Access: As to the first of them—the individual's right to speak: TV time set aside for sale should be available on a first-come, first-served basis at nondiscriminatory rates—but there must be no rate regulation. The individual would have a right to speak on any matter, whether it's to sell razor blades or urge an end to the war. The licensee should not be held responsible for the content of ads, beyond the need to guard against illegal material. Deceptive product ads should be controlled at the source by the Federal Trade Commission. This private right of access should be enforced—as most private rights are enforced—through the courts and not through the FCC.

License Renewals: As to the second claim—the opportunity of the public to be informed on public issues: This is the type of "public interest" traditionally protected by regulatory agencies, but it should be done in a manner which recognizes it as an overall right, which caninot sensibly be enforced on a case-by-case basis. It can best be protected, I suggest, not in countless proceedings involving individual complaints, but in the course of the renewal process. The licensee would be obligated to make the totality of programming that is under his control (including public service announcements) responsive to the interests and concerns of the community. The criterion for renewal would be whether the broadcaster has, over the term of his license, made a *good faith* effort to ascertain local needs and interests and to meet them in his programming. There would be no place for government-conceived program categories, percentages and formats, or *any* value judgment on specific program content.

There should be a longer TV license period with the license revocable for cause and the FCC would invite or entertain competing applications *only* when a license is not renewed or is revoked.

I believe these revisions in the access and renewal processes will add stability to your industry and avoid the bitter adversary struggle between you and your community groups. They recognize the new concerns of access and fairness in a way that minimizes government content control.

I'm not saying that this will eliminate controversies. But it will defuse and change the *nature* of the controversies.

Radio De-Regulation: We can go further with radio. Yesterday I sent a letter to Dean Burch proposing that OTP and the FCC jointly develop an experiment to *de*-regulate commercial radio operations.

We proposed that one or more large cities be selected as de-regulatory test markets in which radio assignments and transfers would be *pro-forma*. Renewals would not be reviewed for programming and commercial practices. And the Fairness Doctrine would be suspended. The experiment should be only a first step. For most purposes, we should ultimately treat radio as we now treat magazines.

These are my proposals. The proposals are just that—I have no legislation tucked in my back pocket that we are about to introduce. But, I will work for legislation if there is support for these proposals. In short, my message on all these proposals is that we've tried government program control and bureaucratic standards of fairness and found that they don't work. In fact, they can't work. Let's give you and the public a chance to exercise more freedom in a more sensible framework and see what that can do.

There is one further aspect of freedom I would like to discuss. Some people suggest that this Administration is trying to use the great power of government licensing and regulation to intimidate the press. Some even claim to see a malicious conspiracy designed to achieve that end. They must ascribe to us a great deal of maliciousness, indeed—and a great deal of stupidity—in the attempt to reconcile their theory to the facts. It is not this Administration that is pushing legal and regulatory controls on television, in order to gain an active role in determining content. It is not this Administration that is urging an extension of the Fairness Doctrine into the details of television news—or into the print media.

There is a world of difference between the *professional* responsibility of a free press and the *legal* responsibility of a regulated press. This is the same difference between the theme of my proposals today and the current drift of broadcasting regulation. Which will you be—private business or government agent?—a responsible free press or a regulated press? You cannot have it both ways—neither can government nor your critics.

THE ALASKA PIPELINE

Mr. STEVENS. Mr. President, one of the major challenges confronting us today is the future direction, methodology, and pace of our science oriented, technological society. Some people have translated this challenge into an attack on science and technology, which they view as antihumanistic and materialistic.

I cannot agree with this position. Instead, it seems to me that the challenge is to harmonize our technology with more spiritual values. This trend has already begun. As Mr. Charles Reich, the author of "The Greening of America," has observed:

> A new consciousness will arise which seeks restoration of the non-material or spiritual elements of man's existence . . . (and) seeks to transcend science and technology.

The eminent scientist, Dr. William McElroy, now Director of the National Science Foundation and formerly a professor at the Johns Hopkins University, has expressed general agreement with this concept. In a speech delivered at the 30th annual science talent search award banquet, he stated that:

> The impersonal machine, I believe, has often been the dominant in our lives, and it's high time we reasserted the primacy of man's humanism.

However, Dr. McElroy was quick to point out that we should not lose our sense of balance by reacting in a way that will impair the ability of science to improve our quality of life.

There are simply too many problems left unsolved, problems which are dependent for their solution on the advancement of our science and technology. Thus, we must find better ways to recycle waste materials, to restore our lakes and rivers, to end malnutrition on a worldwide basis, et cetera.

An excellent example of the need to use our technology for the betterment of mankind is the proposed Trans-Alaska pipeline. As time passes, the difference between the rate of energy consumption in the United States and the rate of supply is growing wider. This alarming disparity is compelling evidence for the development of new domestic crude oil sources, the kind of development which would be precipitated by the construction of the TAPS pipeline. Thus, in 1970, the domestic demand for petroleum products reached an alltime high of more than 5.5 billion barrels, the equivalent of more than 1,100 gallons of oil products for every man, woman and child in the United States. This translates into a consumption rate of 1,408 million barrels a day—enough oil to fill 62,000 railroad tank cars making a train 500 miles long.

These statistics should be viewed in terms of the impact of petroleum products on our daily lives. In this connection, I should mention that crude oil supplied 43.2 percent of all domestic energy needs in 1969. More than 60 percent of this amount was used to power various modes of transportation, with the level of consumption in this area increasing at an annual rate in excess of 4.5 percent. Fuel oil consumption is also increasing at a rapid rate.

Those who oppose the pipeline want to ignore these statistics, and the fact that crude oil consumption is related to activities which will expand as our population increases. It is my view that many of these opponents would be among the first to protest if they were forced to walk many miles to work or to live in unheated houses because of the lack of sufficient energy supplies. Moreover, I do not believe that any of us would be willing to compromise our national security by placing too great a dependence on foreign energy sources. A dependence of this type by the United States and its allies could change world geopolitics in a manner that would be extremely detrimental to our national interests.

Thus, our pipeline construction should not be postponed but, rather, we should use our advanced technology to resolve the difficulties. In this way, the developmental policies which have led to rampant pollution and the destruction of natural beauty in the "South 48" States can be avoided.

I also believe that the pipeline project must be viewed in the context of past achievements which have been made possible through the prudent use of our science and technology. Although it will be the largest project of its type ever undertaken by man, the pipeline is by no means the first to involve difficult construction and operational problems or to receive well-motivated but unwarranted public criticism from certain quarters. We need only look at the Panama Canal, which includes the world's largest locking system; the Holland Tunnel, which was the first automobile tunnel ever built; the Mackinac Strait Bridge across Lake Michigan, which is the longest anchorage-to-anchorage bridge in the world; the Erie Canal, which was the longest manmade waterway ever built when it was completed in 1825; the Verrazano Narrows Bridge linking Staten Island to Brooklyn, N.Y.; the Golden Gate Bridge; the Grand Coulee Dam, and others.

Thus, I believe that we must not stifle science, which I equate with progress, but relate it to the needs and activities of our society. In her book entitled "Silent Spring," Rachel Carson points out in a dramatic way that everything we do in nature affects something else, and anything affecting nature eventually affects everyone. For this reason, scientists, engineers, humanists, and others must work together to define human needs and the best way to satisfy them. Our ability to harness science to supply these answers

John P. Tracey, who represents the ABA in Washington, has stated that while support for Legal Services has held firm at the national level, the support has been spotty at the local level due to the conservative nature of local bar associations, and that this local support was crucial to the survival of the Legal Services Program. *National Journal, supra* at n.24.

Another program offered as a means of providing legal services to the poor is Judicare. But it is estimated by the Office of Economic Opportunity that Judicare, the legal equivalent of Medicare, would cost 3 times as much per case as the current Legal Services Program. Widiss, *Legal Assistance for the Rural Poor: An Iowa Study*, 56 IOWA L. REV. 100, 127 (1970).

[34] S. 1305, 92d Cong., 1st Sess. (1971).

[35] Public Broadcasting Act of 1967, 81 STAT. 365, 47 U.S.C. §§ 390–99, *as amended*, 82 STAT. 108, 47 U.S.C. § 396 (1968).

[36] The Public T.V. Act of 1967, *Hearings on S. 1160 Before the Subcomm. on Communications of the Senate Comm. on Commerce*, 90th Cong., 1st Sess. 173 (1967) (testimony of Fred Friendly).

[37] R. Evans & R. Novak, *Defending Poor or Violent?*, The Washington Post, May 7, 1971, at A–25.

COMMUNICATIONS POLICY

Mr. BAKER. Mr. President, as a result of turmoil in the broadcasting industry caused by recent FCC and court decisions, it has become apparent that we must seriously reexamine the regulatory framework established by the Communications Act of 1934. On Wednesday, October 6, Dr. Clay T. Whitehead, Director of the Office of Telecommunications Policy, made a thought-provoking speech to the International Radio and Television Society on this subject. Because I believe that all Senators will be interested in Dr. Whitehead's speech, I ask unanimous consent that it be printed in the RECORD.

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

REMARKS OF CLAY T. WHITEHEAD

This is a major speech—I read the advance billing and felt I had to say that. I was also billed as one of the youngest and most controversial figures in government and communications. Before I've even opened my mouth, Nick Johnson hates me.

Before I read that advance billing, we had planned one of my usual speeches. You know—a state of the universe message. But after a year of stating and restating the problems, I guess I can't get away with that any more. So this won't be that kind of speech, but I've gotten attached to the format, so I'd like to spend a little time on the state of broadcasting. I don't claim to have the expertise that any of you have in broadcasting; but in the first year of OTP's life, we've been exposed to many of the relationships between government, broadcasting, and the public. Today I want to focus on those relationships.

I'll probably sound a bit naive to you when I say that some of these relationships don't make sense and should be changed. But why can't they be changed?—especially when they are the cause of many of our problems. The Communications Act isn't sacrosanct. It's a 37-year-old law that was intended to police radio interference—and it has frozen our thinking about broadcasting ever since. But, something more than that is needed in a day when the *electronic* mass media are becoming *the* mass media.

There are a number of directions to choose from, and I'm here to propose one—one that redefines the relationships in the Communications Act's triangle of government, private industry, and the public.

But before I tell you what my proposals are, let me first tell you why I think a change is needed and why you should want one too.

Look at the current state of the broadcasting business. You sell audiences to advertisers. There's nothing immoral about that, but your audience thinks your business is providing them with programs. And the FCC regulates you in much the same way the public sees you. It requires no blinding flash of originality on my part to see that this creates a very basic conflict.

CBS's Programming Vice President says: "I've got to answer to a corporation that is in this to make money, and at the same time face up to a public responsibility . . ."

His counterparts at the other networks have the same problem. They all have to program what people *will* watch—what gets the lowest cost-per-thousand. Sometimes that's what the people *want* to watch, but more often than not it's the least offensive program.

But you don't care what I think about your programs—and you shouldn't have to care what any government official thinks about your programs.

But what does the public think? The signs aren't good.

Look at the new season: Twenty-two new prime-time network law and order shows and situation comedies fill in between movies and sports. It's the same old fare. *Life's* Harris poll is being interpreted to show that there is wide public dissatisfaction with the entertainment you offer.

Kids and teen-agers are developing an immunity to your commercials. Do you doubt that advertisers are questioning the effectiveness of TV as a sales medium?

How long will you be able to deliver our children to food and toy manufacturers? Parents are calling the Pied Piper to task—there were 80,000 letters to the FCC concerning the ACT petition alone.

Consider the anomaly of blacks as your most faithful viewers and your most active license challengers.

I suppose it looks like I'm just another critic taking cheap shots at TV. But there's another side to the broadcasting business. In my part of Washington, it's no insult to call someone a successful businessman. You have created a successful business out of the air—people *do* watch television. Sure your success is measured in billions of dollars, but it's also measured in public service and all those sets in use.

But your success is taking its toll. It's giving you viewership, but not viewer satisfaction—public visibility but not public support.

You've always had criticism from your audience but it never *really* mattered—you never had to *satisfy* them; you only had to *deliver* them. Then the Rev. Everett Parker read the Communications Act. You all know the outcome of the *WLBT-United Church of Christ* case. Once the public discovered its opportunity to participate in the Commission's processes, it became inevitable that the rusty tools of program content control—license renewal and the Fairness Doctrine—would be taken from the FCC's hands and used by the public and the courts to make *you* perform to *their* idea of the public interest.

Surprise! Nick Johnson is right. The '34 Act is simply being used and enforced. But where is that taking us?

Look at where we're going on license renewals. In city after city, in an atmosphere of bewilderment and apprehension, the broadcaster is being pitted against the people he's supposed to serve. The proxy for the public becomes the patsy who is held responsible for the Vietnam War, pollution, and the turmoil of changing life styles. As the East Coast renewals come up again, you're snickering about ascertainment—sure it was designed for Salina, Kansas, and not New York City—but I'll wager you'll all wrap yourself in interview sheets when your applications are filed in March. But that won't make you less vulnerable at renewal time because you can have no assurance that your efforts over the years will count for anything if a competing application is filed. "Substantial performance" becomes "superior performance" at the drop of a semantic hat and means that the government has finally adopted program percentage minimums. That's the current price of renewal protection.

So while we all talk about localism, we establish national program standards. You go through the motions of discovering local needs, knowing that the real game is to satisfy the national standards set by government bureaucrats. But it's not a game. Right now your programs are being monitored and taped and the results will be judged under the FCC's 1960 Program Statement. Can you be safe in *all* 14 program categories?

The Fairness Doctrine and other access mechanisms are also getting out of hand. It is a quagmire of government program control and once we get into it we can only sink deeper. If you can't see where it's leading, just read the *Red Lion* and *BEM* cases. The courts are on the way to making the broadcaster a *government* agent. They are taking away the licensees' First Amendment rights and they are giving the public an *abridgeable* right of access. In effect, the First Amendment is whatever the FCC decides it is.

However nice they sound in the abstract, the Fairness Doctrine and the new judicially contrived access rights are simply *more* government control masquerading as an expansion of the public's right of free expression. Only the literary imagination can reflect such developments adequately—Kafka sits on the Court of Appeals and Orwell works in the FCC's Office of Opinions and Review. Has anyone pointed out that the Fiftieth Anniversary of the Communications Act is 1948? "Big Brother" himself could not have conceived a more disarming "newspeak" name for a system of government program control than the Fairness Doctrine.

I'm not seriously suggesting that the FCC or the courts want to be "Big Brother" or that 1984 is here, or that we can't choose a different path from the one we now seem to be on. You are at a crossroads—now you're probably clutching your "Chicago Teddy Bears" and wondering when Whitehead is going to get to the point. The point is: We need a fundamental revision of the framework of relationships in which you, the government, and the public, interact. The underpinnings of broadcast regulation are being changed—the old *status quo* is gone and none of us can restore it. We *can* continue the chaos and see where we end up. But there has to be a better way.

I have three proposals. They are closely related and I want you to evaluate them as a package that could result in a major revision of the Communications Act. The proposals are: *One*, eliminate the Fairness Doctrine and replace it with a statutory right of access; *two*, change the license renewal process to get the government out of programming; and *three*, recognize commercial radio as a medium that is completely different from TV and begin to *de*-regulate it.

I propose that the Fairness Doctrine be abandoned. It should be replaced by an act of Congress that meets both the claim of individuals to use of the nation's most important mass media and the claim of the public at large to adequate coverage of public issues. These are two distinct claims and they cannot both be served by the same mechanism.

HISTORY OF LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, the distinguished senior Senator from Kansas (Mr. PEARSON) has published an article in the current edition of the Kansas University Law Review which describes the brief but tremendously significant and successful history of the legal services program.

The article supports the creation of the Legal Services Corporation embodied in legislation which passed the Senate on September 9, 1971. Senator PEARSON was one of the early supporters of this legislation.

His excellent article is a definitive statement on the history of a program which has done so much to insure adequate and fair representation for the indigent in the courts of America.

Mr. President, I ask unanimous consent that the article, entitled "To Protect the Rights of the Poor: the Legal Services Corporation Act of 1971," be printed in the RECORD.

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

TO PROTECT THE RIGHTS OF THE POOR: THE LEGAL SERVICES CORPORATION ACT OF 1971

(Senator JAMES B. PEARSON*)

MORE. What would you do? Cut a great road through the law to get after the Devil?

ROPER. I'd cut down every law in England to do that!

MORE. Oh? And when the last law was down, and the Devil turned around on you—where would you hide, Roper, the laws all being flat? This country's planted thick with laws from coast to coast—Man's law not God's—and if you cut them down—and you're just the man to do it—d'you really think you could stand upright in the winds that would blow then? Yes, I'd give the Devil benefit of the law for my own safety's sake.

R. BOLT, A MAN FOR ALL SEASONS.

History advises that governments and laws tend to militate against those who are least able to defend themselves. The rights of the poor in our society have, for lack of adequate equal counsel, too often been unprotected. Injustices that could have been prevented, had they been brought before the bar, have often continued unabated. Thus, our system of law, though more equitable and compassionate than that of any other nation, has regrettably but truly afforded protection for some but not for others. And in their attempt to "get after the Devil" by defying that law, some of our people have been left bare and defenseless when the Devil (and the law) turned on them.

