to the goals of AMDOC, but the number of doctors willing to accept assignment far exceeds the number that administrative dollars were able to send. Compared with the number of hospitals in need, the figures are totally inadequate. The Peruvian earthquake operation cost over $25,000 for supplies and equipment alone. These costs were assumed by a few dedicated doctors so that the organization could continue to try to meet current demands from its one source of income—donations from private individuals. AMDOC is an all-volunteer agency with one paid employee and with a minimum of overhead. AMDOC is not an expensive government program with red-tape and large grants. Each dollar invested grows a hundredfold on a concrete basis of understanding, good will. and knowledge shared.

THE MEANING OF THE 6-PERCENT UNEMPLOYMENT RATE IS NOT SELF-EVIDENT

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, January 24, 1972

Mr. ANDERSON of Illinois. Mr. Speaker, recently the Wall Street Journal carried a front page article by its able correspondent, John O'Riley, which sheds some important light on the unemployment rate that stuck at about the 6-percent level for most of 1971. In the past, we have tended to view an unemployment rate of this magnitude as indicating the presence of substantial slack in the economy and widespread joblessness among primary breadwinners. However, in recent years there has been a steady shift in the composition of the labor force so that women and teenagers comprise a much larger portion than formerly. Since the range of job opportunities open to these workers is generally narrower than that for prime age male workers, and since they tend to move in and out of jobs more frequently, it is not surprising that unemployment rates for teenagers and women are significantly higher. This shift in the labor force to a larger proportion of higher than normal unemployment-prone workers is clearly indicated in the following breakdown of the jobless pool for the years 1958, 1961, and 1971, in each of which the unemployment rate was 6 percent or greater:

COMPOSITION OF UNEMPLOYED LABOR FORCE

Year	All 16- to 19-year olds		Males, 20 and over		Females, 20 and over	
	Total	Percent	Total	Percent	Total	Percent
1958	678,000	14.7	2,682,000	58.3	1,242,000	27.0
1961	828,000	17.6	2,518,000	53.4	1,368,000	29.2
1971	1,365,000	26.2	2,141,000	41.1	1,710,000	32.8

Source: Handbook of Labor Statistics, 1971.

Thus, just in the last 14 years we have moved from a point in which males over 20 years of age comprised almost 60 percent of the unemployed labor force, to a situation today in which they account for less than 45 percent of the jobless pool; as the table indicates this slack has been accounted for largely by a dramatic rise in the share of unemployment attributable to teenage workers and to a more modest increase in the portion represented by adult female workers.

The point of this analysis, though, is not to suggest that we should be complacent about the current high levels of unemployment. As Mr. O'Riley noted in his article, "The 6.1 percent unemployed figure is not one to be happy about." But these figures do have an important bearing on the type of public policy response we make to an admittedly unacceptable condition. To be specific, it can be questioned whether major additional inputs of fiscal and monetary stimulus are the correct approach to reducing an unemployed labor pool of the makeup indicated above. The likely result of such a course would be the creation of inflationary wage pressures as employers bid for a short supply of skilled, primary breadwinners before we have made significant progress in reducing the unemployment levels among more marginal teenage, and to some degree, female workers. The more appropriate response, in my view, would be improved manpower training policies designed to produce a better match between the needs of a changing dynamic economy and the skills of the work force. At this point in the RECORD, I insert Mr. O'Riley's article in its entirety:

THE OUTLOOK—APPRAISAL OF CURRENT TRENDS IN BUSINESS AND FINANCE

Unemployment. Of all the economic numbers tossed about with minimal understanding these days, the one representing the unemployment rate probably tops the list of the most-used and least-comprehended. Few political speeches can do without it. Reformers trumpet it. Talk about it is heard from the pulpit and in the seminar. It besprinkles the chitchat of the cocktail hour. Even school kids refer to it. But there is, withal, much more talk than clear though on the subject. And maybe another try at keeping it in perspective is warranted.

Fluctuating within a fraction of a point for more than a year, the much-mouthed figure now stands at 6.1%. Contrasting this with manpower-tight wartime rates (more men in the armed services, more workers in defense plants), most commentators seem to take it for granted that this represents a very bad situation indeed.

But others are beginning to wonder. Looking about them for other evidences of really large-scale joblessness, they find themselves confused. The following paragraph reflects this confusion. It is excerpted from a letter among those flowing across this writer's desk.

"There is something wrong—radically wrong—with the unemployment figures. With all the unemployed reported, it would be reasonable to assume that you could get a car washed, that you could get a house painted, that an electrical contractor could hire helpers, that it would be possible to employ people for clerical positions such as bank clerks. . . . But I have checked many sections of the country and they all report the difficulty in finding people *to take jobs*."

The letter writer may be guilty of exaggeration. And his cross-country survey may have been less than scientific. But he has a point. And it is this: Sure, there are people out of work today—there always are. But is the situation now anything like as bad as it is commonly painted? And if it is indeed so bad, why is it that would-be employers so often find it hard to hire people?

These questions aren't easy to answer. But an honest effort can be made.

The best starting point is a look behind the 6.1% figure at the total number of people classified as unemployed, and a breakdown as to who they are. The Labor Department's estimates for December are as follows.

Age-Sex Groups:	*Jobless*
Males, 20 yrs and over	2,141,000
Females, 20 yrs and over	1,710,000
All teenagers (16–19 yrs)	1,365,000
Total	5,216,000

As a source of public befuddlement on the overall unemployment picture, the most important figure by far in the above table is the one for teenagers. The teenagers, of course, represent only a tiny fraction of the working manpower in the nation, but it will be noted that they account for more than a fourth—26 out of every 100—of the "unemployed."

Over half of all employed teenagers quite logically only work part-time—on after-school jobs and such. But if any one of these kids is looking for even an after-school job and can't find it, he counts just as much in the overall unemployment total as an out-of-work head of a family.

Under this system of calculation, the teenage unemployment rate, now above 17%, gives a boost to the overall unemployment rate drastically out of line with the teenager's working role in the economy. The December jobless rate for adult men was actually only 4.4%—and for married men only 3.3%.

Teenage unemployment heavily concentrated in big-city clums is a serious thing. Hundreds of thousands of deprived youths, oppressed by grinding poverty, frustrated by idleness, tempted by drugs—their plight adds up to a dangerous, crime-breeding rash of sores on the social body. Only the blind can fail to see the evil in it and be concerned about finding a remedy. But to use this situation to help paint a picture of massive joblessness among bread-winning adults is plainly misleading.

Now note the womenfolk in the unemployment breakdown. Women play a far greater role in today's payroll working force than they did just a few years ago. Wage-earning females have increased by nearly 10 million in the past decade—a gigantic leap of some 50%. And just as they have increased their role in the work force, they have increased as a factor in the unemployed totals.

It will be noted in the table above that more than 1.7 million, or roughly a third of the total unemployed, are adult women. And, more important, they account for 44 of every 100 adults classified as unemployed.

But there are not many women electrical workers. Or house painters. Or car washers. Or TV repair technicians. Or auto mechanics. The list of jobs where womanpower, swollen as it is today, just doesn't fit importantly into the picture goes on and on.

Thus when you remove from the unemployed the largely unskilled and largely part-time-available teenagers, plus the women, who are not trained for so many occupations, you begin to get at least a partial answer to the man who wonders why, "with all the unemployed reported," it is often so hard to hire people.

It should be noted that adult women, as a source of family income, are not to be compared with the teenagers. Many women today provide the sole support for their families. And many more provide a sizable part of it.

But as a group (a new big group, remember) they are still to a much greater degree

in-and-outers in the labor market than are labeled unemployed are so classified because they lost jobs. A recent (November) Labor Department estimate figured 15% of the jobless adult women were thus listed because they had quit their last jobs voluntarily. And another whopping 44% had actually been out of the labor market for some time, and, deciding to work again, hadn't found jobs to their liking.

No, the "6.1% unemployed" figure is not one to be happy about. But the public misconception it engenders is probably too big to measure.

JOHN O'RILEY.

COMMUNITY U.S.A., ANTI-SMUT DAY

HON. JAMES J. DELANEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. DELANEY. Mr. Speaker, veteran, fraternal, religious, and civic organizations in New York and other sections of the Nation are planning special activities for Sunday, February 20, 1972, to declare their opposition to obscenity and pornography.

With this in mind, I am introducing today a concurrent resolution requesting the President to proclaim Sunday, February 20, 1972, as "Community U.S.A. Anti-Smut Day."

As is the case with most of my colleagues, I have received numerous letters from concerned parents who are deeply disturbed about the ready availability to children of blatant obscenity and pornography in our Nation today.

There is hardly a magazine stand in the Nation that does not display smut and perversion of every type and description. This nauseous material also is often sent through the mails. The traffickers in this filth represent a billion dollar industry whose only contribution to society is to corrode and destroy it.

Police officials and medical experts have testified before congressional committees that there is a direct relationship between the prevalence of pornographic material and the rapidly increasing incidence of sex crimes.

The Post Office Department informs me that during the last 3½ years they have received some 722,000 complaints from people objecting to the receipt of unsolicited pornography in the mail. Since the passage of legislation in 1970 designed to remove sexually oriented advertising from the mail, 544,000 people have requested that their names be removed from the mailing lists of firms trading in this filth.

Court decisions involving freedom of the press and freedom of speech often have served only to confuse the public and encourage the dissemination of hard-core pornographic and obscene material.

To those who take an extremely liberal view toward the free availability of vice, it might be well to recall the words of Alexander Pope, who said:

Vice is a monster of such frightful mein
As to be hated, needs but to be seen.
But seen too oft, familiar with its face
We first despise, then pity, then embrace.

Mr. Speaker, it is vital that responsible opinion reaffirm the need to encourage the use of wholesome and inspiring visual subjects, and to oppose stringently hard-core pornography and obscenity.

Scanning the calendar of special days and weeks, one can find Presidential proclamations concerning National Poison Prevention Week, Earth Week, Moon Day, and National Clown Week. Surely, it would be equally important to designate one day to focus our attention on the need to find an antidote for one of the most pernicious poisons on earth, obscenity and pornography.

THE PARENTS OF OUR TEENAGERS: A COMMITTED GENERATION

HON. JOHN H. TERRY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. TERRY. Mr. Speaker, the Congress of the United States is often the site of eloquent discussions of many issues. With the wide variety of information and background material available in Washington, D.C., it is reasonable to expect that just about every approach to the issues would have been discussed by someone. But as all the Members of the House of Representatives know, our constituents frequently express opinions and positions much more clearly and succinctly than we do.

On Tuesday, December 28, Prof. Charles Wallis of Keuka College addressed the annual Yates County Kiwanis-Rotary-Lions luncheon in Penn Yan, N.Y. Professor Wallis' topic was oriented to the young people from local colleges, businesses, and the Armed Forces who were invited to the luncheon.

In a very eloquent manner, Professor Wallis explained the contribution of the current generation of parents of our college generation. His remarks appeared in the December 29, Wednesday morning edition of the Rochester Democrat and Chronicle. It is a privilege to include them in the CONGRESSIONAL RECORD:

PARENTS' GENERATION PRAISED

Few generations of Americans have accomplished more than the one today that represents the middle-age group of society. If your generation does more, men for centuries to come will be indebted to you. Their lives have not been easy. They came to maturity in a devastating depression. Then engaged in a do-or-die struggle against Hitler to preserve our heritage and freedom. When the war was concluded, they poured billions into the economy of the world to sustain life among friend and foe.

I know of no hope or aspiration which your parents do not share in common with you. Your weaknesses are our weaknesses and your frustrations are like ours. I can think of no great dream or ideal of yours which your parents do not cherish with equal zeal and commitment.

Your parents have demonstrated their common commitment to your excellence by blazing new trails in social justice, including far reaching constitutional reforms in human rights. They have split the atom and explored outer space.

They have given to your generation the greatest schools in number and quality known to history. They have championed the greatest social and humanitarian reforms known to man.

Yes, they have erred. But the mistakes have been made with the best intentions in mind. We moved troops into Southeast Asia in a selfless gesture of support for less fortunate people, but like welfare, noble purpose became shrouded and confused.

The generation gap is misleading and false. There may be a difference in vocabulary and method, but your generation and mine are inextricably one in spirit as we are one in flesh.

TRIBUTE TO PARAMOUNT, CALIF. ON ITS 15TH ANNIVERSARY

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ANDERSON of California. Mr. Speaker, I rise at this time to congratulate the citizens of Paramount, Calif., on their 15th anniversary as an incorporated city.

This unique community, located within Los Angeles County, was formerly known as Hynes and Clearwater. A few short years ago, this area was the home of 80,000 dairy cows and had the largest hay market in the world.

Times have changed, and today the city of Paramount boasts a population of 35,000. But, due to the foresight of the city officials, the community has not replaced its rural setting with industrial sprawl. While there are six dairy farms still operating in Paramount, the city also has three parks to provide recreation and relaxation for her citizens.

To provide employment for the people of the Paramount area, industrial parks have been established to attract commercial interests.

Paramount is a balanced community which has a charming residential area consisting of neat, landscaped homes located on wide, safe, well-maintained streets. In addition, special mobile home parks make up an important part of the residential pattern.

The most recent addition to Paramount is the Paramount General Hospital, a $6 million facility which the citizens point to in pride. According to Dr. Irvine Moskowitz, the chairman of the board, the hospital has 150 beds, 18 doctors, and a staff of 200.

All of these achievements do not happen by accident. The city officials take the government to the people in an effort to study their problems firsthand. On a friendly, informal basis, the officials regularly visit the neighborhoods in special vans in order to talk and listen to the people.

But, the Paramount officials are not content to see the community stand still. City Manager Harry Bond foresees a gradual growth for several years, reaching a maximum of 40,000 residents. City

Councilman Louis Spane, known by his friends as "Mr. Paramount," predicts a trend toward multiple-family and high-rise apartments. In fact, the planning commission has recently approved a project for 97 condominium homes in Southwestern Paramount.

Through teamwork, dedication, and hard work, the city officials—former mayor, Ted Mosier; the present Mayor John Mies; Vice-Mayor Raymond Guillen; a devoted city council consisting of Mr. Mosier, Richard DeBie, and Mr. Spane, and, of course, their predecessors—have provided modern facilities and services to meet the needs of the community. These include a new city hall, a gymnasium, an olympic swimming pool, a community center, parks, a library, fire station, and post office.

Again, due to the foresight of the city officials, the fiscal affairs of Paramount are stable. The community finances its affairs without resorting to the property tax, nor does the city have a debt.

To educate their children, the people of Paramount have constructed seven elementary schools and one public high school. In addition, there are two private schools in the community.

In conclusion, Mr. Speaker, I salute the officials and the people of Paramount for their dedication and hard work in providing the support necessary for the progress achieved over the past 15 years, since incorporation as a city January 30, 1957.

On the occasion of their 15th anniversary as an incorporated city, I wish the community of Paramount continued success in the years to come.

FIREBOMBING IN NEW YORK CITY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. SCHEUER. Mr. Speaker, yesterday in New York City two talent-booking offices were firebombed, causing the death of a young woman and 13 other injuries. Both offices have been involved in arranging visits to this country by Soviet performing artists. Telephone calls to the press shortly before the bombing indicated that they were designed as protests against these cultural exchanges with the Soviet Union whose repression of Soviet Jews has been internationally condemned.

I am convinced that no responsible Jewish organization is connected in any way with the bombings in New York, and I am gratified that the Jewish Defense League has disavowed any connection with this incident.

Those of us who are deeply concerned about the plight of Soviet Jewry are well aware that violent attacks like this are utterly counterproductive.

During my recent trip to the Soviet Union, top-ranking Russian officials constantly confronted me with the violence that, on a very few occasions, has marred our efforts to call attention to this issue.

The Russians use these violent attacks to cloud the true issue—the cruel and inhuman oppression of their Jewish minority—and, thus, are enabled to move from the defensive to the offensive by branding those in the United States concerned about that oppression as radical, violent hooligans and gangsters.

We cannot tolerate such murderous violence. If it is intended to pressure the Soviet Government into easing its restrictions on the emigration of Soviet Jews, it is tragically and totally inhuman and counterproductive. Violent acts immeasurably and seriously hurt the cause their perpetrators ostensibly seek to support. I can only hope that universal denunciation of such senseless acts will prevent their repetition by totally misguided individuals.

A LOOK AT THE VOTING RIGHTS RECORD

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. McCULLOCH. Mr. Speaker, I would like to call the attention of this body to an editorial which appeared in the Washington Post on January 26, 1972. The editorial entitled "A Look at the Voting Rights Record," points to the significant gains achieved as a result of the Voting Rights Act and refers to the recent report of the Civil Rights Oversight Subcommittee of the House Judiciary Committee.

I note with pride the fact that this report, the first from this important subcommittee, was unanimous. Such unanimity exemplifies the continuing bipartisan efforts of the House Judiciary Committee to assure that every citizen has an equal opportunity to participate in the affairs of his government.

I commend this editorial to the attention of my colleagues, Mr. Speaker, and I hope that the Department of Justice will implement the recommendations contained in the report. The editorial follows:

A LOOK AT THE VOTING RIGHTS RECORD

Two striking pieces of evidence indicate that the Voting Rights Act of 1965 has worked with remarkable effectiveness to enfranchise black citizens in the South. Its aim was to do away with a variety of devices contrived by Southern states to keep blacks from exercising the basic right of citizenship—everything from rigged literacy tests to outright intimidation. One piece of evidence is to be found in statistics of the U.S. Commission on Civil Rights. In the first two years after enactment of the Voting Rights Act, registration of nonwhite voters in the states covered by the act increased from 35.5 to 57.2 per cent of those eligible. In Mississippi, that percentage jumped all the way from 6.7 to 59.8.

Another kind of tribute to the effectiveness of the act is to be found in the ingenious ways invented by some of the Southern states to circumvent it. Mississippi even went to the trouble last year of requiring reregistration of all voters in 26 of its counties. This has the appearance of an evenhanded requirement falling equally upon blacks and whites. Actually, it imposes a far heavier burden upon the former than upon the latter, and was doubtless intended to do so. In Mississippi, blacks tend more than whites to live in rural reas, and registration may entail a long and burdensome trip for them. Moreover, it required an act of courage for blacks to register in Mississippi in the first place, a form of hardihood some of them may be reluctant to repeat.

A recently released report of the Civil Rights Over-Sight Subcommittee of the House Judiciary Committee takes note of this Southern strategy and makes some stringent comments on the Justice Department's failure to counteract it. The report is noteworthy, in part for the fact that the five Democratic and four Republican members of the subcommittee joined in it unanimously. The conclusion they came to was that the Department of Justice has not properly enforced Section 5 of the Voting Rights Act, that the department should have objected to Mississippi reregistration and that it has failed to protect adequately the rights of persons registered by federal examiners.

This is a severe indictment of the federal agency to which blacks must look for vindication of their rights and it is made the sharper by the subcommittee's concluding recommendation: "We recommend that the Department of Justice clearly demonstrate a no-nonsense policy of enforcement by utilizing civil and criminal sanctions in certain cases where the action of state or local officials openly flout the provisions of the Voting Rights Act." The chairman of the subcommittee, Congressman Don Edwards of California, was quite right in asserting: "The right to vote, which is protected by the Voting Rights Act, is at the very heart of our democracy." It would be tragic if the exercise of that right were again subverted as it was in the latter years of the 19th century. It can be kept real only as the Department of Justice is zealous in upholding it and as Congress continues a vigilant exercise of its oversight responsibilities.

ANNIVERSARY OF UKRAINE INDEPENDENCE

HON. MELVIN PRICE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1972

Mr. PRICE of Illinois. Mr. Speaker, as we take time today to observe the 54th anniversary of the independence of Ukraine, we realize that our concern over these noble and unfortunate people is not restricted to one short day per year. The Ukrainians have suffered much under the iron rule of the Soviets, much more than their ancestors had suffered under the czars. The tight seal of internal repression around the Soviet Union has prevented us from knowing the full extent of the Ukrainian condition. Nevertheless, we know that they are surviving, despite the deaths of millions of their number at the cruel hands of the Soviets, and still struggling to regain the independence they so quickly lost after 4 years of bloody aggression and subversion by the Russian Federated Soviet Socialist Republic, which had fraudulently recognized and pledge to respect the independence of the Ukrainian state.

Their precious freedom lost, the people of Ukraine were subjected to harsh, inhuman treatment and persecution. Millions starved to death as a result of manmade famine because they resisted

collectivization of their farms. Ukrainian youths were forced to leave their home for work in far regions of the Soviet Union. Their churches were destroyed and their clergymen deported and executed.

It is known that underground resistance efforts are continuing in this largest of non-Russian captive nations. The Ukrainian love of freedom has not been stifled. I am proud, Mr. Speaker, to be able to join with Ukrainians living in the free world to speak for their 47 million kinsmen behind the iron curtain on this observance of their independence. I commend their patience and fortitude and wish them ultimate success in their struggle for national freedom and independence.

CAPT. LEROY STUTZ MO-KAN MAN OF YEAR

HON. WILLIAM R. ROY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1972

Mr. ROY. Mr. Speaker, we cannot be reminded too often of the tragedy of hundreds of Americans held captive in Communist prison camps in Southeast Asia. The anguish suffered by them and by their families needs to be brought home to us again and again until this war is over and our men are free.

The Atchison Daily Globe, a newspaper in the Second Congressional District of Kansas, recognizes this fact. This month it demonstrated its support for all American POW's by designating one, Capt. Leroy Stutz, of Effingham, Kans., as its Mo-Kan Area Man of the Year for 1971.

I commend the Globe for the wisdom of its selection. Captain Stutz and his comrades in captivity deserve our constant assurance that we have not forgotten, and that we are working on their behalf.

As the following article from the January 9 issue of the Globe points out, Captain Stutz is the type of young man which this country can ill afford to do without. Let us hope and pray that this man of the year is soon with us again.

CAPT. LEROY STUTZ MO-KAN MAN OF YEAR

A prisoner of war in North Vietnam for more than five years, Capt. Leroy W. Stutz of Effingham is the 1971 Mo-Kan Area Man of the Year.

The Atchison county youth, a native of Effingham, was selected by a panel of judges from a field of 37 candidates nominated last month in the third annual Globe search for the individual who contributed the most in service above self to his community or the area during the past year.

Captain Stutz is the first Mo-Kan Area Man of the Year to be named outside of the city of Atchison.

Previously honored as Mo-Kan Area Man of the Year were Dr. E. J. Bribach, noted opthalomogist, in 1969 and L. A. (Roy) Ostertag, retired furniture merchant, named for 1970.

"In view of the times and the many contributions made by the youth of the country, we believe Captain Stutz has contributed the most in service above self not only to his nation, but to the Mo-Kan area and is highly deserving of the honor," spokesman for the judges stated in announcing the panel's selection.

"Also significant is that in honoring this young man we show that he as well as other POWs in Southeast Asia have not been forgotten at home."

"That's wonderful!" was the happy comment of Captain Stutz's wife, Karen. She and their son, Brian, 6, who knows his father only from pictures, are living with her parents, Mr. and Mrs. Gilbert Kierns, at Cummings while awaiting his release.

"I know he will be cheered and pleased when he learns of his selection for the honor," Mrs. Stutz said.

Awaiting his return along with his wife and son are Captain Stutz's parents, Mr. and Mrs. William C. Stutz of Effingham. His father is state representative from the 51st district. He also has two sisters, Mrs. Gene (Jeanette) Berry and Mrs. Robert (Helen) Caplinger, wife of the Atchison lawyer, both of Effingham.

In considering the selection of Captain Stutz for the honor, the judges also cited the citation made on the ballot nominating him for Man of the Year. The citation reads:

"I nominate Capt. Leroy Stutz, Hanoi, Vietnam, for MoKan Area's Man of the Year because more than any other man in Northeast Kansas Captain Stutz has contributed unselfishly to better the lives of every man, woman and child in Northeast Kansas and with others like him, to better the lives of an entire nation."

Captain Stutz was stationed at Udorn, Thailand, with the 9th Tactical Reconnaissance Squadron when a RF-4C Phantom plane, piloted by Capt. Robert Gregory, Cape Girardeau, Mo., vanished Dec. 2, 1966, on a routine trip to photograph the results of a strike at the enemy by other USAF units. It was Captain Stutz's 64th mission.

Captain Stutz, then a lieutenant, was listed as missing in action along with the pilot when their plane failed to return from the mission.

It was to be 32 months later, Aug. 9, 1969, before his wife, Karen, was to learn that her husband was alive and a prisoner of war of the North Vietnamese. It was the first word she had concerning her husband since notified Dec. 4, 1966, when informed by the U.S. Air Force that he was missing in action.

Captain Stutz along with Major Gregory (both men having been promoted in rank while reported missing in action) were listed by the Pentagon among 42 servicemen on a list of POWs held by the North Vietnamese. The names had been obtained from three other servicemen who had been released by Hanoi at that time.

It was to be another long period of waiting for Karen Stutz before she was to receive direct word from her husband.

On May 16, 1970, she received the first messages from Captain Stutz—two letters dated Feb. 4 and March 2, both on six-line forms Hanoi allows the POWs to send relatives. The letters were relayed to Mrs. Stutz by the Committee of Liaison of New York City, go-between for relatives in the States and the POWs held by Hanoi.

While irregular, mail continued to arrive during 1970 and 1971 until a sudden lull in the middle of last year. Then it was six months before Mrs. Stutz had a message from her husband.

On Dec. 28, Mrs. Stutz received a packet of mail, four letters and two postcards, from the Committee of Liaison bearing a New York postmark of Dec. 22. Latest of the missives was dated by her husband as Dec. 2, 1971. One of the postcards was for his parents. They had previously last received a form letter from their son on Aug. 5, 1971. It was dated June 17, 1971, and was the first direct message they had had from their son.

Appointed to the U.S. Air Force Academy at Colorado Springs by Congressman William Avery, Captain Stutz reported as a cadet there on June 27, 1960. He was commissioned a second lieutenant in the Air Force on his graduation from the Academy in 1964 and was stationed at Craig Air Force Base, Selma, Ala., and at Shaw Air Force Base, Sumter, S.C., before being assigned to the reconnaissance unit in Thailand July 26, 1966.

Following his graduation from the Air Force Academy on June 3, 1964, Captain Stutz and his wife, Karen were married in a ceremony performed by the Rev. Kenneth McGehee at the First Presbyterian church here on June 21, 1964. Following their honeymoon she and her husband made their home at Selma where Brian was born July 11, 1965.

Captain Stutz was graduated from Atchison County Community High school at Effingham in 1957. He was an outstanding student at ACCHS where he lettered in both football and basketball and received a citation by the National Merit Scholarship Corporation for distinguished performance in its nationwide search for students of unusual ability in his senior year. He also ranked in the first division of the Emporia State College All-Kansas State Scholarship contest in his junior year at ACCHS. He was president of his sophomore class, vice president of his junior class and served as secretary of the Future Farmers of America chapter at ACCHS during his senior year.

Following his graduation from ACCHS, where his wife was also a student, Leroy farmed for a year on a place adjacent to that of land owned by his father near Effingham before enrolling at Washburn university, Topeka, where he was a student at the time of his appointment to the Air Force Academy.

At the time of his appointment to the Academy he had been a member of Company E, Second Battle Group, 137th Infantry, Atchison's National Guard unit, for three years.

Since her husband vanished on that flight over North Vietnam, Karen Stutz has endeavored in every way she knows to win his release. She has joined the wives and families of other POWs from this area as well as over the nation in appealing to both the U.S. Government and to Hanoi to come to an agreement for the release of the prisoners.

Even before mail had been received from Captain Stutz she had participated in a nationwide drive at Christmas in 1969 to send cards to Hanoi requesting that communications between those interned and their loved ones be allowed by the North Vietnamese government.

And on the fifth anniversary of his capture last month, a small advertisement along with a picture of Brian appeared in The Globe with the plea: "Please Don't Forget My Dad!"

In letters, a copy of one of which appears along with this story, Captain Stutz has indicated he hopes to return to the farm upon his release and return to the States and his family. That hopefully will be soon.

In the meantime, The Globe along with the panel of judges who selected him for the honor hope that it in one small way answers Brian's plea in that his Dad not be forgotten for having served his community and his nation well beyond the call of duty.

THE CIVIL AERONAUTICS BOARD AND AIR FARES

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. MOSS. Mr. Speaker, on November 24, 1971, 30 of my colleagues and I filed with the Civil Aeronautics Board a brief dealing with airline fares in a case known

as the Domestic Passenger Fare Investigation. A reply brief filed by our group on December 3, 1971, appears in the CONGRESSIONAL RECORD, volume 117, part 35, page 45627. Our brief, which is already being quoted in other Civil Aeronautics Board cases, follows:

[In the Matter of Domestic Passenger Fare Investigation, Phase 9—Fare Structure, Docket 21866-9]

BRIEF OF HON. JOHN E. MOSS, ET AL., MEMBERS OF CONGRESS TO EXAMINER ROBERT M. JOHNSON

I. INTRODUCTION

The primary issue in this phase of the *Domestic Passenger Fare Investigation* is what should be the structure of domestic passenger fares. The Hon. John E. Moss, *et al.*, Members of Congress believe that complementary formula based upon great circle miles, block hours, and a flexible service pattern based upon economies of density, should be decreed for establishing the lawful maximum and minimum rates of the fare structure, and lawful rules, regulations, and practices pertaining thereto.

II. BURDEN OF PROOF

I

Whenever an air carrier files a tariff containing a new fare, Sec. 404(a) of the Federal Aviation Act (49 U.S.C.A. 1374) requires that it be "just and reasonable." Similarly, Sec. 404(b) requires that the fare not be unjustly discriminatory, or unduly preferential or unduly prejudicial. The language used in placing this burden upon the air carriers in Sec. 404(a) is identical to that of Sec. 216(d) of the Motor Carrier Act (49 U.S.A.C. 316(d)), which the courts have held does place the burden upon the carriers to show the rates are "just and reasonable": *Accelerated Transport—Poney Express, Inc. v. United States*, 227 F. Supp. 815, 818–819 (D. Vt.), aff'd per curiam, 379 U.S. 4 (1964).

The Economic Regulations of the C.A.B. likewise require that at any hearing involving a change in a fare, the burden of going forward with the evidence shall be upon the person proposing such change to show that the proposed changed fare, rule, regulation or practice is just and reasonable, and not otherwise unlawful; 14 C.F.R. 302.506.

II

Although this is the first investigation into the fare structure ever held by the C.A.B., it is not necessarily one of first impression. A number of recent Board orders and prior decisions by the Interstate Commerce Commission and the courts have established some of the evidence which respondents and others must put forward in support of their fare structure proposals; e.g., PS–44, PS–45, and PS–46; Board Orders 7–4–48, 71–4–54, 71–4–58, and 71–4–60.

In applying such standards, the I.C.C. has held that carriers must present evidence as to the rate of return (earnings plus interest) they have earned and *will* earn if their fare proposal is allowed. *Increased Class & Commodity rates, Transcontinental*, 329 I.C.C. 420, 426 (1967). Moreover, the Commission declared in the same case that evidence of the overall operations is insufficient; that carriers should present evidence of "what returns would be made by the carriers on the traffic that would bear the increase;" *Ibid.* In addition, the Commission had previously held that all of the cost, revenue and other data submitted must be related specifically to the traffic and territory involved. *Increased LTL, AQ & TL Rates, To, From & Between New England Territory*, 329 I.C.C. 244, 252 (1966); *General Increases—Transcontinental*, 319 I.C.C. 792, 803 (1963).

III

Of all of the parties to this phase of the proceeding, only the Members of Congress complied with these requirements of the Act and the Economic Regulations of the Board. Only the Members of Congress showed in their exhibits what the revenues and earnings of their fare proposal would be by passenger per trip, per mile, and per hour at all distances. Furthermore, when the other parties were asked on cross-examination what would be the financial results of their proposal—so-called "shopping list" or litany—none of the witnesses, other than Mr. Beauvais of the Associated Carriers, even attempted to make an affirmative answer; TR: 1797–1799. The simple matter of fact on the record is that none of the carrier parties or the Bureau know if the domestic airlines will, or will not, or even might, be able to recover their costs plus a reasonable return under the fare structure which they have proposed, even assuming all of their assumptions are attainable.

The Members of Congress, on the other hand, were not satisfied in complying with what in the past has been considered to be the bear minimum requirements of the law. Instead the Members of Congress took a good look at the prevailing circumstances and conditions surrounding the real business world and went a step beyond to project the "cash flow" of their fare structure proposal.

Sec. 1002(e)(5) of the Act requires that the Board take into consideration the revenue needs of the carriers. In this regard, the standard of proof for rate-making proceedings laid down by the Court of Appeals for the District of Columbia Circuit in *D.C. Transit System, Inc. v. Washington Metropolitan Area Transit Commission*, 350 F.2d 753, 779 (1965), is that regardless of the ratemaking method used, the regulatory body must permit the carrier a fare which will cover legitimate expenses and supply "the sum of money needed to attract capital, both debt and equity, required to insure financial stability and the resulting capacity . . . to render the service. . . ."

While the fundamental principles used in financial analysis to determine such a sum have not changed, there has been a shift in the emphasis of these principles, as well as a change in the techniques used for credit evaluation. The modern emphasis of financial analysis has turned away from collateral assets, such as aircraft and equipment, and towards repayment capacity—i.e., cash flow, or the projection of how much cash will be available to service the debt, pay dividends, and meet other commitments. As a result, given the prevailing manner for determining the sum of money needed to attract capital, any method of rate-making which does not take into consideration cash flow, will not meet the standard of proof laid down in *D. C. Transit*.

Accordingly, since neither the Bureau nor carrier parties have put forth any evidence as to either the return or cash flow which will be earned by the carriers on an overall basis and by the traffic that would bear the changes at various distances, or whether their fare structure proposal will cover legitimate expenses and supply the amount of funds needed to enable such carriers to provide adequate and efficient service at various distances, the Examiner and Board must find that these parties have not shown on the record that their proposed change in fares, rules, regulations or practices is just and reasonable. To do otherwise would be equivalent to relieving these parties of their obligation to comply with Sec. 404 of the Act, 14 C.F.R. 302.506, and standards of proof established by the courts. Equally important from a practical viewpoint, since the results reached are unknown, these fare structure proposals could cause injury to the public in the form of high fares, discrimination, and/or inadequate cash flow and earnings and over-investment.

Conversely, the Examiner and the Board can find it is reasonable to base the fare structure upon the proposal made by the Members of Congress because both the method and results reached are known and shown to be just and reasonable, without unjust discrimination or undue preference or undue prejudice, when measured by the Board's rate-making standards.

III. ECONOMIC BACKGROUND

I

How should the fare structure be designed? The answer to this question depends primarily upon the value of the service and the revenue requirements of the carriers to provide needed transportation of persons by air in an adequate and efficient manner at the lowest cost consistent with furnishing such service under honest, economical, and efficient management.

The value of service represents the maximum fare that can be charged. A fare greater than value of service is not a price *per se*, but rather an economic technique for barring the movement of traffic. The revenue need of the carriers, on the other hand, is governed by the cost of service.

The standard by which the reasonableness of ordinary price is customarily judged is the cost of producing the good and service, including in the cost a fair profit to the producer; *States-Alaska Fare Case*, 21 C.A.B. 354, 384 (1955). This basis for establishing "just and reasonableness" was initially enunciated by the Board in the *Air Freight Rate Investigation*, 9 C.A.B. 340, 345 (1958), and has subsequently been reaffirmed by the Board in a number of passenger fare cases: *Pittsburgh-Philadelphia No-Reservation Fare*, 34 C.A.B. 508, 525 (1961); *Frontier Rate Matter*, 39 C.A.B. 415 (1963).

In *Air Freight* the Board directed itself specifically to the question of the extent to which the rate structure should deviate with distance at page 349:

The question of the extent of the deviation in fares for shipments of various distances is one which should be resolved largely upon the basis of cost considerations. To do otherwise would tend to distribute the total traffic in a manner which would not be conducive to the development of the air freight industry on a sound economic basis. Stated more specifically, the generation of traffic for any given distance at rates which are disproportionately low on a cost basis will result in losses which must be made up by proportionately high rates in other distance brackets. This will restrict the traffic volume in those other distance brackets, and an overall reduction in the profitability of the entire freight service will result.

Since the Board has found that fares "must at all times be reasonably related to costs," *Ibid.*, 345, it is clear that the fare structure found reasonable in this proceeding must at all times be reasonably related to the cost structure. That is to say, the fare base must have some basic mathematical orientation to the basis upon which operating costs are *incurred*. For this reason a detailed examination of the nature of the various operating expenditures is an essential prerequisite to the establishment of a sound economic basis for judging the just and reasonableness of any fare structure proposal.

II

Much of the research conducted upon airline cost structures in the past has been motivated by two principal questions: (1) the relationship of average costs to the scale or size of an air carrier's operation, and (2) the presence or absence of so-called "economies of scale," i.e., the larger the carrier, the lower the operating costs. Industries affected by economies of scale are said to be characterized by decreasing costs. That is, under a given set of circumstances, the cost per unit of output will decline as total production increases. This is as opposed to an industry

characterized by constant costs, wherein under a given set of conditions, cost per unit remains relatively the same regardless of any changes in output; or an industry of increasing costs where the cost per unit rises as total capacity increases.

In addition, the vast quantities of available airline cost data has obviously made the possibilities of applying the mathematical techniques of linear programing models and multiple regression analysis (the repeated return of actual data to a mean or average value) very tempting.

During the last 27 years eleven authors in the United States and Europe have produced nine major nationally or internationally recognized books or papers on air transportation economics.[1] The unanimous, but often reluctant, conclusion of all their comparative cost studies is that: (1) A condition of constant costs appears to be characteristic of the airline industry after a certain level of operations (not very large) has been established; [2] and (2) There is an almost complete absence of economies of scale with one possible exception.[3] The very smallest airlines appear to be afflicted by some form of diseconomies that tend to show up rather rapidly. However, even these differentials have been found to be insignificant when these very small carriers are compared with the larger airlines. As a consequence, to date all of the writers have found that the small and medium sized airlines are being operated just as efficiently, if not more economically, than the larger-sized air carriers. These findings have accordingly led the authors to the general belief that there are more important factors than size which determine the cost of service.[4]

Over the years as technological advances were implemented, the developing consensus seems to be that the "economies of density" is an important fact.[5] That any economies of scale which are present in the industry are more related to the size of the market (or density of traffic) than the size of the carrier *per se*. For example, the larger the market, the larger the size of the aircraft that can be assigned to the service. Larger aircraft appear to be particularly desirable to some of the writers. Furthermore, when fares are properly set, a greater density of traffic has historically tended to increase the probability of achieving a higher load factor. High load factors are especially important in furnishing air transportation at the lowest cost due to the industry's phenomenon that the costs of flying and servicing a given aircraft over a specific route is about the same regardless of the number of passengers carried.[6] The greater the traffic, the lower the costs that must be allocated to each unit, and vice versa.

In addition, high traffic density also makes it possible to increase the hourly utilization of aircraft and terminal facilities. For these reasons and others, the size and character of the markets (i.e., route structure and pattern of service) are now generally considered to be significant cost factors.[7]

III

With respect to the operating costs themselves, the general consensus is that the most important direct operating costs are *incurred* on a time as opposed to a mileage basis.[8] Direct costs are therefore considered to be proportional to the number of aircraft-hours flown by type or class of equipment. No party to this proceeding has so far disputed this finding. Quite the contrary, all of the evidence submitted in this and other phases of the investigation have substantiated this conclusion. Further, the Board has repeatedly recognized in this and other investigations that direct costs are related to time. Accordingly, for the purpose of structuring airline fares there is no question that it is reasonable to base forecasts of direct operating costs upon aircraft, seat, or passenger-hours flown by type or class of equipment.

IV

The real controversy with respect to costs in this hearing is centered upon the indirect operating costs. In this regard, it should be noted at the outset that fixed costs have so far not been found to constitute a very heavy burden upon the air carriers,[9] and that such indirect costs have historically been measured as a ratio to direct or total costs, regardless of the size of the carrier or average length of haul.[10] This close relationship between indirect and direct costs has naturally caused the number of aircraft-hours flown by equipment type to be considered a substantial overall cost factor. As a result three elements, among others, are now regarded as being significant cost structure factors:

1. Number of aircraft hour/miles flown by type of equipment;
2. Aircraft capacity; and
3. Load factor.[11]

Since a considerable portion of indirect costs have historically not been considered to be related to distance/time, a general feeling has developed that the length of haul, density of traffic, and differences in average speed should have some impact on the level of average costs. That is, given a sufficient volume of long-haul traffic which would permit longer average lengths of flight-hops, average unit costs should decline because, among other things, the ratio of indirect costs to direct costs should decline. The importance of density of traffic and the length of haul arises from the influence these two factors, and length of hop, have on direct costs and block speed as the portion of time required for taxiing, climb-out, maneuvering and descending diminishes as the duration of a trip increases, and on indirect costs associated with servicing the aircraft and traffic on the ground. In view of the importance of comparative operating costs in constructing an equitable fare structure, the fact that all empirical studies so far conducted have never supported this cost theory makes it extremely difficult to grasp the underlying meaning of the large amount of statistical data available.[12] Nevertheless, if the Examiner and Board are going to render a fair, reasonable and equitable decision in this phase, this anomaly between fact and logic must be resolved.

V

The best way to learn about the relationship of indirect costs to direct and total costs is to divide the indirect costs into two broad groups according to the manner in which they are incurred. The first group would comprise those indirect costs which are either actually incurred on a time/distance basis, or generally accepted as being related directly to time/distance even though they are purchased on a periodic basis. Under the Bureau's linear programing model this category of expenses are classified as Aircraft Servicing Expenses—Control (I9); stewardess, food and other in-flight expenses (I5, I6, I7); reservation and sales I14, I15); and advertising and publicity (I16, I17). Altogether these expenses comprise about half of all of the indirect costs; $1,619.2 v. $3,268.1, Exhibit BC–4803, Page 1.

Turning to the other half, it has been repeatedly established on the record in this phase that this group of indirect costs are also incurred periodically on a capacity basis, and are not directly identifiable with any particular revenue, which is one reason, among others, why these expenses are classified as indirect costs.

When an expenditure such as these indirect costs benefit more than one passenger, they are considered to be joint or common costs. Under conditions of joint or common costs, total costs for each category of service can usually be ascertained with a satisfactory degree of accuracy. Unfortunately, however, in air transportation the categories to which indirect costs can be traced are both larger and less homogeneous than the categories to which direct costs are distributed. Direct costs, for example, can be reasonably allocated to a particular type or class of equipment which has a limited capacity (say 100 seats) and a single load factor; whereas indirect costs such as aircraft and traffic servicing can only be traced back to a ground crew at a particular station which may service several different types of aircraft on a single shift, with a larger aggregate total capacity (100 seats × 10 flights=1,000 seats) and widely different load factors. Similarly, a reservation or ticket agent at the downtown office may work on 800 or more flights in a single day, each with a different equipment, capacity, and load factor. Consequently, the assignment of these indirect costs to any revenue unit is much more difficult and subject to much more error than direct costs.

Second, since these indirect costs are periodic capacity costs, changes in the volume of traffic (or load factor) have no significant impact on the overall level of these costs once the magnitude of the operation has been established. Little or no expense is incurred by servicing additional aircraft or traffic, nor avoided by servicing fewer aircraft and less traffic. Passengers enplaned and aircraft departures are not cost causative factors. Rather, all available evidence clearly indicates that historically it is the magnitude of aircraft operations by type of equipment and load factors which determines the level of indirect costs, number of passengers carried, and aircraft departures made. Therefore, using the generally accepted accounting Principles A–2 and A–4 of the American Institute of Public Accountants as a guideline (TR:2855–2856), it is evident that the distribution of these joint costs should take into consideration, among other things, the magnitude of the aircraft operations by type/class of equipment and load factors to the extent they are determinative "use factors".

The Board has already directly or indirectly adopted these accounting principles by basing the forecasts of indirect operating costs in Phase 7 upon trended ratios of direct costs to total costs—thereby assuring that these indirect costs will at all times be reasonably related to the magnitude of aircraft operations by type/class of equipment regardless of the number of aircraft departures or passengers enplaned.

Similarly, the Bureau has attempted to use the same accounting principles for its fare structure proposal by distributing costs to the individual units through so-called "cost pools". These cost pools which are directly related to total and direct costs by percentage distribution (Exhibit BC–4703) do not vary with changes in the volume element. To illustrate, the overall indirect cost distribution to item I11, Traffic Servicing Expense per Revenue Passenger Enplaned, $276.3 million in the 4700 and 4800 series, but the unit input value changed from $2.12 (4703) to $2.02 (4803) because the volume element changed from 130,135 (4703) to 137,019 (4803).

Up to this point the Members of Congress are in general agreement with the Bureau and other parties on how the indirect costs should be allocated on a unit basis. Beyond this point, however, the Members of Congress believe the costing methodology employed by the other parties is unduly prejudicial to high load factor and short-haul passengers, and unduly preferential to low load factor and longer haul passengers, because by using average costs to distribute certain traffic servicing, aircraft servicing, reservation and sales expenses, there occur

Footnotes at end of article.

several different unjustifiable shifts in the cost burden.

To illustrate, when average cost inputs are assigned to enplaned passengers, those flights with a 20 percent load factor are charged with one-fourth the traffic servicing, reservation and sales costs of a flight with an 80 percent load factor, even though in the real world both flights are serviced with the same amount of physical facilities and labor when the same type of equipment is employed. In other words, such an average cost allocation prefers the former, who carries a relatively less proportion of such costs, and prejudices the latter, who is required to assume a greater proportion of the applicable costs.

To add insult to injury, under the Bureau's costing methodology a greater aircraft and traffic servicing, reservation and sales charge will be distributed to stations and flights which experience no change in traffic when the system-wide traffic flow declines, and vice versa. This will occur even though in the real world the same facilities and labor are utilized to provide such service at the station.

The shifting of allocated indirect costs from low load factor flights to high load factor flights is unduly prejudicial to short-haul passengers and unduly preferential to long-haul passengers under the Bureau's and other's costing methodology because in most cases they have programed their economic models to provide for a higher load factor on the short-haul services. In other words, in their economic models short-haul passengers cross-subsidize medium and long-haul passengers. The greater the difference in the load factor, the greater the injustice.

A related but slightly different problem arises with respect to costs allocated on a departure basis, as well as an enplaned basis. The issue being raised at this point is tricky to say the least, but it is the key to being able to understand the meaning of the statistical data and the reason why indirect costs have always had a close one-to-one relationship to direct costs at all distances.

It is a well established fact in this phase that given a fixed number of block hours, an increase in the average length of haul/block time will reduce the number of departures and enplanements, and vice versa; see BC–4800 series and 4900 series. The reduction in the number of departures and enplanements will in turn increase the average aircraft and traffic servicing cost assigned to each unit; *ibid.* and *supra.*, 10. This change of course will be directly proportional to the change in average block time since the overall cost pool for the category of service will remain the same because the total number of block hours, and the ratio of direct to indirect costs, will not be changed. This by the way conforms to the facts of the real world.

