CIVIL RIGHTS 92 Congress First Session 1971

Greater Oppor. for Spanish Speaking Americans---Nov.-17

18 year old vote----------March lo

Voting Rights Act Amendts.----------Nov. 24

Funds for Civil Rights Commission Amendt.-------July 19

Vice-President and Black leaders----------July 27

notify the President of such a problem for his resolution.

In addition, S. 2097 provides for the development by a strategy council and promulgation by the President of a comprehensive, coordinated, long-term national strategy for all drug abuse programs and activities conducted, sponsored, or supported by any department or agency of the Federal Government. Members of the strategy council will be the Director of the Special Action Office, the Attorney General, and the Secretaries of HEW, State, and Defense.

Mr. JAVITS. Mr. President, S. 2097, the Drug Abuse Office and Treatment Act of 1971, reported today by the Government Operations Committee, responds to an undeniable, long-standing failure in government organization and operation—resulting in a crippled and ineffectual response to the critical national drug abuse problem. Drug abuse research, treatment, education, and prevention will all benefit in that important treatment modalities of all kinds, including methadone maintenance, will be considered and evaluated centrally.

The bill as reported, represents a major, bipartisan compromise reached after extensive negotiations over a period of many weeks between the White House, the Attorney General and Senators RIBICOFF, MUSKIE, HUGHES, PERCY, GURNEY, and myself. I commend all parties to this compromise for their determined effort to reach such broad agreement on a sensitive issue of singular national importance. I particularly commend our distinguished chairman, Senator MCCLELLAN for his leadership in developing this legislation.

In proposing S. 2097, the administration has put a high priority upon the marshalling of existing and new resources in a genuinely innovative effort to improve our performance in dealing with this intrinsically complex problem.

If our drug abuse programs at the Federal level are going to receive wide public support, we must have an intelligent, coordinated, and consistent drug policy at the national level. The largest, single obstacle to the achievement of that objective has been the fragmentation of effort in drug abuse control among so many Federal and local agencies, each of them jealously guarding its independent prerogative and authority.

The Special Action Office proposed in this bill—under the able direction of Dr. Jerome H. Jaffe—is intended to overhaul the capacity of the total government to integrate and coordinate the Federal role in this area. We will now be able to consider seriously how we can go about changing public attitudes towrad drugs, and developing realistic social controls. Hopefully, we may yet be able to have a significant impact upon the treatment and rehabilitation problems now overwhelming the Nation's health and social welfare agencies.

The bill has been referred to the Labor and Public Welfare Committee where several important additional provisions within the jurisdiction of that committee will be considered. As ranking Republican member of that committee, and as coauthor, with the Senator from Iowa (Mr. HUGHES), of the provisions that will be added to the bill, I am confident that they will be acted upon expeditiously. The further assistance of Senator HUGHES, who has long provided outstanding leadership in this field will be invaluable as our comimttee and the Senate considers this critically important legislation.

Mr. MCCLELLAN. Mr. President, I am proud of S. 2097 and the efforts of my distinguished colleagues—particularly Senators RIBICOFF, MUSKIE, PERCY, and JAVITS—in processing this very comprehensive bill to fight drug abuse. That this measure was reported unanimously today from our committee in my judgment bespeaks its merits and the effective role all of our Members feel it will play in leading our Nation's attack on the evils of illicit drug use.

We badly need the coordination and direction this bill will provide in our fight to eradicate illegal narcotics activity. I am confident this legislation will help us to combat trafficking in drugs and hopefully restore to useful life thousands of those who have been victimized and enslaved through the use of such instruments of destruction.

The illicit drug traffickers and the victims of drug addiction cause an untold amount of suffering not only to the users and their families—but also to the social, political, and economic fabric of our Nation. S. 2097 will help us to move promptly and bring to bear the full weight and impact of our resources against this insidious enemy.

We must prevent drugs from crippling more of our youth—both civilian and military—and from crippling the future of this great land. The money called for in S. 2097—$202 million over the present and next 3 fiscal years—is a modest investment, indeed, if we can overcome the costly horrors this menace has already wrought in America, and hopefully rehabilitate many of those who have suffered in its grasp. We must take positive action now to eliminate this threat lest it escalates beyond control.

ENROLLED BILLS SIGNED

The PRESIDENT pro tempore announced that on today, November 17, 1971, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 4729. An act to amend section 2107 of title 10, United States Code, to provide additional Reserve Officers' Training Corps scholarships for the Army, Navy, and Air Force, and for other purposes;

H.R. 7072. An act to amend the Airport and Airway Development Act of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes; and

H.R. 11418. An act making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. CURTIS:

S. 2864. A bill to amend the Agricultural Act of 1970 to authorize the Secretary of Agriculture to make, for purposes of farm production history, appropriate adjustments in the per acre yield of farms on which production has increased substantially as the result of the introduction of irrigation on such farms. Referred to the Committee on Agriculture and Forestry.

By Mr. HATFIELD:

S. 2865. A bill to amend the Social Security Act to provide for partial general revenues financing of benefits under title II thereof, to make social security benefits subject to income taxation, to permit individuals covered under certain other retirement programs to elect not to be covered under social security, and to provide for the financing from general revenues of the health insurance programs established by parts A and B of title XVIII of such Act. Referred to the Committee on Finance.

By Mr. HARTKE:

S. 2866. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of dependency death pension, and for other purposes; and

S. 2867. A bill to amendment title 38 of the United tSates Code to liberalize the provisions relating to payment of dependency and indemnity compensation. Referred to the Committee on Veterans' Affairs.

By Mr. BIBLE:

S. 2868. A bill for the relief of Antoine Georgios Andriopoulos. Referred to the Committee on the Judiciary.

By Mr. HARTKE:

S. 2869. A bill to provide for the inclusion in printed media advertising and upon billboards of a conspicuous statement of a cigarette health warning; and

S. 2870. A bill to provide for regulation of business franchises, to require a full disclosure of the nature of interests in business franchises, to provide for increased protection of the public interest in the sale and operation of business franchises, and to provide for fair competition in the negotiation of franchise agreements. Referred to the Committee on Commerce.

By Mr. HUMPHREY (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. JAVITS, Mr. KENNEDY, Mr. MCGEE, Mr. MONTOYA, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S.J. Res. 177. A joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans. Referred, by uanimous consent, to the Committee on Labor and Public Welfare.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATFIELD:

S. 2865. A bill to amend the Social Security Act to provide for partial general revenues financing of benefits under title II thereof, to make social security benefits subject to income taxation, to permit individuals covered under certain other retirement programs to elect not to be covered under social security, and to provide for the financing from general revenues of the health insurance programs established by parts A and B of title XVIII of such act. Referred to the Committee on Finance.

FINANCING REFORM OF SOCIAL SECURITY AND MEDICARE

Mr. HATFIELD. Mr. President, I send to the desk a bill to amend the Social Security Act.

Mr. President, an index of the humanity of any civilization is how it takes care of its elderly. In our society, we have provided social security since 1935—albeit somewhat behind the first social security legislation which originated in Bismark's Germany in 1881. Still, for us it was a noble experiment. Virtually all Americans have grown to love and support the social security system. However, the system has become so encumbered with changes since its inception that few really know how it works, and even fewer would attempt to criticize it. Yet, there are upon examination, many shortcomings of the present system, some of which I would like to focus on today.

Today, social security is neither social nor security. It is not social in that all society does not equally participate. Nor is it security in that some are excluded, many are paid too little to retire on, and the trust fund concept is a sham that has little relationship to the insurance principles.

Let me first elaborate on the social part of social security. That is, who pays for the retirement of the elderly? As it now stands, as emphasized by the President's 1971 Advisory Council on Social Security and by the reports of the Brookings Institute, the social security system represents a transfer of income from lower and middle-income workers to the elderly unemployed. Social security contributions that support the system are not really insurance premiums, they are taxes. In fact, young workers could get three times the benefits from a private plan for such a level of contributions. And they are taxes on the wage of workers—currently the first $7,800 of earnings, but to rise to the $10,200 level in 1972, and $14,000 by 1980 in the House-passed bill (H.R. 1). The current 5.2-percent tax on wages up to this level is matched by an equal amount from employers. But as the Brookings Institution studies have shown, this additional tax is really also paid by workers because employers shift this tax back to workers in lower wages—or fewer jobs.

This means that the social security tax is now the most important tax for all workers earning under $10,000 per year. By next year, its total cost to the $10,000 worker will exceed that of his income tax obligation, assuming a family with two children. Under the existing bill this will rise to a 15-percent tax on the earnings of the $10,000 man by 1977, a far cry from the original measure 36 years ago that taxed each employee and employer 1 percent on the first $3,000 of wage earnings.

Thus, the social security contributions, really a payroll tax, have become the second most important tax in the American fiscal system—approaching $50 billion, second only to the income tax. But, the critical point here is that this tax falls on the lower and middle-income wage and salary workers because the tax rate falls to zero once income rises to about $7,800 this year and $10,200 next year. The tax is at zero on all nonwage income—dividends, rent, interest, and profits. Thus, the original concept of insurance for the retired wage earner on an equitable basis is negated.

Having established that the social cost of providing for the elderly is borne inequitably, but by the current generation of lower and middle-income working people, let us now turn to the security aspect of social security. More than 27 million Americans receive social security benefits. More than 90 percent of Americans are covered by the system. But how does the system work in providing security?

Surely, for some recipients, $100 a month is not a sufficient pension on which to live.

Surely, for the wealthy the social security benefits are not really needed, nor for that matter, even taxed.

Surely, for some, they do not represent work actually done. It is possible to qualify for social security by having had shares in oil lease operations that are defined as self-employed income.

Surely, for others, that growing number who choose to work after 65 and add to the national product, there are no social security benefits even though they might have paid social security taxes all their working lives and are still taxed after 65 on their current incomes.

And surely, there is no vast trust fund to pay out pensions for the future—the trust fund is only $36 billion, about 1 year's payments—for the payments are primarily financed by taxes on the working generation. And that is the critical point. To run the social security system as a private pension scheme is a myth recognized by social security experts. To put the system on a true actuarial basis would mean generating a fund equaling $200 billion by 1986 and nearly $1 trillion—equal to our current GNP—by the year 2025. To maintain this myth in the law means much higher payroll taxes now on the current generation. In fact, social security taxes would be falling, rather than increasing, if it were recognized that the most appropriate way to run a social security system is on a pay-as-you-go system. This is how many European countries are doing it—it is also the way it should be done here. The present system is based on the totally unrealistic assumption that wages will not rise over the next generation—and thus tax rates now have to grow higher over the years to pay for the greater cost of pensions in the future. This really means that the unified Federal budget tends to get more and more financial support from wage taxes on the lower- and middle-income groups, rather than from our traditional progressive tax sources, such as the income tax. Indeed, while the income tax rate is falling, the social security rate is rising. The fellow making just under $200 a week will see his social security tax payments rise from $405 to $755 by 1977, while his income tax payments are scheduled to fall. This also means that the fall in the income tax payments by the rich—for some the rate has fallen from 91 percent to 50 percent—is really being subsidized by higher payroll taxes on lower- and middle-income workers.

WHAT SHOULD BE DONE?

Recognizing that taking care of the elderly is a social responsibility of the rich as well as the middle- and lower-income workers; and

Recognizing that benefits should flow to all Americans in adequate amounts to sustain a decent living standard;

I propose the following recommendations:

First, social security taxes and payments should be on a purely pay-as-you-go basis to avoid the overtaxing of the current working generation. Anyone who has studied this subject knows that it is always the current generation of workers that must provide for those not able to work. It is unfair to use a payroll tax to finance other current projects of the Government which can and should be paid for by traditional progressive tax measures based on the ability to pay;

Second, the social security benefit system should be separated from medicare with respect to financing, while medicare would continue to be administered by the Social Security Administration. Medicare would be financed by general tax revenues which would significantly lower the burden on the wage earners who are presently bearing the financial responsibility for it;

Third, the payroll tax should be made optional to the worker as long as he or she is a member of an insurance or pension program of at least comparable magnitude in his or her judgment. This is only fair in that private insurance and pension plans now offer more incentive than would the Federal plan on a free market. And the goal is security in one's old age; and

Fourth, the first $100 per month of social security benefits should be financed out of the general revenue, not the payroll tax. Today, an individual can be eligible for benefits of a program into which he has paid very little, the burden falling on the other wage earners contributing to social security. If it is accepted that an individual is entitled to benefits that are not related to how much he has contributed to social security, then the middle and lower wage earner should not have to bear the primary responsibility.

This plan could both spur recovery—by across-the-board payroll increase for workers to spend—and fight inflation by cutting labor costs of unit production as well as to revive business profits. It would increase employment and help the American balance of payments in competing with imports, while making exports more competitive. The new burden of social security would be more equitably distributed than the old burden of disproportionately taxing the lower and middle income workers.

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

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

S. 2865

A bill to amend the Social Security Act to provide for partial general revenues financing of benefits under title II thereof, to make social security benefits subject to income taxation, to permit individuals covered under certain other retirement programs to elect not to be covered under social security, and to provide for the financing from general revenues of the health insurance programs established by parts A and B of title XVIII of such Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

passed upon the merits or given approval to such franchise. It shall be unlawful to make or cause to be made, to any prospective purchaser any express or implied representation contrary to the foregoing.

PENALTIES FOR WILLFUL VIOLATIONS

SEC. 15. Any person who willfully violates any provision of this Act, or any rule or regulation promulgated thereunder, or any person who willfully, in a disclosure statement filed under this Act, makes any false or misleading statement of a material fact, or omits to state any material fact required to be stated therein or necessary to make the statements therein not false or misleading, shall upon conviction be fined not more than $10,000 or imprisoned not more than five years, or both.

JURISDICTION OF OTHER GOVERNMENT AGENCIES

SEC. 16. Nothing in this Act shall relieve any person from submitting to the respective supervisory units of the Government of the United States information, reports, or other documents which may be required by law. The filing of a registration statement hereunder shall not be deemed to confer any immunity from liability for violation of any other laws.