For centuries, Anglo-American jurisprudence granted full representation before the bar to anyone who could afford it and often ignored those who could not. But a fundamental and strengthening characteristic of representative democracy is its capacity for change and evolution. Acknowledging the inequities that existed in administering justice to the poor, the Congress of the United States in 1965 amended the Economic Opportunity Act to include provisions for a Legal Services Program to be established within the Office of Economic Opportunity.[1] In order to expand this program that has given substance to promise, the 92nd Congress now has before it a bill, which I have cosponsored to re-establish the Legal Services Program as an independent, nonprofit corporation, responsible only to itself and to the law it serves.[2] This legislation seeks, through the creation of a separate entity controlled by a board of directors broadly representative of the legal community, to eliminate excessive political interference and to improve thereby the administration of justice to the poor.[3]

I. THE PUBLIC BENEFIT OF LEGAL SERVICES

The concept of legal services administered to the poor through a community law office has its roots in the legal aid movement of the late 19th century. Reginald Heber Smith followed with his classic JUSTICE AND THE POOR, which urged the organized bar of the 1920's to take a more active role in dealing with the problem of equal representation. Significant national growth, however, was painfully slow due to insufficient funds.[4] With the inauguration of a government-supported program, legal aid to the poor grew remarkably. Initially, the Federal Government sent poverty lawyers to work with an appropriation of $20 million. Since then, the Legal Services Program has become the country's largest law firm, utilizing a $53 million budget to maintain some 2,000 lawyers involved with 265 legal services programs and 934 neighborhood offices. During 1970, approximately one million clients were served. It is encouraging, moreover, that the cost per case steadily decreased from $97 in 1967 to $53 in 1970.[5]

Of transcending importance, however, have been the benefits derived from the efforts of Legal Services attorneys. These benefits are clearly measurable by the sizeable sums in increased wages, food stamps, and welfare payments that successful suits have brought to the indigent. But of even greater value, in my judgment, have been both the continuing protection from consumer frauds and housing inequities and the landmark legal decisions that have benefited millions of poor American people.[6]

The social impact of equal representation in court is difficult to assess or describe. It appears clear, however, that a great mass of our people have perceived—perhaps for the first time—that our system of law does strive for fairness and can be an instrument for the change of our social order.[7] It is my belief that Legal Services, by engaging in the daily tasks of resolving unhappy family situations, preventing evictions, and alleviating wage garnishments, has contributed substantially to reducing in intensity the mood of hostility from which sprang countless civil disturbances, some of which still scar the memory of this Nation.

The Legal Services Program has also been able to make governmental bureaucracies more responsible. One representative example relates to a case wherein the Supreme Court ruled that welfare recipients are entitled to an evidentiary hearing before payments can be cut off.[8] As a result of this ruling, the time necessary to process welfare appeals has been reduced by half. Similarly, Legal Services lawyers in California recently won the elimination of tests written in English administered to Spanish-speaking children. The children who failed the tests were being placed in classes for the mentally retarded.[9]

II. LEGAL SERVICES IN CONTROVERSY

Whether legal counsel for the poor should be allowed to push and shove a political bureaucracy has become a serious policy question. Indeed, this question has thrust the entire Legal Services Program into a political turmoil that threatens its very existence. The arguments focus on legal reform and politics and the extent to which Legal Services should be involved in either field.

Initially, two dichotomous concepts concerning the Legal Services Program's proper role were advanced. The first concept generally proposed helping the poor to adapt to the equities and inequities of existing law. The second concept advocated that, rather than aid in the perpetuation of the poverty cycle, antipoverty attorneys should challenge the injustices in our legal system and seek thereby to improve the administration of justice to the poor.

In February, 1965, the American Bar Association's House of Delegates passed a resolution reaffirming "its deep concern with the problems of providing legal services to all who need them." The same resolution stated: "*Resolved*, That the Association, through its officers and appropriate Committees, shall cooperate with the Office of Economic Opportunity and other appropriate groups in the development and implementation of programs for expanding the availability of legal services to indigents and persons of low income."[10] The resolution, which won the approval of a majority of the local and state bars, is consistent with the Code of Professional Responsibility, which states in part:

"The duty of a lawyer, both to his clients and to the legal system, is to represent his client zealously within the bounds of the law, which includes Disciplinary Rules and enforceable professional regulations. The responsibility of a lawyer derives from his membership in a profession which has the duty of assisting members of the public to secure and protect available legal rights and benefits. In our government of law and not of men, each member of our society is entitled to have his conduct judged and regulated in accordance with the law; to seek any lawful objective through legally permissible means; and to presnte for adjudication any lawful claim, issue or defense."[11]

Left unresolved, then, were conceptual guidelines as well as the political implications of the Legal Services Program. While few people were able to forecast the dramatic social impact poverty law would have, it must have been manifestly clear to all that allowing anti-poverty lawyers to bring suit against government on any level would greatly increase the number and impact of court victories to be gained by the poor. There are many fair-minded individuals, attorneys and laymen alike, who argue against such involvement. Their position is that lawyers should not be paid by government to sue another government agency.[12] On the other hand, it has been argued that the poor, as well as the paying client, must have a proper recourse to assure their rights. And if they are truly unable to obtain legal advice because of financial hardship, government then should be obligated to provide it.[13] Furthermore, there are those who say that the legal system is a political resource and instrument in the community. If this tenet is accepted, as indeed it is among political scientists, then it follows that this system should bring needed change to those in the community who have not only been deprived of society's benefits, but suppressed in attempts to obtain them.[15] To do so means to challenge existing and accepted standards. Professor Harry P. Stumpf writes in "Law and Poverty: A Political Perspective":

"[T]he aims and operations of the Legal Services Program are inextricably involved in, and are a part of, the political system at all levels. . . . The program seeks to provide access to the judicial system for millions of citizens who, for a variety of economic, social, and psychological reasons, have heretofore been "legally alienated." The goal is to provide aggressive, sustained, and readily available advocacy for the poor in order to reassert forgotten rights, establish new rights and remedies, and, in brief, to redistribute societal advantages and disadvantages via the legal system. This is not simply related to politics; it is politics."[16]

And, Jean Cahn, an early proponent of national legal services to the poor, writes:

"Why, it may be asked, should the legal system be made to bear the freight of the entire political and economic structure?

Footnotes at end of article.

ment of Economic Affairs contained in the President's reorganization prorgam.

On the other hand, the thrust of the news stories, which was not at all blunted by testimony last Friday before our committee, has been that a major factor in the BLS reorganization is the determination of the Secretary of Labor and other even higher officials to punish certain key career technicians for calling the shots as they objectively saw them, and not as dictated by political expendiency.

Mr. President, I have just received a letted signed by 44 economists from my home State University of Wisconsin. The letter clearly outlines the background and the important issues involved. It states:

If the planned reorganization is put into effect, economists, important stabilization agencies such as the Federal Reserve and the public at large will surely question the objectivity of this important statistic (the unemployment rate.)

I certainly intend to carry out the suggestion of these highly qualified experts that the replacement for the demoted Harold Goldstein, one of the principal career Labor Department officials involved in the "shake-down," appear before our committee to verify the continuing reliability of unemployment statistics.

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

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

THE UNIVERSITY OF WISCONSIN,
Madison, Wis., October 4, 1971.

Hon. WILLIAM PROXMIRE,
U.S. Congress, New Senate Office Building, Washington, D.C.

DEAR SENATOR PROXMIRE: We are alarmed by newspaper accounts describing the planned reorganization of the Bureau of Labor Statistics. As you are aware, the monthly presentation to the press of the basic unemployment statistics and the answering of questions regarding their significance has been the responsibility of competent and objective career statisticians of the Bureau. The transfer of this function and the attendant downgrading of the Bureau's professional statisticians is likely to impair the public's understanding of unemployment problems in this country.

Until last March, no one had seriously questioned the integrity of unemployment statistics. To be sure, it was easy to find fault with the methods used in their construction and particularly with their seasonal adjustment, but not their fairness. With the cancellation by the Administration of the monthly news conference, a first step in the erosion of public confidence in government statements regarding the unemployment rate occurred. If the planned reorganization is put into effect, economists, important stabilization agencies such as the Federal Reserve, and the public at large will surely question the objectivity of this important statistic. We judge this to be so in spite of the Administration's rationale for the reorganization of Federal statistical activities as reported in *Statistical Reporter*, July 1971. Certainly no argument for organizational efficiency has come to our attention which justifies the displacement of a statistician of the caliber of Mr. Harold Goldstein.

Your previous action in March, 1971 when Secretary Hodgson attempted to silence Mr. Goldstein was most effective. In the event the planned reorganization occurs, the Joint Economic Committee should call forward Mr. Goldstein's successors and, with the advice of skilled statisticians, should publicly verify each month that the reported statistics and the procedures underlying their construction are comparable or defensibly better than the historic series. If the Committee does less, the quality of analyses and discussion of the serious economic problems facing our society will be severely diminished.

Sincerely,

Edgar F. Feige, Associate Professor of Economics; Neil K. Komesar, Assistant Professor of Law; Lee Bawden, Associate Professor of Economics; Burton A. Weisbrod, Professor of Economics; Robert J. Lampman, Professor of Economics; Irene Lurie, Assistant Professor of Economics; Thad W. Mirer, Research Associate, Institute for Research on Poverty; Peter H. Lindert, Associate Professor of Economics; Kang Chao, Professor of Economics; Dennis Hoover, Lecturer, Department of Economics; Geoffrey Carliner, Project Associate, Institute for Research on Poverty; Arthur S. Goldberger, Professor of Economics; Donald Harris, Associate Professor of Economics; Gerald G. Somers, Professor of Economics; Dorothy J. Hodges, Assistant Professor of Economics; James Ozzello, Graduate Student, Department of Economics; Peter A. Lundt, Graduate Student, Department of Economics; Robert E. Baldwin, Professor of Economics; Kenneth White, Graduate Student, Department of Economics; Leonard W. Weiss, Professor of Economics; Timothy Bates, Graduate Student, Department of Economics.

John S. Akin, Research Associate, Institute for Research and Poverty; Nathan Rosenberg, Professor of Economics; Dagobert L. Brito, Assistant Professor of Economics; J. David Richardson, Assistant Professor of Economics; Ralph Andreano, Professor of Economics; Donald Hester, Professor of Economics; Charles E. Metcalf, Assistant Professor of Economics; Jeffrey G. Williams, Professor of Economics; Theodore F. Groves, Jr., Assistant Professor, Department of Economics; Allen Kelley, Professor of Economics; Roger F. Miller, Professor of Economics; Frederick Golladay, Assistant Professor of Economics; Dennis Aigner, Professor of Economics; Richard Day, Professor of Economics; Glen G. Gain, Professor of Economics; Robert H. Haveman, Professor of Economics;

Eugene Smolensky, Professor of Economics; David B. Johnson, Professor of Economics; W. Lee Hansen, Professor of Economics; Earl Brubaker, Associate Professor of Economics; John M. Culbertson, Professor of Economics; Jack Barbash, Professor of Economics; Everett M. Kassalow, Professor of Economics.

THE ESSENCE OF BROTHERHOOD OF MAN

Mr. MATHIAS. Mr. President, Theodore McKeldin, mayor of Baltimore from 1943 to 1947, and again from 1963 to 1967, and Governor of Maryland from 1951 to 1959, is one of the most remarkable human beings I have had the pleasure of knowing. Recently, in an article entitled, "Can Non-Jews Identify With Israel?," the Israeli publication, Turim, cites an exchange of correspondence between a Baltimore resident and Governor McKeldin. In this exchange, Mr. McKeldin expresses with great eloquence what I think is the essence of the brotherhood of man.

At this time, as Americans of all faiths express their concern over the denial of freedom for Soviet Jews and as we consider the situation of Israel in the continuing Mideast crisis, I find Governor McKeldin's words to be particularly apt. I heartily commend them to Senators and ask unanimous consent that the article be printed in the RECORD.

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

CAN NON-JEWS IDENTIFY WITH ISRAEL?

A REMARKABLE CORRESPONDENCE

In the newly published English anthology, ISRAEL THROUGH THE EYES OF ITS LEADERS, Professor Moshe Davis, head of the Hebrew University's Institute of Contemporary Jewry, cites in his chapter on teaching American Jewish history in Israel, the extraordinary correspondence between Governor Theodore McKeldin of Maryland and a citizen of Baltimore. When it appeared in Israel this elicited a widespread response. It is an encouraging and illuminating document for Americans as well.

Wrote a certain Baltimorean:

"Dear Governor McKeldin:

"As long as I can remember, I have been taught by my family, by the Maryland public school system . . . that we are Americans. Since this is so, our allegiance is always to our own country—America. We cannot then, it seems, call any other land 'ours' and be loyal to the United States. We do not refer to another nation's army as 'our army,' its soldiers as 'our boys' nor the nation itself as 'us.' The officers of the sovereign states of the United States are dedicated to the support of the constitutions of said states and to that of the Union . . .

I could not understand from your remarks whether you were an American or an Israelite, a Jew or a Gentile, a Hebrew or a Christian. Which are you, I would like to know?"

Replied the Governor:

"You ask if I am an 'American or an Israelite' (and I shall assume that you meant Israeli).

"You know of course that I am an American . . . I was the Mayor of an American city and am the Governor of an American state.

"You ask if I am Jew or Gentile, Hebrew or Christian. To the Jew of course I am a Gentile. In my faith I am a Christian.

"Because I am an American, and because of the freedom which is rightfully mine, I can call any man my brother, and when I feel a kinship for his land because it too defends the dignity and the liberty of man, I can call it mine—or 'ours.'

"Because I am a Christian, I dare to extend the hand of brotherhood in the full measure, and to identify myself as closely as possible with a great people who are fighting a gallant fight for that which is right . . .

"I too was reared in a family with a great and abiding love for America and for the opportunities of America, and I am most grateful for the fruits of the opportunities which I have been permitted to harvest.

"I hope that my gratitude will always be strong enough to keep me from hoarding these fruits to decay in a dark and narrow cellar . . . permit me to see the good in other lands and in other peoples, to glory in their struggles for liberty as I glory in ours, and indeed even to speak of theirs as 'ours'—because man's fight for freedom is not a thing of isolation. It is a universal and unending battle. . . ."

"In part, because it sets the terms and conditions for use of that system In part, because it mirrors the defects of that system. In part, because it blocks the need for social awareness and social reassessment by converting each need into a highly individual, personal, circumstantial case . . . and copes with it accordingly. In effect, the legal system exercises a monopoly on what constitutes a grievance . . . and even when the demands are legitimate, (it) tends to impose a clean hands doctrine which in effect denies to all but the "deserving poor" the right to complaint, to need, to feel, or to demand.

"So long as this monopoly continues, . . . the bulk of grievances and needs will never receive a full or fair hearing—or rational and full exposition.[17]

But in asserting the rights of the poor, the Legal Services Program has experienced political difficulties. Initially and perhaps mistakenly, the Office of Economic Opportunity decreed that neighborhood law firms receiving federal grants would have to report to the local Community Action Agency (CAA) rather than directly to Washington.[18] Additionally, governors won the right to veto funds allocated by the Congress for Legal Services. Public officials have not been unaware of these provisions. For example, the Governor of Missouri, Warren E. Hearnes, vetoed an OEO grant to the St. Louis Community Action Program in December, 1969, on the grounds that legal services lawyers were representing "militant" groups.[19] OEO Director Donald Rumsfeld overrode this veto as well as another affecting the Kansas City, Missouri program.[20] Elsewhere the Chicago Committee on Urban Opportunity, an OEO-funded CAA with the support of Mayor Richard J. Daley, threatened to withdraw funding from the Chicago Legal Aid Society in 1970 unless the Society discontinued representation of citizens groups against municipal agencies.[21] OEO subsequently determined to fund the program directly. Additionally, between 1969 and the present, essential United Fund support of legal services programs has been withdrawn in St. Louis, Missouri; Albuquerque, New Mexico; and Oklahoma City, Oklahoma, on the basis of suits or threatened suits against local government agencies, particularly law enforcement agencies that contribute heavily to the United Fund.

Since 1967, when California Rural Legal Assistance (CRLA) was founded, its record has been remarkable. Though the state's major farmers, welfare bureaucracy, and prominent public officials have joined ranks to oppose CRLA, the lists of its supplicants and court victories have grown apace. In *Hernandez v. Hardin*,[22] California was obliged to increase its food stamp program. In *Alaniz v. Wertz* and *Ortiz v. Wertz*,[23] California truck farmers were forced to stop importing *braceros* who would harvest crops for less wages than native Californians. *Rivera v. Division of Industrial Welfare* [24] asserted that CRLA's claim to enforce the minimum wage of $1.65 per hour to agricultural workers was proper. *Romero v. Hodgson* [25] is currently under appeal to the Supreme Court to decide whether the exclusion of farmworkers from unemployment benefits is constitutional. The fact that the courts have ruled in favor of CRLA in 80 percent of the cases brought would suggest that the poor of California have substantially benefited from CRLA services. In late 1970, however, the Governor of California vetoed a $1.8 million federal grant to CRLA on the grounds that CRLA lawyers failed to represent "the true legal needs of the poor." [26] The ensuing struggle has been intense. CRLA is currently operating under a temporary grant approved by Frank Carlucci, the recently appointed Director of OEO. But no permanent decision has yet been made concerning the future of CRLA, and an OEO-appointed commission comprised of three state supreme court justices is presently considering appropriate recommendations, a situation with which CRLA has become all too familiar during the course of its stormy existence.[27]

III. THE NEED FOR LEGISLATION: INDEPENDENCE IS ESSENTIAL

Clearly, the Legal Services Program and the events that make up politics—both its good and bad aspects are inexorably intertwined. What should be of serious concern to the legal community is the damage done by such political turmoil of the basic tenets of our profession.