Observe, however, how ingeniously the costing methodology shifts long-haul passenger expenses to short-haul services. To illustrate, say an airline operates two aircraft and serves four stations each with an overall cost per diem of $100 for aircraft and traffic servicing. Aircraft One makes 5 short-haul round trips, 1 hour each way, daily between points A and B, so that the average cost per departure is $20. The second aircraft makes one long-haul round trip, 5 hours each way, daily between points C and D, which results in a $100 cost assigned per departure. The system average cost per departure for both segments is $33.33. Consequently, should the system average aircraft and traffic servicing costs be added as an arbitrary to the so-called line haul cost of each flight in a manner similar to that used by some parties, the short-haul traffic will be over-charged $13.33 per departure (67%), and the long-haul traffic will be under-

Thus is uncovered the reason behind the anomaly of why regression analysis has historically indicated that length of haul is an insignificant factor in airline costs. Why "The empirical data does not yield results cost theory would lead use to expect."[13] *Ground servicing costs vary directly with length of haul because the overall cost attributed to a particular activity* (aircraft servicing, traffic servicing, reservation and sales) *remains relatively the same regardless of changes in the volume elements.* As the average length of haul/block time decreases, the ground facilities and personnel are more fully utilized, and the costs per departure and enplanement decline accordingly. Thus the assumption that all other things being equal, shorter flight stages will be more expensive is erroneous. All other things are not equal because shorter flight stages tend to increase the use of terminal facilities, thereby reducing the amount of such costs that must be allocated to each flight. Accordingly, any cost analysis which fails to take this fact into account is *prima facie* unrealistic.

This is of course the crux of the accounting problem. The costing methodology advanced by the Bureau and other parties for spreading the aircraft servicing, traffic servicing, reservation and sales cost pools to various mileage brackets does not take into consideration differences in the utilization of ground facilities at these varying distances. As a result, their front-end load costing approaches saddle the short-haul passengers with long-haul passenger costs.

There are several different ways of demonstrating this phenomenon. One is to examine the relationship of indirect costs to direct costs by classes of equipment at 0 miles as shown in the Bureau's computer run R6, of the 4900 series:

Equipment	Time	Direct cost	Indirect costs	Ratio of indirect costs to direct cost
4EWB	0:45	$776.70	$2,229.12	2.9
3EWB	0:45	582.87	1,478.37	2.6
4ETF	0:47	392.97	910.57	2.3
4ETJ	0:42	352.64	790.51	2.2
3ETF	0:54	373.92	659.06	1.8
2ETF	0:48	257.05	481.71	1.8

This table shows a decline in the ratio of indirect to direct costs by length of haul/block time when equipment classes normally assigned to markets with different distances are compared. Furthermore, it should be noted that according to the costing methodology employed by the Bureau, had the average length of haul/block time used for the 2-Engine Fan Jet been applied to the 4-Engine Wide Body Jet, the indirect costs at 0 miles for that latter type of equipment would have declined accordingly.

There is another interesting phenomenon which this table discloses. When future cost projections are based upon the Bureau's costing methodology, it is reasonable to forecast that the ratio of indirect costs to direct costs for 3-Engine Wide Body Jets and other aircraft will diminish by mileage brackets as the equipment is assigned to shorter and shorter flight hops, even though the overall ratio will remain the same. This is of course a reflection of what happens in the real world as ground facilities become more fully utilized. At the same time it represents a direct contradiction to the historical expectation of cost theory that indirect costs will increase at length of haul/block time decreases. As a result, it provides another explanation of why empirical data has never supported the cost thesis that increases in length of haul/block time, density of traffic, and average block speed would have some impact on the level of average costs. Or more charged $66.67 per departure.

Footnotes at end of article.

tacitly, why the facts have never agreed with the logic.

The nub of the problem is simply this—airline economists have always treated aircraft and traffic servicing, etc. costs as an identifiable *absolute* expense ($y=a+bx$, wherein 'a' represents the arbitrary or terminal charge), whereas in point of fact such expenses are *relative* costs dependent in part upon the length of haul/block time. As stated previously, any cost analysis which does not take this fact into consideration is simply unrealistic.

There are naturally several different ways that this utilization factor can be taken into account for the purposes of determining the lawful fare structure. One would be to weight the costs by mileage brackets to reflect what the expenses would actually be if all flights were operated at that distance. This change would of course tend to reduce the amount of indirect costs allocated to each short-haul service and increase the amount allocated to each long-haul service; the overall average cost and ratio of direct and total cost to indirect costs would remain the same.

Another method would be to base the distribution of the indirect costs attributable to aircraft servicing, traffic servicing, reservation and sales upon a trended ratio of indirect costs to direct costs. Although there is no method for spreading such expenses over the various joint services which can be characterized as correct in the absolute sense, this method seems to be the most acceptable because it tends to place cost values on the various services which bear a relationship to the real world. This can be demonstrated rather quickly. In the illustration given above, the total terminal cost for stations A, B, C, and D is $400 per day; the total flight time is 20 hours daily; so that the terminal cost per flight hour averages $20. Thus, under this costing methodology, given the one hour flight time between points A and B, the terminal cost which would be allocated to each flight is $20, the cost per departure in the example. Similarly, the flight time between points C and D is five hours each way, so that the resulting allocated terminal cost would be $100, again the amount in the example. Finally, the average cost per departure is $33.34 ($20 x 1.667 hours), vs. $33.33 in the illustration.

For all the reasons outlined above, the Members of Congress therefore believe that it is feasible, reasonable, and expedient, for the Examiner and the Board to use a ratio technique based upon the relationship of indirect costs to direct or total costs for the distribution of such costs to sales and revenues at various distances for the purpose of determining a lawful fare structure. Furthermore, the Members of Congress are of the opinion that the Examiner and Board must find that on the basis of the facts, any other costing methodology advanced so far on the record in this phase is unjust and unreasonable, and unduly preferential to longer haul passengers, and unduly prejudicial to shorter haul passengers, and therefore unlawful for the purposes of this phase of the investigation.

VI

Having resolved the anomaly between fact and logic, it is clear on the record that the major portion, if not all, operating costs of a regularly scheduled airline are directly or indirectly proportional to direct costs and block time at all distances. Given this fact, it is reasonable to conclude that changes in block time/length of haul and average speed will have no significant effect whatsoever upon a carrier's total operating need per block hour by type of equipment at any distance, when the magnitude of the operation remains relatively stable. Conversely, it also means that such changes in block time/length of haul and average speed will have a substantial impact on the total operating

need per mile at various distances when such hourly costs are mathematically converted to a mileage basis—even when the distance remains the same.

A better feeling for this latter statement can be acquired by quickly reviewing the development of economic thinking discussed earlier. In the early 1940's—when the DC-3 predominated—there was practically no difference at all between U.S. airlines with respect to average speed and capacity. As a result, Mr. Crane was able to rather quickly adduce the fact that the industry had no economies of scale and a relatively small fixed cost burden. Later, when larger four-engine aircraft were introduced towards the end of World War II, the variations in capacity began to cause the size of the aircraft, load factor, route structure and daily utilization rate to become important cost factors as Messrs. Koontz, Proctor and Duncan pointed out. Again, when these aircraft were subsequently replaced by even faster and longer ranged propeller aircraft, the increasing variations in block speed caused length of haul/block time and average speed to become more important factors in determining the cost per mile. At the same time, because these variations did not have any material impact upon those expenses which are directly or indirectly related to block time, these changes in length of haul and average speed did not have any significant effect on the level of overall costs. This of course was the cause of the *fact* vs. *logic* anomaly which confused Messrs. Proctor, Duncan, Cherington, Wheatcroft, and Caves, as well as most airline executives of that day. Finally, when the jets were introduced with their even larger capacity and wider variations in block speed between long and short hauls, the impact upon the cost per mile taper was substantial. Nevertheless, once again, the level of total cost, and the ratio direct and total costs to indirect costs remained relatively stable, and Dr. Miller's linear programing model suggested optional hubpoint routings were more economical and efficient.[14]

Thus the air transportation industry has always been characterized by economies of density, a relatively small fixed cost burden, constant costs, and a lack of any significant economies of scale. The only difference between airline operating costs today and those in 1925 is simply that the availablity of equipment with greater capacity and higher block speeds has made the economies of density a much more significant factor in determining an economical and efficient pattern of service and its accompanying fare structure, and vice versa.

VII

On the basis of the prior findings of Messrs. Crane, Koontz, Gill, Bates, Proctor, Duncan, Cherington, Wheatcroft, Caves, Miller, Jordan, and the Board, as well as the data and testimony presented by the Members of Congress and other parties to this investigation, it may be reasonably concluded that:

1. There are no economies of scale in air transportation except where aircraft utilization is extremely low;

2. Average costs tend to be constant, and the fixed cost burden is relatively small;

3. The major portion of all air transportation costs, if not all costs, are related directly or indirectly to block time by type of equipment, because those indirect costs which do not appear on the surface to be proportional with elapsed flying time nevertheless do vary directly with length of haul/block time;

4. The economies of density is an important factor in establishing an airline fare structure and pattern of service because aircraft capacity, type of equipment, and load factor are important elements in determining the unit cost of service;

5. Changes in average speed, length of hop, and length of haul do not have any material impact upon costs which are proportional to block time; and

6. Any analysis of the cost structure and fare structure which does not take into consideration the density of traffic flows, as well as aircraft capacity, load factors, block hours and miles flown, cost per hour and mile, and block speed is unrealistic.

IV. REVENUE NEED: COST OF SERVICE

I

Based upon the Statements of Position filed with the Examiner on October 15, 1971, all of the parties to this proceeding are in general agreement with the Members of Congress that, should the Examiner and the Board adopt the formula approach for determining the lawfulness of domestic air passenger fares, then a single uniform fare formula should be utilized with no preferential treatment afforded to any carrier or class of carrier. This approach to rate-making appears to be reasonable, given the facts that there are no economies of scale in air transportation, average costs tend to be constant, and the fixed cost burden is relatively small.

In addition, the other parties are also in general agreement with the Members of Congress that such a formula should be applied uniformly to all domestic markets without regard to differences in density of traffic in the markets, direction of travel, or the presence or absence of competitive service,[15] subject to one important caveat, to wit: application of such a formula should be sufficiently flexible to permit the carriers to exercise their individual management skills and judgment where peculiarities in cost of service and marketing consideration arise.

The underlying reason for adopting this position, at least on the part of the Members of Congress, is that, given the legal and technical restraints associated with rate-making, it is simply not feasible to establish fares for thousands of city-pair markets having widely varying densities of traffic, price elasticities, costs of service, etc., without some sort of a fare formula; see Exhibits MOC 3E, F, G, J and K. Airline passenger fares are not established independently. Rather they have an interwoven relationship to each other, which is not only more complex than a spider's web, but frequently much more fragile. For this reason, in designing any fare structure the rate-maker must take into consideration a number of technical, as well as discriminatory, factors, principally debasement and long and short haul problems, to avoid any possible disruptive circumstances, such as the "tumbling-domino" and "interlocking" effects, and the "hidden city", "throwaway", and "fare breaking" situations.[16] History has repeatedly shown that any other approach to rate-making eventually leads to some sort of anomalies which cause the fares to become unjust or unreasonable, or unjustly discriminatory, or unduly preferential or unduly prejudicial, and therefore unlawful. The formula approach, on the other hand, has provided many forms of transportation and communication with a simpler, more efficient, and less expensive way to establish lawful charges.

II

The rate-making formula being advanced by the Members of Congress for constructing the fare structure was designed to take into consideration all of the foregoing factors, among others, in meeting the revenue need of the air carriers at various distances. The formula is set forth in detail in Exhibits MOC 3G, 11, 15, 16, 17 and T-4, subject to the revisions outlined herein. As a result the formula is based upon a number of elements such as market demand, earnings, operating costs, passenger and aircraft circuitry, dilution caused by marketing and legal considerations to avoid discrimination, flight times, and mileage.

Procedurally the application of the formula is rather simple. A direct or total cost per seat-hour is determined for each class of equipment from projected carrier costs. This hourly seat cost is then weighed with other classes of equipment providing service at various distances to produce an overall weighted seat-hour cost which is then applied to a ratio table to produce the revenue need of the carriers per passenger-hour at various distances given certain load factor, rate of return, dilution, etc., standards. Next, because block times vary with direction of travel, time of day, day of the week, markets, and seasons of the year, it is necessary as a practical matter to mathematically convert the revenue need per passenger-hour into a varying rate per mile using a known block speed curve which has been adjusted for known or projected circuitry and departure factors at various distances. Finally, again for the sake of simplicity, that is to avoid a multiplicity of rates per mile, it is desirable to methematically withdraw an arbitrary amount by regression analysis (the least squares formula). The use of such an "arbitrary charge" permits the construction of a tapered mileage fare structure with just one or two constant rates per mile.[17]

There is one additional constraint. As noted earlier, the formula should be applied with some flexibility so as to allow for adjustments where necessary. Such a need arises particularly when the fare computed on the mileage basis produces a revenue yield per hour which is substantially out of line with the norm. In these situations, the fare should be adjusted where practical in order to bring the yield per hour back into line with the revenue need of the carrier, provided marketing and other considerations permit.

III

Generally the design of the fare structure being put forth by the Members of Congress at this time, which is based upon Order 71-4-60 and the Direct Operating Costs submitted by the Bureau from the carriers' cost projections for 1972, is the same as that outlined in Exhibits MOC 11, 15, 16 and 17. There have, however, been several changes subsequent to the filing of those exhibits which are outlined herein.

A. *Rate of return.* First, the rate of return has been raised from the 11.8 percent in Order 71-4-60 to the 12 percent level authorized in Order 71-4-58. This raised the Operating profit to $950.4 million, and the Operating revenue need to $6,935.6 million. The new Return margin is 13.7%, the Return mark-up, 15.9% of Operating expenses, with the ratios to Direct Operating Costs changed accordingly.

B. *Belly cargo revenue off-set.* Second, the Direct Operating Costs per available seat have been reduced approximately 6.3% to off-set the belly cargo revenues pursuant to the Board's direction in Order 71-4-60, to use the by-product method of costing. The 6.3 percent figure was derived by applying the belly cargo revenue figure set forth at page 1 of Appendix 4, Order 71-4-60, $404.3 million, against the Total operating expense for mixed service, $6,389.2 million. The resulting direct cost per available seat-hour is $5.40 (vs. $5.75) for short and medium haul trips up to 2,000 miles, and $5.05 (vs. $5.35) for long-haul trips over 2,000 miles.

C. *Dilution rate.* The third adjustment is limited to the long-haul markets. In Exhibit MOC 17, the Members of Congress used the dilution rates developed by the Bureau upon the basis of past carrier experience; 12% in the short and medium haul markets, 17% in the longer haul markets. The Members of Congress, however, are now of the opinion that recognition of any dilution rate in ex-

Footnotes at end of article.

cess of 12% is unjustly discriminatory, unduly preferential, and unduly prejudicial.

It is now well established that unjust discrimination arises from charging like traffic unequal fares for like and contemporaneous service between the same points via the same routing. Preference and prejudice arise from charging unequal fares for different but related services, or for similar services between the same points: *Northern Consolidated Air., Proposed Fares;* 34 C.A.B. 440, 452 (1961).[18] In addition, in a case between passengers, the existence of competition is not a necessary element; the injury may be inferred; *Hawaiian Common Fare Case,* 10 C.A.B. 921, 925 (1949).

To find a fare contrary to Sec. 404(b) of the Act, it is not enough that the Board find the fare discriminatory, preferential or prejudicial, it must find it "unjustly" or "unduly" so. All questions of discrimination under the Act are questions of degree since the statute prohibits only "unjust" discrimination and "undue" preference or "undue" prejudice.

Discount fares are not at issue in this phase of the investigation. Rather the issue is what amount of dilution flowing from such discount and other fares will be recognized by the Board for the purposes of establishing the full fare structure. In Phase 5 of this proceeding, the Members of Congress have argued that the lawfulness of a discount fare must take into consideration, among other things, its effect on other fares; i.e., the "rate-impact" test. To reduce or maintain the level of the full fare structure, a discount fare must do more than generate additional traffic—it must also foster an increase in the load factor by an inversely proportional amount. Otherwise, the special fare will not be economical in character because in the long-run the fare structure will have to be increased, regardless of the amount of additional traffic generated. In other words, the rate-impact tests draws the line between lawful and unjust discrimination at that point where the gain of one person is at the expense of another person in the form of a higher fare.

In general, the computation of past dilution set forth in Exhibit BC–6008, *et al.,* indicates that it would be reasonable to establish a mark-up or adjustment factor of not more than 13.6 percent (a 12% dilution rate) for all markets of distances up to 1,000 miles. These markets constitute approximately 76 percent of the domestic traffic. Exhibit MOC 3C. Beyond 1,600 miles, BC–6008 indicates that a 20.34 percent adjustment is required based upon past experience. However, since a 20.5% mark-up (a 17% dilution rate) would result in a six percent higher fare for full fare passengers than a 13.6% adjustment, the key legal question is whether recognition of such an adjustment is or will be unjustly discriminatory, unduly preferential, or unduly prejudicial.

(The Members of Congress are willing to concede *arguendo,* at least at this time, that a 13.6% mark-up does in fact result in some benefit to a passenger paying the full fare, or at least does not result in an injury to such a passenger in the form of a greater fare than would otherwise be charged absent such a mark-up/dilution rate.)

C(1). *Discrimination.* The underlying justification for discount fares is the fostering of more economical and efficient air transportation. Given the industry's phenomenon that the cost of a given aircraft flying a specific route is about the same regardless of the number of passengers carried, judicious use of discount fares can result in a benefit to passengers paying the full fare either in the form of lower fares or a greater magnitude of service geared to their travel needs at the same fare. Beyond this point, the carriage of additional persons at a discount fare will result in injury to such a passenger in the form of higher fares needed by the air carriers to supply them with revenues sufficient to enable them to provide the expanded service to discount passengers.[19]

When this occurs, the passenger paying the full fare is in effect subsidizing out of his pocket both the discount fare passenger and the air carrier.

Sec. 1002(e) (1) and (2) of the Act require the Board to take into consideration the effect of rates upon the movement of traffic and the need in the public interest for adequate and efficient air transportation at the lowest cost consistent with the furnishing of such service. As used therein, the term "public interest" is not a *carte blanche,* but rather limited to the provision of needed transportation.[20] To charge those persons in a mature, captive market who need adequate and efficient air transportation a greater fare simply because (1) that is what the traffic will bear,[21] and it (2) would enable other persons in a growth market to make discretionary trips and thereby (3) expand the air carrier's operation and investment, would be tantamount to taxation.

While it might be argued that it may be socially desirable to provide air transportation for every person who desires such service regardless of the value of the service to him, that is a question of social policy, not transportation policy. As such, that policy decision must be determined jointly by the Congress and the President.[22] Until they see fit to change the statute, Sections 404(b) and 1002(e) (1) and (2) must be read together. At present, these sections bar injury to the passenger paying the full regular fare.

It is clear on the record in this proceeding that the transportation of discount fare and full fare passengers on the same carrier, via the same routing, pertains to the provision of like and contemporaneous service to like traffic between the same points. Accordingly, for the reasons outlined above, the Examiner and the Board must find that the recognition of a dilution rate in excess of 12 percent (a 13.6% mark-up) for the purposes of establishing the fare structure for passengers paying the full fare is unjustly discriminatory to such passengers.

C(2). *Preference and prejudice.* Turning now to the question of preference and prejudice, the recognition of a 13.6% mark-up (12% dilution rate) for short and medium haul fares and 20.5% (a 17% dilution rate) for longer haul markets would prefer short and medium haul passengers, and prejudice long haul passengers. Such discrimination is undue unless justified by special circumstances, among which may be compelling competitive relationships, actual differences in cost of service, or similar recognized transportation standards; *Hawaiian Common Fare Case,* 925.

Concededly, competition is a legitimate matter for consideration in rate-making; nevertheless, the bare allegation or possibility of competition is insufficient without some factual evidence on the record of a "compelling" competitive relationship between carriers which requires a carrier to grant the preference. Courts have observed that because of the danger of a mere invocation of competition as a justification for a rate discrimination, both the regulatory agencies and the courts must require substantial proof of actual economic need for a particular fare. The need for such factual evidence is particularly great in the case of preference and prejudice between ports and localities because such discrimination carries with it the power to foster or retard development of such communities; see brief of Members of Congress in Phase 4.

The record in this or other phases fail to satisfy the burden of proof to show any compelling competition in short and medium haul markets. There is no demonstration that in these markets there is a rivalry so keen as to require long-haul markets to be charged a six percent greater dilution mark-up. Similarly, there has not been shown on the record to date any significant actual difference in cost of service between short/medium haul and long haul carriage which would justify granting a preferential dilution mark-up to short/medium haul passengers. In the absence of any demonstrated cost difference, compelling competitive need, or other factors to warrant the discrimination, it must be concluded that a preference and prejudice between short/medium and long haul passengers with respect to the adjustment factor for dilution is undue and therefore unlawful.

IV

Accepting a 12 percent dilution rate as being just and reasonable, along with the change made for the rate of return, as outlined previously, it mathematically follows that under the Board's standards a regular full fare should not be greater than about 4.9 times the direct cost per available seat in order to comply with the requirements of Sections 1002(e)(2) and (5) of the Act. Applying this ratio number to the direct cost per available seat, adjusted to off-set belly cargo revenues, *supra.,* it is found that a coach fare of $26.50 per passenger-hour in market pairs of less than 2,000 miles, and $25.00 in all markets over 2,000 miles, would be just and reasonable on a straight cost and earnings basis, subject to further examination.

The Members of Congress tested the results of this mathematical computation several different ways to ascertain if such a fare structure would in fact meet the revenue needs of the carriers as determined by Order 71–4–60, and the standards therein. One such test compared revenue yield and revenue need by type of equipment. (As far as we are aware, the Members of Congress are the only party to make such a comparison on an equipment type basis.) The study indicated the fare structure was not fully compensatory at all distances for three groups of trunkline aircraft: 3-Engine Fan-jet, 4-Engine Turbo-jet, and 4-Engine Turbo-prop. Such results of course were to be anticipated since the more efficient aircraft will produce above average revenues, and the less efficient aircraft will produce below average revenue yields. However, in the short and medium haul markets the deficiency of the 3-Engine Fan-jet was extremely small; just $12.80 on a need of $1,469.60 per aircraft-hour. In addition, it should not be overlooked that 3-Engine Fan-jets carry a large portion of the traffic in these markets, and two trunk-carriers (National and Northwest) do not operate any 2-Engine equipment in these markets. In view of all of these facts, the Members of Congress believe it is just and reasonable to raise the level of the short/medium haul fares slightly from a straight cost and earnings rate of $26.50 per hour to $26.70 per hour. While it is true, that based upon past experience, this 20¢ increase per passenger-hour may cause a very slight reduction in the actual load factor of some of the other aircraft, it does nevertheless provide the additional revenue necessary to make the 3-Engine Fan-jet fully compensatory at a 54% load factor at a nominal cost of not more than $1.00 to the fare at 1,900 miles.

Following this final adjustment the 4-Engine Turbo-jet and 4-Engine Turbo-prop would be fully compensatory at a 58% load factor in short and medium haul markets, and total annual revenues for the domestic trunk carriers would exceed the industry's objective of $6,935.3, *supra.,* by a small margin.

V. VALUE OF SERVICE

Sec. 1002(e)(1) requires that the Board also take into consideration the effect of fares upon the movement of traffic. For this reason, the Members of Congress commissioned the firm of Sindlinger & Co. to under-

Footnotes at end of article.

take a nationwide market survey to determine if the fare structure which they had designed to fulfill the requirements of Sec. 1002(e) (2), (3), (4), and (5) was also considered fair and reasonable in the market place. It should be emphasized the purpose of the survey was to determine the reasonableness of such fares, as opposed to their price elasticity. Under the law, when value of service in a particular market area is not greater than cost plus profit, Sections 1002 (d), (e) (1) and (e) (5) read together require the Board to (1) reduce the fares in those markets below cost plus profit, and then (2) raise the fare in other markets, where value of service permits, by an equivalent amount.

Three cycles were conducted. On the basis of the last two cycles, Mr. Sindlinger, who represented the firm, found that at all distances fares greater than those found necessary to meet the revenue needs of the carrier were marketable; Exhibit MOC 8B. That is to say, the fare structure based upon cost and earnings by the Members of Congress would not have an adverse impact upon the movement of traffic. Accordingly, it is reasonable for the Examiner and the Board to find that the fare structure proposal of the Members of Congress also complies with the requirements of Sec. 1002(e)(1), and that fully allocated cost plus a just and reasonable profit is the controlling element in setting the fare structure at all distances.

VI. ZONE OF REASONABLENESS

I

The Members of Congress accept in principle the concept of a vertical zone of reasonableness as being in the public interest and in accordance with mandate of Act for the Board to consider competition to the extent necessary to assure the sound development of an air transportation system properly adapted to the needs of the nation; Sec. 102(d).

II

The facts in the record indicate that the value of service greatly exceeds the cost of service, and that a sizable portion of the traffic is composed of a mature, captive, market; Exhibit MOC 8B. Given this situation, airline executives left to themselves would be sorely tempted by competitive pressures to capture most of this excess value in the service through modes of competition other than price—flight frequencies, equipment, seating, meals, stewardess outfits, etc.—since entry of new airlines to the market is limited. This would only engender another round of service improvements and significant cost increases, rather than a sharing of the gain in potential productivity of the newest aircraft with the consumers. Under this situation, the need for a higher fare would often appear to indicate a failure of the carrier to meet the Board's minimum ratemaking standards and hence a need to investigate the fares, whereas the filing of a lower fare manifests a desire by the carrier to provide a more economical and efficient form of adequate service than outlined by the standards, such as higher load factors.

For these reasons, the Members of Congress believe that the maximum rate should be $26.70 in all markets up to 2,000 miles, and $25.00 per hour in all markets over 2,001 miles. The corresponding minimum rates should be 15% lower, or $23.00 per hour in all markets of distances less than 2,000, and $21.30 per hour in all markets over 2,001. Complementary mileage rates, computed upon the basis of the adjusted block times in Exhibit MOC 15, would be: $11.50 plus 4.6¢ per mile minimum, and $13.35 plus 5.34¢ per mile maximum, under 2,000 miles; over 2,001 miles, $10.65 plus 4.24¢ per mile minimum, and $12.50 plus 5.0¢ per mile maximum.

Although it is desirable to use only a single arbitrary charge for all distances, along with a slowly changing taper, the recent introduction of the wide body jets—which have significantly lower revenue needs per seat compared to conventional jets—has caused a very sudden and sharp drop in revenue need at a distance of about 2,000 miles. As a result, should a single arbitrary charge and tapered or varying rate per mile be used under these circumstances, some persons traveling between 1,000 and 2,000 miles may not pay a fully compensatory fare, while others traveling a greater distance may be over-charged, thereby causing over-capacity to be scheduled in these markets. Whether this is a permanent or merely a transition situation is not clear at present. Consequently, for all these reasons, it is reasonable at present to base the fare structure upon different arbitrary charges.

III

Carrier fare proposals falling within the range outlined above should not be subject to suspension on grounds of unreasonableness, but should be subject to suspension if the Board is of the opinion that such a fare may be unjustly discriminatory, unduly preferential, or unduly prejudicial. The injury flowing from such unlawfulness is irreparable, and not necessarily confined to the amount of discrimination in the fare alone.

VII. BLOCK HOURS

I

The domestic fare structure should be based upon complementary block-hour and mileage formulas. The revenue block hour should be computed for each mileage bracket on the basis of published or projected scheduled ramp-to-ramp non-stop times by equipment type. These individual block times should then be weighted to produce a composite of the aircraft of the existing or projected flee and adjusted for circuitry and en route stops normally experienced by passengers and equipment at that distance. Exhibit MOC 15. Because actual block times vary from flight to flight, day to day, market to market, etc., it is not reasonable at present to calculate block-hours to more than one-tenth of an hour. Any finer tuning will result in mathematical discrepancies (TR: 4407–4413) because the state of the art of flying is simply not yet that precise. The Board, for example, has defined scheduled flight time to mean a flight which is completed within the block to block time allowed in the schedule plus 15 minutes (one fourth of an hour), 14 C.F.R. 234.1(d). One-tenth of an hour is 2.5 times more precise than that standard.

II

While the question of revenue hours is one of first impression here, it is not a new concept to aviation or other means of transportation. Aircraft, ships, buses, u-haul trailers, etc. have historically been charged on both fixed and variable hourly and mileage charges. James G. Woodley, Vice President, Western Air Express, first broached the idea for basing fares for scheduled air transportation services on the passenger hour in 1929; Exhibit MOC–4. In 1950, the firm of Ernst & Ernst suggested expressing revenue per flight hour as the revenue standard for evaluating scheduled airline operations.[23]

Subsequently, in 1963, Dr. Ronald E. Miller similarly suggested the revenue hour as a costing, pricing and regulatory tool.[24] Finally, of course, witness Richard W. Klabzuba has long championed the revenue hour as a management and regulatory tool; Exhibit MOC 3.

The principal difference between the complementary revenue hour approach and the straight mileage method is that under the hourly system explicit block time standards, based upon past experience, are used for ratemaking, whereas under the mileage procedure such block times are treated as being an implicit or inherent factor. The importance of block times in determining the cost of service at various distances has been demonstrated in this phase of the proceedings with the Exhibits in the BC–4600, 4700, 4800 and 4900 series, and the extensive cross-examination thereon. In point of fact, most (if not all) of the Bureau's mileage costs varied only with changes in block times (TS and TC) since the various cost pools, block hours, and miles flown were generally held constant.

Overlooked by most parties, however, was the fact that on the sales side of the coin, the revenue need per hour remained the same, even though the taper per mile changed; TR: 4424–4434. Thus, as a result of this back door approach, the Members of Congress believe the Bureau and air carriers by their actions and evidence on the record in this phase have demonstrated conclusively the importance of using both known block times and miles in establishing the revenue need at various distances.

III

Essentially the revenue hour is merely a shadow price like the rate per mile. However it has several important advantages over the mile which should not be ignored. First, because a revenue per hour rate is significantly more stable with distance than the tapered rate per mile, it is much easier to determine and compare revenue need with revenue yield on an hourly basis. In regard to this point it should be noted that no party other than the Members of Congress attempted to forecast the net yield, operating profit, gross earnings, net earnings with and without interest, and cash flow on a distance basis. The Members of Congress were able to do so without the benefit of a computer because their initial revenue projections were made on a block hour basis. By using the more stable revenue standard, the Members of Congress were able to identify and give appropriate recognition to deviations in yield and cost caused by variations in block speed, equipment mix, dilution, etc.; Exhibit MOC–20.

A second advantage of the revenue hour approach is that the yield per hour gives a more precise projection of annual revenues. When aircraft fly slower or faster, the yield per mile is not affected, whereas the yield per hour and yield per annum will change unless the magnitude of the operation (the annual utilization rate) is changed.[25] Parenthetically, unless the annual utilization rate is changed, total annual costs will remain the same.

Third, the revenue hour is non-linear. As a result, revenue hour data proffers additional information which can foster sound economic conditions in air transportation (Sec. 102) and enable management to become aware of more profit-making opportunities. For example, many optional passenger routings will produce a higher yield per hour and a lower yield per mile. Under the complementary hour system such proposals would be explored by management for their profit-making potential, whereas under the exclusive mileage approach used in the past many of these opportunities have been overlooked for a long time as being unrealistic.[26]

IV

In the past the primary argument advanced against adoption of the revenue hour approach has been that there is no difference between a yield per mile and a yield per hour; and that while actual mileage flown between two points might vary somewhat because of deviations from the great circle route, the block time is subject to much greater variations from day to day, market to market, season to season, etc. Nevertheless, when the cards were laid on the table as to whether fares should be based on flight time instead of distance, no party presented any statistical information or other fact of any kind, nor any written or oral testimony, to support the premise that there is no difference between a revenue yield per hour and a revenue yield per mile.

Footnotes at end of article.

Quite the contrary, the Members of Congress proffered an extensive amount of factual data as well as written and oral testimony demonstrating conclusively that there is in fact a significant difference between a yield per revenue hour and per revenue mile, both from a mathematical and practical every day viewpoint; Exhibits MOC 1, 3, 22, T-1, and T-4. In Exhibit MOC 1, actual revenue per mile and revenue per hour figures were compared side by side. These figures showed there is a difference, a fact which no party has so far disputed on the record.

Equally important, it is clear from Exhibit MOC 1 that average revenues per hour ($6.23) derived by adding up the average revenue per hour figures by routes is different than the average revenue per hour ($6.36) acquired by dividing total hours into total revenues. On the basis of this fact, it can be reasonably concluded that an "average of the average block speeds" can differ from an average block speed obtained by dividing totals, even with the same type of equipment; and that both of these averages can in turn, be different than the average block speed per route; TR: 4416–4417. Which is to say, an average is not an average, is not an average. Accordingly, it must be concluded that as a matter of fact, there is a significant difference between a cost per mile and a cost per hour, and a revenue per mile and a revenue per hour, and that no one is able to compute one from the other without very specific information.

V

Sec. 1002(e)(2) requires that in exercising and performing its duties with respect to the determination of rates for the carriage of persons, the Board shall take into consideration the need in the public interest of adequate and efficient transportation at the lowest cost (not a low cost, but rather the lowest cost) consistent with the furnishing of such service. As a result, because it is a phenomenon of air transportation that one optional routing for furnishing adequate and efficient service will produce the lowest cost per hour, and another the routing the lowest per mile, the Board is required by statute to consider both costing standards.

Similarly, Sec. 1002(e)(5) requires that the Board consider the need of each air carrier for revenue sufficient to enable such air carrier, under honest, economical and efficient management, to provide adequate and efficient air carrier service. Consequently, since it is also a phenomenon of air transportation that one optional routing for furnishing adequate and efficient service will produce a higher revenue yield per hour and per annum, than another routing which will produce a higher revenue yield per mile, the Board is again directed by law to consider both revenue standards.

Given these facts and the law, the Examiner and the Board must find: (1) that there is in fact a significant difference between revenue and cost rates per mile and per hour; (2) that it is reasonable to require the air carriers to establish the domestic fare structure on the basis of a complementary formula based upon block times and mileage between points; and (3) that any determination of fares which does not take into consideration revenue and cost rates per mile and per hour does not comply with Sections 404 and 1002, and therefore illegal.

VIII. MILEAGE

I

All parties agree that the fare structure should be related to mileage in one way or another. Except for Braniff Airways, all of the parties believe the fare structure should be based upon airport-to-airport distance; 14 C.F.R. 247. The Members of Congress take no position as to whether passenger fares should be based upon airport-to-airport or city-to-city mileage, but rather than the mileage base used for regulating passenger fares should be the same as that used for regulating property and mail rates. No legal nor economic justification has been advanced for using different rate-making mileage bases for different but related services between the same points. Maintenance of two rate-making mileage bases is *prima facie* uneconomical and inefficient management, besides causing a preference to be granted in one case, and a prejudice in another. Such regulation does not foster sound economic conditions in air transportation. For these reasons, the utilization of different rate making mileage for passenger, property and mail rates does not comply with Sections 102, 404 and 1002 of the Act, and is hence illegal.

II

Between the points of origin and points of destination, the distance should be based upon non-stop, great circle mileage without regards to route authorization or how the route is actually operated. Charging one passenger a fare based upon non-stop mileage, and another a fare based upon authorized or operated mileage obviously prefers the former and prejudices the latter. This discrimination is "undue" because it is not justified by special circumstances since a large portion of traffic, if not the overwhelming majority of all other than non-stop traffic, will be charged non-stop mileage while traveling by way of circuitous intermediate points. In addition, since all of the rate-making formulas make an explicit or implicit allowance for circuity and departure factors utilization of authorized or operated mileage would cause injury to certain passengers by charging them twice for the same service—once as a circuity factor, a second time as a mileage factor.

More important, however, is the fact that Sec. 404(b) was enacted to prevent just this type of discrimination. No port or locality is entitled, as of right, to air transportation, but once that port or locality has been incorporated into the national air transport system by way of a certificate of convenience and necessity, it is entitled by statutory right to equal treatment. It is not a function of transportation rate-making to deprive one locality of its natural advantage of location for the benefit of another, nor is a preference or prejudice justified solely because it may develop an area and thereby eventually provide more business for the carrier.

The Board has held that circuity in the airline route map reflects overall geographic and economic advantage, and a fare structure which is consistent with such a route structure cannot be considered unduly prejudicial; *Hawaiian Common Fare Case*, 37 C.A.B. 296, 271–272 (1962). The key word here is "consistent" because a fare structure which sometimes is consistent with a route structure, and other times is not, is *prima facie* unduly preferential and prejudicial, and therefore unlawful.

On the positive side, as noted above, nonstop, great circle mileage is a just and reasonable standard because all deviations from the straight-line course are taken into account in the rate element through the circuity factor. As a result, rates are at all times reasonably related to costs at all distances just as if each actual mile flown had been recorded on an odometer. Equally important, no one is double charged.

Accordingly, pursuant to Sec. 404 and 1002, the Examiner and Board must find that it is reasonable to base fares on nonstop, great circle mileage, and that any construction of fares on the basis of a combination of non-stop, authorized, and operated mileage is unduly preferential and prejudicial, and consequently unlawful.

IX. ROUTINGS

I

One of the key tariff rules directly or indirectly at issue in this proceeding is the proposed optional routing of local fare passengers under the Open Routing rule, 14 C.F.R. 221.41(d). Under this proposal, online passengers would be permitted to proceed from the point of origin to the point of destination via any single carrier which is shown in the tariff as serving both such points; "To determine the carriers serving each point of origin, destination and interchange, see the Index of Points of Origin and Destination in this tariff."

At present the various segments or points over which a person may be routed on a through or connecting flight is determined by the permissible routings usually published in a complex "diagrammatical" format in the carrier's tariff, Passenger Routing Guide No. RG-1. These diagrammatical routings, which are an integral part of the fare structure, generally (but not always) follow a linear service pattern; 14 C.F.R. 221.41.

II

The controversy, if there really is one, arises because certain parties have alleged in the past that circuitous routing involve higher costs, and the need to limit such routings is dictated by the need to control costs and revenue yield. Nevertheless, no party has proffered any evidence to support this allegation. Indeed, as a practical matter, no party could advance such proof for that position, because the *facts on the record* in this phase and Phase 4 clearly demonstrate that circuitous routings *per se* are not more expensive, but in point of fact can be less costly.

In Phase 4, Exhibit BC-2966A showed that a 17% more circuitous routing (1,456 vs. 1,245 miles) which passed directly over the destination point of Tulsa, is 6% less expensive per aircraft trip ($3,007.96 vs. $3,189.10) to operate using the same class of equipment. Again in this phase, using the same routing for the purposes of illustration, this time mixing the classes of equipment, Exhibit MOC-22, Illustration III (TR:2868–2874), it was demonstrated that the 17% more circuitous routing which still passes over the destination point of Tulsa, is 29.5 percent less expensive per seat trip ($39.52 vs. $22.17) with mixed equipment.

These exhibits are not an exception to the rule, but instead an illustration of one of the inherent characteristics of transportation by aircraft, to wit: each enroute stop has a complementary mileage value depending upon the class of equipment utilized, and consequently for each such stop eliminated by an optional routing, additional mileage may be operated in any direction *whatsoever* at no additional cost. Furthermore, because it is a phenomenon of air transportation that costs are about the same regardless of the number of passengers, higher load factors on the more circuitous routings will increase the number of complementary miles which can be flown for each enroute stop eliminated. For these reasons optional routings, even via beyond points, are in many cases more economical and efficient than so-called direct routings. A fare structure which did not permit such patterns of service, especially when the economics of density dictate the need for such a pattern of service, *infra*, would be *prima facie* unjust and unreasonable, and unduly preferential and unduly prejudicial, and therefore unlawful.

III

The affect of optional routings on pattern of service should not be overlooked. More liberal routing options permit the establishment of a more flexible service patterns built around the economics of density. Frequency of service is an important marketing feature in air transportation. In thin markets, optional routings allow a reduction in direct service without a reduction in overall frequency, or conversely institution initially of less direct service in a new market. This latter feature was dramatically demonstrated earlier this month when Delta Air Lines inaugurated its new route between Washington, D.C., Columbia, S.C., and Augusta, Ga. Delta entered the market against Eastern Air Lines with only one direct flight daily each way. At the same time, Delta changed its permissive routings to permit persons to travel between Washington and Columbia/Augusta by way of Atlanta at the direct fare. This change of optional routings then allowed Delta to market 12 frequencies from three Washington airports with only one direct service from one airport; see The Washington Post (Thursday, Oct. 21, 1971) p. B6. Had Delta not been permitted to provide these optional routings, the airline might have found it necessary for competitive reasons to schedule additional direct service at a greater total cost. These added flights would have almost certainly had a negative impact on the load factors of both Delta and Eastern.

IV

Because of the impact of the economics of density on airline operations, the use of optional routings to change patterns of service is increasing. During the first nine and one-half months of 1971 (January 1 to October 18), eighty-six "Routing Guide Revision Transmittal" sheets were filed with the C.A.B. on behalf of U.S. and Canadian air carriers by the Airline Tariff Publishers, Inc. Many others were filed directly with the Board by the carriers themselves. Forty-five of the statements of justification in these filings indicated the changes were being made to provide or reflect additional passenger routings, or to provide additional indirect routing options. Another five provided new additional second level passenger routing options. These two or three line justifications usually covered more than one market, and upon occasions in the past, the entire system.

More important, however, is the fact 20 other changes were filed to reflect changes in service patterns and (in some cases) to provide additional passenger routing options.[27] This fact raises an interesting question: If passenger routing options do not affect the pattern of service proffered, then why were almost 25% of all these changes filed to reflect changes in pattern of service? The answer is obvious, tariff rules do at present have an impact pattern of service, and this fact simply cannot be overlooked in establishing the domestic fare structure.

V

One more important fact (if not the most important consideration) which must be considered, is that where a change in the passenger routing options will permit a change in the pattern of service which can reduce the number aircraft-hours and passenger-hours flown, that change in passenger routing options will not only permit more economical and efficient service, but also promote safety in air transportation because exposure to an air carrier accident is related directly to hours flown rather than miles traversed.[28] In 1967, it was suggested that greater use of passenger routing options through hub-points might eventually permit the domestic air carriers to chop some 75,000 hours per annum from their schedules; Exhibit MOC 3C. Subsequent events, including Delta's new service have substantiated the validity of that claim.[29]

VI

Failure to recognize all of these facts and provide more liberal routings in similar situations—where the economies of density offer no tangible basis for objection—would constitute a failure to recognize and preserve one of the inherent advantages of air transportation contrary to the provisions of Sections 102(b) and 1002(e)(4) of the Act, *Allegheny Fare Case*, 34 C.A.B. 327, 333 (1961); to regulate air transportation in such a manner as to assure the highest degree of safety in such transportation, Sec. 102(b); to promote safety in air commerce Sec. 102(e); and the duty of every air carrier to provide safe and adequate service in connection with such transportation, Sec. 404(a); as well as the rate-making factors set forth in Subsections 1002(e) (2), (3), and (5), and therefore is illegal and unlawful. The dictate of the Act is clear—Congress is adamant in its demand that every air carrier and the Board provide, promote, and regulate air transportation services in such a manner as to assure the highest degree of safety in air transportation. Nothing less will satisfy the Congress nor the Act.

X. ROUNDING OF FARES

Provision should be made in decreeing the fare structure to continue the policy of quoting fares plus tax in whole dollars since this policy has not been shown to be unlawful. Whole dollar fares should be established after one rounding of the computed coach fare plus tax to the nearest whole dollar when fares are published on a separate point-to-point basis, and to no more than the nearest whole ten dollars when fares are published on an area or zone basis. While most airline prices are at present published on a point-to-point basis, it may be necessary in the near future to publish air fares on an area or zone basis to avoid disruptive tariff situations, *supra*. 18, being brought on by (1) the increasing impact of the economies of density and technological aircraft advancements on the operation of an economical and efficient pattern of service by way of roundabout routings, and (2) the legal and technical restraints associated with rate-making.

XI. PEAK/OFF-PEAK FARES

Conceptually and factually price differentials by time of day, day of week, and season of the year are desirable from a marketing standpoint and necessary from a legal viewpoint to avoid undue preference and prejudice. The Department of Transportation, for example, has demonstrated that up to 50% more traffic is carried at peak times on a time of day basis. Similarly, other parties have shown the existence of such peaks in other phases of this proceeding. To the extent such peak costs are at present being borne by non-peak passengers, they constitute an undue preference and prejudice.

Unfortunately, the carriers and the Board have not yet employed peak responsibility costing techniques, nor have these parties put such cost evidence into the record. As a result, the record does not at present provide a basis for the prescription of any peak or off-peak differential in the form of a surcharge or discount by time of day, day of week, or season of the year, and therefore none should be required nor allowed, with the exception of night coach which is in being and has not been shown to be unlawful. However, a determination of whether night coach fares are, or are not, in point of fact lawful cannot be made on the basis of this record in the absence of peak/off-peak responsibility costing data.

XII. VERTICAL FARE STRUCTURE

Prices for the various classes of service should bear some reasonable relationship to the regular coach fares *after* rounding to the whole dollar fare to avoid those situations where at present the coach fare in two markets is $50, and the first-class fare is $65 in one market, and $66 or $64 in the other market.

First-class fares should not be more than one-third of the coach fare, nor less than 20% greater. The maximum differential was determined by taking the full coach fare less 12% for dilution, and then multiplying the remainder by 150% to take into account the approximate difference in space and service; 0.88 x 1.50=1.32. The minimum rate was determined upon the basis of the Sindlinger study which showed a strong resistance to fares 20% greater than those found reasonable for coach service by the Members of Congress, and the testimony of Eastern Air Lines' witness that only 15% of all flights are full at present. In other words, the Members of Congress accept the position of Trans World Airlines and others that, at least as far as 85% of all flights are concerned, the cost differential between coach and first-class is not significant, and that therefore value of service is the appropriate rate-making factor for determining the fare differential.

Upon the basis of cost and value of service, the appropriate minimum and maximum fare differential for Economy Service should be 10% and 15% respectfully of the carrier's prevailing coach fares. Likewise, it is reasonable to establish a minimum rate for Standard, Regional, One-class, etc., fares, at a level 5% greater than minimum and maximum coach fare; *provided*, the carrier charge such a rate in *all* markets, competitive and non-competitive. There has not been established upon the record in this proceeding any competitive relationship between the air carriers so keen as to compel a carrier to grant a preference in competitive markets, thereby prejudicing passengers traveling in non-competitive markets.

Finally, the fare structure for special services—Jet Commuter, Air Shuttle, etc.—should not be established in this phase. These operations have significantly different cost and traffic characteristics, and are of such size that they can be judged, and should be judged, on their own special fact situation.

XIII. CONCLUSION

The Members of Congress believe that complementary formulas based upon great circle mileage, adjusted block hours, and a flexible pattern of service based upon the economies of density and aircraft capability, should be decreed for the establishment of minimum and maximum rates of the fare structure, and lawful rules, regulations, and practices pertaining thereto.

Respectfully submitted,

/s/ Richard W. Klabzuba
RICHARD W. KLABZUBA.

Representative for Hon. John E. Moss, *et al.*, Members of Congress.

November 24, 1971.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Brief has been mailed to all parties on the Appearance and Exchange List in the *Domestic Passenger Fare Investigation, Phase 9—Fare Structure*, Docket 21866–9.

/s/ Richard W. Klabzuba
RICHARD W. KLABZUBA.

November 24, 1971.

Footnotes at end of article.