LIMITATION OF ACTIONS

SEC. 17. No action shall be maintained to enforce any liability created under section ——— unless brought within two years after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or if the action is to enforce a liability created under section (1), unless brought within two years after the violation upon which it is based occurred. In no event shall any such action be brought by a franchisee more than three years after the sale of the franchise to the franchisee.

CONTRARY STIPULATIONS VOID

SEC. 18. Any condition, stipulation, or provision binding any person acquiring any frachise to waive compliance with any provision of this Act or of the rules and regulations prescribed thereunder shall be without effect and void.

ADDITIONAL REMEDIES

SEC. 19. The rights and remedies provided by this Act shall be in addition to any and all other rights and remedies that may exist at law or in equity.

By Mr. HUMPHREY (for himself, Mr. BAYH, Mr. BENTSEN, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. JAVITS, Mr. KENNEDY, Mr. McGEE, Mr. MONTOYA, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. STEVENSON, Mr. TUNNEY, and Mr. WILLIAMS):

S.J. Res. 177. A joint resolution relating to the publication of economic and social statistics for Spanish-speaking Americans. Referred, by unanimous consent, to the Committee on Labor and Public Welfare.

GREATER OPPORTUNITY FOR SPANISH-SPEAKING AMERICANS

Mr. HUMPHREY. Mr. President, we live in a society in which significant change often seems to come in sudden bursts in reaction to disclosure of a situation that has existed for many years.

In the decade of the 1960's, Americans "discovered" many things about their society that had been hidden or had become invisible beneath a veneer of postwar prosperity.

We discovered that there were nearly 40 million Americans living in poverty.

We discovered millions of American adults and children hungry and living on inadequate diets.

We discovered that our environment was being poisoned to the extent that our health was in danger.

We discovered that much more had to be done in Congress and all across the Nation to secure equal opportunity for millions of black Americans.

And we discovered that American cities were becoming unlivable for the millions of Americans forced to live in them and for those who yearly migrated to urban America from rural areas.

The American public was made aware of those great domestic problems by men and women in and out of government willing to look and probe beneath the surface of American society. As a result of their courage and foresight the United States has begun to confront these problems and to identify how they might be solved. Progress has been made. Certainly not enough. But at least we are aware of the scope and magnitude of what must be done to improve the quality of life for all Americans.

But the identification of the urgent needs and problems of millions of Americans during the 1960's was not by any means a complete or thorough process.

And in the hectic pace of public discovery and commitment of resources, there were groups of people left behind and problems unidentified. I do not believe that we can continue to rely in the 1970's on a somewhat haphazard system of identification of existing and often deep-rooted problems that suddenly become crises when the public is made aware of them by a perceptive book, magazine article or television program.

The Federal Government itself must take a more active role in bringing to the attention of all the Government agencies and all branches of Government in addition to private organizations and individuals, the needs of people.

I am introducing today a Senate joint resolution which will begin to have the Federal Government identify the economic and social condition of 12 to 15 million Spanish-speaking Americans.

I believe these people have been left behind in our efforts to eradicate poverty, provide justice, and eliminate racial prejudice in American life.

The 12 to 15 million Americans who identify themselves as Spanish speaking trace their origins from Mexico, Puerto Rico, Cuba, Central and South America and other Spanish-speaking countries. Slightly more than half of these people are of Mexican-American origin with nearly 20 percent of this population comprising people of Puerto Rican origin.

The plight of Spanish speaking Americans is one of a people striving for justice and equal opportunity. They continue to be the victims of racial, economic, social, and political discrimination which forces them into a type of second-class citizenship. And although their self-identity and racial pride have been reinforced in the past few years as they attempt to gain the equal rights they deserve, national public awareness of the urgency of their special needs is negligible.

In many cities throughout the Nation—in Los Angeles, New York, Denver, San Antonio, and Chicago, to name just a few—many Spanish-speaking Americans live in a cycle of poverty from which it is extremely difficult to escape.

Deplorable housing, poor diets, an education designed primarily for white middle class children, job discrimination, menial labor, and unemployment are all part of "barrio" life in American cities and towns. In New York City, 55 percent of the Puerto Rican males over 25 living in an identified poverty area had less than 8 years of education. And in Los Angeles, 69 percent of the Mexican-American residents of East Los Angeles between 25 and 34 years of age completed less than 4 years of high school.

Education is the key to greater economic and social opportunity in American life.

And the special bilingual needs of Spanish-speaking children, though much discussed, are not being met by either the Federal or State governments. Bilingual education is essential not only to retain cultural self-identity, but to improve the learning processes of American children whose mother tongue is not English. The failure of Spanish-speaking children to learn and achieve in school is often the result of language problems. It is understandable that the dropout rate among Spanish speaking in high schools is very high.

The poverty cycle in which millions of Spanish-speaking Americans are caught leads inevitably to dead-end jobs, menial labor, and unemployment. And unemployment is rampant in Spanish-speaking communities all across the Nation.

We know that unemployment is serious among Spanish-speaking teenagers and adults and far surpasses the high unemployment rate among whites. Unemployment figures for Spanish-speaking citizens are provided at irregular intervals by the Labor Department's Bureau of Labor Statistics.

But there is no monthly report of national unemployment among the Spanish speaking published by the Bureau of Labor Statistics in their monthly summary which is widely reported in the press and on television.

At the beginning of each month the American public is informed of the national unemployment rate for the white and black population. I see absolutely no reason why America's second largest minority—the Spanish speaking—should be excluded from this reporting procedure especially since regional statistics indicate that unemployment among the Spanish speaking is greater than white unemployment and is equal to or greater than the alarming level of black unemployment.

Members of Congress, the public, and certainly members of the executive agencies and departments have a need to know the monthly unemployment rate for Spanish-speaking citizens.

No one can tell me that 12 to 15 million people represent too insignificant a group to be included in the Department of Labor's monthly statistical reporting.

in the goods or services offered by him to his customers.

(18) A statement whether the franchisor requires the franchisee to participate personally in the direct operation of the franchise.

(19) A statement of the terms and conditions of any financial arrangements when offered directly or indirectly by the franchisor or his agent.

(20) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part.

(20) A statement of the number of franchises presently operating and the number proposed to be sold, indicating which franchises, if any, can be owned and their addresses.

(22) A statement of the number of franchisees, if any, that operated at a loss during the previous year.

(23) A list of at least ten representative operating franchisees, with their addresses and telephone numbers, situated similarly to the franchise being offered and located, to the extent possible, in the same geographic area.

(24) Subject to any limitations imposed by the Commission, a statement of available earnings of past and present franchises and a fair analysis of their performance, including records of failures, and resales to the franchisor.

(25) A statement as to whether franchisees and subfranchisors receive an exclusive area or territory.

(26) A statement as to the methods and responsibilities of the parties in determining the site for the franchisee's outlet.

(27) A statement setting forth such other information as the Commission may require.

(28) A statement setting forth such information as the franchisor may desire to present.

(29) A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise.

(30) When the person filing the disclosure statement is a franchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this schedule.

(b) The disclosure statement shall not be used for any promotional purposes before it becomes effective, and then only if it is used in its entirety. No person may advertise or represent that the Commission approves or recommends the sale of any franchise. No portion of the disclosure statement shall be underscored, italicized, or printed in larger or bolder type than the balance of the statement unless the Commission requires or permits it.

REGISTRATION OF FRANCHISES

SEC. 8. (a) Applications for registration, registration renewal statements and amendments thereto, shall be signed and verified by the franchisor or by the subfranchisor.

If the Commission determines that the applicant has failed to demonstrate that adequate financial arrangements have been made to fulfill obligations to provide real estate improvements, equipment, inventory, training or other items included in the offering, the Commission may by rule or order require the escrow or impound of franchise fees and other funds paid by the franchisee or subfranchisor until no later than the time of opening of the franchise business, or, at the option of the franchisor, the furnishing of a surety bond as provided by rule of the Commission, if it finds that such requirement is necessary and appropriate to protect the public interest.

(b) The application for registration shall contain such information as the Commission may by rule require.

(c) The Commission may suspend or revoke the registration of any franchise if it finds with respect thereto—

(1) that there has been a failure to comply with any of the provisions of this Act or the rules of the Commission pertaining thereto, or

(2) that the offer or sale of the franchise would constitute misrepresentation to, or deceit or fraud of the purchasers.

(d) The Commission may vacate or modify the suspension or revocation of a franchise registration if it finds that the conditions which caused such suspension or revocation have changed.

(e) A franchise offering shall be deemed duly registered for a period of one year from the effective date of the registration, unless the Commission by rule specifies a different period.

(f) A registration may be renewed under such procedures as the Commission by rule shall require.

(g) A franchisor shall promptly notify the commissioner in writing of any material change in the information contained in the application as originally submitted, amended or renewed. Such notification shall constitute an application to amend the registration. The Commission may by rule prescribe what constitutes a material change for purposes of this section.

PROMULGATION OF RULES AND REGULATIONS

SEC. 9. (a) The Commission is authorized to promulgate such rules and regulations as it deems necessary to implement and interpret this Act, including but not limited to, rules and regulations defining as unfair and deceptive certain acts and practices of franchisors such as directly or indirectly engaging in competition with any franchisee using methods which constitute unfair methods of competition under the Federal Trade Commission Act (terminating, canceling, or failing to renew a franchise without adequate notice and otherwise protecting the rights of the franchise; using unfair and deceptive methods to induce a franchisee to sell back his franchise business to the franchisor or a third party).

(b) Rules and regulations shall be promulgated by the Commission pursuant to section 553 of title 5, United States Code.

CIVIL LIABILITIES

SEC. 10. (a) In case any part of a disclosure statement, which has become effective, contains a false or misleading statement of a material fact, or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, or in case any franchisor commits an unfair or deceptive act or practice in violation of a rule or regulation promulgated by the Commission hereunder, any person expending money in connection with acquiring a franchise covered by such offering statement from a franchisor, subfranchisor, or agent thereof, during such period as the statement remains uncorrected, or any person who has suffered damage by reason of such unfair or deceptive act or practice of a franchisor may sue at law or in equity, in any court of competent jurisdiction, the franchisor, subfranchisor, or agent.

(b) Any franchisor, subfranchisor, or agent who commits any unfair or deceptive act or practice in violation of a rule or regulation promulgated by the Commission hereunder, or who sells a franchise—

(1) in violation of section 5, or

(2) by means of an offering statement containing a false or misleading statement of a material fact or by omitting to state a material fact required to be stated therein or necessary to make the statements therein not misleading,

may be sued by any person who was damaged as the result of such violation or by the purchaser of the franchise.

(c) The suit authorized under subsection (a) or (b) of this section may be brought to recover damages up to three times damages sustained or the cost of the franchise, whichever is greater, including reasonable attorney's fees and reasonable court costs.

(d) Any person who becomes liable to make any payment under this section may recover an equitable contribution, as in cases of contract, from any person who, if sued separately, would have been liable to make the same payment.

OTHER LAWS AFFECTED

SEC. 11. Disclosure or other requirements of a State with respect to franchises inconsistent with those set forth in this Act shall be preempted. Nothing contained in this Act shall be construed to repeal, invalidate, or supersede the Federal Trade Commission Act (15 U.S.C. 41 et seq.).

OTHER REMEDIES

SEC. 12. (a) It shall be a violation of section 5(a)(1), of the Federal Trade Commission Act (15 U.S.C. 45(a)(1)) for any person subject to the provisions of this Act to fail to comply with any requirements imposed upon such person by or pursuant to any rule or regulation of the Commission promulgated under this Act, or to violate any provision contained in this Act.

(b) The Commission shall have all of the rights and remedies with respect to this Act as the Commission has with respect to violations of section 5(a)(1) of the Federal Trade Commission Act.

(c) Whenever it shall appear to the Commission that any person is engaged, or is about to engage, in any act or practice which constitutes or will constitute a violation of this Act, or any rule or regulation prescribed thereunder, the Commission, acting through any of its attorneys designated by it for such purpose, may in its discretion, bring an action in any district court of the United States, United States court of any territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this Act.

JURISDICTION OF OFFENSES AND SUITS

SEC. 13. The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this Act and under the rules and regulations prescribed pursant thereto, and concurrent with State courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this Act. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, if the defendant or his agent participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291 of title 28 of the United States Code. No costs shall be assessed for or against the Commission in any proceeding under this Act brought by or against it in any court.

UNLAWFUL REPRESENTATIONS

SEC. 14. The fact that a disclosure statement with respect to any franchise has been filed or is in effect shall not be deemed a finding by the Commission that the disclosure statement is in any way true and accurate in substance or on its face, or be held to mean that the Commission has in any way

I am sure that my colleagues on both sides of the aisle would agree that the commitment of Federal, State, and private resources cannot occur without an accurate assessment of need. The social statistics concerning the condition of America's Spanish-speaking citizens are needed now without continued delay.

The joint resolution that I am offering today asks the Department of Labor and the Census Bureau to cooperate in order to include the national unemployment rate of Spanish speaking Americans in the monthly unemployment report for the white and black population published on the first Thursday of every month.

The resolution further asks the Labor and Agriculture Departments and the Census Bureau to publish statistics that will provide indicators of the social and economic condition of Spanish speaking citizens in urban and rural America.

Mr. President, we are a Nation that is desperately in need of more information about all of our people. I believe that we can no longer continue to view the degradation and misery of poverty and hunger in America without knowing its exact dimensions so that we can provide the resources to eradicate it.

The Spanish-speaking Americans are rightly demanding equality and justice. But I do not see how we can begin to meet these demands unless we are cognizant of the true needs of this great people.

Too much time has passed for us to delay any more. The Federal Government must be responsive. The progress of Chicanos, Boricuas, and Hispanos toward justice and equality must not be delayed. I think the first step is recognition and public awareness of need. After this, we must begin to provide the tools to meet demands that have gone unmet for too many decades.

Mr. President, I offer this resolution for myself and Senators BROOKE, MOSS, HATFIELD, MCGEE, BENTSEN, MUSKIE, KENNEDY, BAYH, MONDALE, NELSON, CRANSTON, WILLIAMS, HARRIS, CASE, JAVITS, MONTOYA, PELL, STEVENSON, and TUNNEY.