One of these tenets is independence from nonjudicial, administrative control. The legal community has only one ultimate authority, and that is the law and the ethical code pertinent to its proper administration. Another tenet is the sanctity of the lawyer-client relationship. The ABA Code of Professional Responsibility specifically includes these two pertinent provisions:

"A lawyer shall not permit a person who recommends employees, or pays him to render legal services for another to direct his professional judgment in rendering such legal services.[28]

"Since a lawyer must always be free to exercise his professional judgment without regard to the interest or motives of a third person, the lawyer who is employed by one to represent another must constantly guard against erosion of his professional freedom."[29]

Yet as we have seen, public officials at all levels of government, through excessive interference in proper relationships with clients and through efforts to exert a crippling degree of lay control, have diverted anti-poverty lawyers from adherence to the Code. Moreover, as an indication of further, though unsuccessful interference, legislation has been offered in Congress to deny Legal Services Lawyers the power to sue government agencies [30] and to grant state governors an absolute veto over federal funds.[31] In 1970, it was proposed, also unsuccessfully, that the Legal Services Program be regionalized—a change that would have subjected its lawyers to an even greater degree of local political pressure.

The National Governor's Conference, in testimony before the Senate Subcommittee on Employment, Manpower and Poverty, recommended that state governors be duly authorized to approve or disapprove individual Legal Services Programs.[32] The ABA Board of Governors, however, in a statement made on October 18, 1969, asserted that the Legal Services Program should "operate with full assurance of independence of lawyers . . . in cases which might involve action against governmental agencies seeking significant institutional change."

The ABA statement further declared that a governor's veto power could be used to "circumscribe the freedom of legal service attorneys in representing their clients." [33] This view was supported by more than 50 state and local bar asosciations, including the National Legal Aid and Defender Association, the Judicial Conference of the United States, and the National Commission on the Causes and Prevention of Violence. The present administration, moreover, has lent its support to the proponents of legal reform. In a statement issued on August 11, 1969, promising the continuation of the Legal Services Program, President Nixon said that the sluggishness of many institutions at all levels of society in responding to the needs of the individual citizen is one of the central problems of our time.

The time to establish an independent, nonprofit corporation to administer legal services is at hand. Anti-poverty lawyers and the law itself must no longer bear the crushing burden of outside intervention. It is essential, in my judgment, that Congress approve the National Legal Services Corporation Act. The Corporation would be authorized to make grants and contracts, to provide comprehensive legal services and assistance to low-income persons, and to carry out programs for research, training, technical assistance, and law school clinical assistance. It would also provide a means for disadvantaged individuals to obtain a legal education. The Corporation would be administered by a 19-member board of directors, to be chosen as follows: five appointed by the President with the advice and consent of the Senate; one by the Chief Justice of the Supreme Court acting on the recommendation of the Judicial Conference of the United States; six by virtue of their office (the President and President-Elect of the American Bar Association, the President of the American Trial Lawyers Association, the President of the National Bar Association, the President of the National Legal Aid and Defenders Association, and the President of the American Association of Law Schools); three chosen by a clients advisory council; and three chosen by a project attorneys advisory council—each council being established by the act. An Executive Director of the Corporation, selected by the board of directors, would also serve as a voting member of the board. The Corporation would be funded by annual appropriations from the Congress, the authorization for fiscal 1973 being $170 million.[34]

The passage of this type of legislation is not unprecedented. In 1967, Congress approved the Public Broadcasting Act, which created the Corporation for Public Broadcasting—an independent, nonprofit corporation receiving governmental funds to assist in developing a noncommercial educational broadcasting system.[35] The reasons for creating such a corporation for Legal Services parallel those for creating the one for public broadcasting. Congress felt that the promotion of educational programming was a governmental function, an obligation it owed the people. And in order to prevent political interference, the corporation was placed beyond the influence of any political interest. As Fred Friendly, former Vice-President of the Columbia Broadcasting System, testified before the Senate Commerce Committee:

"Public Television will rock the boat. There will be—There should be—times when every man in politics—including you—will wish that it had never been created. But Public Television should not have to stand the test of political popularity at any given point in time. Its most precious right will be the right to rock the boat." [36]

It should be emphasized that the independence of Legal Services is valuable and essential only because it will improve the delivery of legal services to poor people. Stated otherwise, the Legal Services Program should be independent in order to more closely adhere to the purposes for which Congress created it. The involvement of legal services lawyers in a case of nonindigent high school students fighting school haircut regulations,[37] for example, is in my judgment, an abuse of independence, a waste of resources, and an abrogation of Legal Services lawyers' responsibilities to their truly deserving clients, the poor. My support for the National Legal Services Corporation Act is accordingly based on the conviction that the needs of our poor are so great that those few human and material resources intended to serve them must not be diverted to other purposes. It is my belief that a Legal Services Corporation cannot help but improve the lot of those whose impoverished condition renders them unable even to obtain proper legal counsel for their legitimate complaints. It is further my belief that this nation owes justice under the law to all its people. If we fail to provide it, we will have failed to recognize a fundamental right of free society. We will have failed to guarantee the

Footnotes at end of article.

best and most democratic means for those deprived to "Cut a great road through the law to get after the Devil."

FOOTNOTES

*James B. Pearson, United States Senator from Kansas, is a graduate of the University of Virginia Law School, and has been a member of the Senate since 1962. He serves on the Commerce, Foreign Relations, and Joint Economic Committees of the Senate. Senator Pearson gratefully acknowledges the assistance of Michael J. Needham, Georgetown University Law Center, for providing supporting documentation for this article.

[1] Economic Opportunity Act of 1964, 42 U.S.C. §§ 2701–2981 (1964), *as amended*, §§ 2701–2981 (Supp. II, 1965–66). For a statement of the amendments of 1965, see Pub. L. No. 89–794, 80 Stat. 1451–77 (1965).

[2] S. 1305, 92d Cong., 1st Sess. (1971).

[3] Legal Services is a program for the poverty stricken. The criteria used to determine eligible clients for Legal Service programs include, number of dependents, assets and liabilities, cost of living in the community, and an estimate of the cost of legal services needed. Legal Service's attorneys do not handle fee-generating cases, but refer such cases to private attorneys through the local bar association referral system. If the fee is not sufficient to obtain private representation, the client may be eligible for the assistance of an OEO funded program.

The scope of the work of Legal Services programs includes all areas of civil law, and the services provided include advice, representation, litigation, and appeal. These programs do not duplicate existing legal services for indigent clients.

Legal reform through the advocacy of changes in statutes, regulations, and administration practices are to be a part of the program as it is part of the lawyer's traditional role.

Civil Legal Services Programs may also include advice and representation in those areas of criminal law in which indigent defendants are not provided with the assistance of counsel. Legal Services programs may provide counsel in juvenile cases, counsel prior to arraignment, counsel in misdemeanor cases, and counsel in felony cases at any stage prior to indictment or information. Counsel may also be provided in post-conviction proceedings.

OFFICE OF ECONOMIC OPPORTUNITY, COMMUNITY ACTION PROGRAM: GUIDELINES FOR LEGAL SERVICES PROGRAMS (1966).

[4] Pye, *The Role of Legal Services in the Antipoverty Program*, 31 LAW AND CONTEMP. PROB. 212 (1966).

[5] Interview with Francis J. Duggan, Director of Program Operations, Office of Legal Services, Office of Economic Opportunty, in Washington, D.C., April 21, 1971.

[6] A case in point is Shapiro v. Thompson, 394 U.S. 618 (1969), in which the Supreme Court struck down residency requirements for receiving public assistance. This decision alone had the potential of benefiting the poor by some $100 to $150 million.

[7] This past year some 20 cases brought by Legal Services attorneys have reached the Supreme Court, an indication of the thorough and diligent representation the poor can expect from government funded attorneys. Of the cases decided this term a few are of particular interest. In Tate v. Short, 91 S. Ct. 668 (1971), decided on March 2, the Supreme Court ruled that alternative penalties of jail or a fine were unconstitutional as applied to indigents. In Boddie v. Connecticut, 91 S. Ct. 780 (1971), also decided on March 2, the Court held that indigents had the right to proceed in *forma pauperis* in divorce cases. In Phillips v. Martin Marietta, 400 U.S. 861 (1971), the Court held that it was discriminatory to deny employment to women, when having children was the main reason for denying employment.

[8] Goldberg v. Kelly, 397 U.S. 254 (1970).

[9] Diana v. State Bd. of Educ., Civil Action No. C–70 37 (N.D. Cal. 1970).

[10] ABA Resolution, 90 ABA Reports, 110, 111 (1965).

[11] ABA CODE OF PROFESSIONAL RESPONSIBILITY, Ethical Code 7–1 (1969).

[12] In April of 1968 the former Director, Legal Services Office, stated that in a 2-year period, Legal Services lawyers had:

1. Provided direct legal services and representation to approximately 60,000 poor families.

2. Benefited more than a million and a half poor people through favorable and far-reaching court decisions.

3. Educated over 2 million poor people as to their legal rights and responsibilities.

4. Aided over 1,000 block clubs, tenant groups, and other poverty organizations to set up buying clubs, cooperative laundromats, credit unions, and other self-help institutions to win their rightful share of public services and to obtain their rights.

COMPTROLLER GENERAL OF THE UNITED STATES, REPORTS TO THE CONGRESS: EFFECTIVENESS AND ADMINISTRATION OF THE LEGAL SERVICES PROGRAM UNDER TITLE II OF THE ECONOMIC OPPORTUNITY ACT OF 1964, at 10 (Aug. 7, 1969).

[13] *E.g.*, J. Landauer, *Legal Aid Skirmish in Poverty War*, Wall Street Journal, November 8, 1967.

[14] What the Government does provide, as stated as the principal missions of every good Legal Services Program:

1. To provide quality legal service to the greatest possible number consistent with the size, staff, and other goals of the program.

2. To educate target area residents about their legal rights and responsibilities in substantive areas of concern to them.

3. To ascertain what rules of law affecting the poor should be changed to benefit the poor and to achieve such changes either through the test case and appeal, statutory reform, or changes in the administrative process.

4. To serve as advocate for the poor in the decision-making process. This can be done by representing a neighborhood association at a zoning hearing, for example, or before a city council at which a street improvement is being considered. It could mean the organization and representation of a group of tenants to secure a standard lease that is fair to both landlord and tenant. In brief, it is to provide for the poor the same type of concerned advocacy that others have long enjoyed.

5. To assist poor people in the formation of self-help groups, such as cooperative purchasing organizations, merchandising ventures, and other business ventures.

6. To involve the poor in the decision-making process of the Legal Services Program projects and, to the extent feasible, to include target area residents on the staff of the project.

OFFICE OF ECONOMIC OPPORTUNITY, LEGAL SERVICES PROGRAM EVALUATION MANUAL 1–2 (1967).

[15] Klonoski & Mendelsohn, *The Allocation of Justice: A Political Approach*, 14 J. PUB. L. 323–35 (1965).

[16] Stumpf, *Law and Poverty: A Political Perspective*, 1968 WIS. REV. 703 (1968).

[17] Cahn & Cahn, *What Price Justice: The Civilian Perspective Revised*, 41 NOTRE DAME LAW, 927, 941 n.25 (1966).

The necessity of establishing this widespread consciousness of legal rights within the ghetto was highlighted by the *Report of the National Advisory Commission on Civil Disorders* 292–93 (Bantam Books ed. 1968), which states:

"Among the most intense grievances underlying the riots of the summer of 1967 were those which derived from conflicts between ghetto residents and private parties, principally the white landlord and the merchant. Though the legal obstacles are considerable, resourceful and imaginative use of available legal processes could contribute significantly to the alleviation of tensions resulting from these and other conflicts. Moreover through the adversary process which is at the heart of our judicial system, litigants are afforded meaningful opportunities to influence events which affect them and their community.

"However, effective utilization of the courts requires legal assistance, a resource seldom available to the poor. Litigation is not the only need which ghetto residents have for legal services. Participation in the grievance procedure suggested above (Neighborhood Action Task Forces) may well require legal assistance. More importantly ghetto residents have need of effective advocacy of their interests and concerns in a variety of other contexts, from representation before welfare agencies and other institutions of government to advocacy before planning boards and commissions concerned with the formation of development plans. Again, professional representation can provide substantial benefits in terms of overcoming the ghetto resident's alienation from the institution of government implicating him in its processes. Although lawyers function in precisely this fashion for middle-class clients, they are too often not available to the impoverished ghetto resident.

"The Legal Services Program administered by the Office of Economic Opportunity has made a good beginning in providing legal assistance to the poor. Its present level of effort should be substantially expanded through increased private and public funding. In addition, the participation of law schools should be increased through development of programs whereby advanced students can provide legal assistance as a regular part of their professional training. In all of the efforts the local bar bears major responsibility for leaders and support."

[18] Economic Opportunity Act, 42 U.S.C. §§ 2790, 2809 (1969).

[19] New York Times, Dec. 28, 1969, at 56, col. 1.

[20] Governor Hearnes vetoed the St. Louis Community Action Program December 18, 1969, and Director Rumsfeld overrode his veto January 10, 1970. Governor Hearnes vetoed the Kansas City Program on March 4, 1970, and Director Rumsfeld overrode his veto on March 16, 1970.

[21] *National Journal* 716 (April 4, 1970).

[22] Civil Action No. 50333 (N.D. Cal. 1969).

[23] Alaniz v. Wertz, Civil Action No. 47807 (N.D. Cal. 1967); Ortiz v. Wertz, Civil Action No. 47803 (N.D. Cal. 1967).

[24] 265 Cal. app. 2d 576, 71 Cal. Rptr. 739 (1968).

[25] 319 F. Supp. 1201 (1970).

[26] December 26, 1970.

[27] Robert B. Williamson, retired Chief Justice of the Maine Supreme Court, Chairman; Justice Robert B. Lee of the Colorado Supreme Court; and George R. Currie, retired Chief Justice of the Supreme Court of Wisconsin. Justice Currie replaced Justice Thomas H. Tongue of the Oregon Supreme Court, who resigned from the Commission on California Rural Legal Assistance due to the heavy caseload of his court.

[28] ABA *Code of Professional Responsibility*, Disciplinary Rule 5–107(B) (1969).

[29] *Id.*, Ethical Code 5–23 (1969).

[30] S. 2388, 90th Cong., 1st Sess. (1967). The amendment, offered by Sen. Murphy of California, was defeated by a vote of 52–36. 113 CONG. REC. S27873 (Oct. 4, 1967).

[31] 115 CONG. REC. S29894 (Oct. 4, 1969).

[32] 115 CONG. REC. S36853 (Dec. 3, 1969).

[33] Resolution of the ABA Board of Governors on S3016, *Proceedings of the American Bar Association Board of Governors*, Oct. 16 & 17, 1969. Though the ABA has stood firm behind the Legal Services Program, it has not been certain of the future of the program.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. MONDALE. I yield myself 2 more minutes. The Farmers' Land Bank is made up of a board of directors from individual banks selected by the members. The Comsat Corp. is made up of members of a board appointed by the communication common carriers and by stockholders. And the enormous FNMA Corporation is governed by a board, 10 of whom—a majority—are selected by stockholders.

The key question, of course, is whether we are going to have an independent board of directors, so that, to the fullest extent possible, these legal services attorneys are going to be free to serve only the interests of their clients—as do other attorneys—or whether it will be a board which has been established for the purpose of imposing certain political and other restrictions upon the activities of these attorneys.

I feel very strongly that there should be an independent board. The National Advisory Committee to Legal Services, which reported this legislation to the President of the United States, felt the same way; it called for legislation almost identical to the committee bill. To say we have got two systems of justice in America, one for the rich—where they can go out and hire their own lawyer, who is not only free but who, under the canons of ethics, must pursue all remedies on behalf of his client—and then another system for the poor—which is dominated by a board selected by the President of the United States, and as such will be answerable to him and thus will be under political restraints and the other restrictions on the attorney found in the administration's bill—is to say to the poor, "We want you to believe in law and order, we want you to believe in a system of justice, we want you to take your grievances to court, we want you to get out of the streets, we want you to abandon violence, and we will decide under what terms and under what circumstances you will be permitted to make your case."

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. Under our system of law, I believe there should be the same system of justice for the poor as for the rich, and that primarily means the availability of an independent attorney, qualified and capable, and authorized to pursue all remedies available to him under the law.

That is why I strongly oppose the amendment offered by the Senator from Kentucky.

Mr. COOK. Mr. President, I have listened to the Senator's statement with great interest, because I believe in these services. I am not here to argue about essential justice, and I think the Senator knows I am not.

I am delighted that what the Senator read from page 39 shows that what I said was correct, that this does mean legal services can be utilized for criminal prosecutions and to defend in criminal actions, and although the Senator spoke of "extraordinary circumstances," the language of his bill says that—

> No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

This does not say "extraordinary circumstances." It merely says that a corporation which is free of the scrutiny of Congress, which is free of the scrutiny of the Executive, can establish guidelines, and can provide that some of the $61 million—can be used in defense of criminal actions against individuals.