FORMULA FOR DETERMINING FARE LEVEL (EXHIBIT MOC 11)

Ratio of 1st-class fare to coach	Ratio to direct operating cost per available seat in an all-coach seating configuration			
		Percent		
	Coach	125	130	133
Total operating cost per available seat, coach service	1.938	2.019	2.006	1.998
Return element: Interest expense and taxable income at 13.7 percent of operating revenue need per available coach seat; 15.9 percent of total operating cost per available seat, coach service; per order 71-4-58	.308	.321	.319	.318
Operating revenue need (yield) per average available seat, coach service	2.246	2.340	2.325	2.316
Operating revenue need (yield) per average coach passenger at a 54 percent load factor; per order 71-4-60, p. 50	4.159	4.333	4.306	4.289
Basic full fare for coach service after adjustment for 12 percent dilution caused by joint, discount, or promotional fares, circuity, or other factors; 13.6 percent markup on operating revenue need from average coach passenger	4.725	4.922	4.892	4.872
Short/medium haul service (up to 2,000 miles); $5.40 direct cost per available seat-hour	$25.52	$26.58	$26.42	$26.31
Long-haul services (2,001 miles and over); $5.05 direct cost per available seat-hour	$23.86	$24.86	$24.70	$24.60

ADJUSTMENTS

Rate of return: Authorized by phase 8, order 71-4-58, 12 percent; used in app. 1, phase 7, order 71-4-60, 11.8 percent; adjustment needed in order 71-4-60 to produce a 12-percent rate of return, 1.0136933.

REVENUE NEED (DOMESTIC TRUNKS)

[Dollar amounts in millions]

	App. 1, order 71-4-60	Col. 1 with 1.0136933 adjustment to return element
Investment	$4,789.7	$4,789.7
Rate of return (percent)	11.8	12.0
Return including interest	$567.0	$574.8
Less interest	165.7	168.0
Net earnings after tax	401.3	406.8
Income tax	370.6	375.7
Taxable income	771.9	782.5
Interest expense	165.7	168.0
Operating profit	937.6	950.4
Operating expenses	5,984.9	5,984.9
Operating revenue	6,922.5	6,935.3
Return margin (operating profit as percent of operating revenue)	13.5	13.7
Return markup (operating profit as percent of operating expense)	15.7	15.7
Belly cargo revenue offset:		
Passenger operating expense		$5,984.9
Belly cargo revenue		404.3
Total operating expense, mixed service		6,389.2
Belly cargo revenue as a percent of total operating expense, mixed service		6.3

	Short/medium haul	Long haul
Direct cost per available seat-hour (exhibit MOC 16/17)	$5.75	$5.35
Less belly cargo revenue off-set of 6.3 percent	.36	.34
Direct cost per available seat-hour, passenger service	5.39	5.01
Direct cost per available seat-hour initially used for ratemaking	5.40	5.50

FOOTNOTES

[1] Crane, John B., "The Economics of Air Transportation," *Harvard Business Review*, No. 4 (summer 1944) 495; Koontz, Harold D., "Economic and Management Factors Underlying Subsidy Need of Domestic Trunk Line Air Carriers," 18 J. Air L. & C. 127 (Spring 1951); Gill, Frederick W. & Bates, Gilbert, Airline Competition, Harvard University, Boston (1954); Proctor, Jesse W. & Duncan, Julius S., "A Regression Analysis of Airline Costs," 21 J. Air L. & Com. 282 (Summer 1954); Cherington, Paul W., Airline Price Policy, Harvard University Press, Cambridge, Mass. (1955); Wheatcroft, Stephen, The Economics of European Air Transport, Harvard University Press, Cambridge, Mass. (1956); Caves, Richard E., Air Transport and Its Regulators, Harvard University Press, Cambridge, Mass. (1962); Miller, Ronald E., Domestic Airline Efficiency: An Application of Linear programing, The M.I.T. Press, Cambridge, Mass. (1963); Jordan, William A., Airline Regulation in America—Effects and Imperfections, the Johns Hopkins Press, Baltimore, Md. (1970).

[2] *Ibid.*, Crane, 508; Proctor & Duncan 291; Caves, 83; Miller, 12.

[3] *Ibid.*, Crane, 505; Koontz, 136; Gill & Bates, 617; Proctor & Duncan, 291; Cherington, 50; Wheatcroft, 78, 92–93; Caves, 58–59, 61; Miller, 12–13; Jordan, 191–195.

[4] *Ibid.*, *Koontz*, 140; Wheatcraft, 92–93.

[5] *Ibid.*, Koontz, 153; Cherington, 62; Wheatcraft, 83; Miller, 13, 25, 98.

[6] *Ibid.*, Miller, 63.

[7] *Ibid.*, Koontz, 149, 151–152; Proctor & Duncan, 291; Cherington, 62, Miller, 13, 25.

[8] *Ibid.*, Koontz, 134n, 141; Cherington, 52–56; Wheatcraft, 31; Caves, 69; Miller, 78; Jordan, 197–198.

[9] *Ibid.*, Crane, 508; Caves, 82.

[10] *Ibid.*, Koontz, 143; Order 71-4-60.

[11] *Ibid.*, Jordan, 197.

[12] Order 71-4-60, Appendix 19 and pages 31–32.

[13] Proctor & Duncan, *Op. Cit.*, 291.

[14] Miller, *Op. cit.*, 133; see also "Airline Scheduling, Route Patterns and Sales," Paul S. Cline, 23 J. Air L. & Com. 164, 166 (Spring 1956).

[15] According to Messrs. Gill and Bates airline competition tends to push down revenues rather than pushing up costs. Gill and Bates, *Op. cit.*, 616.

[16] "Debasement" of a fare structure occurs when either (1) a fare differential between two classes of service is changed without any accompanying significant change in the service provided, or (2) there is a substantial up or down grading of the character of a service. Generally, the reasons requiring a fare differential also demand a difference in the service provided in the form of speed, time of service, type of equipment or service features such as more or less luxurious or commodious seating or other physical features (lounge, convertible seat-tables, etc.) or passenger amenities like reservations and complementary meal, liquor and movie service. The important distinction is the relative attractiveness of the service, and a fare structure is debased when the distinction disappears. However, it should be noted the Board has held the mere fact that a characteristic of a service is added or deleted is not enough to justify the charging of a different fare, even when costs change; 26 C.A.B. 23, 24, 28–30.

"Long and short haul fares" refer to the charging of a greater compensation for transportation of like traffic for a shorter than a longer distance over the same line or route in the same direction, or to charge a greater compensation as a through fare than the aggregate of the intermediate fares (see fare breaking, *infra*).

"Tumbling-domino effect" refers to the effect of a particular fare in a given market on other fares of the *same* carrier in the same or other markets.

"Interlocking effect" refers to the influence of a particular fare in a given market on other fares of *other* carriers. in the same or other markets.

"Hidden city" refers to a market situation in which there is no published single factor through fare. The rating objective is to find the junction point (or hidden city) which will produce the lowest combination of local fares. It is not necessary for the passenger to actually travel via the hidden city, only that he use the optional routing which in the tariff includes that junction point. To illustrate, a passenger may actually travel from Miami to Billings via Chicago, with the fare being constructed by way of Chicago and Minneapolis—Minneapolis being the hidden city junction point upon which the sum of the local fares is based.

"Throwaway" situations arise when the fare to an intermediate point on a particular routing is greater than the fare to the destination point. In such a case, the passenger traveling to the intermediate point can purchase a ticket to the destination point, get off at the intermediate point, and then *throw away* the unused portion of his ticket.

"Fare breaking" arises where the through fare charged between two points for the same or substantially similar service is greater than a revised aggregate of the intermediate fares. When this occurs, the sum of the new intermediate fares is said to *break* the through fare.

[17] The Members of Congress use the term "arbitrary charge" for the amount falling out of the regression analysis, as opposed to the customary term "terminal charge", to avoid misrepresenting the facts. The use of such term might be considered a deceptive practice contrary to Sec. 411.

[18] The distinction between the two definitions flows from the difference between Sec. 2, which deals with discrimination, and Sec. 3, which refers to preference and prejudice, in part 1 of the I.C.C. Act.

[19] Mr. COOKE. . . . We think that there is some danger that you can stimulate enough traffic that carriers will start adding capacity. In the Matter of Pan American World Airways, Inc. and Trans World Airlines, Inc., Conference, September 23, 1971, p. 23.

[20] Mr. HUDDLESTON. You use the expression that the fixing of rates is a practical question. Just what have you in your mind, except the effect of the rate on the movement of traffic?

Mr. THOM. That, and on the amount necessary to furnish the public with needed transportation.

Mr. HUDDLESTON. Then, needed transportation and the movement of the traffic are the two factors?

Mr. THOM. Two large factors to be considered.

Mr. HUDDLESTON (continuing). That should fix the amount of the rate charged?

Mr. THOM. That is what I think.

Hearings before U.S. Congress, House, The Committee on Interstate and Foreign Commerce, 72d Congress, First-Session, Railroad Legislation (1931) p. 324.

[21] There is no question here as to the ability

of the traffic paying the full fare to bear a greater fare; *infra*, Value of Service.

[22] Congress is not unaware of this issue:

Senator CANNON. I understand that, but the thing that disturbs me is it seems to be the policy of the IATA conference to keep the fares high for the captive traveler, the business guy who can't go and stay 20 days or 30 days or whatever it happens to be, the businessman, the government official, the short-term vacationer, you have got a captive audience there and their fares stay up, but the other people you make inducements to them, and the fares come down. So, it looks like if the lower ones are continuing to go down, then the higher ones are going to have to subsidize it in part. That is one of the criticisms that we hear.

Mr. HAMMARSKJOLD. That is the mix, and the total mix has to be compensatory as you have indicated earlier.

Senator CANNON. I understand. In other words, that is a form of subsidy, the short-term passenger, the businessman and the government official are really subsidizing the fares for the people who can meet the lower part of the scale, because the overall mix has to be compensatory?

Mr. HAMMARSKJOLD. But if you couch it it in those terms, the summer would be subsidizing the winter. The chap who travels in a sleeper would subsidize the chap that travels in third class railroad. It is a tradition in transport to have a differentiated price system in order to fill your aircraft, your trains, whatever you have. The ships are the same. Hearings, U.S. Senate Aviation Subcommittee, S. 2433 (Oct. 21, 1971) 249.

[23] Revenue standard would be established taking into account the actual conditions under which the carrier must operate . . . Budgeted revenue for each aircraft type would be established by budgeting anticipated passenger, cargo and air mail revenue based on realistic load factors and scheduled aircraft utilization expressing the anticipated dollar revenue per flight hour." Lloyd, Charles T. (Department Editor)

"Ernst & Ernst Report Covering Preliminary Study of Methods of Compensation for Carriage of Domestic Air Mail and for the Operation of Air Transportation Service Essential to the Public Interest", 17 J. Air L. & Com. 86, 93 (Winter 1950). Unfortunately, the Senate Committee subsequently furnished Ernst & Ernst with stated ton-mile mail rates so that the final report become practically nothing more than a mere computed allocation of air carrier costs to individual stations. "Report of Ernst & Ernst on Survey of Separation of Compensatory Mail Pay from Total Mail Payments to Domestic Airlines," 18 J. Air L. & Com. 206–207 (Spring 1951).

[24] In the 1963 intercity models the total availability constraint for aircraft type 2 is met with equality, and a shadow price of $165 per hour's use emerges as a consequence. . . . If this were the result for an individual airline study (or for a regulatory agency with complete control over prices), these added costs could be equitably distributed over the traveling public by increasing fares on those routes where this type of aircraft was used. This could be done by (1) dividing total assumed capacity into the shadow price, giving cost per passenger per hour; and multiplying this by travel per passenger for the route in question. In the cases where the aircraft is not the only type assigned, the results of (2) should be reduced by multiplying it by the proportion of flights of the aircraft in question to total assigned flights.

Miller, *Op. Cit.*, 126.

[25] By letter dated December 17, 1969, Hon. Secor D. Browne, Chairman of the C.A.B., notified Hon. John E. Moss, M.C., that effective January 1, 1971, pursuant to implementation of ER–586 (adopted August 6, 1969) the Board would be able to provide essentially the same revenue-hour data as requested by Members of Congress in Docket 21370, because thereafter the carriers will report statistical data by flight number, service segment, aircraft ramp hours, etc. Subsequent discussions between the staffs of the Members of Congress and the Board have confirmed the technical availability of appropriate revenue hour data in the near future from data now being reported. This is a direct computation from raw data, not a conversion miles to hours, or hours to miles. Both estimated miles and actual hours are available. TR: 2242–2244.

[26] In a 1961 article, using 1958 official Airline Guide schedules for an American Airlines DC–7, it was shown that an Oklahoma City-Dallas-New York flight was 15 minutes faster than an Oklahoma City-Tulsa-Nashville-Washington-New York service; Richard W. Klabzuba, "What Makes an Airline Profitable?" *Interavia*, Geneva, Switzerland (February 1961) 191, 194. On October 31, 1971, American Airlines instituted a flight routed Tulsa-Oklahoma City-Dallas-Washington/Baltimore-New York, Flt. 338. As of October 31, 1971, American provides three one-stop flights between Oklahoma City and Washington, two by way of Chicago to National Airport with block times of 3:18 (356) and 4:24 (340), the other via Dallas to Friendship Airport which is beyond National Airport, 3:15 (338).

[27] Most of the remaining justifications were devoted to correcting clerical errors, or to clarify the routing. One was filed to permit travel between certain points in a manner similar to a competitor.

[28] Exhibits MOC 3D and T–4 have been submitted as offers of proof that (1) aircraft accidents, fatal accidents, aircrew fatalities, and passenger fatalities, are at all times reasonably related to the number of aircraft-hours flown; (2) that passengers, crews and aircraft are *exposed* to an accident on the basis of the number of aircraft-hours flown, and (3) the aircraft-hour flown is the best unit at present for measuring the numerical magnitude of passenger and crew fatalities, as well as accidents, to determine and assess their *exposure* to accidents.

[29] For example, by routing passengers through Atlanta, Delta, Eastern, and Southern airlines have been able to suspend all of their services to all Florida points from all Georgia points except Atlanta and Augusta, and one flight that operates from West Palm Beach/Miami to Macon daily, northbound only.

THE MORAL COST OF CHROME

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. CONYERS. Mr. Speaker, I have just returned from a conference in Zambia in which the sincerity of our concern for international justice was sharply called into question by representatives of African nations. Despite these concerns, of which we can be sure the Nixon administration is fully aware, the President continues to pursue policies toward Africa which are racist in character and an insult to the majority of Africans. Witness, for example, Mr. Nixon's lifting of restrictions on imports of Rhodesian chrome, an action which violates the sanctions against such imports by the U.N. Security Council and which supports the separatist Rhodesian regime. A recent editorial in the New York Times focuses on the morality of the President's action:

[From the New York, Times, Jan. 26, 1972]

THE MORAL COST OF CHROME

The Nixon Administration has now taken an action that puts the United States in violation of the United Nations Charter and gives moral support, at a critical moment, to Rhodesia's white minority Government. Officials will doubtless say that the Treasury was bound by a provision in the Military Procurement Act of 1971 to lift restrictions on imports of Rhodesian chrome—in spite of the mandatory sanctions invoked against Rhodesia—with American backing—by the U.N. Security Council.

However, there was a thoroughly legal way out if Mr. Nixon had been interested in defending the United Nations as well as the integrity of this country's commitment to that organization. He could have removed chrome from the list of strategic materials on the sound ground that the United States now has a stockpile adequate to meet both military and civilian needs for the next two to three years.

It would be a grave matter at any time for the United States—which has given unlimited support to "the rule of law" and to adherence to international law—to breach unilaterally a Security Council decision, especially one for which it voted. Secretary General Kurt Waldheim must now have a clearer idea of what Mr. Nixon meant, in a White House talk Monday, when he promised "full support" for the United Nations.

Bad as is the undercutting of this newly given commitment to the U.N., it is doubly tragic to give a major boost to the white racists who rule Rhodesia at a time when that country's black majority is dramatizing daily its hostility to Prime Minister Ian Smith's regime. This action will further damage respect for United States integrity—and not just in black Africa.

THE FUTURE OF PUBLIC BROADCASTING

HON. TORBERT H. MACDONALD

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. MACDONALD of Massachusetts. Mr. Speaker, next week, on Tuesday, February 1, the Subcommittee on Communications and Power, which I am privileged to chair, will begin hearings on the future of public broadcasting. The primary concern of the subcommittee will be to work out an acceptable plan for providing long-range financing for the Corporation for Public Broadcasting.

In 1967, working from the fine recommendations of the Carnegie Commission, the subcommittee developed legislation which established the Corporation and gave public broadcasting its real impetus for growth. And that growth has been exceptional over the past several years.

It is unfortunate that during the last year the prospects for continued growth have become clouded, because of uncertainty as to financing which all concerned agree is the essential factor in the future development of public broadcasting.

Permanent financing will insulate public television and radio from the type of governmental pressure which seems to have been asserted increasingly in recent

months. I have previously referred to this new type of pressure which has surfaced in Washington as a new technique which utilizes a well-placed phone call, a well-timed speech, or a coincidental personal investigation to apply Government pressure. We should no longer delay our efforts to eliminate this type of pressure by abandoning the year-to-year authorizations and appropriations and adopting effective long-term financing.

After waiting for 4 years and for two different administrations to come up with a promised plan for this financing, I introduced last November a bill which will provide funds for the Corporation for Public Broadcasting over a 5-year period. It establishes a public broadcasting fund in the Treasury which is maintained by Federal funds matched by private and non-Federal contributions. It requires that 30 percent of the funds available to CPB in a given fiscal year be allocated in support grants to local stations. This bill is a compromise bill which can be supported by all those who truly support public broadcasting.

I am hopeful that the hearings on this bill which will begin next Tuesday will clear the air of needless controversy and allow for constructive progress toward the goal set forth in the original Public Broadcasting Act.

So that my colleague will have some indication of the broad support for this bill and for the concept of long-range financing, I will introduce into the RECORD a representative sample of the correspondence which I have received in the 2 months since I have introduced my bill. Of the many hundreds of telegrams, letters, and telephone calls, the following are typical examples. I include the material at this point in the RECORD:

HON. TORBERT MACDONALD,
Chairman, Subcommittee on Commerce and Power Communications on Interstate and Foreign Commerce, U.S. House of Representatives, Washington, D.C.:

Your introduction of a long range financing bill for the corporation for public broadcasting is a most encouraging step toward fulfilling the mandate of the 1967 Public Broadcasting Act. I hope the Congress will act expeditiously in order to build a proper and viable base for the corporation.

JOSEPH A. BEIRNE,
President, Communications Workers of America.

Congressman TORBERT H. MACDONALD,
Rayburn House Office Building, Washington, D.C.:

Warmest congratulations on your introduction of a bill for long-range authorization of financing for public television. Your action recognizes the single key fact holding back the development of a truly vigorous public broadcasting system in this country, and that is lack of adequate funding. You have cut through the fog of argument to the crux of the issue. We look forward to working with you to create a communications force in the nation which every citizen can be justly proud.

RALPH LOWELL,
Chairman.
JOHN LOWELL,
Treasurer.
DAVID IVES,
President, WGBH Educational Foundation.

Congressman TORBERT H. MACDONALD,
Chairman, House Office Committee on Communications and Power, Washington, D.C.:

As chairman of National Public Radio presently serving more than 100 local stations across the United States with locally produced program material of interest to the nation and with a potential listening audience of more than 100 million citizens, I heartily endorse your far sighted proposals for the corporation for public broadcasting which has been instrumental in getting up this new and important non-commercial national network the first ever in the history of American broadcasting.

BERNARD MAYES,
Chairman, Board of Director, National Public Radio, Washington, D.C.

Representative TORBERT MACDONALD,
Rayburn House Building, Washington, D.C.:

Heartiest congratulations and deep thanks for your support today of public broadcasting. The long range financing bill which you introduced will return great dividends over the years to the American people.

JOSEPH WELLING,
Director of Broadcasting, Ohio University, Athens, Ohio.

Many, many thanks for introducing the financing bill for the corporation for public broadcasting. As president and general manager of the Bay Area Educational Television Association I wish to indicate my strong endorsement of the bill on behalf of the Bay area communities. We greatly need this support to assure the future of non-commercial broadcasting for the well being of the entire communications media. We're behind you 100 percent.

RICHARD O. MOORE,
President and General Manager, Bay Area Educational Television Association, San Francisco, Calif.

Congressman TORBERT H. MACDONALD,
Washington, D.C.:

Your five year financial plan for public broadcasting demonstrates your concern for continued and assured growth. Such a plan is imperative to our station in Appalachian Kentucky. Without some long range plan we would not be secure in our planning for continued or expanded program service. We believe in strong leadership in Congress, in National Public Radio, and in the local station. Working together, we will provide the service the public deserves. I anticipate an early review of the proposed bill and will react more specifically at the time. Your leadership is respected and appreciated sincerely yours.

DONALD F. HOLLOWAY,
Director, Institute of Public Broadcasting, Morehead State University.

Representative TORBERT H. MACDONALD,
Chairman, Communications Subcommittee, House of Representatives, Washington, D.C.:

Your introduction of a long range financing bill for public broadcasting is to be commended. The entire country already has derived great benefits from Federal support for public broadcasting systems in terms of cultural enrichment, social awareness and the exchange of ideas. Long range financing at the level you have proposed will ensure its continuous and systematic developmnt.

MARJORIE NEWMAN,
Manager, WNIU-FM, De Kalb, Ill., Northern Illinois University, Division of Communication Services.

Representative TORBERT MACDONALD,
Rayburn House Office Building, Washington, D.C.:

We have just learned of your introduction of a bill to provide long range funding for the Corporation for Public Broadcasting. Please accept our thanks and encouragement we do appreciate your efforts for public broadcasting.

ALVIN BOLT,
Manager, Radio Station WPLN, Nashville, Tenn.

HON. TORBERT H. MACDONALD,
Chairman, the House Subcommittee on Communications and Power, Rayburn Office Building, Washington, D.C.

DEAR REPRESENTATIVE MACDONALD: As general manager of WFSU-FM the Public Radio Station of the Florida State University and as chairman of the Southern Educational Communications Associations Radio Board of Directors and as a member of the National Public Radio Board of Directors, may I offer my sincere appreciations and thanks to you for introducing legislation to establish the long range financing of public broadcasting. Please be assured that citizens throughout the country will benefit greatly by your effort to support public radio and television. In this important endeavor you have our whole-hearted support.

Sincerely,

DAVID E. PLATTS, Ph.D.,
Director of Radio Florida State University, Executive Board, National Public Radio.

NOVEMBER 18, 1971.

HON. TORBERT MACDONALD,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. MACDONALD: I have just learned about the bill which you introduced on Tuesday, November 16, 1971, relating to a five year plan for the continuation of funding for the Corporation for Public Broadcasting and public broadcasting in general.

As president of the Eastern Public Radio Network, as a member of the board of directors of both National Educational Radio and National Public Radio, and most importantly, as manager of a public radio station which covers parts of eastern New York and western New England, I would like to thank you for making this effort.

Hopefully, the fact of your recognition of the importance of public broadcasting to the public, combined with your action in its behalf, wil help to provide the leadership necessary to develop a truly long range financing plan.

Again, for many of us, thank you.

Sincerely,

ALBERT P. FREDETTE,
Manager.

HON. TORBERT H. MACDONALD,
U.S. House of Representatives, Washington, D.C.:

Your introduction of H.R. 11807 is another instance of the leadership you have long exercised in legislative support for public broadcasting. Your floor speech was a forthright statement on the nature of our dilemma and the critical consequences of further delay in providing long range financing for this vital enterprise. We applaud your initiative and commend your continuing interests in this matter.

BILL HARLEY,
President, National Association of Educational Broadcasters.

NEW YORK, N.Y.
November 18, 1971.

Hon. TORBERT MACDONALD,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. MACDONALD: We applaud your initiative in introducing a bill for financing public broadcasting through the Corporation for Public Broadcasting over the next five years.

You have been a great supporter of public television and we hope and expect that our performance in the national interest will continue to justify this support.

Your action is greatly appreciated.

Sincerely yours,

WARD B. CHAMBERLIN, Jr.,
Executive Vice President.

PHILDELPHIA, PA., *November 23, 1971.*

Hon. TORBERT MACDONALD,
U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE MACDONALD: Your November 16th comments in the U.S. House of Representatives (CONGRESSIONAL RECORD, vol. 117, pt. 32, p. 41580–41581) relating to H.R. 11807, a new proposed "Public Broadcasting Act of 1971" are very much appreciated by this Manager of a singular public radio station.

Lethargy and innuendo have faced the quest for permanent funding for public broadcasting removed from extraneous influence. As a result I began to become paranoid and pessimistic. Your action has prevented me from dwelling in that useless frame of mind. My particular endorsement of the proposed legislation is directed to the "incentive" factor. With the constant influx of non-Federal funds public broadcasting would be assured a continuing flexibility and independence whenever and wherever influence is attempted. I testify that this is absolutely essential to the integrity of public broadcasting through every single licensee in this nation, if the service fulfilled is to be concerned truly with the public's need. I report my own reflection that within public broadcasting there continues to be diversification of spirit and intent that augurs well for the ultimate independence of public broadcasting systems in all their forms.

My appreciation to you is extended to include the fact that if I might be of assistance to you in this matter please do not hesitate to call on me.

Sincerely,

NATHAN ARNOLD SHAW,
Station Manager.

WINOOSKI, VT., *November 18, 1971.*

Hon. TORBERT H. MACDONALD,
Chairman, House Subcommittee on Communications and Power, Rayburn House Office Building, Washington, D.C.

DEAR MR. MACDONALD: Congratulations to you, along with a hearty "thank you" from me, for the submission of your new long-range public financing bill for public television.

The mathematics of the bill are commendable and appropriate.

As a public broadcaster long concerned with long-range financing for both public television and public radio, I must urge you to call for hearings on the bill at your Committee's earliest convenience. Knowing of your long-term dedication to and interest in public broadcasting, I am confident the hearings will not be too far away.

With all good wishes, I remain

Sincerely,

JOHN W. DUNLOP,
Station Manager.

WASHINGTON, D.C.,
November 17, 1971.

Congressman TORBERT H. MACDONALD,
Chairman, House Subcommittee on Commerce and Power, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN MACDONALD: I wanted to extend to you congratulations for the initiative and concern you demonstrated by submitting yesterday proposed legislation for long-range financing for public broadcasting. Such action is consistent with the interest you have demonstrated for this activity over the past four years, and I did not want you to think it was gone unnoticed. We appreciate your effort now as we applaud your record in the past.

I sincerely hope your subcommittee will be able to hold public hearings on this legislation in the near future. I would like to be kept informed of any developments in this regard by your office. Feeling that this matter is very much a public concern, I will wish to discuss with you the possibility of covering these hearings, when scheduled, on National Public Radio.

Once again, my congratulations, and I extend every wish for success.

DONALD R. QUAYLE,
President.

NEW YORK, N.Y.,
November 19, 1971.

Hon. TORBERT H. MACDONALD,
House of Representatives,
Washington, D.C.

MY DEAR MR. MACDONALD: The governing body of the Broadcasting and Film Commission of the National Council of Churches is very much encouraged to learn that you have introduced Bill No. 11807 for the future financing of public broadcasting. The National Council has supported public broadcasting from its inception and is very much concerned that this operation is financed in such a way that effective service can be provided in behalf of the public interest. Such service is not possible now with the meager funds available to the stations and networks of the public broadcast system.

We are prepared to support your bill with testimony and to be helpful in any other way we can to effect success.

Sincerely,

EVERETT C. PARKER,
Chairman.

HON. CARL HAYDEN

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1972

Mr. PEPPER. Mr. Speaker, in the passing of former Senator Carl Hayden, America lost one of its great pioneers who lived into the present and helped to make it the momentous present that it is. Senator Carl Hayden was a legend not only in his State of Arizona, which he represented in the U.S. House of Representatives and the U.S. Senate from the time when it became a State in 1912 until 1969, but in the Nation as well. He concluded his magnificent Senate career as chairman of the Appropriations Committee, a post which he had held for many years, and President pro tempore and Dean of the Senate. His warm smile, his folksy and friendly manner, his keen mind, his sterling character, and his shrewd, practical knowledge of dealing with people, enabled him to achieve not only monumental accomplishments for Arizona but for America. Every Senator, every person who ever knew him—except perhaps some of the criminals with whom he had to deal when he was sheriff in Arizona before he came to the Congress—loved him. Only last year when in Phoenix I had a warm conversation on the telephone with Senator Hayden whose colleague I was in the Senate for 14 years. His famous description of himself was as a work-horse rather than a show-horse. He was a hard worker, painstaking in his preparation, persistent in following through his objectives. He knew how to get things done in a legislative body because he could work with the members to advance the cause of meritorious legislation and projects. America is a better land because it bears the indelible imprint of Carl Hayden.

Carl Hayden's career in the Congress, the longest in the history of our country, spanned the modern era of technical progress, national growth, and international prestige and power of the United States. What a rich life he lived to be able to participate in the building of this great America which he so much loved. Mr. Speaker, my wife and I cherished the friendship of Senator Hayden. Like his fellow countrymen we shall honor his memory. We extend our deepest sympathy to the surviving members of his family and to his fellow citizens to whom he meant so much and whom he so nobly served.

MUST WASHINGTON WATCH EVERY SPARROW?

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ROBISON of New York. Mr. Speaker, after a particularly trying day when I return to the office to read my constituent mail, it sometimes occurs to me—in a weak moment—that maybe people just cannot do anything for themselves anymore. Therefore, I was glad to have Prof. Edward A. Lutz of Cornell University give some theoretical underpinnings to the idea that centralization of governmental responsibility is not always the only answer to our environmental and social problems.

When I visited South Vietnam in 1970, part of my briefing included the suggestion that the single greatest impediment to national unity in that country was its traditional system of village government. I have since noted those other commentators on Vietnamese politics who are in the habit of flourishing the old Asian maxim:

The Emperor's rule stops at the village gate.

And, yet, when one steps inside that "village gate," he finds that many of the social services now routinely directed by the Federal Government here in this country are taken care of in Vietnam by the "village elders." Care of the aged and disabled, financial support for widows, and even such matters as flood control are thus the concern of the village and its constituent families.

One perspective would have this sharing of responsibility as the unmistakable mark of an underdeveloped society, wherein political mechanisms have not progressed sufficiently to institutionalize these services. Yet, as Professor Lutz suggests in his speech to the Northwestern Agricultural Economics Council, there, may be a new perspective, one which observes the social and environmental shortcomings of the most-sophisticated form of modern government and says:

> Maybe we had better look back to the community and its neighborhoods for some kind of solutions and action.

That viewpoint leads to a suggestion, to us, that Washington simply cannot keep an eye on every sparrow.

Professor Lutz' carefully considered comments are well worth reading, and I am happy to have the opportunity to bring them to the attention of my colleagues.

LOCAL GOVERNMENT STRUCTURE AND THE PROVISION OF PUBLIC SERVICES IN RURAL COMMUNITIES

(By Edward A. Lutz of Department of Agricultural Economics at Cornell University)

Two quotes in Dean Jansma's talk outline for this morning illustrate sharply some hangups or mental barriers that agricultural economists and other students need badly to hurdle in considering problems of public policy and public operations. I shall repeat one of them and then discuss it before turning to the other.

The first quote is from the Saturday Review, and was suggested as an organizing theme. Here it is, "The battle to save the environment is just beginning, but until the nation decides which sectors of society will get priority, and who pays the price, ecology is nothing but rhetoric." Let me repeat and emphasize the phrase "until the nation decides." The assertion is that "until the nation decides," we have nothing but rhetoric.

This belief is basic to a discussion of local government structure because it seems widely prevalent among people who consider themselves sophisticated intellectuals, maybe including a few agricultural economists.

UNTIL THE NATION DECIDES

The nation does decide some things as a nation. It of course does not decide everything, if we stop to reflect a moment, even in the public policy line. The attitude emanating from the quote, however, when multiplied and trumpted over the land, tends to push decisions upon the nation that add unnecessarily to the already fierce congestion. The inventory of pending decisions becomes mountainous. People like the Saturday Review writer, who see the world in ecological terms and the nation as the only center of decision, complain about substitution of rhetoric for action. Even a professor like the speaker is sometimes driven by demands beyond his capacity to substitute rhetoric for something solid and substantial.

The Saturday Review in aiming at a national market for its product seems to equate public problems, and decisions for resolving them, with this market. It does this in a nation whose ponderous size ranks it 4th on earth in both population and geographic area. It does this in a nation whose technological, social, ethnic and economic complexity and interdependence make the problems probably the most intractable on earth when they are all considered on a national scale. Such an attitude may sell Saturday Reviews from coast to coast. It is a rather fantastic view, when one reflects, if he has time to reflect, on how to resolve particular problems in particular ways.

It may be a solace to some of our sophisticated intelligentsia to believe that Washington is supposed to have its eye on every sparrow when one tries to locate someone to blame for malnutrition among sparrows. The maintenance of a bird feeder outside one's dining room window often will be far more effective in promoting the ecological welfare of at least a particular fraction of the sparrow population in the USA. It is probable that as a nation we could inaugurate programs to alleviate nutritional crises among the sparrows, and win the approbation of the peddlers of the Saturday Review. We must not overlook, nevertheless, the constructive possibilities of supplying the backyard feeder even as we indulge in fashionable despair over the endless transcontinental jetstreams of rhetoric.

You may think that by citing the nutritional problems of sparrows I exaggerate the expectations of modern-day sophisticates concerning what we as a nation ought to decide to do. Let me remind you that there is a federal aid program for exterminating urban rats. When some individuals questioned the proposal a few years ago, they were put editorially in the public stocks of the New York Times as calloused souls ignorant of real needs.

The knee-jerk reaction of looking for the nation to decide, when one thinks he has a problem, overlooks the potentially important and indeed critical capacity for initiative of smaller groups, including communities or localities and their governments. The prevalence of the reaction seems fundamental to considering local government structure.

THOSE ARTIFICIAL STATE BOUNDARIES

The second quote from the talk outline for this morning refers to the artificiality of state boundaries. This phrase appears in probably every standard text on American Government, and perhaps most of those on economics. Maybe it occurred to George Washington as he crossed the boundary of the Delaware River on that legendary winter night. It is used often in the Northeastern United States where especially large numbers of people seem to have settled in patterns having little reference to state boundaries.

State lines are obviously artificial in the sense of having been designated by agreement among humans. Some such boundaries are artificial in the sense of being ill adapted to some of the purposes for which they may have been designed. In considering such matters, one is tempted to muse upon the artificiality of some of the borders between the United States and its neighbors (e.g., between Niagara Falls, New York and Niagara Falls, Ontario), or between the countries of western Europe and elsewhere on earth many of which are smaller than a number of our states. One also recalls that the stability of the line between us and Canada has been customarily hailed as a symbol of inter-community amity.

My purpose is simply to point out that there is an element of the arbitrary and artificial about most boundaries and that they continue to be essential for some purposes. We might do better in drawing state lines if starting with a clean slate. Not only is the prospect of doing better a political hazard, but we obviously don't have a clean slate. Further, the considerable volume of talk over a long period about obsolete state boundaries has not altered them in the slightest.

As a practical matter in approaching practical problems, we need to accept that the Northeastern (and other) states are here to stay for a time as political entities. Then we can study what needs to be done within this institutional framework. Accepting the states as states has basic importance for questions of local government and its structure. An old and often-cited court decision exaggerates somewhat, but has much legal truth in considering local governments as "creatures of the state." It is impossible to consider questions of local governments for long without reference to the state by whose authority they exist and from which their powers are derived.

LOCAL GOVERNMENT AS SIGNIFICANT

The two quotes emphasized thus far in this talk reflect intellectual barriers in and outside of academe that block intelligent understanding and leadership of able people including agricultural economists in seeking politically practical answers to public questions in the localities of the Northeastern United States and beyond. The first reflects the attitude that 200 million people through Washington must decide public issues for all 200 million. The second, in refusing to take state boundaries seriously, finds unworthy of study a primary alternative to national decision and action in the political or governmental institutions of state and local government.

In a sense most of us agricultural economists, like the Saturday Review, cater to a national market. So do many other professionals, not to mention much business and industry. In trying to see the nation whole, state boundaries fade and become artificial while other equally artificial boundaries in things economic are accepted as a matter of course as, for example, publicly determined or regulated transport costs in interstate commerce. Those who concern themselves with more limited geographic areas tend to be regarded as parochial and provincial, not quite "professional."

It was my privilege recently to spend a sabbatic year in Norway where agricultural economists were also absorbed in probing national problems. The striking contrast was that Norway is a sovereign nation with a mere 3¾ million people and a geographic area equal only to Maine, New York and Pennsylvania. Many problems were similar except in the often critical difference of scale. Can you imagine focusing your professional lives primarily upon questions confronting a political entity of that size?

The first requirement for considering local government structure and the provision of public services locally is to take local (and state) government seriously. As Jerome Zukosky has recently said of the much publicized "urban crisis," "The urban crisis, therefore, is a crisis of understanding and comprehension, and much broader and more profound a problem than we assume. . . . In one sense, the crisis testifies to a great failure on the part of scholars and others to educate and to promote politically acceptable measures for change." [1]

The New York Times of May 31 carried an Anthony Lewis column on "Learning to Think Small." It was inspired in London by the British sociologist Michael Young. "He [Young] made the case for smallness in human organization. For a long time, we have believed that bigness brings efficiency in business and government. To gain economies of scale we have accepted the remoteness and impersonality of large organizations. 'Whenever anything goes wrong,' Dr. Young said, 'growth is the stock remedy.' The ailing automobile company is enlarged by merger. Government ministries are combined into a super-department. Local governments are expanded to cover larger areas. We build

huge schools and universities. But the remedy no longer works. . . . The big businessman tries to find ways of allowing smallness and initiative inside the huge corporate structure. The Federal Government looks for new relationships with localities and states. . . . In the end we may have to come to radical change in political structure and business ideology. Right now it is enough to begin by recognizing the renewed truth of what Louis Brandeis taught about the curse of bigness."

We need to think small enough to focus scholarly attention upon how public actions affect families and localities, towns and groups of towns, and private institutions in variety within a finite geographic area. Otherwise we do little more than to contribute to those jetstreams of rhetoric.

LOCAL GOVERNMENT STRUCTURE

In education in recent years we've been confronted by the unpleasant and unnerving possibility that even when schooling is practiced according to the approved models, we haven't been eduating very well. In considering how to improve local government structure, we are in a similar fix of being much less sure than we once were about what are the right models.

As a trained and more or less certified professor of public administration, I have shared, though by no means completely, the common yen for simplicity in local government structure—simplicity from the viewpoint of the rulers rather than the ruled. We have watched the census count on the units of government in the United States. The latest total of 81,000, though it has been shrinking, is regarded as much too many. The number, we have said, should be greatly reduced, employees should be full time professionals, economies of scale should be realized from the enlarged resulting operations, organization should be rationalized into the traditional pyramid of authority, multiple layers of local government should be dissolved to a minimum of one or two. Then the public would be better served and would better understand what is going on preparatory to better decisions at elections and other times.[2]

You may wish to estimate the significance of the apparent fact that those who have taken the doctrine just described most seriously seem to be in the deepest trouble. The greatest progress in local consolidation and rationalization has been in school districts which preside over the largest sector of the field of education. Elsewhere the reduction of numbers of local governments has been minimal. The most striking and clean-cut illustration of metropolitan consolidation is the City of New York which expanded from Manhattan over the four other boroughs or counties at the turn of the century taking in a number of villages, cities, towns and school districts. If one measures urban crises by decibels of sound, it is clear that the City of New York leads in this as in many other things. As I've seen totals of the unusually large number of local political entities in adjacent Nassau and Westchester Counties, I've wondered if earlier emigres into suburbia were reacting to the monolithic City by incorporating neighborhood governments.

NEW LIGHT IN ACADEME

In recent years, questioning of the classic public administration approach to local government structure has penetrated academe. Questioning heretofore, according to legend, has been largely limited to narrow, self-seeking, progress-blocking politicians, fearful of losing the power and self implicit in the public sinecures that would be abolished by a consolidated, reformed and efficient local government.

One result is a beginning of more systematic thinking about the alternatives to the classic approach than is characterized by tub-thumping speeches on home rule or by doctrinaire pronunciamientos on participatory democracy.

Vincent Ostrom, a political economist, has compared the public administration doctrine with what he calls the approach of the contemporary political economists.[3] With respect to the latter, "During the last decade, a new analytical tradition has been developing among a group of political economists who have been preoccupied with the theory of public goods and with the problems of nonmarket decision making which arise under conditions of market weakness or market failure. Their work has developed to a point where we can anticipate quite different possibilities for the design of public organizational arrangements. Those possibilities are much more congruent with Hamilton and Madison's political theory [than is the public administration model]. This approach implies a different basis for diagnosing social pathologies and a different set of prescriptions for treating those pathologies."[3]

Later in the paper, he compares the two divergent approaches. "Both sets of analysts would probably agree that some serious 'urban problems' exist in the United States and that modifications in the structure of decision-making arrangements in many urban areas would probably lead to improvements in human welfare. Disagreements would begin to appear in any identification of the causal links associated with the malady.

"The CED [Committee for Economic Development] report[2] identifies the fragmentation of authority, and overlapping jurisdiction, as the source of chaos and disorder in the urban scene. . . .

"We might expect an organization analyst using the approach of the political economists to be more explicitly concerned about the symptoms characterizing a particular pathology and to attempt to establish a causal linking. . . . If 'crime in the streets were the symptom, he would be concerned with identifying causal linkings related to that effect. The public good might be conceptualized as the peace and security of the streets and of those who use them. He then might speculate that institutional failures associated with large-scale bureaucracies could be associated with 'crime in the street.' In that case, he would inquire further for evidences of 'bureaucratic free enterprise' associated with police corruption. Laws may serve as traps for money. If such patterns of conduct exist, he might further infer that opportunities would exist for alternative arrangements to meet the demand for police protection as reflected in a demand for personal security. . . . A sharp rise in the demand for private security arrangements would be indicative of a failure of the public police agency to proportion its services so as to meet demands in its different services areas.

"The analyst associated with the political economy approach would perceive little benefit to be gained from a bigger and better funded police department in an enlarged metropolitan region under such circumstances.

"Such conclusions do not imply the abolition of big city governments in favor of neighborhood governments. Large-scale organizations are necessary for dealing with many large-scale problems associated with urban life. However, the elimination of collective enterprises capable of providing public services in response to smaller, diverse neighborhood situations will lead to impoverishment of life in urban neighborhoods, communities and villages within a megopolis (sic). . . . In a highly federated system with overlapping jurisdictions, organizations can respond to problems involving diverse scales. Centralization need not be the antithesis of decentralization. Organizations capable of dealing with small-scale and large-scale problems can exist simultaneously."

Let me supplement the sample from the Ostrom presentation with another from the Jerome Zukosky article already cited. Said he, "The federal treasury could be emptied tomorrow into the hands of big-city mayors and the problems of providing those services that bulk large in the litany of the urban crisis would no more disappear than if each of them were created separate states. The states could turn into the most willing servants of their largest cities, or all the local governments in any metropolitan area could disappear, and the problems of managing, planning and financing that extraordinary political economy we call urban areas and cities would remain as difficult and resistant to human effort as before.

"Simple solutions or policies will not do because the problems of effecting change and improvement in that political economy are not simple and have little to do with the formal powers of government expressed in charters or the numbers of governments, and a great deal more to do with such matters as encouraging public and private investment, energizing bureaucracies to innovate and harnessing technology to public purposes. Many are problems we commonly call management: of pricing goods and services and planning future capital requirements. Others are problems of effecting political leadership and organizing political power to back it up so tough decisions can be made tolerably well and with minimum conflict."[1]

Daniel J. Elazar, a political scientist, also has discussed structure of local government, again with reference to metropolitan areas. "[Every] local community is inextricably bound up in a three-way partnership with the federal and state government, one in which virtually every activity in which it is involved is shared intergovernmentally. . . .

"The existence of this partnership . . . reduces the desire of the local people to give up their local autonomy. Within the federal system, all local governments act as acquirers of federal and state aid; as adapters of national or state programs to local conditions, needs, and values; as initiators of new programs at the state and national, as well as the local, level; and as experimenters in the development of new services. Most important, for every local community or communal interest, possession of its own local government gives it a seat in the great game of American politics. Governmental oragnization is, in effect, a form of "paying the ante" that gives the community as a whole, or the specific interest, access to a political system that is highly amenable to local influence properly managed. Relinquishment of structural autonomy, on the other hand, substantially weakens the positions of the community, or interest, in its all-important dealings with the state and federal governments. This militates against any local government . . . willingly giving up its existence unless its constituents cease to desire a special seat at the political table. . . .

"A [consolidated] metropolitan area is no more likely to be financially and economically self-sufficient than the largest states are today, and we know that no state is presently willing or able to give up federal assistance, particularly since none feels the need to do so to maintain reasonable local autonomy."[4]

FROM THE WEST COAST

Let me continue this litany of quotes on metropolitan restructuring with one more on the Los Angeles area by a political scientist who did a study of that area as a doctor's thesis. The literature of local government restructuring seems currently much more abundant on urban localities than rural, an imbalance that some in this group should try to correct.

Footnotes at end of article.

Robert Warren as a student of Los Angeles metropolitan area government wrote that his examination failed to verify that efficiency and adequacy of services are associated with a centralized metropolitan government. His studies suggest instead "that the capacities of a multinucleated government system may be at least equal, if not superior, to one in which decision making is formally centralized. . . . [Analysis] of government within Los Angeles County indicates that the division of authority among autonomous public entities does not preclude efficient and adequate responses to the municipal needs of large and complex populations. . . . Competition among jurisdictions in the Los Angeles area has become institutionalized in two senses.

The Lakewood Plan has created a relationship similar to that of producer and consumer in the market by locating control over the provision of public goods and services in a number of independent cities, and production in a large scale producer [Los Angeles County] exposed to the possibility that the areas it services may utilize other means of production. The results of the market-like interaction in this arrangement suggest that benefits comparable to those attributed to competition in the private sector may also be realized in public organization. . . . This quasi-market pattern appears to provide a basis for structuring political fractionation in such a way that basic service standards are maintained, differing preferences in the public sector can be satisfied, and higher levels of efficiency and responsiveness induced in a large scale producer."[5]

LOCAL GOVERNMENT, RURAL AND URBAN

It may be objected that all the talk about metropolitan areas is a long way from rural. But is it? The students quoted are telling us to be careful of the classic public administration approach in restructuring local government. They seem to be saying that you don't disregard it, but neither do you follow it blindly as revealed religion. To put it in unscholarly vernacular, they seem to be saying that there is more than one way to skin a cat.

For example, where economies potentially realizable from scale are significant, what are the alternatives for realizing them? One, and only one, alternative is to consolidate until there is enough volume of business under one management to make possible the economies; even that alternative has its hazards with respect to economy as the City of New York has recently discovered in relation to its sanitation department. Performance contracts with private concerns for education, until recently heresy, are now at least getting a hearing. Other alternatives are to contract with other governments or private organizations, to cooperate, look to a higher government, etc. In household management, each doesn't make its own television set; it benefits from economy of scale by buying one made by a large producer.

If professional expertness is wanted, what are the alternatives for obtaining it, in addition to the alternative of organizing local governments large enough to accommodate the full time experts on the payroll?

The use of what is termed "para-professionals" is much discussed these days for local governments and in other situations. This late urban fashion has been prevalent for a long time in rural areas in the form of the part-time amateur public functionary in many lines. As ruralites know, the performance often has its faults. It is not always or maybe even usually done under the watchful eye of a professional. In the light of new insights, however, maybe we'd better count ten before we vote all the amateurs out in office in favor of the full time, fully certified expert. Again, if we observe carefully and systematically, as good scholars should, what local government actually do, we are likely to discover numerous alternatives for deriving optimum combinations of professionalization and lay performance.