I am also pleased to announce that Congressmen BADILLO and ROYBAL are introducing this resolution in the House.

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

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

S.J. RES. 177

Whereas, nearly 12 million Americans identify themselves as Spanish speaking and trace their origins from Mexico, Puerto Rico, Cuba, Central and South America and other Spanish speaking countries; and

Whereas, the Spanish speaking in America have made significant contributions to enrich American culture and have served their nation well in times of war and peace; and

Whereas, a large number of Spanish speaking Americans suffer from racial, social, economic and political discrimination and are denied the basic opportunities they deserve as American citizens and which would enable them to begin to lift themselves out of the poverty that they now endure; and

Whereas, state and Federal governments and private organizations are now unable to determine accurately the urgent and special needs of the Spanish speaking in the United States because there is not a regular, nationwide evaluation of the economic and social status of Spanish speaking Americans; and

Whereas, the provision and commitment of state, Federal and private resources can only occur when there is an accurate and precise assessment of need, Now therefore, be it

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, that the Department of Labor in cooperation with the Bureau of the Census immediately begin to undertake the collection and compilation of data in order to provide for the monthly publication by the Bureau of Labor Statistics, beginning not later than January, 1972 of the nationwide unemployment rate among Spanish speaking Americans; and that the Bureau of the Census and the Department of Labor and the Department of Agriculture undertake further efforts to collect and publish regularly statistics which provide indicators of the social and economic condition of Spanish speaking citizens in urban and rural America.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 1893

At the request of Mr. BIBLE, the Senator from Washington (Mr. JACKSON), the Senator from the State of Idaho (Mr. CHURCH), the Senator from Montana (Mr. METCALF), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 1893, to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes.

S. 2349

At the request of Mr. TUNNEY, the Senator from Florida (Mr. CHILES), the Sentor from New York (Mr. JAVITS), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Illinois (Mr. STEVENSON) were added as cosponsors of S. 2349, the Voting Rights Act Amendments of 1971.

S. 2837

At the request of Mr. PELL, the Senator from Utah (Mr. Moss) was added as a cosponsor of S. 2837, the Museum Services Act.

SENATE RESOLUTION 195—SUBMISSION OF A RESOLUTION CALLING FOR THE PRINTING AS A SENATE DOCUMENT A REPORT BY THE GENERAL ACCOUNTING OFFICE

(Referred to the Committee on Rules and Administration.)

Mr. MCCLELLAN submitted the following resolution:

S. RES. 195

Resolved, That there be printed, with illustrations, as a Senate document a report compiled by the General Accounting Office at the request of the Committee on Government Operations entitled "Financial Management in the Federal Government—Volume II"; and that there be printed one thousand five hundred additional copies of such document for the use of that committee.

SENATE CONCURRENT RESOLUTION 51—SUBMISSION OF A CONCURRENT RESOLUTION RELATING TO THE RIGHTS OF ALL PERSONS TO EMIGRATE

(Referred to the Committee on Foreign Relations.)

THE RIGHT TO EMIGRATE

Mr. BUCKLEY. Mr. President, I am today submitting, on behalf of the Senator from Tennessee (Mr. BROCK) and myself, a concurrent resolution, conforming precisely to one introduced in the House of Representatives by Congressman JACK KEMP, which expresses "the sense of the Congress that the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country."

We are all aware of the persistent violations by Communist nations of the fundamental right of emigration, one that is specifically written into the United Nations' Universal Declaration of Human Rights. This persistent refusal to allow a citizen to leave has most recently been dramatized by the plight of Russian Jews who seek to find a new life elsewhere.

This resolution has been the subject of hearings before the House Foreign Affairs Committee. I am advised, further, that it is acceptable to the Department of State; and that its language has been reviewed by members of our U.S. delegation, and is acceptable to Ambassador Bush.

Mr. President, I urge the House of Representatives and the Senate to act promptly on this concurrent resolution.

The concurrent resolution (Senate Concurrent Resolution 51), reads as follows:

S. CON. RES. 51

Whereas the Congress is concerned about the fact that some nations have not adhered to the United Nations Declaration of Human Rights which specifically recites that all people have a right to expatriate themselves—to pass freely from state to state, to remove themselves from a jurisdiction which they find destructive or offensive to their rights; and

Whereas the venegeful trial of Jews attempting to leave Lengingrad, the plight of hundreds like Rita Gluzman whose husband has not been allowed to emigrate from Ukraine to join her and their baby son in Israel, the killing of approximately 65 people trying to flee East Berlin, the brutal beating, recapture, and subsequent prosecution of the Lithuanian seaman on an American Coast Guard vessel, the expressed fear of Solzhenitsen that if he accepted the Nobel Prize in Stockholm, he could be barred forever from his Russian homeland are all evidence of the fact that some nations have not honored the aforementioned basic and internationally recognized human right, and right of everyone to leave any country and return to his own country; and

Whereas both authoritative world opinion and international law consider the right to leave and to return as a fundamental human right binding on all governments; and

Whereas this extremely important moral issue has never been brought before the United Nations General Assembly: Now, therefore, be it resolved by the Senate (the House

of Representatives concurring), That it is the sense of the Congress that the President, acting through the United Nations, should present to the United Nations General Assembly in fitting manner the issue of the right to emigrate from and also return to one's country.

REVENUE ACT OF 1971—AMENDMENTS

AMENDMENT NO. 697

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

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (H.R. 10947) to provide a job development investment credit to reduce individual income taxes, to reduce certain excise taxes, and for other purposes.

AMENDMENT NO. 698

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

Mr. COTTON submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 699

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

Mr. MATHIAS (for himself, Mr. SCOTT, and Mr. COOK) submitted an amendment, intended to be proposed by them, jointly, to amendment No. 692, proposed by Mr. PASTORE, to the bill (H.R. 10947), supra.

AMENDMENT NO. 700

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

Mr. PELL submitted an amendment intended to be proposed by him to the bill (H.R. 10947), supra.

AMENDMENT NO. 701

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

Mr. MATHIAS (for himself, Mr. SCOTT, and Mr. COOK) submitted an amendment intended to be proposed by them jointly to amendment No. 692, proposed by Mr. PASTORE, to the bill (H.R. 10947), supra.

CREDIT UNION SHARE INSURANCE AMENDMENTS—AMENDMENT

AMENDMENT NO. 702

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

Mr. PROXMIRE submitted an amendment intended to be proposed by him to the bill (H.R. 9961) to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes.

NOTICE OF HEARING ON NOMINATIONS IN THE U.S. DISTRICT COURTS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, November 23, 1971, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nominations:

Charles M. Allen, of Kentucky, to be U.S. district judge, western district of Kentucky, vice Henry L. Brooks, elevated.

Clarence C. Newcomer, of Pennsylvania, to be U.S. district judge, eastern district of Pennsylvania, vice C. William Kraft, Jr., retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARINGS ON CRIMINAL LAWS AND PROCEDURES

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Criminal Laws and Procedures of the Committee on the Judiciary, I wish to announce hearings on the following bills relating to the general subjects of compensation for victims of criminal acts and to establish a group life insurance program for persons engaged in law enforcement and related fields:

S. 16, to provide civil remedies to victims of activities prohibited by title IX of the Organized Crime Control Act of 1970. [Sens. McClellan and Hruska]

S. 33, to authorize the Attorney General to provide a group life insurance program for State and local government law enforcement officers. [Sen. Kennedy]

S. 750, to provide for the compensation of persons injured by certain criminal acts, to make grants to States for the payment of such compensation. [Sen. Mansfield]

S. 1946, to authorize the Attorney General to provide a group life insrance program for State and local government law enforcement and firefighting officers. [Sen. Humphrey]

S. 2087, to provide benefits to survivors of police officers killed in the line of duty. [Sens. McClellan and Hruska]

S. 2426, relating to crimes involving property in interstate or foreign commerce to provide a civil action for damages resulting from violations of section 659 of title 18, U.S.C. [Sen. Bible]

S. 2748, to provide benefits to survivors of police officers, prison guards, and firemen killed in the line of duty. [Sen. Boggs, et al]

The hearings are scheduled for Tuesday, November 30, 1971, at 10 a.m., in room 3302 of the New Senate Office Building.

Any person who wishes to testify or submit a statement pertaining to the subject matter of any of the above-listed bills should communicate with the Subcommittee on Criminal Laws and Procedures, room 2204, New Senate Office Building, telephone 202–225–3281.

ADDITIONAL STATEMENTS

THE CONGRESS—PARTISAN OR RESPONSIVE ON CONSERVATION

Mr. MANSFIELD. Mr. President, Secretary of the Interior Morton spoke recently at Princeton on the conservation issues we face as a Nation. He gave a comprehensive sketch of the sweep of events that have marked our impact on our land and resources.

He then listed some of the agenda for America as he sees it—and with much of it I can agree.

However, Secretary Morton also observed:

Our system of government is now facing the great test. The Congress will prove whether it is partisan or responsive. I have always believed that partisan politics are a secondary consideration—but if Congress does not act on these proposals, the trend will out.

I regret that Secretary Morton believes that if the Congress which is made up of Democrats and Republicans, does not pass the administrations litmus test it is acting as a partisan.

I see a not so veiled threat that come campaign time the Congress will be tagged for the failure of the administration to achieve.

The deep well of interest and concern for our Nation and its land and resources is fed by the hopes and aspirations of the American people. They have asked their Government—not just the Congress and not just the executive and not just the judiciary—they have asked the Government to meet the issues. As with any Nation—any people there are differing views on priorities as well as on the best cause to take.

Before the Secretary and his associates are propelled too far down the path in assessments of partisanship and responsiveness, a few salient facts may prove useful.

ORDERLINESS

The concept of a Department of Natural Resources has been long discussed. President Franklin D. Roosevelt moved toward it. President Harry Truman commissioned ex-President Hoover to study the whole field of organization. One of Mr. Hoover's recommendations dealt with a Department of Natural Resources—and I do not recall in the Eisenhower years that it received much attention. In the Kennedy-Johnson era, Senator Ted Moss introduced legislation to reach this goal and again there was not executive branch enthusiasm. Now President Nixon has his Ashe Commission and his proposals. Republican and Democratic administrations and Congresses have not been able to fashion a new organization for Government in the resources field. When it is achieved it will be a bipartisan accomplishment.

LAND-USE PLANNING

It just happens that Senator HENRY M. JACKSON and Senator EDMUND MUSKIE led in proposing a national land use policy.

Comprehensive water resources planning and the creation of the Council on Environmental Quality are areas where Congress has led.

Powerplant siting and strip mines reclamation, two topics Mr. Morton said were high on the President's list have an equally long record of positive interest by the Congress.

To claim that "The President has initiated a concept of land use policy which includes the protection and management of the public lands on the basis of multiple use and sustained yield" is quite at odds with the facts. When the Nixon administration came into office the act of September 19, 1964, Public Law 88–607, the public land multiple use and sustained yield act was in operation. This law was temporary, having been extended

one's party and seldom were questions directed to the candidate about the points at issue. But now, candidates speak before colleges and even high school classes and are subjected and properly so, to important and penetrating questioning. I believe that it has attained its greatest purpose and value, in that it gives the young men and women of our country the right of participating in their government, State, local, and national, in its decisions, and under the processes of law.

I understand that the Senator is not intending to offer the bill as an amendment to the Voting Rights Act. Is that correct?

Mr. COOK. That is correct.

Mr. COOPER. I thank my colleague. I am glad because in my studies of two recent cases—South Carolina against Katzenbach and Katzenbach against Morgan—the court indicated that the Congress must provide the facts upon which the country can determine that the Congress has acted rationally, under section 5 of the 14th amendment. The purpose of the Senator's bill is one in which I concur, but there are grave questions about the constitutionality of a statute as compared to an amendment. I am very happy to have heard my colleague from Kentucky.

Mr. GRIFFIN. Mr. President, I yield now to the distinguished Senator from South Carolina (Mr. THURMOND) 8 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. THURMOND. Mr. President, today we are presented with a unique opportunity to register a vote of confidence in the youth of our country. By approving Senate Joint Resolution 7, proposing a Constitutional amendment which would lower the voting age to 18 for all elections, we can entrust our young citizens to expand their role in the process of self-government and reaffirm our faith in the principles of our Nation's founders.

Mr. President, I have long advocated reducing the voting age to 18. I have always maintained, however, that this goal must be achieved within the framework of the Constitution. That is why I was a cosponsor of an amendment to the Constitution last year, and of the proposed amendment this year.

The Congress took an unconstitutional approach to enfranchising 18-year-olds by enacting the Voting Rights Act of 1970. The right to vote for the 18- to 20-year-old age group should never have been attempted by Federal legislation. In my opinion, this right should only be granted by an amendment to the Constitution.

The Supreme Court, however, upheld the constitutionality of the Voting Rights Act of 1970 as it applies to Federal elections only. Since the right to vote in State and local elections has only been granted by three States, we, therefore, presently have a burdensome and unworkable system. This situation should be corrected by amending the Constitution to grant the right to vote to 18-year-olds in all elections.

Mr. President, by its very nature, a dual-age voting system imposes a financial burden on the States and generates confsuion among the electorate. According to a 50-State survey of election officials recently completed by the Constitutional Amendments Subcommittee, putting the dual-age system into effect would cost the Nation's taxpayers a minimum of from $10 to $20 million. In my home State of South Carolina alone, the costs of maintaining a dual system for the more than 165,000 of our citizens in the 18 to 21 age bracket are estimated at between $25,000 and $30,000 per calendar year.

Unless a uniform minimum age is established for voting in all elections, separate registration and voting procedures will have to be established in most of our States. More manpower will be needed in handling elections. More voting machines, or special "lock-out" devices for existing machines, will have to be bought by all communities.