My substitute says that none of it shall be used for that purpose. As a matter of fact, I am delighted that the Senator read from the report in regard to my remarks, because the committee itself said:

> For example, these attorneys might be called upon by judicial officials to relieve burdens caused by mass arrest situations.

The PRESIDING OFFICER. All of the Senator's time has expired.

Mr. COOK. I ask for time on the bill.

Mr. JAVITS. I yield the Senator from Kentucky 3 minutes on the bill.

Mr. COOK. Which gets down to the very situation I have brought up, that the funds could be used for the entire situation that occurred here, or other situations of mass arrests. This is not what legal services were designed for, or contemplated for.

The Senator said that they should be responsible to the Presdent. I mght suggest that the President is responsible to the people; $61 million of the people's funds is going to be expended here, and the Senator wishes an independent board, which is not responsible to the people, which is not responsible to Congress, which is not responsible to the President, to have the absolute freedom to expend $61 million on legal services.

I get back to the same point: Out of a 15-member board, the President of the United States really appoints only four; because, although it says he shall appoint nine, three of them shall come from the client advisory committee, which he must take out of 10; two of them come from the attorneys' advisory committee, and he must take them; and the rest of them are automatically appointed by virtue of their positions in private life.

I suggest to my constitutionalist friend, the senior Senator from North Carolina, that I would like to know of a time when a 15-member board was approved by Congress when nine of them had to receive the advice and consent of the Senate and six of them received no consent of any kind whatever, other than the fact that they fell within the classification or happened to hold an office in a private organization in the United States. These private organizations will be some of the largest grantees of the funds that will be made available under this program.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. NELSON. I yield to the Senator from New York whatever time he desires.

Mr. JAVITS. Mr. President, no one should fail to take Senator COOK's amendment and Senator COOK's argument seriously. I do.

I wish him and the Senate to know that I submitted for the administration many of its proposals on this matter before the committee. It was very seriously contested and very seriously opposed. The measure before the Senate is a compromise worked out by the committee members starting from two different poles, our pole—that is, the minority's pole—being the administration's bill. He and the Senate—whatever decision we decide to make in this matter—are entitled to know why we compromised, and I should like to inform the Senate on that score.

First, as to the nine members, it is understood that not only does the President have the appointment of the four, but also, the Chief Justice of the United States has the fifth. I do not think any of us would oppose that. He, for example, is the Chairman of the Smithsonian Institution, as a matter of law.

As to the members to be appointed from panels submitted by the Clients' Advisory Council and the Project Attorneys' Advisory Council, it is understood that the President can reject as many of those lists as he wishes, and they are lists of 10.

Therefore, for all practical purposes you have to suit the President before you can get those members appointed. I think it is not an unfair compromise, that that point of view of the client, himself, in this kind of situation, and the project attorney, should be represented with great latitude on the part of the President to reject the nominations. The President can reject—I state that as a matter of legislative interpretation, as this is the compromise I worked out myself along with Senators TAFT and SCHWEIKER—as many of those panels as he chooses.

As to the officials of the various organizations, again, it was quite a struggle to include those. I wanted the designees of the particular officials included, and that was finally incorporated into the language. But I should like to point out to my colleagues that we have a very strict provision in respect of conflicts of interest, and that occurs in subsection (f) on page 95, which provides:

> No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits that member or any firm or organization with which that member is then currently associated.

In the event there is a direct conflict of interest, they will disqualify themselves.

One further point in that regard: Should any of these officials be opposed to legal services—they are men of distinction and honor in respect of these organizations—and be unwilling to serve or even to appoint a designee, the board simply would have to function with as many members as it has; and it has an adequate number of members to represent a quorum in order to enable it to do business. It is not unusual that particular places may have remained unfilled.

provided or incidental to the powers conferred, the Legislature cannot exercise either executive or judicial power . . .

Legislative power, as distinguished from executive power, is the authority to make laws, but not to enforce them or appoint the agents charged with the duty of such enforcement. The latter are executive functions." Springer v. Government of the Philippine Islands, 277 U.S. 189, 201, 202 (1927).

This case is directly related to section 904 of the legal services title, and casts grave doubt upon the constitutionality of that section. The Legal Services Corporation, although stated to be independent of the executive branch, will be carrying out Executive functions. As a matter of fact, it will be charged with carrying out a law, passed by Congress, which provides for a nationwide program funded by general tax revenues. It will be performing the same functions as those currently performed by the Office of Economic Opportunity, which is part of the executive branch. As previously quoted, the power to appoint the agents charged with enforcing the laws is an Executive power. By providing that private groups and the Chief Justice may appoint Directors of the Legal Services Corporation, the section grants away a power which constitutionally belongs to the President.

It may be argued that Congress has previously established independent entities and either appointed the individuals responsible for administering them or delegated that power outside the executive branch without challenge. However, I believe that closer examination will reveal that none of these provides a precedent for the action contemplated in this bill. Either these other entities were legislative or judicial in function, or they were not funded by general tax revenues, or they had other characteristics which would not bring them within the general constitutional doctrines enumerated in the Springer decision.

Let me bring one other case to the attention of Senators which deals with this matter, because in section 906(h), as presently in the bill, if Senators will turn to page 103, it provides:

No funds made available by the Corporation pursuant to this title shall be used to provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding) except, pursuant to guidelines established by the Corporation, to provide services not otherwise adequately available.

We have discussed this matter in this body on many, many occasions, with respect to legal services under the Legal Services Act for criminal matters. I refer the Members of the Senate, for instance, to the May Day activities in Washington. This means that the guidelines of the Corporation—which are not subject to review by the Senate, which are not subject to review by the OEO, which are not subject to review by the executive branch—can be determined and the money of the taxpayers can be used on legal services for any criminal activity in the United States if it is within the guidelines established by the Corporation.

I would suggest to Members of the Senate that in the substitute I have offered, under section (1), on page 10, the language is as follows:

No funds made available by the corporation pursuant to this Act, either by grant or contract, may be used—

(1) To provide legal services with respect to any criminal proceeding (including any extraordinary writ, such as habeas corpus and coram nobis, designed to challenge a criminal proceeding.

I might say to my colleagues that S. 2007 involves the setting up of a corporation which is not responsible to the taxpayers, which is not responsible to the Congress, and which is not responsible to the executive branch. We have a board that is going to handle $61 million of the taxpayers' money and be responsible to absolutely nobody. They establish the guidelines. They are to meet with 11-member committees twice a year and conceivably deal with a five-man executive committee.

I am not sure how this body was created or how it was written, but I cannot conceive of the Congress approving a 15-man board, of which only nine shall receive the advice and consent of the Senate, and six of whom shall be automatically appointed because of their position, regardless of how they feel on the matter.

I submit to my colleagues that this does not even make sense. I submit to my colleagues that I do not know of any such corporation in the entire United States. Obviously, I do not know of any private one, and I could not conceive of any public one.

I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MONDALE. Mr. President, on behalf of the floor manager, I yield myself 3 minutes.

I will respond first to the point about criminal proceedings, because the pending amendment would prohibit under any circumstances the right of project attorneys to defend in any criminal matter.

Referring the Senate to page 38 of the committee report, the committee states:

Section 906(h) permits representation in criminal proceedings—including any extraordinary writ, such as habeas corpus or coram nobis, designed to challenge a criminal proceeding—only—

I underline that—only—

Where pursuant to guideline established by the corporation it is determined that such services are not adequately available.

The Corporation's primary purpose is to represent eligible clients in civil matters. However, the Committee realizes that in some areas of the country, there is inadequate representation in criminal proceedings.

The Committee also realizes that even in areas where representation in criminal matters is generally adequate, situations may occur in which it would be necessary and proper for programs funded by the Corporation to provide criminal representation. For example, these attorneys might be called upon by judicial officials to relieve burdens caused by mass arrest situations (as they have been under the present Legal Services Program); a criminal case may arise out of and be connected to a civil matter which is being handled by a program funded by the Corporation, and legal services lawyers may bring cases to reform aspects of the criminal justice system which could not be handled by a public defender office.

These examples are not intended to be all inclusive. The Committee strongly believes that the Corporation's Board of Directors must have the discretion to determine those circumstances in which criminal representation—including the filing of extraordinary writs designed to challenge a criminal proceeding—would be permissible.

As the National Advisory Committee to Legal Services stated in its March 21, 1971 report to the President:

"A restriction on criminal representation (should) not be included as an inflexible charter provision. Difficulties in distinguishing between criminal and civil cases in some instances, variances in state legislative provisions and unavailability of competent defense services in some areas recommend that the formulation of guidelines in the criminal representation area be left to the discretion of the Board of Directors."

Permit me to make it as clear as I can that in no sense was it the intention of the committee to establish a new system of public criminal defenders; but it was recognized that in certain circumstances it may be necessary to permit a project attorney to participate in criminal matters. This is essentially the system we have today, and today there is a very, very small percentage—less than 1 percent—I believe far less than 1 percent—of the activities of the legal services attorneys involved in criminal cases. We would anticipate that that would continue to be the case, and we only wish to have criminal representation under board discretion for extraordinary circumstances.

There is one other point I wish to make. We had hearings——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MONDALE. I yield myself 2 more minutes.

We had hearings before the committee at which the president of the National Legal Aid and Defender Association and several other bar organizations testified.

Most of those witnesses—as well as the National Advisory Committee to Legal Services—concluded that there would be occasions on which an attorney would find it essential, under the canons of ethics, to be in a position to defend in a criminal proceeding.

It seems to men that in light of all of these considerations, the work of the committee dealing with these difficult questions of handling criminal offenses was the proper way to proceed.

There was also a question about the constitutionality of this proposal. I do not believe there is any doubt that it is constitutional. We have many, many such boards. Howard University is governed by a board made up of alumni, students, and faculty. Gallaudet College is governed by 18 private citizens appointed by a congressional board. The Railroad Retirement Board, which administers a massive program, is appointed in part from persons recommended by employees and carriers. The Appalachian Regional Commission is made up of representatives other than those appointed by the President.

Jefferson, as politician and philosopher, was our most eloquent champion of the rural life. He envisioned an America peopled by prosperous and independent citizens, tilling the soil, wielding firm control over their own destinies and enjoying the fruits of their own labor.

What has become of Jefferson's agrarian vision after nearly two centures of history?

The dream—a dream of free men prospering in a rich land—persists. But too often, and in too many places, farmworkers and farmers, land holders and migrants, small farmers and seasonal laborers, do not control their own destiny; they are victims, together, of forces beyond their control.

For too many Americans, in too many places, the fruit of their labor is less than enough to sustain a decent life. They are victims of rural poverty—a condition which, unlikely as it might have seemed to the optimistic statesman of early America, is now epidemic in our country.

I. INTRODUCTION

Rural poverty is pervasive. It is chronic in some areas, acute in others—but it knows no geographic boundaries. It follows no racial lines. It is not even a condition of farms alone, for it affects rural villages, small towns, and ultimately the cities, which bear the impact of rural outmigration.

Its effects are harrowing: widespread hunger and malnutrition; disease, especially among the very old and the very young, aggravated by woeful shortages of doctors and dentists; unemployment and underemployment; schools plagued by poor facilities, scant budgets, low teacher pay and low educational standards; housing so dilapidated that the official label, "substandard" seems almost a euphemism.

The social costs of rural poverty are high and growing higher. Along with its talented young people, the traditional sense of community is disappearing from rural America. Public services in rural America are diminishing in number and in quality; tax bases are being eroded and political boundaries rendered obsolete. The quality of life in too many rural areas leaves much to be desired.

All this has been amply documented. Indeed, what is now so shocking about rural poverty in America is not that it exists, but that, having discovered it and documented it, we are so indifferent to it.

In 1967, for example, the President's National Advisory Commission on Rural Poverty issued its report, entitled "The People Left Behind." The report, an urgent and compelling document, was prepared by a distinguished panel and staff of experts, and led by an eminent chairman. Thousands of man-days of work were involved, and thousands of public dollars expended.

What has been the result? Can we conclude that poverty in rural America has been materially affected—not to say eliminated—since 1967?

The answer, sadly, is no.

Today, as in 1967, farmworkers and small farmers alike share poverty—in some places, abject poverty. Today, as in 1967, little relief is in sight and public concern for their plight is low.

Today as then, both small farmers and farmworkers are the victims of decisions and policies beyond their effective control.

Today as then, the migration from farm to city is accepted as a necessary fact of life—and our cities continue to suffer.

Today as in 1967, both small farmers and farmworkers are being displaced by technological and mechanical "progress," and efforts to upgrade the living and working conditions of farmworkers and farmers are met with the contentions that improvements might result in higher labor costs and more labor displacement.

The problems of the most severely disadvantaged people in rural America—migrant and seasonal farmworkers—cannot be described, much less solved, unless we examine them in the light of the larger difficulty in agricultural America: rural poverty.

This fact—and the melancholy facts about rural poverty which have changed so little since the President's Commission reported in 1967—make it not only appropriate but urgent that the Subcommittee on Migratory Labor ask some hard questions:

To what extent does rural poverty exist in 1971—and why does it persist?

What has the mechanization of farming done to—or for—the social and economic fabric of rural America?

Have small farmers and farmworkers, in the wake of rapid changes in American agriculture, been effectively shut off from the benefits and safeguards which other workers in other industries enjoy today?

Has the advent of "agribusiness"—the rise of corporations and conglomerates as agricultural powers—helped to alleviate rural poverty or to aggravate it?

Is "agrigovernment," characterized by massive support programs for agribusiness, meeting its responsibility to *all* the people and *all* the institutions in rural America?

What are the common interests of small farmers and farmworkers in the face of political and economic forces which control their lives, which sometimes make them victims of poverty, but which lie beyond their control?

The agrarian vision of Jefferson, clearly, is a fading dream for too many in rural America. For the small farmer and the farmworker, it may seem that there are forces at work which threaten his very right to live. Yet there is no real public policy debate on the future direction of rural America. Without a loyal opposition to present alternative programs and directions, there is clearly a danger that the forces of bigness—represented by agribusiness and agrigovernment—may dominate public and private decisions affecting rural America; that government may unwittingly perpetuate the domination of "agribusiness." If that should happen, more decisions will be made and more dollars spent with little or no thought of the impact on the people of our rural or urban communities.

Yet it is clear that we do not now have the necessary information to implement an effective program for rural America.

II. FARMWORKERS, FARMERS, AND AGRIBUSINESS AMIDST RURAL POVERTY

Poverty, certainly, is not universal in rural America.

Large, well-financed farms appear to be doing reasonably well; some are obviously prospering. Technological progress, sophisticated management, and highly efficient marketing and distribution have led to astonishing agriculture-industry successes.

These are facts about the rise of agribusiness:

Agriculture's assets total $307 billion, equal to about two-thirds of the value of all corporations in the U.S.; or about one-half of the market value of all corporation stocks on the New York Stock Exchange. Three out of every 10 jobs in private employment today are related to agriculture. The U.S. has a $91 billion grocery bill. If we add in the restaurant tab, it reaches $114 billion annually.

Production of labor intensive fruit and vegetable crops was by less than 80,000 farms that produced 80% of the $2.7 billion yield. While only 2% of all available crop land was used, it produced 24% of the value of all crops and used 24% of all farm labor engaged in crop production. Over 50% of all this labor is seasonal.

Seven thousand corporations have entered agriculture in the past ten years; the number of farms is down—from 3.9 million in 1960 to 2.9 at present, and the average farm size has increased 31 percent.

Less than one percent of all farmers purchased 29% of all feed, 39% of all livestock and poultry; 24% of all machinery; 41% of all hired labor; and, 12% of all farmers account for ⅔ of all farm sales—and less than one percent make nearly 25% of profits in agriculture.

Government farm programs pay the largest benefits to the largest farms. In 1969, the $3.8 billion paid to bolster farm income went to the one-third of farmers who had the largest gross sales.

These facts make it clear that new forces are at work on the rural scene. The Subcommittee will endeavor to learn more about the impact of these new forces—corporations and conglomerates; banks and insurance companies; family corporations; franchise businesses; processors, the chain stores; industries providing feed, seed, machinery, and chemicals; packagers and marketers, and "tax-loss" farmers.

Corporations and conglomerates engaged in the farming and processing of labor-intensive fruits and vegetables are directly involved in the day-to-day lives of farmworkers. Their decisions clearly affect the interests of small farmers and the "people left behind"—migrants, seasonal workers, tenant farmers, sharecroppers, and hired hands.

Have these new forces acted with concern—or callous disregard—for the welfare of small farmers and farmworkers?

Has "agribusiness" contributed to the welfare of farmworkers who have been displaced? Has it supported good roads, schools, recreational facilities, civic organizations and public services in rural areas? To what extent do these new business institutions participate in the political process? And with what effect?

III. IS THERE AN AGRIGOVERNMENT?

Changes in rural America that have substantially affected the farmer and farmworker have not come without the deep involvement of government at every level: local officials, state and federal legislators, decision-makers, and administrators.

Governing this sector of the economy, with a declared "moral and legal responsibility to farmers and farmworkers" is the United States Department of Agriculture. The Subcommittee will explore whether this massive bureaucracy benefits the many or the few in rural America. In its examination of this question, the Subcommittee will survey relevant U.S.D.A. and other government programs, in terms of the priorities that have been established for serving the needs of *all* in rural areas.

