Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is on the adoption of the conference report on H.R. 514, to extend programs of assistance for elementary and secondary education, and for other purposes.

ADJOURNMENT UNTIL 10 O'CLOCK TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move under the previous order, that the Senate stand in adjournment, in legislative session, until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 6 minutes p.m.) the Senate adjourned, in legislative session, until 10 a.m. tomorrow.

NOMINATIONS

Executive nominations received by the Senate March 31, 1970:

U.S. DISTRICT JUDGE

James L. Oakes, of Vermont, to be U.S. district judge for the district of Vermont vice Ernest W. Gibson, deceased.

NATIONAL SCIENCE FOUNDATION

The following-named persons to be Assistant Directors of the National Science Foundation (new positions):

Edward C. Creutz, of California.
Lloyd G. Humphreys, of Illinois.
Louis Levin, of Maryland.
Thomas B. Owen, of Washington.

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grades indicated in the Environmental Science Services Administration:

To be lieutenant commanders

Floyd S. Ito
Christopher C. Mathewson
Irving Menessa
William M. Noble
Roger H. Kerley
Charles H. McClure

To be lieutenants

Glenn H. Endrud
John H. Snooks
James P. Travers
Douglas F. Jones
Kenneth W. Sigley
Efrem R. Krisher
Gordon F. Tornberg
Glenn M. Garte
Melvyn C. Grunthal
Lawrence C. Hall
William D. Neff
V. Kenneth Leonard, Jr.
Douglas A. Danner
Thomas C. Howell III
David M. Chambers
Richard S. Young
Bruce W. Fisher
Ted G. Hetu
Michael Kawka
Michael J. Moorman
Philip D. Hitch
Clarence W. Tignor
John J. Lenart
Stephen E. Foster
Gregory R. Gillen
William R. Daniels
Lynn T. Gillman
Floyd Childress II
Charles N. Whitaker

To be lieutenants (junior grade)

James A. Buschur
Roland W. Garwood, Jr.
Tom Gryniewicz
Pressley L. Campbell
Gerald B. Mills
David J. Goehler
Abram Y. Bryson, Jr.

HOUSE OF REPRESENTATIVES—*Tuesday, March 31, 1970*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

God is our refuge and strength, a very present help in trouble.—Psalm 46: 1.

Lord, we do believe. Help Thou our unbelief. Give us more faith to believe that the Lord of Hosts is with us, that Thou are indeed our refuge.

We acknowledge that Thou art the God of the future as well as the present. May Thy spirit be infused into the wisdom of our modern world giving us the higher wisdom we need. We wait upon Thee for Thou are the living God who alone knowest the secrets of time and space and the good things prepared for them that love Thee. May Thy spirit work upon this Nation and this world so that this will be a decade when our energies will be used for the betterment of all Thy family on earth, through Jesus Christ our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, March 26, 1970, was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 19, 1970:

H.R. 14944. An act to authorize an adequate force for the protection of the Executive Mansion and foreign embassies, and for other purposes.

On March 25, 1970:

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade.

On March 26, 1970:

H.R. 11959. An act to amend chapters 31, 34, and 35 of title 38, United States Code, in order to increase the rates of vocational rehabilitation, educational assistance, and special training allowance paid to eligible veterans and persons under such chapters; to amend chapters 34, 35, and 36 of such title to make certain improvements in the educational programs for eligible veterans and dependents; and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1289. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes;

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; and

S. 3072. An act to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes.

THE LATE HONORABLE LEONARD WOLF, FORMER MEMBER OF CONGRESS, SECOND DISTRICT OF IOWA

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, it is my very sad duty to announce to the House the passing of a former colleague of ours, the Honorable Leonard Wolf of the Second District of Iowa. I do this in consultation with and on behalf of the gentleman who represents the Second District of Iowa at the present time (Mr. CULVER). I also do this for many of his other friends in this body and in my own behalf, because Leonard Wolf was born in Mazomanie, Wis., in my district. He grew up there and tomorrow he will be interred there, at the untimely age of 44.

He, Mr. Speaker, loved this House. I say this, among other things, because only within a matter of the last few months he, in association with others of our former colleagues, was a leading figure in the formation of a group of former House Members.

Mr. Speaker, Leonard Wolf since he left this body at the end of the 86th Congress devoted himself, as he did while he served this body, to mankind. He served exclusively for 9 years in the fields of alleviating hunger and feeding starving people.

He served in Brazil, in the remote areas of Brazil, in the food-for-peace program. He served in connection with the food program for India and more recently as executive director in our own country for the Freedom From Hunger Foundation.

Mr. Speaker, it is not my purpose today to eulogize my late friend but, rather, to make the announcement of his passing.

I further announce to the House that on Saturday in this area there will be a memorial mass in his memory. The details and notice of this mass will be made public at a subsequent date.

Mr. Speaker, I wish to express my deep personal sorrow to his wife, Marilyn, his three children, and his family. I am sure many of my other colleagues join me.

Mr. Speaker, I will state to the House that the gentleman from Iowa (Mr. CULVER) next week will obtain a special order for the purpose of eulogizing our departed colleague.

ATTACKS ON JUDGE CARSWELL VICIOUS

(Mr. FUQUA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include pertinent material.)

Mr. FUQUA. Mr. Speaker, there is a vicious and coldly calculated effort to defeat the nomination of Judge G. Harrold Carswell to the Supreme Court. A distorted picture of a distinguished judicial record is being presented.

Some of his opponents will seemingly stop at nothing. They dwell on trivia and are totally unconcerned that they seek to destroy a man's record of service and integrity.

Take, for example, the bold announcement made by the senior Senator from Maryland that an associate municipal judge of Opa Locka opposed the nomination. Equally devastating was the announcement that one of the municipal judges in Miami is also opposed.

Now what does this prove? I suppose that there are thousands of municipal judges who are concerned with the laws of their communities and cities. They are not a part of the Federal judiciary; they are not even State judges.

The best source of information about the record of Judge Carswell is contained in the one place which his opponents seemingly never get around to mentioning. That is the testimony before the Senate Judiciary Committee.

His opponents have refrained from mentioning that from 1960–61 through 1966–67 Judge Carswell was assigned to sit as a visiting judge longer than any other district judge in the fifth circuit.

During all of this time, the chief judge of the fifth judicial circuit was Elbert Tuttle, a man of impeccable credentials.

It certainly is not the practice to single out "mediocre or insensitive" judges for these assignments.

Instead of two insignificant city officials, let us point out that Judge Carswell has the support of the entire Florida Supreme Court and the State district court of appeals.

Seventy-nine lawyers who have practiced before Judge Carswell have signed a letter attesting to his fairness, ability, and integrity.

In his service on the bench, Judge Carswell has always been noted as a man who ran his court fairly and firmly. His opinions were concise and to the point.

Certainly, there were reversals of his decisions on appeal. In a rapidly changing period of judicial interpretation, a fair appraisal would reveal that he had ruled on the basis of the law as it had been thus far interpreted. As the New York Times said in a story about the judge:

> In most of these cases, Judge Carswell would have had to move beyond clearly settled precedents to rule in favor of the civil rights position. When those precedents have existed, he has struck down segregation in crisp, forthright opinions.

The article also stated:

> Judge Carswell . . . has a virtually unblemished record as the type of "strict constructionist" that Mr. Nixon promised to appoint when he campaigned for the presidency.

Another statement in this article:

> Throughout these opinions runs a consistent tendency to view the law as a neutral device for settling disputes, and not as a force for either legal innovation or social change.

The senior Senator from Maryland should remind himself of the composite photo used against his father which purported to show this late distinguished Senator in conversation with a Communist leader.

As the Florida Times-Union of Jacksonville, Fla., pointed out:

> The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious. A composite word picture is being drawn of him attempting to plant in the public mind that he is a mediocre judge on the one hand and a racist on the other. There is plenty of evidence that he is neither, but we hear little about it from the opposition.

I would ask fairminded Members of the Senate to read this editorial entitled "Keelhauling an Honorable Career."

I reiterate their statement that it is one thing to defeat the nomination, it is another to impugn an honorable career.

The article follows:

KEELHAULING AN HONORABLE CAREER

The "definitive" word has now come in on the confirmation of Judge G. Harrold Carswell to the U.S. Supreme Court.

It came from no less than the senior senator from Maryland, Joseph Tydings. He released the news to the press that an associate municipal judge of Opa Locka opposed the nomination.

This was coupled with the devastating news that one of the judges of the municipal court in Miami was also opposed. The clincher to this announcement seemed to lie in the portentous bit of background that both were former assistant U.S. attorneys.

No doubt, Senator Tydings and his staff are overworked in their round-the-clock vigil to see that justice is done—and presumably if justice is to be done, Judge Carswell is entitled to some miniscule portion of it—so perhaps they won't feel hurt if a gentle reminder is given of some of the support the judge has received.

"We are concerned," said Senators Tydings, Birch Bayh, Philip Hart, and Edward Kennedy, "that Judge Carswell's record indicates that he is insensitive to human rights and that he has allowed his insensitivity to invade the judicial process."

Lest anybody conclude that the aforementioned gentlemen are insensitive to Judge Carswell's right to a fair hearing and are allowing this insensitivity to invade the senatorial process, we would be so bold as to suggest that there is some testimony that tends to offset that of the distinguished associate municipal Judge of Opa Locka and perhaps Tydings et al. would wish to point this out.

The Fifth Circuit Court of Appeals is on the second tier of the federal judiciary, the level just below that of the U.S. Supreme Court.

Sen. Tydings himself mentioned some of its members as "eminent constitutional lawyers . . . who have demonstrated that they are judicious men, able to give any man a fair and impartial hearing." Two of those he mentioned are Judge Bryan Simpson and Judge Robert A. Ainsworth.

Both of these judges sent the Senate Judiciary Committee strong letters of support on behalf of Carswell's nomination as did their colleagues, Warren Jones, Homer Thornberry, David Dyer and Griffin Bell. And there are hosts of other judges who have sent in letters of support.

And if Judge Carswell is so "insensitive to human rights" (the liberal code phrase for "not far enough to the left to suit us") why has the Senate unanimously confirmed him three times—as U.S. attorney, district judge and appelate court judge?

Further, it seems passing strange that a judge so insensitive would have been assigned so often while a district court judge to sit as a visiting judge on the Fifth Circuit bench.

And, it seems most insensitive of Senator Tydings not to acknowledge this fact since our own source is the record of the testimony before the Senate Subcommittee on Improvements in Judicial Machinery on May 28 and 29, 1968. The chairman of that subcommittee is Senator Tydings of Maryland.

The statistics in the record show that from fiscal 1960–61 through fiscal 1966–67, during all of which time the Chief Judge of the Fifth Judicial Circuit was Elbert Tuttle, a man of impeccable liberal and civil rights credentials, who assigned Judge Carswell to sit as visiting judge longer than any other district judge in the Fifth Circuit.

He sat on three-judge panels—composed of two Fifth Circuit judges and himself—for 8½ weeks during those years. Two other judges sat for eight weeks during that period. None of the other 34 district judges assigned to that duty even approached this length of assignment on the appellate court.

Is it a practice to single out "mediocre" or "intensive" judges to help decide cases on a higher bench—and to do so consistently?

The answer to that question is "no" and Senator Tydings well knows that this is the answer.

The effect of the distorted and one-sided picture of Carswell being presented is to defame and vilify the man before the entire world and to do so unjustly.

Perhaps we can draw a parallel which will bring it closer to home to some senators—especially Senator Tydings.

Back in 1950, a composite photo was used in the campaign against Sen. Millard Tydings—father of the present senator—purporting to show the elder Tydings in friendly conversation with Communist Earl Browder. It was a part of a back-alley campaign that helped to defeat the elder Tydings.

The campaign against Carswell is not of the same nature. But in its own way, it is just as vicious.

A composite word picture is being drawn of him, attempting to plant in the public mind the idea that he is a mediocre judge on the one hand and a racist on the other.

There is plenty of evidence that he is neither but we hear little about it from the opposition.

It is one thing to defeat Carswell's nomination. It is another thing to impugn an honorable career.

Let the record show that there are many persons—some of them uniquely qualified to judge in this instance—who believe G. Harrold Carswell to be a decent, sensitive human being of outstanding integrity, a man who has devoted his entire life to public service, and a highly qualified judge.

In his column of March 24, Tallahassee Democrat, Editor Malcolm Johnson pointed out that the 467-page printed record of the Senate Judiciary Committee provides the most powerful refutation of the accusations of bigotry and mediocrity. It reveals exactly the opposite.

Yet, there are those who are so intent on destroying the reputation of

Judge Carswell that they will stop at nothing to gloss over the truth and attack by innuendo, half-truths and distortions.

The very men that his opponents praise as distinguished jurists are often those who have praised the record of Judge Carswell most highly.