Mr. President, dual-age voting would also prove unworkable because of the difficulty in determining just what constitutes a Federal election. Some States select nominees for Federal office in State conventions. Delegates to these State conventions are often selected in State elections or caucuses. The existing law prohibits the young voter from participating in this vital activity, thus denying him even an indirect voice in choosing his party's candidates for Federal office.

The greatest cost of not allowing our young people full participation cannot be measured in monetary terms. In traveling throughout this country and talking with young citizens from many different backgrounds I am deeply impressed with the knowledge and maturity of the great majority of our youth. They are the most highly educated of any generation this Nation has produced. By the age of 18 the majority have completed their high school education, and many are continuing their education in trade schools, colleges, and universities. Nearly 1 million young men and women in this age bracket are serving with honor in the Armed Forces. More than 3 million work at full-time jobs, and countless more serve as part-time employees, paying taxes on their earnings to finance the operations of our local and State government.

Mr. President, I believe young people have proven their responsibility, and should be granted full citizenship. It just does not make sense to permit young people to have a voice in choosing national leaders while denying them the opportunity to participate in local government. I am convinced that government functions best at the local level, where citizens have the greatest individual effect by working with their elected officials to solve their own problems. Effective local government demands greater citizen involvement. To stifle the potentially productive power of the young—especially at a time when our youth have a greater appreciation of government and are stimulated to become involved in its processes—would be a grave error.

I believe in the young people of our country, for they are our Nation's future. The self-styled revolutionaries performing on the nightly news are not the real spokesmen for their generation. The responsible actions of the majority of our young people speak for themselves. I look forward to working with them in finding solutions to our common problems, in helping to make this Nation a better place through what President Nixon has called "those small, splendid efforts" made at the local level.

Mr. President, there must be no generation gap barring the path to the voting booth. Our 18-year-olds are not preparing for citizenship, they are living as citizens; thus they should be accorded all the attendant rights and responsibilities. This is why I have cosponsored this resolution and urge my colleagues to join in granting our young citizens full partnership in the political process.

Mr. JACKSON. Mr. President, if the Constitution of the United States is amended to lower the voting age to 18, this will be thanks more than anything else to the efforts of one man—the distinguished senior Senator from West Virginia.

Senator RANDOLPH is the stanchest friend the 18-year-old vote ever had. Twenty-nine years ago, back in 1942, Senator RANDOLPH, who was then a Member of the other body, introduced his first joint resolution to enfranchise 18-year-olds. Since that time, he has introduced 10 other resolutions with the same aim—two in the House and eight in the Senate. In his quiet personal style and without ever seeking the limelight, Senator RANDOLPH has continued to champion a cause that he believes in, and in the 29 years that have elapsed since his first House joint resolution, he has seen an increasing number of people come to feel the way he does about the 18-year-old vote.

More and more people now agree with Senator RANDOLPH that there is something deeply unfair about requiring a man to fight for his country while at the same time denying him the right to vote for his country's elected officials. More and more people now see that if 18-year-olds are considered responsible citizens by one standard—because they are treated as adults in courts of law, because they can be sued in many States and make wills and purchase insurance—then they should also be considered responsible citizens by the standard that gives them the right to vote.

Personally, Mr. President, I feel that Senator RANDOLPH's confidence in the intellience, commonsense, and high ideals of our young people is justified. I have never seen any evidence to suggest that 18-year-olds are incapable of exercising sound judgment as responsible voters, and I am proud to be a cosponsor of this resolution, Senate Joint Resolution 7.

Mr. MONDALE. Mr. President, I want to register my strong support for Senate Joint Resolution 7, the proposed constitutional amendment to lower the voting age to 18 in all elections—State and local, as well as Federal.

This resolution is a singular tribute to the wisdom and fortitude of its principal author, the distinguished senior Senator from West Virginia (Mr. RANDOLPH) who has worked with such dedication for almost three decades for this progressive extension of the franchise.

The case for this amendment could not be more clear or compelling.

age and older entitled to vote. The constitution was approved by a 2 to 1 majority of the voters on April 24, 1956.

2. *Georgia.* In 1943 the voters ratified the 18-year-old voting amendment. The vote was 42,284 (yes) and 19,682 (no).

3. *Hawaii.* The State entered the Union in 1959 under the constitution of 1950, which lowered the voting age to 20. Ratification: 82,788 (for) and 27,109 (against).

4. *Kentucky.* In 1955 a referendum was held to lower the voting age to 18. The proposal passed by a 2½ to 1 margin: 190,838 (for) and 107,650 (against).

IV. VOTER REJECTIONS OF PROPOSALS TO LOWER THE VOTING AGE

1. *Idaho.* In 1960 a referendum was held on the proposal to amend the constitution to lower the voting age to 19. The measure was defeated: 113,594 (yes) and 155,548 (no).

2. *Hawaii.* In 1968 the voters specifically rejected a part of the new constitution which would have lowered the voting age to 18. The vote was 72,930 (yes) and 80,660 (no).

3. *Maryland.* In 1968 a constitutional provision to lower the voting age to 19 was defeated by the electorate. The vote was 283,050 (yes) and 366,575 (no).

4. *Michigan.* In the 1966 elections, the Michigan voters defeated a referendum to lower the voting age to 18. The vote was 1,267,872 (yes) and 703,076 (no).

5. *Nebraska.* In 1968 a proposal to lower the voting age to 19 was submitted to the voters. The vote was 246,672 (yes) and 255,051 (no).

6. *New Jersey.* In 1969 the voters decisively rejected a proposal to lower the voting age to 18 years old. The vote was 788,978 (yes) and 1,154,606 (no).

7. *North Dakota.* In 1968 a 19-year-old voting age amendment went to the voters. It was rejected: 59,034 (yes) and 61,813 (no).

8. *Ohio.* In 1969 the voters considered a 19-year-old vote amendment. It was rejected: 1,226,590 (for) and 1,274,334 (against).

9. *Oklahoma.* In 1952 the proposal to lower the voting age to 18 was overwhelmingly defeated at the referendum. The vote was 233,094 (yes) and 639,224 (no).

10. *South Dakota.* In 1958 the voters defeated a proposal to lower the voting age to 18. The vote was 71,033 (yes) and 137,942 (no).

11. *Tennessee.* In 1968, the voters rejected a referendum proposal to allow the Constitutional Convention to consider lowering the voting age to 18. The vote was 236,214 (yes) and 290,922 (no).

SOURCE.—For Items 2, 3, and 4: Library of Congress, Legislative Reference Service, Report Number 69, 241, December 11, 1969.

RESUMPTION OF PROCEEDINGS

Mr. GOLDWATER. Mr. President, the goal of extending full voting rights to all Americans 18 and over is one which I have worked for throughout a long time.

Today it was my privilege to restate my position before the Senate Subcommittee on Constitutional Amendments. At that time I announced that it was my intention to join as a coauthor of a bill to be introduced today by the distinguished Senator from Kentucky (Mr. COOK).

Our bill is designed to establish a nationwide minimum voting age of 18 and to obtain a swift judicial decision on the constitutional issues involved.

Our bill is not a gesture. It is not put forth merely to promote a discussion. We are firmly convinced that Congress may act by way of a statute.

But we do not wish to risk the voting opportunities of tens of millions of Americans by adding the age issue into the voting right struggle.

Nor do we intend to cast a cloud over the 1970 general elections by enacting a law whose validity is likely to be unsettled by the time the elections are held.

In our view, the responsible way to handle this proposal is to offer a completely separate bill to lower the voting age, which can be considered in committee and stand on its own merits.

One important feature of our bill is that it provides for the unusual step of an appeal directly to the Supreme Court from a three-judge district court. By removing the court of appeals as the middle man, the time between the filing of the case and its disposition by the Supreme Court will be greatly shortened.

And if there are any other means by which we can carry out this goal of our bill, I will stand ready to support it.

For example, I am working on the draft of a provision which would allow a court action to be filed for the purpose of obtaining a declaratory judgment as to the validity of the statute. Something like this has been used in section 10(b) of the original Voting Rights Act of 1965. And, if appropriate here, it would provide a means to settle the legal issues without tying up an election.

It is this kind of question that we need time to study in detail.

We also need to hear the ring of clashing viewpoints that will help us sort out and refine the strongest legal arguments that will support our cause.

Mr. President, it is for these reasons that I believe the wisest course is for Congress to act on separate legislation, rather than on an amendment to the voting rights bill.

Mr. President, to my mind Congress may properly act by means of a statute.

To me, the proposal for giving full voting privileges to our young Americans is right. It should be enacted sometime in this year.

But let us do it right. Let us build a strong legislative history and work on shaping a means of judicial review that can produce a court ruling without throwing an election in doubt.

Mr. President, I am pleased to join with my good friend from Kentucky in this effort and I hope that most of our colleagues will see fit to pursue this goal in the manner we suggest.

Mr. PERCY. Mr. President, the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT) intended to be here at this time in order to compliment the Senator from Kentucky (Mr. COOK) on his presentation. However, he was called away for a speech he had to give and is not in the Chamber now. I, therefore, ask unanimous consent that the statement he intended to deliver in person be printed in the RECORD.

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

STATEMENT BY SENATOR SCOTT

Mr. President, I rise to compliment the distinguished Senator from Kentucky on his presentation on lowering the voting age to 18. I cosponsored this legislation with nine other distinguished Senators.

The time has come to lower the voting age in the U.S. and to bring our young people into the main stream of our political process. We can do no less than to give the legislation introduced today by Senator Cook, my colleagues, and me, the fullest attention and consideration. I think it is possible, constitutionally, for the Congress to adopt a statute permitting the lowering of the voting age. As I have stated before, I tend to feel that 19 may perhaps be a better age than 18. However, I have cosponsored this legislation in order to stress my particularly strong feelings that the legislation now before this body—the Voting Rights legislation—not be encumbered with what, in essence, is a very complex and complicated matter. The legislation which the distinguished Senator from Kentucky has proposed would permit voting at the age of 18 in all elections, but would not be operative until January 1, 1971. There are, of course, many alternatives to be considered including a constitutional amendment.

I believe it possible and essential for this body to act favorably on the issue of lowering the voting age this session. But I do not feel that an amendment to the present legislation is the proper way to proceed. Hearings on this subject are progressing well within the Judiciary Committee and I would think the members of this body would want to avail themselves of the opportunity to study the alternative which Senator Cook, my colleagues, and I have proposed today in detail.

However, I do not want to delay the consideration of an 18 or 19 year old vote beyond a reasonable time.

I am suggesting, however, that we should not risk embroiling the extension of the Voting Rights Act of 1965 with the subject of an 18 or 19 year old voting age.

Federal action on lowering the voting age is both necessary and appropriate this year. I believe that Congress has the authority to act in this area by statute, by establishing a uniform minimum voting age applicable to all states and to all elections.

RESUMPTION OF PROCEEDINGS

Mr. PERCY. Mr. President, I too, should like to commend the distinguished Senator from Kentucky (Mr. Cook) on his presentation this morning. He has answered the questions thoroughly and completely which I had in my own mind as to whether we could, by statute, provide for 18 year olds to vote. I am content that his arguments are complete and thorough in that regard.

Second, I think that we are blessed by the fact that four States have had tested the 18-year-old vote. As the Senator from Kentucky has indicated, it has been a successful experience in Kentucky, and in other areas. We see that England itself has gone to the 18-year-old vote so it is not a radical proposal. It has been tested here and in other countries.

The Senator has pointed out, and the research I have done myself has proved, that the young vote is not a radical vote; it follows pretty much the patterns of the established vote in the various regions.

We need to acknowledge that there is presently, an anti-youth feeling in the country. Two States have tried to lower the voting age, and the effort was rejected at the polls. But I believe that those voters who feel antagonistic toward youth are penalizing the majority of the young today for the excesses of some of them.

In studying the violence on campus in the Committee on Government Operations, we determined that less than one-half of 1 percent of college and university students in the United States were engaged in any kind of disruptions that involved violence.

I look upon the college and university student as an intelligent, concerned, and deeply involved individual. I think he is worthy of support, and the privilege to vote.

Mr. President, I think the proposal of the Senator from Kentucky is an excellent one and ask unanimous consent that my name be added as a cosponsor of the bill he has just introduced.

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

Mr. COOPER. Mr. President, I join in congratulating and commending my colleague from Kentucky on his very able presentation.

I recall that I made five statewide races in Kentucky before the voting age was lowered to 18. The contrast since that time is remarkable. In days before, meetings were usually attended by partisan members of

We have given the vote to our young citizens in Federal elections. To withhold that right in State and local elections would be a senseless travesty.

But there is much more here than a matter of consistency. The enormous problems and the fateful choices we will face in the 1970's are too big for any single level of Government.

If ever there was a moment when we had to make "grassroots democracy" more than rhetorical flourish, it is now.

And the way to breathe life into our political institutions at every level is to engage in the political process the energy, the idealism, the critical intelligence, and the fresh integrity of our young people.

This resolution is an essential step in that direction. The passage of Senate Joint Resolution 7 is a responsibility that Congress must meet. The rest will be up to the young people of this country.

It makes no sense to continually admonish young people to work within the system—while denying them the basic tool for making the system work.

There are many legitimate ways to bring about social change. But nothing is so effective as the right to vote.

The vast potential for constructive and orderly change inherent in the right to vote cannot be overestimated. In the past several years, we have witnesses the dramatic changes in this country resulting from the passage of the Voting Rights Act of 1965.

In 1972, there will be over 15 million Americans between the ages of 18 and 21. We have an obligation to bring that vital part of our population into the political decisions that will shape their future.

There are those who argue that young Americans no longer care about their country.

But I am convinced that they do care—that they are concerned about the plight of their communities and their Nation as never before.

This amendment can be a building block for a new America. I am proud to join the distinguished senior Senator from West Virginia in urging its passage.

Mr. BROOKE. Mr. President, I am pleased to cosponsor and to vote for final passage of Senate Joint Resolution 7, a constitutional amendment extending the right to vote in all elections—Federal, State, and local—to citizens 18 years and older.

Approval of this proposal will represent a highly significant event in the history of the effort to extend the voting franchise. Millions of individuals who rightly merit a voice in the operation of the government that affects their lives in many ways will be afforded an opportunity to shape the policies of their country.