Direct and generous subsidies to private interests in the form of land retirement and conservation programs, income support programs, taxation policies, water and irrigation subsidies, research subsidies for technology and mechanization, pesticides, market services and surveys, and others whose impact on human problems in rural America, for good or ill, is immense.

Additionally, the Subcommittee will study the role of other public and private agencies, including the Labor Department, the Immigration and Naturalization Service, agribusiness, recruitment agencies, crew leaders, labor unions, interest groups and associations, and others, to determine what their impact is on the future of farmworkers, small farmers, and others in rural America.

Clearly the larger an enterprise, the more able it is to hire lawyers, lobbyists, and public relations men to voice its concerns. Has the decline in the number of farms and farmers reduced the political influence of farmers? Or has political power simply become more concentrated in fewer, wealthier hands that can afford political contributions to sway votes? If so, what has been the effect on policy-making?

We will also examine the role and activities of government-supported Land Grant Colleges—particularly as they relate to the

Biggest single problem in St. Paul's Head Start seems to be that parent involvement does not go far enough.

Talks with parents and with staff at every level of the program reveal that parents are not sufficiently informed or aware of the role they are asked to play.

One critic puts it: "A bunch of people are thrown into a room and told, "Here's what ou have to decide.' "

Some of the most active parents complain they're "kept in the dark." Some of the least active parents seem to have no idea of how much involvement they could have.

One active father says, "They need to be trained to demand the program be responsive to them."

The dangers of tokenism have been dramatized by a study of a Los Angeles poverty council whose members went through the motions of making decisions that had in fact been already made by administrators.

The experience of sitting on a policy council measurably increased the members' sense of self-worth. Some went on to pick up basic education they'd dropped in their youth. Some went out to get jobs they'd never dared apply for.

But as soon as they realized their "power" on the council was only a formality, they lost interest in the program itself; some even became hostile.

In St. Paul, Head Start administrators do not want parents' involvement to be a token thing.

Certain difficulties are inevitable: more than 500 parents are a huge group to organize by anyone's standard, especially when most families are in Head Start for only one year and about one in three mothers works all day.

Furthermore, poor persons whose budgets force them to plan from day to day have to make considerable adjustments when they sit down to tackle yearly budgets and program plans.

But in Head Start people tend to feel those problems can be licked. Last week all the centers were closed as staff—administrators, teachers, cooks—and a handful of parents met to criticize the program as they never have done before.

Teachers said they desperately want more training in childhood development and teaching methods and more chances to meet together.

Parents—one with tears in her eyes—begged for more training in procedures, group dynamics and organization.

Downtown administrators made soul-searching examinations of how they sometimes jealously guarded their own jurisdictions, at the expense of efficiency and effectiveness. They made a number of concrete plans to divide their duties better and to coordinate their efforts.

Two new staff members were hired this summer to beef up the teaching. Mrs. Kathleen McNellis, education director, is working out a curriculum outline which she will take to centers for teachers to adapt to their needs.

A language specialist, Mary McAloine, will put special stress on reading readiness.

Last week's meeting agreed that parents and teachers with talents in music, art or carpentry, should be given some time each week to visit each center.

During the summer, teachers and head teachers have met regularly: now teacher aides and cooks will too.

There was a lot of talk at the meeting about helping parents play a stronger part—especially helping them move into the driver's seat instead of concentrating on "housekeeping" the program.

In November, for the first time a two-day training session for parents will be held at the University of Minnesota. Eventually, Head Start people hope parents and teachers can be trained together.

Staff say there is no room in the budget, which has been the same for two years, for additional training. They would welcome contributions of training seminars from any agencies in the community that could provide them.

The fact that Head Start people have not gone out asking for that kind of help could be taken as one sign of an isolationist atmosphere that seems to characterize the program, and that has been another target of criticism, usually from people on the outside.

Another sign of isolationism has been Head Start's apprehension about the new Greater St. Paul Council on Coordinated Child Care. Head Start director Mrs. Sue Williams says she is afraid the council may try to control all day care in the city, and somehow jeopardize Head Start, especially its emphasis on parent involvement.

That fear seems unjustified for the council stresses voluntary coordination, prohibits interfering in program policy and requires parent membership on its policy board.

"Parent involvement is the most important thing in day care," says Mrs. Harvey Bream, interim chairman of the council.

Two months ago, David Berres, an executive of Wilder day care centers, became an at-large member of PAC on his own request. Other representatives of the community have been conspicuously absent from PAC meetings.

Head Start's weak contact with the rest of the community is particularly serious, considering that one of its primary goals is to create needed changes in other institutions.

The schools have been changed somewhat by Head Start, according to Karen Johnson, who directed Head Start when it was in the schools and since then was principal at Groveland Park elementary school.

She credits Head Start with introducing teacher aides to the schools. There are now 400 paid aides and 300 volunteers.

And, she says, "We learned from Head Start that we needed smaller classes—we realized that before, but Head Start brought it more into focus."

Some Head Start parents vow they will insist on the same kind of open contact with public school teachers that they have had with Head Start teachers. Many feel the schools are far more responsive than they were five years ago.

"Kindergarten teachers at first were skeptical," recalls parent coordinator Mrs. Marie Wilson. "They said Head Start was a waste of money, a waste of time. They said they couldn't see a difference in the children.

"Now all we get from them are good remarks. They want to know what we'll be doing, so they can adapt their curriculum."

MIGRATORY LABOR SUBCOMMITTEE HEARINGS ON FARMWORKERS IN RURAL POVERTY

Mr. WILLIAMS. Mr. President, the chairman of the Migratory Labor Subcommittee (Mr. STEVENSON) has announced a series of hearings and investigations on the problems of farmworkers in rural poverty. As the first chairman of that subcommittee, I shall never forget the great difficulty involved in securing the vital legislation which would assure justice and dignity to those who travel the face of this Nation to harvest our agricultural products.

For 10 years we attempted to focus on the migrants' problems, and proposed solutions for both the short and long run. Many new laws and programs were enacted—minimum wage, and child labor coverage, crew leader registration, and funds for health care, education, housing, and day care. Yet the painful fact is that these farmworkers are still excluded from the benefits of so much of our legislative programs.

In view of continuing economic and political powerlessness faced by farmworkers, I think the new chairman has established a most important and significant direction of the subcommittee. In his opening remarks before his first hearings on July 22, he said:

The problems of the most severely disadvantaged people in rural America—migrant and seasonal farmworkers—can't be described, much less solved, unless we examine them in the light of the larger difficulty in agricultural America: rural poverty.

I agree with my distinguished colleague. It is clear that urban areas are unable to absorb the flow of people from rural areas; and it is impossible to obliterate urban poverty without removing its rural causes. I have long been committed to the principle that by making rural areas more attractive, we could reduce or arrest the rural to city movement of poor people. And we can significantly improve the quality of their daily lives.

It is unfortunate, but imperative, that the work of the subcommittee must continue. But so it must, for only through continued legislative action and oversight will progress come. Furthermore, while Federal, State, and local efforts have shown some improvement, we have still failed to meet the needs of the broader rural community. To date, major efforts are still focused on urban poverty, and not nearly enough emphasis has been placed on poverty in rural America. Yet, the Nation does have the resources to meet the needs of every rural citizen through support of the public and private sectors of our economy, giving respect and dignity to the individual, with equal access to opportunities for economic and social advancement.

In view of the significance of the remarks of the new chairman of the Migratory Labor Subcommittee, and their importance to all Senators, I ask unanimous consent that they be printed in the RECORD.

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

STATEMENT OF SENATOR ADLAI E. STEVENSON III

Chairman, Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare (on the scope and purposes of Migratory Labor Subcommttee hearings during the 92nd Congress, at the first hearing on July 22, 1971).

FARMWORKERS IN RURAL POVERTY

In 1813, Thomas Jefferson, in a letter to his fellow statesman John Adams, expressed his conviction that America, the new nation, with its vast uncultivated lands and the opportunity they promised, would bring forth in the world not only a new form of government but a new kind of man: self-reliant, free and prosperous.

"Here," he wrote, "everyone may have land to labor for himself if he so chooses . . . Every one, by his property, or by his satisfactory situation, is interested in the support of law and order. And such men may safely and advantageously reserve to themselves a wholesome control over their public affairs, and a degree of freedom which, in Europe, would be instantly perverted . . ."

families made by University of Minnesota political science student Richard Shingles for a doctoral thesis.

Just as many parents feel able to influence Head Start decisions.

"The more involved they get, the more they think it's a good program," says Shingles, who interviewed 100 parents over an 8-month period. "Most of the criticisms were 'We need more.'"

Of the 100 parents, Shingles found 24 "very active," meaning they attended three or more meetings in the eight months.

About the same number attended one or two meetings, and just over half the parents attended none.

As for volunteer work in the classroom, Shingles found that 28 put in eight hours or more a month, 40 less than eight hours and 32 none.

The people who were least apt to volunteer or attend meetings were parents with jobs and those who indicated a sense of complacency by their answers to dozens of questions.

Parents who are active, in contrast, are either people who already were involved in other groups or those whom Shingles describes as previously "alienated."

"They have a low sense of efficacy, competence and self esteem. They're confused about what society expects of them and tend to be ticked off with the 'system.'"

It is these people, says Shingles, who have most puzzled social scientists, because nothing ever seems to draw them out into the community, except a dictator or an opposition movement.

"Here in Head Start is a case where the alienated come out—only FOR something, instead of against it."

HEADSTART FOR CHILD WAS MOTIVATOR FOR MOM: THE PROGRAM IS DESIGNED PRIMARILY FOR THE CHILDREN, BUT HEADSTART HAS DONE SOME MINOR WONDERS FOR PARENTS AS WELL—PART IV

(By Ann Baker)

Audrey Wright, 42, had a seventh grade education, nine children and no work experience.

For 15 years she and her husband William received welfare income supplements.

"I didn't know there was another world. My parents were the same as myself. My father had laboring jobs; he worked when he could. We knew a lot of hungry days. I felt schooling was just for someone who thought he was smart."

But she insisted that her children get as much schooling as they could. When Head Start came along, she enrolled her youngest child, and four years ago Audrey began working for Head Start as a teacher aide.

Before long, she got her GED (high school equivalency certificate).

The past year she has been a teacher at First Christian Head Start and this month will receive a 45-credit certificate in early childhood studies from the University of Minnesota.

Her husband has a better job now than before. ("He was an orphan and a school dropout—if he'd had something like Head Start he could have learned to cope with a lot of things he never did.")

Recently the Wrights received notice they'll have to find a new home because they're "over income" and cannot continue living in Mt. Airy public housing.

Wouldn't they be better off without the better income?

"Financially, yes," Audrey admits. "But this is a lot better. We're more independent. You eat crow for so many years.

"Now I'm not staying home feeling sorry for myself. From where I am, I can take care of myself and go on."

Her oldest daughter Ruth (Mrs. Ronald Bozvay), with a daughter of her own in the First Christian Head Start class, was chairman of the center's parents group until last month when she became a teacher aid there.

She hopes to follow her mother's footsteps all the way to a teacher's degree.

For the past nine months, parents and other low-income people have filled all of St. Paul Head Start's entry-level jobs—teacher aides, cooks and social service aides—jobs that have no "paper" qualifications.

Their training is given on the job and through workshops, under the direction of career development coordinator Mrs. Mary Lou Gilstad, and at University Extension Division classes organized by William Hoffman, director of the university's program for continuing education in social work.

Thirty-five St. Paul Head Start employes attend the evening classes, which Hoffman describes as "adapted to Head Start needs, but not watered down."

The students, he says, "are doing amazingly well—better than they thought they could do."

"You see a former washroom attendant go to school with a textbook in one hand and a dictionary in the other—they care that much," says Mrs. Gilstad.

"They gain the confidence to go out looking for a job, to say 'I can do this and that. . . .'"

Sometimes as many as 25 to 50 persons apply for one Head Start job. Salaries are $4,400 for a teacher aide, $4,800 for a social service aide, $5,000 for an assistant teacher—all work eight-hour days.

Teachers earn $4,875 and head teachers $5,700 for six-hour days, and cooks earn $3,840 for six and a half-hour days.

"There's not a lot of money in this job," says one cook. "You've got to love kids or else you wouldn't be here."

While only a few parents can find jobs in Head Start, all of those who volunteer in the classroom have a chance to pick up new ways of working with children—"Little things, different techniques," as St. Stephanus headteacher DeeDee Ray puts it, adding, "There isn't a perfect way, but this gives an advantage."

Parents personnel committee member Maurice Evans feels many homes tend to be "dictatorial," so when he interviews job applicants he tries to determine whether they will provide chances for the children to explore and discover and learn to think for themselves.

Seeing that approach in the classroom has affected some parents.

"You learn to let a child do more for himself," says Mrs. Audrey Brown, a St. Mark's mother.

"If I'm building or painting something, I let my children help. Before, I'd hurry up and do it myself. Also, I notice a lot of mothers didn't used to let their kids use scissors. Now they've taught them how."

One Mt. Zion mother, whose son had frequent temper tantrums, used to respond either by ignoring him or throwing water on him, according to former headteacher Mrs. Gaynell Ponder.

Then she began working with another child who had similar tantrums. The teachers' response was to pick the child up, take him out in the hall and talk with him, and the mother tried the same thing.

And, says Mrs. Ponder, "she found that by not lifting her voice and not getting angry—by controlling her own feelings—it was easier to control her child's."

Some parents take home a sense of achievement themselves.

"I really get a satisfaction of knowing I've done something outside the house," says McDonough mother Mrs. Lucille McKinley. "I never had a chance to before."

"It's also a chance to get out and meet people," says West Side mother Mrs. Carol Ballard. "A lot of people when they're poor don't have any transportation. They've been stranded inside for years—I know I was.

"Now I get out a lot. There are parties, picnics, a going-away for a former teacher."

When a younger sister of one Head Start child died last spring, staff and parents rallied to the family's side.

They collected money for expenses not met by insurance, bought a headstone, clothes for the little girl to be buried in, new shoes for the older children and shoes for the father to wear to the funeral (he had only a pair of boots).

Another family, new to St. Paul, was called to the attention of First Christian and McDonough social service aide, Mrs. Donna Haley, because they spoke no English, had no furniture and slept on the floor.

Mrs. Haley informed the parents, who gathered up beds, clothes, and held a "welcome shower" for the family at First Christian. Church members and neighbors came too, and the 3-year-old son was enrolled.

When social service aides visit families, "You don't walk in and tell them what to do. You wait till they ask you," says Mrs. Haley.

"Parents are really looking for someone they can unload their problems on. Not someone from welfare. A friend," says Margaret James, social service aide at St. James and St. Philip's.

West Side's aide, Mrs. Richard Kittleson, was especially requested for the job by other parents at the center because of her knowledge of Spanish and English. Every morning she brings a few children to the center who live too far away to walk; teacher aide Beth Gaston brings another carload.

West Side mothers and fathers have met regularly since last winter organizing bake sales and dinners to raise money for a school bus.

All Head Start children are given medical and dental exams when they enter the classes, and their height and weight is checked monthly.

Mrs. Helen Stafsholt, the nurse, says about 100 children were referred for dental treatment in the last year and another 100 to Ramsey Action Program emergency and prescription foods.

All children are given red measles vaccine. Immunization for polio, German measles, mumps and diphtheria-tetanus has just been started at each center.

Mrs. Stafsholt says 17 per cent of the children are found to have visual defects and 10 per cent hearing defects. All are referred to doctors.

Maybe a dozen children a year are referred to Wilder of St. Paul Rehabilitation Center for psychological treatment.

One boy was losing his hearing because both his parents are deaf and the only language in the home was sign language.

"We wouldn't give him something if he said 'Ah-ah' for it," say teachers at the center he has attended for six months. Now when you ask him the colors of objects, he answers clearly.

"Both parents are active volunteers; the father often helps the children with carpentry; the mother accompanies them on walks. And they too have made many friends through Head Start."

HEADSTART HAS ITS SHARE OF CRITICS—PART V

(By Ann Baker)

In the six years Head Start has served St. Paul children and parents, there have been many critics who say it hasn't done enough.

Some say it starts too late—usually at age 4—and ends too soon—on entry to kindergarten.

Some point to the uneven quality of the teaching and accuse the program of being strong on providing jobs but weak on educating children.

Some, including the Head Start Parent Advisory Council (PAC) chairman, Mrs. Harold Harris, say it is not well enough known among the poor families it is designed to serve.

a social service aide who is usually shared between two centers.

Most are in church basements. Some have six or seven rooms, with lots of opportunity for individual instruction, especially when parents volunteer or when, during the summer NYC and REAP teenagers are available to help.

Other centers have only one or two rooms and a kitchen.

About one third of the mothers are volunteers. The occasional father who helps in the classroom is usually a man out of work ("and then they're more active than the mothers," says Mrs. Harris).

Mt. Zion was cited at a tea for volunteers last spring as the center with the most volunteers, St. Philip's and St. James, where nearly all mothers either work full time or are in school, have the fewest.

Parent coordinator is Mrs. Marie Wilson.

It's her job to create liaison between parents, centers and the community, to coordinate classroom activities, encourage participation in policy making, make sure needs are met, visit inactive parents and help teachers set up schedules for volunteers and plans for training them.

"The job gets bigger and bigger every day," she says.

To hear head teachers describe their teaching methods, you'd think they were all pretty similar. They try to give general preparation for school rather than "school."

They describe their classes as "unstructured" with an emphasis on helping kids learn to get along with each other and with adults.