Let me point out but two of them, who incidently have been mentioned by opponents of Judge Carswell as outstanding jurists:

Judge Bryan Simpson:

More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man: superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an openminded disposition to hear, consider and decide important matters without preconceptions, predilections or prejudices.

Judge Robert A. Ainsworth:

A person of the highest integrity, a capable and experienced judge, an excellent writer and scholar.

I would like to have included that very excellent column by Mr. Johnson:

CARSWELL PRAISE IS OVERLOOKED

Judge Harrold Carswell, it seems, is taking a worse beating from the news reports than he is in the official documents filed for and against his nomination to the U.S. Supreme Court.

The 467-page printed record on the Senate Judiciary committee hearing on his nomination, just received here, provides a powerful refutation of the accusations of bigotry and mediocrity which are being used against him.

Much of it has not heretofore been revealed to his hometown editor who probably has watched the daily reports as closely as anyone.

For example, we have been regaled this last week or so by the supposedly scornful fact that two members of the U.S. Fifth Circuit Court of Appeals have not endorsed his elevation from their bench to the Supreme Court.

Now, mind you, they have not opposed his appointment. They have only not endorsed him. (And retired Judge Tuttle, who praised him highly then withdrew his offer to testify in his behalf, to this day hasn't opposed him either.)

But have you heard, or have you read, what other members of the Fifth Circuit Court have said about him in official letters now a part of the printed record of the Senate?

Judge Homer Thornberry (who was nominated by President Johnson for this very Supreme Court seat, but it didn't become vacant by elevation or resignation of Justice Abe Fortas in time for a Democrat to get it) had this to say about Carswell:

". . . a man of impeccable character . . . his volume and quality of opinions is extremely high . . . has the compassion which is so important in a judge.

Judge Bryan Simpson, who has held up the civil rights lawyers as the kind of Southern judge President Nixon should have chosen, wrote to the Senate:

"More important even than the fine skill as a judicial craftsman possessed by Judge Carswell are his qualities as a man; superior intelligence, patience, a warm and generous interest in his fellow man of all races and creeds, judgment and an openminded disposition to hear, consider and decide important matter without preconceptions, predilections or prejudices."

Judge Griffin Bell, a former campaign worker for President Kennedy whose own name was mentioned for this vacancy: "Judge Carswell will take a standard of excellence to the Supreme Court . . .

Judge David W. Dwyer: ". . . great judicial talent and vigor."

Judge Robert A. Ainsworth: ". . . a person of the highest integrity, a capable and experienced judge, an excellent writer and scholar . . ."

Judge Warren Jones: ". . . eminently qualified in every way—personality, integrity, legal learning and judicial temperament."

Most of these statements have been in the record since January, not recently gathered to offset criticism.

There are similar testimonials from a couple of dozen other Florida state and federal district judges in the record, but our newspaper received a news report from Washington about only a partial list of them (without quotation) only after calling news services in Washington and citing pages in the Congressional Record where they could be found.

And on the matter of anti-racial views, the printed record of the committee contains numerous letters and telegrams disputing contentions of a few northern civil rights lawyers who said Judge Carswell was rude to them when they came to his court as volunteers, mostly with little or no legal experience.

Foremost among them is this letter from Charles F. Wilson of Pensacola:

"As a black lawyer frequently involved with representation of plaintiffs in civil rights cases in his court," he said, "there was not a single instance in which he was ever rude or discourteous to me, and I received fair and courteous treatment from him on all such occasions.

"I represented the plaintiffs in three of the major school desegregation cases filed in his district. He invariably granted the plaintiffs favorable judgments in these cases, and the only disagreement I had with him in any of them was over the extent of the relief to be granted."

Why such statements in the record have been overlooked by Washington news reporters while they are daily picking up any little crumb from the opposition is hard to explain to the public.

It could be that the organized forces opposing Judge Carswell are more alert to press agentry than the loose coalition in the Senate that is supporting him.

The press agent offers fresh news, while the record brings it stale to the attention of news gatherers upon whom there is great pressure to start every day off new with the abundance of news you know is going to develop that day.

That, really, could be a better explanation than the common assumption that our Washington reporters are just naturally more anxious to report something bad about a man—especially if he is a conservative—than something complimentary. But it isn't a very good explanation, at that.

Finally, Mr. Johnson makes even more telling points in his column of March 25, which was entitled, "Carswell's Best Witness."

Again we call attention to the transcript of Judge Carswell before the Senate Judiciary Committee. As honest reading of that testimony will reveal a man who is open and honest, who gave very careful and concise answers to those who questioned him.

There was no deliberate attempt to delude or deceive, and as a matter of fact, he drew high praise for his forthrightness in attempting to answer the multitude of questions propounded for him.

I particularly wanted to note that comments made by Mr. Johnson about two of the most vigorous opponents of Judge Carswell. Judge Carswell is certainly not being judged by the same standard that they would like to see applied to themselves.

Let me pull out of Mr. Johnson's column two paragraphs concerning two of Judge Carswell's most vigorous opponents:

That didn't deter such shouters of "mediocre" as Senator Birch Bayh, who incidentally, flunked the Indiana Bar examination the first time he took it—and he was no mere boy; he was Speaker of the Indiana State House of Representatives at the time. (Carswell) passed the Georgia Bar exam before he was graduated from law school; and he breezed through the first time on the Florida exam, which is one of the nation's toughest.)

Nor has it fazed the ruthless opposition of Senator Ted Kennedy, who was kicked out of Harvard for paying a scholar to take an exam for him, and who—of all people has the gall to question—of all things—Judge Carswell's discretion.

The truth of the matter is that Judge Carswell is a man of integrity, with a distinguished record of public service. He would be a credit to the Supreme Court and his opponents know this.

So much more the shame at these vicious and unprincipled attacks. It would be a sad day for common justice to a fellow man if these attacks were to succeed.

Again, I would like to express my personal recommendation of Judge Carswell. He would make an outstanding member of the Court and I am hopeful that the Members of the Senate will consider their decision in light of the real facts surrounding Judge Carswell's career. If they do, he would be confirmed easily.

The article referred to follows:

CARSWELL'S BEST WITNESS

The very best disproof of the absurd charges his critics are making against Judge Harrold Carswell is in the transcript of his answers to Senate Judiciary committee questions on his nomination to the Supreme Court.

The printed record of that examination, complete with the mischievous nit-picking of Senators Kennedy and Bayh, has just become available—and it counters every suggestion of mediocrity, bigotry and judicial impatience that has been raised against the judge.

Especially, the whole document reveals plainly that Carswell has a rare depth of judicial scholarship which belies the major complaint that has been used to turn the people, the press, and some Senators against him.

Much of the exchange between him and the Senators was on technical points of judicial philosophy, and the Judge more than held his own.

One of these exchanges was with Sen. Philip Hart of Michigan, who has opposed him from the outset. It involved the thin line between legislative and judicial lawmaking authority which is at the crux of the debate between the activism of the present court and the "strict constructionist" President Nixon seeks through appointment of Judge Carswell.

The judge had made it clear he doesn't

think the Supreme Court should sit as a "continuing constitutional convention" changing the law by interpretation; but, he told Hart, "there is a grain, almost inevitably, of law-making power in the judge."

"That is a good answer, Judge," Hart told him. "It is a very good answer. I think specifically I should thank you for having the knowledge that there is an answer."

The next day, in a similar discussion with Senator Scott of Pennsylvania (one of the more liberal Republicans) Judge Carswell gave a very terse rundown of the processes of reaching judicial decisions and ended by inquiring: "Am I responsive? I hope to be."

"Not only responsive," Scott replied, "but I thought your answer may have shocked some in the audience by establishing that a Southerner can also be a scholar. I was appreciative of that."

And Senator Griffin of Michigan, another Republican who leans to the liberal side, made a telling comment on Carswell's ability near the end of the hearing:

". . . I have had an opportunity to read a few, but not all, of your opinions as a judge. Frankly, I must register my disagreement with those who criticize your opinions by comparing them to a plumber's manual or by indicating concern because your opinions are concise and to the point.

"While some Senators may be unable to comprehend that wisdom and sound judgment can be expressed succinctly and briefly, I want to assure you that there are other Senators who think it can be done, and who admire greatly those who have the ability to do it.

"You have made an impressive appearance before the committee to those who, without looking at your record very carefully or listening to your answers, seek to dismiss your nomination by using such words as 'mediocrity'; all I can say is that so far as I have been able to determine, I believe the nation could use a lot more of your kind of 'mediocrity'; obviously that is intended as a high compliment."

Senator Griffin went on: "I believe you have demonstrated before this committee that you are a scholar of law; and that is demonstrated by your opinions, I say that even though I would not agree with each and every one of them."

That should, but didn't deter such shouters of "mediocre" as Senator Birch Bayh who, incidentally, flunked the Indiana bar examination the first time he took it—and he was no mere boy; he was Speaker of the Indiana State House of Representatives at the time. (Carswell passed the Georgia bar exam before he was graduated from law school; and he breezed through the first time on the Florida exam, which is one of the nation's toughest.)

Nor has it fazed the ruthless opposition of Sen. Ted Kennedy, who was kicked out of Harvard for paying a scholar to take an exam for him, and who—of all people has the gall to question—of all things—Judge Carswell's—"discretion."

WHEN THE LAW OF THE LAND IS NOT THE LAW—ANOTHER DOUBLE STANDARD

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RARICK. Mr. Speaker, the law of the land is no longer the law, when unenforced.

We of the South, who for years have suffered as a result of judicial fiat and political donnybrook, enforced inequality upon our people under a so-called doctrine of law of the land, now observe another double standard in the enforcement of our basic laws.

The Justice Department, so rabid in attacking what is termed defiance in the South and continuing the conquered province rule by force, can find no violations of the law of the land in strikes by Federal employees. In fact, we find bipartisan support, and news media apology for what is called work stoppage, crisis, everything but a strike threat. The attorney, and strike leaders, for one group of strikers has publicly stated that their strike is not a strike, for that would be illegal.

Parents of schoolchildren make no submission agreements to comply with illegal edicts of unelected bureaucrats. On the other hand, civil service employees voluntarily sign a no-strike pledge before being hired. Wage scales and living standards may indeed be problems but they can never provide an excuse for disloyalty.

Obviously, the law of the land cliche no longer includes the Constitution of the United States and laws of Congress but, rather, it is a mere continuation of the unwritten policy which best fits the political wishes of the party in power at that particular moment. This is but another double standard of Federal justice created in the name of political expediency.

There is no doctrine more dangerous than that the end justifies the means.

Who is chargeable? The violator or the tolerator—both of whom are under oath to preserve and defend the Constitution and laws of the United States, as enacted by the Congress.

I compliment the loyal Federal employees of my district and elsewhere who lived up to their oath of appointment by continuing faithful service to our people. These are the Federal employees worthy of our consideration.

On March 23—page 8588—I called to the attention of the House the pertinent statutes involved in strikes by Federal employees. The noted columnist, David Lawrence, has now told the American people of these laws and the danger of not enforcing them.

I include Mr. Lawrence's column, as follows:

THE LAW AND THE FEDERAL STRIKERS

(By David Lawrence)

Tens of thousands of employes of the U.S. Post Office Department and numerous federal workers engaged in air traffic control at the nation's airports have violated statutes forbidding strikes. Will their action in breaking the law be disregarded by the government?

The statute known as Title V, Section 7311 of the U.S. Code, says:

"An individual may not accept or hold a position in the government of the United States or the government of the District of Columbia if he . . . participates in a strike, or asserts the right to strike, against the government of the United States or the government of the District of Columbia; or

"Is a member of an organization of employes of the government of the United States or of individuals employed by the government of the District of Columbia that he knows asserts the right to strike against the government of the United States or the government of the District of Columbia."

The same U.S. Code declares that whoever violates this provision "shall be fined not more than $1,000 or imprisoned not more than one year and a day, or both."

The federal government has thus far not taken any action with respect to those employes who have joined a union which "asserts the right to strike against the government of the United States." Now, however, thousands of members have actually gone on strike, and the question is what means the government shall use to apply punishment in every case where the law has been violated.

It is quite possible, of course, that many workers will say that they were not aware that a law violation was involved. But each individual who accepts employment with the federal government is required to sign an affidavit that he or she will not violate the above-quoted statute, which includes a specific prohibition against participation in a strike.

Naturally, the employes of the Post Office Department have thought that, when so many were involved, there would be no penalty because it would be difficult to impose this on such a large group. To hold trials, for instance, for all who took part in the strike would mean absences that might disrupt the mail services again unless the government provided substitute employes. Dismissal of striking workers similarly would cause mail stoppages as well as discontent among employes.