This amendment represents democracy at its best; it assumes that those who are obligated to pay taxes, who are held legally responsible for their actions, and who are required to defend their Nation can have an equal voice with their peers in setting its laws and policies. Indeed, it could well be said that ratification of this constitutional amendment will remove one of the last vestiges of compulsory servitude in our legal system.

But more than that, our support of this proposal will be a clear message to young people that in the eyes of their country they possess the maturity and wisdom to register a full voice in the functioning of government. It will be a firm statement to them that they can work to change the system while operating within the system. At a time when many of them have an opportunity to do intensive thinking about American tradition and its social and legal structures, college-age individuals will now have a greater incentive to test their own ideas and to be able to judge as well as to influence their Nation's direction.

The average 18-year-old in 1969 had completed 12.2 years of education. More than 50 percent of those age 18—male and female—are today enrolled in school. This, of course, is a great change—and a welcome one—from the statistics of a generation ago, when only 16 percent of all young people went to college in 1940.

Our young adults have conclusively proven, I believe, that they do deserve and will use wisely the full political rights which this proposal will bestow upon them.

From a practical standpoint, there is another important reason why this constitutional amendment should be ratified as soon as possible. As a result of the Supreme Court decision last December upholding a provision of the 1970 Voting Rights Act which lowered the voting age to 18—but making it applicable only to Federal elections—there are bound to be many complex administrative problems and added expenses for election officials for so long as there are different minimum ages for voter qualification in State and local as opposed to Federal elections. The best and most expeditious solution to the problem will be for the Senate and House to each pass the amendment and then for at least three-fourths of the State legislatures to approve it.

Congressional action followed by the Supreme Court's ruling will, hopefully, have the effect of hastening the implementation of this proposal which so many distinguished individuals and groups have been advocating for so many years.

It is a change which I have long advocated. I firmly believe that the millions of young people who will be given the right to vote by this amendment will use that right proudly and honestly, and that our country will benefit greatly from their contributions.

SENATOR JENNINGS RANDOLPH, FATHER OF THE 18-YEAR-OLD VOTE

Mr. CRANSTON. Mr. President, no Member of the Congress deserves more credit for action on lowering the voting age to 18 than my distinguished friend and colleague, the Senator from West Virginia (Mr. RANDOLPH.) The Senator has been fighting for this measure for 29 years, in both Houses. In 1942, while serving in the other body, Senator RANDOLPH introduced his first joint resolution to achieve his conviction that more of our young people should be given full participation in seting the course of this country. Senate Joint Resolution 7, now before us, is the 12th such measure my colleague has proposed. I have made clear my own firm support of Senate Joint Resolution 7, as have 86 other Senators.

I feel certain that not one of my colleagues does not share my gratitude and sincere appreciation for the nearly three decades of diligent work given this legislation by the Senator from West Virginia. I think he is deserving of our highest commendation. It was Senator RANDOLPH, testifying before the Senate Committee on the Judiciary, who gave the most compelling reason why this measure should be favored by every Member of the Congress.

"The future in large part," he said, "belongs to young people. It is imperative that they have the opportunity to help set the course of that future."

Mr. President, I am personally confident that Senate Joint Resolution 7 will be passed by the Congress. We owe this eventuality to Senator RANDOLPH. Millions of American young people, and the Congress, are already in his debt.

THE 18-YEAR-OLD VOTE: A LONG, HARD BATTLE

Mr. WILLIAMS. Mr. President, I wish to applaud the efforts of the Senator from West Virginia in his attempt to extend the right to vote, one of the most privileged rights of our democratic society, to those Americans between the ages of 18 and 21 who are presently disenfranchised by State and local regulations.

The recent decision of the U.S. Supreme Court, which has brought this dream partly to fruition, marks a turning point in the history of Senator RANDOLPH's long struggle in behalf of this measure. As a Congressman in 1952, Senator RANDOLPH submitted his first proposed constitutional amendment to this effect, and the degree of his dedication and persistence in attaining this goal is reflected in the fact that Senate Joint Resolution 7, which now has the support of a total of 86 cosponsors, is the 11th in a series of proposed constitutional amendments that the Senator from West Virginia has sponsored since 1942.

Few times in my memory has a proposed constitutional amendment had such overwhelming support from the Senate. This is a tribute not only to the diligence of the senior Senator from West Virginia, but to the basic justice inherent in his proposed resolution.

Those young Americans who are now required to bear arms in the furtherance of our foreign policy—indeed all young people who share full citizenship responsibility in every other way—should have a right to participate, through the electoral process, in the formulation of national policies and goals. This has been affirmed in principle by our Supreme Court and by the overwhelming support that the Senate has given to this measure.

The correctness of this stand is also attested to by the unmistakably high level of political maturity evident in young people today. Due to the impact of our media and educational system, they are extremely well-informed and interested in the political issues of our day, and, overwhelmingly interested in participation in the political process. It is

important that we afford them this opportunity to increase their participation in this respect, not only because it is fair, but because I firmly believe that Americans in the 18- to 21-year-old category can make very positive contributions to our society. Through their idealism, their energy, and their ability to take a fresh look at our unsuccessful attempts to solve problems, they can be of invaluable assistance. I have created a Subcommittee on Youth within Labor and Public Welfare Committee for essentially this same purpose, to provide for the channelling of this constructive potential into our governmental process.

The resolution of the Senator from West Virginia provides young Americans with an even more direct access to our democratic institutions. It is a resolution I wholeheartedly support. I am proud to have been associated with him in this determined and relentless pursuit of this goal.

Mr. TUNNEY. Mr. President, we are here today to decide whether or not 18-year-olds ought to be granted the right to vote. All of us in the Senate are aware of the fact that since 1942 the distinguished Senator from West Virginia, Senator Randolph, has championed the cause of providing eighteen-year-olds with voting rights. It is most appropriate that we are today considering his bill.

Mr. President, we are here today while, half a world away, 18-year-olds are fighting and dying for their country in Southeast Asia.

We are here today as Senators; as elected representatives of the 50 States, trying to deal with the issues of war and peace, of race, of justice, of repression, and of civil liberties. We deal with many issues. That is our mandate.

All of these issues affect 10 million Americans between the ages of 18 and 21. They are taxed. They are drafted. They fight and die in wars. They can marry. They have children. They can be jailed; but they cannot vote.

They carry all of the responsibilities of adults and yet they do not carry the most important right that can be granted to any American citizen, the right to vote. They are both disillusioned and disenfranchised. They have played an important part on American politics within the last 5 years. They have helped lead our country on the most important single issue of our times—the war. They have canvassed the land on behalf of new priorities and new candidates. They have represented a trend toward conscience instead of consensus. They have relied on issues and not merely ideology. They have stood for their beliefs.

And yet, despite all of their interest, their awareness, and their activity, they have been denied the right to vote.

I feel that it is long past time that we lower the voting age to 18 in every election across the land. We cannot, in good conscience, continue to ask 10 million Americans to share in the responsibilities of democracy while denying them a real voice in shaping the policies that they live with and die for.

Mr. MONTOYA. Mr. President, I want to commend those workers in the vineyard who have labored hard and whose determination has finally brought general acceptance to the proposition which is before the Senate today.

For years the distinguished senior Senator from West Virginia (Mr. RANDOLPH) was the prime mover and sponsor of this resolution. Little by little he gained a following which mushroomed into today's general acceptance. I congratulate him for his tenacity and perseverance and for the culmination of his great efforts in this fine victory which is about to be realized.

The distinguished Senator from Indiana has been the real shepherd of this legislation in its journey through the Judiciary Committee and his presentation has been most effective.

THE 18-YEAR-OLD VOTE

Mr. DOLE. Mr. President, last year Congress and the Supreme Court took significant steps toward expanding the franchise to a large segment of the American public. Congress enacted the Voting Rights Act Amendments of 1970 which by legislative authority sought to reduce the minimum voting age from 21 to 18 years in all elections. Later, in passing on the validity of this congressional action, the court held that the 18-year-old-vote provisions were "constitutional and enforceable as they pertain to State and local elections." Going further, Mr. Justice Black, in delivering the judgment of the Court, said:

> It is obvious that the whole constitution reserves to the States the power to set voter qualifications in State and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States.

This decision confirmed the apprehension of many constitutional scholars who held serious doubts as to the propriety and validity of legislative action in this area. The President and many Members of Congress submitted their belief last year that a constitutional amendment to lower the minimum voting age was the appropriate vehicle for realizing this commendable and worthwhile goal. Nonetheless, Congress chose to utilize its legislative powers, and we are faced with the obligations of ameliorating the consequences.

The Court's decision created a formidable problem for State and local officials charged with administering elections in jurisdictions which have not adopted the 18-year-old minimum age. Under the present State of the law, separate registration and balloting procedures will be required for those individuals who are qualified to vote only for presidential and vice presidential electors, Senators and Congressmen, and for those qualified to vote for all candidates and issues presented to the electorate. Needless to say, this requirement will impose a substantial burden on State and local election officials. In my State of Kansas alone approximately a quarter-million new voters have been granted the Federal franchise. The monetary and administrative factors are staggering; the cost for implementing dual systems in the 47 States required to deal specifically with at least 10 million voters between 18 and 21 is estimated to be in excess of $20 million. In view of the Congress' creation of this problem it is imperative for Congress to act expeditiously to remedy it.

Swift approval of Senate Joint Resolution 7 is the best and most appropriate means of providing an 18-year-old minimum voting age for all elections. As the Senator from West Virginia (Mr. RANDOLPH) said yesterday, the hour is late, but it is still possible to arrange a solution in time for the 1972 elections. The Senate can do its part by approving the proposed constitutional amendment contained in this joint resolution and sending it to the House, from where it can be sent to the State legislatures, which, it is hoped, will cooperate in solving this expensive and invidious form of discrimination.

At this point I believe it would be appropriate to remark on the vision, foresight, and persistence of the distinguished senior Senator from West Virginia, who, since 1942, as a Member of the House of Representatives, has been in the forefront of efforts to secure passage of an 18-year-old vote amendment. As the author of Senate Joint Resolution 7 he has again this year championed the cause of constitutional approbation for the 18-year-old vote, and he must take well-deserved pride in being associated with an ideal, the ripeness and momentum of which are nearly universally recognized.

I have had the privilege of being associated with the Senator from West Virginia's efforts in this cause since coming to the Senate, and prior to entering the Senate I was associated with similar efforts in the House of Representatives. I wholeheartedly support the goal of universal 18-year-old suffrage and commend the Senator from West Virginia for his efforts.

As the list of cosponsors of Senate Joint Resolution 7 attests, this measure has exceptional bipartisan support, and I urge that, as amended by the Committee on the Judiciary, it receive the approval of which it is so deserving.

Mr. RANDOLPH. Mr. President, I rise at this point to express general appreciation to those Senators who have just reiterated their support of Senate Joint Resolution 7. A total of 86 Senators have joined as cosponsors of the resolution we are now considering. I ask unanimous consent to have printed in the RECORD at this point the list of Senators who have joined me as cosponsors of Senate Joint Resolution 7.

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

Mr. Aiken, Mr. Allen, Mr. Allott, Mr. Baker, Mr. Bayh, Mr. Beall, Mr. Bellmon, Mr. Bible, Mr. Boggs, Mr. Brock, Mr. Brooke, Mr. Burdick, Mr. Byrd of West Virginia, Mr. Cannon, Mr. Case, Mr. Chiles, Mr. Church, Mr. Cook, Mr. Cooper, Mr. Cotton, Mr. Cranston, Mr. Dole, Mr. Dominick, Mr. Eagleton, Mr. Fannin, Mr. Fong, Mr. Gambrell, Mr. Goldwater, Mr. Gravel, Mr. Griffin, Mr. Gurney, Mr. Hansen, Mr. Harris, Mr. Hart, Mr. Hartke, Mr. Hatfield, Mr. Hollings, Mr. Hruska, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Jackson, Mr. Javits, Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Kennedy, Mr. McClellan, Mr. McGee, Mr. McGovern, Mr. McIntyre, Mr. Magnuson, Mr. Mansfield, Mr.

"8748. Medal of Honor; Air Force Cross; Distinguished Service Cross; Service Medal; Silver Star: availability of appropriations."

and inserting in lieu thereof

"8747. Medal of Honor; Air Force Cross; Distinguished Service Cross; Service Medal; Silver Star; Prisoner of War Medal: replacement.

"8748. Medal of Honor; Air Force Cross; Distinguished Service Cross; Service Medal; Silver Star;; Prisoner of War Medal: availability of appropriations.".

SEC. 4. (a) Chapter 18 of title 14, United States Code, is amended—

(1) by adding immediately after section 493 a new section 493a as folows:

"§ 493a. Prisoner of War Medal

"(a) The President may award a Prisoner of War Medal with a rosette or other device to be worn in place thereof, to any person who, while serving as a member of the Coast Guard on active duty, is captured in line of duty and held as a prisoner of war for any period of time subsequent to January 1, 1960, by any foreign government or power.

"(b) Not more than one prisoner of war medal may be awarded to any person. For each 180 day period that any person was held as a prisoner of war, following the initial period of 180 days he was held, the President may award such person a suitable bronze star device; and the President may award a suitable silver star device to any person held as a prisoner of war for any period or periods totaling two and one-half years.";

(2) section 496 is amended by inserting "prisoner of war medal," immediately after "Guard medal," in subsections (a) and (b) (2);

(3) section 497 is amended by inserting "prisoner of war medal," immediately after "Guard medal,"; and

(4) the first sentence of section 498 is amended by striking out "distinguishes himself" and inserting in lieu thereof the following: "has distinguished himself or has been a prisoner of war".

(b) The table of sections at the beginning of such chapter 13 is amended by inserting

"493a. Prisoner of war medal."

immediately after

"493. Coast Guard medal.".