A WORD ON FINANCE

Some of the students quoted heretofore have treated money with maybe too heavy an apparent disdain in discounting local government restructuring as a means of alleviating local public problems. Money alone will not solve the urban crisis, or the rural crisis. Obtaining money is, however, among the troubles.

If one stares at the simple, unmanipulated figures in the accompanying table from a certain perspective, it is possible to reach one or two rather obvious conclusions. One is that in the course of the past three and a half decades, local governments have shifted from a heavily dominant to clearly subordinate position in tax collections by the three levels of government—federal, state and local. A second is that while the local property tax take has expanded several times over, its growth has been nothing like the federal income taxes, especially the individual income tax. Even the social security taxes now exceed that local mainstay, the property tax.

Observers agree on few things more widely than that local governments generally are under far more severe pressure than the federal in finding enough money to finance growing expenditures for essential public functions. The income elasticity of yield of the federal individual income tax has been a great discovery in political economics in the post-world war period of seemingly perpetually rising incomes. More money flows to the national treasury each year without the Congressional necessity of raising tax rates. This relatively benign and pleasant experience is in stark contrast to that of local (and state) governing bodies facing the perennial decision of how to get more money from tax bases generally much less responsive to economic expansion than the income tax.

These and other constraints upon local governments help explain what some scholars regard as the innate conservation of many local officials. One way of modifying these attitudes is to reduce the hazards of political gunfire incident to raising necessary funds for local treasuries.

How do you generate within communities around the Northeastern United States an intelligent, shrewd, skeptical, "sophisticated" willingness to raise taxes or other revenues for local communal purposes? I submit that one direction to look is toward more and better sources of locally raised revenue, and that this direction may be more important in adding to local government vitality than trying to equalize and make uniform taxes and public services among localities, significant though the latter may be.

The inadequacies of supplying local revenues through large numbers of fragmented federal (and state) aid programs have recently been pointed out by more thorough scholars of the subject than I. The relatively unconditional federal revenue sharing proposals would substantially modify the fragmented approach, although the initial amount proposed for the general revenue sharing ($5 billion) is modest compared with the numbers in the accompanying table. These federal explorations and alternatives are interesting and worth pursuing. But we need, I think, to pursue alternatives farther and more thoroughly than is likely to be done under official federal or state auspices. Perhaps among agricultural economists and their peers in the Northeast, we shall find talented and imaginative researchers who will prospect for the gold in this lode, and who will propose alternatives that will give at least a one-man one-vote break to the rural areas relative to urban.

In the dim past when I first read a public finance text, I learned the convincing reasons why the individual income tax was not suitable to local government use. During my recent stay in Norway, I discovered that the Norwegians are ignorant of such matters, and that this tax occupies the preeminent position in local government taxation that the property tax does here. In the municipality where I resided, roughly equivalent to a moderate sized New England town, the tax rate was a not untypical 19 percent! This local tax is proportionate to income while the national tax is on a graduated scale.

There are all sorts of reasons why so heavy local reliance upon income taxation won't work here. It may be worthwhile to look more searchingly to see if the reasons are the right reasons before we write off the Scandinavian experience.

The search for improved local revenue sources should not be limited to taxes alone as the word "taxes" is understood by the Census Bureau in compiling statistics of state and local finance. Revenues also include the broad Census categories of "charges and miscellaneous general revenue" and "utility revenue." Resource economists have called attention to a variety of possibilities for pricing public services and for charges such as for environmental protection. The potential of expanded use of "non-tax revenues" offers opportunity for imaginative economic research that will help resolve pressing problems of financing public services in rural communities.

THE END AND BEGINNING

Institutions of local government are being viewed in fresh perspective as essential elements in effectively serving the public in both rural and urban communities. There is plenty of room for improving those institutions, and plenty of scope for scholarly work by agricultural economists and others in the search for alternatives for improvement.

We appear to know less than we once thought we did about these things. We need to think less of national solutions for all public questions, and the rhetoric it takes to move a nation of 200 million souls to respond. We need to consider more the ways for communities that are finite in numbers of individuals and in ties of command interests to make visible inroads on their concerns.

One requirement is a seasoning of humility in intellectual endeavor. An able agricultural economics graduate student of a generation ago had on the wall by his desk a motto that would seem quaint to the *Saturday Review*, "Life by the yard is hard. Life by the inch is a cinch." Settling the fate of the United States at every seminar can make life incredibly difficult—or lost in rhetoric. Settling the future of Podunk is enough to try most men's capacities, the more so if multiplied by a factor of 3 or 4 or 10, let alone by a few score or few hundred.

A valuable attribute of many agricultural economists that gave rise to the profession and its widespread recognition was perhaps acquired from the physical and biological scientists who have been their colleagues in the applied sciences of agriculture. It was the habit of observing systematically and first hand the phenomena to be studied and taught. One learned how farms were run by visiting, questioning and recording the answers of farmers representative of the population under study.

Systematic observation of local government and its managers, employees and customers has a potential for similar returns.

Footnotes at end of article.

FEDERAL, STATE, AND LOCAL TAXES FOR 1932 AND 1968-69, UNITED STATES

[In billions]

	1932				1968-69			
	Total	Federal	State	Local	Total	Federal	State	Local
Individual income tax	$0.5	$0.4	$0.1		$96.1	$87.2	$7.5	$1.4
Corporate income tax	.7	.6	.1		39.9	36.7	3.2	(1)
Social security taxes					37.3	34.7	2.6	(2)
General sales taxes	.6	.4	.2	(2)	14.0		12.4	1.6
Property tax	4.5		.3	$4.2	30.7		1.0	29.7
All other taxes	1.7	.4	1.2	.1	42.0	22.1	17.8	2.1
Total taxes	8.0	1.8	1.9	4.3	260.0	180.7	44.5	34.8
From other governments	(3)		0.2	0.6	(3)		17.8	26.1
Total revenue	$11.5	$2.6	$2.2	$6.7	$312.6	$199.6	$77.6	$79.3
Population (millions)	125				201			
Gross national product (billions)	$58				$931			
Personal income (billions)	$50				$689			

[1] Included in individual income.
[2] Less than $0.05 billion.
[3] "From other governments" cancels out to zero in U.S. total.

Sources: U.S. Bureau of the Census, Governments Division, "Census of Governments, 1932;" and Government Finances in 1968-69; U.S. Office of Business Economics, "Survey of Current Business," selected issues.

FOOTNOTES

[1] Jerome Zukosky, "What's the Problem?" in the *National Civic Review*, published by the National Municipal League, New York, September 1970, Vol. LIX, No. Eight.

[2] See for example Committee for Economic Development, *Modernizing Local Government—to Secure a Balanced Federalism*, A Statement by the Research and Policy Committee of the Committee for Economic Development, New York, July 1966.

[3] Vincent Ostrom, *Two Approaches to the Design of Public Organizational Arrangements*, a paper drafted for presentation to the National Water Commission and the Commission's staff, 73pp. mimeo., 1971.

[4] Daniel J. Elazar, "Are We a Nation of Cities" from *The Public Interest*, No. 4, Summer, 1966.

[5] Robert O. Warren, *Government in Metropolitan Regions: A Reappraisal of Fractionated Political Organization*, Institute of Governmental Affairs, University of California, Davis, 1966.

THE BURDEN OF BUTZ

HON. FRANK E. DENHOLM

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. DENHOLM. Mr. Speaker, the Secretary of Agriculture has the burden of seeking economic equity for the industry of agriculture before another harvest. There cannot be an economic balance or any meaningful social stability of the affairs of this Nation until the deficiency of personal disposable net income to the people of the rural communities in America is substantially improved.

DEPARTMENT OF AGRICULTURE VERSUS PRODUCERS OF AGRICULTURE

The U.S. Department of Agriculture is the agency within the executive branch of this Government that has the duty and obligation to represent the industry of agriculture. The thrust of leadership in policies and programs that affect this Nation—our future growth and economic stability is the awesome responsibility of the personnel thereof. The challenge is not an easy task. It is a task that must be done. It requires action—positive action now.

Former Secretary Clifford M. Hardin has been succeeded by the Honorable Earl L. Butz but the policies of USDA have not changed. Opposition to emergency farm price legislation to increase farm income has been intensified and yesterday effectively led to the demise of the House-passed Strategic Reserve Act. (H.R. 1163).

The legislative death of emergency farm proposals to overcome the deficiency of income to the people of rural communities is a serious economic crunch to the overall economic stability of this Nation. It is not a victory for Secretary Butz—the American farmer or the United States.

Mr. Speaker—farmers can survive the tactics of USDA—they can survive economic abuse. They have before. I am hopeful that our country can. The price of folly will be a costly course of the future. The alternative to an extension of the present farm depression is now the sole obligation of USDA to act under existing authority of the Agriculture Act of 1970. The burden is with Mr. Butz—the American farm families are the victims. They wait.

UKRAINIAN INDEPENDENCE

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 1972

Mr. ANDREWS. Mr. Speaker, this week marks the 54th anniversary since the proclamation of independence of the Ukrainian National Republic and the anniversary of the act of union, whereby all Ukrainian territory was united into one independent and sovereign State of the Ukraine. The independence of Ukraine was proclaimed in Kiev, the capital of Ukraine on January 22, 1918, and the act of union took place a year later.

The Ukrainian National Republic was recognized by foreign governments including Soviet Russia. Shortly after this recognition Russia began a large scale invasion of Ukraine. For 3½ years, the Ukrainian people waged a gallant struggle in defense of their country, but it was subdued to a puppet regime of the Soviet Socialistic Republic.

The freedom loving people of Ukraine have not accepted the Soviet-Russian domination and have since been fighting to regain their independence by all means accessible to them. During World War II, the Ukrainian people organized a powerful underground resistance movement known as the Ukrainian Partisan Army which fought not only against the Soviets but the Nazi regime as well.

Mr. Speaker, I am a cosponsor of a House resolution seeking U.S. diplomatic relations with Ukraine and Byelorussia. At the rate Moscow is developing militarily, we had better start showing a deep interest in the colonial non-Russian areas of the U.S.S.R., just as Peking has been doing for years.

This anniversary provides an appropriate occasion not only for the U.S. Government and American people, but the free world to demonstrate their sympathy and understanding of the aspiration of the Ukrainian people.

RED CHINESE ALIENS IN AMERICA—II

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. SCHMITZ. Mr. Speaker, as planeload after planeload of Chinese immigrants arrive daily at San Francisco's International Airport, fresh from mainland China, the chilling words of former Red Guard Communist Chen Yung-sheng, who swam to freedom at Quemoy in 1968, take on an added and more ominous meaning. Writing in a publication of the Asian Peoples' Anti-Communist League last July, the former Red revealed how a "a high-ranking Communist cadre" had once told him why Peking hoped to establish diplomatic relations with capitalist countries:

> This is our great Chairman's strategy. To help you understand, I shall quote what Lenin once told his followers. He said: "If you must shake hands with your enemy before you can reach his neck, then shake hands with him."

Chen Yung-sheng explained:

> The goal of the Chinese Communists is to overthrow all democratc government and communize the world. When they discovered

that they could not overthrow a democratic government by open aggression, they would try to "make friends" with it so that they could infiltrate it and subvert it from within. This is why they have started a so-called smiling face diplomacy.

As outlined in a previous newsletter, the Red Chinese have for a number of years now been engaged in large scale infiltration of espionage agents into our country for the obvious purpose of not only gathering important intelligence information for Peking, but of increasing the flow of hard drugs among our youth. While certain investigators for the U.S. Immigration and Naturalization Service have estimated that at least 30,000 suspected Red Chinese nationals have actually penetrated our borders illegally in just the past 7 years, Justice Department officials seem strangely unconcerned. These officials are likewise unperturbed about the equally startling fact that during the same period, thousands of Communist aliens have been brought into the United States legally by the U.S. State Department. Nor has it ever been publicly announced by these officials that our own intelligence-gathering networks have established that great numbers of Red Chinese "immigrants" have also been settling throughout Latin America, as in Africa. Many are trained guerrillas assigned to aid local Communists in revolutionary attacks on those nations slated for takeover. All these Communist agents then have to do to reach the United States is buy a plane ticket to New York posing as tourists and then disappear into the Red underground.

Checking the latest available report issued by the State Department's Bureau of Security and Consular Affairs, covering the period from 1960 to 1969, the statistics show that during those 9 years permanent immigration visas were granted to 60,217 individuals coming into the United States from Red China, only 8,221 of whom, however, were actually Chinese. In contrast to these figures, investigators for the New York office of the Immigration and Naturalization Service state that during the past 7 years an average of 20,000 Chinese have legally entered our country, many of whom were formerly active in Communist affairs on the mainland. Added to this is the fact that from 1960 to 1969 visas were also issued by our State Department to the following number of persons from such Communist countries as Albania, 1,050; Bulgaria, 1,226; Czechoslovakia, 18,496; Estonia, 1,002; Hungary, 10,445; Lithuania, 3,256; Poland, 70,619; Romania, 4,426; U.S.S.R, 20,279; Yugoslavia, 21,-107; Algeria, 797; and Cuba, 131,050.

While it is certainly not meant to imply that every Chinese national coming to the United States from Hong Kong is a Communist agent, or in any way sympathetic to the thoughts of Mao, it is reasonable to assume that many are, either by choice or through coercion.

Despite the obvious dangers inherent in any dealing with the Red Chinese, the State Department some years back instituted a rather peculiar "government-consent" policy by which any individual arriving in Hong Kong from Red China under a declaration that he had renounced the Communist Party and was no longer a member is taken at his word. These "former" Communists then apply for immigration visas and are subsequently allowed to move here under the same conditions as any other immigrant.

Among these thousands of "former" Communist refugees from Hong Kong, many are highly skilled in science, electronic technology, accounting, and in other professional fields. A number of them have already been allowed to take sensitive positions within the U.S. Government. In this context, one remembers that in years gone by a great number of men who went on to become Red China's leading nuclear physicists and missile experts, had received their training at American universities.

Adding to the warning voiced by Chen Yung-sheng, FBI Director J. Edgar Hoover pointed out last July in his VFW magazine article, "Mao's Red Shadows in America":

> Following an established espionage pattern we may find the Red Chinese attempting to introduce "sleeper agents" into the United States among the thousands of Chinese refugees who immigrate annually.

Mr. Hoover then reminded his readers that one of the main handicaps facing the Peking Communists in their plans to subvert our Nation, was the fact that Mao's criminal regime was not recognized diplomatically by the United States nor was it a member of the U.N. All of that, of course, is now changing.

RECYCLED PAPER

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. MIKVA. Mr. Speaker, saving the environment is now one of this country's most important and most immediate challenges. With many rivers and lakes choked with pollution, with the air in many cities fouled with carbon monoxide and sulfur dioxide, it has become simply a matter of life and death. Government at all levels has the obligation to lead the fight against pollution by insisting on strict standards and insisting on strict enforcement, but government cannot do it alone. Private industry and private citizens have to assume leadership too, if this country is going to save its natural resources.

The Field Newspapers of Chicago are setting the right kind of example. The January 25 edition of the Chicago Sun-Times was printed exclusively on recycled newprint—not a single new tree was cut down to make the paper. It was the first time in history that a major American newspaper has been made completely from recycled paper. The February 1 edition of the Chicago Daily News also will be printed exclusively on recycled paper, and the two newspapers will continue to use a large percentage of reclaimed paper in the production of their newsprint. As a result of this process, more than a million trees will be saved each year and tons of waste paper will be recycled instead of being thrown away, adding to the pollution of our environment.

More than 50 million tons of paper are produced each year in this country, and less than one-fifth of it is reclaimed. Like many newspapers, Congress might also profit from the example of the Field Newspapers. There is a bill pending in the House now (H.R. 10100) that would require substantial use of recycled paper in the publication of the CONGRESSIONAL RECORD. It takes 5,000 tons of paper to print the RECORD each year, and that paper comes from the remains of about 85,000 trees. The Environmental Protection Agency has urged newspaper publishers to increase their use of recycled paper and two major newspapers in Chicago are doing that now. The CONGRESSIONAL RECORD should be no exception.

The bill already has the support of more than 80 Members of the House of Representatives. It deserves the support of many more.

Mr. Speaker, I include the text of an article in the January 25 edition of the Chicago Sun-Times, which explains the use of recycled newsprint, into the RECORD:

TODAY'S SUN-TIMES MADE OF RECYCLED PAPER ONLY

The printing of Tuesday's Sun-Times marks a first in the history of major American newspapers and in the continuing effort to preserve our environment.

The paper for this entire Sun-Times edition was made without cutting down a single tree. It is the product of recycling old newspapers at a Field Enterprises Inc. paper plant, the FSC Paper Corp., in suburban Alsip.

Each day almost 50 per cent of The Sun-Times and the Chicago Daily News, both published by Field Enterprises, is printed on recycled paper. Next Tuesday, all editions of the Daily News will us the product exclusively.

The Field Enterprises mill uses a special de-inking process to reclaim old newspapers and turn them into rolls of paper for future editions of the Field newspapers and 30 other papers. The daily production of the plant is more than 260 tons of newsprint. Nearly 115,000 tons of waste paper are used annually in the process.

But the story begins with a newspaper you might have read months ago. Thorugh dealers who buy waste paper from individuals and groups, that newspaper found its way to the Field plant.

Actual recycling began in a large square container, called a batch-pulper, where the paper was reduced to pulp and de-inked through a flood of water and chemicals. The pulp then went through cylinders to remove paper clips, staples and other foreign objects.

Any ink that remained from the first treatment was pressed out of the paper fiber. After the pulp was washed twice more, the wet fibers formed a sheet on a fast-moving wire mesh belt. The sheet was picked up from the belt by vacuum and fed through rollers to press out excess water. It was dried on steam-heated drums, wound into reels 20 feet wide, cut into rolls to fit the newspaper presses, wrapped and shipped to the pressroom.

Recycling at the Field plant annually conserves 1.5 million trees for other uses, as well as for their beauty. Estimates indicate that de-inking paper saves U.S. newspapers about $3 million a year because raw materials and plant are located closer to pressrooms, and in the United States saves almost $50 million in international payments.

THE MENTALLY RETARDED HAVE THE RIGHT TO AN EDUCATION

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. VANIK. Mr. Speaker, the summer of 1971 will be remembered for an event which will prove to have enormous and dramatic implications for children with disabilities and their families. During this summer, the U.S. District Court for the Eastern District of Pennsylvania issued an order in the case of the Pennsylvania Association for Retarded Children against the Commonwealth of Pennsylvania.

The complaint, alleging the unconstitutionality of certain Pennsylvania laws and practices under the equal protection clause of the 14th amendment to the U.S. Constitution, was filed on January 7, 1971. The resulting orders means basically that retarded children have the same rights to public education and training assistance as other children.

In most States, many mentally retarded children have also been denied their rights to an education.

In my own State of Ohio, for example, many youngsters have been excluded from public school because of an arbitrary and unscientific line that divides Ohio's mentally retarded into the categories of "educable" and "trainable." Many of the children who are classified as mentally retarded by public schools differ little from the average person in their ability to hold down steady jobs and lead normal lives as adults. Yet they are legally discriminated against by being excluded from public school or held back in inadequate special programs that offer them no challenge or opportunity.

The educable mentally retarded, with IQ's that range from 50 to 80, are enrolled in special education classes in public schools which receive Federal funds through various forms of ESEA assistance. The trainable mentally retarded with IQ's below 50 are excluded from public schools and are enrolled in county programs under the jurisdiction of the Ohio Department of Mental Hygiene and Correction. These programs do not receive any Federal education funds at all.

Parents of trainable mentally retarded children have appeared frequently at meetings of the Ohio State Board of Education, hoping to shift responsibility for the education of their children from the "educationally inadequate" Department of Mental Hygiene and Correction to the Department of Education. The Department of Mental Hygiene and Correction program provides only custodial care for these trainable, mentally retarded children. These parents have petitioned the State legislature and now they are going to court. They plan to challenge Ohio's exclusion clause on the grounds that all children—regardless of intelligence quotients—are capable of benefiting from, and are constitutionally entitled to, free education and training within the public education system. Our governments tax these people, their parents and relatives, but fail to provide truly educational services for them. Parents of trainable mentally retarded children pay local and Federal taxes, which maintain the school systems but cannot send their children to public school. They pay Federal taxes yet how much effort is made to educate the nonschool mentally retarded child through ESEA, impacted aid, and other programs?

Not only are these children and their taxpaying parents denied access to regular facilities—but the separate facilities are often grossly inadequate and are not educationally certified. These mentally retarded children below the 50 IQ cutoff point should be in academic facilities with certified teachers; also, the county programs for these children are not meeting standards that are upheld within the public school system.

In the Supreme Court of the United States, the State of Wisconsin is pressing charges against the Amish for their voluntary truancy from the public school system in that State. (cf. Wisconsin against Yoder (70–110)). At the same time, 89,583 handicapped Wisconsin children are excluded from the public school system. Yet no one is carrying the banner for their rights to the Supreme Court of our land.

As long as this horrible exclusion exists in most of the States in our land, you can exclude any children you desire. Our goal should be to make it possible for all children everywhere to have an equal opportunity for an education commensurate to their capabilities.

When a certain group is excluded from the services of the Ohio Department of Education and put into a special category, they are then discriminated against. These "special categories" are sadly deficient.

Using statistics compiled by the National Association for Retarded Children, there was an estimated 106,000 school age retarded children in Ohio last year—94,000 educable mentally retarded and 12,000 trainable mentally retarded. While public schools were providing special classes for only about 48 percent of the educable mentally retarded children, about 67 percent of the trainable mentally retarded children were enrolled in county programs.

There are two areas of the law that are in question here. One deals with the exclusion of the mentally retarded from publicly supported facilities. The other concerns the failure of due process to the parents of excluded children by denying them a hearing before the State board of education.

Public education is now accepted as the right of all the citizens of our country. Ohio's laws, with all of their discrepancies and vagueness, also have this precept and basis—but the exclusions make a mockery of their rights.

When children are excluded from educational opportunities in Ohio, it is done on some guidelines that are not sound in their assumptions and cannot be justified as good educational practice. Specifically, section 3321.05 of the Ohio Revised Code states that a child "may be determined to be incapable of profiting substantially by further education—according to the mental capacity of the child." This statement is truly frightening. How does anyone presume, in clear conscience, to judge what a child is incapable of doing, if the circumstances and opportunities are right?

I believe that this legal statement closes, to those who need it most, the opportunity for the one thing that will prevent less than complete dependency for them—education and training. But, to deny the opportunity of instruction to a large group of children on the basis of a handicap, is to deny the basic rights of an individual in our democratic society. To assume that "instruction" is the exclusive province of the arbitrarily defined "mentally capable" is absolute bigotry.

It is unconscionable how officials in Ohio have escaped what the Ohio Code prescribes for them to do for the trainables. While the code sets guidelines to establish separate and adequate facilities for trainable mentally retarded children, in reality the State has been unable to provide substantive educational and training programs.

The situation for the education and training of the mentally retarded child with an IQ below 50 in Ohio is something less than it should be and reflects serious discrimination against these youngsters.

Education and vocational training is perhaps the great equalizer of employment opportunity in that it provides the individual with the most basic tools of any trade. Education of the handicapped is one of the most cost effective endeavors the American educational enterprise has ever undertaken. It costs the State $250,000 for the lifetime of a mentally handicapped person in an institution, but appropriate educational services for the handicapped can turn a negative societal contribution into a positive one for the individual and for the whole society. Mentally retarded children, even the most severely retarded, do learn when given the chance to participate in educational programs tailored to meet their special needs. The incredible number of mentally retarded not receiving any educational services is one of the great tragedies in the American way of life.

I introduced legislation on December 9, 1971—H.R. 12154—to amend the Civil Rights Act of 1964 to specifically include the handicapped. This bill would make it illegal to discriminate against any handicapped individual and to deny him access to federally assisted programs, unless there is a bona fide qualification reasonably necessary to the normal operation of the particular program.

It is my hope that this legislation, which also has been introduced in the Senate, will receive early hearings and support from my colleagues. This endeavor to insure the protection of the legal and constitutional rights of our less fortunate citizens is an effort that deserves the support of all Americans.

TAKE PRIDE IN AMERICA

HON. CLARENCE E. MILLER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's

pioneers of progress and in so doing renew our faith and confidence in ourselves as individuals and as a Nation.

The air brake system was invented by George Westinghouse in 1869.

THE ROAD TO FINANCIAL DISASTER

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. GOLDWATER. Mr. Speaker, on January 24 our esteemed and respected colleague from Texas, the Honorable GEORGE MAHON, Chairman of the House Appropriations Committee, granted us the privilege of his views concerning the newly submitted budget for fiscal 1973, and the emergent deficit for fiscal 1972.

Not having the tremendous expertise and background of experience as Mr. MAHON, I cannot, of course, express my feelings on the subject nearly as well. But I do want to add to his comments my own agreement with their substance; the approaching fiscal year 1972 deficit in federal funds of $44.7 billion is terrifying to contemplate.

Our current national debt is already more than $426 billion, and we will soon be asked to raise it even more. We have mortgaged generation upon generation of Americans to come, and we are continuing down this road to fiscal disaster.

Spending as if we are at full employment seems to me to be an excuse to "go overboard." This is a strictly theoretical concept, with no practical assurance that it will work—in fact, it is highly unlikely to be realized. Deficit spending under the umbrella of this concept constitutes a raid on the pocketbooks and savings of the American people.

On the one hand, we are asked to stimulate the economy through tax cuts. On the other hand, we are asked to fight inflation through wage and price controls, which only strangle further an already over-regulated system. And now, we are increasing government spending. The contradictory nature of these approaches appalls me—and also makes it clear that we are headed back down the road to inflation again.

Obviously it is not our booming economy that is causing inflation. Obviously it is not too much money in the hands of the consumer. Quite clearly, inflation is being caused by too much Government spending—too much new money for new programs being pumped into the financial stream of this country. This is not true economic health but a spurious transfusal—robbing Peter to pay Paul.

It is time that we face up to facts. We are spending almost 12 cents of every tax dollar just to pay the interest on our national debt. We have been forced to devalue the dollar, thereby seriously damaging our financial credibility at home and abroad. We have authorized minute tax cuts—but left the real job of tax reform undone. The middle-class American is still staggering under an incredible load of Federal, State, and local taxes.

And now, with the fiscal 1973 budget, we are being asked to accept another annual deficit—which could run as high as $50 billion by the end of that fiscal year. These facts add up to just one conclusion—we are digging our own financial grave.

We have only one alternative at this point. This Congress must reduce Government spending, cut the size of the Federal bureaucracy to a manageable level, and reorganize it along more efficient, responsive, and workable lines. These should be our crash priorities for the session, along with an unprecedented examination and ruthless elimination of all Federal programs which do not demonstrate a recent cost-benefit ratio.

KENNETH L. KEISER RECEIVES ONE OF RED CROSS' HIGHEST AWARDS FOR HEROISM

HON. DONALD D. CLANCY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. CLANCY. Mr. Speaker, the American National Red Cross soon will bestow one of its highest awards on a young Cincinnati man for his heroism and knowledge which saved a 9-year-old boy's life.

Kenneth L. Keiser, 21, is now a premedical student at Miami University of Ohio, but last August 16, he lived at his parental home, 5584 Sidney Road, in Cincinnati, while working during the summer vacation. In recent years, he had received training in first aid, small craft, and water safety at a course conducted at Western Hills High School.

While at his part-time job, he heard a disturbance at a private swimming pool on an estate. Kenneth investigated and found several small children, who were on the property without permission, running and shouting around the pool.

After one child said his brother was in the pool, Kenneth leaped into the water, dove to the drain and pulled out 9-year-old Anthony Jackson. The boy was not breathing as Kenneth pushed him to the safety of the pool's edge.

While someone called the rescue squad, Kenneth began mouth-to-mouth resuscitation. By the time the ambulance arrived, young Jackson was breathing again.

For his quick, unselfish action, Kenneth Keiser will receive the Red Cross Certificate of Merit, signed by President Nixon and E. Roland Harriman, chairman of the American Red Cross. This is the highest award given to a person who saves a life by using skills learned in a Red Cross course.

I add my praise to Kenneth Keiser who, by his unhesitating rescue, exemplified the highest ideals of one human's brotherly concern and love for another.

DELAWARE POLL RESULTS

HON. PIERRE S. (PETE) du PONT

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. DU PONT. Mr. Speaker, I have just completed a survey in my district, requesting the opinions of my constituents on current issues. I received an enthusiastic 19,000 responses, and thought the membership might be interested in the results:

DELAWARE POLLS RESULTS

1. Do you favor legislation to limit imports as a means of protecting and supporting American industries, even if higher prices result from this?

	Percent
Yes	49.1
No	50.9

2. In cases of stalemated labor-management disputes which create national emergencies, would you favor a compulsory arbitration law?

	Percent
Yes	90.4
No	9.6

3. To fight inflation and unemployment, which actions are you willing to have the federal government take (check one or more):

	Percent
(a) Control wages and prices	68.5
(b) Spend less on domestic programs	34.9
(c) Create public service jobs	33.4
(d) Spend less on national defense	47.4
(e) Raise income taxes	12.4

(Totals more than 100% due to more than one answer.)

4. Regarding national health insurance, which do you favor (check one):

	Percent
(a) A program financed by increased taxes and operated by the federal government	12.3
(b) A federally-operated program financed by employer and employee contributions	23.9
(c) Income tax credits for the cost of purchasing private health insurance	26.3
(d) Complete reliance on private health insurance structures	7.1
(e) Insurance for catastrophic illnesses only	11.7
(f) No additional federal programs	18.7

5. After all U.S. forces are withdrawn from South Vietnam, do you:

Favor continued economic aid—

	Percent
Yes	55.1
No	44.9

Continued military aid to South East Asian nations?

	Percent
Yes	44.9
No	75.1

6. Do you feel that the Foreign Aid Program has been successful?

	Percent
Yes	21.9
No	78.1

Would you favor continuing such aid at present levels ($2.3 Billion, which is 1% of the Fed. budget)?

	Percent
Yes	30.3
No	69.7

7. Which of the following best describes the emphasis being placed on environmental protection and pollution control—

	Percent
Too much	16.1
Too Little	56.5
About Right	27.4

8. Which one of these educational categories do you feel is most in need of additional federal support:

	Percent
(a) Elementary Education (Head Start, Etc.)	21.7
(b) Secondary Education	11.2
(c) Higher Education	13.7
(d) Parochial School Aid	9.1
(e) Vocational Education	30.1
(f) None of the above	14.2

WASHINGTON LANDMARK MAY DISAPPEAR

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. GUDE. Mr. Speaker, anyone with even the tiniest sweet tooth felt a real pang when he read in Sunday's Washington Post that Velati's that home of unsurpassable caramel delicacies, may soon be compelled to depart its 9th and G Streets location which it has occupied for more than 100 years.

In many ways, Velati's exemplifies the small retail firms which comprise an integral part of the city. While in the eyes of many Government officials, as well as financers and developers, such businesses can be replaced by office buildings, parking lots or large department stores, it is an inescapable fact that the core city badly needs the services which only enterprises such as these can provide. They offer goods and services for people from all over the metropolitan area not available elsewhere, therefore bringing people to the heart of the city. In addition, the specialty shops provide a certain charm and interest which contrasts with sterile office buildings. The city's business and governmental leaders, and the Congress as well, must not lose sight of these features so important to the economic health and future of downtown Washington, as plans are drawn.

This message underlines this news account from the Washington Post about Velati's threatened departure, which I am submitting here for the RECORD.

The article follows:

[From the Washington Post, Jan. 23, 1972]

CENTURY-OLD FIRM MAY HAVE TO MOVE

(By Abbott Combes)

Velati's, the old-fashioned Washington candy store with a worldwide clientele for its secret-recipe caramels, holds a precarious month-to-month, 30-day lease on its downtown life.

Once forced to leave Richmond, Va., after the sacking of the city during the Civil War, the shop now faces the prospect of another forced move. This time the cause is not the ravages of war but the workings of private enterprise.

Those who now control the lease say they believe the property can be used more profitably, possibly as a parking lot or, eventually, as the site of an office building.

Life has not always been so precarious for the store, operated by the same family and at the same location, the corner of 9th and G Streets NW, for the past 105 years.

For most of those years, the shop's operators owned their building without worrying about leases, downtown renewal and economic development. The present structure, built in 1911, has been designated a Washington landmark by the Fine Arts Commission.

After an unsuccessful attempt to sue the U.S. government for the Civil War damages, Mr. and Mrs. Salvatore Velati, originally from Turin, Italy, moved to Washington, purchased a building at 9th and G, and began selling candy in 1866.

Prospering with its Italy-based secret recipe for caramels, which are still produced daily in the store's basement, the business continued in the same family, serving customers who have ranged from Mrs. Woodrow Wilson to Kim Novak.

However, when Pauline V. Beyer, daughter of the founders, died in 1963 at the age of 89, the survivors decided to sell the valuable property.

Robert Beyer, 47-year-old great-grandson of the Velatis who with his younger brother William now runs the shop, now says he regrets that decision. "My brother and I didn't have anything to do with the sale, he said in an interview yesterday.

Beyer's father, Brooke, who ran the store after his mother's death and until he retired to Florida several years ago, was the executor of his mother's estate. Along with the estate's trustees, the law firm of Stohlman, Beauchert & Egan, Brooke Beyer agreed to sell the property to a group of developers. "At that time, you could get other land," Robert Beyer says in explaining his father's decision.

The two buildings owned by the family, at 904 and 906 G St. NW, were purchased from the estate for $337,500 in 1965 by Angelo Puglisi. They are now owned by a group that calls itself the 900 G Street Limited Partnership.

According to Washington parking magnate Dominic F. Antonelli Jr., the partnership includes himself, Puglisi, Kingdon Gould Jr., ambassador to Luxembourg, Ulysses G. (Blackie) Auger, the restaurant operator and the National Mortgage Co.

Robert Beyer says that Puglisi offered to sell the property back to the family a few years ago for approximately $500,000. Beyer said he did not have enough money to buy it.

RENEWAL AREA

The Velati's site is surrounded by the downtown urban renewal area, but the 9th and G Street corner is a so-called "non action" section that has been left to private developers rather than to the government to rebuild. Its designation as a landmark is largely ceremonial and does not exempt the building from demolition.

Business has continued as usual at Velati's. There were constant worries of having to relocate, Beyer said, but no indications of when. At Christmas, there were times when customers had to wait in line for two hours to purchase the caramels.

At the beginning of January, however, Velati's and the several other small businesses renting space in the corner buildings received notices to vacate within 30 days.

According to the developers, a study had revealed that by razing the buildings and replacing them with a parking lot, an additional $1,300 difference. In February, the Beyer brothers will begin paying $600 a month for their premises instead of the $400 they have been.

The new arrangement is based upon what Antonelli called "an endless 30-day lease" in which the tenants can be ordered to vacate with 30 days' notice, or the tenants can give 30 days' notice of their intentions to leave voluntarily.

"They can stay as long as it's economically feasible," Antonelli said yesterday . . . The lease will only be exercised for economic betterment. It could happen next month, in a year, five years or 10 years."

The developers' long-range plans include constructing an office building on 9th Street from G to F Streets NW. This project has been delayed, Antonelli said, because the Julius Lansburgh Furniture Store at 909 F St. thus far has not been interested. The partnership holds an option to buy the vacant McGill building at 910 G St. NW.

Beyer said that he believes some of the tenants at his corner would not be able to meet the higher rents and would move eventually to other locations.

Beyer said that he and his brother are looking for a fall-back location in Georgetown but does not want to leave downtown.

"I'd like to see the building stay here," he said. "This area's going to come back eventually with all the redevelopment."

MARYLAND YOUNG DEMOCRATS PLATFORM FOR 1971

HON. PAUL S. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. SARBANES. Mr. Speaker, on the weekend of September 25, 1971, the Maryland Young Democrats held their annual convention in Ocean City, Md. In attendance were members of Young Democrats from all over the State who are some of the most able young people in the State.

During the course of the convention the delegates adopted a platform for 1971 which includes position statements on many issues under consideration by the U.S. Congress, as well as the State and local governments. I would like to call the attention of my colleagues to this platform. Even though some of the positions may be different from our own, I believe it is important that we be aware of the opinions of this important segment of the Democratic Party in Maryland.

Mr. Speaker, I would also like to commend Congressman ANDREW JACOBS who delivered an excellent speech at the convention on the need for reordering our Nation's priorities.

I include the platform adopted by the convention at this point in the RECORD for consideration by my colleagues:

YOUNG DEMOCRATIC CLUBS OF MARYLAND PLATFORM, 1971

(Committee: David Anderson, Chairman, Milt Andrews, Don O'Sullivan, Peggy Pavlat, Paul Pittman, Greg Seltser, Tom Slater, Allan Terl, John Toolan, Rick Wiles, and Roberta Andrews, Secretary.)

PREAMBLE

We, as Young Democrats, await the coming presidential election with a mixture of fear and hope. Fear, because we are afraid that the bloody lessons of Vietnam, Watts, Chicago, Kent State, and Attica will go unheeded. Fear, because we are afraid that the American people, while seeking a newer, better world, will blindly bind us yet again to leaders who cannot lead; to spokesmen who cannot speak the language of social reform. Hope, because we believe that the Democratic Party will ignore the siren calls of southern strategies and real majorities, and will instead offer our Nation fearless and innovative

leadership. Hope, because we shall never be a silent segment of the Democratic Party, but shall always speak and act on our conscience to achieve a better Party, State, and Nation.

Aware of the tremendous social problems besetting the American people, and yet willing to work within the system to obtain solutions, we the Young Democratic Clubs of Maryland, in our 1971 convention assembled. state the following as our goals.

(Adopted.)

ECONOMY

We sharply criticize the Nixon Administration's "Economic Game Plan," that is causing misery, despair, and economic strangulation for millions of American families. We recommend that action be taken in the following areas:

Action on public service employment for both adults and young people.

Put into effect this year the personal income tax reduction scheduled to go into effect next January.

A crash program to provide jobs for unemployed, young people, and Vietnam veterans.

Release of the 12 billion dollars appropriated by Congress last year for urban health and education programs and needed jobs, but impounded by the Administration.

We realize the scope and intent of President Nixon's dramatic announcement on the economy. But we, like George Meany, question the timing and political motives of his belated statement. To partially correct his ill-conceived plan, we would advocate the establishment of an anti-inflation wage-price stabilization board composed of respected members of the business and economic community in cooperation with local and regional productivity councils to control the wage-price spiral. We would also urge inclusion of interest rate controls and establishment of an excess profit tax.

We criticize the Administration's "revenue sharing" program for its "no strings attached" approach to state aid, since the financially blighted cities should be the primary recipients of such revenue.

We also believe the Administration has not pushed hard enough with its tax reform legislation now before the 92nd Congress and further consider it to be a weighty document that contains many loopholes with regard to corporate interests.

We condemn the President's veto of the accelerated Public Works Program, designed to combat unemployment and help cities meet pressing local sewer and water needs.

We commend the House of Representatives for passing the Family Assistance Act to set a federally guaranteed annual income and the freezing of state welfare costs at their 1971 level by providing a partial federal takeover of the welfare program. We would hope that the Senate follow their action, and in considering approval of the Family Assistance Act that members of both houses consider what it would be like to live on this amount for just one month.

Finally, we urge the creation of a national domestic development bank. As an economic measure, it could produce hundreds of thousands of new jobs and encourage new public and private investment, and it would relieve the fiscal crises of local governments, while the Revenue Sharing would not. The bank would extend long term, low interest loans, permitting communities, and in some cases, private business to move ahead on a wide range of needed development projects. This new financing would enable communities across the nation to build many needed facilities. And all of these facilities and projects would mean jobs and income with a daring in scope that could only rival the W.P.A. and N.R.A. of the past.

(Adopted as amended.)

TAX REFORM

To correct the inequities of a regressive system of taxation, we urge revision of existing tax laws and removal of blatant loopholes. We point specifically to the oil depletion allowance, the Montgomery County farm land assessment loophole, and the tax allowance currently permitted churches and nonprofit organizations for property not directly related to their civic obligations, as loopholes to be closed.

We further feel that the sales tax, property tax and nuisance taxes should be abolished as overburdensome to those who can least afford to pay. Instead, the income tax should be apportioned so that it might be the main source of revenue of every level of government. We find the tax law on unmarried men and women to be unduly discriminating. It should be supplemented by increased luxury taxes and taxes on legalized vices.

(Adopted.)

FOREIGN POLICY

Despite the constant reassurances from President Nixon that "the boys are coming home" from Vietnam, that outrageously immoral and useless war continues day by day. The Young Democrats of Maryland strongly urge every person who opposes this war to demand an immediate withdrawal from Vietnam. 50,000 young Americans have died a needless death in support of a corrupt and dictatorial puppet government led by President Thieu. The blatantly unfair South Vietnamese elections justify a total pull-out from Vietnam now!

We condemn the Nixon Administration for deliberately deceiving the American people about the United States secret military operations in Laos and Cambodia. The time has come to end all military operations in Indochina.

We applaud President Nixon's attempts to open better diplomatic ties with the People's Republic of China. We fully support the seating of Red China in the United Nations alongside the seat of Nationalist China.

We also applaud Senator Birch Bayh's determination to investigate the entire system of American military justice.

America's present role as the world's policemen must end. The next President of the United States must commit his administration to formulating a new foreign policy.

This new foreign policy must:

Admit mistakes openly;

Seek and establish diplomatic ties with every nation in the world;

Immediately seek a moratorium with foreign powers on the development of new nuclear weapons systems;

Cease aid to foreign governments that are in civil war;

Consult with the Senate on any Presidential decision to commit American arms or troops;

Review and revise all existing international obligations.

We further recommend that the Department of Defense be renamed the "War Department."

(Adopted.)

CONSUMER PROTECTION

We believe that all levels of government must make a stronger and more significant effort to aid the consumer. We particularly denounce the Nixon program as more show than substance, as it in fact protects the corporation at the expense of the citizen.

We commend Maryland Attorney General Burch for his innovative efforts to protect the consumer and urge the General Assembly to promulgate additional necessary legislation. The Consumer Protection Division should be authorized to issue subpoenas, to interrogate witnesses, to inspect premises, and require the periodical filing of reports.

This legislation should also authorize the District Courts to handle consumer complaints in a simplified and semi-judicial fashion. These courts should be empowered to speedily pass orders allowing relief for those who suffer physical or monetary injury. Fraud procedure should be made less complex, minimum and/or admonitory damages should be levied against the offending vendor, garnishment of wages should be carefully controlled, and class actions should be encouraged against unscrupulous sellers and manufacturers.

We commend Prince George's and Montgomery counties for their imaginative consumer protection programs and urge the rest of the state to set up similar programs.

We applaud Commissioner Jewell for his imagination in designing a Pay-As-You-Drive automobile insurance plan, but we urge that the General Assembly undertake an exhaustive, but speedy investigation of all plans, with the sole aim of providing the most comprehensive and inexpensive protection for the people.

(Adopted as amended.)

CRIMINAL JUSTICE AND PUBLIC SAFETY

As "crime in the streets" becomes a public concern, the simple solution of more police and more arrests ignores the fact that our penal system is unable to either dispense justice or to rehabilitate.

We endorse the reorganization of our state courts which help to standardize the quality of justice; we only wish that the quality were higher. We endorse Senate Bill 454, which established the State Public Defender System, but call for a massive upgrading in number and quality of personnel. We recommend more judges and court officials and suggest emphasis on higher quality in parole and probation personnel and correctional officials.

We endorse the recommendations of the 1967 President's Crime Commission, and suggest that Maryland adopt these proposals where applicable.

We deplore the attitudes of those persons who view humane treatment for prisoners as "coddling criminals," for the field of corrections is the one place where the criminal justice system can, as any agency, function to prevent crime.

In theory, we approve of such Maryland institutions as Patuxent, which allow the use of indeterminate sentences, but we reserve our approval of this practice until such time as this method is able to guarantee both security to the community and periodic review of the need for confinement to the inmate. And until this time, we urge the abolishment of the Defective Delinquent Act. We also endorse the report and recommendations of the Governor's Community Corrections Commission and suggest that when more use is made of community based corrections, halfway houses, work release programs, and weekend and holiday visitation we will then have a correctional system that helps to prevent crime by reducing recidivism.

(Adopted.)

DRUGS

As young people, we ask that all people restrict their thinking on the drug problem to logic and fact without resorting to emotion. We ask understanding that use of soft drugs and pills is little different from reliance on alcohol, sleeping pills, and laxatives.

We find small solace in Maryland's new drug laws, for appropriated funds are still lacking. We find the laws themselves deceptive and often the enforcement of these laws demonstrates an interest only in political gain or perhaps well intentioned but unthinking overmoralizing. Hopefully the enforcers are as concerned as we are with the lives and welfare of our citizens and country. Consequently we ask them to consider the following: Rather than enforcement of laws

in a manner that ruins lives and careers unnecessarily, we join with Reverend Hanna in urging that more drug abuse centers be established in our communities.

We believe methadone should be given final sanction for use in penal institutions, and we congratulate the Department of Health and Mental Hygiene for its step to eliminate illegal sale and distribution of methadone.

We call for undelayed, honest research by government officials on questionable drugs and a full hearing of the findings.

(Adopted as amended.)

EDUCATION

We believe that increased federal fiscal support for public education is both necessary and possible.

We believe that free public education is an essential ingredient of the American system and that no person should be denied access to free public education, including higher education.

Equal educational opportunities for all children within our nation and state must be a major concern of the national and state legislatures. We support busing of students between school districts as a legitimate temporary method of promoting equal education opportunities. However, busing must not be substituted for long range measures which will equalize education within school districts, and we demand immediate enforcement of safety standards for school buses. We urge our legislature to increase efforts to solve the problems of rural and urban poverty as a first step toward a truly equalized system of education.

Total equalization of education cannot become a reality until the State of Maryland assumes a greater fiscal responsibility for all public schools. We acknowledge that county control over curriculum should be maintained.

We believe that state and federal governmental aid to non-public schools, whatever guise, indicates a lack of faith in public education and violates the principles of the First Amendment to the United States Constitution. With this in mind, we urge the voters of Maryland to reject the referendum Senate bill 331 (State Aid to Non-Public Schools).

We recommend that the funds now used in the State of Maryland for legislative scholarships be placed in the hands of university officials who are better equipped to grant scholarships on the basis of merit.

We recommend that students be added to the governing boards of all of the colleges in Maryland in order to facilitate communication between students and institutions of higher learning.

A more proper balance of rights and responsibilities between the administration and the community should be established.

We believe that there should be an expanded and more inclusive program of education for all regardless of age, sex, race, creed, handicap, or intellectual capability.

We believe that most students will benefit from sex education, and we support the Maryland State Board of Education's program in this regard, except where that program places unnecessary restrictions on teachers of sex education. We place specific emphasis on the venereal disease crisis.

We believe that freedom to learn and freedom to teach are essential to sound education. The community must protect education in general and teachers in particular from any attempts to abridge or destroy academic freedom or teaching technique.

We support the efforts of teachers in Maryland and the nation to obtain the same rights afforded employees in the public sector. We will support efforts in the 1972 Maryland legislative session designed to make certain changes in the Maryland Professional Negotiations Law that work towards the above end.

Finally, we note with concern the public record of President Nixon and the Republican Party in regard to education and submit that record as one of many reasons that we deem his defeat a necessity for 1972.