The real question is whether the union leaders were correct in their assumption that the decision to carry on a strike could not be punished because it would be impracticable for the government to apply any penalties. But the record left by the case is not a satisfactory one from the standpoint of law and justice. For the government of the United States to allow law violations to be perpetrated by tens of thousands of citizens and to gloss over such transgressions is not a course that wins approval inside or outside the government.

It may be that prosecution of labor leaders will ensue. Inasmuch as relatively small fines are involved, such action would be received with less objection than if the members were corralled by the government for prosecution. Plainly, however, the government has not provided an effective means of forestalling strikes merely by passing a law threatening the loss of jobs or punishment by means of imprisonment or fines.

When the Department of Justice, which is the prosecuting arm of the government, completely ignores flagrant violations of one set of federal laws by a large number of citizens, will citizens generally feel an obligation to obey other statutes? Indifference to law has been growing throughout the nation, and if palpable violations are overlooked by the government itself, there will be a strong feeling that what laws are enforced is based on political expediency.

Many of the federal workers are conscious of their guilt in violating the statutes, and some of the leaders of the postal unions are asking that the final settlement of the strike include an amnesty provision immunizing from punishment all persons who have violated the law. If this is done, little respect will be given in the future to the existing law forbidding strikes by federal employes.

THE SOCIAL SECURITY TRUST FUND

(Mr. VANIK asked and was given permission to extend his remarks at this

point in the RECORD and to include extraneous matter.)

Mr. VANIK. Mr. Speaker, it has recently come to my attention that the Nixon administration is renewing its efforts to stretch out and delay the already enacted schedule of social security tax tables in order to reduce the size of the social security trust fund.

Frankly, I believe that it would be most unfortunate to raid the trust fund and reduce its capacity and purpose to provide income maintenance to the elderly retired who have made contributions over the years. The social security trust fund and its projected growth is not disproportionate to its task. There is great reason to justify its reinforcement.

The social security fund should never be allowed to fall into the inadequate levels of the unemployment compensation trust funds which would be exhausted by the demands of a 2-year, 6 percent unemployed rate of insured workers.

The fund is not only insufficient for a modest recession, but the benefit levels are completely out of date. The average weekly payment to an unemployed worker with a family of four in a State such as Ohio is $56.13 with a maximum of $1,459 per year. Compared to a family of four on welfare under President Nixon's family assistance plan, the welfare recipient receives $1,600 per year in cash; $864 per year in food stamps; and about $500 per year in medical and health benefits. The unemployed insured worker with a family of three dependents would receive annual benefits of $1,459 while the unemployed welfare recipient would receive about $2,964 for the support of himself and his dependents. Thus, it appears that the worker depending on unemployment compensation is committed to a poverty-level existence in a period of prolonged unemployment. Since the family of an unemployed worker has greater debt service, the burdens are intolerable.

The unemployment compensation benefits schedule is thoroughly unrelated to the inflationary impact of the past several years. They are completely out of date—out of touch with reality. The inadequacy of the unemployment compensation schedules relies heavily on reinforcement from public welfare.

Furthermore, the public trust funds are becoming the more consistent investors in the public debt. Since 1968 the public holdings of the Federal debt have decreased from $290 billion to $277 billion—a reduction of 4.4 percent. In the same period, the trust funds have increased their investment in the Federal debt from $79,140,000,000 to $105,503,000,000—an increase of 33.3 percent. Thus, of the 1971 Federal debt of $382.5 billion, $105,503,000,000—or 27.5 percent—will be held by the trust fund accounts.

The security trust funds are in effect an investment in America. To reduce the trust funds would be to reduce their capacity to meet their expected purpose. To reduce the trust funds would be to reduce their investment in the public debt thereby increasing reliance upon private investors. This would result in prolonging the high interest spiral which is defeating most of the major goals in America.

ADJOURNMENT TO THURSDAY, APRIL 2, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Thursday, April 2, 1970.

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

There was no objection.

DISTRICT OF COLUMBIA BUDGET—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-240)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

I am transmitting to the Congress the budget for the District of Columbia for the fiscal year beginning July 1, 1970.

This budget represents the programs and policies of the government of the District of Columbia for providing the municipal services and for the local needs of our Nation's Capital City. It also reflects the financial contributions of the Federal Government in providing resources to help finance the local budget.

Washington, D.C., is a great city of monumental beauty, national history, and governmental activity vital to the Nation's domestic and international affairs. Washington is also the center city of one of the Nation's fastest growing metropolitan areas and as such is the hub of business and commercial activity and the home of 828,000 residents. To protect and promote the interests of the residents, visitors, employees in both the public and private sectors, national and international leaders, requires critical attention to the needs of the Capital City and the urban problems it shares with the other cities of our country. It also requires that the best and most effective use be made of the local and Federal tax dollars which are used to finance the District's budget.

This budget, as approved by the Mayor and the City Council, proposes prudent and realistic programs and means of financing to move toward our goal to establish a quality environment for Washington and make it the kind of city we all look for and want as a Nation's Capital.

This budget recommends appropriations of $881 million for the fiscal year 1971 and includes $654 million for operating programs and debt service and $227 million for local public works projects. The estimates for operating expenses and debt service, which cover the basic ongoing programs and provide for the city's services, represent an increase of $86 million or 15% above the amount estimated for the current fiscal year.

SOURCES OF FINANCING

The proposed $881 million in budget authority for fiscal 1971 will require total local expenditures of $647 million for operating and debt service expenses and $227 million for capital outlays. The operating and debt service requirements are to be financed by $488 million of local taxes from existing sources; $21.5 million from a proposed increase in individual income tax rates as contained in Section 301 of H.R. 15151; $1.5 million from a proposed 1-cent increase in the gasoline tax; and $136 million in Federal funds which includes $4 million for water and sewer services provided for Federal agencies and $132 million for the annual Federal payment to defray the operating expenses of the City Government on the basis of a proposed formula which would set the Federal payment authorization at 30% of local District revenues.

The proposed 30% Federal payment authorization would provide for an equitable sharing by the Federal Government in meeting the needs of the District Government—including better law enforcement capability, strengthened crime prevention and control activities, health and welfare programs, and pay increases for District employees, including an increase for its teachers, policemen, and firemen which is now pending before the Congress.

These various local requirements make it imperative that the Congress promptly enact the proposed Federal payment and local income tax measures in order that they will become effective this fiscal year. If the Congress fails to take timely action on these financing proposals the city will lose an estimated $15 million in resources for fiscal year 1970 which are needed to fund programs both in the current year and in fiscal 1971.

NEW DIRECTIONS

As part of this administration's effort to shift priorities, turn toward new directions, and take stock of past practices—this budget for the District of Columbia proposes several changes in Federal financing and includes significant local initiatives.

Changes in Federal financing.—The budgets for the Federal and District government are based on several new changes in Federal financing which are designed to strengthen the local government and reflect a proper balance between Federal and District responsibility. In addition to the proposed 30 percent Federal payment formula the budget proposals for fiscal year 1971 would—

Shift the direct responsibility for the city's public works loan financing from the U.S. Treasury to the private investment community by authorizing the city to issue its own local bonds. This will place the District's capital outlay program on a basis similar to that of other cities and will permit immediate savings to the U.S. taxpayer who must otherwise shoulder the immediate burden of direct Federal borrowing. Offsets accruing to

the Federal budget are estimated at about $55 million for fiscal year 1971;

Provide direct Federal capital contributions, estimated at $20 million for 1971, for the permanent facilities for Federal City College and Washington Technical Institute;

Shift the responsibility from the District to the Federal Government for financing the operating expenses of the National Zoological Park which is a part of the Smithsonian Institution's national museum complex. This proposal reflects the Federal and metropolitan character of the National Zoo for which the District alone has been bearing the burden of its operating expenses. The $3 million estimated for fiscal year 1971 has been included in Federal budget totals thus providing equivalent relief to the city government;

Reallocate parkland between the Federal and District Governments. Those local parks serving primarily the local community which do not have national historical or monumental significance are to be transferred directly to the District. This will eliminate the need for the city to continue to make reimbursements to the National Park Service which will assume full financial responsibility for the parks remaining under its jurisdiction. This measure represents a shift of about $7 million from the District to the Federal budget.

Freeze the level of reimbursements by the city to Saint Elizabeths Hospital pending a determination of future arrangements for an appropriate relationship between the Federal and District Governments concerning the financing and administration of the Hospital.

Local initiatives.—The most signficant local initiatives proposed in the District's budget are directed to establishing a Capital City with safe streets and a quality environment.

Safe streets.—This budget provides for strengthened law-enforcement capability, improved administration of justice, and augmented action measures to reverse the City's crime rate. The 1971 budget estimates include $130.5 million for operating expenses of police courts and corrections. This amount represents an increase of $46 million—or 55%—over the level for 1969 and would provide—

Increased street patrols by an actual police strength of 5,100 policemen on the force compared to an actual strength of 3,589 men as of June 30, 1969;

Increased police mobility and effectiveness through additional scout cars, patrol scooters, and communications equipment as well as more civilians to support police operations and relieve policemen from civilian duties;

An augmented program of narcotics treatment and control, including centralized local responsibility under a new narcotics treatment agency;

A roving leader corps of 282 to work with delinquent prone and other youth, compared to a staff of only 37 for fiscal 1969;

A reserve of $4 million to provide for costs of additional judges and other expenses related to reorganization of the court system of the District of Columbia upon enactment of S. 2601;

Strengthened court support services through expansion of public defender services, the D.C. Bail Agency, and juvenile probation services;

Construction of police stations—to support consolidation of 14 police precincts into 6 police districts, and planning and construction of a new jail and a new courthouse; and

An allowance for pending police pay raises which would increase starting salaries for new recruits from $8,000 to $8,500.

Quality environment.—New and increased efforts to improve the environment of the Nation's Capital include—

$40 million for waste treatment facilities to reduce pollution in the Potomac River;

Development of additional facilities for recreation activity including a campsite in Scotland, Maryland, to provide about 3,000 inner city youth with summer camping opportunities, and construction of swimming pools and other recreation projects in Anacostia; and

Balanced transportation.—The budget continues the efforts to provide a balanced transportation system for the District. In particular, the long-awaited rail rapid transit system for the entire metropolitan region takes a major stride forward with the $34.2 million for the city's share of the rail rapid transit program. Contracts for over 16 miles of subway within the District will be let during the fiscal year, giving tangible evidence of a program which is truly designed to unify the central city with the surrounding suburban communities. Increased employment, reduced air pollution, and reduced congestion are some of the benefits residents and visitors in the area can look forward to as this dynamic project moves ahead. Other elements in the city's transportation program include $12 million for the District local matching share for previously authorized highway construction and funding of local street improvement projects.

Better education.—Improved education is not only a national goal, but one which must be carried out at the local levels. This budget takes important steps in improving educational opportunity for one of the city's most precious resources—its youth.

For the first time in the District's history per pupil expenditures will be over $1,000.

In order to encourage students to stay in school, a dramatic new system-wide career development program will be initiated. The resources of private industry colleges, and government will be marshalled in a cooperative effort to insure that students remain in school and are able to realize their full potential in choosing and working toward their employment goals.

Over 12,000 students will be able to continue their education at the District's institutions of higher learning.

A new means of financing the permanent facilities of Washington Technical Institute and the Federal City College is anticipated as part of a master plan for higher education to be developed by the affected institutions. The plan will provide the basis for the coordinated long-range growth and development of higher education in the District.

For the first time, the Board of Education is provided with appropriate staff assistance. The $100 thousand requested in the budget will help to increase the Board's ability to analyze the complex educational problems of a large city school system and increase the Board's ability to respond to community desires and interests.

This is only a summary, of course, of the most significant budget initiatives. A further indication of the directions for fiscal 1971 is contained in the Mayor's transmittal letter. These recommendations have been carefully sifted and weighed, first by the Mayor and his departments and agencies within the executive branch of the District Government, then by the public and community organizations, and finally by the City Council. The result of this thorough examination of programs and priorities is a sound and prudent budget based on a minimum of new revenue measures. I again urge the Congress to take early action on the pending local income tax and Federal payment authorization proposals.

None of our aspirations for our Capital City can be achieved, including augmented police protection, improved system of courts and offender rehabilitation, reduced pollution and congestion, and better education—unless the District is given the resources to do the job. At the same time, however, money alone can not achieve the objectives the city officials have set for themselves. I am proud, as is the Congress, of the dedicated and judicious manner in which the recently reorganized Government of the District of Columbia has proceeded forward with the tasks it faces. In fulfilling the expectations of the Reorganization Plan of 1967, the Mayor is continuing to further improve and streamline the internal organization of the City Government. Most noticeable among these efforts is the establishment of a new Department of Economic Development, an Office of Budget and Executive Management, a new Department of Human Resources, an Office of Community Services, and most recently—an Office of Youth Opportunity Services to strengthen the coordination of the city's various youth activities, including planning responsibility for juvenile deliquency prevention and control programs.