SEC. 5. The time limitations imposed by clauses (1) and (2) of sections 3744(b), 6248 (a), and 8744(b) of title 10, United States Code, and clauses (1) and (2) of section 496 (a) of title 14, United States Code, shall not apply to "the awarding of the prisoner of war medal (authorized by the amendments made by this Act) to any person otherwise eligible for such medal by reason of his status as a prisoner of war during any period bteween January 1, 1960, and the date of enactment of this Act, if—

(1) the prisoner of war medal authorized by this Act is awarded within five years after the date of enactment of this Act in the case of members of the Navy, Marine Corps, and Coast Guard or three years after the date of enactment of this Act in the case of members of the Army and Air Force; and

(2) a statement setting forth the service on which the award is based and recomemnding official recognition of such service is made by the person's superior through official channels within three years after the date of enactment of this Act in the case of members of the Navy, Marine Corps, and Coast Guard or two years after the date of enactment of this Act in the case of members of the Army and Air Force.

By Mr. MILLER (for himself, Mr. CURTIS, Mr. DOLE, Mr. HRUSKA, Mr. HUGHES, and Mr. PEARSON):

S. 2905. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill to provide for the disposition of funds appropriated to pay judgments in favor of the Sac and Fox Indians.

In February 1970 a final award was made in Indian Claims Commission docket No. 153 to the three Sac and Fox Indian tribes. Later that year the money to pay the award was appropriated by the Congress. However, before payment can be made, Congress must enact legislation setting forth the purposes for which the funds will be used. That legislation has been delayed because the tribes have not been able to agree upon a distribution formula.

The bill I am introducing calls for a percentage distribution based primarily on the original land holdings of the three tribes. The Sac and Fox of Mississippi in Iowa and the Sac and Fox of Missouri in Kansas and Nebraska support this approach. The Sac and Fox of Oklahoma apparently desire a distribution on the basis of present day enrollment and the two Oklahoma Senators have introduced such a bill (S. 1069).

The three Sac and Fox Tribes operate under different constitutions and bylaws and different enrollment requirements. It is my understanding that the enrollment requirements of one of the tribes has been liberalized, and therefore, the other two tribes feel that distribution of the award on the basis of present day enrollment would not be equitable.

I believe that both distribution proposals should be before the Senate Interior and Insular Affairs Committee when they consider this matter, and that is why I am introducing this measure.

I am joined in introducing this bill by my colleague from Iowa and the Senators from Kansas and Nebraska.

Mr. President, I ask unanimous consent that a copy of a joint resolution by the Sac and Fox of Mississippi in Iowa and the Sac and Fox of Missouri in Kansas and Nebraska be included in the RECORD.

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

JOINT RESOLUTION OF SAC AND FOX OF MISSISSIPPI IN IOWA AND SAC AND FOX OF MISSOURI IN KANSAS AND NEBRASKA

Whereas, in a meeting at Kansas City, Missouri, held on July 24, 1971, between the three tribes of the Sac & Fox—Oklahoma, Iowa and Missouri—for the purpose of arriving at a division of claims award docket 153: the three tribes decided by a vote of two in favor "Missouri and Iowa" and one against "Oklahoma" that the claims award be divided on a percentage basis as follows: 46% to the Sac & Fox of Oklohoma; 39% to the Sac & Fox of Mississippi in Iowa; and 15% to the Sac & Fox of Missouri in Kansas and Nebraska.

Whereas, it was decided democratically between the three Sac & Fox Tribes by a vote of 2 to 1, that the same percentages be used for division of all future joint claims awards made to the three Sac & Fox tribes, and

Whereas, it is the feeling of the "Missouri" and "Iowa" Sac & Fox tribes that the percentage division adopted by majority vote at the Kansas City meeting on July 24, 1971, be the deciding and final step to settle the claims controversy, between the three Sac & Fox tribes, and

Whereas, the three Sac & Fox tribes operate under three different constitution and by-laws and enrollment requirements thus nullifying division on current or present day enrollment basis, and

Whereas, the division of claims dockets 138 and 143 was made on the basis of percentage division, and by majority approval of the three groups, at a meeting held at Topeka, Kansas, May 7, 1966, and

Whereas, the Oklahoma tribe has liberalized their enrollment requirements and as a result their membership increased from approximately 800 in 1949, to approximately 1900 today, and

Whereas, the percentages adopted at the Kansas City meeting July 24, 1971, were arrived at on the basis of original land holdings of the three tribes, and further, the Sac & Fox tribes were and are three distinct separate entities. And rightfully the division should be made equally between the three tribes, but to resolve the controversy the Sac & Fox tribes of Iowa and Missouri have again made the concession to allow the Sac & Fox of Oklahoma, a larger percentage.

Now therefore be it resolved that the Sac & Fox of Mississippi in Iowa and the Sac & Fox tribe of Missouri in Kansas and Nebraska in a joint meeting held at Omaha, Nebraska, on September 30, 1971, hereby reaffirm the action taken at the Kansas City, Missouri, meeting held on July 24, 1971; where it was agreed by majority vote that the division of claims award funds under docket 153, and all future joint claims to the three tribes, be made on the following percentage basis: 46% to the Sac & Fox of Oklahoma; 39% to the Sac & Fox of Mississippi in Iowa; and 15% to the Sac & Fox of Missouri in Kansas and Nebraska.

And be it further resolved, that the congressional delegations of the State of Kansas and Nebraska and Iowa be requested to introduce legislation on behalf of the two tribes to effect this proposed division and be it further resolved that copies of this resolution will be forwarded to the Commissioner of Indian Affairs, Secretary of Interior, House and Senate Committees, on Interior, and Insular Affairs, and any other officials or individuals interested in the affairs of the Sac & Fox tribes.

CERTIFICATION

The above joint resolution was adopted by the tribal council of the Sac & Fox tribes of Iowa and Missouri at a meeting held in Omaha, Nebraska, on September 30, 1971, at the Holiday Inn.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 2349

At the request of Mr. TUNNEY, the Senator from Minnesota (Mr. MONDALE) was added as a cosponsor of S. 2349, the Voting Rights Act Amendments of 1971.

S. 2383

At the request of Mr. BYRD of West Virginia, for Mr. BURDICK, the Senator from Michigan (Mr. HART) was added as a cosponsor of S. 2383, to amend certain provisions of chapter 311 of title 18, United States Code, relating to parole.

S. 2509

At the request of Mr. SCOTT, the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 2509, to incorporate Pop Warner Little Scholars, Incorporated.

S. 2676

At the request of Mr. TUNNEY, the Senator from Vermont (Mr. STAFFORD), the Senator from Colorado (Mr. DOMINICK),

and the Senator from Delaware (Mr. BOGGS) were added as cosponsors of S. 2676, the National Sickle Cell Anemia Prevention Act.

S. 2732

At the request of Mr. BYRD of West Virginia, for Mr. BURDICK, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 2732, relating to the nullification of certain criminal records.

ECONOMIC STABILIZATION ACT AMENDMENTS OF 1971—AMENDMENTS

AMENDMENTS NOS. 752, 753, 754, AND 755

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

AMENDMENTS TO ECONOMIC STABILIZATION ACT NEEDED TO PROTECT INTERESTS OF UTILITY CONSUMERS

Mr. METCALF. Mr. President, I am today submitting a series of amendments to S. 2891, a bill to extend the Economic Stabilization Act of 1970.

The purpose of these amendments is twofold: First, to make it unmistakably clear that Congress intends the price freeze to stay on major public utilities until the President or his delegate determines that any requested increases will not be inflationary; and, second, to provide a full opportunity for the consumer and other members of the public to challenge these and other price increases and Presidential stabilization rulings at both the administrative level and in the courts, including the ultimate right to obtain injunctive relief.

Mr. President, while the Banking and Currency Committee is to be commended for making a number of improvements over the administration's bill, such as the authority to roll back windfall profits, remedies for victims of overcharges, exemptions for individuals with substandard earnings, and other protections, the basic danger in the legislation remains. That is that the President is given sweeping powers to stabilize prices, wages, interest rates, and dividends, but he is also given equally sweeping powers to grant general exceptions and exemptions from what he determines to be the inflationary norm.

Indeed, I share the fear of many Members of this body that we may be creating—at his own request—a veritable Frankenstein in the Presidency with life and death control over our economic lives. But I fear more the inequities that are already beginning to develop when the "big boys" apply their political, legal, and economic pressures to get out from under the umbrella of control to the detriment of the consumer, the small businessman, and the public who do not have the resources and the lawyers and accountants to fight "city hall."

An example of a serious inequity through exemption is to be found with respect to public utilities. It is in this area that the consumer is locked in. He has to use these services. He has virtually no way to avoid the sting of inflationary price increases and the economic impact of the country of rate hikes for electricity, gas, telephone, mass transit, rail and air transportation, which if permitted, will total billions of dollars.

But what was one the first acts of the administration in moving into phase II of its economic policy? It virtually took off the freeze—as a practical matter—on public utilities by leaving the decision up to dozens of weak, understaffed, regulatory agencies—Federal, State, and local. They are supposed to make the crucial decisions as to national inflationary impact. Anyone who has any experience in public utility regulation knows that State regulatory agencies, for the most part, are dominated by the businesses they regulate, because of the inequities in regulatory procedures. The commissions have neither the resources, staffing, nor inclination to generate an aggressive testing of the evidence produced by the companies. To rest with these agencies the additional role of enforcing a coordinated, national economic policy installs the rabbits as guardians of the public's lettuce.

The Committee on Banking and Urban Affairs, on page 5 of its report on S. 2891, cites this public utility situation as an example of the "broad authority for such general exemptions or exceptions as are necessary" under the legislation. I cannot believe that the committee had time to consider the far-reaching implications of the situation. It is what the industry wanted—business as usual—fragmented regulation—fractured federalism—out of reach of national control and enforcement.

The administration has made a gesture toward keeping some control over the larger companies. Those with $100 million or more in gross receipts are required to notify of their intentions to seek a rate increase. Those with $50 million or more are required to notify when they have received a rate increase. In each case, the administration has imposed upon itself a limitation of 30 days in which to take action, otherwise the increases go forward. This shotgun technique is tantamount to no effective control, or worse, irrational and inequitable decisionmaking.

Mr. President, we are attempting through this legislation to coordinate strong powers at the national level to pull us out of an economic crisis. This is why I feel so strongly that we must keep the lid on utility prices charged by larger utilities, and place the burden directly on them to seek special relief and on the President to justify any relief he grants them.

One of my proposed amendments would in essence, turn the existing process around. It would enjoin any public utility with $10 million or more in annual gross operating revenues from charging a rate greater than that charged by it on August 15, 1971, without first obtaining approval from the President or his delegate, and such approval must be consistent with the standards for price increases published under the legislation and not in excess of the level of price increases permitted for businesses generally. As the economy improves, the President may wish to relax the guidelines and approve a greater number of increases, or even grant exemptions to classes of utilities. But for the moment, under my amendment, he holds the reins securely in his hands. He has dropped the reins under the present regulations and the committee bill.

No mechanism for control and enforcement—however strong on paper—is immune from abuse, inequities, negligence or indolence. This has certainly been proven true in the area of economic regulation. That is why many of my colleagues in both Houses and I have fought persistently and vigorously for the right of an independent advocate for consumer interests to be brought into the regulatory system to "keep the big boys honest" to use the slogan of our own distinguished senior Senator from Washington (Mr. MAGNUSON) and Virginia's Lieutenant Governor-elect, State Senator Henry Howell.

The committee bill creates at least the implication, if not the congressional presumption, that the regulatory process is a bilateral relationship between the President as regulator, and the business companies affected. Indeed, there is a very important third party to this contract, and it is the consumer, the public.

At the moment, the administration has created a Price Commission to be an advisory commission to the President, but its recommendations have been given the power of Presidential authority. Is this authority to be exercised as a result of decisions secretly arrived at, and perhaps secretly negotiated with industry, or will the public have the right to know what is going on? These are not trivial questions, given our democratic process of government.

My first amendment in the area of public representation would require the President to establish procedures which shall be available to any person for the purpose of seeking an interpretation, modification, or rescission of, or seeking an exception or exemption from, any rules, regulations, or orders issued by the President or his delegate, together with a right to administrative review. S. 2891 gives such a right of administrative review only to interpretations of rules, regulations, and orders. There is no opportunity to seek a stoppage of bad decisionmaking before it goes into the enforcement process.

Another of my amendments seeks to make it clear in the legislation that a person in interest—in addition to the party directly affected by a regulation or order of the President—can seek an interlocutory or permanent injunction restraining the enforcement, operation or execution of such regulation or order. That means that a consumer, for himself, or on behalf of a class, would be able to challenge not only the regulations applying to a group of companies, but any exception or exemption to a single company.

Under the committee bill, the wording would tend to restrict the right to obtain such a far-reaching injunction only to affected businesses as directed to the Government. Under my amendment, the consumer party could seek to obtain the equitable relief in both directions—against the Government and against the company. This is a fair approach. And the mere authority for outside plaintiffs to challenge the operations of the economic enforcement mechanism could have a salutary effect.

Mr. President, time is already running

Notre Dame, told the Senate Subcommittee on Administrative Practice and Procedure last month that four successive Presidents have assured him that civil rights is the Nation's most pressing domestic problem. The size of the Commission's budget reflects no such priority, and I regret to say that we in Congress are primarily to blame.

Father Hesburgh's plea is not alone. The Eisenhower Commission on the Causes and Prevention of Violence, and the Kerner Commission on Civil Disorder each tragically divide our Nation.

I hope very much that the Senate today will enable the Commission to move forward as intended.

EXHIBIT 1

FUNDS FOR THE CIVIL RIGHTS COMMISSION

The effectiveness, perhaps the very existence, of the Civil Rights Commission is at stake in the vote on its appropriation scheduled for tomorrow in the Senate. The commission has been the conscience of the federal government in the area of racial equality ever since its creation by Congress as an element of the Civil Rights Act of 1957. But as is so often the case with consciences, it has been too little heeded—and especially in regard to the funds necessary for its effective operation.