(Adopted.)

HOUSING

The battle for the right of all people to achieve human dignity is now being waged. The freedom to strive for and obtain decent housing in a decent community is a basic right necessary to the realization of human dignity. All levels of government must adopt policies in accordance with this basic right. To achieve this end we call for the establishment of national, state, and regional land use policies which encourage desirable growth but which will disallow projects harmful to community development. We recommend future zoning and building applications be examined in the context of community benefit, of which tax revenue should be only a small part. Zoning policies must be revised where they do not contribute to planned community development and improvement. Planning agencies within a locality should involve citizen participation in planned housing programs.

We recommend that jurisdiction within a state work together to seek maximum standardization of housing codes. We suggest planning begin now to expand suitable housing without contributing to inflation. To this end we recommend that renovation of our city dwellings be utilized as a teaching-learning device; that we use this opportunity to revitalize our neighborhoods; and that we call upon the building trades to open their membership to all people who have the desire and ability to learn them, and, we call upon the Democratic Party's friends in the building trades' unions to open their memberships to all peoples. We call upon the state government to examine those financial policies that directly affect housing in the state.

In addition, strong landlord-tenant legislation is needed. This legislation should favor neither party, but should state clearly the rights and obligations of each and the penalties for infractions.

We call for an end to overt and covert discrimination in housing. We view with particular distaste realtors who perpetuate segregation by not showing particular houses for sale to individuals because of race or religion. Alleged violations should be heard quickly and prosecuted fully. To this end, we call on the Real Estate Commission and the Secretary of the Department of Licensing and Regulations to stop feuding and enforce current regulations.

(Adopted as amended.)

CITIES

Regional planning must soon become a major reality, not a token demonstration. It will be necessary to experiment, to develop methods of governing large concentrations of people with minimum intrusion into their freedom.

Local governments are fighting a battle to regain representative leadership. This crisis cannot be solved until states and localities facilitate modernization by providing for home rule, restricting popular elections to policy makers, and electing responsible executives. Multiplicity of incorporated cities and towns in metropolitan areas leads to long ballots, unrealistically small tax bases, inequitable tax rates, and inadequate service. Regional projects such as rapid transit, crime control, and adequate hospital facilities become difficult or impossible to initiate or administer.

To this end, we encourage planned, limited utilization of land facilities, as well as, ratio of population to area and its capacity to deal with sensible growth.

(Adopted.)

HUMAN RIGHTS AND PERSONAL LIBERTIES

The Young Democrats again stress our respect for each individual's human dignity and our disgust for what the Nixon-Agnew-Mitchell combination had done to conform mankind to their image.

We restate our praise for the enlightenment which the Women's Liberation Movement has caused, and we offer support to the proposed amendment to the Federal Constitution voiding discrimination on the basis of sex.

We endorse the sense of legislation killed during the 1971 session of the General Assembly which would have placed sexual acts in private between consenting persons 18 years of age or older, beyond the scope of criminal law.

We call particular attention to the elements of personal dignity ignored by prison officials, and we applaud efforts to bring about meaningful reform, most specifically conjugal visitation rights or controlled release programs.

We find both formal and informal attempts to harrass and censor any harmless expression of speech as an insult and infringement of individual rights and any governmental intrusions that infringe upon individual privacy, excepting cases involving national security.

(Adopted.)

ECOLOGY

We believe that the people of the State of Maryland are entitled to a clean environment. We demand a better use of Maryland's resources, particularly stronger control of strip mining with increases in the bond required for stripped lands and protection of the surrounding landscape. We ask for special legislation to protect vanishing wildlife and flora from extinction. We seek stronger laws to reduce or prevent dumping of untreated and industrial and human waste into Maryland's waters. A moratorium should be placed on the construction of nuclear power plants pending a study of the impact of Calvert Cliffs upon thermal pollution in the Chesapeake Bay. We condemn any attempts to dredge the C&D canal believing that such action will destroy the Bay. Legislation is necessary to reduce the amounts of phosphates washing into our waters.

The state should set up a tax incentive program to encourage business to purchase pollution control devices and not suffer a monetary loss. Additionally, the state government should set an example by using recycled paper. The state should work with local subdivisions to establish tin, glass, and paper recycling centers. We encourage a limited use of pesticides and an increase in biological research and controls. We feel that many of our environmental problems are aggravated or created by the increased number of people occupying our earth, as well as, by the wasteful habits of these people. We seek increased research on birth control methods. We encourage adoption of the children that already exist on this earth to give them every opportunity for a decent and meaningful life.

(Adopted.)

HEALTH

We endorse the concept of National Health Insurance, but we caution against the installment of another federal bureaucracy.

We recommend the State Secretary of Health and Mental Hygiene investigate the possibility of implementing an Abortion Referral Service in the hospitals and clinics of this state to operate in conjunction with the Planned Parenthood Program.

With mental illness a major health problem in this state, we would hope that state funding of programs dealing with research, therapy, and treatment of this problem be increased.

We call upon the State Attorney General's office and the State Department of Health

and Mental Hygiene to investigate the medical, social, economic, and legal aspects of legalizing prostitution in this state and of licensing the practitioners of such in a major effort to reduce Veneral Disease in Maryland.

We take pride in the action of the Senate by establishing a Cancer Research Agency to provide the first federally funded agency devoted entirely to cancer research.

We would hope that Congress would take action on the research and treatment of sickle-cell anemia, a disease that affects only black citizens.

And finally, we agree with the Congress in amending the Comprehensive Drug Abuse Prevention and Control Act of 1970 (H.B. 5674) which provided an increase from one million dollars to four million dollars in the authorization for a Commission on Marijuana and Drug Abuse.

(Adopted.)

MARYLAND ELECTED OFFICIALS

As the group which has been a vehicle for many of our present elected officials, we feel a responsibility to serve public praise and offer any criticism deserved.

We ask that our officials not concern themselves with censorship dealing with sexual matters, since we feel the pressing problems of our society are not caused by pornographic publications and the like but by situations such as unfair housing, corrupt election systems, lack of concern for individual rights and other significant matters dealt within this platform.

Among our Congressional delegation, we are particularly impressed with freshman Congressman Sarbanes as effective in the role he has carved for himself.

(Adopted as amended.)

PARTY REFORM

As the official youth division of Maryland's Democratic Party, we feel a responsibility to present the ideal in party organization to the Senior Democratic Party.

We urge the senior party to exercise sufficient control over local Democratic Clubs to require that none be intentionally segregated by reason of race.

We urge each local State Central Committee to accept at least one youth advisor chosen by the local Young Democratic Club.

We further ask that the age for running for party office—Democratic State Central Committee and Delegate to the Democratic National Convention—be reduced to 18.

Most importantly, we reiterate strong dissatisfaction with the Democratic State Central Committee's failure to take policy stands on current and pressing issues.

Lastly, we issue a warning to the leaders of our Party and to its broad membership that the Democratic Party must take steps now to rechannel political power to party members, not bosses.

(Adopted.)

ELECTION REFORM

We urge abolition of the electoral college in favor of the popular election of candidates for President and Vice President of the United States.

We also urge the enactment of legislation which would require complete public disclosure of campaign funds and specifically urge the U.S. Congress to require reporting of receipts and expenditures in primary as well as general elections.

We urge legislation which will require all public officials to disclose financial interest which may cause any conflict of interest with his or her public responsibility.

Present campaign costs to run for public office must be investigated to develop a cooperative effort with representatives from the mass medium to allow every candidate an equal opportunity to present himself and his program to the electorate.

(Adopted.)

REMARKS OF SENATOR FRANK CHURCH AT THE WASHINGTON PRESS CLUB, JANUARY 26, 1972

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. BRADEMAS. Mr. Speaker, I commend to my colleagues the outstanding remarks of the distinguished Senator from Idaho, the Honorable FRANK CHURCH, which were given at the annual Salute to Congress dinner of the Washington Press Club yesterday, January 26, 1972.

I insert Senator CHURCH's speech at this point in the RECORD:

Madame Chairman, and other devotees of Chinese checkers; Daniel Schorr, and other aspirants to high public office; Richard Kleindienst, and other recipients of Comic Book Awards for 1972; Henry Kissinger, and other character witnesses for Father Berrigan; Ladies and Gentlemen:

Well, the President really pulled the rug out last night. Not only have I had to rewrite my speech, but Henry Kissinger's reputation as a swinger has been left in shambles. Thirteen trips to Paris, Henry, and just for Le Duc Tho?

But it's good to see you here, Henry, though I barely recognized you without your cloak of Executive Privilege!

Now, just to get off on the right foot, Vera, which of Henry's trips to China are we talking about?

Not the bad-stomach trip?

Oh, I see, the one that's coming up—the one the President's going on, too.

GERMANS ARE COMING

Well, I do need to be sure. After all, Henry Kissinger has already been to China twice. Recently, Ron Ziegler went over. Next week, I understand, Ehrlichman and Haldeman are going. Frankly, I'm worried. The last time so many Germans went into a country, World War II broke out!

Actually, we're lucky Henry could be with us tonight, what with everybody boning up on China.

President Nixon is boning up—studying the Chinese position.

Bebe Rebozo is studying Chinese real estate, figuring out ways to subdivide China.

Henry is studying the Peking phonebook for out-of-the-way Holiday Inns.

Even Spiro Agnew has been eating fortune cookies—ten pounds a day—looking for the one that will tell him he'll be on the ticket, again!

Nonetheless, on balance, I do think this trip is necessary. I admit, we've always had *somebody* mad at us, but this is the first time I can recall when we've had *everybody* mad at us. So I say, if the Chinese are willing to talk, let's talk. We've got to make a friend somewhere!

Why it's getting so we can't even give away our foreign aid.

Western Europe won't take it, at least, not with those cut-rate Nixon dollars.

Japan won't take it. She's just instituted a foreign aid program of her own—for Seattle.

FLANKER REVERSE PLAY

Even our old teammate, Pakistan, won't play anymore. All season, as you know, President Nixon has been sending in special plays. They lost George Allen 13 yards; Don Shula, the Super Bowl; and Yahya Khan, East Pakistan.

It's lucky for the Chinese that the President didn't play ping pong at Whittier College!

No doubt about it, Henry, our foreign aid is in big trouble. . . . A-I-D, our Agency for Instigating Disasters—up on the Hill, we call it "Waterloo West"—AID is in serious danger of shutting down.

So, as I see it, Henry, you've got to take our problem to Peking. Throw yourself on Mao's mercy. Remind him we have the highest standard of giving in the world. Think of it, with 800-million Chinese, we can really go for broke!

For openers, we'll tear down the Great Wall, and replace it with a solid American chain-link fence.

To span the Yangtze, we'll send them the Three-Sisters Bridge, along with its foreman, Bill Natcher.

While we're at it, let's send them that cement-mixer-run-amuck . . . the Army Corps of Engineers. They can busy themselves forever in China, and we can save what's left of the United States!

Most important of all, we can reinstate our military aid program. We haven't had a chance like that since the early days of Chiang Kai-shek! The Red Chinese army added to our Foreign Legions! What a break for the free world!

Maybe, Anna Chenault could get them to buy some of our Phantom jets—or, better yet, some of our *real* ones. Don't sell Anna short! When you consider how far she's *taken* Taiwan, think what she could do with the *Mainland* account!

ANOTHER HIJACK

Well, the President must have other reasons for going to Peking besides salvaging our foreign aid program. But I'm just a member of the Senate Foreign Relations Committee. All we know about those top secret meetings at the White House is what we read in the daily print-outs in Jack Anderson's column, now known as Hi-Jack Anderson's column.

There've been so many leaks at the White House lately, that Henry's appealed for flood control!

If you've been studying those fascinating quotes of Henry's, you, too, have caught a glimpse of the Big Picture which is about to unfold—a demanding new role for the United States that will prove to all the doubters that our country is not "a pitiful, helpless giant." President Nixon journeys to Peking to set the stage for our new Asian policy of the '70's—the Containment of India!

Well, who could expect a Republican Administration to get along with a democratic country like India. anyhow?

Naturally, the President was the first to perceive the true menace of India; he didn't intend to let them put down the Paks. He told Henry to ask the Pentagon's computer what to do. But the computer wouldn't answer, it kept replying with the same four-letter word, "tilt!"

The cheek of those Indians, intervening in a civil war in Asia—and winning it!

But the worst part is the gloating. The Indians have recast that great old Tyrone Power movie; they've renamed it "Lives of a Bangladesh Lancer," starring Ken Keating and Indira Gandhi.

Well, we've heard enough—enough from "that woman" and her Ambassador in Washington, Mr. *Jha*, who's been told to keep quiet. It's the first application of the "Lock-*Jha* Doctrine."

Anyway, here's the game plan to be worked out in Peking. China will hold back the Indians on their North. We'll re-arm the Paks—for the third time—to hold back the Indians on the West. On the East, somebody will have to hold Ted Kennedy back in Massachusetts. On the South, the American Navy will occupy the Indian Ocean, which we are now buying from the British.

To protect the Indian Ocean from the Indians will require a brand new fleet. The Eighth Fleet! We'll be the only nation in

history that built eight fleets to rule the Seven Seas!

Henry, as you well know, despite the best-laid plans, there are always risks involved. But, come what may, there's one consolation. If this trip turns out to be a bust, you'll know how to handle it!

But enough!

DEMOCRATIC SUPPORT

A fateful trip is about to be taken and a few serious words should be spoken.

I have always felt that the United States has a vital interest in the Pacific, the widest moat God placed on this planet. But I have never felt that the mainland of Asia was either a suitable or sensible hunting ground for our country.

We don't have to draw the map of Asia. It isn't within our power to control the politics of Asia. We can take Asian nations as they come, and we have no need for unfriendly relations with any of them.

But we do have a great need to commence to thaw out the glacial enmity which—for a whole generation—has frozen into place our non-relations with China.

In that undertaking, we Democrats offer our full support. And to the President of the United States, about to embark upon this historic quest, we extend our best wishes and our earnest hopes for success.

FIFTY-FOURTH ANNIVERSARY OF THE BIRTH OF THE UKRAINIAN NATION

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. HOGAN. Mr. Speaker, 54 years ago, the Ukrainian National Republic was established in Kiev. For years before the birth of their nation, citizens of the Ukraine struggled to achieve independence from Russia, so January 22, 1918, was truly a momentous date for them.

The date has become even more significant to Ukrainians since the early 1920's when Soviet forces overwhelmed the helpless nation and reduced it to a colony of Communist Russia, thus ending the short-lived independence of the Ukraine.

Ukrainians throughout the world take pride in those few short years of self-determination, and they live with the hope that at some future date their ideal of freedom may again prevail in their struggle against the series of Communist dictators who have tried—and failed—to convert Ukrainians into puppets of the regime.

And so, to commemorate the 54th anniversary of the birth of the Ukrainian nation, it is fitting that we pay tribute to the past and present struggles of Ukrainians in their pursuit of freedom. And it is also fitting that we reaffirm our support of the Ukrainians now living in the free world in their efforts to help their brothers and sisters.

THE CASE AGAINST HYSTERIA

HON. ORVAL HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. HANSEN of Idaho. Mr. Speaker, I wonder how many of us are familiar with an unusual trait of the European lemming. These short-tailed, furry-footed rodents are notable for recurrent mass migrations to the sea, a consequence of which is mass drowning. Why the lemmings do this, no one can say for sure. There seems to be even less understanding why large numbers of the earth's inhabitants seem to have acquired a lemming-like syndrome of incipient self-destruction. The prophets of gloom and doom have hammered so strongly on the theme that the world is headed for total ecological disaster that many misguided souls would even consider destroying civilization as we know it " to save the world."

That the drive to confuse people is increasing rather than decreasing was brought out quite clearly in a perceptive article which appeared in the January 19, 1972, Washington Post by Bernard D. Nossiter's article, "British Magazine Predicts Ecological Doom." It describes a new purveyor of mass hysteria, a magazine started by an Oxford, England, University dropout and a former textbook salesman, which foretells total doom if the world does not return to primitivism. I insert the Post article in the RECORD at the end of my statement.

Mr. Nossiter points out that Mr. John Maddox, the editor of the well-known British scientific journal, Nature, agrees that there are problems. The point that Mr. Maddox makes is that naivete, overstatement and uncomplicated Rousseauism are not helpful, and that the ecological apocalyptics—ecolyptics for short—risk discrediting all they stand for. I include Mr. Maddox's editorial at the end of my remarks.

I recall quite vividly the wild tales that were promulgated before the Cannikin test was conducted at Amchitka Island on November 6, 1971. I remember those predictions of widespread ecological disaster from radiation, earthquakes, and tsunamis. I can speak firsthand about the Cannikin test because I was on Amchitka Island when it took place. We know, of course, that the experiment went off as predicted, and that there were no untoward events. As a matter of fact, I read an article in the January 20, 1972, New York Times which cited a report by the National Oceanic and Atmospheric Administration which stated that the data from the Cannikin test would help scientists studying earthquake prediction and mitigation techniques. The article stated that the Cannikin seismic data could eventually help engineers design earthquake resistant buildings.

I would conclude by stating that, as the parent of seven healthy wonderful children, I take extreme umbrage with nonsensical analyses like those in the Ecologist on population control. The aforementioned articles follow:

[From the Washington Post, Jan. 19, 1972]

BRITISH MAGAZINE PREDICTS ECOLOGICAL DOOM

(By Bernard D. Nossiter)

LONDON.—"If current trends are allowed to persist, the breakdown of society and the irreversible disruption of the life-support systems on this planet, possibly by the end of the century, certainly within the lifetimes of our children, are inevitable."

So in boldface type begins the latest manifesto of the ecological apocalyptics here and it has touched off a first-class row. The doom sayers are enjoying their round in the latest issue of "The Ecologist," a new magazine started by an Oxford dropout and a former textbook salesman. Their "blueprint for survival" has captured attention because they list 33 prominent physical and social scientists who "fully support the basic principles" that the magazine asserts.

"Half-baked anxieties . . . simplistic," snorts John Maddox, the distinguished editor of a distinguished journal. "Nature," in the lead editorial of his latest issue. Thus the battle is joined.

A layman can not easily assess the issues raised by natural scientists. But a reporter can spot hucksterism when he sees it and the well-advertised manifesto of "The Ecologist" is streaked with it.

Its central argument runs like this: there is a finite limit to known resources, metals and minerals, oil and iron. We are exhausting these heedlessly, under the thrust of an industrialism impelled by a politics promoting growth measured in products. Even worse, industrialism stimulates population expansion in an already over-crowded world, further draining limited resources.

Unnaturally swollen communities and their unnatural drives accounts for social ills—crime, violence, drug addiction and the like. Man must get back to a better relation with nature, something along the lines of the hunter-gatherers of New Guinea.

Among the magazine's specific recommendations are these: cut the British population almost in half to the level its own food resources can supply; stop DDT; stop building roads for automobiles; stop using the high-yield rice and wheat seeds with their heavy demand for chemical fertilizer.

This reporter called just two of the 33 scientists that "The Ecologist" says support in principle—if not in detail—the magazine's views. A brief telephone chat established that these two scientists are wedded to the manifesto by rather loose links.

A. Waddington, a noted geneticist at the University of Edinburgh, said he believed "we have got to have a change in our social values, not just more material goods, but a richer intellectual life in more agreeable surroundings."

PRIMITIVE EXISTENCE

He complained, however, that "The Ecologist" blueprint urged a "more primitive" existence and "I say, be more sophisticated. For example, control pests biologically, not by poisoning them."

Washington, moreover would not abolish the high-yielding seeds that have increased food supplies in some parts of South Asia. He would instead search for ways to find jobs for peasants now being displaced from the land.

Sir Julian Huxley, another famous biologist, said he had no reservation about the manifesto because it warned against continued increases in population and indiscriminate technology.

But Huxley insisted that this in no way implied support for any return to primitivism; the 84-year-old scientist indicated he had not read the portion of the manifesto calling for just this.

The infatuation of "The Ecologist" with advertising turns up again in its discussion of population control. There it argues that the notion that childless couples are unhappy is "derived largely from the popular woman's magazines" and urges that "the finest talents in advertising" could set this one straight.

The Maddox critique of all this in "Nature" runs along more elegant lines. Along with many economists, he argues that as resources like oil become scarcer, their prices rise. This encourages the discovery and substitution of, for example, other forms of energy, nuclear, solar and the like. It is in this way that man has so far escaped the Malthusian trap and there is no reason to think he cannot continue to do so.

INTERNAL CONTRADICTIONS

Maddox also points to an internal contradiction in the manifesto. Swollen families are typically associated with poverty and lack of education. An Indian peasant breeds at a great rate because, among other things, this is his sole form of pleasure: children are a kind of old-age insurance; and he is too ignorant and poor to buy contraceptives. This implies that a higher standard of living, the material growth described by "The Ecologist" is a necessary pre-condition for curbing the population explosion in the impoverished world.

Finally, Maddox recalls that the link between population density and violence has not been proven. America's urban ghettos are crowded and violent: Dutch cities are crowded and peaceful. Kerala is India's most crowded state: it is considerably less violent, say, than Maharashtra.

Even a non-specialist knows that you can preach abstinence from DDT to the wealthy. But it is pointless to argue that a pesticide is a greater evil than malaria in the swamps of the Third World. Similarly, rich nations may forego inorganic fertilizer, but it is absurd to argue against it in famine-threatened Asia.

The point, as Maddox makes clear, is that there are serious problems of ecological disturbance, of environmental pollution, of population growth. But naivety, overstatement and uncomplicated Rousseauism are not helpful. The ecological apocalyptics—ecolyptics for short—risk discrediting their very valid concerns.

[From Nature magazine, Jan. 4, 1972]

THE CASE AGAINST HYSTERIA

Britain is being assaulted by the environmentalists. This weekend, Dr. Paul Ehrlich, president of Zero Population Growth Inc., and a professor of biology at Stanford University, is to recite for the Conservation Society his now familiar dirge that the world is about to breed itself to death. Last week, a distinguished group of doctors, many of whom should have known better, published in *The Lancet* and the *British Medical Journal* a declaration that Britain is so overcrowded that there is "a direct threat to the mental and physical well-being of our patients" and a plea that doctors should unite "to combat the British disease of overpopulation." At the same time, the new magazine *The Ecologist* published what it called "A Blueprint for Survival" which reflects and sometimes amplifies a good many of the half-baked anxieties about what is called the environmental crisis. On this occasion, the doctrine that dog should not eat dog notwithstanding, the magazine deserves to be taken to task if only for having recruited a "statement of support" from 33 distinguished people, many of them scientists, at least half of whom should have known better (see box). Nobody pretends that there are no serious problems to be worried about but the time seems fast approaching when the cry of disaster round the corner will have to be promoted to the top of the list of causes for public concern.

That professional people should lend their names to attempts like these to fan public anxiety about problems which have either been exaggerated or which are nonexistent is reprehensible. It is especially regrettable that declarations like these should myopically draw attention to the supposed difficulties of moderating population growth in Britain when there is no evidence worth speaking of to suggest that Britain is over-populated (which is not, of course, the same thing as to say that the country is properly managed). The doctors who signed the round robin to the medical weeklies say that the problems of the developing countries "are formidable and may defy any rational solution," but that they are also "gravely concerned" at the pace of growth of the British population, which exceeds 55 million, and which is expected to increase to 66.5 million by the end of the century.

In reality, the doctors seem to have added an extra 500,000 to the latest estimates of the population of the United Kingdom in the year 2000, for the Government Actuary's latest calculation, published three months ago, gives an even 66 million for that date. It is, however, much more relevant that the forward projections of the British population have been declining steadily over the past decade, as the statisticians have been persuaded by experience that the trend of fertility in Britain, like that in much of the rest of Western Europe, is downward. The doctors also choose, by design or ignorance, to overlook the plain truth that only a quarter of such increase of the British population as there may be between now and the end of the century can be attributed to what they call "the present reproductive bonanza". The rest is simply a consequence of their own craft, which has now made it possible for people to live longer and to survive a good many of the previously fatal hazards of middle life. So is it to be expected that the same people will band together in public to wring their hands about the once and for all increase of the British population which is likely to come about when, at some time in the next two decades, ways are found of treating or even preventing some forms of cancer?

The immediate trouble, of course, is that there is no means by which these statistics, meaningful or otherwise—and who can tell what the effects of British membership of the European Communities will be on the rate of outward migration?—can be related to what is elsewhere called the quality of life. The distinguished doctors say that on present trends, a quarter of the land surface of England and Wales "will be urbanized" by the end of the century and they say that "sheer overcrowding in cities with its attendant pollution" is a direct threat to mental and physical well-being. But is there any serious cause to fear that a country such as Britain will be necessarily worse off if fewer adults are killed off in middle age and if the numbers of old people are also increased? The calculation is not easily performed, but the chances are that the pattern of population in the year 2000 will be economically more productive than it is at present, and better able to support the sensible education of the young and the humane care of the old than at present. And what, in any case, is the evidence that overcrowding in cities produces "mental" afflictions among those who live there? To be sure, there are statistics to show that suicide rates are often higher in cities than in the country, but these are easily interpreted as consequences of the way in which the populations of cities are frequently overweighted with people of vulnerable ages. Furthermore, there are good reasons to believe that air pollution reduces longevity but there are also now reliable measurements to show that both in Britain and in the United States, air pollution in cities is decreasing. And in general, the charge that city life and the density of population in cities are hazards to health cannot be substantiated except by the misuse of facts.

What then is to be made of the constructive suggestions which the doctors put forward in their round robin? First, they ask that the government should be persuaded "that a population problem exists" so that "appropriate legislation is more likely to follow". What precisely is meant by appropriate legislation? Do the distinguished doctors have in mind more government help for family planning (in which case everybody will cheer)? Do they have in mind schemes such as that of the Duke of Edinburgh for a tax on large families (in which case most people will want to know more of the side effects of such proposals, most of which are still half-baked)? Or do they have in mind compulsory sterilization for the parents of large families, contraceptives in the drinking water (both of which have been discussed by Dr. Ehrlich in connexion with the population of India) or do their minds toy with the notion of sterilizing newborn children once a certain quota has been reached? The signatories of the round robin may think it unfair that such foolish motives should be attributed to them, but a vague call for "appropriate legislation" is likely to provoke precisely such curiosity. Indeed, that is the morbid kind of speculation which exaggerated declarations of crisis is likely to set in train. But few people will, of course, complain at the moderate proposals for an extension of family planning, with contraceptives on the National Health Service, the better conduct of abortions under the NHS and the "reappraisal of the laws and policies which govern the employment of women".

For people who say that the mass media, as they are called, must play an integral role in the whole operation, the doctors have been injudicious. They have addressed themselves to the wrong problem. In the first place, there is no reason to fear that a country such as Britain will find it more difficult in the future than it has been in the past four decades to strike a reasonable balance between fecundity and death. By now, the influences which lead to larger families are comparatively well understood. Improved education is a step in the right direction, not merely because it makes people better able to look after their personal affairs but because it provides parents with an incentive to do the best they can for their children, something only easily possible when families are small. Prosperity also helps and, by extension, so does a narrowing of the gap between rich and poor.

But these are goals which many people hold to be desirable in themselves. Might it not have been prudent for the distinguished doctors to have cast their thoughts more widely to encompass these questions? There remains the difficulty of knowing what the population of a country such as Britain should be. In spite of a great deal of academic discussion in the past few years, it is now clear that there are no easy rules of thumb. One thing is however clear. If by some means the number of births each year were to decline more rapidly than it has done in the past few years, some decades hence a smaller working population would have to support a still larger population of unproductive people than at present. To say that is not to imply that a reduction of the number of births each year is out of the question but merely that such a reduction would bring serious but calculated economic penalties.

The same unreflectiveness appears to have marred *The Ecologist's* "Blueprint for Survival". Those who have compiled it say that "the relevant information available has impressed upon us the extreme gravity of the global situation today". They foresee "the collapse of society" and consider that if present trends persist, "life support systems on this planet" will be irreversibly disrupted if not by the end of the century then "within the lifetime of our children". Governments, they say, are either refusing to face facts or are "briefing their scientists in such a way that their seriousness is played down". So, the argument goes, there must be a redefinition of the philosophy of civilized life and a restructuring of society as a whole.

The errors in the simplistic view of the present stage in the history of the human race are by now familiar. Much turns on the way in which industrialized societies are at present consuming raw materials at a substantial rate, and it is true that it seems increasingly unlikely that petroleum companies will be able indefinitely to discover new reserves at such a pace that future supplies are always ensured. Oil, indeed, may

be the most vulnerable of the resources at present used, just as in Europe 2000 years ago native stands of timber proved not to be inexhaustible. But does it follow from this simple-minded calculation that there will come a time when, to everybody's surprise, petroleum deposits are worked out and industry is forced to grind to a halt? Is it not much more likely, about a century from now, that prices for petroleum will be found to be so high that even the least successful nuclear power companies will find themselves able to sell reactors more easily?

In the same way, is it not likely that the apparently impending scarcity of copper (belied for the time being by the obstinately low price at which the metal is at present marketed) will encourage the use of aluminium as a conductor of electricity? To be sure, as the developing countries gather economic momentum, they will begin to make larger demands on raw materials such as these, yet it does not follow that they will have to repeat in every detail the industrial history of the countries now industrialized, and it remains a comforting truth that the raw materials on which the products of modern industry are based loom less large in economic terms than the products of the Industrial Revolution. Computers, after all, need very little copper for their manufacture. In general, the problem of raw materials is not a problem of the exploitation of a finite resource, however much it might be made to seem as such, but is a problem in economics—how best to regulate the prices of raw materials so as to balance the present demand against the probable demand in the future, how best to encourage what kinds of substitutions, how best to bring into production new reserves (not the least of which are the oceans of the world). Nobody should think that there is nothing to worry about. Good planetary housekeeping, as *The Ecologist* would no doubt describe it, should be an important objective of public policy. But it is a public disservice to describe such intricate and interesting problems in such simple and scarifying terms.

Similar fallacies attend *The Ecologist's* analysis of the supply of food. The document says that food production in the developing world has "barely kept abreast of population growth" and that such increases as there have been are a consequence of the "opening up of new land for cultivation." It goes on to say that this will not be possible for much longer, for "all the good land in the world is now being farmed." Factually, these statements are incorrect. In many parts of South-East Asia, the past few years have seen dramatic improvements in agricultural productivity, acre for acre. In any case, it remains a fact and even something about which agronomists should hang their heads that tropical regions are still comparatively unproductive of food. But the chief complaint of this declaration is that the "FAO programme to feed the world" depends on an intensification of agriculture and that the strains of wheat and rice likely to be the work horses of Asian agriculture are more vulnerable to disease and more demanding of fertilizer.

So what? must surely be the moderate reply. In North America and Western Europe, after all, agriculture is much more intensive than most agricultural practices likely to be common in Asia in the next few years. And the benefits of intensive agriculture are not merely that a given acre of land can produce more food each year but that it can be made to do so at a lower labour cost. Indeed, it might well be calculated that until the populations of the developing world are able to feed themselves without employing more than half of their labour force on the land, they will not be free to develop either along the lines of Western industrialization or along some other route that they might prefer. The fact that intensive agriculture entails crops which are highly specialized and therefore vulnerable to epidemic diseases of one kind or another is no more relevant in Asia than in, for example, North America.

The abiding fault in these discussions is their naivety, and nowhere is this more true than in speculations about the social consequences of the phenomena over which *The Ecologist* wrings its hands. Starting with the assertion that the developed nations have already collared the raw materials with which developing nations might seek to improve their standards of living, the journal goes on to say that "we are altering people's aspirations without providing the means for them to be satisfied. In the rush to industrialize, we break up communities, so that the controls which formerly regulated behaviour are destroyed. Urban drift is one result of this process, with a consequent rise in antisocial practices, crime, delinquency and so on. . . ." This is an echo of the distinguished doctors' declaration about the consequences of crowding, but is it fair to describe this, as *The Ecologist* does, as a portent of the collapse of society? Is it reasonable to say that in such circumstances, "it is more than probable that governments will fall into the hands of reckless and unscrupulous elements, who will not hesitate to threaten neighbouring governments with attack if they feel they can wrest from them a larger share of the world's vanishing resources"? The truth is, of course, that this is mere speculation. All the attempts which there have been in the past few years to discover correlations between such factors as population density and prosperity per head of population with the tendency to violence, either civil or international, have been fruitless. Who will say that the crowded Netherlands are more violent than the uncrowded United States? And who will say that the forces which have in the past 2000 years helped to make civilized communities more humane can now be dismissed from the calculation simply because a new generation of seers sees catastrophe in the tea leaves?

ELECTION REFORM

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ARCHER. Mr. Speaker, it is fitting that Congress has begun an election-year session by approving legislation for reform of our election process. This landmark reform goes a long way toward correcting one of the most glaring inequities in our campaign procedure, the tremendous cost of seeking public office.

While it will by no means eliminate the heavy financial burden of campaigns, this legislation hopefully will help to curb skyrocketing costs. Perhaps its most significant provisions are the stringent requirements for reporting campaign contributions and expenditures. Public disclosure can be an effective means for policing campaign spending. The voters will know exactly how much a candidate has invested in a race and who is providing the money.

Despite the new ground covered by the bill, I suspect that few of us are entirely happy about it. Some feel it is too restrictive, others think it is not enough; I share the latter opinion.

We have not approved the ultimate solution for campaign reform; it is but a beginning. I am disappointed that the legislation is not as comprehensive as it should be. Limitations were not placed, for example, on spending for postage or printing for direct mail projects, which are becoming increasingly important in campaigns. We still have no overall limit on spending, though we have placed curbs on the most expensive element in a budget, advertising. By limiting expenditures in one area, however, and not extending it to the entire budget, all we are doing is diverting funds from one category to another. It is possible that the money will not be significantly reduced, but only redistributed.

Of course, it is difficult to determine just when a spending limitation can keep costs at a reasonable level, and when it becomes so restrictive that it actually helps keep incumbents in office. Hopefully, a fair ceiling for all campaign spending will be determined in future proposals.

On the whole, this legislation falls short of our goal to restore the confidence of the American people in our political system. What we must have is a means to show the people that their representatives and candidates for public office are motivated by a desire for public service that is not compromised by the temptation for private gain. The answer, in my view, is to require full disclosure of assets and liabilities of Congressmen and candidates. It is a logical sequel to campaign spending disclosure, and I anticipate introducing such legislation in the near future.

At present we have very weak provisions for partial disclosure of the holdings of incumbent Congressmen. There is no similar law for candidates. The current procedures, however, are little more than a sham. What we have is a facade, a pretense of disclosure, while actually there is very little of any significance that is available to the public.

Mr. Speaker, we are confronted with what can truly be called a crisis of confidence in our political system. A cynicism about politics and politicians pervades the Nation. It is not just the student who has become disillusioned and disgusted and "turned off." It is the housewife, the businessman and the workingman who equate politics with shady dealings and smoke-filled rooms. What many people remember about Washington are reports of a Congress-accepting a bribe or supporting legislation that will benefit his stock holdings.

It seems to me that the solution to this dearth of confidence is the elimination of any doubt or suspicion in the minds of the voters by requiring full disclosure of assets and debts. It would prove a Congressman has no holdings that could conflict with his duties; or it would reveal any assets or obligations that could influence his decisions.

Full disclosure is long overdue. The young people in America are looking to us with a critical eye—to see if we in Congress will meet the challenge to reform our system. Let us live up to our responsibilities and fulfill the expectations of our fellow citizens.

PROMISE OF SPACE

HON. WILLIAM R. ANDERSON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ANDERSON of Tennessee. Mr. Speaker, as our Nation continues its search for the means to avoid war, seeks new methods to diminish the causes of extreme poverty all over the world, and ponders its responsibility of sharing the great resource of our present technology for peaceful objectives, this Congress may take justifiable pride in one aspect of our astronautic spinoff which will serve human needs here on the earth. It is an aspect which is too little known by the American people.

I insert in the RECORD the following article from the London Express written by the distinguished scientist-writer, Dr. Arthur C. Clarke. Dr. Clarke is engaging in many space-related activities including the production of a series of films titled the "Promise of Space," which deals with the contributions which the space program may make in alleviating earthly want.

It must be noted that the satellite discussed was built in the United States by American labor, paying American taxes in an industry now undergoing the severe stress of unemployment. Foreign aid of the sort described in the article which serves the needs of the impoverished and the emerging nations of the world has the beneficial by-product of continuing America's ability to advance the technology of tomorrow as it serves man today.

As the discussions of America's shuttle program commences in Congress, we must recall that NASA's work is not a "pie-in-the-sky" adventure, but that it can have a direct relationship with the social problems of today.

Dr. Clarke's article follows:

PROMISE OF SPACE

For thousands of years, men have sought their future in the starry sky. Now this old superstition has at last come true, for our destinies do indeed depend upon celestial bodies—those that we have created ourselves.

Since the mid-Sixties, the highly-unadvertised reconnaissance satellites have been quietly preserving the peace of the world, the weather satellites have guarded millions against the furies of nature, and the communications satellites have acted as message-carriers for half the human race. Yet these are merely the first modest applications of space technology to human affairs; its real impact is still to come. And, ironically, the first country to receive the benefits of space *directly* at the home and village level will be India—where, as recently as February, 1962, millions were terrified by an unusual conjunction of the Sun, Moon, and five planets.

In 1974 there will be a new Star of India; though it will not be visible to the naked eye, its influence will be greater than that of any zodiacal signs. It will be the satellite ATS–F (Applications Technology Satellite F), the latest in a very successful series launched by America's National Aeronautics and Space Administration. For one year, under an agreement signed on September 18, 1969, ATS–F will be loaned to the Indian Government by the United States, and will be "parked" 22,000 miles above the Equator, immediately to the south of the sub-continent. At this altitude it will complete one orbit every 24 hours and will therefore remain poised over the same spot on the Turning Earth; in effect, therefore, India will have a TV tower 22,000 miles high, from which programmes can be received with almost equal strength over the entire country.

Since the launch of the historic Telstar in 1962, there have been several generations of communications satellites. The latest, Intelsat IV, can carry a dozen TV programmes or up to 9,000 telephone conversations across the oceans of the world. But all these satellites have one thing in common; their signals are so feeble that they can be received only by large earth stations, equipped with antennae 50 or more feet across, and costing several million dollars. Most countries can afford only one such station, and indeed that is all that they need to connect their television, telephone or other services—where these exist—to the outside world.

ATS–F, now being built by the Fairchild-Hiller Corporation, represents the next step in the evolution of communications satellites. Its signals will be powerful enough to be picked up, not merely by multi-million dollar earth stations, but by simple receivers, costing two or three hundred dollars, which all but the poorest communities can afford. This level of cost would open up the entire developing world to every type of electronic communication—not only TV; the emerging societies of Africa, Asia and South America could thus by-pass much of today's ground-based technology, and leap straight into the space age. Many of them have already done something similar in the field of transportation, going from ox-cart to aeroplane with only a passing nod to roads and railways.

It can be difficult for those from nations which have taken a century and a half to slog from semaphore to satellite to appreciate that a few hundred pounds in orbit can now replace the continent-wide networks of microwave towers, coaxial cables and ground transmitters that have been constructed during the last generation. And it is perhaps even more difficult, to those who think of television exclusively in terms of old Hollywood movies, giveaway contests and soap commercials to see any sense in spreading these boons to places which do not yet enjoy them. Almost *any* other use of the money it might be argued, would be more beneficial.

Such a reaction is typical of those who come from developed (or overdeveloped) countries, and who accept libraries, telephones, cinemas, radio, TV, as part of their daily lives. Because they frequently suffer from the modern scourge of information pollution, they cannot imagine its deadly opposite—information starvation. For any Westerner, however well-meaning, to tell an Indian villager that he would be better off without access to the world's news, knowledge and entertainment is an impertinence. A fat man preaching the virtues of abstemiousness to the hungry would deserve an equally sympathetic hearing.

Those who actually live in the East, and know its problems, are in the best position to appreciate what cheap and high-quality communications could do to improve standards of living and reduce social inequalities. Illiteracy, ignorance and superstition are not merely the results of poverty—they are part of its cause, forming a self-perpetuating system which has lasted for centuries, and which cannot be changed without fundamental advances in education. India is now beginning a Satellite Instructional Television Experiment (SITE) as a bold attempt to harness the technology of space for this task; if it succeeds, the implications for all developing nations will be enormous.

SITE's first order of business will be instruction in family planning, upon which the future of India (and all other countries) now depends. Puppet shows are already being produced to put across the basic concepts; those of us who remember the traditional activities of Punch and Judy may find this idea faintly hilarious. However, there is probably no better way of reaching audiences who are unable to read, but who are familiar with the travelling puppeteers who for generations have brought the sagas of Rama and Sita and Hanuman into the villages.

Some officials have stated, perhaps optimistically, that the only way in which India can check its population explosion is by mass propaganda from satellite—which alone can project the unique authority and impact of the TV set into every village in the land. If this is true, we have a situation which should indeed give pause to those who have criticised the billions spent on space.

The emerging countries of what is called the Third World may need rockets and satellites much more desperately than the advanced nations which built them. Swords into ploughshares is an obsolete metaphor; we can now turn missiles into blackboards.

Next to family planning, India's greatest need is increased agricultural productivity. This involves spreading information about animal husbandry, new seeds, fertilisers, pesticides and so forth; the ubiquitous transistor radio has already played an important role here.

In certain parts of the country, the famous "Miracle Rice" strains—which have unexpectedly given the whole of Asia a few priceless years in which to avert famine—are known as "radio paddy", because of the medium through which farmers were introduced to the new crops. But although radio can do a great deal, it cannot match the effectiveness of television; and of course there are many types of information that can be fully conveyed only by images. Merely *telling* a farmer how to improve his herds or harvest is seldom effective. But seeing is believing, if he can compare the pictures on the screen with the scrawny cattle and the dispirited crops around him.

Although the SITE project sounds very well on paper, only experience will show if it works. The "hardware" is straight-forward and even conventional in terms of today's satellite technology; it is the "software"—the actual programme—that will determine the success or failure of the experiment. In 1967 a pilot project was started in 80 villages round New Delhi, which were equipped with television receivers tuned to the local station. (In striking contrast to a satellite transmitter, this has a range of only 25 miles.) It was found that an average of 400 villagers gathered at each of the evening "teleclubs", to watch the programmes on weed control, fertilisers, packaging, high-yield seeds—plus five minutes of song and dance to sweeten the educational pill.

We who are accustomed to individual or family viewing tend to forget that even a 12-inch set can be seen by several hundred people. Moreover, as it is always dark in India by about 7 p.m., for much of the year the receiver can be set up in the open air; only during the monsoon would it be necessary to retreat into a village hall.

Surveys have been carried out to assess the effectiveness of these programmes. In the area of agricultural knowledge, TV viewers have shown substantial gains over non-viewers. To quote from the report of Dr. Prasad Vepa of the Indian National Committee for Space Research: "They expressed their opinion that the information given through these programmes was more comprehensive and clearer compared to that of the other mass media. Yet another reason cited for the utility of TV was its appeal to the illiterate and small farmers to *whom information somehow just does not trickle.*" (My italics.)

In February, 1971, while filming *The Promise of Space,* I visited one of these TV-equipped villages—Sultanpur, a prosperous and progressive community just outside Delhi, only a few miles from the soaring

sandstone tower of the Kutb Minar. Dr. Vikram Sarabhai, Chairman of the Atomic Energy Commission, had kindly loaned us a prototype of the ten-foot-wide, chicken-wire receiving dish which will collect signals from ATS-F as it hovers above the Equator. While the village children watched, the pie-shaped pieces of the reflector were assembled—a job that can be performed by unskilled labour in a couple of hours. When it was finished, we had something that looked like a large aluminum sunshade or umbrella with a collecting antenna in place of the handle. As the whole assembly was tilted up at the sky and lifted on to the roof of the highest building, it looked as if a small flying saucer had swooped down upon Sultanpur.

With the Delhi transmitter standing-in for the still unlaunched satellite, we were able to show a preview of—hopefully—almost any Indian village of the 1980s. The programme we actually had on the screen at Sultanpur was a lecture-demonstration in elementary mechanics, which could not have been of overwhelming interest to most of the audience; nevertheless, it seemed to absorb viewers whose ages ranged from under ten to over 70. Yet it was not a Sultanpur, but 400 miles away at Ahmedabad, that I really began to appreciate what could be done through even the most elementary education at the village level.

Near Ahmedabad is the big 50-foot diameter parabolic dish, 50 feet in diameter, of the Experimental Satellite Communication Ground Station, through which the programmes will be beamed up to the hovering satellite. Also in this area is AMUL, the largest dairy co-operative in the world, to which more than a *quarter of a million* farmers belong. After we had finished filming at the big dish, our camera team drove out to the AMUL headquarters, and we accompanied the Chief Veterinary Officer on his rounds.

At our first stop, we ran into a moving little drama that we could never have contrived deliberately, and which summed up half the problems of India in a single episode. A buffalo calf was dying, watched over by a tearful old lady who now saw most of her worldly wealth about to disappear. If she had called the vet a few days before—there was a telephone in the village for this very purpose—he could easily have saved the calf. But she had tried charms and magic first; they are not *always* ineffective, but antibiotics are rather more reliable . . .

I will not quickly forget the haggard, tear-streaked face of that old lady in Gujerat; yet her example could be multiplied a million times. The loss of real wealth throughout India because of ignorance or superstition must be staggering. If it saved only a few calves per year, or increased productivity only a few per cent, the TV set in the village square would quickly pay for itself. The very capable men who run AMUL realise this; they are so impressed by the possibilities of TV education that they plan to build their own station to broadcast to their quarter of a million farmers. They have the money, and they cannot wait for the satellite—though it will reach an audience two thousand times larger, for over 500 *million* people will lie within range of ATS-F.

There is a less obvious, yet perhaps even more important, way in which the prosperity and sometimes very existence of the Indian villagers will one day depend upon space technology. The life of the sub-continent is dominated by the monsoon, which brings 80 percent, of the annual rainfall between June and September. The date of onset of the monsoon, however, can vary by several weeks—with disastrous results to the farmer, if he mistimes the planting of his crops.

Now, for the first time, the all seeing eye of the meteorological satellites, feeding information to giant computers, gives real hope of dramatic improvements in weather forecasting.

But forecasts will be no use unless they get to the farmers in their half a million scattered villages, and, to quote from a recent Indian report, "this cannot be achieved by conventional methods of telegrams and wireless broadcasts. Only a space communications system employing TV will be . . . able to provide the farmer with something like a personal briefing . . . such a nation-wide rural TV broadcast system can be expected to effect an increased agricultural production of at least 10 per cent, through the prevention of losses—a saving of $1,600 million per annum." Even if this figure is wildly optimistic, it appears that the costs of such a system would be negligible compared to its benefits.

And those who are unimpressed by mere dollars should also consider the human aspect—as demonstrated by the great East Pakistan cyclone of 1971. *That* was tracked by the weather satellites—but the warming network that might have saved several hundred thousand lives did not exist. Such tragedies will be impossible in a world of efficient space communications.

Yet it is the quality, not the quantity, of life that really matters. Men need information, news, mental stimulus, entertainment. For the first time in 5,000 years, a technology now exists which can halt and perhaps even reverse the flow from the country to the city. The social implications of this are profound; already, the Canadian Government has discovered that it has to launch a satellite so that it can develop the Arctic. Men accustomed to the amenities of civilisation simply will not live in places where they cannot phone their families, or watch their favourite TV show. The communications satellite can put an end to cultural deprivation caused by geography. It is strange to think that, in the long run, the cure for Calcutta (not to mention London, New York, Tokyo), may lie 22,000 miles out in space.