None of the tasks with which the City is faced can be completed tomorrow. Significant progress can be made with strong leadership, adequate resources, and sound programs to achieve a viable urban environment. I ask the Congress to continue its support for the Capital City through its budget and financing proposals. I recommend approval of the District of Columbia Budget for fiscal 1971.

RICHARD NIXON.

MARCH 31, 1970

UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-289)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

The United States-Japan Cooperative Medical Science Program was undertaken in 1965 following a meeting between the Prime Minister of Japan and the President of the United States. This joint research effort in the medical sciences focuses upon diseases which are widespread in Asian nations: cholera, tuberculosis, leprosy, viral diseases, parasitic diseases, and malnutrition. Its efforts are significant not only for the peoples of Asia, however, but for all people—wherever they may live.

The Cooperative Medical Science Program is only now beginning to reach maturity. Yet it has already made substantial progress—progress which is highlighted in the report of the Program which I am today submitting to the Congress.

This joint undertaking is an important contribution to world peace as well as to world health. By providing a way in which men of different nations can work together for their mutual benefit, this Program does much to foster international respect and understanding.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

1969 REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

For all of our arts institutions, these are times of increasing financial concern. The Fiscal Year 1969 Report of the National Endowment for the Arts, which I am transmitting herewith, notes that "the services offered by arts institutions, and the costs which they incurred, continued to expand at a faster rate than earned income and contributions. Therefore as the year continued, these institutions were confronted by mounting financial pressures."

The sums appropriated by the Congress for the Endowment during this period were at the levels established in prior years. Its programs, though limited in size, were of benefit to all of the fifty States and the five special jurisdictions, and in some instances were the means by which fine institutions in the performing arts were enabled to survive.

It was in response to the growing financial problem that on December 10, 1969, I sent to the Congress a special message on the Arts and the Humanities. I noted then that "need and opportunity combine . . . to present the Federal government with an obligation to help broaden the base of our cultural legacy . . ." Accordingly, I asked the Congress to extend the legislation creating the National Foundation on the Arts and the Humanities, and to provide appropriations for the National Foundation in Fiscal 1971 in an amount "virtually double the current year's level."

In urging the Congress to approve a $20 million program for the National Endowment for the Arts, and an equal amount for the National Endowment for the Humanities, I maintained that few investments we could make would give us so great a return in terms of human satisfaction and spiritual fulfillment. More than ever now, I hold to that view.

RICHARD NIXON.

THE WHITE HOUSE, *March 31, 1970.*

CITIZENS COMMITTEE FOR POSTAL REFORM

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. GROSS) is recognized for 30 minutes.

Mr. GROSS. Mr. Speaker, in previous statements I have referred to the activities of the high-flying, well-financed lobbying outfit known as the Citizens Committee for Postal Reform.

It was formed early in 1969 to muster financial and public support for conversion of the Post Office Department into a corporation. Although described as a "citizens" committee, the bulk of the committee's financial support has come from big corporations—particularly publishing houses.

Initially, the organization supported H.R. 11750, the corporation bill sponsored by the gentleman from Arizona (Mr. UDALL) with the blessings of the Postmaster General.

When the frantic lobbying by the citizens committee for this bill failed, it switched its support to a so-called compromise postal reform and pay package. Although it was readily apparent that support for this proposal was practically nil in Congress, the citizens committee came out with a special nationwide mailing in an attempt to promote it.

Again failing to generate support, the citizens committee has now jumped on the bandwagon in support of still another compromise postal reform and pay bill which was rammed through the House Post Office and Civil Service Committee on the morning of March 12—without a word of debate or a single amendment—as a complete substitute for the language contained in H.R. 4, the bill which the House committee had under consideration for months.

I will have more to say about this alleged "compromise" at a later date and in minority views which I plan to file.

For the present, I call attention to the irresponsible and misleading statements made by the citizens committee in half-page advertisements which appeared in Washington and probably other newspapers last week. In bold type the citizens committee proclaimed:

> The Post Office strike need never have happened.

The ad goes on to imply that if only the Post Office Department had been converted into a corporation, the illegal strike of postal workers would not have occurred. The truth is that one of the underlying causes of the strike was the action by the House Post Office and Civil Service Committee in approving the establishment of a postal authority or corporation as insisted upon by Postmaster General Blount.

To combine, as the committee did, postal reform with postal pay adjustment, was an open invitation to trouble and it came immediately following action of the House committee. Top postal officials, and the so-called citizens committee, ought to have been aware of the impending catastrophe but their obsession for a postal corporation was greater than their concern for the general welfare.

Moreover, the wheeling and dealing that has been a part of the promotion of corporation legislation has only added to the suspicion and skepticism.

If anyone was so naive as to believe that a postal corporation was the only solution to postal service problems, the recent strike should remove that belief permanently. The simple truth is that enactment of legislation establishing a postal corporation will encourage strikes by employees on a nationwide basis.

Under a postal corporation the profit motive will be substituted for the public interest. The President and Congress would be almost completely removed from any responsibility for the conduct of the postal service.

In its newspaper advertisement of last week, the so-called citizens committee also trots out the old, time-worn argument that the Chicago mail breakdown in 1966 offers proof of the need for conversion of the Post Office Department to a corporation. The committee has constantly used this breakdown as its No. 1 horror story in attempting to sell the corporation concept.

What the committee fails to tell the public is the reason for the breakdown—that it was the direct result of the refusal of the Post Office Department to permit the use of overtime, although postal management in Chicago had accurately predicted what could happen.

And let it be remembered that the Postmaster General in 1966, when the breakdown in Chicago took place, was one Lawrence F. O'Brien. The newspaper ad of last week lists this same Lawrence F. O'Brien as still serving in the capacity of national cochairman of the Citizens Committee for Postal Reform even though he recently was elected chairman of the Democrat National Committee.

As a Republican, I would be the last to suggest that Mr. O'Brien should devote full time to his duties as national

Democrat chairman. On the other hand, it is not inappropriate to question the propriety of a Democrat party leader continuing to serve as cochairman of a supposedly nonpartisan "citizens" committee, a committee which, incidentally, has a huge slush fund at its disposal.

DRUG ABUSE

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, drug misuse and abuse are increasing at an alarming rate in America. Early in 1969 the U.S. Department of Health, Education, and Welfare issued a statement warning that drug abuse had reached almost epidemic proportions. Once a problem of the ghetto, this plague now strikes all segments of society, regardless of age, racial, social, and economic background. Particularly susceptible, however, are the young people of this Nation.

The figures associated with drug abuse among the young paint a frightening word picture.

In the FBI's annual crime report issued in August 1969, the Bureau of Narcotics and Dangerous Drugs revealed that since 1960 the number of arrests for drug violations for persons under 18 years of age was up 1,800 percent. This compares with 235 percent for persons over 18 years. In 1968, three of every four arrests for drug abuse were of persons under the age of 25.

The number of casualties from drug abuse is alarming. New York City has an estimated 100,000 heroin users who spend $850 million a year on that drug and many times that number who take other dangerous drugs. In the past 3 years New York has spent $250 million on drug problems and has increased the number of beds available for the medical treatment of drug dependent persons from 375 to 5,000. Heroin caused 730 deaths in New York in 1968 and an estimated 900 more in 1969. In a 3-month period in 1969, 71 teenagers died from overdoses of drugs.

The New York Times reported that, in New York City, marihuana can be found in virtually all secondary schools. Of 30 students leaders in the city's schools, more than half said they smoked marihuana occasionally, and the remainder said they had friends who did. Students there estimated that at the average high school in the city, marihuana use ranged from 30 to 80 percent of the student bodies. Estimates of nationwide experimentation with marihuana among teenagers ranges from 2 to 10 million.

Across the Nation reports of drug abuse are similar. In a Los Angeles suburb, police found 13-year-olds shooting methedrine under their tongues. Hospital care for 4,967 San Francisco teenage drug users in 1967 cost the city $3.75 million, and drug use has increased since that time.

According to a newspaper report in January 1969, about one-sixth of the high school students in San Mateo County, Calif., had used "speed"—amphetamines—and more than one-third of them had tried hallucinogens or barbiturates. In San Mateo County juvenile arrests for dangerous drugs jumped 1,448 percent in 8 years and 324 percent in 6 months. Drug arrests in California's larger counties more than doubled during a 6-month period.

Even more alarming is the fact that experimenting with drugs is not limited to teenagers. One member of the New York State Narcotic Control Commission reported that his agency had made arrests of 7-year-old children and even had a 9-year-old heroin addict. Slum residents in New York say that some 8-year-olds are experimenting with heroin bought in the school yards.

According to Dr. Richard Blum, a San Francisco sociologist and former consultant to the President's Commission on Crime, many California fifth graders have already been exposed to marihuana and LSD.

He says:

> In the last eight years we have watched the age level of drug users in California drop from adults to elementary school children. We can't go much lower.

He adds:

> And generally what happens in California happens elsewhere sooner or later.

In some parts of my home State of Maryland, drug use has reached almost epidemic proportions. There is evidence of children in the second grade experimenting with drugs.

With the doubling of arrests for drug violations last year, many suburban and rural communities throughout the Nation are finding out that drug abuse can happen here. And subsequently individuals and communities are waking up to the problem and taking action to confront this plague. Even so, the task ahead is awesome.

One university psychiatrist, testifying before the House of Representative's Select Subcommittee on Crime, expressed concern that it may already be too late for many of our young people. He then made this frightening comment:

> This generation of drug users might just as well be written off because it costs $25,000 to keep an addict off a drug for a single year.

And the director of community development for a halfway house project in Chicago said that only about 35 percent of the "graduates" of this rehabilitative project stay off drugs permanently. He contends, as do I, that the real answer lies in educating youngsters against drugs before they are "hooked."

This is not to say that we can forget those already dependent on drugs. We cannot afford to write off this generation. And if only 35 percent of our drug users can be rehabilitated, that 35 percent is well worth saving. Every effort must be made to help those who are "hooked" to kick the habit and find meaningful, rewarding lives. At the same time, however, it is of prime importance that we concentrate our future efforts toward our youth before they begin experimenting with drugs. It is imperative that they have a full understanding of what it means to become an addict, to see what these drugs will do to the body and mind—to realize that, if abused, drugs "turn on you" rather than "turn you on."

Furthermore, we must inform our youth about those slave-masters who sell narcotics. There is no word in the lexicon repugnant enough to describe those who lure others into drug use for profit and destroy without pity. This criminal element is busily recruiting its clientele, primarily from our youth. While this drug crisis worsens, we hear all sorts of excuses for inaction and complaints of the difficulty we have in bridging the gap between generations. Turned away from parental communication and authority, the young frequently seek guidance elsewhere. Somehow this criminal element seems to have little trouble communicating across the generation gap.

How tragic to think what it forbodes for the future of this country if the criminal mind is capable of rapport and communications with our young, and the responsible segments of our society are not.

Somehow we must open the channels of communication—particularly in the area of drug abuse. We must point out the consequences and dangers of taking drugs without medical supervision. We must emphasize that all drugs, no matter what category, often lead not only to permanent physical damage, but also to psychological damage if abused and misused. In other words, a constant user ceases to be a productive member of society as he withdraws into this nether world, a slave to his addiction, a human vegetable. The life which could have been well spent in a conscious appreciation of reality is wasted. The talents remain unused, undeveloped. The mind is reduced to impotence. This is especially tragic for young people who stand on the threshold of life, facing the challenges, opportunities, and wholesome pleasures which a vibrant existence makes possible. What a calamity if a transitory puff of a weed or an experimental drop of acid snuffed out forever the rewards and joys and accomplishments of a bright young person. What a loss for the individual and for society.

For this reason, enlightened educational efforts aimed at all strata of society are needed at once. We must prevent a further rise in drug use and pave the way for a society free of this plague. To do so we must inoculate potential users with sophisticated and factual information and education rather than misinformation and veiled threats on the effects of drugs.

Young people themselves can and must play a key role in this war on drug abuse. However, we cannot succeed with this war until we enlist the active assistance of every citizen. Parents, counselors, administrators, teachers, nurses, social workers, law enforcement officers, civic and community leaders, and any others who have occasion to work with the young must arm themselves with the facts on drugs.

Mr. Speaker, as a Member of Congress

concerned and deeply disturbed about crime in general and narcotics in particular, I urge my colleagues to dedicate themselves to solve this grave problem. At the same time, however, I urge that all Americans take prompt action to prevent us from becoming a nation of "hopheads."

The future can be a nightmare or the fulfillment of a wonderful dream. It is largely in our hands to make the choice. Let us, therefore, go forth, armed with information, to wage a war against drug abuse to insure that this dream is not an impossible one for our youth.