A typical comment is Roosevelt head teacher Diane Danko's: "My philosophy is to let kids be kids. They learn their numbers and alphabet indirectly.

"They have lots of music, art, stories, and a chance to talk and sing. We try to build their self confidence so they won't think 'I'm a nobody.'"

Children arrive at the centers at staggered times, depending on when their parents must be at work.

They have breakfast, brush their teeth, sing or do exercises all together, then break up into small groups for art, games, work on letters or numbers, followed by "free play," with walks, puzzles or playground till lunch. Then naps and more free play.

Yet there's a great variation between centers. It shows up in teachers' attitudes toward discipline.

Former Mt. Zion head teacher Mrs. Gaynell Ponder used to hug and kiss each child as he arrived, and she hung up a punching bag for the children to attack when they got angry, instead of each other.

Naughty children were sent to a "thinking chair" for a few minutes.

"You don't spank," said Unity teacher Mrs. Winifred Smith when she was interviewed for the job by the parents personnel committee. "You can't get upset or grab and shake a child. When you punish him you've got to let him know why."

"I believe in spankings," says Elaine Benner, St. Philip's head teacher. "I've just read three books on child psychology, and I think Dr. Spock is too lenient."

Administrators downtown in the Ramsey Action Program offices are aware of the variation between centers.

"Some are too strict, some are too nebulous," says director Sue Williams of the curricula.

A few head teachers say they wish they had more direction from "downtown." At least three say their centers were not visited for as long as six months last year except by persons bringing food or paychecks.

Children take home report cards that read: "I am learning to take turns. I can count numbers. I can tell a story and share ideas with others . . .

Grades are A (always), S (sometimes) and N (not yet).

"I tell parents what we're doing—like learning the names of local streets—and they say they'll concentrate on the same thing at home," says DeeDee Ray.

Most parents and teachers speak enthusiastically of the children's progress.

"Kids become more verbal," says First Christian head teacher Nancy Grahan. "Some are real shy or at home they haven't played much or done many things. They come out of their shell. I like to think it's something we've done."

Parents tell of Spanish-speaking children who learn English, children with stutters or hearing problems who are referred for treatment and improve, abnormally quiet children who learn to socialize, hyperactive children who calm down.

Most parents seem proud that their kids have learned their colors and their numbers. But not all.

"I don't think my son Gregory's getting much out of it," says Evergreen (Mrs. Maurice) Evans, a St. Stephanus mother who is also a substitute teacher for the public schools.

"I feel the program has not been flexible enough to accommodate all the kids."

Another St. Stephanus mother, Mrs. Antoine Berryman, says her 5-year-old daughter Kim is going right into first grade, can count to 100, do simple addition "and she draws beautifully."

Teachers sometimes change as much through Head Start as do the children.

"At first I thought the parents who didn't come to meetings or to help just weren't interested in their kids," says Elaine Benner.

"Then one mother told me, 'Sometimes it's more important to work and feed the kids,' and I understood."

Mrs. Diane Danko, a former White Bear Lake school teacher, frankly admits the reason she accepted a job as head teacher at Roosevelt Head Start was because after her baby was born she couldn't get any other.

"I never worked with poor people before, parents burdened with problems or children from broken homes.

"I thought I was really good because I'd been to college. When I first came here I wouldn't even sweep the floor. And I was really prejudiced against poor people, blacks and Mexicans.

"Now, I've learned a lot. Mrs. Arnoldo Garcia, our teacher's aide, is so fantastic. I never knew anyone like her."

IN HEADSTART: PARENTS DISCOVER THAT THEY COUNT—PART III

(By Ann Baker)

"We have to work with these people. We have to be concerned with who is taking over my child."

That's how the late Jeanette (Mrs. Conway) Bolling summarized her feelings about Head Start parent-teacher contacts two days before she was killed in a boating accident last July.

Mrs. Bolling had two grandchildren in Head Start and was one of the program's most active "parents."

She was the outspoken chairman of the parents group at Mt. Zion Head Start center and vice president of the citywide Parents Advisory Council (PAC).

She proudly wore the nickname "Bigmouth" pinned on her dress at a leadership training course last spring.

"What we need is communication," was her constant plea.

"That's growing," says parent coordinator Mrs. Marie Wilson. "Parents have become more active, especially in the last two years. Bureaucrats and bigwigs have had to realize the parents' position."

Mrs. Wilson spends her days between the downtown office, the centers and homes, and about half her evenings at meetings.

"You can't force participation," she says. "You're trying to encourage parents to work and go to school, too."

"I think parents have found they do count," says McDonough parent Mrs. Mary Worley. "In public schools theer's this stay-out-of-the-way bit. In Head Start parents are wanted."

Mrs. Worley, recording secretary for PAC and a delegate to the state parents organization, spends almost as much time volunteering for Head Start as anyone else would spend in a full-time job. Maybe a dozen other parents are as active.

Last winter, for the first time, parents and staff together wrote the annual work program, at the initiative of Crystal (Mrs. Antoine) Berryman, who was then PAC chairman.

"In the past there was a lot of confusion," Mrs. Berryman says. "There seemed to be a lot of issues lying around that were never settled, a feeling that decisions were handed down.

"Parents were hesistant to talk with downtown staff, and the staff seemed to feel parents weren't informed about what was happening."

The program was written in one weekend, just in time for the annual grant proposal deadline. ("This year we plan to start earlier," says Unity mother Mrs. Martha Tolefree.)

Among parents' suggestions that were incorporated was a summer day camp and full days at all centers—before, several had been open for half days only.

But often "nothing happened" to suggestions made at monthly PAC meetings, says Mrs. Berryman. Current St. Mark's PAC delegate, Mrs. Audrey Brown, says that is still a problem. "There's often a general feeling of not knowing what's going on."

PAC is made up of two parents elected from each of the 11 centers and seven at-large delegates appointed by Ramsey Action Program's board.

Discussion at the July and August PAC meetings concentrated largely on how to stretch the food budget, which had been cut to compensate for costs of keeping the centers open all day.

In August, program assistant Mrs. Ruth Benner asked the group to agree to buying food from a new, chapter supplier (which they did) and to decide whether or not they wanted to continue giving lunch to all parent volunteers (which was left somewhat up in the air).

"Housekeeping" decisions, as one staff member puts it, seem to dominate PAC meetings. One reason, she feels, is that the budget is tight and a lot of time has to be spent "scrounging" for equipment and repairs.

Many of the staff hope this year there will be greater attention to policy matters and curriculum. Parents' training, they feel, is an essential prerequisite.

A few parents already influence teaching methods indirectly as members of the PAC personnel committee who interview job applicants for every level of the program.

At an interview last month the committee quizzed prospective teachers on their approaches to discipline and their techniques in developing individual responsibility.

"You can have education up to the eyebrows," says committee chairman Mrs. Connie Pierce. "But for teaching young children, experience is more important."

She adds: "Parents do have a say in the program, but a lot don't fully understand that they do."

Four out of five Head Start parents feel the program is "very good" and "very helpful," according to a recent survey of low-income

Voters League centers, which had continued for two years was taken over by the local OEO and expanded to seven centers with 225 children. Cost was $340,000. The late Mrs. Evelyn House became director.

By that time parents from all the centers had joined to form a citywide Parents Advisory Council with rights to advise and consent over major decisions, including staff hiring.

The program has run continuously since then, except for a few days in June, 1970, when parents and administrators failed to agree on the appointment of a new director. Sue Williams, the parents' choice, withdrew her application and former Honeywell employe Seymour Levanthal was appointed. Six months later local OEO administrators asked him to resign and Mrs. Williams became director.

Today there are 11 year round, full day centers, in St. Paul with a 75 percent staff serving 340 children. The budget is $450,000 and Ramsey Action Program is the administrative agency. In St. Paul and nationally, Head Start officials estimate they enroll only one in 10 of all children below poverty level.

CHILD CARE VOTE DUE IN SENATE

A sweeping child development plan, to provide day care, health, education and social services for American children of all ages and income groups, is scheduled to be debated on the floor of the Senate Wednesday.

Sponsored by 32 senators of both parties and backed by a coalition of 90 national labor, mayors, church, civil rights and education groups, the League of Women Voters and the National Organization for Women, the Comprehensive Child Development Program is included in a bill amending the Economic Opportunity Act of 1964 (Senate File 2007).

Among the principal sponsors are Sen. Walter Mondale (D., Minn.) and Sen. Jacob Javits (R., N.Y.) Supporters expect the Senate to vote on the bill by the end of this week.

It provides free services for children from families whose income falls below $6,900 for a family of four (Bureau of Labor Statistics "lower living standard"). Higher income families would be charged fees based on ability to pay.

Two-thirds of the budget would be spent on the lower income children.

Enrollment policies would give priority to children of working mothers and single parent families. A mixture of incomes would be encouraged at each center.

A companion child development bill (House File 6748), sponsored by Rep. John Brademas (D., Ind.) and 119 other representatives, is pending before the House Committee on Education and Labor.

The Senate bill states that it is modelled on the "successful experience" of Project Head Start. It authorizes $2 billion appropriations in fiscal 1973 for services to children from infancy through age 14. New projects would merge with Head Start under the Department of Health, Education, and Welfare.

Locally, they would be sponsored by cities, counties or clusters of towns and villages. The locality must demonstrate that it will spend no more than five per cent of the funds on administrative overhead and that it will provide links with local health, education and social services.

Parent participation would be based on Head Start guidelines. Local program policy would be directed by child development councils consisting half of parents and half of appointments by the mayor. At least half the mayor's appointments would need to be approved by parents.

Where coordinated community child care councils exist, they have asked to be named the child development councils, if the bill is passed. In St. Paul that would be the newly formed Greater St. Paul Council on Coordinated Child Care.

Each center or project's policy would be made by a project policy committee with half its members parents, the other half community representatives.

Among the projects would be:

Day care combined with education, health, social and nutritional services,

Learning programs for preschool through grade 3,

Child development training for parents, including at-home services,

Staff training,

Child advocates to help families secure full access to local programs,

Research on child development and the effect of programs.

The bill requests greater attention to handicapped children, asking they be included in regular rather than separate programs wherever possible.

It also makes special provisions for Indian and migrant children, requiring that all programs with Spanish-speaking children stress both English and Spanish.

If the bill passes, a committee to draw up standards for all federal child care programs will be formed three months later. Half the committee will be parents. Final approval of standards will be made by the secretary of HEW.

The Brademas bill in the House is like the Senate version in most respects. But it provides for no policy committees at individual centers. Instead local policy councils, with a purely advisory role, would represent large neighborhoods or entire towns.

Programs could not be sponsored by a small city or county, only by states, cities of over 100,000 or regional clusters of communities. Child development councils, with half their members parents, would make policy for the program. Parents would not have veto power over the mayor's choice of other members.

Existing Head Start centers could continue, but the bill makes no provision for guaranteeing they would.

One issue expected to be debated in the Senate this week over the Mondale bill is the question of sponsorship—whether it can be by a small town or only a state, large city or region.

Another is the provision of free services to children from families with incomes up to $6,900 (OEO poverty level is placed at $3,800 for a family of four).

Sponsors also believe there may be an effort to separate the child development program from the other OEO amendments, which would send the bill back to committee for further study.

In the meantime, a day care bill sponsored by Sen. Russell Long (D., La.) will open committee hearings on Sept. 14.

It calls for establishing a partially public federal childcare corporation under the Department of Labor, paid for initially by a $500 million Treasury loan.

The corporation could contract with existing public and private day care agencies and build new centers of its own. Programs would eventually have to become self supporting from fees (including public assistance for poverty children).

Long's bill includes its own day care standards, calling for one adult to supervise every 10 children. That would supersede current standards for federally financed day care centers, which call for one adult to every five children aged 3 or 4, and one adult to every seven children aged 5 or 6.

Long's bill would not require that day care centers provide developmental services, but he lists a number of services that could be offered.

READING STORIES, BUILDING SHELVES, SQUEEZING TOOTHPASTE: HEADSTART RELIES HEAVILY ON HELP OF PARENTS—PART II

(By Ann Baker)

Head Start parents help the classes in a hundred ways.

They read stories, lead singing, mix paints, help prepare meals, supervise children on the playground or on trips to the library, the fire station, the gas station, the beauty parlor, the Capitol.

At one center, a father built a set of shelves, on wheels, for toys. At another, a mother who works during the day washes and irons all the sheets and blankets for the children's naps.

When parents volunteer in the classroom "it gives more time for individual attention to the children," says David Allen, head teacher at West Side Head Start Center.

"Besides, they're their kids. I feel they should have a lot to say about who is working with the kids and how. There can be a give and take.

"Parents can learn things from the staff. I've learned things about individual children by talking with parents."

"If a parent is involved, the child takes more interest," says Mrs. Ruthella West, a mother at St. James.

And to Mrs. John Vaughn, head teacher at St. Mark's: "If you don't feel close to the parents you don't have anything going for you."

Parents at St. Mark's are "always available when we need them," she says. "And we're wide open for suggestions from them."

It was the parents who decorated the center for the Christmas party and who planned the graduation. Each agreed to bring $1 a month for "extras" and they bring outgrown clothes for kids who might need them.

The "worst" project ever undertaken by Mt. Zion parents, says mother Mrs. Harold Haris, was a tour of the Tonka Toy factory.

"The tables were too high for the children to see what was going on. Then their eyes popped out when they saw the finished product—and we couldn't buy them any."

What's "great," she says, is Christmas—"the most wonderful parties; so many people contribute things, it touches you." And Easter—"We pack socks for all the kids."

Mrs. Victoria Rangel, who supervised children on the bus to Mt. Zion every day for six weeks last winter, then stayed till noon to read stories, play games, squeeze toothpaste on brushes, set tables and help wash up, said it was easy for her to be a volunteer.

"I ask what I can do. But some parents feel they don't want to be pushing, so they end up feeling in the way. They'd like to be told."

Ideas for projects come from parents at nearly every center. At St. Stephanus, they suggested a blueberry pancake day.

"We made 150 that morning," head teacher Mrs. Dee Dee Ray recalls. "The kids were flipping them up in the air."

Parents there also suggested a tasting day. The class walked to the store, bought pineapple, strawberries and bananas and went back to the center for a feast.

"Kids would say 'I don't like that.' When they tasted it, they changed their minds."

At two centers, parents' requests that naps be optional were followed. At Roosevelt, parents asked if children could dish up their lunch buffet style as an exercise in manners.

After the fifth plate of beans went on the floor, a meeting was called and a compromise reached. Kids now help themselves, but only to bread pickles and celery sticks.

Says Mrs. Ray: "I don't think I'd like it if parents ran the whole curriculum. Teachers would have a rough time.

Each of the 11 Head Start centers in St. Paul has 30 children (Unity has 45), a head teacher, a teacher, a teacher aide, a cook and

areas lacking even the bare necessities for growth and survival.

Poverty in some places, including the slums of Washington, D.C., and southern Mississippi, has been proven to have disastrous effects on children. Babies with superior intelligence capacities at 3 months dropped to retardation levels by the age of 3 years (from IQs of 120 to 85).

Their bodies were weak from a diet of one meal a day, usually without protein. They were discouraged from crawling about because they might hurt themselves on broken furniture or open stair wells. They were discouraged from talking or asking questions because their families were convinced that would get them "in trouble" with society. They had no books or toys.

Today many educators in Minnesota and across the world are doubtful that poverty, except in such severe intsances, necessarily cripples a child's ability to learn.

Generally they agree that the biggest single influence on a child's learning ability is not the size of his family's income per se but rather the attitude of his parents—(although the income often affects the attitude).

"We can't separate children from the problems of the families," said Dr. Reginald S. Lourie, president of the Joint Commission on the Mental Health of Children, to the Senate committee.

"We are asking that the schools do superman types of jobs with almost impossible situations, very often, that are the result of the neglected early years . . . the apathetic, passive, dependent, hopeless, helpless child who grows up into the hopeless, helpless adult and can end up as the unavailable mother or father."

If parents are interested in a child's learning and expect him to succeed, he has a head start from the minute he is born, an advantage that will continue during his early growing years, when proportionately he learns more than in all the rest of his life.

Day care advocates, anxious for something better than the "custodial" care that is given most of the nation's five million preschoolers whose mothers work, have begun to take a hard look at the importance of parental influence.

More and more of them are expressing fears that nursery school classes, however well planned and taught, may in fact help children learn very little if parents have nothing to do with the programs.

Some day care promoters have ignored those fears in the rush to build centers that will at least seem to provide some kind of "educational component" for the millions of little children who have to be somewhere doing something while their parents are at work, and the millions more who will be needing some kind of care if and when the President's Family Assistance Plan is enacted, adding the country's welfare mothers to the work force.

But while developers build, pleas have been growing from the civic groups, psychologists and parents who have been spurring them along: "Don't leave the parents out of it."

Again and again, testimony before Senate committees in the past two years has echoed those pleas.

University of Chicago education professor Benjamin Bloom said. "The basic unit with which we must deal more and more in education, and especially in early childhood education, is not the child alone but an adult, preferably the mother, and the child. I would make this almost the central case—how to find ways of helping parents do a better job."

Black Civil Rights activist Marian Wright Edelman said, "We must assure that we do not separate the child from his family nor usurp the parents' responsibilities for his development. If parents cannot influence the operation of these programs, the programs become competitors with parents, not cooperators."