President Nixon asked for an appropriation of $3.96 million for the commission for the 1972 fiscal year. Unfortunately, the House reduced this to $3.4 million, and the Senate Appropriations Committee recommended acceptance of the House figure. An amendment to restore the $560,000 cut from the President's budget request will be offered on the Senate floor Monday morning. The additional money is imperatively needed; $160,000 of it must go to meet the cost of pay increases which Congress promised to all federal employees last year, and the remaining $400,000 will be used to extend and initiate vital commission programs.

The commission will suffer a serious blow with the resignation of its exceptionally able young staff director, Howard A. Glickstein, due to take effect next month. Mr. Glickstein has carried forward a remarkable tradition developed by a succession of devoted, imaginative and resourceful CRC staff directors who have given the tiny agency an impact out of all proportion to its modest means. He deserves the very warm thanks of the country for jogging it tirelessly about its obligations in respect of civil rights.

The CRC should be kept on the job. Its thankless role is to remind us of our failures, our shortcomings—and our promises. The Congress can best acknowledge that it genuinely means to meet those promises by giving the commission the funds it needs for its essential task.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MONDALE. Mr. President, I join with the Senator from Michigan in supporting the amendment. I do not know of any agency of the Federal Government that delivers more for less than does the Civil Rights Commission. It operates on a budget which, in my opinion, is scandalously low. It has continued to be the conscience of the country in this area.

The Civil Rights Commission, under the inspired leadership of its chairman, Father Hesburg, is continuing to perform its services in a nonpartisan and dedicated way. I believe this increase in the amount of appropriations recommended by the committee is essential. There can be no doubt that the Commission, in order to fulfill its responsibility, must broaden its effort to include a deeper study of civil rights and the implications of our treatment of all minorities, not only the black, but also all other minorities.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCLELLAN. Mr. President, I yield the Senator 1 minute on the bill.

Mr. MONDALE. Mr. President, there are other minorities, many of which are not only nonwhite but which have language and cultural differences as well that add further complications. For example, in the city of Boston where there were 9,000 Puerto Ricans in school, only seven graduated last year from high school and four were from private schools. In New York City 250,000 Puerto Ricans were in schools and only 200 graduated last year with academic degrees.

There are other minorities in this country such as Portuguese, Orientals, Indians, Puerto Ricans, and Cubans, who face an unfair life in this country, and for whom it cannot be said that the words "equality and justice" fully apply to them and their lives.

I hope these funds can be added and that the Civil Rights Commission can broaden its efforts to more fully understand the problem and speak out for the justice these remarkable Americans deserve.

Mr. HUMPHREY. Mr. President, as one who was directly involved in the legislative effort to provide for the establishment of the Commission on Civil Rights, I have joined in the sponsorship of the amendment to H.R. 9272—State, Justice, Commerce, judiciary, and related agencies appropriations for fiscal year 1972—to provide additional funding for this vital Federal agency at the full level of authorizations requested by the administration for fiscal year 1972.

The Civil Rights Commission has had a short history but has made an impressive record in the 14 years of its existence. The Commission was created in 1957; its creation was part of the civil rights legislation of that year. In retrospect I think that we can all agree that it should have been created much earlier—in 1947 or 1937. I proposed a bill to establish a body such as the Commission in 1951. It was defeated that year and did not become enacted for another 6 years.

When the Commission finally was created, it was in a much weaker form than I had originally hoped for. It had no powers of enforcement, only the authority to hold hearings and issue reports.

These limited powers the Commission has used with surprising effectiveness.

We take for granted historic recent changes, even when they come after long struggle. Let me remind you where we were in civil rights in 1957.

Very few blacks in the South were able to vote in 1957. There were many counties in which not a single black was registered. It was the Civil Rights Commission that documented this situation through its hearings and reports and established for the record what the causes were of this great absence of black participation in the political process. Based on this foundation, and guided by recommendations of the Commission, the Congress enacted the Voting Rights Act of 1965, the most effective piece of civil rights legislation in this Nation's history. Five years later, it was the Commission that presented the evidence that convinced Congress that this voting legislation should be extended.

Returning to 1957 again: Blacks in all parts of the country had no right recognized under Federal law to choose the neighborhood in which they would live. Discrimination was legal. Again, the Commission investigated and documented the situation. The result was the Fair Housing Act of 1968.

The story is the same in education and employment. In 1957, 3 years after the decision in Brown against Board of Education, schools were still segregated. Long before others thought it was feasible or politically possible, the Commission recommended legislation which was finally enacted as title VI of the Civil Rights Act of 1964, which has proved an effective tool in bringing about the desegregation of schools.

Likewise in employment, Commission factfinding and recommendations led to the passage of title VII of the 1964 Civil Rights Act, banning discrimination in employment.

Despite this record I know that no one here will draw the inference that the Civil Rights Commission can or should now relax. On the contrary, its job is now harder than it was before any of this antidiscrimination legislation was passed.

First, the Commission now has the job of judging the performance of Government in assuring that our civil rights statutes become, in fact, the law of the land. The Civil Rights Commission has issued major reports critical of the enforcement efforts of all administrations over the past years. Their criticism has been highly constructive and vitally important. I am pleased that President Nixon agrees with this judgment and supports the $3.96 million appropriation for the Commission, which I am now urging the Senate to adopt.

Second, the Commission has been trying very hard for a number of years to document deprivations confronting minority groups other than blacks and propose effective remedies. They have been investigating the problems of Puerto Ricans in the eastern part of the country, of Mexican-Americans in the Southwest and of other Spanish speaking minorities and of Indians. To begin to deal adequately with the problems of these groups requires resources that Congress has never given to the Commission.

Third, civil rights problems are even more difficult. Passing and enforcing a few antidiscrimination laws does not solve all the problems. We need the Civil Rights Commission to keep abreast of the changing problems in the area of civil rights and to keep making new recommendations on how to meet these problems.

For these reasons, I strongly urge that the amendment increase funds for the Commission on Civil Rights by $460,000.

SUMMARY OF 1972 INCREASED PAY COSTS

Each agency is requested to submit a summary of 1972 increased pay costs resulting from the items specified in paragraph 1 of this Bulletin. This summary will be in the form illustrated by Exhibit 1, and will be accompanied by the narrative explanation and appropriation language required in paragraph 2 of this Bulletin. Agency submission of the required summary will be made by *March 5, 1971*, in an original and two copies.

For purposes of this summary, allocation accounts (transfer appropriation accounts) will be reported with the parent account rather than with the receiving agency. It is therefore necessary that each agency receiving an allocation furnish to the agency responsible for the parent account the data necessary to prepare the report. Unless otherwise arranged between the agencies concerned, the information should be furnished to the parent agency by *February 26, 1971*.

In the case of advances and reimbursements paid into revolving and management funds (including consolidated working funds) and appropriation accounts, the associated increase in advances and reimbursements will be deducted from the increase in direct pay and related costs in the account of the receiving agency in arriving at its budget amendment request. This may be done without the necessity of clearance with the paying agency. Similarly, the agency making the advance or reimbursement will add the associated increase to the increased direct pay and related cost for its account in arriving at its budget amendment request.

The summary will be prepared on 8" x 10½" paper, as described below. Each account affected by the specified pay increases will be listed and the amount applicable to each account will be shown, with the total for all listed accounts provided as indicated in Exhibit 1.

Column 1. List the page number in the *1972* Budget Appendix on which can be found the account or fund listed in column 2.

Column 2. List under each bureau or organizational unit to which separate appropriations or funds are available, the title of each appropriation or fund account (other than allocations from other agencies) which is affected by the specified pay increases. These will include revolving and management funds (including consolidated working funds) and trust funds. Account titles will be listed in the order in which they appear in the budget.

Column 3. Show the amount requested in the 1972 Budget for the account or fund listed in column 2. This will be the amount shown in the appropriation language as proposed in the 1972 Budget Appendix. Where an administrative expenses limitation is shown in the 1972 Budget Appendix, the amount of the limitation will be shown in parentheses as a non-add entry.

Column 4. Identify the proposed 1972 budget amendment for the account or fund shown in column 2. Additional appropriations required will be the sum of the following:

a. The increased direct pay and related costs to the account;

b. *Plus* any increased payments or reimbursements required to other accounts;

c. *Minus* any increased payments or reimbursements *from* other accounts.

Where an increase in an administrative expenses limitation is required, the amount of the increase will be shown in parentheses as a non-add entry and identified with the symbol, "(A)". Where a waiver of a limitation on personal services is required, the amount shown in this column will be identified with the symbol "(W)".

Amounts requested and shown in this column should be in round thousands, i.e., if the above calculation comes to $34,231, the amount to be shown should be $34,000.

Column 5. Enter the sum of columns 3 and 4.

SUMMARY OF 1972 INCREASED PAY COST—DEPARTMENT OF GOVERNMENT

Page number in 1972 budget appendix	Organizational unit and account title	Request pending	Proposed amendment	Revised request
(1)	(2)	(3)	(4)	(5)
875	Office of the Secretary, salaries and expenses	$6,900,000	[1] $480,000	$7,380,000
	Bureau of Inspection:			
877	Salaries and expenses	7,253,000	430,000	7,683,000
878	Inspection services	5,800,000	220,000	6,020,000
897	Government Corporation ABC revolving fund	(9,450,000)	[2] (567,000)	(10,017,000)
	Total of above accounts	311,650,000	18,792,000	330,442,000

[1] Waiver of limitation on personal services required.
[2] Increase in administrative expenses limitation required.

Mr. HART. Mr. President, I hope that the Senate will join with me and appropriate the full sum of $3.96 million requested in the budget request by the administration.

But now it seems that an additional question will now be raised. It is claimed that the President's budget estimate, itself, is contingent upon authorization legislation not yet enacted. This claim, as I understand it, is based upon one sentence in the official budget sent to Congress. In the appendix of that budget on page 898, it is stated that the budget request for the Commission is $3.8 million. I have already indicated that this has been revised to incorporate mandatory pay increases, and the Senate committee reported the revised budget request at $3.96 million, the same amount called for in the amendment.

In the appendix, the estimate is followed by a sentence which reads:

Additional authorizing legislation will be proposed for $400,000.

That sentence in no way states that the estimate requested by the President is contingent upon new authorization to be passed. It does not state that the new authorization is a condition precedent of the $3.8 million amount, now revised to $3.96 million.

I have today received a letter from the Director of the Office of Management and Budget, George Shultz. He states that the estimate is not intended by the President to be in any way contingent upon prior authorization.

If I may, Mr. President, I will read the letter. The letter reads:

You have inquired regarding the Presidential Budget request for fiscal year 1972 for the Commission on Civil Rights. The appendix to the budget on page 898 states that the requested amount is $3,800,000, which has since been revised to $3,960,000 to cover mandatory pay raises. The section of the budget goes on to state that additional authorization legislation will be sought. This statement was not intended in any way to constitute a condition precedent to the President's request. That request remains in the amount of $3,960,000.

It seems to me that since the plain words themselves do not state the request is contingent, the additional sentence included on page 898 can be seen as an additional explanatory piece of information provided to the Congress, and not as a statement of a condition precedent to the request. We should not read into the budget document language which simply is not there.

We can, if we want to, deny the money.

In short, if we must interpret that language as to the intent from the budget authority, it should be inserted, then certainly this authoritative statement as to the intent from the President's chief budget officer is decisive.

The President has indicated, according to Mr. Shultz, that this is his estimate and no condition is attached to it. It is the full amount which he wants.

Even if in some sense this language can be deemed an acknowledgement of contingency, any ruling that this precludes reliance on the exception provided in rule XVI, which I have read, would make that portion of the rule essentially meaningless.

Clearly this exception referring to an estimate would only be needed and resorted to when appropriations are sought in excess of the existing authorization. But precisely in such situations as this, the normal situation is for the budget to acknowledge that an increased appropriation will also be sought. If we cannot utilize the exception provided in rule XVI in this situation, the clear purpose of this particular provision in the rule would be nullified.

Therefore, I repeat, that, in my view a point of order does not lie.

In conclusion, let me reemphasize that maintaining the Commission at its present funding level of $3.4 million would seriously damage its work. As I have mentioned, simply meeting the automatic pay increase will cost an additional $160,000. Unless additional funds are forthcoming, the Commission will have to absorb this pay increase and reduce its program accordingly. Other funds are needed to extend current studies and activities in the direction I have touched on.

The Commission informs me that the studies and projects at stake involve Indians, Puerto Ricans, Mexican-Americans, prisons, health services, and the role of labor unions in equal employment. The Commission has been doing valuable work in bringing to national attention discrimination, not only against blacks but against all minority groups, and wherever it exists in all parts of our country. It would be tragic to curtail these activities just as they are beginning to take shape.

In recent years, moreover, the Commission has been particularly outspoken in pointing out the distance between our ideals and our policies. It would be unfortunate if the impression were given that such forthright reminders were rewarded with a limitation of funds.

The very distinguished Commission Chairman, Father Theodore M. Hesburgh, president of the University of

It is thus fitting that we in the Senate salute this outstanding Air Guard unit and the service it has performed to the Nation as well as the State of Nebraska. It is a very outstanding unit which has won many awards.

To tell the story of the 25th birthday celebration and also to cite the awards and accomplishments of this organization, I read an editorial broadcast by ration station KFOR at Lincoln, Nebr., on July 17, 1971:

Twenty-five years of service to Nebraska citizens is the birthday being observed this weekend by the Nebraska Air National Guard. And it's quite a history. It began in 1943, 27 years ago with the wartime activation of the 401st Fighter Squadron in Massachusetts. The men won the distinguished unit citation the next year in Germany. Then it was inactivated, and reactivated in Nebraska in 1946 . . . the second Air National Guard in the Nation to receive federal recognition. Since that time the men from Nebraska have won many citations and honors for service and competitive action. In 1955 the Gwin Trophy as the 132nd Fighter Wing's outstanding Tactical Unit . . . the Wing Support Trophy also in 1955. The 10th Air Force Outstanding Unit Award in 1958 . . . the Winston P. Wilson Trophy as the Air National Guard's Outstanding Fighter Interceptor Unit in 1959, and again 4 straight years in the 60's. The Spaatz Trophy, the Ricks Trophy and others designating Nebraska's Air National Guard as one of the top in the Nation. Their frequent fly-overs remind Lincolnites of their outstanding readiness and extensive training that makes them one of the organizations of Lincoln of which we can all be very proud. KFOR congratulates the Nebraska Air National Guard, and thanks the men who have served us so well for 25 years.