SOVIETS MUST PERMIT JEWISH CITIZENS TO EMIGRATE

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, on November 17, 1969, the Israel Knesset requested that legislative bodies all around the world "employ the full weight of their influence in assisting" Soviet Jews to emigrate to Israel. In this unprecedented move the Knesset acknowledged that the policy of persuasion and negotiation had failed and that the Soviet Union continued to refuse permission to emigrate to a large portion of its Jewish population.

This deplorable situation was spotlighted on November 10, 1969, when Israel submitted to the United Nations a document signed by 18 Jews living in the Soviet Republic of Georgia. The document accused Soviet authorities of preventing them from leaving the Soviet Union. The Government of Israel requested the Secretary General of the United Nations to use his "good offices" to help the 18 families and "to alleviate the situation of Soviet Jewry in general." This marked the first time that Israel had brought the question of Soviet Jews into the United Nations.

I, too, have not raised this question in the belief that the Soviet Government was in the process of easing up on the treatment of her Jewish subjects. I was fearful that such action on my part could prejudice this relaxation. I was also concerned that the Soviet Government might react by adopting a more restrictive attitude toward her Jewish citizens. In short, I feared that the repression and prosecution of the Jews would become more determined and widespread. Nevertheless, the Soviet Government has adopted a restrictive policy, refusing to permit Jewish families to emigrate and continues to deny religious freedom to her Jewish population.

I can no longer refrain from speaking out.

For over 50 years, Soviet Jews have been deprived of virtually every institutional opportunity to perpetuate their culture, religion, and communal life, despite legal and constitutional guarantees of such rights. There is no public instruction in Yiddish, even though, according to Soviet law, such language classes must be held wherever 10 or more parents demand it. The Jewish state theater, which performed in Yiddish, was closed in 1949 and only an amateur Yiddish theater was permitted to open a few years ago.

Few books are printed in the Soviet Union. Prayer books are in scarce supply. Soviet Jews are not permitted to have any sort of national or provincial organization, secular or religious, which other recognized sects have had. Each synagogue struggles along on its own. Even so, the number of synagogues is being quietly reduced. Rabbinical training is not permitted, and there is a shortage of rabbis. Religious articles and foods are difficult, if not impossible, to obtain.

In the Soviet Union, Jews are treated as a nationality, and they must list their nationality in their identity documents as Jewish. Unlike other national groups, however, their distinctive language, activities, and community institutions have been increasingly restricted. I do not understand why the Soviet Union considers the Jew as a nationality instead of a religion, as are other sects. But it is discrimination.

To date, the Soviet Government has not made any significant concessions which would enable Jewish life to flourish in the Soviet Union or even to restore education, cultural and religious institutions that existed before 1948. The Soviet Jew remains a third-class citizen without even the right to emigrate.

There is an increasing amount of evidence available to indicate that the Soviet Jew has had enough. More and more Jews are asking to leave Russia and settle in Israel. Because all exit permits have to be dealt with by the Oddelyl Viv I Registnatoyi—OVIR—the special police bureau which grants visas, there are no exact figures to indicate just how many Jews have applied for emigration. However, according to a reliable source, about 100,000 have by now filed for exit visas. All want to go to Israel and some of the applicants declare openly that they wish to renounce their Soviet citizenship. This is a new development. Until recently only the most courageous would dare to show such a defiant attitude.

When living under a totalitarian regime which denies the human and civil rights to over 3 million of its population such actions must be commended. As in the case of the 18 families who petitioned the United Nations, these people have braved the possibilities of retaliation and reprisal in order to focus worldwide attention on the plight of the Jew in the Soviet Union.

We must help these unfortunate people. We must do what we can to impress upon the Soviet Union that they have nothing to fear if they allow the pitifully small number of Jews still living in the Soviet Union to emigrate.

Perhaps the reason why the Soviet Government will not issue exit visas is concern over the reaction of the Arab world. If this is the case, as I believe it is, it is not worthy of a great nation. The Soviet Union must be convinced that it is better politics to do the right thing, the human thing, than to appease the desires of a group of nations who have sworn to destroy Israel. They must be convinced that the world will hold them accountable for their refusal to either grant religious freedom to the Jews or to permit them to emigrate.

Mr. Speaker, my resolution is designed to help focus world attention on the plight of the Soviet Jew. It is my hope that it will act as a catalyst insofar as world opinion is concerned; that it will direct world attention to the oppressive and discriminatory manner in which the Soviet Union treats her Jewish population. It would express the sense of the Congress that the President instruct the permanent U.S. representative to the United Nations to place the plea of the 18 Jewish families on the agenda of the General Assembly. My resolution would also request the President to do what he deems advisable to urge the Soviet Union to restore full religious freedom to the Jews in the Soviet Union, and above all, to convince them to change their emigration policies.

Mr. Speaker, in the cause of freedom and humanity throughout the world, I would hope that the Congress would adopt my resolution.

ALASKA NATIVE LAND CLAIMS

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

Mr. POLLOCK. Mr. Speaker, I am today inserting in the CONGRESSIONAL RECORD a comprehensive treatise which I have written on the Alaska native land claims question. As many of you know, the Eskimos, Indians, and Aleuts of Alaska have laid claim to large areas of the State. These native claims are derived from "Indian title"—the right to lands continuously used and occupied over many generations.

In order to understand the various arguments which have been adduced to justify or deny settlement of the land claims, one must be acquainted with the evolution of the concept of Indian title and with the historical and legal background of the Alaska native claims. Therefore, my treatise begins with a relatively brief chronology of the relevant constitutional, treaty, statutory, and judicial aspects of the land claims question. In subsequent sections, I have presented the arguments for and against a liberal land claims settlement, and have analyzed the measures presently pending before the House and Senate to forever extinguish the aboriginal land claims of Alaska's native people. Finally, I have made some suggestions and counterproposals of my own for the consideration of the Congress and the citizens of Alaska. My suggestions deal with such facets of the land claims as land allocation, monetary compensation, revenue sharing, participation by the State of Alaska, administration of the settlement moneys, and other matters which must be considered in connection with any land claims settlement. I am hopeful that my conclusions and recommendations will be of assistance to the House and Senate Interior Committees in bringing the Alaska

claims question to a prompt and satisfactory conclusion.

Mr. Speaker, not since the pursuit and achievement of statehood has the Congress dealt with an issue of such immediate and vital importance to the citizens of Alaska. Until the land claims are settled, the social and economic progress of Alaska will continue to be seriously impeded. As a result of the present unresolved land claims situation, the native one-fifth of the Alaskan population remains without title or security on those lands that they and their ancestors have occupied and used for untold generations. Devoid of land ownership and the monetary security that it often brings, many are poor and in need. Moreover, the current land claims situation also has profound implications for the State of Alaska. Because of the imposition of a "super land freeze," the State is halted in the land selection program which was authorized in the Alaska Statehood Act. A third regrettable result of the current situation is that for the first time in the history of my State, the people of Alaska have divided along racial lines. As time passes, the opposing positions of native and nonnative have tended to polarize further, thus making resolution of the land claims question even more complex. So that the people of Alaska can put this divisive issue behind them, I respectfully request you, my distinguished colleagues, to give your careful consideration to the treatise that I have prepared, for it will hopefully provide you with a comprehensive understanding of the various facets of the land claims question.

The treatise follows:

Special Report: The Alaska Native Land Claims

I. Introduction

At this juncture in history, Alaskans have come face to face with a most difficult matter of substantial importance, which demands the immediate attention of the United States Congress and the earliest possible resolution—settlement of the Alaska aboriginal Native land claims. After more than a hundred years of relative inaction, the United States Congress is at last seriously considering this long-standing and complex question. Not since the pursuit and achievement of statehood has the Congress dealt with an issue of such immediate and vital importance to the citizens of Alaska.

Until the land claims are settled, the social and economic progress of Alaska will continue to be seriously impeded. As a result of the present unresolved land claims situation, the Native one-fifth of the Alaskan population remain without title or security on those lands that they and their ancestors have occupied and used for untold generations. Devoid of land ownership and the monetary security that it often brings, many are poor and in need.

The current land claims situation also has profound implications for the State of Alaska. Because of the "super land freeze" imposed by the previous Secretary of the Interior Stewart Udall, and retained by the present Secretary Walter J. Hickel, the State of Alaska is halted in its land selection program authorized in the statehood enabling legislation.

Because of the deep misunderstandings which have arisen in connection with the land claims, no issue in the history of the State has ever so divided the people of Alaska. Regrettably, with the passage of time, the opposing positions of Native and non-Native have tended to polarize, thus making resolution of the land claims question even more complex. The purpose of this Special Report on the Alaska Native Land Claims is to present some of the historical, treaty, constitutional, statutory, moral, and economic reasons for a land claims settlement, and to propose a solution which hopefully will be of some assistance in bringing the claims issue to a satisfactory conclusion.

II. The Historical and Legal Background of the Native Land Claims

In order to understand the various arguments adduced to justify or deny settlement of the land claims, one must be acquainted with the historical and legal background of the claims. A relatively brief chronology follows of the relevant constitutional, treaty, statutory, and judicial facets which deal with the concept of "Indian title"—the right to lands continuously used and occupied.

1. The "Treaty of Cession" (1867)—The United States purchased all of the right, title, and interest of Imperial Russia in Alaska. The terms of the treaty drew a distinction between the white inhabitants and "civilized tribes" (those aboriginal inhabitants who traded with the Russians and adopted the Russian Orthodox religion) on the one hand, and the "uncivilized tribes" on the other. Only the former were granted "all the rights, advantages, and immunities of citizens of the United States."

2. The Organic Act of 1884—This legislation was the first explicit Congressional policy pronouncement with respect to Alaska's Native people. Section 8 of the Act stipulates that Alaska's Natives should "not be disturbed in the possession of lands actually in their use of occupancy or now claimed by them." However, the precise terms under which actual title could be acquired were reserved for future legislation.

3. The homestead laws of the United States were made applicable to Alaska under the Homestead Act of May 13, 1898. However, because Alaska's Natives were not granted citizenship until the Citizenship Act of 1924, they were excluded from the benefits to be derived from the Homestead Act and other legislation relating to the acquisition of title to land. While the Act preserved suitable tracts of land along navigable waterways for the landing of Native canoes and other craft, this legislation did not otherwise protect the land holdings or water rights of Alaska's Native people. Section 7 of the Act specifically excluded Indian reservations from the homestead laws.

The legal position of Alaska's Natives prior to 1924 is summarized on page 434 of the Federal Field Committee report, *Alaska Natives and the Land*:

"Physically they comprised the major part of Alaska's population. Officially, they were invisible."

4. Notwithstanding the provisions of Paragraph 3 above, the Congressional Appropriation Act for Fiscal Year 1900 explicitly protected the Native possession of lands in Alaska:

"The Indians . . . shall not be disturbed in the possession of any lands now actually in their use or occupation . . ."

5. *U.S. vs. Berrigan* 2 Alaska 442 (1905) This case held that the vacant, unoccupied, and unappropriated lands in Alaska at the date of cession became a part of the public domain of the United States. The importance of this case is the determination of the Court that the U.S. Congress alone had the power to dispose of lands reserved by it for the use and occupancy of Alaska's Native people.

6. *U.S. vs. Alcea Band of Tillamoos* 329 US 40 (1946): Although it did not deal with the land claims of the Natives of Alaska, this United States Supreme Court case is very helpful in understanding the concept of "Indian title." In defining this concept, the Court said that the title to lands occupied by Indians vested in the federal government by virtue of discovery. However, the Indians obtained the right of occupancy because of their original possession. The Court recognized the right of the sovereign to extinguish Indian occupancy, but held also that taking away original "Indian title" without compensation does not satisfy the "high standards of fair dealing" required of the United States. The right to fair compensation arises from the fact that the Indians have more than a "merely moral claim." Elaborating on the concept of "Indian title," the Court said that the constitutional power of Congress over Indian affairs (Article 1, Section 8 of the United States Constitution) does not enable the federal government to give tribal lands to others or to appropriate them for its own purposes without assuming an obligation to render just compensation. However, once the right of occupancy is extinguished, the land becomes "free and clear."

In another portion of the decision, the Court recognized that the determination of "Indian title" is usually a political question, presenting non-justiciable issues. But, if Congress chooses to do so, it can through legislation confer jurisdiction on the Courts to adjudicate specific cases involving claims arising out of "Indian title."

7. In both the Alaska State Constitution (Section XII) and the Alaska Statehood Act (Section IV), Alaska disclaimed "all right and title to any lands or other property not granted or confirmed to the State . . . and to any lands or other property (including fishing rights), the right or title to which may be held by any . . . Natives, or held by the U.S. in trust for said Natives."