The SITE project will run for one year, and will broadcast to about 5,000 TV sets in carefully selected areas. This figure may not seem impressive when one considers the size of India, but it requires only one receiver to a village to start a social, economic and educational revolution. If the experiment is as great a success as Dr. Sarabhai and his colleagues hope (and deserve), then the next step would be for India to have a full-time communications satellite of her own. This is, in any case, essential for the country's internal radio, telegraph, telephone and telex services.

It may well be that, until it has established such a nation-wide system, India will be unable to achieve a real cultural identity, but will remain merely a collection of states. And one may wonder how much bloodshed and misery might have been avoided, had the two severed wings of Pakistan been able to talk to each other face to face, through the facilities which only a communications satellite can provide.

Kipling, who wrote a story about "wireless" and a poem to the deep-sea cables, would have been delighted by the electronic dawn that is about to break upon the subcontinent. Gandhi, on the other hand, would probably have been less enthusiastic; for much of the India that he knew will not survive the changes that are now coming.

One of the most magical moments of Satyajit Ray's exquisite *Pather Panchali* is when the little boy Apu hears for the first time the Aeolean music of the telegraph wires on the windy plain. Soon those singing wires will have gone forever but a new generation of Apus will be watching, wide-eyed, when the science of a later age draws down pictures from the sky—and opens up for all the children of India a window on the world.

TIMBER-CUTTING IN THE BOUNDARY WATERS CANOE AREA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. FRASER. Mr. Speaker, the compatibility of commercial logging with the essential nature of a wilderness area has been questioned by the Minnesota Public Interest Research Group—MPIRG. This student-funded group of lawyers and scientists, representing some 80,000 students at 16 colleges and universities in Minnesota, has asked the U.S. Forest Service to prepare an environmental impact statement on the effect of timber-cutting in the Boundary Waters Canoe Area in northern Minnesota. The North Star Chapter of the Sierra Club, the Natural History Society, the Minnesota Environmental Control Citizens Association—MECCA, the Minnesota Canoe Association, and the Rovers Outing Club at the University of Minnesota are supporting MPIRG's request.

The Boundary Waters Canoe Area, over 1 million acres of peerless land and lake country, stretches along the northeastern Minnesota-Canadian border for approximately 145 miles. The route of the voyageurs passed through this country of vast forests and countless island-studded lakes and streams. Here in America's prime canoe area, and the only Federal wilderness area of any real size east of the Rockies, man can still seek solitude.

In the following article in the University of Minnesota's Daily of January 12, 1972, a member of MPIRG's research staff urges that this unique wilderness area be protected from harmful commercial development:

CLEAR CUTTING IN BWCA: BARKING THE WRONG TREES

(By Sue Kline)

"There are some who can live without wild things, and some who cannot . . . Like winds and sunsets, wild things were taken for granted until progress began to do away with them."—Aldo Leopold, Sand County Almanac.

The preservation in this country of some places that are wild and relatively untrammeled by man is the basic issue behind the Minnesota Public Interest Research Group's (MPIRG) recent request that the Forest Service enforce an immediate moratorium on all timber cutting in the Boundary Waters Canoe Area (BWCA) until an environmental impact statement can be prepared.

The impact statement would permit the public and the Congress to decide whether timber cutting is appropriate within a wilderness area, which was defined by the 1964 Wilderness Act as a place "where earth and its community of life are untrammeled by man . . . with the imprint of man's work substantially unnoticeable."

We believe that the provisions of the National Environmental Policy Act require this action on the part of the Forest Service.

Gravel logging roads, acres of sawed-off tree stumps and the whine of chain saws seem inconsistent with the maintenance of a wilderness area. Logging in the BWCA is indefensible on scientific, recreational, economic and biological grounds.

The BWCA is the only large virgin wilderness left in this country east of the Rocky Mountains. There are a few thousand acres in Michigan and blocks of a few hundred acres scattered throughout the East.

The BWCA is also the only area designated under the 1964 Wilderness Act in which logging is permitted. Forty percent of the BWCA's 1 million acres were set aside in what was called a portal zone. One-quarter of the remaining 400,000 virgin, or uncut, acres is located in this zone.

For purposes of scientific study the BWCA is invaluable. It is the last virgin remnant of the great conifer forests that once covered nearly all of the northern United States.

Human survival may someday depend upon the knowledge we can gain only from the study of natural ecosystems. But once an area has been logged it becomes impossible to separate natural from artificial forces.

Research on natural ecosystems is just beginning. The large size of the virgin forest of the BWCA must be maintained so that large-scale ecological processes can operate in a natural setting—processes such as seed dispersal, natural succession, fire and maintenance of viable populations of large mammals.

The Little Sioux fire of last spring has immeasurably increased the scientific value of one of the tracts, the Sunnydale sale. Because of a successful fire control program, this is our first chance in 60 years to study the effects of extensive fire in almost any forest in the United States.

Thousands of dollars worth of experimental plots have already been set up, and at least five studies are in progress. If cutting goes ahead as scheduled next week on the unburned portion of the sale, all of the studies will be seriously compromised or completely invalidated. The Forest Service demonstrates monumental short-sightedness by making no attempt to forestall the cutting of an invaluable research area.

Almost all of the logging done in the BWCA is clear cutting, because other methods are uneconomical.

Clear cutting destroys an area for recreational use because of the extensive network of roads that must be built to haul out the logs. In addition, it takes at least 20 to 30 years for the forest to regrow to the point at which it can provide for an enjoyable experience.

From a recreational standpoint, the BWCA is the most popular wilderness area in the country and it is a central attraction for tourism, northern Minnesota's major industry.

Recreational use of the BWCA has grown tremendously in the last few years. About 127,000 persons spent 1,139,700 visitor days in the BWCA last year, and this number has increased about 10 percent every year.

Loggers are not permitted to cut within 400 feet of lakes and streams, but we question whether we can preclude the possibility of wilderness uses other than canoeing by covering all but small strips near lakes and portages with miles of criss-crossing roads.

Thousands of miles of logging roads already wind in and out of the southern portion of the BWCA. We must also question what kind of wilderness experience even canoeists can have when wandering a few hundred feet from their campsite means stumbling onto a vast clearing covered with tree stumps and bulldozed roads.

Ironically, we do not even need the wood in the BWCA. More than 90 percent of what is being cut can be used only for pulp wood, and not for the sawtimber that goes into the building of houses.

There has been a surplus of pulpwood in Minnesota for many years. This means that more wood could have been cut on a sustained yield basis than actually was.

In 1969, the last year for which figures are available, there was a surplus of 1,776,871 cords, as compared to the 212,000 cords at stake in the BWCA (a cord is the unit of measurement for pulpwood and, for a species such as jack pine, contains about 10 trees).

Tragically, the government is losing money on the whole process. By its own rules, the Forest Service is required to replant the trees that are cut.

At the minimum, it is costing the Forest Service twice as much to replant the forest than the timber companies are paying for the privilege of cutting it.

For example, the jack pines in the Sunnydale sale took 107 years to grow and were sold to Northwest Paper Company for $1.08 a cord, which comes out to less than 11 cents per tree. The Forest Service's reforestation plan estimates that it will cost $120,000 to reforest this tract of land, while Northwest Paper will pay the government only $61,-150.45 for the trees.

In effect, we are subsidizing private companies to take one of the last remaining virgin wilderness areas in this country and make it into paper towels and toilet paper.

The figures for other timber sales in the BWCA are comparable. By the Forest Service's own estimate, it is costing us twice as much to replant as the trees are worth to private companies. It is hard to believe that the Forest Service would continue with such an unprofitable venture, but it becomes easier to understand when we keep in mind the fact that Congress makes Forest Service appropriations on the basis of the amount of timber sold in the various national forests.

This means we have cases like the Sunnydale sale, which extends six miles into previously uncut virgin areas of the BWCA, which the Forest Service was so eager to have cut that negotiations with Northwest Paper went on for two years while the Forest Service continuously lowered the price until the company could not afford to turn it down.

It would be cheaper for us to pay the timber companies not to cut, just as we pay farmers not to grow particular crops.

The Minnesota timber industry claims that Minnesota companies need the trees in the BWCA to keep mill production going, so that jobs will not be lost.

However, more than half of all the timber now under contract to be cut in the BWCA is owned by a Canadian firm, Northern Forest Products. The trees are cut, loaded onto trucks and shipped to Thunder Bay, Ontario, for processing.

Canadians get the jobs, the taxes and probably revenues from the United States when the finished products are shipped here to be sold.

A year ago, the Canadians cancelled all logging contracts for several American firms in the Quetico Provincial Park, the Canadian equivalent of the BWCA and no longer permit logging of that wilderness area. If it is difficult to justify subsidizing the decimation of the BWCA by American firms, it is ludicrous to pay foreign firms to do so.

In addition, Northwest Paper, the one Minnesota firm that holds any sizeable number of timber contracts in the BWCA, has ample alternative areas to cut on state and federal lands alone, so that any temporary cessation of timber cutting would not be a substantial hardship, if hardship at all (figures are not available on the extent of the company's private holdings).

An argument commonly heard from the logging industry and Forest Service personnel is that if the forest is not cut, the trees will disintegrate and fall down, leaving only brush and grass. This assertion is false and has no biological basis.

One species may give way to another through the natural process of succession, but the forest will not disappear.

Jack pine, red pine, black spruce and aspen reproduce best in the open spaces left by fire or clear-cutting. Other trees, such as white spruce, balsam fir, cedar and red maple are shade-tolerant and will grow beneath the "pioneer" species.

As the pine, aspen and other sun-loving species slowly die off, in a process which takes hundreds of years they will be replaced by shade-tolerant trees, which may be capable of reproducing themselves indefinitely.

Another defense of logging in the BWCA is that it may improve wildlife habitat. Certain animals such as deer and moose feed on the shoots of the young plants that sprout following the creation of an open space.

However, natural forces, such as fire and windstorms, can just as effectively provide for improved wildlife habitats.

Controlled burning, which has been used quite effectively in various parts of the United States, is even more effective than cutting in upgrading wildlife habitats.

In most cases, fire will burn off the heavy organic layer on top of the soil, preparing a better seedbed for plants than logging. Fire also returns needed nutrients to the soil.

The Forest Service has encountered many problems in its attempts to prepare cut-over land for seeding. Rock raking, a controversial practice, was used until a few years ago. Bulldozers were used to scrape off vegetation remaining after cutting, and, unfortunately, the top few inches of soil as well. The soil was plowed into mounds several hundred feet apart.

The result was unpleasant. Scraggly trees grew on the soil from which essential nutrients had been scraped, while the long rows of mounds were covered with plant-life.

Until about a year ago, the Forest Service used herbicides to rid the ground of its vegetation cover. This method seemed to be fairly successful, but was dropped because of fear of possible long-range effects.

The Forest Service doesn't like to talk about it, but it has had many failures in its replanting efforts. It is about two years behind on most of its replanting program, and some areas are too distant to be reached in time for replanting to be effective. Some tracts have been replanted in time but just didn't grow well.

We are dealing with fragile processes and delicate balances, and it is somewhat vain of us to believe that we can improve on natural processes of reproduction and succession which have evolved over millions of years.

Timber cutting in the BWCA cannot be justified economically, scientifically or biologically, but even if this were not so, there would still be one overriding reason for keeping it wild.

Human beings have a spiritual need for wild places. We have swarmed across a continent full of prairie flowers and tall pines and left it covered with concrete and short-order restaurants. In an increasingly plastic and artificial world, it is important that we have some places here and there where it is possible to escape from all signs of human handiwork.

Tree farms have their place, just as Disneylands do, but let us keep some places where we can see a tree that got there by itself and was not stuck in the ground by a man.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 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.

How long?

NIXON'S SHOPWORN PEACE PLAN

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ROSENTHAL. Mr. Speaker, in his latest prime time TV special, President Nixon tried to tell us he has a new plan for peace in Indochina. But close scrutiny reveals some semantic shuffling and political posturing, but nothing fundamentally new.

What we need is not an eight-point peace plan, but a one-point program: Total U.S. withdrawal now. That means not only do we pull out our troops from South Vietnam, but our bombers from adjoining countries and seas as well; it means not waging war directly or by proxy; it means setting a date for withdrawal now, not after the completion of long and difficult negotiations involving the entire Indochina question. There is no justification for making captured Americans sit in their North Vietnamese prisons while negotiations drag on.

I commend to my colleagues today's lead editorial from the Washington Post. It presents an excellent analysis of the President's speech and should be read by all. The editorial, "Vietnam: The Same Old Shell Game," follows:

VIETNAM: THE SAME OLD SHELL GAME

Those who value form over substance may find a political triumph in Mr. Nixon's new "Plan for Peace" in Indochina—a veritable political masterstroke, courtesy of nationwide TV. Senator Mansfield, for example, hailed it as a long step forward; Senators Muskie and Humphrey welcomed it as a new initiative. The President himself called it "generous," as if generosity had any place in our dealings with a ruthless and relentless adversary. Republican sympathizers are delighting in the way the rug is supposed to have been pulled from under those who have been a advocating a "date certain" for our withdrawal in exchange for our prisoners of war—on the theory that this is what the President has been secretly offering. This is what was meant to dazzle us—along with the drama of Dr. Kissinger's thirteen transatlantic trips, the secret dealings, the surprise. We are meant to believe, in short, that the President has gone the extra mile for peace" and that whatever happens next—continued impasse, a new Communist offensive, an increase in American casualties, a prolonged, open-ended war—*is not his fault.*

Well you can make the argument that it is Hanoi's fault, or even that the whole war is Hanoi's, (or Peking's or Moscow's) fault, and not gain much by doing so. You can prove, as Mr. Nixon did, that the enemy has been duplicitous, but that is hardly a revelation. You can assert that Mr. Nixon has tried what some of his critics have long been urging him to try, but even if that were so, (which it isn't) it doesn't help much when it doesn't work—except perhaps at home, politically for a time. The fact of the matter is, of course, that there is drama in the unveiling of a secret peace initiative and a little vindication, perhaps, and not much else—not even, in this case, much surprise.

Last November 12, just about the time when Dr. Kissinger was busiest on his Parisien rounds, the President was asked if he had any reason for encouragement concerning prospects for release of our POWs, and he replied: "No reason for encouragement that I can talk about publicly. I can say, however, that we are pursuing this subject, as I have indicated on several occasions in a number of channels . . ." So the likelihood of private dealings was always there and the real surprise is in the terms the President was offering "the other side"; there is, in fact, no better way to measure the significance of the President's hitherto secret "plan for peace" than by comparing it with one he was proposing *publicly* in October, 1970—when there were 384,000 American troops in South Vietnam. At that time, Mr. Nixon announced that the United States would offer in Paris a plan for:

"An agreed timetable for complete withdrawal as part of an over-all settlement";

An immediate and unconditional release of all prisoners of war held by both sides;

A fair political solution, which would "reflect the existing relationship of political forces" in South Vietnam. The U.S., he said, would abide by the outcome (whether one reached by negotiation or election, he did not specify) and he added that "we know that when the conflict ends, the other side will be there, and the only kind of settlement that will endure is one both sides have an interest in preserving (in other words, an eventual piece of the action in Saigon was held out to the Communists);

An Indochina peace conference, to negotiate a wider settlement which would be guided by the terms of the Geneva Accords of 1954 (Vietnam) and 1962 (Laos).

A cease fire, to be internationally supervised.

That, then, was the Nixon peace plan fifteen months ago, publicly put forth in Paris. What is essentially new or different about the one Dr. Kissinger has been pushing secretly? Essentially nothing, except that elaborate election machinery has been added—an electoral process made in America, rooted in democratic institutions which are alien to the Vietnamese, and one to which Hanoi has been consistently hostile. That, and an eye-catching deadline of six months for U.S. troop withdrawal, which is about as uncertain a "date certain" as could be devised, depending as it does on an agreement not just on prisoner exchange, as the President's leading critics have proposed, but on working out the incredibly difficult details of a cease fire and an election procedure.

This, we are asked to believe, is a new peace plan whose unilateral, public disclosure is likely to break the impasse with Hanoi. This, we are told, is progress, when in fact it is more of the same old shell game. It may work, for a time, for as this game has been played with the Vietnam war over the years, the hand of a government in possession of a secret and in command of prime time has proved more often than not to be quicker than the eye. But the real news here is not of a new peace plan, or even of an earnest secret initiative. What the President told us Tuesday night was nothing more or less than that he and Dr. Kissinger have been privately pressing upon Hanoi a rather shopworn peace plan, only slightly refurbished, and that over a period of 30 months they have been had; he is telling us that he still wants it done the American way and that the North Vietnamese are still not buying it; he is telling us that negotiation isn't working, and that this, by his own admission leaves the alternative of "Vietnamization" which he is frank enough to describe as the "long voyage home."

So unless there is a lot the President *isn't* telling us, we are just where we were before we learned of Dr. Kissinger's secret travel; still insistent on having it our way; still counting on the North Vietnamese to abandon the goals of some forty years of fighting; still unwilling to act upon the President's own, public estimates (also offered in Oct., 1970) that the "South Vietnamese have gained the capability to handle the situation"—and with less and less to offer, as our ground forces shrink, in exchange for our prisoners of war.

LEGISLATION FOR SPECIAL CHILD-FEEDING PROGRAMS

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. VANIK. Mr. Speaker, in studying the Federal budget for fiscal year 1973, it appears that the administration has cut back on several food programs for low-income children.

In his state of the Union message, the President said that—

> 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.

While there is a welcome increase of $140 million in the food stamp program, there appears to be a series of cutbacks in food programs for preschool and school children.

Following is a list of child-feeding programs included in the Department of Agriculture budget and a comparison of the budget estimates for fiscal years 1972 and 1973:

Program	Fiscal year— 1972	1973
School lunch	225,108,000	225,000,000
Special assistance to needy children	237,047,000	237,047,000
School breakfast program	25,000,000	18,500,000
Food program for nonschoool-children (sec. 13)	37,775,000	20,775,000
Special milk program	104,000,000	92,090,000

As author of the legislation providing for food assistance to children in nonschool situation—section 13—I am particularly concerned about the nearly 50-percent reduction in this program which is geared toward helping low-income family children receive nutritious meals during the summer months and in preschool centers.

In the very same budget message which provides for a cutback in this program, there is a brief description of the success of the section 13 program: In fiscal year 1971, 107.5 million meals were served to 573,000 children during the summer months and to 224,000 children during school year programs. In the present fiscal year, it is estimated that 1.3 million children will be assisted and 197.5 million meals provided.

During the last month, I have written to the directors of this program in the various 50 States. To date, I have received answers from 28 of them. The data I have received clearly proves that this program must be expanded—not cut.

To prevent large numbers of day-care center programs from being cut, to provide for food assistance during the summer months, there is the documented

need for at least $42 million for this program.

Therefore, I have just introduced legislation today to increase the authorization level of this program from $32 million to $42 million. I will also enter in the RECORD at this point a summary of the data I have received, including quotes from the various State directors attesting to the urgency of increased funding for this program.

I hope that this authorization bill can win rapid approval so that a supplemental appropriation can be provided for this program during the spring. In this way, these feeding programs can continue and the children they serve will continue to receive these important, nutritious meals.

State	Fiscal year allotment	Sec. 13 applications received dollar value			Number of children served under allotment	Maximum number of children served if full funding	Estimated surplus or deficit 1972 or 1973	Remarks of State administrators
		School year	Summer	Total				
Alabama	$1,023,523	$368,523	$655,000	$1,023,523	44,100		−$400,000	Although we do not have valid applications in this office which have not been funded, it is true that a number of institutions need to make application.
Alaska	68,526			12,000	146		+56,000	
Arizona	195,570			174,552	1,701	2,783	Deficit	I agree with your efforts in that these children should be cared for along with school age children in order to prepare them for their later years in the educational field. The number of children presently being served is 1,701 and the number that could have been served for all valid applications funded is 2,783.
California	863,437	373,224	490,213	863,437	7,000		−2,000,000	California has been allocated $863,437 in special food service program funds for 1971–72. It was our understanding that these funds were for year-round programs and that additional funds would be allocated for the 1972 summer feeding programs. Yesterday, however, we were informed by a representative of the U.S. Department of Agriculture that the $863,437 is our total allocation, including funds for the summer program. At the present time, approximately 7,000 children are participating in year-round programs and we have encumbered slightly more than $700,000 for this purpose. Obviously, we have a serious funding problem. In addition, we conservatively estimate that with an early guarantee of funding, we can reach 230,000 children in the 1972 summer feeding program. At this level, the funding needed will be approximately $2,407,000.
Colorado	182,941			268,100	2,500	3,200	−48,700	
Delaware	91,000	288,000	12,000	3,000,000	1,420	1,870	−209,000	
Florida	1,079,355	1,020,280	535,000	1,555,280	53,849		−476,000	
Hawaii	87,934			87,934	1,345		−56,966	11 approved applications are on file. These applications cover 25 child-care centers serving 1,345 children. If additional funds are not appropriated, or reallocated from other States, it may be necessary to reduce reimbursement rates for May and June in one or more of these programs. There are no applications pending at the present time. However, new program centers anticipated for fiscal year 1973 may increase 1973's requirements by $56,966. With full use of allocated funds anticipated, no attempt was made by this agency to encourage applications which, although they might be approved, could not be funded.
Illinois	627,090			288,000	10,400		−93,000	The second question you raised is the estimated dollar value of all sec. 13 applications received. The applications we have pending are estimated to amount to about $24,000 per month. However, I would like to make it clear that under the instructions received from the Department of Agriculture, we have discouraged applications for this program and have publicized the fact that funds are very limited. I believe that is a fair statement that our present sec. 13 programs could easily be doubled which would require approximately $60,000 per month on a 12-month basis.
Indiana	347,392			482,750	5,640	7,130	−136,000	
Iowa	318,165	178,000	24,000	202,000			+116,000	We had a rapid growth during last fiscal year (1971) and are experiencing a rapid growth so far during this fiscal year (1972). So far we have not had to disapprove any applications that qualified.
Kansas	275,951			151,000	4,000		+126,000	
Kentucky	700,278	435,555	225,961	671,692	18,808	20,508		It is commonly known that most individual States as such do not contribute much financial assistance (cash contribution) toward the support of food service programs; therefore, the efforts of Congress and its grants-in-aid are most significant and vital to the continued success of all food service activity. It seems at this time that sec. 13 funds available to Kentucky for fiscal 1972 are adequate. Had the participation period been longer in several cases, the financial picture would have been different and no doubt additional funds needed.
Louisiana	501,432			501,432	5,006	7,215	−1,245,000	We project that we will be serving 73,000 children a day, 2 snacks and a lunch during the summer months of June, July, and August. At this time, no funds are available for these children for the summer.
Maryland	269,011	(1)	(1)	(1)	1,600	4,271	±400,000	See full text of letter following the table.
Massachusetts	390,512	571,800	246,000	767,800	16,198	19,325	377,300	From July to November $117,704.90 has been expended for payment of food. We estimate that food payments only for the year will amount to $307,200. Unless a supplemental budget of approximately $58,700 is approved, this program must be curtailed in April. Because of insufficient funds, no nonfood assistance applications have been approved. Because of past inadequate funding, we are not accepting any new applications for summer programs in fiscal 1973. A request from Boston with 32 centers had to be refused in fiscal 1972.
Michigan	530,133	(2)	(2)	(2)				We believe, however, that these funds are not adequate for 2 reasons: 1. We have been informed by the USDA that no new programs should be approved because of the lack of funds and that this is substantiated by. 2. Much to do that is currently being raised by other agencies; Headstart programs in particular to substitute sec. 13 funds for food budgets previously provided through OEO, or other agencies.
Minnesota	$498,267	$541,280	$166,635	$707,915			−$202,503	Allocations: Yearly program 1971 — $343,488 Summer program 1971 — 154,779 Total — 498,267 The sum of $292,827.00 was requested but only $154,779 was allocated to Minnesota by the U.S. Department of Agriculture. As a result, we still owe the city of St. Paul for their summer program $26,197.27; at that, we curtailed many applications received after June 1971. Current balance on hand (year around) $125,271.32. We appreciate your help in obtaining sufficient funds not only to maintain, but expand this program. From the data given, you can understand that this fine program will be terminated unless funds are given soon.

State	Fiscal year allotment	Sec. 13 applications received dollar value: School year	Summer	Total	Number of children served under allotment	Maximum number of children served if full funding	Estimated surplus or deficit 1972 or 1973	Remarks of State administrators
Mississippi	750,000	200,000	550,000		2,086			
New York	5,007,600			5,340,000	224,861	236,626		See full text of letter following the table.
North Carolina	476,686			476,686	27,140	32,140	50,000	
Ohio	629,820			(1)		(4)		
Oklahoma	608,374	(2)	(3)	(3)			85,000	The year-round fund will be depleted when March claims are paid, and we have spent nothing for equipment assistance. We have requested more funds or a transfer of $85,000 from the recreation program which would allow us to accept applications from worthy day-care programs. We stopped taking applications, as the Federal agency advised us not to expand. We have had a number of inquiries and gave a negative answer. It seems that some are in trouble because other sources of help have been withdrawn. We will be short of funds for the summer recreation program in June if the transfer request is granted; however, we believe the day-care programs need first consideration in Oklahoma. We would have approximately the same amount spent last June, but the funding information came too late for Oklahoma City and Tulsa to start serving lunches.
South Dakota	211,753			150,000	5,719		+61,753	
Utah	126,537			73,000	1,250		+53,500	
Vermont	84,082			92,631.32	2,517		−8,549	This allows for no increase in participation within current programs nor does it allow for the approval of new programs. We are anticipating applications from 3 additional day care centers within the next few weeks. These centers would be expected to serve a total of approximately 150 children daily. We would, of course, be unable to approve these applications without additional funding, though the centers would otherwise qualify for participation. Further applications are expected during the remainder of the current fiscal year. It is the intent of this agency to seek additional funds from the U.S. Department of Agriculture when new applications from any eligible child-care institution are actually in hand.
West Virginia	478,243	399,998	174,871	574,869	8,879	12,374	−96,626	
Wyoming	70,627			21,600			(5)	

[1] Fully used.
[2] No data at this time.
[3] All funds will be used.
[4] 70 applications pending, 2,870 unserved.
[5] Funding is adequate.

MARYLAND FOOD COMMITTEE, INC.,
Baltimore, Md., December 15, 1971.

DEAR CONGRESSMAN VANIK: Mrs. Samm Brown at the Children's Foundation in Washington called me yesterday to inquire whether it would appear that Maryland would have adequate Section 13 funds, under the National School Lunch Act, to feed all the eligible children in day care centers in the State during this fiscal year. The answer clearly is no; but beyond that simple negative it is at the moment difficult to determine exactly how short of funds we will be.

The State School Food Authority estimates that, as of now, we are carrying in this program approximately 1600 children in 52 day care centers and that we have at least 15 other day care centers waiting for inclusion. Because of the sudden illness of the head of the department and the loss of one other staff member, the Maryland School Food Authority is operating presently at a tremendous handicap. The statistics given above are only tentative and the office at this time is unable to project the needs in day care. They promise to get to work on it as rapidly as possible.

Meanwhile the Maryland Food Committee is trying to research the problem. An examination of the State Health Department record of licensed day care centers reveals at least 117 non-profit day care centers, servicing 4,271 youngsters whose meals are probably eligible for federal subsidy. Because of the interpretation placed on USDA regulations by the State Food Service Office or because of the way the USDA represents those regulations to the State office; there has been little or no effort to try to expand this federally funded feeding program. Spot checks of day care centers suggests that in Maryland the nutrition of this very vulnerable group of children is frequently sadly neglected. The Maryland Food Committee hopes to conduct a careful survey of all these day care centers in January to determine exactly what are their food needs.

As far as available federal funds are concerned, according to the USDA, Maryland will have a total of $170,076 to spend on year-round programs under Sec. 13 in F.Y. '72. At 60¢ per child for 260 days this would provide reimbursement for meals for only 1090 children and Maryland presently has 1600 youngsters on the program. Admittedly all centers are not receiving the 60¢ per child rate, but some probably should receive more.

In trying to clarify Maryland's Sec. 13 financial position, we spoke with Mr. Hugh Gallagher in the USDA. His letter in reply is attached. Not mentioned in his letter is a fact he related verbally; that the State School Food Authority was told last March to annualize its March reimbursement level, and use that as a ceiling, or budget for F. Y. '72. According to Mr. Gallagher the March level of reimbursement multiplied by 12 was $170,076. The Maryland office has no record of that request or directive. In fact, the Maryland State Office fiscal records are somewhat at variance with Mr. Gallagher's and it would seem to us that the difference might be extremely significant.

According to the State School Food Authority a USDA directive in 1969 stated that F.Y. '70 funds were to carry the non-school food service year-round programs through September, 1970. Therefore the F. Y. '71 funds were not to be encumbered until October, 1970. It was for this reason that $128,656 of this allotment was not used. However, there were in the spring of 1971 at least 12 day care centers asking for federal funding for food and they were told no money was available. Also in June in Baltimore there was a massive summer recreation program in progress involving some 30,000 youngsters, who received no food for the first two weeks of the program because there were "no funds available". These facts make the non-use of $128,656 available funds doubly disconcerting to citizens.

The State School Food Authority however labors under the handicap of only fractional information from the USDA. Up until the very end of F. Y. '71 they were under the impression that this $128,656 could be used in Maryland summer feeding programs in the summer of '71. The policy of the USDA in only making partial fiscal information available to the State becomes clearer in F. Y. '72. More than 30,000 youngsters were fed in Baltimore's summer feeding program which finally started in July. The letters of credit reimbursing the state for this program came through in two parts *both charged to "Special Summer Food Service"*. The first was "through Aug. 1, 1971" and was in the amount of $417,686; the second was "through Nov. 1, 1971" and was in the amount of $275,272. *Nowhere was the state told that $98,935 of this money was being charged to Maryland's $269,011 for year-round programs.* In fact, the state office has never been told that Maryland's share of F. Y. '72 direct appropriation for Sec. 13 is $269,011! The letter of credit received in August and charged to Sec. 13 funds was in the amount of $12,985, and that received on Nov. 27, also charged to to same account was $157,091. Together they total $170,076. The state has received no word from the USDA that this is a partial or total apportionment, though Mr. Gallagher's letter to me would indicate that it is all Maryland will receive.

In view of this confusion, the Maryland Food Committee wonders whether the office of Budget and Management is again designing administrative policy and the USDA under their pressure has pulled out funds allocated to the states for year-round programs and used these to partially pay for summer-only programs. By this technique, Sec. 32 funds are conserved and day care expenditures cut, because no funds are available. In fact, it would seem to us a possible point of inquiry as to whether the USDA can shift funds in this way and whether Maryland can do anything to regain the $98,935 which was intended to be used in year-round programs.

This is a very long letter, but I felt that a complete account of what is going on in Maryland would be useful to you in your effort to get supplemental funding for non-school food service programs. We certainly support you in your effort and if there is any further information we can supply, we trust you will write us. In the struggle to combat hunger in this country, one of the key populations to reach is that of the very vulnerable toddler age children. Non-school food service feeding programs in day care centers offer almost the only feasible method of reaching any significant number of these youngsters. Such feeding programs must be

improved and expanded or our school lunch program will always be too late.

Sincerely yours,

SUSAN P. TIPPETT,
Executive Director.

THE STATE EDUCATION DEPARTMENT,
Albany, N.Y., December 30, 1971.

DEAR CONGRESSMAN VANIK: Your letter of December 20, 1971 contained three simple questions which are actually quite complicated to answer. The basic answer is that we are being asked to do a job with handcuffs and blindfolds strategically located. I will answer your specific questions with embellishment for those areas which are complicated.

(1) The size of our States' allocation—we were informed last July that $887,880.00 would be available for year round programs and $4,119,720.00 would be available for summer only programs. We established our program acceptance on these figures. To date we have received letters of credit for $653,628.00 for year round and $3,232,862.00 for summer only programs. Assurance has been given to us from U.S.D.A.-F.N.S. in Washington that if our reimbursements for presently operating year round and approved summer only programs exceed the letters of credit, additional funds will be made available. It was made very clear that no expansion to new programs would be allowed.

(2) The estimated dollar value of all Section 13 applications received.—This figure is a misnomer in as much as we were told not to accept any more applications. Therefore, there were no new programs added after August except New York City which we shut off as of November 1 because of start up time and the nature of their administrative system. It is estimated that actual applications have an approximate expenditure requirement of $5,340,000.00. There is no way we can anticipate what programs would have made applications had we not been instructed to prohibit expansion.

(3) The number of children being served under the programs we were able to fund versus the number that could have been served if all valid applications had been funded. Present operations extend to 14,918 A.D.P children in 350 programs for the year round programs, and reached 209,943 A.D.P children in 203 programs during the summer. It is estimated that an additional 11,765 children could have been reached had adequate funding been available. Unfortunately there are undoubtedly many children in need of additional food in centers who were verbally told funding was no longer available and who subsequently did not make application.

I sincerely hope that priorities for child nutrition programs can be clearly defined so that we at the Agency Administrative level can make some definitive plans pertaining to their direction. Either we are in the business all the way or out. This in between monster is raising havoc with those who can least afford to lose—the people and worst of all—their children.

May I extend my warmest thanks for your concern with their well-being. If there is anything further that we might possibly do to be of assistance, please ask.

Sincerely,

RICHARD O. REED.

FOUNTAIN SUBCOMMITTEE MONITORS FDA'S REGULATION OF DRUGS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. FOUNTAIN. Mr. Speaker, last month Medical World News reported that the Food and Drug Administration, under prodding from the Intergovernmental Relations Subcommittee which I chair, had issued a special drug bulletin warning physicians not to give the drug diethylstilbestrol—DES—to pregnant women. DES, which has long been known to cause cancer in test animals, was linked early last year with the occurrence of vaginal cancer in the female offspring of women who had been treated with DES during pregnancy.

This finding was reported by investigators at the Massachusetts General Hospital in April 1971. On the basis of those reports and the discovery of other similar cases in New York State, Dr. Ingraham, the New York State Commissioner of Health, officially notified all physicians in New York of the danger of using synthetic estrogens during pregnancy. He also wrote to the FDA on June 15, 1971, offering to provide the New York case histories, and urging immediate Federal measures to ban the use of synthetic estrogens during pregnancy.

It took FDA nearly 2 months merely to acknowledge Dr. Ingraham's letter. Meanwhile, our subcommittee staff made weekly inquiries concerning FDA's position on this urgent matter. When the subcommittee could obtain no evidence at FDA that the Agency was giving this problem serious attention, I asked FDA Commissioner Edwards to be prepared to discuss it in a public hearing in November.

As Medical World News correctly points out, it was only then that the FDA acted to warn doctors of the danger of DES and other synthetic estrogen drugs—an action which the New York State Department of Health had taken many months earlier on the basis of the same scientific evidence.

Mr. Speaker, it should not be necessary for a committee of the Congress, or any other group, to prod a regulatory agency into performing its duties on a timely and efficient basis. I regret to say that it has become almost standard practice for the FDA either to ignore important health problems involving drugs and foods, or to postpone taking prompt and incisive action even after those problems have received widespread public attention.

A recent example of this is FDA's belated action on January 3, 1972, limiting the use of hexachlorophene. This action came only after the potential hazards of hexachlorophene had been given extensive coverage in the scientific and lay press.

For instance, an article in the November 19, 1971, issue of Science—the official publication of the American Association for the Advancement of Science—entitled, "Hexachlorophene: FDA Temporizes on Brain-Damaging Chemical," quotes an FDA official as having announced last spring:

> We have no feeling of concern with hexachlorophene and at this time, with the information at hand, do not plan any regulatory action.

FDA is accused of delaying action even though its own scientists at the Toxicology Branch in Atlanta, Ga., had discovered the brain-damaging properties of hexachlorophene when they fed the chemical to rats almost 3 years earlier. The Science article charges that FDA had possession of this information since 1969, and concludes:

> To an alert administrator, the first reports from the Atlanta scientists should have set red lights flashing and bells ringing.

But, according to Science:

> The data on hexachlorophene flowing in from the FDA scientists in the Atlanta Toxicology Branch was treated with a dilatoriness that amounted almost to suppression.

A follow-up article in the January 14, 1972, issue of Science, following FDA's action to restrict the use of hexachlorophene, sums up the situation in these words:

> The FDA's handling of the hexachlorophene affair affords in several respects a notable case study of regulatory action. If the FDA had not allowed the use of hexachlorophene to mushroom in the absence of adequate safety data, the situation would not have arisen in which millions of consumers are being exposed daily to a potentially brain-damaging chemical. Moreover, the various regulatory positions adopted by the agency appear to be markedly out of phase with the scientific data on which they were presumably based.

Procrastination and inaction by FDA are maladies sorely in need of correction. I want to assure my colleagues that I intend to do everything I can to help insure that FDA properly performs the important responsibilities which the Congress has entrusted to it.

The articles from the December 17, 1971, issue of Medical World News and the November 19, 1971, and January 14, 1972, issues of Science follow:

[From the Medical World News, Dec. 17, 1971]

WARNING FROM THE FDA—DOCTORS CAUTIONED ABOUT ESTROGEN IN PREGNANCY

The Food and Drug Administration, under pressure from a congressional subcommittee, has warned doctors not to give diethylstilbestrol (DES) to pregnant women. Use of the drug during pregnancy appears to increase the risk of female offspring developing vaginal adenocarcinoma years later, the agency has told physicians in a special FDA drug bulletin.

A synthetic nonsteroidal estrogen developed in 1938, DES was the first inexpensive orally effective estrogen introduced in medicine. The National Academy of Sciences' drug efficacy study reports it is effective for replacement therapy in cases of estrogen deficiency associated with menopausal syndrome, for control of functional uterine bleeding, for relief or prevention of engorgement of the breasts postpartum, and for palliative therapy in the treatment of carcinoma of the prostate in men and of carcinoma of the breast in postmenopausal women.

In the late 1940s and early 1950s, another use of DES became common: administering it in doses of 5 mg to 150 mg per day to prevent threatened abortion. But last April, Dr. Arthur L. Herbst and colleagues at Massachusetts General Hospital, Boston, reported an association between adenocarcinoma of the vagina in women in their late teens and early twenties and administration of DES to their mothers during pregnancy.

Although the Mass General investigators reported their findings to the FDA, the federal agency did nothing except follow developments of the research. Dr. Herbst had identified eight cases of adenocarcinoma of the vagina in which the mothers had taken DES years before. None of the mothers of 32 control women free of disease had taken the drug.

Then in August, Dr. Peter Greenwald and his colleagues in the New York State Department of Health reported another five cases. The New York commissioner of health passed the word on to the FDA and suggested that the agency alert physicians nationwide.

At this point, Rep. L. H. Fountain (D-N.C.), chairman of the House Intergovernmental Relations Subcommittee, got into the act, prodding the FDA to move. But it was not until the Fountain subcommittee announced that it would hold hearings on the agent that the FDA required manufacturers to list pregnancy as a contraindication in the package insert.

At the hearings, FDA Commissioner Charles Edwards explained that his agency had been following the situation closely since April but had delayed action until it could study all the data. "It must be emphasized that this type of epidemiologic study defines only an association and not a cause-and-effect relationship," he testified. Nevertheless, he announced that the FDA would caution doctors individually about the association in the special drug bulletin.

All other estrogens—except oral contraceptives containing these agents—will be required to have the following warning in the labeling, says the bulletin: "A statistically significant association has been reported between maternal ingestion during pregnancy of diethylstilbestrol and the occurrence of vaginal carcinoma developing years later in the offspring. Whether such an association is applicable to all estrogens is not known at this time. In any case, estrogens are not indicated for use during pregnancy."

Meanwhile, the Fountain subcommittee is focusing on another question relating to DES: Should the drug continue to be used as an additive to animal feed to stimulate faster growth, in light of its association with cancer and in the face of increased reports of DES residues in slaughtered beef?

[From the Science magazine, Nov. 19, 1971]

HEXACHLOROPHENE: FDA TEMPORIZES ON BRAIN-DAMAGING CHEMICAL

The Food and Drug Administration is preparing to take limited action against certain uses of a brain-damaging chemical some 18 months after scientists in one of the agency's regional offices first raised doubts about the chemical's safety. The chemical, hexachlorophene,* is an antibacterial agent used in a wide variety of soaps, shampoos, deodorants, creams, and sundry cosmetics. Hexachlorophene will probably turn out to be quite innocuous in most of its normal uses, but because of confused and dilatory action, the FDA and the industries it is supposed to regulate have not yet managed to assess the potentially serious hazards the chemical presents.

The chief of these hazards is that small concentrations of hexachlorophene produce microscopically visible damage in the brains of rats. Since the chemical is absorbed through the skin, it may reach harmful concentrations in the blood, particularly of people who make heavy use of hexachlorophene-containing products. A second danger, even less well assessed, is that hexachlorophene may contain as a manufacturing inpurity the group of chemicals known as dioxins, minute quantities of which can cause violent skin eruptions and acne.

Hexachlorophene has enjoyed more than two decades of safe use as the standard antibacterial agent of soaps. This record was chiefly due to the responsible policy of the Swiss-based Givaudan Corporation, which developed and patented the chemical. Contrary to its best commercial interests, Givaudan sold hexachlorophene only to companies that could demonstrate a safe and effective use for it in their products. When Givaudan's patent expired 3 or 4 years ago, so did its control. Regulation passed to the FDA, which has placed virtually no restrictions on the chemical.

Because of its extreme toxicity, Givaudan refused to sell hexachlorophene for such internal uses as in throat lozenges. But the FDA has countenanced its use in toothpastes and mouthwashes. Hexachlorophene is now an ingredient of some 300 to 400 products, ranging from fungicides for vegetables and citrus fruits. to shoeliners, shampoos, and after-shave lotions. Among its most needless uses is in vaginal deodorants, a $53 million-a-year racket founded on high pressure advertising and the ruthless exploitation of modern phobias about body odor. (Hexachlorophene is not even effective against the type of bacteria chiefly responsible for vaginal odor.) Like DDT, another chlorinated aromatic compound, hexachlorophene has become a common human additive, being present in the bloodstream in amounts typically of 1 part per billion. Such has been the consequence of regulatory responsibility passing from an industrial company to a government agency.

Danger signals about hexachlorophene have not been wanting, only ignored. Two unique diseases, chloasma and burn encephalopathy, have been associated with the chemical. Chloasma, described as a blackening of the face, was reported in 1961; burn encephalopathy, a state of coma and muscle twitching often observed in burn patients treated with hexachlorophene, was described in 1968 by D. L. Larson of the Galveston Shrine Burn Institute. Chloasma and other skin diseases that have periodically been associated with hexachlorophene should have been particularly suggestive to would-be regulators. Hexachlorophene is synthesized from 2,4,5-trichlorophenol, the same chemical that in the manufacture of the herbicide 2,4,5-T is known to give rise to dioxin. Dioxin was found in the mid-1960's to cause the gross skin disease, named chloracne, that disfigured workers in a 2,4,5-T plant.

Equally suggestive should have been the finding, first announced in 1967, that hexachlorophene can enter the body not just via wounds and burns, but through the intact skin. No one in the FDA seems to have been bothered by the thought that a poison intended for external use only might daily be reaching the bloodstream of millions of users.

Nonetheless, though for a quite different reason, it was an FDA scientist who first raised the lid on hexachlorophene. Because of a manufacturer's application to use hexachlorophene as a fungicide, a test of the chemical's toxicity was undertaken at the FDA's toxicology branch in Atlanta, Georgia. Renate D. Kimbrough and her colleague Thomas B. Gaines found that rats became paralyzed after a 2-week diet containing 500 parts per million (ppm) of hexachlorophene. Examining the rats' brain and spinal cord, they noticed "a peculiar edema of the white matter resembling spongy degeneration. . . ." (The damage was reversible; animals removed from the diet recovered over a period of weeks.) Later studies established that the same brain lesions were produced (in 8 out of a group of 10 rats) by a diet containing as little as 100 ppm of hexachlorophene, but no effect was observed with a diet of 20 ppm. In a review of these and other results that was finally published this August. Kimbrough concluded that "At the present state of our knowledge, the unnecessary use of concentrated hexachlorophene should be curtailed, and residues on food products should be reviewed and restricted when appropriate."

The relevance of the rat data to man was studied further by two other FDA scientists, Robert E. Hawk and August Curley, also of the Atlanta Toxicology Branch. Measuring the concentrations of hexachlorophene in the blood of rats, Hawk and Curley found that rats fed a diet containing 100 ppm of the chemical were carrying an average of 1.2 ppm in their blood (with a range of 0.985 to 1.48 ppm). Rats fed more concentrated diets of hexachlorophene had a proportionately heavier load of hexachlorophene in their blood. Blood levels measured in 12 human subjects with no unusual exposure to the chemical ranged from a minimum of 0.005 ppm, to 0.089 ppm for the subject who had made the greatest recent use of a hexachlorophene product. The latter concentration is almost a tenth of that which causes gross brain damage in the rat. These results were announced by Curley and Hawk in March at a meeting of the American Chemical Society.

Another important study by the four Atlanta scientists concerned the use in hospitals of concentrated hexachlorophene solutions to wash infants. In collaboration with Gerald Nathenson and Laurence Finberg of the Montefiore Hospital in New York City, they found that at the time of discharge from hospital the infants had accumulated blood levels of hexachlorophene averaging 0.109 ppm. The highest level recorded—0.646 ppm— was measured in a baby boy washed five times with a 3 percent solution of hexachlorophene. This level is more than half the blood concentration which causes brain lesions in rats.

What was the response of the FDA to the information emerging about hexachlorophene? In fact, the agency was learning almost nothing it had not already known since at least April 1971, at which time an FDA official announced, "We have no feeling of concern with hexachlorophene and at this time, with the information at hand, do not plan any regulatory action." The important work of the FDA's Atlanta scientists had been communicated to the FDA's Washington office a year beforehand, in April 1970, and in preliminary form as early as July 1969. Moreover, studies carried out by the FDA's Washington staff had brought to light serious data about the levels of hexachlorophene attained in human blood.

These studies, though not yet published, form part of an internal FDA review of hexachlorophene, a first draft of which was completed in June. Parts of the report were seen by Cecil H. Fox of West Georgia College, Carrollton, Ga., in the course of a study of hexachlorophene he made this summer as a member of Ralph Nader's Center for the Study of Responsive Law. From documents made available by Fox to *Science*, it appears that quite high levels of hexachlorophene have been detected in human blood by the FDA study. For instance, persons showering with pHisohex (a 3 percent solution of hexachlorophene) accumulated between 0.1 and 0.38 ppm of hexachlorophene in their blood. Mouthwash users who gargled once a day with a 0.5 percent hexachlorophene solution for 3 weeks built up an average concentration of 0.06 ppm hexachlorophene in their blood.

The highest level found in shower users—0.38 ppm of hexachlorophene in their blood. age level that causes gross brain damage in rats. Another group of hexachlorophene user at risk are the 24 million Americans who use vaginal deodorant sprays. The residues of these sprays, once the volatile matter has evaporated, are surprisingly strong in hexachlorophene. Analyses conducted in the FDA Division of Colors and Cosmetics Technology show that Vespré, the number two best seller, contains 0.24 percent hexachlorophene in the bulk spray, but 98.5 percent in the residue left on the skin. FDS, the market leader, contains only 0.08 percent hexachlorophene in bulk, but 4.4 percent in its nonvolatile matter. The FDA has received a score of consumer complaints about vaginal deodorants in the last year and the manufacturers have had many more.