AMERICAN-FATHERED VIETNAM WAR BABIES

Mr. MOSS. Mr. President, on June 15, I introduced a bill to provide for the care, housing, education, training, and adoption of American-fathered children in Vietnam—the child who is the offspring of an unwed Vietnamese mother and an American father. The bill has since been consponsored by 11 of my colleagues—Senators STEVENSON, HARTKE, RIBICOFF, CRANSTON, CASE, JAVITS, CHURCH, MONDALE, MUSKIE, HUMPHREY, and MAGNUSON.

In the last few weeks, the tragic circumstances of these Vietnam war babies has been the subject of a growing number of news stories and magazine commentaries. The most recent reference to them is contained in an article which appeared on the front page of the New York Times yesterday, July 26, indicating that the U.S. Embassy in Saigon has called the children's plight to the attention of the U.S. State Department. I ask unanimous consent that the New York Times article be printed in the RECORD.

I press again for early hearings on my bill (S. 2071) so that the Congress can begin to determine what America's responsibility is to these tragic young children, and what we should do to help them.

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

EMBASSY IN SAIGON CALLS BABIES OF GI'S A "SERIOUS CONCERN"

(By Tad Szulc)

WASHINGTON, July 25.—The United States Embassy in Saigon has informed the State Department that "responsibility for American-fathered illegitimate children" in South Vietnam "has become a matter of serious and continuing concern."

A major concern, it said, is the illegal but "lucrative" practice of allowing some of these children to be adopted in foreign countries without protection for them or their families.

The Embassy's message to the State Department on July 14 emphasized the problem of children of American black men and Vietnamese women, noting that "the black child may have a more difficult time growing up in Vietnam than other children, either in Vietnamese homes or orphanages."

The Embassy noted that "there is no accurate way to estimate how many illegitimate children in Vietnam" had been fathered by Americans or other foreigners. It said, however, that a recent survey found a total of 350 to 400 such children living in 122 orphanages throughout South Vietnam.

"The magnitude of children living with mothers or close relatives outside of institutions is more difficult to estimate," it added.

In a memorandum on July 9, the South Vietnamese Ministry of Social Welfare estimated that there were 10,000 to 15,000 "racially mixed children" living at home, mainly offspring of Americans.

The Embassy said it was encouraging the passage by South Vietnam of a "modern, up-to-date adoption law" that would allow children born out of wedlock to be adopted by persons in the United States while protecting "the rights of children and adopting families."

The present South Vietnamese policy on adoption, according to the Social Welfare Ministry, is that "if a racially mixed child is recognized and requested by his parents to be reared abroad, our Ministry sees no objection because it is not prohibited by the Vietnamese laws."

The Ministry said that "if the racially mixed orphan is not recognized by anybody, and in case a foreigner wants to adopt him, this man must process paperwork following current procedures and regulations."

According to the Embassy, however, "In practice the Government has acquiesced in permitting children to be adopted by foreigners usually through proxy arrangements with private Vietnamese lawyers working with Vietnamese orphanages."

"This has resulted," that "more than 100 children each year for the past two years may have been sent to the United States for adoption, most of them under private auspices."

THE VICE PRESIDENT AND BLACK LEADERS

Mr. MONDALE. Mr. President, I was saddened, as many Americans were, to read of the Vice President's recent attack on black leaders in this country.

That attack needs no extensive rebuttal here. It bears so little relationship to reality, and reveals such a shocking misunderstanding of the people now at work in black communities all over America.

But those words were not only an affront to the dignity of Americans. The Vice President's remarks were equally insulting to millions of Africans, and therefore in the long run damaging to the interests of the United States in Africa.

For in attacking the black leadership of the United States, the Vice President ironically chose to extol some of those leaders in Africa who least represent the future of that continent and the hopes of its peoples.

Emperor Haile Selassie may be a longtime client of the United States. But to the Ethiopian people, who must bear his retrograde authoritarian rule, he has long been an obstacle to social progress and authentic economic development. The Vice President may regard the Emperor as an effective ruler, but that would be a cruel joke to the students at Haile Selassie University who have known brutal repression, or the people of Eritrea who have suffered unspeakable atrocities at the hands of the Emperor's troops, or the terrorized democratic opposition in Ethiopia, who have long been deprived of any voice or role in the rule of their country.

The Vice President found much to praise in Col. Joseph Mobutu of the Congo. He seems to have forgotten the unsavory and undemocratic origins of this man's rule, the Sten-gun dictatorship with which he now runs the Congo, and the absence of any genuine democratic election in that country since the advent of his regime.

Then the Vice President lauded President Kenyatta of Kenya. Certainly Kenya has had better and more representative government than Ethiopia or the Congo. Jomo Kenyatta can claim a distinguished place in the history of African independence. But while age has now dimmed his leadership, he has held unyieldingly to power, and the record has been tarnished. Kenya has seen the grotesque irony of racism in reverse with the exclusion of Asian residents, the extra-legal imprisonment of political opposition, and undiminished political exploitation of tribal divisions—hardly examples to be followed.

The sad truth is that all of these men so glibly commended by the Vice President belong to Africa's autocratic past rather than its hopes for a freer and richer future.

It is regrettable, to say the least, that the Vice President ignored those African leaders truly worthy of emulation—Julius Nyerere of Tanzania, or Kenneth Kaunda of Zambia, or Sir Seretse Khama of Botswana.

Those men represent the future of the continent, and not its past.

Those leaders, in their commitment to progressive, democratic, nonviolent development, are truly models for people everywhere who seek genuine change.

Even so, I wonder if black Americans really have to look beyond our shores for examples to follow. Quite the opposite, a tradition built by Martin Luther King and Whitney Young and so many other giants seems to me worthy of admiration and imitation by Americans and our friends abroad.

We can only hope when this administration chooses again to comment on the quality of either black leadership in this country or leadership in black Africa that it will be better informed and more sensitive about both.

which addresses the problem of bringing together a divided country, be printed in the RECORD.

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

NO-WIN WAR CALLED VIOLATION OF SPIRIT

(By Marshall M. Reddish)

Demonstrators against the Vietnam war apparently agree with Hamlet, who thought that a play (demonstration?) might "catch the conscience of the king."

The Constitution of the United States gives everyone the right to assemble peacefully to petition for the redress of grievances. We must protect that right regardless of how distasteful we may think the cause for which the petition is made.

However, violent assembly and violence in petitioning are unconstitutional, illegal, and cannot be tolerated. No one may be allowed superior rights to infringe upon the rights of others just because he declares himself a revolutionary.

But let's not get sanctimonious. Let's not block our vision by wrapping ourselves in the folds of the American flag.

I know how easy it is, because I have done it, for veterans of wars previous to Korea and Vietnam to beat their breasts like the Pharisees and call attention to the guilt of the youth. We participated only in popular wars, the old type, the glamorous wars, where the entire country was mobilized in spirit.

KOREAN WAR BEGINNING

Beginning with the Korean War, we have permitted an assault upon the patriotism of our youth. In previous wars, the American people have had a declared intention to win, not to defend some inconsequential parallel of latitude, some highly doubtful and nonviable regime, not to get bogged down in a land war in Asia against the limitless Asian hordes.

It is a complete violation of the American spirit to force our youth to go through a sausage grinder of a war we say we are not trying to win. If we don't have the guts to win it, then let's have the courage to get out of it. What a refreshing of the American spirit would occur if we announced: We have done all we can afford to bring peace and freedom to Indochina. We are pulling out every one of our troops! If they are attacked while withdrawing, or you fail to release American prisoners, then we will take out one of your cities with hydrogen bombs, and if you don't cooperate in our withdrawal then we will take out another and another! We should have bands playing as our boys leave and when they arrive home.

But to return to sanctimony. Are peaceful demonstrators against the Vietnam War unpatriotic? Are the ladies at the bridge table unpatriotic when they say happily that their sons will not have go to Vietnam, because of flat feet, punctured eardrum, a nervous condition or college deferment? And are fathers patriotic when they carefully steer their sons into a noncombat situation in the National Guard or a military Reserve unit? Are the military services themselves patriotic when they persuade men to re-enlist and promise them they will be given noncombatant assignments?

Recently, I talked with an exceptionally fine young man from a family with a military heritage, a Reservist on active duty taking flight training. He said his record in training was good enough that he was allowed to choose his specialty. He plumped for prop-jets. Why? Because prop-jets are not used in Vietnam.

Are we patriotic when we permit a system of military induction which results in our fighting being done largely by the poor, the underprivileged, and the minorities?

I say, let's talk with these protesters. Let's find the ones who would be good citizens and good leaders if we would listen to them and show them that we really care, not just parrot patriotic cliches at them. Let's try to tell them that we understand their frustrations, that we know this is a lousy war, that we got into it with good democratic, American intentions, that we have tried to make a stand, within our lights, in defense of human freedom, that we think we have accomplished something, that we will not continue to tolerate the sacrifice of our youth to save our Asiatic face or any other type of face maintaining in which those not exposed to danger may safely indulge.

AMERICAN COMMITMENT

Let's tell them that we are getting the hell out, that they must believe that, that we are making a commitment of the American people to do that, and that we are thankful to them for fighting a thankless war.

After we have established a dialogue, let's explain why public disorder is so self-defeating, that it cannot be permitted, that the infringement of the civil rights of others just won't do. Let's tell them that they have caught, not the conscience of the King, but the conscience of the American people. Let's say to them that we are responsive to the young, the underprivileged and the minorities.

Perhaps we might even paraphrase William Jennings Bryan in his famous "Cross of Gold" speech. "We, the American people will no longer press down upon the brow of our youth this crown of thorns. We shall not crucify the American spirit to save face."

There will always be a struggle to be made for America and what it has meant to the world. Let's ask the peaceable demonstrators to join us.

RETIREMENT OF COL. JOSEPH O'LEARY

Mr. SCHWEIKER. Mr. President, at the end of this month, Col. Joseph E. O'Leary retires from the U.S. Army after 29 years of service. He began his Army career in 1942, after being graduated from Texas A. & M. University, where he had served as a major in the ROTC. Soon thereafter, he graduated first in his class at the infantry OCS and received his commission. Within 3 years, he had completed both the advanced infantry officers' course at Fort Benning and the command and general staff college course at Fort Leavenworth.

After serving with the 41st Infantry Division in the southern Philippines campaign, he was assigned to the 24th Infantry in Japan and served there 2 years as aide-de-camp to the commanding general. As a captain in Japan, he married Miss Rosemary Walker, daughter of Col. and Mrs. I. G. Walker, and is now the father of four children. One son, Joseph E. III, now serves as a first lieutenant with the 172d Infantry; the other, Michael, attends school in Alexandria. Daughter Terry married David Dittman, and now lives in Anchorage, Alaska, the mother of two children, Danny and Dana. Kathleen, a high school senior, is an employee of Senator MIKE GRAVEL.

After finishing his tour in Japan as a battalion commander in the 19th Infantry Regiment, Colonel O'Leary returned to the United States to instruct the junior ROTC program for the high schools of St. Joseph, Mo. The outbreak of the Korean war saw a return to combat duty, where he served as an adviser to the Korean Army for 2 years, participating in six campaigns with the 30th Regiment, and serving as director of the Korean Infantry Officer Candidate School. Following Korea, he spent 3 years at the Pentagon in the Office of the Assistant Chief of Staff G–2. In 1955, he moved to Paris, attached to the intelligence division of the Supreme Headquarters, Allied Powers Europe. Upon returning to the United States 3 years later, he served with distinction as an instructor at the Command and General Staff College, winning an award as outstanding instructor from Maj. Gen. Harrold K. Johnston.

Colonel O'Leary was again cited for his command of the 16th Infantry Division. His service with the 1st Division came during the reinforcement of U.S. troops in Western Europe and Berlin. In 1964, he received orders for Vietnam, where he became senior adviser to the province chief of Go Cong Province in the Mekong Delta. Again, his service was exemplary; after 8 months, Vietcong control of the area had been reduced from 95 to 60 percent. For this he received a citation from Gen. William Westmoreland. He was then assigned to Saigon, and again received a citation in the Office of J–3.

In 1966, he earned a masters degree in international relations from George Washington University. In July of 1967, he assumed command of the 172d Infantry Brigade at Fort Richardson, Alaska, and during 1967 and 1968 he served as the G–3 officer, operations, for Alaska. He received citations for outstanding performance in both capacities.

In July of 1969, he became the chief of the Senate liaison, Office of the Chief of the Legislative Division, and has served in that position since. After his resignation, he intends to remain in the Washington area as a consultant.

During his distinguished career, Colonel O'Leary was awarded the Legion of Merit with cluster, the Bronze Star, the Air Medal, the Army Commendation Medal, the American Campaign Medal, the Asiatic Pacific Campaign Medal, the Korean Service Medal, the Armed Forces Expeditionary Medal, the Combat Infantryman's Badge, the Republic of Korea Presidential Unit Citation Badge, the Chungmu Military Service Medal with Gold Star, the Distinguished Military Service Medal from the Korean Army, the Vietnamese Medal of Honor, first class, the Vietnam Service Medal, and the Vietnam Campaign Medal.

His record speaks for itself. For over a quarter of a century, Colonel O'Leary has served his country with dedication and distinction. I am sure the Army joins me in regretting his retirement, and in congratulating him on his service.

THE NEBRASKA AIR NATIONAL GUARD

Mr. CURTIS. Mr. President, a very important birthday was commemorated in the State of Nebraska recently. It was the 25th birthday of the Nebraska Air National Guard.

Some of the top officers of the Nebraska Air Guard, including the commander, Col. Fred H. Bailey, are in the Washington area this week participating in an aerospace education field trip and attending to other business.

Minnesota Historical Society

www.mnhs.org