8. *Tee-Hit-Ton vs. U.S.* 348 U.S. 272 (1955)—In this celebrated case, the U.S. Supreme Court further elaborated on the concept of "Indian title." The Court said that "Indian title" is not a property right, but amounts to a right of occupancy which the sovereign grants and protects against intrusion by third parties." Reversing a trend which was discernible in many earlier cases and which reappeared in subsequent decisions, the Court concluded that the "right of occupancy may be terminated and such land fully disposed of by the sovereign itself without any legally enforceable obligation to compensate the Indians." The Court's decision was based in large measure on the finding that the tribe had perfected a proprietary interest in the lands under ajudication before Imperial Russia conveyed the lands to the United States.

9. In the case of ***Kake Village vs. Egan*** 369 U.S. 60 (1961), the U.S. Supreme Court said that by means of the disclaimer by the State and its people of any right or title to any property held by or for the Natives, which is contained in Section 4 of the Statehood Act, the Congress sought to preserve the status quo with respect to aboriginal and possessory Indian claims, so that statehood would neither extinguish the claims nor recognize them as compensable. The Court observed that the Congressional architects of the statehood legislation intended that the State be left free to choose Indian "property", but that such a taking would leave unimpaired the right of the Natives to sue the United States (not the State) for compensation at a later date.

10. Notwithstanding the Tee-Hit-Ton case, the Court of Claims held in *Tlingit and Haida Indians vs. U.S.* 177 F. Supp. 452 (1959) that the Tlingit and Haida Indians had established use and occupancy, i.e., "Indian title" to certain lands and waters in Southeastern Alaska. The Court said that "the use and occupancy title . . . was not extinguished by the Treaty of 1867 between the U.S. and Russia, nor were any rights held by the Indians arising out of their occupan-

cy and use extinguished by the Treaty." The Court stated that the Treaty "was not intended to have any effect on the rights of the Indians of Alaska, and it was left to the U.S. to decide how it was going to deal with the Native Indian population of the newly acquired territory."

11. The Alaska "Land Freeze"—In December of 1966, then Secretary of the Interior Stewart Udall imposed on informal "land freeze" on all federal land transactions in Alaska including State selection of 103 million acres of land granted by the federal government in the Statehood Act. Under the terms of the land freeze, the Interior Department was ordered not to transfer any additional lands to the State or to any private entryman until the U.S. Congress resolved the Native land claims issue. Following announcement of the freeze, a number of bills were introduced in Congress to settle the Native land claims. None of these bills was reported out of Committee during the 90th Congress. Consequently, on January 17, 1969, Secretary Udall converted the informal land freeze into Public Land Order No. 4582. As a result of this administrative decision, all vacant, unappropriated, and unreserved public lands in Alaska were withdrawn from appropriation and disposition under any Public Land Law.

At his confirmation hearings Secretary-designate Walter J. Hickel agreed not to modify PLO No. 4582 without first obtaining approval from both the U.S. House and Senate Committees on Interior and Insular Affairs. By the terms of PLO 4582, the land freeze will expire on December 31, 1970.

12. *The State of Alaska* vs. *Hickel* Ninth Circuit (December 19, 1969).

In this case, the Court of Appeals for the Ninth Circuit reversed the summary judgment of the Federal District Court of the District of Alaska. The State had argued successfully in the lower court that aboriginal title derived from Native use and occupancy could not affect the status of lands in Alaska as "vacant, unappropriated, and unreserved." In remanding to the lower court for further hearing of the case on its merits, the Circuit Court added:

"In view of the pendency in Congress of proposed legislation which, if enacted, would probably resolve all or most of the issues . . . the district court may, in the exercise of its discretion, hold the trial in abeyance for a reasonable period of time."

III. THE ARGUMENTS PRO AND CON

Using some of the same statutes, treaty provisions and judicial decisions, advocates and adversaries have come to diametrically opposite conclusions on the land claims issue. Accordingly, it would perhaps be useful to a fuller understanding of the entire issue to here briefly summarize some of the more important arguments adduced by proponents and opponents of a meaningful claims settlement.

A. Arguments in support of the native claims

Those who support the Native claims contend that Imperial Russia did not own Alaska, that its traders and agents only barely touched and briefly occupied peripheral and isolated coastal areas of the great land, had never seen nor subjugated most of the aboriginal inhabitants, and were in fact, as the Russian America Company, directed by the Russian government not to spread their rule from the coast where trapping and hunting were taking place, nor, to make any effort to conquer the tribes inhabiting the coasts. It is further advocated that the historical international law of right to possession, title, and sovereignty by conquest did not pertain so far as Alaska and its people were concerned, that the simple planting of a national flag on the soil by a foreign intruder and exploiter would not secure the land of Alaska for that nation or any nation at no cost to it, and, accordingly, that the United States really bought stolen property from Russia.

The spokesmen for the Natives assert that since the land of Alaska has never been wrested from the Indians, Eskimos, and Aleuts by any act of hostility or conquest by either Imperial Russia or the United States, nor taken by a legislative act or judicial determination of abandonment on the part of the Natives, the land continues to belong to them by reason of aboriginal and historic use and occupancy. Further, it is pointed out that Alaska was sold to the United States by the Russian government without consultation with the Indian, Eskimo or Aleut inhabitants, and no time since then has there even been any agreement by aboriginal Natives to extinguish their ownership in the lands of Alaska.

The Native leadership and their counsel point out that in treaties, legislation and numerous judicial decisions there is explicit and implicit government recognition of an existing and continuing right in the lands the Natives have historically used and occupied, known as "Indian Title," and that it has legal basis sufficient to cast cloud on any and all land conveyances regardless of who the parties are, and whether or not the federal government imposes a land freeze.

The Native further asserts that resolution of the land claims issue should not be based in sympathy nor in recognition of the massive needs for bettering his way of life. He wants the matter resolved upon the dignified basis of extinguishment of a governmentally-recognized legal and moral right to use, occupancy, and ownership of lands of Alaska derived by aboriginal claim. The emerging educated and capable young Native leadership contends that the Alaskan Native does not wish to continue in the role where he is considered an incompetent government ward or second class citizen whose affairs must be forever subjected to the scrutiny and approval of a benevolent and paternal governmental trustee; nor does he wish to exist in ignominious indignity as a perpetual recipient of a degrading welfare system. He is acutely aware that only a tiny fraction of the privately held land in Alaska is owned by the first inhabitants and that, with the historic inability of the Native to acquire and hold title to land, relatively little benefit has accrued to him of the economic development and enormous potential of Alaska, the Native feels there must be a significant change in the law to firmly recognize and clarify his status as to land ownership.

With reference to the preference right on land selections, the Native feels that the aboriginal right substantially predates the right of the State of Alaska to select 103 million acres of land under the statehood enabling legislation.

B. Arguments Against a Liberal Land Claims Settlement

Many who oppose the Native view contend that the Native is entitled to no more nor less than any other Alaskan. It is contended that the Native today enjoys the dual benefits of being an Alaskan and American citizen on the one hand, and, on the other hand, of being at the same time in a privileged and select special status group who are beneficiaries of a governmental trustee relationship.

It is the feeling of many that a substantial number of non-Natives have been in Alaska for generation, and, therefore, have as much right to the use, occupancy, and ownership of the land as the Natives have. Some opponents further argue that since the Natives have received untold millions in special benefits over the years for education, health, housing and welfare, they do not deserve any further compensation at this time, that any compensable claims that they might once have had have been satisfied through past largess. Others assert that if any settlement be made, whether based on political expediency or on sound legal or moral principles, the compensation be offset by an amount equal to all the many millions of dollars previously appropriated by the federal and state governments since 1867.

Other non-Natives postulate that if the Natives are successful in claiming millions of acres of land, their ownership will interfere with the efforts of the State to accelerate its economic development for the benefit of all Alaskans. A corollary of this argument is that by providing additional special benefits to the Natives, the Congress and perhaps the State would further segregate Natives from non-Natives, a conception which is abhorent to all Alaskans at a time when emphasis should be on desegregation and acculturation into a single Alaskan society.

A number of non-Natives maintain with substantial vehemence that if the Natives lay claim to million of acres of land and demand millions of dollars of compensation for lands which they now use and occupy as they always have, it is totally unwarranted, and their efforts at obstructing progress in a fully integrated society should not be honored or dignified by recognition or compensation in any manner.

The most aggressive and dogmatic opponents castigate the attorneys for the Natives charging them with chicanery, overreaching opportunism and greed, and lay blame for the whole bothersome issue at their feet.

To the contention of the Natives that they enjoy a preference right over the State of Alaska on land selections since their aboriginal right or "Indian title" substantially predates statehood, the more-informed opponents respond and counter with the assertion that since Congress in the Organic Act of 1884 reserved for itself future legislative prerogatives as to the terms under which Natives of Alaska might acquire title to lands, Congress was aware of its power of determination at the time the Statehood Act was enacted, and nevertheless, with intent to create a preference, gave to the State a subsequent but preferable and preemptive right of selection paramount to all other claims or entries. This position, they contend, is buttressed by the legislative history of the Alaska statehood enabling legislation, and point to the refusal of the Interior and Insular Affairs Committee of the U.S. House of Representatives to exclude or exempt Native property from State selection in the legislation on the ground that this would virtually destroy Alaska's right to select lands (the U.S. Supreme Court took cognizance of this legislative history and intent in *Kake Village vs. Egan,* 369 US 60 (1961)).

These advocates of the non-Native position point to the Supreme Court decision which holds that "Indian title" can be extinguished by the federal government without legal obligations to provide any compensation (*Tee-Hit-Ton vs. U.S.,* 348 US 272 (1955)). To the argument that the State of Alaska and its people had a compact with the federal government in the Statehood Act and ratified the new state constitution, both of which had provisions that they forever disclaim all right or title to any property held by or for the Natives, the opposing spokesmen declare (a) that, short of a few reservations authorized by special legislation, Alaska is not held by nor for the Natives; (b) that the Supreme Court has already recognized that, notwithstanding the disclaimers by the State and its people in the Statehood Act and state constitution, it was the understanding and intention of Congress that the state be free to select any otherwise vacant, unreserved, and unappropriated public lands in Alaska, regardless of claims of "Indian title"; and further (c) that if any compensation were later due the Natives as a result of

any judgment arising out of such State selection, it would be an obligation of the federal government and not the State of Alaska (*Kake Village vs. Egan*, 369 US 60 (1961)).

IV. LAND CLAIMS LEGISLATION CURRENTLY PENDING BEFORE THE UNITED STATES CONGRESS

Notwithstanding the great diversity of opinion as to how the Native land claims issue should be resolved, it is clear (a) that most Alaskans feel that the land claims issue must be resolved as soon as possible, (b) that the Alaska Native is entitled to something, if for no other reason than simply to extinguish the cloud of "Indian title" and to have relief from the land freeze, and (c) that the difficult burden of decision devolves upon the Congress if this divisive issue and its concomitant dislocations are to be put behind us this year or any time in the immediate future. The matter of Native interest in land in Alaska has gone unresolved for more than a century, and it is no wonder that prior Congresses have seen fit to defer coming to grips with this complicated matter that defies easy resolution.

Several bills have been introduced during this Ninety-First Congress to settle the Native land claims, and all are still pending, of course. In addition to these legislative proposals, other interested parties such as the State of Alaska and the Alaska State Chamber of Commerce have made their positions known to the Congress and to the people of Alaska. Following is a brief summary of the pertinent provisions or positions of each. There are fundamental differences in land allocation, monetary compensation, revenue sharing, and subsistence rights.