Another group of users at risk are acne sufferers, for whom strong hexachlorophene solutions such as pHisohex are the standard prescription. Besides the chance that hexachlorophene may enter the bloodstream in

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*Hexachlorophene is known chemically as 2,2'-methylenebis(3,4,6-trichlorophenol).

large doses, acne sufferers stand to have their condition exacerbated by any dioxin that may from time to time contaminate hexachlorophene samples. The extreme toxicity of dioxin—a single exposure of between 1 nanorgam and 1 microgram will raise a visible reaction on the skin—means that levels below the ordinary limits of detection may still be toxic.

These and the other risks to users of hexachlorophene products are impossible to evaluate without more data than is at present publicly available. But the FDA seems to have been less than zealous in generating the necessary data. The most pertinent grant the agency is supporting is one that it grudgingly inherited from a Public Health Service program. Moreover, the data on hexachlorophene flowing in from the FDA scientists in the Atlanta Toxicology Branch was treated with a dilatoriness that amounted almost to suppression. The first news of Kimbrough's toxicity tests on rats started to reach the FDA in monthly reports dating from July 1969. A completed paper by Kimbrough and Gaines describing the microscopic damage caused by hexachlorophene in the brains of rats was submitted for approval to the FDA's Washington office in April 1970. After a 7-month delay, the paper was approved for publication and finally entered the public domain as an article in the August 1971 issue of *Archives of Environmental Health*. A major review of the literature on hexachlorophene was completed by Kimbrough for the FDA in May 1970 but took another 15 months to reach the public eye. Curley and Hawk submitted for publication in June 1970 their data on hexachlorophene concentrations in rat and human blood; the FDA refused permission to publish for 6 months, until in January 1971 the Atlanta Toxicology Branch was transferred to the newly created Environmental Protection Agency, a move that allowed the two scientists to make their work known at the American Chemical Society meeting this March.

To an alert administrator, the first reports from the Atlanta scientists should have set red lights flashing and bells ringing. The issues raised by the Atlanta experiments required urgent answers to such questions as what significance the rat data have for man. Are humans more or less sensitive to hexachlorophene than rats? If a blood level of 1.2 ppm hexachlorophene causes gross brain damage in the rat, do lesser doses cause any detectable behavior change? What is the upper level of dioxin that could escape detection in hexachlorophene and yet still cause skin damage?

The FDA has had at least 18 months to answer these questions, but so far has neither acted against hexachlorophene nor set forth reasons for not doing so. Hexachlorophene may, in fact, be quite safe for most normal uses, but the longer the FDA delays announcing the reasons for supposing this to be the case, the greater the likelihood that political pressures rather than scientific data will decide the issue.

These pressures have already started to act, following the publication in August of the Atlanta scientists' work. The FDA has been working for 6 months on a second scientific review of hexachlorophene, the completion of which would, in normal circumstances, precede any regulatory action. Although the report is not expected to be ready for up to a month, the FDA announced last week, through the mouth of its press officer John T. Walden, that it will act "soon" to require warning labels on vaginal deodorants and liquid skin cleansers such as pHisohex. The industries concerned responded with the arrogance and strong-arm tactics that are known to pay off against the FDA. Leonard H. Lavin, president of the Alberto-Culver Company, which makes the market-leading FDS vaginal deodorant, fired off a telegram to FDA Commissioner Charles Edwards demanding that Walden be sacked for his "inaccurate, irresponsible and unauthorized statements about certain products containing hexachlorophene." (Walden's crime was to tell the Washington *Post* that there is no medical justification for hexachlorophene in vaginal deodorants.) Lavin demanded a meeting in Washington with Commissioner Edwards the next day. According to E. P. Doyle, Alberto-Culver's vice-president for public relations, "We had a meeting with Edwards on Friday afternoon and we feel satisfied that they will await more scientific evidence before taking any action. Our people feel the FDA doesn't have any good scientific information and was acting simply on the basis of generalized and somewhat biased articles," Doyle added.

The FDA's promise of further delay to Alberto-Culver may not be in either's interest, since countervailing pressure from Congress and consumers may rush the agency into a premature and unnecessarily harsh decision. And while the FDA makes up its mind, the public continues to bear whatever risk exposure to hexachlorophene may represent.—NICHOLAS WADE

[From the Science Magazine, Jan. 14, 1972]

FDA'S "PRUDENCE" ON HEXACHLOROPHENE

The Food and Drug Administration (FDA) last week announced sweeping restrictions on hexachlorophene, the antibacterial agent to which the public is now exposed through some 400 different products ranging from soaps to cosmetics and vaginal deodorants. "The only prudent course is to reduce the total human exposure to hexachlorophene," explained FDA Commissioner Charles C. Edwards.

The FDA's handling of the hexachlorophene affair affords in several respects a notable case study of regulatory action. If the FDA had not allowed the use of hexachlorophene to mushroom in the absence of adequate safety data, the situation would not have arisen in which millions of consumers are being exposed daily to a potentially brain-damaging chemical. Moreover, the various regulatory positions adopted by the agency appear to be markedly out of phase with the scientific data on which they were presumably based. The results of crucial experiments indicating that hexachlorophene causes lesions in the brains of rats were made available to FDA decision-makers in April 1970 and were communicated in preliminary form as early as July 1969 (*Science*, 19 November 1971). Yet as recently as 10 November 1971 agency spokesmen said there were no plans to seek an outright ban on hexachlorophene, only to require certain products to carry warning labels.

The only new evidence that appears to have come to light between then and last week's restrictions is a study submitted to the FDA on 19 November by Winthrop Laboratories, in which newborn monkeys washed daily for 90 days with a 3 percent hexachlorophene solution were found to have developed brain damage similar to that observed in rats.

There is no immediately obvious reason why such a study, a necessary confirmation of the rat data, was not required or instituted by the FDA 21 months ago, when the rat experiments were first reported. (These experiments were carried out by FDA scientists based in Atlanta, Georgia, but because of the agency's protracted delay in granting permission to publish, the data have reached the public domain only in the last few months. In published documents, the FDA misleadingly refers to this data as a "recent" study.)

Few drugs are totally free of risk, but in most instances the risks are far outweighed by the benefits. Such is not the case with many of the uses of hexachlorophene; a report by the Drug Efficacy Study Group of the National Research Council, which was released last month by the FDA, concludes that hexachlorophene preparations are "lacking in substantial evidence of effectiveness for . . . the broad claim as a vaginal douche, in the treatment of chronic eczema, in irrigating or cleansing wounds and burns, and as an 'aid to personal hygiene.' "

An *FDA Drug Bulletin* issued last month gives the impression that this important study is of recent origin by stating that it was published by the FDA on 8 December 1971. In fact, the study has been in the FDA's possession for nearly 3 years, since April 1969.

The market for vaginal deodorants, most of which contain hexachlorophene as the principal active ingredient, has grown from nothing 5 years ago to a business worth $53 million a year and involving 24 million women. Probably more than half of this growth has occurred since mid-1969, by which date the FDA knew both that hexachlorophene was ineffective as a vaginal deodorant and that it was potentially damaging to mammalian brains.

The FDA has the strictly legalistic defense that vaginal deodorants are a cosmetic, and cosmetics, unlike drugs, are not required by the Federal Food, Drug, and Cosmetic Act to be proven safe and effective prior to marketing.

The hexachlorophene incident seems to have stimulated an important reinterpretation of this *caveat emptor* policy. In a statement to be published this week in the *Federal Register*, the FDA professes, "It is fundamental that no manufacturer of a consumer product has the right to place that product on the market without first substantiating its safety. . . . In the case of a cosmetic, although the act does not require FDA approval prior to marketing, it necessarily contemplates that the manufacturer has obtained all data and information necessary and appropriate to substantiate the product's safety before marketing."

Because this has not been the case for hexachlorophene, the FDA found it necessary last week to ban the use of hexachlorophene as an active ingredient in cosmetics (it may be used as a preservative at a level no higher than 0.1 percent) and to require that soaps and other skin cleansers containing more than 0.75 percent hexachlorophene be available by prescription only. All antibacterial ingredients used to replace hexachlorophene in cosmetic compounds must be adequately tested for safety prior to marketing, failing which the packet must bear a prominent warning.

This regulatory action, which will safeguard the millions of consumers who use vaginal deodorants and high concentration hexachlorophene cleansers, is the direct—albeit long delayed—consequence of work by the scientists at the FDA's toxicology branch in Atlanta (the branch has since been transferred from the FDA to the Environmental Protection Agency). The scientists are Renate D. Kimbrough and Thomas B. Gaines, who first discovered the braindamaging properties of hexachlorophene when they fed it to rats. These results were confirmed and extended by August Curley and Robert E. Hawk, also of the Atlanta toxicology branch. It is presumably indicative of the value placed by the FDA on good science that these scientists have not yet received any word of official praise or recognition for their achievement.

In a review of the hexachlorophene question made available to the FDA in May 1970, Kimbrough concluded "At the present state of our knowledge, the unnecessary use of concentrated hexachlorophene should be curtailed." Some 21 months later, Commissioner Edwards has acted on Kimbrough's advice.—N.W.

THE ONE TRULY NECESSARY DUTY OF GOVERNMENT

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. SCHMITZ. Mr. Speaker, Milton Friedman, professor of economics, said:

> The excuse for the destruction of liberty is always the plea of necessity—that there is no alternative.

What are the truly necessary tasks of Government? Today we are told that it is Government's indispensable duty to become involved in almost every area of American life. Such major assaults on liberty as mandatory Federal price and wage controls are justified in the name of necessity. Huge Federal deficits which debase our dollar and thereby undermine our whole economy are justified in the name of necessity. Every proposed cut in Federal spending or elimination of bureaucrats from the public payroll is greeted with anguished howls that every cent and every desk is absolutely necessary. The web of governmental restrictions on the life and work of the productive citizen grows tighter and more complex while more and more special, unearned privileges go to the unproductive.

It is time we started talking sense about what Government really has to do.

The one truly necessary task of Government is protection of the lives and the property of its citizens. This is the purpose for which governments were established at the very beginning of the history of civilizations. It is the one function of Government we cannot live without. History has shown again and again that when any government ceases to be able to perform this, its essential duty, either it is promptly supplanted by a foreign government through conquest which can at least keep order, or there is a plunge into anarchy whose horrors soon make the people willing to accept any government, no matter how tyrannical, as the lesser of evils.

When France was plunged into anarchy at the time of the French Revolution, the result was a totalitarian state under Napoleon Bonaparte who nearly conquered the world. When Russia was plunged into anarchy after the Kerensky government overthrew the Czar in 1917, the result was to pave the way for Bolshevik dictatorship. In both these cases the enemy was within. But he may also come from outside, as when France in 1940 had allowed its national defense to become wholly inadequate resulting in Hitler's lightning conquest of the country in just a little more than 1 month.

Whenever our Government is no longer able to protect American citizens adequately against crime and subversion at home and would-be conquerors abroad, we will suffer exactly the same fate.

Yet one would hardly guess it by listening to the rhetoric of our numerous Presidential candidates of both parties as they "gear up" for the 1972 campaign, telling us that our real problems are poor social relations and "pockets of poverty" in our cities—problems which supposedly can be solved by hiring more bureaucrats to hand out more money.

We are finding that as we extend Government into more and more areas where its intrusion is not necessary and in many cases actually harmful, the ability and willingness of Government to perform its one essential task declines. We concentrate so much on trying to cure the stomachaches and runny noses of our society that we forget the man who is pointing a gun at our head, or try to pretend that he can be "reasoned with" through negotiations or that a flower will grow out of his gun barrel. We may take it almost as a natural law of government that the more different jobs we give it to do, the less well it will do its essential job of protecting the lives and property of our people.

The first questions every 1972 candidate for President and for Congress should hear are: What are you going to do about crime in the streets? What are you going to do about internal subversion and revolutionary violence? Above all, what are you going to do to strengthen our national defense?

LESSONS OF HISTORY WARN AGAINST PRESIDENT'S TRIPS TO MOSCOW AND PEKING

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. RARICK. Mr. Speaker, many of our colleagues may recall a popular book of three decades ago entitled "You Can't Do Business With Hitler." The thesis of the writing is that a dictator is an unscrupulous, hard dealing, and uncompromising person who acts almost always to serve his own interests. Any concessions are made with the view of using the concession to achieve some greater gain for himself. His words are suspect and his promises are kept so long as they serve his purposes.

Now that Herr Kissinger has arranged for the President to confer with Red China's Dictator Mao next month and with Communist Russia's Dictator Brezhnev in May, a similar volume entitled "You Can't Do Business With the Communists" is needed at once for the edification of President Nixon. This would be a worthy project for the Ford Foundation to subsidize.

History has been defined as the story of what a people did, and what happened to them because of what they did. It has been said before that those who fail to learn and profit from the lessons of history are doomed to repeat them. This maxim applies to nations as well as to individuals.

In an enlightening speech given in Toronto, Canada in 1959, our Ambassador to Canada at the time, the Honorable Richard B. Wigglesworth, expressed the policy of our Government toward Soviet Russia when he traced the history of the treachery, broken promises, and aggressive imperialistic expansionism of the Soviets. He concluded his address with the following sage counsel:

> Why is it when the record of the current history of the Soviet Union is so clear, when the written and spoken words of its leaders are so specific in pointing to world domination as the basic objective of the Soviet Union, that some people . . . believe that the Soviet Union is peace loving.
>
> Again, I think that the answer is a simple one. They believe that the Soviet Union is peace loving because it says so and because it says so repeatedly in skillful, clever and sophisticated ways until the real record is forgotten.
>
> The agents of World Communism devote much more money, more time and more energy to propaganda than does the free world. Their immediate tasks are often simplified by the fact that they are completely unhampered by facts or truth in carrying out their mission.

While the attitude of the United States toward Communist countries has mellowed, the Communists have not relaxed in their drive for world domination.

The history of the Soviet Union since 1917 reveals that its ruthless dictators have gone back on almost every promise and treaty they have ever made. In fact, their leaders have boasted that "promises are like piecrusts, made to be broken." They have been unyielding in their negotiations as have the Red Chinese—except when the goals of international communism are advanced—and as a consequence the United States has ended up placating and appeasing them with generous concessions. The United States has been accused on numerous occasions by both Red Russia and Red China of being an imperialistic country while in reality they alone are the true imperialists, and even today they continue their aggressive imperialistic expansionism. I insert in the RECORD at this point the imperialistic record of aggressive territorial expansion of the Soviets and Red Chinese as of 1970:

	Area (square miles)	Population (before annexation)
Territories annexed:		
Rumanian provinces	19,446	3,700,000
Estonia	18,353	1,122,000
Latvia	25,400	1,951,000
Lithuania	22,059	2,957,000
Northern East Prussia	5,418	1,187,000
Eastern Czechoslovakia	4,900	731,000
Eastern Poland	70,000	11,800,000
Finnish provinces	18,000	450,000
Tannu Tuva	64,165	65,000
Japanese possessions	17,850	433,000
Tibet	560,000	1,200,000
Total	825,591	25,596,000
"Socialist camp" dependencies:		
Albania	11,100	2,019,000
Bulgaria	42,845	8,370,000
Cuba	44,218	8,074,000
Czechoslovakia	49,370	14,362,000
Eastern Germany	41,500	16,100,000
East Berlin	155	1,100,000
Hungary	35,919	10,284,000
Poland	120,832	32,207,000
Romania	91,660	19,721,000
Outer Mongolia	604,090	1,174,000
North Korea	46,814	13,100,000
North Vietnam	63,360	20,000,000
Total	1,151,663	146,511,000
Total annexations and dependencies	1,977,154	172,107,000
Under attack:		
Cambodia	69,898	6,557,000
Laos	91,429	2,825,000
South Vietnam	66,263	17,404,000
Total	227,580	26,786,000
Grand total	2,204,834	198,893,000

Source: AFL-CIO, "Who is the Imperialist," June 1971.

Mr. Speaker, the President's proposed trips to Peking and Moscow, if carried out, will prove to be disastrous to the liberties of American citizens or they will produce nothing. The clear lessons of history prove that free peoples cannot do business with dictators, be they Communist or Facist. The President would do well to heed the caution of Pope Pius XI in his 1937 Encyclical Letter "On Atheistic Communism:"

See to it, Venerable Brethren, that the Faithful do not allow themselves to be deceived! Communism is intrinsically wrong, and no one who would save Christian civilization may collaborate with it in any undertaking whatsoever.

I insert in the RECORD at this point the text of an address given on April 16, 1959 by the Honorable Richard B. Wigglesworth, U.S. Ambassador to Canada at that time:

[From the Ottawa Journal]

U.S. AMBASSADOR WARNS: "WE MUST NOT FORGET"

(NOTE.—Text of address of Richard B. Wigglesworth, Ambassador of the United States, at a combined meeting of the Canadian and Empire Clubs of Toronto, April 16, 1959.)

I would like to refer briefly to some of the reasons back of current free world policy toward the Soviet Union.

I would like to cut through the propaganda fog which the Soviet Government so ably spreads and take a look at the record of the past 20 years in the belief that the undisputed facts clearly reveal for all who will look, the basic objectives of Soviet foreign policy.

I would hope that these approaches would leave no room for doubt or fancy regarding the basic objectives and motives of the Soviet Union and will explain why my country does not feel that it can gamble its security by basing important agreements with the Soviet Union on faith, a quality which recent history shows it scarcely deserves.

In my judgment the best place to look for clues with respect to future actions by the Soviet Union is in its past actions. The free world cannot afford to overlook the lessons of history and of experience if it is to survive. Past Soviet actions are the only solid indications we have as to future intentions unless we accept as gospel the no more reassuring writings and statements of their leaders such as Khrushchev's recent remark: "We will bury you."

The history of the last 20 years can be forgotten only at our risk and peril. We must not forget that on October 31, 1939, Mr. Molotov in a speech before the Supreme Soviet referred to the then recently concluded mutual assistance pacts between the Soviet Union and Estonia, Latvia and Lithuania. He said: "All these pacts of mutual assistance strictly stipulate the inviolability of the sovereignty of the signatory states and the principle of non-interference in each other's affairs. These pacts are based on mutual respect for the political, social and economic structure of the contracting parties, and are designed to strengthen the basis for peaceful and neighborly co-operation between our peoples. We stand for the scrupulous and punctilious observance of the pacts on the basis of complete reciprocity, and we declare that all the nonsensical talk about the Sovietization of the Baltic countries is only to the interest of our common enemies and of all anti-Soviet provocateurs." This speech was delivered less than 20 months before the USSR with its Red Army incorporated by force these three independent countries into the Soviet Union. It was delivered only 20 months before the cattle cars moved eastward to Siberia loaded with tens of thousands of men, women and children who had done no wrong unless wishing to live in peace as citizens of independent countries was wrong. They had put their trust in Soviet good faith.

We must not forget the key role of the Red Army poised on the border when the death knell of democracy was sounded for Czechoslovakia in February of 1948.

We must not forget the first threat to Berlin in June of 1948 and the free world's victory through the round the clock airlift.

We must not forget that at the Geneva summit meeting in 1955 the Soviets agreed that "The Heads of Government, recognizing their common responsibility for the settlement of the German question and the reunification of Germany, have agreed that the settlement of the German question and the reunification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security".

At the Foreign Ministers' conference in Geneva four short months later the Soviet Union refused to reflect that commitment in any action or agreement.

We must not forget that it was only two and a half short years ago that the incredibly brave Hungarian people rose in a supreme effort to obtain freedom and a government of their own choosing. They were on the verge of success when Soviet tanks brought in from outside Hungary killed thousands of unarmed Hungarians and forcibly reimposed an unwanted regime on that country.

We must not forget that it was only five months ago that the Soviet Union artificially created a crisis between East and West over Berlin while loudly professing its dedication to peace.

Gentlemen, the basic motives of the Soviet Union during the past 20 years can be summed up in the words aggressive expansion. Aggressive expansion by subversion and the exertion of political pressure, if possible—by the use of force, if necessary, and if it appears to promise success.

And by subversion I of course mean the whole arsenal of weapons including threats, false promises, infiltration, economic warfare and other familiar tactics of the cold war. The free world must be prepared to overcome encroachment either by force or by subversion. By its united military strength it has blocked any recent expansion of the Soviet Union by military means and forced the Kremlin to turn to subversion. By united action it can also counter Soviet subversion.

I have spoken of disarmament.

Following World War II the Soviet Union maintained much of its vast military apparatus while the free world drastically demobilized its armed forces. Today it is estimated that the Soviet army has about 175 divisions while only 21 divisions are in the central command of the NATO Commander, General Norstad. The only way the West can hope to face these overwhelming odds is by having adequate armaments including appropriate nuclear weapons.

The USSR in all disarmament discussions has had as a major objective increasing the relative effectiveness of its massive manpower by denial of nuclear weapons to the West. The West has maintained that only through an agreement under which conventional forces are phased more nearly into balance can the limitation of nuclear weapons be considered. The West for reasons already mentioned has also taken the position that an effective inspection system is an essential part of disarmament.

The Soviet Government has maintained the absurd position that the purpose of the West in insisting on an inspection system is not to insure that a disarmament agreement is carried out but is a subterfuge to permit espionage.

I have referred to disengagement.

Soviet ultimate objectives with respect to the various forms of disengagement which have been proposed include the withdrawal of allied forces including Canadian, United States, British and French forces from Germany to their respective countries (3,000 miles for the Canadians and Americans) in exchange for withdrawal of Soviet troops within their borders (a few hundred miles); the neutralization of Germany; and the break-up of NATO.

Aside from the completely artificial creation of the Berlin crisis by the Soviet Union the European border between the Soviet orbit and the West has been comparatively free from dangerous incidents. This in itself casts doubt on the Soviet contention that military disenchantment alone—that is the mere physical separation of forces—would reduce world tension. The vital elements in the reduction of world tension is not military disengagement but political disengagement to which the Soviet government has yet to make any significant contribution.

I have mentioned the discontinuance of nuclear weapons tests.

The United Kingdom and the United States as you know have been ready and willing to reach an agreement to ban such tests provided there is effective, impartial machinery for policing such a ban.

As those of you who have followed the recent discussions at Geneva in the press will appreciate the Soviet representatives have been insisting on a system of self-inspection supervised by a control organization subject to veto by any one of the permanent members of the commission. This would give a possible violator full power to prevent any action whatsoever and is not the effective, impartial machinery which the free world must insist on. The West cannot base its survival solely on faith in the word of the Soviet Union in dealing with matters of such vital importance.

Why is it when the record of the current history of the Soviet Union is so clear, when the written and spoken words of its leaders are so specific in pointing to world domination as the basic objective of the Soviet Union, that some people believe that the Soviet Union is peace loving?

Again, I think that the answer is a simple one. They believe that the Soviet Union is peace loving because it says so and because it says so repeatedly in skillful, clever and sophisticated ways until the real record is forgotten.

The agents of World Communism devote much more money, more time and more energy to propaganda than does the free world. Their immediate tasks are often simplified by the fact that they are completely unhampered by facts or truth in carrying out their mission.

PRESIDENT NIXON FAILS TO SET A DATE AND FAILS TO STOP THE BOMBING

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mrs. ABZUG. Mr. Speaker, Mr. Nixon has not taken the two simple steps that are needed to end this war. He failed to set a date for withdrawal contingent only on the release of our prisoners of war, as is "the policy of the United States"—expressed in section 601 of the Military Procurement Act, Public Law 92–156. And, he did not say he would immediately stop the mass bombing

which has intensified over the past 2 months.

What is also shocking is that he conducted these negotiations in secret, unknown to the U.S. Congress, when these are matters of public interest and public concern. The fact that the announcement was made jointly with General Thieu, the nonelected dictator of South Vietnam, is even more upsetting, because it makes it seem that the propping up of the Thieu regime remains a major object of the President's policy.

MICHIGAN'S SENATOR ROBERT P. GRIFFIN

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. VANDER JAGT. Mr. Speaker, during the interval between congressional sessions the Detroit Sunday News carried an excellent story by editorial writer Harry Karns on U.S. Senator ROBERT P. GRIFFIN. I am very pleased to share this account of the career of the Senate's assistant minority leader with my colleagues in the House of Representatives:

WILL ANTIBUSING STAND WIN OR LOSE FOR BOB GRIFFIN?

(By Harry Karns)

Senator Robert Griffin appears to be in trouble. Paradoxically, that worries the Democrats.

Check the indications from recent samplings:

Griffin is running no better than neck and neck against prospective Democratic foes in his bid for re-election in 1972.

The Republican national administration is trailing in Michigan.

But Griffin is at his best when the chips are down. In the language of professional football, he is a quarterback who makes "the big play." He is a classic unlooser of "the long bomb"—the pass that wins the game when it seems lost.

Therefore, it's the Democrats who are on the defensive.

Griffin may have found his "long bomb" in the school busing issue.

When the volatile issue of busing first blazed up, some politicians, unwilling to dispute the courts or antagonize civil rights forces, pretended not to notice the issue and prayed it would go away. Others acknowledged and came down on both sides of it.

Griffin, gambling that he correctly sensed the depth of public concern, took a stand against forced busing. He offered a direct and simple remedy which at first seemed politically unlikely but may finally prove to be the only way to satisfy majority opinion: a constitutional amendment making forced busing illegal.

It was a typical Griffin performance.

Some men fashion political careers by avoiding controversy. Griffin has fashioned his by going to the heart of bitter argument; by rocking the boat; by challenging people who appear invulnerable; by championing causes that seem impossible.

With an audacity disturbing to old hands, Griffin in 1965 executed a congressional coup which, had it failed, could have made a laughing stock of him and could have wrecked his political career irreparably. Then a member of the House, he led a rebellion by moderate and liberal "young Turks" against what they regarded as the negative leadership of Rep. Charles A. Halleck, the Republican floor leader. Warnings of fiasco ringing in his ears, Griffin succeeded in dumping Halleck and installing Rep. Gerald R. Ford, a fellow Michiganian, in his place.

Scarcely had Griffin got his feet wet as a U.S. senator than he collided headon with the American Bar Association, Senate leaders in both parties, and President Johnson by opposing the confirmation of Justice Abe Fortas as chief justice. The late Senator Everett Dirksen described Griffin's objections as "frivolous, diaphanous gossamer."

Standing virtually alone at first and appearing certain to be rebuffed, Griffin finally prevailed, and Fortas departed from the court altogether. It was the first time since 1795 that a nominee for chief justice had been refused confirmation by the U.S. Senate. Dirksen recalled something Charles Halleck had said about Griffin: "Don't underestimate the power of this young man."

How is it that Griffin, who rides forth like Don Quixote, often manages to return from battle looking like Sir Lancelot?

He has neither charismatic personality nor one of those well-oiled publicity machines that turn pumpkins into coaches. In fact, there is something actually anti-publicity about Griffins low-key, monosyllabic administrative staff and his public relations corps, whose members seem to be saying: "You don't want to buy any brushes today, do you?"

Everything about Griffin's appearance conveys an impression of squareness and marks him—erroneously, it turns out—as Mr. Average. He has what the barbers call "a regular gentleman's haircut," peers intently through an undistinguished pair of glasses, wears a nondescript suit and necktie. He's a Kiwanian and a member of the American Legion and the Boy Scouts. The major work of art on the wall of his office is a portrait of the late Senator Robert Taft. And, the final testament, he has been named one of the Ten Outstanding Young Men in America by the U.S. Jaycees.

At first Griffin seems an innocuous personality with a pleasant smile. Under the surface of that smile, however, is the hardness of a man with compelling ambitions, a man difficult to get close to or absorb warmth from.

Nobody searches out Robert Griffin for a light-hearted chat. The peak of his hilarity was a proposed amendment limiting the number of employes in the Agriculture Department to the number of farmers in the United States. His frugal wit tends to be wryly self-conscious. Offering to help a political friend, he remarked: "I'll speak for you or against you—whichever you think will help."

Since he cannot overwhelm with personal magnetism or con with clever public relations, Griffin must fall back on less romantic and more demanding devices—such as shrewdly calculating the political odds and working tirelessly, bulldoggedly to do what logic tells him is possible.

Some think Griffin too much interested in the techniques and raw politics of government and too little concerned with philosophical concepts. To which he would reply that government is first of all the art of getting things done. Once satified that odds favor him, he charges forth with a bullheaded energy awesome to those around him.

Asked to comment on their boss, few members of Griffin's staff say he's a jolly fellow with a heart of gold and the patience of Job, but universally they respect his drive and his perfectionism.

"The work ethic runs very deep in the senator," observes one of his aides. "It's a matter of conscience. He is proud of coming from a working class family, proud his Dad was an auto plant foreman, proud of having gotten where he is by toiling. Not to be working seems to him an unnatural state."

The office of Republican whip, with enough duties to baffle a human octopus, provides Griffin a habitat well suited to his talents and his proclivity. Picked usually because he's a good manager, an expert parliamentarian and a shrewd negotiator, the whip works for party discipline and unity and serves as a watchdog of party interests in the Senate. He gets his partisan colleagues to the Senate floor for crucial votes, acts in general as a legislative and political traffic director, and performs the duties of floor leader when the latter is absent.

In Griffin's first months as assistant minority leader, which is what they call the GOP whip officially these days, some of his colleagues complained that he pushed too hard. One senator pointedly told a Griffin aide: "You are working for a perfectionist. He wants the job done right. And he wants it done yesterday."

The general attitude soon changed. Griffin showed impeccable tact, a capacity for organization and a vigor not often displayed in that office. When he ran to succeed himself as whip in January of 1971, he won election unanimously—while his more famous counterpart in the Democratic Party, Senator Edward Kennedy, was being defeated for neglecting his job.

While executing the grand strategy of Senate politics, Griffin still finds time to keep his fences mended back home in Michigan. He presses federal spokesmen to visit Michigan to find out why the state's 175,000 citiens of Spanish descent aren't getting their share of federal jobs and services; seeks federal funding for a $60 million federal office building for Detroit; crusades for a better weather warning system for the protection of Coho fishermen; campaigns for sea lamprey control in the upper Great Lakes.

A typical Griffin day reads like a recipe for bleeding ulcers.

The senator arrives in his Capitol office at 8:30 a.m. (unless it's the morning that he goes to the White House to confer with the President) bearing a briefcase bulging with the previous night's work. At once he gets busy returning telephone calls and conducting a staff meeting, at which he issues instructions, hears reports, and previews the day's agenda.

At 10 o'clock, when the Senate is meeting, he goes there to open the day's activities. He then keeps himself available to rush to the Senate floor at a moment's notice. After a light lunch, he keeps appointments and deals with an unceasing flow of legislative problems and Senate "housekeeping" duties. There may also be press conferences and meetings with fellow Republicans on questions of policy.

After the Senate quits for the day, Griffin returns to his office, makes calls, signs letters, confers again with his staff, writes speeches. It is often 8:30 p.m.—sometimes as late as midnight or 1 a.m.—when, carrying the inevitable briefcase packed with more work to be done at night, he heads for Bethesda, Md., the Washington suburb where he lives with his wife, the former Marjorie Jean Anderson of Ludington, and their children.

Griffin has been giving full value all his life. Born in Detroit in 1923, he started working as a drug clerk at age 12. At Dearborn's Fordson High School he pulled more than his own weight—145 pounds—as guard on the football team. He served in the Army in World War II and won two battle stars. He earned his own way through Central Michigan University (where he was president of the senior class) by washing dishes and working on an assembly line.

He went from Central Michigan to the University of Michigan Law School, where he took his degree in 1950. Until 1956 he practiced law in Traverse City. Then began a phenomenal series of unlikely political victories.

An unknown 32-year-old attorney, he challenged a "solid" incumbent for a seat in the

U.S. House of Representatives. To the surprise of everyone, except perhaps Griffin himself, he won.

In May of 1966, George Romney, then governor of Michigan, appointed Griffin to fill the Senate vacancy created by the death of Senator Patrick V. McNamara. Seeking a full Senate term, Griffin oposed G. Mennen Williams, a six-term governor and unmatched vote-getter, in the fall election.

HOW HE WHIPPED WILLIAMS

Since Griffin had co-authored the controversial Landrum-Griffin Act, a measure requiring labor unions to account for their conduct, his name supposedly was mud to Michigan working men. Williams opened the campaign with the remark that Griffin had much to explain about Landrum-Griffin.

Though Romney wanted him to play the issue down, Griffin used it as a battering ram against Williams. He proudly described Landrum-Griffin as a "bill of rights for the working man," explained that the act assured the rank and file of labor a secret ballot and a regular financial accounting from their leaders, and noted that John Kennedy, Philip Hart and McNamara had all voted for it. Finally, in a debate before the Economic Club of Detroit, Griffin forced Williams to admit that, if he'd been a senator when the Landrum-Griffin bill came up, he probably would have voted for it, too.

Griffin won the Senate race by a margin of 300,000 votes, thus becoming the first Republican in 14 years to go to the Senate from Michigan. While still in his first term in the Senate, he won the post of assistant minority leader, thus becoming the first Michigan senator of either political party to hold his position of leadership.

As GOP whip, Griffin has his finger on the Senate pulse and enjoys a standing weekly invitation to the White House. He is uniquely situated to get timely action on measures of interest to him and his state. Through Griffin, Michigan has entree to the executive branch and unusual power in the legislative branch of U.S. government.

Moreover, Michigan has this entree in the present rather than at some distant time because Griffin achieved by political acumen the standing and influence which senators usually gain only through the time-consuming process of seniority. He became whip at age 45, which was 10 years younger than the average age of Republican whips upon their election to that post. He had served in the Senate only 3½ years, two years less than the average period of Senate service of men selected as whips.

SENATOR'S DUTY IS TO HIS STATE

In the office of whip, Griffin walks the razor's edge between party loyalty and personal independence and does a remarkably good job of keeping his balance. Although generally a Nixon supporter, he takes vigorous exception to any suggestion that the position of assistant minority leader makes him a rubber stamp of the Nixon administration. Discussing the Senate leadership's relationship with the White House, Griffin observes:

"It would be wonderful, in an idyllic sense, if Republican leaders in Congress and the administration could see eye to eye on each and every issue. But this is not in the nature of politics.

"Each senator has his own conscience to deal with and he must represent his state and its interest. In addition, he is a member of an equal and coordinate branch of government which has its own obligation under the Constitution. One wise observer has said that if two people agree 100 percent on every issue, one of them is superfluous."

Griffin has been anything but superfluous.

Early in 1971, for example, Treasury Secretary John Connally stated that the administration had no plans for tax cuts. Contrary to the administration's economic game plan at that time, Griffin introduced a bill to repeal the 7 percent excise tax on cars as a means of restoring public confidence.

Griffin theorized that the lower cost of cars would stimulate buying, which in turn would create more employment in Michigan's auto industry and produce benefits throughout the U.S. economy. In the end, the proposal became a part of President Nixon's new economic plan.

Griffin consistently opposed the continued funding of the supersonic transport (SST), a net project of the Nixon administration. His outspoken opposition persuaded undecided, Republican senators to join in sealing the doom of the SST.

OPPOSED NIXON NOMINEE

Despite pressure from the White House, Griffin opposed the President's nomination of South Carolina Appellate Judge Clement F. Haynsworth for the U.S. Supreme Court. Griffin had demanded high judicial standards in the weighing of Abe Fortas, Lyndon Johnson's nominee for chief justice, and stuck to those standards in the case of a Republican president's nominee. His announced opposition contributed materially to Haynsworth's rejection.

When Griffin discovered a movement afoot in the administration to nominate segregationist Albert Watson to the U.S. Court of Military Appeals to replace former Michigan Senator Homer Ferguson, he issued a sharp statement of displeasure which convinced President Nixon to abandon the nomination. Subsequently, Nixon nominated the first black, Robert M. Duncan, ever to be named to that court.

Griffin himself succinctly sums up his record of disagreement: "I'm no patsy for the President."

People who like to put politicians in carefully labeled categories always have trouble deciding into which compartment they should fit Griffin. The same man who wants to outlaw forced busing possesses a consistent record of support for civil rights measures in Congress. Taking a strong law-and-order stance, he has urged a national computerized war on crime; and he once joined a discrimination suit against a suburban Maryland country club because of its "whites only" guest rule.

It's not the typical liberal pattern or the typical conservative pattern. It is the Griffin pattern, taking its shape from the issues rather than from doctrinaire devotions to party lines.

HE'S NO "LINDSAY LIBERAL"

Following the Fortas fight, Griffin said: "I was branded a conservative because of my stand. I consider myself a moderate. I don't like labels anyway." Again: "I'm interested in the problems of the cities, and I voted for civil rights. If you tried to paint me as a John Lindsay liberal, it wouldn't be right. But I'm not a conservative either."

While he frequently displays independence, Griffin is in the final analysis a Republican; and not just a Republican, but Republican whip with a broad loyalty to the administration. So his fate inevitably must be linked to some extent with that of Mr. Nixon. Though Mr. Nixon lags in Michigan at this point, Griffin faces his own campaign next year with the equanimity of one who has plowed his own furrow and who feels, therefore, that he must and will be judged on his own record.

"If President Nixon carries the state next time," he says, "it of course will be easier for me, but how he makes out won't be decisive for me."

What could prove decisive is the issue of school busing, hot everywhere but absolutely torrid in Michigan. Two court decisions here—one ordering busing in Pontiac, another posing the threat of massive busing among far-flung school districts—have aroused public feelings as few issues ever do.

Detecting the undercurrent of anti-busing emotion not then fully evident on the surface, Senator Griffin on Oct. 7 introduced a joint resolution proposing an amendment to the U.S. Constitution. The important words of this proposal:

"This Constitution shall not be construed to require that pupils be assigned or transported to public schools on the basis of their race, color, religion or national origin."

LOGIC "CLEAR" ON BUSING

Griffin's logic was clear and direct:

"When a court orders long-distance busing of children because they are black or because they are white, the court disregards and ignores a fundamental truth: Two wrongs do not make a right. Whatever the sins of their fathers, unreasonable punishment ought not be imposed upon the children of a new generation who are guilty of nothing but being born black or white. Racial discrimination is no less discriminatory just because it is court ordered."

Thus he early staked out a commanding position on what is swiftly becoming the overriding issue of American—and Michigan—politics. (If relief from the busing nightmare cannot be obtained through appeal to higher courts, Griffin's proposal would appear to be the only remaining answer.) Meanwhile, Griffin's most probable Democratic opponent, Michigan Atty. Gen. Frank Kelley, put himself on record with a ringing statement of support for busing and then, when the storm broke, hastily issued a statement saying that busing between school districts is unlikely, anyway.

Looking at this situation, one political observer with a reputation for accurate prognostication, said recently: "Damned if I don't think Bob Griffin has done it again."

Assuming he will win next year's election, Griffin has a bright future before him in the Senate, where he is bound to become ever more powerful. But experienced Griffin-watchers believe he has far too much ambition to feel content with a Senate seat indefinitely.

HERR KISSINGER SWINGS SECRETLY IN HARLEM

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. RARICK. Mr. Speaker, apparently all of Henry Kissinger's secret trips are not confined to Red China or the Soviet Union—nor are all of his trips as the errand boy of President Nixon.

According to a recent New York paper, Herr Kissinger also takes trips to Harlem for secret meetings.

It is doubtful if his Harlem negotiations are a security risk—because she is the ex-lover of one of the New York gangsters—it is just that Doc is a swinger.

I insert a news clipping:

[From the New York Daily Mirror, Nov. 26, 1971]

KISSINGER IS SEEING A BLACK BREATHTAKER

(By John J. Miller)

Not all Henry Kissinger's gal pals are of the Hollywood glamor girls stereotype. Henry's most secret visits this side of Red China are to a black breathtaker in New York. She's one of Harlem's top photo models and the ex-passion of one of the biggest numbers kings north of 125th St.

BANGLADESH—THE URGENT NEED FOR RECOGNITION AND ASSISTANCE

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. BADILLO. Mr. Speaker, during the brief but bitter fighting between India and Pakistan last month the world bore witness to the folly of the ill-conceived policy of the United States toward India and, particularly, toward the struggle for independence in East Pakistan. For months prior to armed hostilities the United States stood mute and falied to raise its voice against the reign of terror perpetrated against the Bengalis of East Pakistan by Punjabis from the West. While it is true that this was an internal struggle, this country or any other member of the family of free nations simply cannot ignore or condone the blatant violation of basic human rights and dignity which occurred in Bengal or the snuffing out of lives of men, women, and children at the whim of some brutal dictator. The acts of genocide committed in East Pakistan demanded that a hue and cry of protest be raised, yet this Nation remained silent.

Although the Bengalis—in a free and open election in December 1970—voted overwhelmingly against the Government of West Pakistan, the dictatorial Gen. Yahya Khan voided the elections, arrested East Bengal leader, Sheik Mujibur Rahman, and dispatched Punjabi soldiers to occupy the region. One would have assumed that the United States—the champion of freedom and democracy—would have decried this oppressive action and would have demanded that the will of the Bengalis be permitted to be effected. However, this administration, in yet another display of its uniquely inept diplomacy, chose to ignore the supression of civil liberties and the unilateral abrogation of the election results and pursued a "business as usual" atttiude.

Mr. Speaker, time is long past due that the United States reassess its policy, both toward India and Bangladesh, and candidly admit its mistakes. By pursuing our present attitudes toward these two nations we have lost the faith of freedom loving people throughout the world and are ignoring some of the basic principles upon which our own country was founded. I wholeheartedly support legislation which has been introduced extending the immediate recognition of the United States to Bangladesh and the official acknowledgement that this is an independent nation.

Further, we cannot ignore the plight of these 75 million people and the tremendous economic problems being experienced by this, one of the most densely populated areas of the world. The ravages of the despotic Pakistani occupation and their brief but devastating war have left this nation almost completely destitute. Some 40 percent of the country's houses have been destroyed and, daily thousands of people are dying from starvation. Disease is rampant and jobs are nonexistent. We must, therefore, enact legislation providing for immediate emergency aid to Bangladesh to help it overcome the devastation wrought by the war and to assist this new nation in effectively coping with its many economic and social problems.

Earlier this month the president of the All India Women's Conference in Gujarat wrote to the New York State chairman of the National Organization of Women—NOW—expressing the group's deep concern over the policies pursued by the United States toward the people of Bangladesh and urging that India and the United States join to assist these unfortunate victims of international politics. This is the plea of a group of women to another organization of women, pleading for aid for their sisters in Bangladesh—probably the most tragic victims, with their children, in this struggle. I believe this letter and its appeal for help and understanding should be carefully considered and reflected upon by our colleagues and I present it for inclusion in the RECORD:

Miss JACQUELINE CEBALLOS,
President, New York NOW,
New York City, N.Y.

DEAR MADAM: We, the women's organizations of Gujarat, India are surprised, and shocked at the U.S. policy of wanton indifference, connivance of and collusion with Pakistan's reign of terror, unpardonable brutalities unprecedented in their range, cruelty and inhumanity inflicted on millions of people whose only fault, if any, was to have exercised their free and fearless vote for the party and leader of their choice. Particularly horrifying have been the indecencies and indignities, harrowing and hideous in the extreme, inflicted upon the womenfolk who till the other day were their own citizens. These persecutions and genocidal killings sent waves after waves of refugees to India. Never before in human history have so many (10 million) in such miserable condition fled for shelter on so short a time! Pakistan has also indulged in a systematic and merciless butchery of the intellectuals, teachers and the professional and cultural elites of the Bangla people.

As citizens of India we hold democracy, freedom and equality as fundamental rights of all irrespective of religion, colour and sex, principles and ideals that are cherished by the people of America. The most painful part of the present situation is that the mightiest of democracy is ranged against the largest functioning democracy of Asia—India—and that too in league with the totalitarian regime of China and the military junta of Pakistan.

In spite of this, the will of the people has prevailed and Bangla Desh now is a reality. The supreme task before us is that of reconstruction of the new nation and the rehabilitation of the uprooted millions going back to their hearth and home.

From whatever little we know of the U.S. public opinion, it is squarely opposed to the policies pursued by the U.S. Government. As in India so in the U.S., women form half of the population and the electorate. Their opinion, views and attitudes would go a long way in directing and fashioning the foreign policy of their Government. We look to you and similar other organizations in the U.S. to take lead in bringing about the desired change in the U.S. policies so as to produce better appreciation of the facts and the situation in regard to India and the Bangla Desh. The damage caused by the U.S. policies even at this late stage, can be mitigated if public opinion is made to prevail. In this the role of women and their organizations would be of vital and crucial significance.

We appeal to you therefore to exert your energy and influence so as to bring about better and more understanding relationship between our two countries in the hour of trial and help build the new society of Bangla Desh on the foundations of democracy, freedom, secularism, and justice. The opportunity is here and now and let it not be frittered away.

Yours faithfully,

PUSHPA R. MEHTA,
President, All India's Women's Conference, Gujarat State Branch.

Yesterday, in response to this letter and in a display of solidarity with their sisters in India and Bangladesh, a delegation of women called upon the Ambassador of India. They informed the Ambassador of their deep disagreement with the policies currently being pursued by this Government toward Bangladesh and expressed their support of the women in India and, especially, the women and children made homeless by the war. Meeting with Ambassador Jha were Betty Friedan, a founder of NOW and one of the leading advocates of the women's movement—national NOW president, Wilma Scott Heide; Heide Toffler; Natalie Gittelson, news editor of Harper's Bazaar; Lillian O'Connor, vice president of the World Union of Catholic Women's Organization; Mitzi Haggard of the Ad Hoc Committee for the Women of Bangladesh; Irma Badillo; and Frances Flippen of the National Council for Negro Women.

I commend these women for their initiative and the action they took yesterday. I am hopeful that, by such meetings, the peoples of India and Bangladesh realize that this administration's current misguided policy and inhumane attitude does not reflect the sentiments of the majority of the American public and that we will continue our efforts to correct the current inequity and work for recognition of and urgently needed aid to Bangladesh.

PENAL REFORM

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. BROOMFIELD. Mr. Speaker, the crisis which confronts our penal system is hardly of recent origin. On the contrary, the proper means to treat and rehabilitate criminals has been and continues to be a most nagging question for society to answer. Over the years, a multitude of ad hoc commissions and experts have sounded the call for penal reform.

While their suggestions were almost without exception commendable, history shows that progress has been painfully slow. Whatever the reason for this lack of speed, whether it be apathy, lack of funds or coordination of effort, the time has long passed when we can tolerate inaction.

Therefore, Mr. Speaker, I rise today to introduce legislation designed to take an important step forward in the field of penal corrections. I need not go on about the necessity for this kind of re-

form. The conditions of our Nation's prisons as well as the specter of Attica highlight the urgency of the situation better than rhetoric.

At the recently concluded National Conference on Corrections which was convened at the initiative of President Nixon, Chief Justice Warren Burger underscored the need for legislative action. At that time, he said to a gathering of our Nation's leading penologists:

> What is desperately needed is that you have the resources and the authority that only public support and legislative action can provide.

It is with that sentiment, Mr. Speaker, that I present today this blueprint for prison and rehabilitation improvement. Many of the provisions of my bill are similar to those ideas that Attorney General Mitchell has termed to be necessary to bring genuine reform to this neglected aspect of our society.

One aspect that will be particularly emphasized in this program is job training and drug treatment. It is no coincidence that lack of employment skills and drug addiction are common problems for prisoners. Indeed, they are to some extent the very cause of most crime.

There is a provision to deliver increased educational opportunities to the prison population. These funds will be assigned for the training of teachers, emphasizing remedial skills, and college level courses for those inmates who are qualified.