Dr. H. Jack Geiger, chairman of preventive medicine at Tufts University in Boston, said, "I think we have had just about enough of programs that meet the needs of professionals and may be grossly irrelevant to people who are supposed to be served."

In response to the chorus of warnings from more than a dozen child care specialists, parents and representatives of minority groups, Sen. Walter Mondale said he felt that without parent involvement, his legislation (described on this page) could become just "another paternalistic strategy."

Witness after witness asked the senators to look at the way Project Head Start encourages a "family centered" approach.

"It has taught even the professionals the value of this method," said University of Illinois pediatrician Dr. Robert Mendelsohn.

"After all, most of our American institutions tend to be anti-family in orientation. Hospitals usually discourage parents from staying with their children . . . Schools have traditionally tried to keep parents at arms' length . . . Day care legislation is sometimes designed to force mothers to leave their home and children and go to work. While this anti-family bias works against all our population, it is especially cruel to families living in poverty.

"Project Head Start is almost unique in American life—along with the church—in recognizing that, while the individual is important, the family is the primary unit."

From the beginning, Project Head Start has included parents as an "essential" part of its program at every level, from policy making to dish washing—at least in theory.

In reality, it has often been extremely difficult to coax parents to participate. And when they do, conflicts sometimes erupt with administrators impatient at having to gear down their efficiency to the pace of a democratically elected, untrained parents advisory council.

The difficulties have nearly killed some Head Start programs and reduced the degree of parent involvement in others to a token gesture.

But the problems of enlisting parents in some cities have been overshadowed by the successes in others, to the point where a year ago a firm directive went out from the Office of Child Development to every Head State office across the country, demanding greater efforts to involve parents and enable them to progress from simple contributions, like escorting children on walks and baking cookies for the school carnival, to the complex job of deciding how the whole program is run.

"Unless this happens," said the instruction notice, "Head Start . . . will remain a creative experience for the preschool child in a setting that is not reinforced by needed changes in social systems into which the child will move."

Up to now only a few Head Start parents in St. Paul or anywhere else actually have much say about how the program is run. Their opinions are asked, but in the majority of Head Start programs that's about it; parents may advise teachers and administrators but they don't set policy.

Examples where parents do control Head Start, though, are growing. In Minneapolis, for instance, parents were virtually excluded from participation for two years while Head Start was directed by the public schools.

In 1969 the parents asked to set up a governing council of their own, and the schools turned over the program to them.

Funds and direction continued to be channeled through the MOER Board, Minneapolis OEO agency, until that board was dissolved last year. Now the parents' council manages the funds, as well as the policy.

According to regional Head Start training coordinator Estelle Griffen, Minneapolis has the stronglest parents' participation in the state.

Many mistakes have been made but they've taught their lessons, and parents have been eager to learn. Last month parents spent two days with the staff, studying the differences between policymaking and administration, so that both could agree on their proper responsibilities.

St. Paul's Head Start parents have not assumed that much authority, but there seems to be a growing commitment among most Head Start administrators in the Ramsey Action Program (OEO) offices to draw out more involvement from parents than ever before.

"I feel the whole education of this country depends on people having a say about it," says St. Paul Head Start director, Mrs. Sue Williams. "Parents still don't realize they're important. They still think paid staff know more than the mother in a home—when all the education comes out of the home."

Last year parents of the 340 Head Start children in St. Paul spent over 20,000 hours in classrooms and meetings. Several have got jobs as teachers aides, cooks and social service aides. Most of the active parents say Head Start has changed their lives in one way or another. Most parents, whether active or not, say they are very fond of the program and anxious for it to continue and grow.

What parents do for Head Start in St. Paul and what they feel it has done for them will be described in the next four parts of this series.

HEADSTART: ITS 7-YEAR HISTORY

Project Headstart was planned by the Office of Economic Opportunity in the fall of 1964 as an experimental preschool program for about 100,000 poverty children in some 300 communities.

Immediately it became the most popular part of the poverty program. Before the plans were off the drawing board President Lyndon Johnson declared Head Start should serve no fewer than half a million children.

In 1965 the first classes opened for 561,000 prekindergartners in 2,400 communities, urban and rural, at a cost of $97 million. Classes ran for eight weeks and included dental and physical examinations.

Parents were not involved in the planning stages, according to the first national Head Start director, Dr. Julius B. Richmond, because local administering agencies, assumed they were uninterested and unable to play a part.

St. Paul public schools ran Head Start classes for 680 children in eight schools that first summer, with funds administered by Ramsey County Citizens Committee (the local OEO agency now called Ramsey Action Program). The director was public school teacher Karen Johnson.

The summer before, a forerunner of Head Start had been operated at McKinley school by the Council of Jewish Women and the public schools. Women from the council worked in it as volunteers. McKinley Preschool continued for the next two summers, teaching 30 children in the mornings, another 30 in the afternoons, then was absorbed by the public schools Head Start.

In May, 1966, the North Central Voters League opened three year-round day care centers for 120 children, directed by Mrs. Sue Williams. The following spring the centers became funded by Head Start through the local OEO office.

Head Start in the St. Paul public schools continued half days for preschoolers from fall 1965 until fall 1966. They were then closed till summer 1967 because of a shortage of OEO funds. Then they opened again for 465 children in eight schools at a cost of $330,000 till January 1968 when fund shortages once more caused them to close.

In summer, 1963, operation of the three

Africa to seek other ways. Nevertheless, the depth of feeling, the impulses toward solidarity are strong. Even the most conservative members of the Organization of African Unity are reluctant to oppose the general approaches broadly agreed upon by the OAU. These approaches are reflected in the recommendations of the OAU African caucus which plays a key role in the African issues in New York.

What are the African preoccupations?

In the Republic of South Africa, the laws and government policy seek specifically to maintain the dominance of a white minority.

South West Africa, now known officially in the United Nations as Namibia, was a former German colony placed under a South African mandate after World War I. The United Nations, now supported by the International Court of Justice, has determined that South Africa has not fulfilled its mandate responsibilities and that the territory is, therefore, under the direct responsibility of the United Nations. The UN calls for the withdrawal of South Africa.

In Rhodesia, a white minority of four per cent of the population dominates the black ninety-six per cent and seeks by its present constitution to prevent the black majority from ever acquiring a decisive voice in their own country.

In Mozambique, Angola, and Portuguese Guinea, the Portuguese hold tenaciously to what they consider integral provinces of Portugal. The Africans regard these as the continent's last significant colonies denied the right to self-determination and independence.

In this situation, the basic African thrust has been and will probably continue to be to isolate South Africa and to manifest support for those seeking radical change in that country. At the outset this fall, there may be a challenge to the South African government's right to participate in the UN, on the grounds both of racial policies and refusal to cooperate on South West Africa. There will undoubtedly continue to be demands for the withdrawal of outside investment, for cutting air links with South Africa, and for restricting trade. Africans will seek resolutions calling on UN members and UN specialized agencies to "render moral and material support" to the African liberation movements, targeted not only against South Africa and Namibia, but against the Portuguese territories and Rhodesia as well.

The strong pressure by the Africans against any arms sales to South Africa will be highlighted by a continuing special OAU mission mandated to visit NATO nations and other arms suppliers.

Proposals for Namibia will also be laid before the Security Council and the General Assembly by a special OAU mission. These proposals will be based on the advisory opinion handed down by the International Court of Justice, which this June confirmed that South Africa's mandate over this former German colony was terminated and that South Africa's continued presence there is illegal.

The intensity of discussions on Rhodesia will probably depend, in part, on whether there is any progress in contacts reportedly now going on between the British and the Ian Smith regime in Rhodesia. The Africans support the United Nations economic sanctions against Rhodesia, but remain skeptical of their effectiveness. The African tendency will continue to be to call for the use of military force to oust the Smith regime. It remains their feeling that this should have been the initial reaction of the British in 1965.

African feelings against continuing rule by Portugal in its territories in Africa have undoubtedly been strengthened by the reported Portuguese involvement in an attack on Guinea last year and by complaints brought against Portugal in the Security Council in the intervening months by both Guinea and Senegal. The Africans will probably lose no opportunity to seek UN and other support for the liberation movements currently directed against Portuguese rule. The establishment of independent majority governments in these territories remains their objective.

African proposals and speeches on all these issues are likely, in the main, to reflect an increasing frustration and impatience over what Africans consider a lack of adequate progress on these issues and a lack of genuine support from the major Western nations, including the United States. South Africa to them appears firmly under white minority rule with little indication of immediate change. South African determination to stay in Namibia is clear. The Africans, so far, see little chance for early African rule in Rhodesia. Portugual's determination, both military and political, to retain its territories appears as firm as ever. The more militant Africans see in the new contacts between some black states and South Africa, in the proposals for "dialogue," and in increasing signs of security cooperation among the white ruled states, a movement away from their objectives. This heightens still further their frustrations.

The Africans stand by no means alone on these issues. In the main, they can count on the automatic support of the newly independent countries of Asia and of the Eastern European bloc. Support from us, however, is far less automatic. The issues are frequently posed in simplified terms. Those who vote against a particular resolution often appear to be standing in a small isolated group opposing self-determination and upholding continued racial discrimination.

Each year the UN votes are tabulated. The arguments, the explanations, the negotiations, the speeches are forgotten. What is noted by those in Africa and here at home is whether we have voted yes, or no, or abstained. The issues become simplified; the whys of our vote are forgotten. Depending on points of view, particular votes are seen as good common sense or a denial of fundamental US principles. Some see the votes as reasonable and realistic; others wonder if we're totally ignoring the issue. Still others may see our stance as a refusal to recognize the importance of an anti-Communist ally.

The United States is involved in these issues, whether it wishes it or not. We are one of the five permanent members of the Security Council. We strongly desire the continued strength and influence of the UN. By the example of our own history and in our frequent declarations, we have consistently endorsed the right of self-determination for the people of southern Africa. But it is our very concern for the future and respect for the UN which prevents us from endorsing positions on complex issues posed at the UN in simplified or patently unworkable form.

The stand we have taken on the African issues is clear. We have demonstrated, as unequivocally as any major nation, our support for the principles involved.

President Nixon said last year in his address to the 25th Anniversary of the General Assembly:

"We do hold certain principles to be universal:

That each nation has a sovereign right to its own independence and to recognition of its own dignity.

That each individual has a human right to that same recognition of his dignity.

That we all share a common obligation to demonstrate the mutual respect for rights and feelings of one another that is the mark of a civil society and also of a true community of nations."

We have maintained conscientiously the arms embargo against South Africa recommended by the United Nations Security Council in 1963, although under the terms of the resolution it is not mandatory.

We have supported fully the UN's determination that continued South African occupation of South West Africa is illegal. We supported the referral of the Namibia case to the International Court of Justice. We discourage US business from going into that territory.

We have been at the forefront in enforcing sanctions against Rhodesia, the only mandatory sanctions ever voted by the United Nations.

We have scrupulously maintained a voluntary arms embargo policy with respect to the Portuguese territories in Africa.

Most African leaders with whom I have spoken recognize and give us credit for what we have done and are doing. They wish only that we would do more.

They recognize, too, that actions in the United Nations are but one part of our total relationship. They know that our manifestation of interest in the causes and concerns of independent Africa occurs in other ways of importance to them. Not the least of these is our contribution to the economic and social development of their countries. Further, the varied currents of opinion in modern independent Africa are not fully manifested in the caucus approach taken by the Africans in the United Nations. The UN actions are, therefore, only a part of the picture. This does not diminish, however, the importance of United Nations action on both the world and the African scene.

It is not pessimism, but honesty, to say that we shall undoubtedly fail to achieve full agreement with the African nations on African issues in this General Assembly—just as we have during previous sessions. We hope our African friends and those deeply concerned in this country will recognize that in these issues we are not challenging the principle. The issue is how to achieve the objective.

The African nations quite understandably approach each issue relating to them from the single viewpoint of Africa. They are honestly and sincerely convinced that what they are calling upon the UN to do—sometimes in the way of enforcement actions—is "right."

But we, as a major power, need to consider each issue in a wider context. We must look beyond the immediate effect of a United Nations resolution. We have our own Congressional and public opinions and the ultimate matter of continuing US support for the United Nations. We must think in terms of the world picture, of how any particular action would affect other problem areas in the world.

We also must consider what effect the resolution will actually have. Experience shows that often, in addition to votes in favor, we must have the votes of those countries whose cooperation is essential to implement a resolution. The United Nations is not a world parliament where it is sufficient to assemble a majority to vote something into law.

Resolutions which express strong sentiments, but have no practical effect, may have a negative rather than positive influence on the prestige and authority of the UN.

We must consider carefully, for instance, resolutions calling for economic sanctions, since experience has shown that sanctions are most difficult to enforce and will be ineffective if the major countries concerned are not prepared to cooperate. A resolution that will be honored in the breach by a number of countries whose observance is essential to its success, helps no one. This isn't good for those who sponsored the resolution. It isn't good for the people who are supposed to benefit from it, and it isn't good for the United Nations.

We may often be in sympathy with the ultimate purpose of a resolution but we cannot support terms which, in our view, detract from its true effectiveness. We share with all United Nations members a responsibility to keep UN resolutions reasonable

and accurate and consistent. Draft resolutions, for example, which take into account the unverified allegations of one side only do not provide adequate factual basis for the UN's peacemaking processes.

We are particularly sensitive with respect to actions taken pursuant to Chapter VII of the United Nations Charter. This is the Chapter under which the Security Council has the power to take decisions binding on member nations. We regard that chapter of the Charter as a most precious thing. It might some day make the difference between world peace and holocaust. We are most concerned, therefore, that actions voted by the United Nations which in any way involve Chapter VII should be clearly related to threats to the peace or breaches of the peace. On this matter we have been especially scrupulous.

Specifically, much as we deplore apartheid in South Africa and other forms of racial discrimination, or the denial of majority rule, we cannot agree that they automatically constitute a "threat to the peace", in the sense of Chapter VII, Article 39, of the Charter which says that the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations or decide what measures shall be taken to maintain or restore international peace and security.

In our policy and in our actions we cannot be indifferent to our relations with non-African nations involved in these issues.

We have friendly relations, for example, with the Portuguese. We cooperate with them in NATO, but this a cooperation confined to Europe. We have made clear our basic disagreement with them on their African policy. We believe that the people inhabiting these territories are entitled to the right of self-determination. However, we are not ready automatically and without clarification of facts to jump to conclusions regarding the responsibility for incidents between Portugal and African states—as we are often pressed to do.

We have long had relations with South Africa. Although we strongly oppose racial discrimination, we recognize the complexity of the problem South Africa faces. We fully agree that the present situation must change, but we cannot subscribe to oversimplified solutions to complicated and intensely human problems.

Moreover, based on our experience, we cannot agree with the African assumption, often expressed, that we could exert significant influence on these areas, if only we wished to do so. Rarely can one nation, any nation, however powerful, so affect basic attitudes in another society if that society clings to its vested interests and resists change.

In the broader context, we are also concerned over the impact of these issues on the specialized agencies of the United Nations such as the World Health Organization, Food and Agriculture Organization and Economic Commission for Africa. The constant pressure to inject political considerations into technical bodies—and to expel members on political grounds—adversely affects their efficiency and the effectiveness both of their administration and of their field work. We do not believe it is in the interests of the Africans, who are among the principal benefactors of UN specialized agency work, thus to politicize what began as essentially technical organs.

In conclusion, our differences with the African nations are essentially over how change in southern Africa will be achieved—not whether. It is over how the United Nations can be most effectively used—not whether. In general, the Africans seek support for three broad approaches: isolation of the offenders, economic measures against them, and the use of military force. We have problems with each approach.

We believe change will come in southern Africa. Economic and demographic pressures make this inevitable. In South Africa itself there is a lessening of rigidity. Change is a central theme of discussion; there is psychological and intellectual ferment within the Afrikaner community; there have been isolated instances of acceptance of multiracial activities; there is a growing realism among businessmen that Africans are important to them as skilled workers and as a market. They are beginning to focus on the need for improvement of working conditions for non-whites. We cannot expect change to come quickly or easily. Our hope is that it will come peacefully.

Isolation can breed rigid resistance to change. Open doors can accelerate it. We believe the idea of expelling or suspending South Africa would represent a dangerous precedent, a move toward isolating South Africa's black population, and a move away from that universality of membership which the United Nations is gradually approaching.

Punitive economic measures are unpopular in this country. We have had experience in the problems of enforcement and control. These experiences do not encourage us to believe that such measures are workable against countries which are important economic entities. By their wealth such entities are able to cushion themselves against economic pressures and encourage non-compliance by others to weaken and thwart these pressures.

We have supported the economic sanctions against Rhodesia, but this is a special case. We have supported them as a feasible, if difficult, short term measure to create pressures for a settlement with the United Kingdom. Despite incomplete compliance by many nations, we feel this boycott is achieving its objective. We do not see it as a precedent for other, different situations.

We can understand the impatience which leads to demands for the use of force. Nevertheless, we see little prospect of its effective use in bringing change in southern Africa and we cannot favor its use.

The United States is most unlikely to be involved in military intervention on any side in Africa. Moreover, actions of the UN itself to support force would not accord with the basic purposes of the organization.

This catalogue of potential differences is long. I have set it forth in order to put our response to the African issues in perspective. I have set it forth, also, as a means of frank communication with our African friends themselves. I have found they appreciate and respond to this type of diplomacy.