SUMMARY OF PERTINENT PROVISIONS OF SEVERAL LEGISLATIVE PROPOSALS TO RESOLVE THE NATIVE LAND CLAIMS

	Land	Money	Revenue sharing	Subsistence land	Other significant features
1. Federal Field Committee: H.R. 10193 (House). S. 1830 (Senate).	5,000,000 acres (1 townsite per village).	$100,000,000	10 percent of revenues derived from public lands in Alaska for 10 years, plus 10 percent of revenues from disposition of minerals taken from the Continental Shelf (for 10 years).	No grants of subsistence land. Reliance for protection is placed in State management.	A. Land grants to individuals for remote homesites presently occupied, plus areas for reindeer husbandry. B. Only competitive bidding on mineral leases, with part of proceeds to Native.
2. Department of the Interior: H.R. 13142. Amendments to S. 1830.	10,000,000 acres (2 townsites per village).	$500,000,000 over a 20-year period.	No revenue sharing or overriding royalty.	No provision for subsistence protection beyond the 2-townsite allocation.	A. Monetary settlement to be administered by a statewide Alaska Native Development Corp. B. With a few notable exceptions, this bill follows H.R. 10193.
3. Alaska Federation of Natives. H.R. 14212. S. 3041.	40,000,000 acres (including surface and mineral rights).	$500, 000, 000 over a 9-year period.	A perpetual 2 percent of the gross value of leaseable minerals held in Federal ownership at time of Statehood.	Subsistence is protected by 100-year right to go upon the public lands.	A. Establishes village, regional, and statewide corps. to manage funds. B. All mineral rights are to be conveyed to regional corp. C. Homesites, campsites, and reindeer tracts are conveyed to individuals.
4. Position of State of Alaska.	Approximately 10,000,000 acres of land which would provide for present village needs plus anticipated expansion over next century (maximum of 2 townsites, but only 1 townsite in S.E.).	$500,000,000 paid by Federal Government over a 20-year period.	No overriding royalty or other revenue sharing.	No special hunting, fishing, rights. Protection should emanate from State laws and regulations.	A. No special tax privileges on either the income from 500,000,000 or the land settlement. B. Land settlement should not include State selected, tentatively selected, or patented lands. C. Settlement may include lands in Federal reserves (subject to Federal approval).
5. Position of Alaska State Chamber of Commerce.	Title to lands presently in use and occupancy, plus sufficient land for expansion.	"Equitable and just" monetary settlement, paid entirely by the Federal Government.	No overriding royalty or sharing of state revenues.	No lands to be set aside or special privileges granted for hunting, fishing, et cetera.	No special tax privileges on income from money or lands included in the settlement.
6. Stevens-Gravel tentative Senate compromise.	Grant of village sites and land around them for reasonable expansion.	$500,000,000 by Federal Government in 10 annual installments of $50,000,000.	For 10 years or until $500,000,000 is realized: A. 2 percent of the revenue from State selected land for 10 years. B. 2 percent of Federal revenue from Federal land for 20 years. C. 2 percent of Federal revenue from Continental Shelf of Alaska for 30 years.	Up to 40,000,000 acres; Use by permit; Subject to higher and better use doctrine.	A. Phasing out of the BIA within 5 years. B. Some native contribution to support of state educational system. C. Alaska Native Development Corporation administers the $500,000,000.

The elements of most of the proposals are readily understandable, although there is a wide divergence of opinion as to the desirability of inclusion of each. However, because of this complexity and significance, the 2% overriding royalty feature of H.R. 14212 (and its counterpart in the Senate, S. 3041) deserves special consideration.

Originally, the Federal Field Committee for Development Planning in Alaska proposed a 10% royalty on revenues derived from federal and state lands in Alaska for a ten-year period. The AFN bill would convert the 10% royalty into a perpetual 2% royalty, not on revenues derived from the lands, but rather on the gross value of all leaseable minerals taken from all lands which were in federal ownership at the time of Statehood. This includes all State selections of course.

It is important to understand that 2% of the gross value derived from leaseable minerals really means 2% of the total 100% value of the minerals, not 2% of the 12½% or ⅛ royalty interest retained, from which the federal and State governments normally derive their revenues. The 2% of the gross value is actually equivalent to 16% of the federal and State share. Since, pursuant to Section 28(a) of the Statehood Act, Alaska receives 90% of the revenues from the federal lands in Alaska, and the federal government retains 10% of such revenues for deposit into the general treasury, the 2% overriding royalty provision of the AFN proposal would have an especially detrimental impact on State revenues. The net effect would be that of the 16% of the royalty interest going to the Natives, the State would have to contribute 14.4% and the federal government would contribute only 1.6%.

Thus, instead of receiving 90% of the revenues from federal lands as it now does, the State would receive 75.6%, the federal government would receive 8.4% and the Natives would receive 16%.

At the present time, the various land claims measures are pending before the House and Senate Committees on Interior and Insular Affairs. Both of these Committees are diligently searching for a satisfactory solution to the complex problems posed by the land claims. Although the proposals made by the State of Alaska, the Chamber of Commerce, and Senators Stevens and Gravel have not been incorporated into new or existing legislation, these recommendations are also being carefully considered, and a modified compromise version will surely emerge.

V. SUGGESTIONS AND COUNTERPROPOSALS FOR CONSIDERATION

A. Frame of reference

Some of the factors, guiding principles, and considerations which lend to a sensible compromise solution for this complex controversy are summarized below.

1. As previously stated, it seems clear that the burden of ultimate resolution should rest with the U.S. Congress if we are to put this divisive issue behind us in the near future. A judicial resolution would be costly, time-consuming and otherwise extremely unsatisfactory. Because judicial determinations would most likely take place on a tract by tract basis, the State land selection process would be seriously impeded. As a result, Alaska's economic development likely would be retarded for many years, and it is possible that the State and its people would incur large litigation costs by being compelled to participate in multitudinous individual suits. Also, it is unlikely that a judicial resolution would fully and finally extinguish "Indian title", so the resolution might well not be final.

Moreover, the Natives would also suffer from a judicial solution. There would be difficulty proving an actual taking of lands presently used and occupied by the Natives.

Historically, court judgments have resulted in inadequate money judgments, with no provisions being made for conveyance or issuance of title. Almost always, many aspects of the total problem are left unresolved.

2. In my view, the creation of Native reservations in Alaska where they do not now exist would be extremely undesirable. This is paternalistic segregation, certainly at a wrong time in history. Whatever may be the historic validity of the reservation concept in the "Lower 48" or continental United States, reservations in Alaska can only serve to withdraw the Natives from the mainstream of our society. The initial purpose of the few reservations which still exist in Alaska was not to confine the Natives, as was done elsewhere in the United States, but to protect them from exploitation (See *Metlakatla Indian Community, Annette Islands Reserve vs. Egan* 369 US 45 (1961)), or to preserve hunting and fishing areas for those who only knew how to subsist and survive off the land. The legislation under consideration can meet these diminishing needs by other means. However, the creation of any new reservations would indeed be unfortunate and should be avoided.

3. The land claims solution which is ultimately adopted should protect the rich cultural heritage of Alaska's Indians, Eskimos, and Aleuts. Yet, the claims settlement must be designed to afford the Natives the opportunity to become assimilated into general society of Alaskans. Certainly assimilation can take place without destroying the cultural heritage of our Native people, and the cultures and traditions of both our Native and non-Native citizens will be greatly enriched.

4. The land claims settlement should not create a massive Native superstructure which would exist within but in potential conflict with the general government of the State of Alaska; therefore, the creation of a separate and segregated, powerful Native "government" within a government is not necessary, and would be harmful. For this reason, I advocate the establishment of perhaps twelve regional corporations, each of which would have a single delegate or representative on a statewide coordinating assembly or board, with the settlement monies and land going to the regional corporations, and without the legislation sanctioning creation of a statewide corporation. To insure that benefits sift down to the "grass roots" or local level, it would seem desirable to insure that each Native community had a director on the board of the regional corporation in the area where the community is located. With local representation at the regional level, and regional representation at the state level, the views and desires of the individual Native would be best reflected.

5. One of the primary objectives of any solution must be the economic enhancement of the Native community, not because of sympathy or because of need, but for sound and logical geopolitical and geoeconomic reasons. From the legal point of view, any settlement would be in consideration of the extinguishment of "Indian title" in all of Alaska's land and adjacent waters for now and forever more.

6. All of us must recognize that the $900 million in North Slope oil lease bonus payments which the State of Alaska received last September will have a substantial impact on the final resolution of the land claims question. Congress no longer conceives of Alaska as a "poor stepchild." Of course, Alaska still has massive unemployment, a pitifully inadequate "pioneer" highway system, a tragically inept communications network, a crying need for airports and airport and port facilities, et cetera, et cetera, and yet, to be perfectly candid, this "new wealth" has immeasurably complicated an already complex situation. Paradoxically, the $900 million, which is so essential to the social and economic development of Alaska, may have a detrimental impact on certain aspects of the final claims settlement.

7. One of the most baffling and complex questions concerning the land claims settlement is whether the State or the Natives should have preference with respect to the selection of land. The legal aspects of this matter have been discussed earlier; however, there are other considerations. Alaska is an immense land mass. Roughly one-fifth the size of the rest of the United States, the State contains approximately 375 million acres of land (586,400 square miles). Nevertheless, the amount of usable land is severely limited. Only one-third or approximately 125 million acres of the total land mass of Alaska can be used for extended human habitation. This includes all of the land located below the one-thousand-foot elevation, the point customarily used in Alaska to delineate areas hospitable to the establishment of city and village life, farming, fishing, and other normal human habitation. Viewed from another prospective, Alaska's land mass includes about 10 million acres of inland waters, 85 million acres of federal withdrawals for wildlife refuges, forest areas, parks, and monuments, defense establishments, et cetera, 32.6 million acres of glaciers and icefields, and half a million acres within the periphery of or under the jurisdiction of incorporated communities. Of the usable land in Alaska, the State has already patented 5.8 million acres, obtained tentative approval on an additional 7.9 million acres, and has been granted selection rights on another 26 million acres. Thus, in propounding a satisfactory solution to the land claims issue, one must deal with an amount of land significantly less than the total area comprising the land mass of the State of even the total amount of usable land in Alaska.

Recognizing this situation, the Native community has challenged the selection rights which the State has already acquired. The State itself is caught between the Native challenge and the fact that much of the prime land in Alaska already belongs to the federal government. A solution is later proposed which, hopefully, will contribute to the resolution of the selection issue.

8. In recent weeks, the Secretary of the Interior has requested broad authority to modify the "super land freeze" instituted by former Secretary Udall. Although the present freeze has created serious difficulties for many Alaskans, it has generated continuing great pressure, militating toward an early resolution of the land claims issue. This pressure will likely dissipate if broad modification authority is granted by the Congress before imposition of the freeze. Aside from the need for early resolution of the land claims issue, unquestionably everyone would be delighted with the earliest possible lifting of the land freeze. It is distasteful, uncomfortable and a governmental harrassment which we have endured for some time; yet, the objective for which it was levied has not been accomplished. Passage of a meaningful bill at the earliest possible date will bring about an immediate and fully lifting of the land freeze.

B. The Pollock proposal

1. The Allocation of Land

a. Every person on the Native roll living at the date of enactment of the land claims legislation would be entitled to the personal, individual, private ownership of a small piece of land, perhaps one acre. This land would be held in fee simple absolute title by the Native, not by the village or regional corporation or other entity.

In villages where the houses are built close together, a homeowner should be allowed to select a new site within or outside the village boundaries. In this way, every Native would be assured of his full individual land allotment. However, individual selections should not be allowed to conflict with community needs. To make certain that conflicts do not occur, each village should be permitted to reserve enough vacant land to satisfy both village needs and individual land requirements. Perhaps a five-year time limit should be set on the selection of individual lots. During this period, any alienation of individually owned Native land would be subject to the approval of a Statewide Native Commission. Natives living beyond the boundaries of a Native community should likewise be entitled to select comparable acreage on vacant, unreserved, and unappropriated federal land.

b. Each Native village and community should be entitled to select lands within the boundaries of the community to provide central sewer and water facilities, power generation facilities, community hall and multipurpose area, cemetery space, waterfront and airport facilities, access roads, and churches. Additional lands should be allocated to each village for reasonable expansion. Perhaps the total allotment to each village under this subsection should not exceed three times the present village area, without regard to acreage. This community allotment would not include land needed for wood gathering, fishing, berry picking or for investment purposes, but would be limited to lands needed for general community requirements. As in the case of acreage allotted to individual Natives, land allotments for community purposes would be held in absolute fee title, both as to the surface and mineral estates. However, the title should contain a reverter clause or condition subsequent in the event the area is ever abandoned by reason of the village, settlement or community moving elsewhere.

Native villages located within national forests, game reserves or other federal reserves, or in state land selections should nevertheless be permitted to obtain sufficient lands for community needs and reasonable expansion. However, except as may be specifically authorized in the legislation, neither villages nor individual Natives should be allowed to select lands within national forests, military reservations, national monuments, nor should individual Natives be allowed to select lands within reserves, national parks, or encompassing historical sites.

c. Land areas should also be made available within reasonable proximity to the Native communities for subsistence hunting and fishing, wood gathering, berry picking, the grazing of reindeer, and other surface uses. The ownership of this land would remain in the United States government, but the subsistence needs of Natives and non-Natives alike would be protected as long as subsistence hunting and fishing continued to be important to the livelihood of the people involved. Accordingly, subsistence areas should be established and be given a preferential status over sport fishing and hunting, homesteading, timber harvesting, and similar uses. These areas would be in lieu of reservations. To insure their adequate protection and preservation, the legislation should stipulate that subsistence lands could not be converted to any "higher and better use" without a public hearing held after reasonable notice. In such a hearing, the burden of proof would rest with the individual, corporation, or governmental entity seeking a "higher and better use."

d. A reasonable amount of land should also be allocated to the regional corporations purely for investment purposes, including both the surface and mineral estates in fee, individual land selections, community selections and subsistence area selections should be given precedence over State land selections, it appears equitable and just that the

State should have a preference in selection over a significant portion of the land to be selected by the regional corporations for purely investment purposes. However, if the States were to be permitted to select all its authorized 103 million acres of federal lands before any Native selections were accomplished, it is obvious that virtually all of the valuable land would be chosen by the State. Therefore, a selection preference system must be devised, perhaps as follows.