Statistics show that the recidivism rate for released convicts is 75 percent. Programs of this type which until now have been conducted on a limited scale demonstrate that this recidivism rate can be drastically cut. I contend that in this way we can turn our correctional system into a true rehabilitation system rather than one which hardens and trains professional criminals.

My measure would provide money to the States to improve their probation facilities. Probation is perhaps the most important phase of rehabilitation. It is also the most difficult. A concerted effort in this area will reap almost immediate benefits. For one, it is drastically cheaper than incarceration, resulting in an overall saving to the States. Second, it can and does help keep the first offender from a second or even third conviction. Finally, the bill lays the foundation for the replacement of large, isolated penitentiaries with smaller community-based institutions. Prisons must be smaller if we are to deliver constructive and meaningful rehabilitation to these individuals.

At the same time, we must stress that new prisons should be located closer to our communities. It is within these communities that the personnel and facilities which modern correctional policies so desperately need can be found. Furthermore, it is to these same communities that the released prisoner must return and live.

Mr. Speaker, if passed, this measure will benefit not only the individual prisoner but society as well. If we release a man from prison in the same condition in which he entered confinement, we have done nothing toward solving the crisis of our soaring crime rate.

If rehabilitation is to be a positive force, it must include education, job training, drug therapy, and comprehensive post release counseling to ease the individual's return to society. Society will find that acceptance easier, too.

Mr. Speaker, I urge that this bill receive the careful consideration of the House in the days ahead. We can and must infuse our penal system with a sense of hope and opportunity for the benefit of the individual as well as the Nation.

A SALUTE TO RABBI DR. ISRAEL GERSTEIN OF THE AHAVAS ISRAEL PASSAIC PARK JEWISH COMMUNITY CENTER

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ROE. Mr. Speaker, shortly after the adjournment of the first session of the 92d Congress I had the privilege of participating with the Jewish community of my congressional district in a testimonial dinner with deepest respect and admiration for the most distinguished Rabbi Dr. Israel Gerstein for a lifetime of outstanding service to his fellow man.

Through this historic journal of Congress I respectfully request you to join with me in national recognition of the quality of his leadership and the excellence of his character in promulgating, enhancing, and preserving the richness of the Hebrew religious and cultural heritage not only redounding to the spiritual and moral integrity of those of his religious belief but his pioneering efforts contributing so materially to the ecumenical spirit of brotherhood, the truth of knowledge and cultural enrichment of all of the people of our community, State and Nation.

The eloquence of the statement of the members of his congregation in testimony to his quarter of a century of service and dedication at the helm of Ahavas Israel will provide you with a brief biography of his contribution in his dynamic and energetic career in the cause of good will and understanding among all men and expresses the warmth, affection and high esteem with which he is held by all of us. I would like to share that statement with you, as follows:

RABBI DR. ISRAEL GERSTEIN

PRELUDE

Born in Lodz, Poland, Rabbi Gerstein was brought to Chicago, Illinois by his father as a teenager. The family consisted of father, mother and four brothers. Enrolled in two schools: Yeshiva (known as Hebrew Theological College) and elementary school.

"Young Man In A Hurry", he was graduated from grade school in 6 months, from Medill High School in 2 years. He took courses at Crane Jr. College, Lewis Institute and University of Chicago and graduate work at University of Denver, where he was awarded an MA.

He was ordained by the faculty of the Hebrew Theological College, and was called to Denver where he was acclaimed the youngest rabbi in the United States. It was only six and a half years since he passed through Ellis Island. Because of the climate, he accepted a position in the South. He came to Shreveport, Louisiana with his new bride, the former Channa Swirsky. While in Shreveport, he was active in a number of regional organizations, particularly B'nai B'rith, serving as State Chairman.

He was called to Chattanooga's B'nai Zion, which had just erected a magnificent synagogue. There he developed a broad program covering every age level. The school was reorganized and brought up registration from a negligible number to 250. Membership took a big jump. Adult Education, Men's Club activities made the synagogue the hub of the community.

With his flair for writing, the editor of the Chattanooga Times invited him to write for the Sunday Times Magazine. His articles on Talmadie Lore met with wide appeal. He also had a weekly half-hour radio program and was a frequent speaker at the State University in Chattanooga. During the War, he acted as Chaplain at Ft. Oglethorpe, Georgia and Camp Forrest, Tennessee, and headed the USO in Chattanooga.

In 1943, Bloch Publishing Company published his book of sermons, essays on timely and timeless topics. It was an instant success. He was also editor of the Sermon Manual, published by the Rabbinical Council of America and served as editor of Jewish Life.

1946—PASSAIC!

Rabbi Gerstein assumed his duties at Ahavas Israel August 1, 1946. He had served B'nai Zion Synagogue in Chattanooga for 12 years. B'nai Zion Congregation was the largest in the city and was well established with an impressive edifice. The Rabbi's primary motive for making a change was the advantage that would accrue to his children in the fields of general and Jewish education.

The first impression of Ahavas Israel's "plant" was depressing to say the least. An ancient residence was pointed out as the home of his new congregation which bore the grandiose title of Community Center. The auditorium attached to the residence in front offered little consolation. During the week it was used by the pupils of No. 3 school as a gym. On week-ends it was prepared for service, and that required logistics. Who was going to take down the basket, put up the chairs, bring in the Torah, etc.? In general the gym had to be converted into something where the name of God could be mentioned without profaning it.

The Hebrew School was in a chaotic state. Its reorganization became a top priority. The Rabbi began by recruiting qualified personnel, and in a relatively short time, the school which was at the bottom of the ladder in the community, advanced to a position at the very top in the entire area.

Unlike the physical facilities, the human material that made up the membership was of high quality. The bi-monthly meetings of the men featured enthusiasm and commitment. The Sisterhood was a beehive of acivity. The need for new facilities inspired a variety of enterprises.

About two years after coming to Passaic, ground was broken for a new Sanctuary. In 1952 first services were held.

At the same time, the Rabbi participated in civic affairs, and was active in metropolitan, State and national organizations. Locally, Rabbi Gerstein was the only Rabbi to participate in the following: Groundbreaking for the new Beth Israel Hospital; the new City Hall; Veterans Apartments on River Road and new No. 3 school.

Requests came from the publisher of the book "Reveille or Taps" for a second edition. It was again a big success.

The Rabbi became a television personality. He was the only Rabbi in the area who appeared on every major television network. He was active in the New York Board of Rabbis, the Rabbinical Council of America, the Synagogue Council of America. He was

elected President of the Rabbinical Council of New Jersey.

Appointed a Commissioner of the Passaic County Mental Health Board. Now a member of the Professional Advisory Committee of the Mental Health Board. Appointed to the Local Assistance Board which administers the Welfare Program in the city of Passaic. Later became Chairman, and for several months was Welfare Director because of a vacancy. He also served as co-chairman of PICA, local interfaith group.

In 1959 the Hebrew Theological College of Chicago, the Rabbi's alma mater, conferred upon him the degree of Doctor.

Ahavas Israel was the locale for happy events in the Rabbi's family. In 1950, Mordecai became Bar Mitzvah; in 1955, Hadassah was married to Rabbi Joseph Feder. In 1963 Mordecai, now Dr. Gerstein, was married to Miss Lyn Matthew.

Other milestones that the Rabbi recalls: a Testimonial Dinner in 1953; a dinner to celebrate his tenure in 1963.

Tonight . . . celebrating his twenty-fifth or silver anniversary at Ahavas Israel!

CADET CALVIN P. DERCK

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. BRINKLEY. Mr. Speaker, as we all know, the cadets attending our service academies are among the finest young men this country produces. Therefore, I was pleased to receive a most refreshingly thoughtful and candid letter from a young constituent I appointed to the Air Force Academy—Cadet Calvin P. Derck. The letter reads:

JANUARY 24, 1972.

Hon. JACK BRINKLEY,
House of Representatives,
Washington, D.C.

DEAR MR. BRINKLEY: Thank you very much for the calendar. As the one you sent last year, it will be very useful in the conduct of my day to day affairs.

I would also like to thank you for the support you gave me when I applied for the Academy. Your appointment has meant a great deal to me. It is not often that I openly say how much I like the Academy. Usually I complain about this institution. However, I know that this is not fair to either myself or the Academy. I know that this is one of the finest schools in the world and I am quite proud to be a member of the Cadet Wing and a future officer in the Air Force.

Over the past year and a half, I have learned an enormous amount of knowledge. This not only encompasses the erudition acquired from the academic curriculum, but also the knowledge received from the experience of both following and leading people. I am quite thankful for being here because I feel that this is what I want in life. I am most happy in my career selection.

At this time, I suppose a great many people are wondering why the Air Force Academy has had so many honor scandals. Some people feel that the Academy is filled with men who lie, cheat and steal. On the contrary, it is composed of only the most honorable men. It is these people who will not tolerate dishonest members of the Cadet Wing to be commissioned in our Air Force. We do not want the Air Force to be weakened by unscrupulous officers who would compromise their position for any reason.

The Cadet Honor Code states, "We will not lie, steal, or cheat, nor tolerate among us anyone who does." In any honor scandal, the majority of the Cadets dismissed are guilty of toleration. This is the hardest part of the Code to abide by, but it is perhaps the most important. It is the toleration clause that makes the Cadet Honor Code what it is. Without such a provision, the Code would not be enforceable. It would just be some words written on a piece of paper. However, with the toleration clause, policing of our Honor Code becomes a Cadet responsibility. This is the only way that the Honor Code can function properly. It is a Code designed and administered by Cadets. It is this way that makes the Code meaningful to each person at the Academy. In this way, a strong sense of honor is instilled in a Cadet so that when he graduates, he will carry with him the integrity so necessary in the Air Force.

As I look back over my year and a half at the Academy, I am a little disappointed in my academic performance. In the same sense, I feel that I have misplaced the confidence that you showed by appointing me. I hope that I can do better so that you will not be disappointed in your sponsor.

Thank you very much for all the help that you have given me. It is much appreciated and in the future I hope that I can show myself more deserving of your support.

Sincerely yours,

Cadet CALVIN P. DERCK.

WISE ACTION BY SENATE COMMITTEE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. FINDLEY. Mr. Speaker, the Senate Committee on Agriculture and Forestry yesterday demonstrated great wisdom and courage in refusing to approve the Strategic Storable Agricultural Commodities Act for floor consideration by the full Senate. When the committee voted 10 to 4 against this unwise bill, it supported what I believe to be the position of most Midwest grain farmers and two of the most widely respected Illinois publications which had editorially urged defeat of the measure. Both the Chicago Tribune and Prairie Farmer magazine urged defeat of the measure.

When the House approved the strategic reserve bill, it became a bitter partisan issue. Ironically, the only two Demcrats on the Senate committee who voted for the measure are the two presidential candidates on the committee. The six other Democrats, along with the four Republican Senators, who voted against the bill, took a wise step in removing politics from farm income considerations. With all the risks inherent in agriculture, farmers will be happy the Senate Agriculture Committee has decided not to play politics with their economic futures.

The editorials from Prairie Farmer and the Chicago Tribune are included as part of these remarks:

[From the Chicago Tribune]

PHONY FARM BILL

In their haste to embarrass the Nixon administration and play politics with the farm vote, some Democratic leaders in Congress find themselves the principal characters in a comedy of errors that would be laughable if the matter weren't so serious. The matter concerns a bill to increase price supports by 25 per cent on feed grains and wheat and to create a "strategic reserve" of these grains that would cost nearly $1.5 billion to build and $215 million annually to maintain. The objective is to stabilize farm prices and boost farm income by $2 billion a year.

With the aid of big city Democrats, the bill passed the House late last year by a close vote of 182 to 170. As a way to win the farm vote, the measure caught the eye of two Democratic Presidential hopefuls. Sen. Humphrey of Minnesota and Sen. McGovern of South Dakota. They helped it win the approval of a Senate agriculture subcommittee and now hope to push it thru the full committee in a hearing scheduled for tomorrow.

As the two see it, farmers will vote for candidates who help give them a hefty boost in income. Moreover, inasmuch as the administration is opposed to the bill on economic grounds, President Nixon can be accused of being unsympathetic to the plight of the family farmer.

But somewhere between the House and the Senate someone discovered that the bill's provisions were so inconsistent as to make it inoperable if it became law. These defects developed because the measure started out as two separate House bills. One, introduced by Rep. Neal Smith [D., Ia.], would authorize government stockpiling of surplus grains at a top price of $1.17 a bushel for corn and $1.37 a bushel for wheat. The other, introduced by Rep. John Melcher [D., Mont.] and added as a floor amendment, boosted price supports for corn and wheat to $1.31 and $1.56 a bushel respectively.

Obviously, the government cannot build a grain reserve if the law requires a purchase price lower than prices guaranteed to farmers. And just as obviously, with such a glaring defect in the bill, most congressmen did not know what they were voting for when they passed it.

Sen. Humphrey has persuaded the Senate agriculture subcommittee to correct the defects. But the changes would have to be resubmitted to the House, where they may not be so readily acceptable. By now it may have occurred to big city Democrats that if the bill became law, food prices would go higher.

Aside from that, the bill would be harmful in the long run to farmers themselves, as Secretary of Agriculture Butz points out. He says it would sabotage the current farm program by causing the government to clamp much tighter restrictions on crop production, and would wreck efforts to increase farm exports by pricing ourselves out of world markets. The latter objection alone is sufficient reason to defeat the bill, inasmuch as American farmers depend on foreign markets to take the output of about one of every four crop acres.

Furthermore, the rationale that a "strategic reserve" of grains can be isolated from the market to stabilize or raise prices in the long run is purely a hoax. Sooner or later, what goes into the reserve must come out, and when it does prices will fall. Meanwhile, the high cost to taxpayers of maintaining an ever-mounting stockpile and of subsidies to pay farmers for restricting output could be expected to bring public ire down on the heads of farmers, who do not deserve it.

Many farmers are struggling with difficult economic problems that deserve sympathetic understanding and realistic efforts toward a solution. They don't deserve irresponsible legislation designed chiefly to promote election-year aims of politicians, many of whom don't even know what they are voting for when they pass it.

[From the Prairie Farmer magazine]

U.S. SENATE SHOULD KILL THE SMITH-MELCHER BILL

It seems incredible that a proposal like the Smith-Melcher bill could get as far as it has. Passed by the house and approved by the senate agricultural committee in mid-December, it now goes to the Senate for action in late January.

Smith-Melcher calls for a $2-billion strategic grain reserve and would boost commodity loan levels 25%.

Chances of senate passage are better than 50–50. How can this be? Would congress really pass a bill that creates more problems for farmers than it solves? Would congress pass a bill that would prove damaging to farmers in the long run?

The answer is obvious. It would. In an election year anything can happen that might enhance the candidate's image in the eyes of his farmer constituents.

On the surface the bill looks good. But like the iceberg, it is the hidden part beneath the surface that does the damage. Perhaps the politicians think the voters are too dumb to realize this—that all they can see is the frosting on the cake.

Supporters of Smith-Melcher are mainly the same group that tried to embarrass the administration by casting doubts on the fitness of Earl Butz for secretary of agriculture.

The rationale for the strategic reserve is that it would release pressure on price with 25 million tons of feed grains being isolated from the market. The suggestion that the reserves would have no effect on price is an insult to our intelligence and a cruel hoax on farmers.

The strategic reserve was tried by the Eisenhower administration. It failed miserably. The surpluses in the reserve depressed prices and became a monster willed to Orville Freeman. The buildup and disposal costs to the taxpayers were fantastic.

Raising the loan rates—corn to $1.31 and wheat to $1.56—would derail participation in the 1972 set-aside program. We need participation this year. Discontent already is high over failure of the program last year. An increased loan rate on 1972 production would compound the agony.

There are other serious ramifications. The Smith-Melcher bill would just about wreck our export program by pricing ourselves out of the market. It would also encourage foreign competition to produce under our high price umbrella.

It would have a bad effect in 1972 by driving farmers into corn where we have a surplus and out of soybeans where we have a shortage.

The man now mainly responsible for the success or failure of our farm programs is Secretary Butz. He should not be placed in a straitjacket nor sabotaged in his efforts by politically-motivated congressmen. Butz considers Smith-Melcher a menace to farmers and to his plans.

The senate should support Butz and kill this bill. If it doesn't, the president has only one alternative—veto the Smith-Melcher bill.

SAFETY PROGRAMS AND REGULATION FOR NURSING HOMES

HON. WILLIAM J. KEATING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. KEATING. Mr. Speaker, it is with deep sorrow that I bring to your attention the tragedy yesterday in Lincoln Heights, Ohio, where nine elderly patients, all women, died burned beyond recognition in a nursing home fire. One patient who escaped the blaze still remains in critical condition.

Local, State, and Federal fire officials are still sifting through the charred debris trying to determine the cause of this fatal fire.

It is still not known whether the victims died from the intense heat or asphyxiation. Two of those patients were blind. Two were found dead in their wheelchairs. The deadly fire occurred in the middle of the night and no way was found to save the victims.

The President's Commission on Fire Prevention and Control, headed by Richard E. Bland, chairman, was on the scene hours after the fire broke out. The Commission was accompanied by a member of my staff.

The nursing home is owned and operated by a woman in her 70's who was asleep at the time of the fire. She was fortunate enough to escape the blaze along with her 16-year-old nephew.

The home is located in Lincoln Heights, a community on the northern outskirts of Cincinnati. It has a 100 percent black population of some 8,000 persons.

The home was a rambling one-floor frame and cinderblock structure which had passed inspection by the State fire marshal's office last April with "no violations." Its license was renewed about 2 weeks ago.

The facility is an intermediate nursing home. There are some 700 intermediate nursing facilities in Ohio. Under present regulation, the home must have 24-hour supervision.

It is not required at this time to have a sprinkling system for the safety of its patients.

If the home was certified as a skilled nursing home, it would have to adhere to the life safety code administered by the National Fire Protection Association. Under this regulation, this particular home would have been required to have a sprinkler system to be licensed.

No one will ever know if, indeed, a sprinkling system could have saved any of the victims.

But, it is the responsibility of Congress and the American people to explore and investigate every aspect of fire safety in our nursing homes to insure the safety of our senior citizens.

We also must seek ways to assist operators of these intermediate nursing homes to upgrade their facilities.

We also must insure that communities such as Lincoln Heights can get Federal help in upgrading their fire and lifesaving equipment.

Chairman Bland told officials at the scene that we must have nursing homes which will provide a reasonable chance for the elderly to evacuate the building when such tragic fires occur.

Another official of the commission, after viewing this scene, termed the condition of Lincoln Heights' home as atrocious. He said:

> The building should never have been used as a nursing home.

This is the second such nursing home tragedy in Ohio within the past 2 years.

In January 1970 a fire at the Harmar Nursing Home in Marietta, Ohio, killed 32 patients.

Most of the victims in that fire died from heavy smoke coming from the rubber backing on the wall-to-wall carpeting.

Since that Marietta fire, new Federal regulations have been adopted to prevent a reoccurrence.

Presently, other Federal efforts in behalf of improving nursing homes are being conducted in the Department of Health, Education, and Welfare.

In August of 1971, the present administration focused its attention on institutions for the aged. In a supplemental budget request for fiscal 1972 $9,572,000 was appropriated to establish a five-point program to upgrade medical care standards and enforcement programs for nursing homes and intermediate care facilities for the aged. In addition, data collection and research studies and audits of nursing home operations were authorized.

The budget request for this new initiative for fiscal 1973 is $13,040,000. The thrust of this new program is to provide for trained personnel to work in these facilities and to inspect these institutions for safety and health compliance.

And additional effort is presently being carried out by HEW Department headed by Mrs. Marie Callender who is a Special Assistant for Nursing Home Affairs. She is coordinating the various Federal programs that affect nursing home facilities and attempting to bring all programs together and avoid duplication in this vital area of health services. This will mark the first time that the various programs conducted by the National Institutes of Health, Social Rehabilitative Services, and Health and Mental Health Services will be coordinated. There are presently 23,000 institutions for the aged in the United States—77 percent of these are privately owned and operate for profit, 15 percent are privately owned by nonprofit organizations and 8 percent are owned and operated by State and local governments.

Some 500,000 employees work in these institutions for the elderly.

In the United States there are 20 million citizens over 65 years of age and 900,000 of these live in these institutions.

There homes and institutions are big business in America. Total Federal, State and local private support total $2.6 billion in 1970.

Some of these facilities are already under Federal supervision through medicare and medicaid regulations and a large number of these institutions will soon be subject to Federal health and safety requirements.

There is a considerable need for well trained compliance officers who will see to it that proper supervision and maintenance exists in these homes.

A proposed 18-month Federal training program would call for 100 percent Federal funding to train 23,000 nursing home employees and inspectors. This proposal would require a change in present Federal law to allow for 100 percent Federal funding.

I have only outlined here the details of the program that faces us in Congress. The tragedy that became real in Lincoln Heights, Ohio, two nights ago must not be repeated in other congressional districts and other States.

We must provide at the very minimum, adequate assurance to our older citizens that they will not be helpless victims in similar disasters.

At the very least, all institutions for the elderly should be able to provide for quick egress for patients and residents under similar circumstances.

Basic safety features must be required and maintained.

I hope we act together to prevent reoccurrences such as the Lincoln Heights tragedy.

PRICE AND WAGE CONTROLS AND INFLATION

HON. JOHN G. SCHMITZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. SCHMITZ. Mr. Speaker, during our recent recess a very fine letter from A. G. Heinsohn, Jr., president of Cherokee Textile Mills in Sevierville, Tenn., to the editor of the Knoxville, Tenn., News-Sentinel, was brought to my attention. Dealing with price and wage controls and inflation, it cuts through the fog of myth, deceit, half-truth, and superficial, confused thinking which surrounds this issue, with the clear and inescapable truth. Unless and until we face up to the hard realities that Mr. Heinsohn so vividly sets before us, we will never stop inflation and will be doomed to repeat history's old story of failure and disaster resulting from reliance on price and wage controls to deal with peacetime inflation.

The letter follows:

SEVIERVILLE, TENN.,
December 20, 1971.

EDITOR,
Knoxville News-Sentinel,
Knoxville, Tenn.

DEAR SIR: This concerned American, more determined than ever not to exchange freedom under God for enslavement under political masters, wishes to point out inaccuracies in your December 17 editorial: WAGES, PRICES and CONTROLS.

Never mentioned is the indisputable fact that the federal government is the SOLE culprit, the SOLE cause of the rising wage and price spiral. Never mentioned is the fact that ONLY the federal government can stop run-away prices and wages by practising fiscal sanity and honesty.

When a government grinds out printing press dollars to finance destructive deficit spending it increases the amount of money in circulation. This forces wages and prices upward as inevitably as night follows day.

To expect the people back home to prevent wages and prices from rising, while the government in Washington continues to debauch the currency, is akin to asking water to flow uphill.

Politicians in Germany tried wage and price controls prior to her collapse and takeover by Hitler. It was not the fault of the people back home that it took a basketful of paper marks to purchase a pack of cigarets. The people did not debauch the currency. Their political leaders did it.

Further, all of the editorial writers in the world, pounding typewriter keys 24 hours a day, cannot abolish the law of supply and demand any more than they can void the law of gravity.

As authentic documentation there is enclosed herewith an excerpt from an article written 26 years ago by that respected economist, Ludwig von Mises.

Surely that day has come when those of us who work for a living, who say we believe in God and who say we love American, must stand up and be counted. To remain silent, in the mistaken belief that America is too far down the road to be saved, is to play directly into the hands of those who seek to enslave us.

Party loyalty is one thing when the leadership honors its promises and its oath of office. But it is something else when the party leadership becomes power-hungry enough to violate both its promises and its oath of office.

Exposure is one thing oath-violators dread and exposing wage-price controls as a fraudulent tool of enslavement is the duty of all liberty-loving Americans.

Sincerely,

A. G. HEINSOHN, Jr.,
President.

HOPE FOR ALCOHOLICS

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ROBISON of New York. Mr. Speaker, the Postal Service's Program for Alcoholic Recovery, known as PAR, deserves the attention of my colleagues because it is making praiseworthy headway against the very difficult problem of alcoholism among Postal Service employees. The Postal Service, of course, shares this problem with all Federal Agencies which, according to the Comptroller General, are experiencing a 7 percent rate of alcoholism among their employees. But it is the Postal Service which has singly set out to make a dent in this figure.

PAR is an imaginative people-to-people program which works with the individual to help him find the solution to his drinking problem. The program began getting results in San Francisco 26 months ago, and more recently it has gotten results in Chicago and Boston. During the coming year, the Postmaster General has announced it will be initiated in 20 additional big-city post offices.

Mr. Speaker, I take this opportunity to commend the Postal Service for its imaginative and energetic efforts to meet the problem of alcoholism head on. For the benefit of my colleagues, I am inserting an article from a recent Postal Life which further explains the PAR program:

HOPE FOR ALCOHOLICS

Fulton Caldwell is a handsome young man of 34. He's well-dressed in the latest striped shirt, sports a neat beard and speaks with the intelligent assurance of a man on his way up.

Looking at him, it's hard to believe that only six years ago Fulton Caldwell was an alcoholic who for more than 12 years lived by and for the bottle. His drinking became a progessively greater burden to his family, to his fellow clerks in the Los Angeles post office and to his own well-being. Eventually, he lost all.

Caldwell was more fortunate than most alcoholics, however. He was guided into Alcoholics Anonymous and with the help and sympathy of recovered alcoholics he was able to achieve sobriety and a new start for himself. Today he works in the Chicago post office on the Postal Service's Program for Alcoholic Recovery trying to reach some of the estimated 37,500 postal employees who are gripped by the tragedy of alcoholism.

"You can't understand what it's like unless you've been there yourself," said Caldwell, telling his story with obvious conviction. "That's why AA helped me. I could believe the AA people because they knew what I was going through." This idea that only a recovered alcoholic can understand the torment of an alcoholic, and that alcoholism is a complete and treatable disease is the basis of the Program for Alcoholic Recovery (PAR) now operating in the San Francisco, Chicago and Boston Post Office. PAR counselors, all of whom have been recovered alcoholics for at least three years, serve as personal examples of problem drinkers who kicked the habit and acquaint alcoholic employees with all of the methods available for overcoming their problem.

PAR was established with the hope that it could help otherwise competent postal employees overcome alcoholism and remain on the job as productive workers.

And so far, this hope has been a reality. In San Francisco, the post office PAR office has been operative for 26 months, and 65 alcoholics are "recovered"—which means by PAR definition they have rehabilitated their work life and have not had a drink for at least one year. Another 145 employees of the 208 PAR members are well on their way to recovery. PAR at the Chicago post office was established in April, 1970, and 75 percent of the 174 members have shown improvement. The Boston program, begun in June, 1970, has a success rate of 83 percent for 183 members. Such results are among the highest for any similar program in government or out, and to date the Postal Service has received 150 inquiries about the PAR plan from private businesses concerned with the same problem.

PAR's unusual achievement can be attributed to a well-thought-out program. Recovered alcoholics like Fulton Caldwell are full-time counselors available for guidance right in the post office. They rely on their own experience in their confidential sessions with employees. They recruit PAR members in four ways: Some 39 percent just walk in after hearing about the program. About 38 percent are referred by the supervisors. Another 14 percent come as a result of an adverse action initiated because of their drinking. The PAR post office promises to regard drinking as an illness, to suspend disciplinary action, and to remove all record of it from the file of an employee who performs up to PAR and resumes good work habits.

PAR members, with their counselors' aid, explore the available avenues for recovery in their community and their relative cost and success rates. Although most choose Alcoholics Anonymous membership, others find that psychotherapy, religious guidance or medical treatment is best for them.

PAR is the brainchild of Stanley K. Day, a former postal finance division chief in Headquarters. Day, also a recovered alcoholic, was certain there was a way to bring help to the many others who could not conquer their problem alone. So six years ago Day turned his analytical talents to determining the probable extent of alcoholism in the Postal Service.

He began with available national studies which reveal that more than nine million Americans suffer from alcoholism and that

no background, age, position in life, sex, or level of education is immune.

"These are shattering statistics," said Day, "but they're real."

Day made his point and the Program for Alcoholic Recovery had a modest beginning in the San Francisco post office in November, 1968. Its success was repeated in Boston and Chicago.

"We can't afford not to do it," said Day. "It just makes good business sense to invest $1 when you know you'll get back $5." Postmaster General Winton M. Blount agreed and on December 8, 1970, he directed the preparation of a five-year program and budget for PAR.

But PAR is more than good business. "I know it's saving money," said Henry McGee, Postmaster of Chicago. "But it would be worth doing if it cost us money. It's saving lives."

Supervisors are also enthusiastic about PAR, much to the satisfaction of the counselors. "They've been very helpful. We've had supervisors bring drunk employees up here personally," said Caldwell. "Seventy-four of our members are supervisor referrals." This reaction is understandable, considering the alternatives supervisors had in the past. They could cover up for the alcoholic, but his work was substandard and his fellow workers had to shoulder the burden. Or they could initiate disciplinary action, leaving the employee's problem unsolved and his family to suffer. "But now that there's PAR, it's no favor to anyone to hide an employee's drinking," said Day.

Postmaster McGee agrees, but feels the climate is improving. "In the past, there's been a social stigma to supporting an alcoholism program. But most enlightened persons today understand that it is a universal illness and are sympathetic."

Undoubtedly, though, the best testimony for PAR will be the alcoholic recoveries it leaves across the country. And as one counselor put it, "Miracles are the rule here, not the exception."

STATE REGULATORY COMMISSIONERS URGE RESUMPTION OF A.T. & T. INVESTIGATION

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. BINGHAM. Mr. Speaker, the National Association of Regulatory Utility Commissioners represents the utility and transportation regulatory commissions of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands. In a recent statement in the form of a letter to various Members of the House and Senate, NARUC blasted the Federal Communications Commission for canceling its planned investigation of the American Telephone & Telegraph Co. The NARUC statement charges that—

> The detriment inflicted upon the American consumer by this failure of regulation is difficult to underestimate.

It charges further that "the cancellation of the investigation at this time is in dramatic conflict with the goals of the national economic stabilization program" and "constitutes a dereliction of duty on the part of the FCC" and "deprives State regulatory commissions of governmentally verified pricing evidence in Bell intrastate rate cases."

This statement is in accord with legislation I introduced, with 21 cosponsors, on January 18, 1972, calling for authorization of funds to allow the Federal Communications Commission to complete its long postponed and recently abandoned investigation of the internal finances and so-called vertical integration of the American Telephone & Telegraph Co. and its subsidiaries. It also supports an appeal, which I joined with 11 other members of the New York City congressional delegation to the Price Commission, urging rejection of a recently authorized telephone rate increase in New York State as an unwarranted violation of Federal price guidelines.

The text of the NARUC statement follows:

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS,

Washington, D.C., January 20, 1972.

GENTLEMEN: I write to you in a time of great public distress over the failure of the Federal Communications Commission (FCC) to discharge even its basic legal responsibilities to the American consumer. Since the FCC is a creature of the Congress and is answerable to it, we believe the time has come again to petition the Congress to right the wrongs of the FCC.

WESTERN ELECTRIC PRICING

This letter is provoked in part by the atrocity committed by the FCC against the American consumer on Thursday, December 23, 1971—a "day of infamy" in the annals of utility regulation. On this day, the last business day before Christmas, the FCC, by a 4 to 2 vote, delivered a gift to the American Telephone & Telegraph Company (AT&T) by the cancellation of its long-promised investigation into the reasonableness of the prices and profits of the Western Electric Company, Inc., the wholly-owned manufacturing subsidiary of AT&T. Docket No. 19129.

The detriment inflicted upon the American consumer by this failure of regulation is difficult to underestimate. Moreover, the cancellation of the investigation at this time is in dramatic conflict with the goals of the national economic stabilizaton program.

Western Electric manufactures approximately 75% of all communications equipment sold in the United States. It furnishes communications equipment to the Bell System operating telephone companies of AT&T and is a major contractor for the Federal Government in connection with defense activities. The prices paid by Bell System companies for Western Electric equipment are reflected in rate-making by the FCC and State regulatory commissions.[1] Accordingly, Western Electric pricing forms an important part of the Bell System cost of service which is borne by the millions of ratepayers across the Nation.

The prime responsibility of the FCC, as of any economic regulatory agency, is to vigorously regulate rates so as to avoid the placing of any undue burden on the consuming public. The regulation of rates involves two basic factors—the valuation of rate base, which in the case of the Bell System is largely affected by Western Electric pricing, and the fixing of an adequate rate by return on the rate base. Obviously, the failure of the FCC to investigate the reasonableness of Western Electric pricing constitutes a dereliction of duty on its part and, further, deprives State regulatory commissions of governmentally verified pricing evidence in Bell intrastate rate cases.

Ironically, the FCC has given, as two of its reasons for cancelling its Western Electric pricing investigation, the need to deploy its staff in implementing new unorthodox policies calling for the certification of specialized common carriers and the interconnection with the national communications network of private branch exchange (PBX) equipment and other customer-provided devices.

These new concepts, when viewed in the light of the Western Electric surrender and its long history of manipulating unfair cost separations between interstate and intrastate users, clearly reveal a deep-rooted cancer in the FCC—a malignancy to deregulate what Congress has given it to regulate—a malignancy to serve the interests of big users and manufacturers to the detriment of the millions of small users across the Nation.

A brief review of these subjects supports the diagnosis.

TELEPHONE SEPARATIONS

The FCC on November 5, 1969, stated that it had negotiated with Bell System telephone companies an interstate toll rate reduction totaling $237 million. During the period of negotiations, the National Association of Regulatory Utility Commissioners (NARUC) had urged the FCC to use Bell excess earnings to fund a change in then existing interstate-intrastate cost separations so as to relieve the undue rate burden being borne by local and intrastate users. At that time, the same Bell System was seeking rate increases in 16 States totaling in excess of half a billion dollars. We pointed out that it was contrary to the public interest for the FCC to further reduce already low interstate rates for the benefit of a small relatively affluent class of users when the vast number of telephone users were being required to pay more and more to support the national network through excessive cost allocations.

The FCC gave no heed.

In response to the request of the NARUC, the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce held hearings in the 91st Congress on this issue and on legislation to create a Federal-State Communications Joint Board.[2]

The NARUC in testifying in these hearings described the inequitable and flawed history of cost separations under the hand of the FCC.

The NARUC pointed out that the average user of telephone service is benefited more by fixing his flat monthly charge for service at the lowest practicable level rather than by reductions in interstate toll rates—rates which are generally paid by a more affluent class of users. The lower the flat monthly charge the more accessible telephone service is to the economically depressed and to others who are severely disadvantaged by inflation.

As a result of Congressional concern over this consumer issue, the FCC promptly instituted a proceeding to modify cost separations procedures which led to the adoption of the Ozark Plan on October 27, 1970. This Plan caused a shift of Bell System annual

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[1] Under the division of regulatory responsibility prescribed by the Communications Act, the FCC regulates approximately 3 billion interstate long distance toll calls a year and the State commissions regulate approximately 166 billion intrastate toll and local exchange calls a year in our nationally integrated communications network. In terms of plant investment, the FCC exercises jurisdiction over approximately 25 percent of Bell System plant while the State commissions exercise jurisdiction over the remaining 75 percent and over virtually all of the plant of the independent telephone companies.

[2] Hearings before the Communications Subcommittee of the Senate Committee on Commerce on S. 1917, 91st Congress, 1st Sess., Dec. 9, 1969, Serial No. 91–42; Hearings before the Subcommittee on Communications and Power of the House Committee on Interstate and Foreign Commerce on H.R. 12150, 91st Congress, 2nd Sess., Feb. 24–25, 1970, Serial No. 91–81.

revenue requirements in the amount of $126 million from intrastate to interstate operations thereby reducing the rate burden on local and intrastate telephone users.

Moreover, the Congress enacted legislation (Public Law 92-131) to create a Federal-State joint board, composed of 3 FCC commissioners and 4 State commissioners, to make recommendations to the FCC on changes in separations procedures and other communication matters of joint concern.

Unfortunately, Congressional concern was once again required in telephone separations to force the FCC to make even a modest concession to the broad consumer interest.[3]

SPECIALIZED COMMON CARRIERS

The FCC's oppressive attitude toward small users is further demonstrated by its decision on June 3, 1971, in the specialized common carrier proceeding (Docket No. 18920).[4] This decision established a policy contemplating extensive competition among existing and new common carriers in the sale of specialized interstate communication services in the rapidly growing field of data transmission. This policy does not take into account the adequacy or inadequacy of existing common carrier service. Accordingly, it represents an abrupt reversal of long-standing Commission interpretation of the requirements of the Communications Act and violates time-proven concepts of public utility regulation.

The certification of new carriers to provide specialized services, where existing carriers adequately serve, will primarily benefit a relatively small number of affluent business users. The economies achieved by these favored few will place a greater economic burden on the millions of small users across the Nation. Rosel Hyde, when Chairman of the FCC, described this kind of regulatory philosophy as being "designed to cost the average American ratepayer money to the immediate benefit of a few with special interests." 18 FCC 2d 953, 81 PUR 3d 209, at p. 225.

In its haste to serve the affluent, the FCC neglected to make an in-depth study of economic impact on small users.

INTERCONNECTION OF PBX AND OTHER CUSTOMER-PROVIDED EQUIPMENT

The FCC is now devising yet another way to benefit the big users and manufacturers to the detriment of small users.

The FCC has organized an industry-dominated advisory committee, with minority Federal and State representation therein, to recommend a program for greatly liberalizing the interconnection of customer-provided PBX equipment with the public communications network.

Such a program will again benefit a very affluent class of users by reducing their communication costs and, further, will increase profits of unregulated manufacturers of PBX equipment, both foreign and domestic. Accordingly, the general public will be forced to again shoulder a greater economic burden in supporting the public network of the regulated common carriers to the extent their revenues are reduced by the conferral of these extraordinary economic benefits on big users and manufacturers. Also, a promiscuous interconnection policy may create hazards to the public network which would degrade quality of service to all.

The NARUC on October 29, 1971, requested the FCC to promptly convene a Federal-State joint board under Public Law 92-131 to consider and make recommendations with regard to all phases of interconnection policy. However, the FCC refused to convene such a joint board until after the PBX advisory committee had completed its work.

The FCC has taken advantage of this delay in convening a joint board by directing regulated common carriers to liberalize interconnection of customer-provided "Magicall" and "Code-A-Phone" equipment. Although this directive has a direct impact upon State commissions and upon the rates paid by users they represent, and although the directive was clearly within the scope of the joint board function requested by the NARUC, the FCC nevertheless proceeded unilaterally and without prior consultation with the States.

In addition, the FCC is now engaged in meetings with industry representatives to develop standards for interconnection of telephone answering and recording devices. Although this issue is of joint Federal-State concern and also within the scope of the requested joint board function, the FCC has ignored the NARUC plea that State technicians be given sufficient advance notice to permit attendance at these meetings.

Such conduct by the FCC under-cuts the Congressional intent of Public Law 92-131 and offends elemental principles of comity in Federal-State relations.

Here again, the FCC is proceeding without an in depth study of economic impact on common carrier rate structure.

FEDERAL-STATE JOINT BOARD INVESTIGATION

The cancellation of the Western Electric pricing investigation, the propensity to place an undue rate burden on local and intrastate users by unfair cost separations, the effort to benefit big users and manufacturers by certificating unneeded specialized carriers and by weakening interconnection policies, demonstrate that the FCC has become a citadel of special interest in which the needs of the average consumer are either forgotten or over-ruled.

The FCC has lost the will to regulate.

Accordingly, the FCC should not now be wholly entrusted with the investigation of Western Electric pricing and profits. We respectfully urge that the Congress appropriate sufficient funds to a Federal-State joint board to conduct a thorough and comprehensive investigation of the following paramount issues:

(1) The prices and profits of Western Electric;

(2) The economic impact of specialized carriers upon small users;

(3) The economic and quality of service impact of weakened interconnection policy upon users of the communications network; and

(4) The fairness of existing cost separations procedures to the consuming public.

The funds appropriated to a Federal-State joint board would be used to employ consultants to conduct the investigation under the auspices of the board and a FCC-State staff. Such consultants would of course only be employed after approval by Congressional leadership.

We further urge the Congress to hold oversight hearings into the conduct of the FCC to determine means for restructuring it to represent the national consumer interest.

With warm regards and best wishes, I am

Sincerely yours,

FRANCIS RIORDAN,
President.

[3] The first major separations change in favor of local and intrastate users—the Charleston Plan of 1952—occurred largely through the efforts of Chairman McFarland of the Subcommittee on Communications of the Senate Committee on Interstate Commerce.

[4] The NARUC has appealed this decision to the United States Court of Appeals for the District of Columbia Circuit, No. 71-1982; and the Utilities and Transportation Commission of the State of Washington has appealed it to the United States Court of Appeals for the Ninth Circuit, No. 71-2919.

MEDICARE HOME DRUG COVERAGE

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 27, 1972

Mr. ROSENTHAL. Mr. Speaker, the Senate Finance Committee is currently holding hearings on legislation to provide prescription drugs for medicare patients outside the hospital. I am a sponsor of H.R. 2355, which would do just that. I wish to speak briefly today in its behalf, as I did before the Finance Committee.

Health care costs have continued to skyrocket in this country while the quality of health care has not. This is particularly so for the elderly and others on fixed incomes. Unfortunately, adequate health care in this country is too often viewed as a privilege, rather than as the right it should be.

A large portion of health care costs stem from the purchase of drugs. This is especially true of our elderly, who must spend 20 cents of their health care dollar on medicine. While the elderly represent only 10 percent of our population, they account for 25 percent of the Nation's prescription drug expenditures, or about $1 billion a year. It is essential that we make the purchase of these drugs less of a hardship.

Our elderly are faced with rising needs and costs for medicines when they can least afford it. Many are living on minimal, fixed incomes, and expenditures for drugs can have substantial impact on their often too small financial resources. Furthermore, chronic illnesses requiring continuous drug use are prevalent among the elderly and pose a tremendous burden for this age group, fully 25 percent of whom are living at or below the poverty level as measured by Social Security Administration indices.

Aside from financial difficulties, the elderly face additional obstacles. They frequently have transportation problems and find it difficult to shop around for the lower prices they might be better able to afford. Oftentimes, their very illnesses present impediments to their exercising full consumer power.

This measure, I believe, will have a significant side benefit. Many times, the elderly must be admitted to hospitals in order to qualify for medicare coverage of drug purchases that could otherwise be prescribed on an outpatient basis. The present bill will not only eliminate this unfortunate use of much needed hospital space, but will avoid the potentially tragic psychological impact that a hospital stay can have on older people. This is a price that the elderly should no longer be expected to pay.

This program would also help avoid much worry and bother for medicare patients. They would simply pay the pharmacist $1 for each prescription and not have to worry about keeping any records, paying monthly premiums, filing claims or getting tangled up in and redtape. A person would pay for this coverage during his working years, rather than after he retires and his income is sharply reduced.

Any program has potential administrative problems, and this bill is no different. Yet, the $1 copayment, the reimbursement directly to pharmacies, and the formulary committee proposal strikes me as offering a balance between safeguards against waste, on the one hand, and protection and convenience for pharmacists, the Government and, of course, the elderly, on the other.

And most programs, Mr. Speaker, are expensive. Again, this one is no different. Yet, the human costs of not enacting this bill, and thus perpetuating this hardship for our elderly, are far greater than the financial costs involved. In an age when we talk of spending over $10 billion on space shuttles and one-tenth that amount on elaborate university campuses and Government office complexes, surely we must find the necessary funds to provide drugs for our elderly citizens.

There is no reason why the wealthiest, most technically and scientifically advanced Nation on earth cannot also be the healthiest. We can no longer permit the dire shortage of medical personnel, the lack of adequate facilities, the unequal geographical distribution of those facilities, and the soaring costs of the available services and facilities to prevent every American citizen from receiving complete and preventative health care. An integral part of this effort is making the necessary drugs available to all who need it, regardless of their ability to pay.

SENATE—*Friday, January 28, 1972*

The Senate met at 10 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:

Eternal Father, who has watched over this Nation in the past and whose grace is sufficient for all our need, continue to guard and guide all who bear the responsibilities of public office. Should we forget Thee, do not forget us, lest we stray from Thy precepts. Forgive our sins. Be patient with our mistakes. Turn us around if our direction is wrong. Assure us when we are right. Be near those who suffer poverty, who are hurt by war or forgotten and unloved by others. Bind us together in our common humanity to be one nation just, and pure, and righteous.

"To serve the present age
Our calling to fulfill
Oh, may it all our powers engage
To do the Master's will."

Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, January 27, 1972, be dispensed with.

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

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 CALENDAR

Mr. MANSFIELD. Mr. President, separate and apart from the application of the Pastore rule of germaneness, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 569, 570, 571, and 572.

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

AUTHORIZATION FOR ADDITIONAL FUNDS FOR THE COMMITTEE ON AGRICULTURE AND FORESTRY FOR ROUTINE COMMITTEE PURPOSES

The resolution (S. Res. 226) to provide additional funds for the Committee on Agriculture and Forestry for routine committee expenditures was considered and agreed to, as follows:

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.

AUTHORIZATION FOR ADDITIONAL EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION FOR INQUIRIES AND INVESTIGATIONS

The resolution (S. Res. 240) authorizing additional expenditures by the Committee on Rules and Administration for inquiries and investigations was considered and agreed to, as follows:

S. RES. 240

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 Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, for the purposes stated and within the limitations imposed by the following sections, 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 Committee on Rules and Administration, or any subcommittee thereof, is authorized from March 1, 1972, through February 28, 1973, to expend not to exceed $327,000 to examine, investigate, and make a complete study of any and all matters pertaining to each of the subjects set forth below in succeeding sections of this resolution, said funds to be allocated to the respective specific inquiries and to the procurement of the services of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) in accordance with such succeeding sections of this resolution.

SEC. 3. Not to exceed $150,000 shall be available for a study or investigation of privileges and elections.

SEC. 4. Not to exceed $177,000 shall be available for a study or investigation of computer services for the Senate, of which amount not to exceed $25,000 may be expended for the procurement of individual consultants or organizations thereof.

SEC. 5. The committee shall report its findings, together with such recommendations for legislation as it deems advisable with respect to each study or investigation for which expenditure is authorized by this resolution, to the Senate at the earliest practicable date, but not later than February 28, 1973.

SEC. 6. 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.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 92–597), explaining the purposes of the measure.

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

Senate Resolution 240 would authorize the Committee on Rules and Administration, or any subcommittee thereof, from March 1, 1972, through February 28, 1973, to expend not to exceed $327,000 for inquiries and investigations.

The funds requested by the committee would be allocated to specific inquiries and to the procurement of the services of individual consultants or organizations thereof as follows:

"Section 3 of the resolution would provide that not to exceed $150,000 would be available for a study or investigation of privileges and elections.

"Section 4 of the resolution would provide that not to exceed $177,000 would be available for a study or investigation of computer services for the Senate, of which amount not to exceed $25,000 could be expended for the procurement of consultants."

During the first session of the 92d Congress (February 1, 1971–February 29, 1972) the committee was authorized to expend not to exceed $113,000 for a study relating to privileges and elections. The Subcommittee on Privileges and Elections estimates that the unobligated balance under this authorization as of February 29, 1972 (funds returnable to the Treasury), will be approximately $30,100.

In respect to the inquiry into computer services for the Senate, for which purpose $78,000 was authorized by Senate Resolution 175, agreed to October 21, 1971, the Subcommittee on Computer Services estimates that the unobligated balance as of February 29, 1972, will be approximately $15,000.

The supporting letters and budgets submitted to the Committee on Rules and Administration by its Subcommittees on Priv-