We do not expect the Africans to cease pressing their viewpoints on these issues. The United Nations represents one of the few means they have of continually mobilizing world opinion on their behalf. We, further, agree with them that the absence of substantial change in southern Africa will continue to create tensions and ultimately threatens the peace.

We do seek and hope for continuing discussions with the Africans on these issues and continuing cooperation in finding acceptable and effective courses of action. We hope that, in this way, the substantial influence of the United Nations can be preserved and exercised so as to generate not the appearance of solutions, but fair and workable progress toward human rights and self-determination for all in southern Africa.

CHILD DEVELOPMENT IN MINNESOTA

Mr. MONDALE. Mr. President, recently the St. Paul Pioneer Press ran a five-part series on Headstart and Child Development. This series of perceptive articles, written by Ann Baker, traced the history and discussed the experience of the Headstart program in Minnesota generally and the Twin Cities specifically It focuses on the key issue in day care: Whether these programs will be truly developmental or purely "cold storage" custodial operations.

The articles' analysis of the need for parental involvement in these programs; their review of the benefits both children and their parents have derived from child development activities, and their balanced assessment of the problems and potentials in development day care, provide an extremely useful insight into existing and proposed day care programs.

In addition to the five articles, the series included a very knowledgeable discussion of child development legislation pending before Congres and a review of the history of Headstart in Minnesota.

As one who has been working on child development legislation in the Senate, I found the articles to be extremely useful. I commend them to the attention of Senators and ask unanimous consent that they be printed in the RECORD.

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

HEADSTART DAY CARE HAS HEART—PART I

(By Ann Baker)

Some of the most ardent supporters of day care have begun to worry they may be creating a monster.

What good will thousands of centers do for millions of children, they are asking, if instead of helping kids grow and learn children are simply kept in "cold storage" till their parents pick them up?

And what about the parents? Will they lose all influence over kids who spend the whole day in the care of strangers?

The number of day care centers in Minnesota alone has doubled in the past two years. Except for Head Start and a few smaller efforts, most of them are built, planned and operated without consulting parents of the children who are put into them.

"Parents today, far from not caring about their children, are more worried about them than they have ever been in the course of recent history," child psychologist Bruno Bettleheim recently told a Senate committee considering child development legislation.

"The crux of the problem is that many parents have become powerless as forces in the lives of their children. A child often spends more time with a passive babysitter than a participating parent."

The answer, Bettleheim went on, cannot be sought in trying to halt the spread of day care centers. "There can be no doubt that day care is coming to America. The question is what kind?"

To Bettleheim the only kind of care that will "retain and rededicate our commitment to the family" is something that will join parents with professionals in efforts to help young children learn at school and at home.

Growing numbers of educators and psychologists agree. As an example of how that can be done, they have begun to examine Project Head Start.

When Head Start began six years ago as summer enrichment classes for 5-year-olds, it was designed to provide an experimental "intervention" in the environment of children, an environment that was seen to be unstimulating, restrictive, and in some

to build something that could destroy a whole city like magic.

And the people in the land of the peace-lovers grew uneasy. They knew they were better than their neighbors whom they loved, but they did not trust them. They wondered whether some of the neighbors they loved might be cousins of the evil men beyond the sea.

Then one day there came a sorcerer to the castle, and told the King he could make a vapor that the King's men could spread quietly among the evil men and kill them all peacefully.

And the King and his courtiers were glad, and they commanded the sorcerer to make the vapor and put it in metal vessels ready to be taken to the land of the evil men.

And the years passed, and the evil men made nasty remarks, but they did not try to conquer the land of the peace-lovers.

One day a courtier happily counting the vessels of deadly vapor, discovered one leaking.

Then it was that the King and courtiers looked at each other. And the King's eyes lighted. Quoth he, "Verily, if the sourcer's vapor can kill the evil men peacefully, it can kill the happy people in the land of the peace-lovers too."

They looked for the sourcerer so they could command him to make the deadly vapor harmless, but he did not know how. And more of the vessels began to leak.

And there was panic among the courtiers. So the King commanded that the vessels be encased in concrete and put on a ship and dumped into the sea. And they were.

And the years passed. By and by the cement cracked and the deadly vapor leaked out and the fishes of the sea died happily. And the vapors spread to the shores and the beasts and the birds died happily. Then the vapors spread to the happy people, and they died happily, and once again there was peace in the land of the peace-lovers.

FORCED BUSING OF CHILDREN

Mr. BROCK. Mr. President, in the last few months, particularly in the recent days which have brought the opening of schools, I have received literally hundreds of letters from parents and others who are dismayed to the point of despair by conditions brought on by the differing degrees of forced busing of children for the avowed purpose of achieving some sort of mythical racial balance.

Each edition of the newspapers brings more distressing news of missed buses, wrong buses boarded, more enrollment in private schools, dropouts, boycotts, and even families moving or sending their children to stay with relatives to avoid the undue hardship and physical and psychological damage from arbitrary and capricious forced busing. All this while the courts and other authorities act in direct defiance of legislation written into law by this body.

It would seem that the only recourse open to the American people at this point is to amend the Constitution, and that is why I introduced Senate Joint Resolution 112 on June 9. I believe such an amendment would effectively protect the integrity of the neighborhood schools.

The Washington Star recently published an article by James J. Kilpatrick which points up the deep concern which is shared by educators in this matter. I ask unanimous consent that Mr. Kilpatrick's remarks and the text of Senate Joint Resolution 112 be printed in the RECORD.

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

THE BUS ROUTE FROM EDUCATION TO MADNESS

(By James J. Kilpatrick)

ROANOKE, VA.—Several hundred principals, supervisors, and others engaged in education at the elementary school level met here a few days ago for a conference on what ails them. The delegates came from six southern states, whites and blacks alike, and for three days they listened dutifully to a program built around trade unionism and the new worry of "accountability."

These are important concerns. The unionization of public school teachers has become a fact of educational life, and the principals, understandably, were eager to know all those things about contract negotiation they always had been afraid to ask. The business of accountability embraces the growing demand of parents for a kind of quality control in the classrooms: If Miss Jackson's third-grade pupils fail to learn to read at third-grade levels, fire Miss Jackson.

But back in their rooms, or over a drink in the hotel pub, these deeply troubled professionals were not talking of militant unions or critical parents. They were talking of busing. A summer conference at a modestly posh hotel ought to mean happy times. These were the saddest sessions I ever sat in on.

The term "busing" has come to mean a great deal more than the mere physical transportation of pupils from Point A to Point B. In today's lexicon, it connotes such measures as "pairing" and "clustering" and "closing," and by extension it takes in all the problems of discipline, white flight, and school-community relations that afflict southern school systems today.

By way of example, consider two elementary schools in a major southern city. One of them, Hyde Park, on the east side of town, is located in a section of the city that has been wholly black for 70 years. The other, Bellhaven, on the west side, serves a neighborhood once wholly white but now substantially mixed. Each of the schools has a capacity of 800 pupils.

Under court order, Hyde Park and Bellhaven were paired for the 1970–71 school year. Roughly 160 white children were shipped every day to Hyde Park, and roughly 120 black children were shipped every day to Bellhaven. All six grades were maintained at each school, and the situation created problems that were "real but not intolerable."

For the coming year, the schools are to be "split-paired." The local District Court has decreed that all schools in the city system must be racially mixed, as nearly as may be practicable, in a ratio of 65 blacks to 35 whites. A part of the decree requires that Hyde Park abolish its kindergarten, first, second and third grades; and that Bellhaven abolish its fourth, fifth and sixth grades. The object is to place 520 blacks and 280 whites in each school.

The principal of Bellhaven, who happened to be telling me all this, is a plump fellow in his early 50s; his face looks as if all the happiness had been squeezed out. He has spent the past six weeks, since the school year ended, in these educational endeavors: He has moved all his school furniture for fourth, fifth and sixth graders to Hyde Park, and he has received like shipments in return. He has worked with his librarian in purging the Bellhaven shelves of 2,200 books beyond the third-grade level and is swapping these with the Hyde Park collection for tiny tots.

Mostly he has been on the phone with parents. His opposite number, 11 miles across town, has been equally engaged. Infuriated black parents are threatening violence and boycott. Outraged white parents have filed 230 requests for pupil records as a preliminary to placing their children in private schools. The principal of Bellhaven at this moment has no idea "if I can product my 280 whites." He won't know until Sept. 7.

I do not identify the city or the principal; educators have been warned they may be in contempt of court if they publicly criticize busing. Those are not the true names of the two schools. But the story is absolutely true. It is entirely typical. Down in Austin, Tex., the government has been demanding imposition of a plan that would give each school the same ethnic mix of the city at large—64.5 percent white, 20.4 percent Chicano, and 15.1 percent black. This is education? No. This is madness.

S. J. RES. 112

Joint Resolution proposing an amnedment to the Constitution of the United States relating to open admissions to public schools

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

LEASEHOLDER'S PLAN MERITS SERIOUS STUDY

Mr. HANSEN. Mr. President, the United States is fast becoming an energy deficient nation and overly dependent on foreign sources for oil.

Apparently few people realize that we are now importing more than one-fourth of U.S. needs, some 3½ million barrels a day of crude oil, residual and other refined or partly refined products.

Nor do many realize that we no longer have the excess producing capacity in the United States including all offshore production to make up the difference in demand and supply should any substantial amount of oil imports be cut off as it well could be.

The country faced an energy crisis last winter during a tanker shortage and disruption of oil supplies from the Middle East and north Africa. A crisis was prevented by concerted Government and industry action and the fact is that we still have excess producing capacity but not enough to match any substantial cutback in imports.

One of the oil deficient areas is the state of California. The west coast area must import considerable oil from Canada and other sources to meet its needs.

One of the most important sources of the west coast oil supply is from offshore including the Santa Barbara Channel.

Since the unfortunate 1969 blowout of a platform well in the channel, numerous studies have been made, congressional hearings have been held; the consensus now is that further drilling is necessary to relieve the pressure on oil seeps in the area that were flowing long before any wells were drilled from the offshore platforms.

The U.S. Geological Survey has, in fact, recommended drilling from other platforms as the only feasible means of recovering the oil and gas from the forma-

If we had several hundred women in Congress, not just a dozen, would we still have men dying in Vietnam? I think not. But if anyone disagrees, let's put it to the test. Starting in 1972.

COMPREHENSIVE CHILD DEVELOPMENT

Mr. MONDALE. Mr. President, during the recent Senate debate on S. 2007, I made several references to the impressive coalition of over 20 organizations who helped develop and shape the monumental child development provisions in that bill.

Through a clerical error, this list of organizations was incomplete when it was printed in the CONGRESSIONAL RECORD.

In order to correct the RECORD, I shall set forth below a complete list of the organizations at this point in my remarks:

Amalgamated Clothing Workers; AFL–CIO; Americans for Democratic Action; Americans for Indian Opportunity Action Council; Black Child Development Institute; Committee for Community Affairs; Common Cause; Day Care and Child Development Council of America; Friends Committee on National Legislation; Interstate Research Associates; International Ladies Garment Workers Union; League of Women Voters; Leadership Conference on Civil Rights; National Council of Churches; National Council of Negro Women; National Education Association; National League of Cities and U.S. Conference of Mayors; National Organization of Women, President and Vice President for Legislation; National Welfare Rights Organization; United Auto Workers; U.S. Catholic Conference, Family Life Division; and Washington Research Project Action Council.

EDITORIAL OF THE YEAR FROM THE ARGUS-CHAMPION

Mr. McINTYRE. Mr. President, it is certainly a great honor for the editor of a weekly newspaper to win the Golden Quill Award for the best editorial of the year. It is an honor because the editorial is selected from among more than 100,000 competing pieces from newspapers throughout the English-speaking world.

It is a high honor, Mr. President, but I am not surprised to find that the 1971 editorial of the year was written by Edward DeCourcy, editor and publisher of the Argus-Champion of Newport, N.H. It must have come as some surprise, however, when the judges discovered that the runnerup editorial was also written by Edward DeCourcy.

To the people of Newport and to thousands of others across our State this award is long overdue recognition for a man who has never been afraid to call them as he sees them.

Mr. President, the editor of the Chicago Times more than a century ago said of newspapers:

It's a newspaper's duty to print the news, and raise hell.

I suspect that in the very best sense possible, that is Ed DeCourcy's goal. He prints the news in a most unbiased fashion, but when he feels strongly about something, he tells his readers so, forcefully and eloquently, in his editorials.

I have admired and respected my friend Ed DeCourcy for many years, Mr. President, and I am proud to see that he has received this honor. I ask unanimous consent to have printed in the RECORD the text of the two award-winning editorials.

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

NONE OF THEIR BUSINESS

The police state virus has infected some Legislators who want State Police to get names of those who attend Washington rallies.

Reprinted below is the Golden Quill editorial of 1971, which originally appeared in The Argus-Champion on April 29, 1971. It was selected from more than 100,000 editorials in weekly newspapers throughout the English-speaking world. The original selection was made by the staff of the International Conference of Weekly Newspaper Editors, which sent some thousand editorials on to Dr. Clifton O. Lawhorne, chairman, Dept. of Journalism, Texas Christian University, who selected the winner and the top 12, known as The Golden Dozen.

The names of New Hampshire residents who go to Washington, D.C., to participate in the Rev. Carl McIntyre's "Win the War" rally on May 8 are none of the business of the State Legislature or of the New Hampshire State Police.

Going to Washington, or Concord, or Kellyville, or anywhere else to express an opinion is a fundamental American right. It makes no difference what the opinion may be. In Russia, Cuba or Spain anyone can express an opinion, provided it is the party line, but he dissents at his peril.

But we are free. In the United States of America the Constitution guarantees "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

It was no accident that that right was written into the Bill of Rights. The American people knew in 1789 what it meant to live under despotism. They knew the terror of life in a country where dissent was unlawful. They knew more. They knew that no government could long endure unless the people had the right to dissent. They knew that difference of opinion, debated, argued, discussed, is the route to wise decisions, and wise decisions are essential if self-government is to survive.

So anyone in New Hampshire who wants to join the Rev Mr. McIntyre's demonstration in Washington on May 8 should be able to do so without fear that his act will become another entry in a State Police dossier.

Yet the terrifying truth is that 10 members of the New Hampshire House of Representatives, the supreme law-making body of this state, tried last week to have the State Police ordered to supply them a list of the New Hampshire residents who had participated in the anti-war rally in Washington last week.

The request, of course, was absurd. New Hampshire has a good State Police force, but not good enough to be able to find out who among the quarter million Americans in Washington for that anti-war rally was from New Hampshire.

And aside from all that, the law enforcement agencies in this state have more than they can efficiently handle right now, enforcing the laws of this state, preventing and solving crime.

But that is not the point. The terrifying aspect of the incident in the Legislature is that men in power in this state want to use that power to stifle the opinions of persons whose opinions differ from theirs.

The police state virus is infecting too many persons in this country. The humorous columns about persons who are offended if anyone thinks they are not important enough to be included in the FBI or Army Intelligence files, are no longer funny.

Echoes of the pre-war Nazi or Communist life, the middle of the night knock on the dissenter's door after which he was seen no more, are growing louder.

If we want America to continue to be the land of the free, all of us, State Legislators included, must remember that there is no freedom for anybody unless there is freedom for all, and that the first freedom is freedom of thought.

THE SPECTATOR

(By Edward DeCourcy)

This Spectator, originally published Aug. 13, 1970, is reprinted here because it was judged by the International Conference of Weekly Newspaper Editors as runner-up to the Golden Quill editorial, and both were written by the same editor.

THE SORCERER AND THE PEACE-LOVERS

Once upon a time there dwelt a happy people in the land of the peace-lovers. They were happy because they had no enemies. They had defeated them all in wars. They were happy because they loved their neighbors, even though they knew they were better than their neighbors.

They were happy because they had clean air and fresh water and quiet streets. They were happy because most of them had plenty to eat, and those who didn't didn't whine about it.

They were happy because they were well. They were well because they could buy ointments and nostrums for any kind of ailment, along with lemon phosphates, at the local drug store. They knew the ointments and nostrums would cure their ailments because the manufacturers told them so.

Life was good in the land of the peace-lovers. The earth was fertile. Crops flourished. Herds multiplied.

The King ruled his people with tender mercy because he loved them, and they loved him, too. The King knew the people loved him because his courtiers told him so. The happy people knew the King loved them because the courtiers told them so.

And there was apple pie with vanilla ice cream.

One day a balladier went to the castle and sang a sad song for the King. It told a dark tale of evil men beyond the sea, who looked with envy on the land of the peace-lovers, men who plotted to conquer them.

So the King clapped his hands and summoned his courtiers and he commanded the balladier to sing his song again. And the courtiers looked at one another, and they were sore afraid.

So they pondered how they should advise the King, so he could stop the evil men from destroying the land of the peace-lovers. And the King listened. And they did build many big ships to guard their shores, and they built flying ships, and they strung magic wires around their border that would tell when an enemy approached. And they built wagons and carts and put wheels on boats. And they made bigger and faster and faster and bigger guns.

And still the King was afraid, because the balladier came again, and his song told that the evil men were doing even as the people in the land of the peace-lovers. So the King summoned his alchemists and told them to build something that could destroy a whole city like magic, and they did.

And again the balladier came, and told the King it was not enough because the evil men had captured an alchemist and tortured him and he had told them also how

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