1. Recognizing that the revenues derived from State-owned lands will be used for the benefit of all Alaskans, it would seem the State should be permitted to selection up to 68.7 million acres or two-thirds of the 103 million acres allocated to it under the Statehood Act before any Native investment selection is made by the regional corporations. The time for the initial State selections should be limited to perhaps eighteen months from the date of enactment of the land claims legislation so that the Natives can commence their land investment program as soon as possible. Since the State has already patented or selected 39.7 million acres to the present time, only 29 million of the initial acreage allotment remains to be selected before the Native regional corporations commence selections.

2. Once the State has completed its initial selection rights of up to 68.7 million acres, each of the twelve Native regional corporations should be permitted within two years to select 300,000 acres within its boundaries for its own corporate purposes. This will involve a total additional selection of 3.6 million acres.

3. Next, the statewide board of advisors or delegates from the regional corporations should then be allowed within an additional two years to select an additional 300,000 acres of available remaining vacant, unreserved and unappropriated public land from anywhere in the state for each regional corporation. This would likewise involve a total additional selection of 3.6 million acres.

4. Thereafter, following the initial Native selections, the State would then again exercise its selection rights within eighteen months on up to 34.3 million acres or the remaining one-third of the acreage to which it is entitled under the Statehood Act.

5. Next, again each regional corporation would be permitted within two years to select an additional 300,000 acres within its boundaries for its own corporate purposes. This would again involve an additional total selection of 3.6 million acres.

6. Finally, the statewide board of advisors or delegates would be permitted to select another 300,000 acres of available land for each of the regional corporations from anywhere in the state, thus utilizing another total additional selection of 3.6 million acres.

The selection process which I have just described would permit Alaska's Natives to claim 14,400,000 acres of land for investment purposes. This amount would be in addition to the individual allotments, the community allotments, and the substantial subsistence acreage previously discussed.

By permitting the statewide board composed of delegates from each of the twelve regional corporations to select one-half of the total 14,400,000 acres of investment land for the regional corporations, the Natives would be able to acquire ownership of large blocks of land in those areas of the State where the investment potential is greatest, or where large amounts of land are necessary to make certain uses feasible, i.e., reindeer herding. Also, the selection method outlined above would help to facilitate a relatively equal distribution of wealth between the richer and poorer regional areas.

2. The Taxation of Lands Privately Owned by Natives

Ultimately lands privately owned by Natives should be subject to the same laws regarding taxation and alienation as are now applicable to lands owned by non-Native Alaskans. However, before equal treatment can become practicable, individual Natives must acquire more knowledge and sophistication about property laws and taxation. Therefore, indoctrination can be accomplished through a program of gradual increased tax liability on personally owned real property. As an example, an individual Native could be required to pay only 10% of any property tax assessed during the first year following his acquisition of property pursuant to the land claims legislation.

In other words, there would be a 90% moratorium on real property taxes in the first year. During the second year, the moratorium would be applicable to 80% of the assessed property taxes, thus, requiring a 20% payment. The third year, the moratorium would be reduced to 60%, then to 40% in the fourth year, and 20% in the fifth year. Thereafter, Natives would be required to pay the same property taxes as non-Natives. If an individual Native conveyed his land anytime during the five-year moratorium period, the moratorium would automatically terminate and the land would be subject to full taxation by the successor in interest, whether he or she was a Native or not.

3. Money Grant as Part of Consideration To Extinguish Claim

The Department of the Interior and the Bureau of the Budget have previously approved a grant of $500 million for the Alaska Natives as part of the settlement, as consideration for the full, permanent extinguishment of all past, present, and future aboriginal claims, i.e., for the abolishment of all claims of whatever nature based upon "Indian title." The $500 million should be authorized by the Congress and the money appropriated according to the following formula. $11.5 million for the first year for each of the twelve regional corporations ($138 million), and thereafter, $5 million per year for each of the twelve regional corporations ($60 million annually) for six additional years (or a total of $360 million after the first year). The remaining $2 million could be placed at the disposal of the statewide board of regional delegates for coordinated efforts in welfare or investment objectives and for administrative expenses.

Anyone who understands the federal budget, fiscal and expenditure process knows that the Congress customarily authorizes funds in one piece of legislation and appropriates in another. Therefore, there is a danger that this Congress might well authorize the full amount according to the legislative formula, but that future Congresses may be reluctant to appropriate the authorized annual allocations. This hazard can be alleviated by a full understanding by the Congress of the good faith commitment and implied contract by the United States in exchange for the extinguishment of a previously recognized and honored "Indian title" held by the Alaska Natives. Of course, this presupposes that the Administration will likewise continue to honor the commitment by annually including the authorized dollars in the budget.

4. Revenue-Sharing

Unquestionably, the most controversial aspect of the entire Native land claims issue is the provision in the AFN proposal calling for 2% of the gross value of all leaseable minerals produced from any lands in federal ownership from the time of statehood as additional consideration for the extinguishment of all aboriginal land claims. This was the proverbial "straw that broke the camel's back", as far as the non-Native community was concerned. Until this revenue-sharing provision was introduced, there was much general support and only passive resistance to the enactment of the land claims legislation. Its introduction began the polarization of advocates and adversaries.

Yet, there is perhaps a middle ground that both sides can tolerate, so that the revenue-sharing concept need not be fully accepted nor fully rejected. Later in this treatise the possibility of State participation is discussed more fully with reference to monetary contributions derived from oil revenues to finance State public works projects in remote areas, such as water and sewer systems, power generation facilities, access roads, schools, refrigeration and storage facilities, and the like. This would be in lieu of a further state contribution of any percentage of the value of leaseable minerals. However, legislation could provide that the federal government contribute 20% of its share of revenues derived from the continental shelf of Alaska for a period of twenty years or until the amount of $500 million of such revenues is sooner contributed.

5. Administration of the Land and Moneys

To the extent possible, each of the twelve regional corporations would be approximately equal in size and population and would encompass a recognizable geographical area. As indicated above, the investment land and the money would be channeled into the regional corporations. Such an allocation of grant funds would result in each of the twelve corporations receiving approximately $41.5 million. Not less than approximately half of this amount, or $21,000,000, should be placed in the regional investment fund. The remaining money might be channeled into a regional welfare fund. The welfare fund would be used for scholarship funding, perhaps community utilities, housing, and for similar endeavors which are not generally recognized economic responsibilities of the state, and possibly even a limited per capita distribution of cash from the investment fund could be used to finance business and other economic ventures for the region.

Each regional corporation would be authorized to issue shares of stock to the Natives enrolled in that region. Each share would represent an individual Native's participation in the financial aspect of the land claim settlement. When it would be financially sound to do so, distributions to the shareholders could be made out of earned surplus. However, it may be desirable that the stock in the regional corporations be inalienable for a period of five or ten years. By that time, the welfare fund would likely be exhausted, and the regional corporation could then assume the status of any other investment venture. At that point in time, the corporation shares could be made public and be traded on the open market to anyone who wished to purchase them because of their sound investment potential.

6. Functions of the Statewide Board of Regional Delegates

The statewide board of regional delegates, alluded to earlier, would have a dual coordinating function. First, it would administer the statewide selection of the second category of acreage for each regional corporation, as previously indicated, and would distribute miscellaneous surplus income to the twelve regional corporations. Second, the statewide board might provide administrative services, legal counseling, and financial and other technical services as may be requested by the regional corporations. The statewide board should be authorized to assess a reasonable service fee to cover costs incurred in connection with these functions, with requirement for annual audit, the results of which should be made available to the regional corporations.

7. State Participation in the Land Claims Settlement

If the resolution of the land claims is to be accomplished by legislation, Congress must determine, among myriad things, whether it will attempt to compel the State of Alaska to participate in the final settlement. Many Alaskans argue with considerable

conviction that there is no valid Native land claim against the State, but only against the federal government. These people point out that no state has ever been compelled to participate financially with the federal government in the settlement of an aboriginal land claim. From this, they conclude that Alaska cannot be forced to share in the federal obligation involved in the land claims unless every other state is also required to participate. Adherents to the non-participation view further contend that the State cannot constitutionally appropriate funds on a racially oriented basis for only one segment of the population.

From a judicial point of view, it would appear that the State could not be forced to participate in the land claims settlement. Nevertheless, the Governor and the Legislature must still make a considered collective determination whether there are moral, economic, or political reasons which would justify a meaningful state contribution. Certainly State participation in the land claims settlement is not a new idea. The Alaska Legislature enacted Chapter 177 in the 1968 session providing $50 million out of revenues derived from lands in Alaska, but conditioned upon passage of federal land claims legislation in the Congress of that year, which did not occur.

Some members of the House and Senate Interior and Insular Affairs Committees feel strongly that the State should participate in some manner. If, in fact, the members of these Committees do have such an opinion, there can be little doubt that State participation would help substantially to insure the enactment of relevant legislation during the present session of Congress.

Should the State determine to participate, its monetary contribution could be derived from oil revenues without otherwise utilizing available state funds. Such a contribution might also be allocated equally to each of the twelve regional corporations, or the state could decide instead to appropriate funds to finance State projects in remote areas. Such funds might be used in areas heavily populated by Natives to construct water and sewer systems, power generation facilities, access roads, community building, schools, and refrigeration storage facilities, as an example. In the wisdom of the Legislature, the contribution of the State could be made contingent upon Congressional action to resolve the land claims situation.

8. Native Enrollment

Historically, one-fourth blood has been used to determine whether or not a particular individual qualifies as a Native for the purpose of receiving benefits under federal land claims legislation. In Alaska, such a criterion would impose a considerable hardship on hundreds of our citizens, for many Natives in Alaska, such as the Aleuts, have been closely associated with non-Natives for over two hundred years. It would seem that the one-fourth blood criterion should be expanded to include any person of lesser Native blood who is actually living as a Native and is considered to be such by the community or regional corporation. Because the qualification decision will often be a difficult one, and because an adverse determination would create severe hardship, an aggrieved applicant should have the right of appeal and ultimate judicial review.

9. Administrative and Judicial Review

In order to resolve disputes concerning blood quantum, to compile a list of Natives who qualify for land claims participation, to settle disputes arising out of land selections, and to process the appeal of any other matter relating to land claims legislation, a five-member Alaska Native Claims Commission should be established for limited duration. This Commission would be appointed by the President of the United States and would have initial administrative jurisdiction over all disputes arising out of the claims settlement. Three members of the Commission should be Alaskan Natives, the fourth would be recommended by the Governor of Alaska and approved by the State Legislature in joint session assembled, and the fifth would be a member-at-large chosen by the President. No more than two of the Native members nor more than three members of the total Commission should be from the same political party. Recognizing that many public entities created for a temporary purpose often manage to achieve a permanent status in contravention to original legislation intent, the life of the Commission should be limited to perhaps five years. The Commission members would be federal employees in an annual salary range approximating $25,000, perhaps with an additional $25,000 for the Commission chairman. The Commission should be authorized necessary staff and allowances. If a further extension of time for the life of the Commission proves necessary and is authorized by the Congress, the compensation of Commission members could then be placed on a per diem basis instead of continuing on an annual salary.

10. Competitive Versus Noncompetitive Mineral Leasing

The legislative proposals which represent the positions of the Federal Field Committee, the Department of the Interior, and the Alaska Federation of Natives all contain provisions that would prohibit the future granting of non-competitive leases on certain minerals, including oil, located in public lands in Alaska. This prohibition should be eliminated from the bills under consideration for two reasons. First, the subject of competitive leasing is not germane to a land claims settlement, and, thus, it is inappropriate in the legislation. Second, there should be a provision in the law for some balance between the awarding of competitive and non-competitive leases. Otherwise, the small mineral developer with little capital will be prohibited from competing in the exploration and development. This opportunity should not be a privilege reserved to large and wealthy petroleum and mining concerns. Alaska has many small and struggling mining firms which rely on non-competitive leases, because they cannot afford to compete on the open market with the very large companies. Also, many individual Alaskans invest in non-competitive oil leases on the geographical fringes of discovery areas and in regions of exploration and often financially assist small concerns in their exploratory ventures. This is healthy involvement of the interested citizen. The continuation of the present system of laws and regulations regarding mineral leasing would insure the prosperity of both the large and small producers.

11. Homesteading and Other Entries versus Native Land Claims

Any homestead or other legal entry made on public lands prior to December of 1966 (when the informal land freeze was inaugurated), should be honored pursuant to existing law, without regard to the Native land claims. Any entry on public lands after that time should be presumed to be with knowledge of the land freeze and the claims of Alaska's Natives.

12. The Bureau of Indian Affairs and the Public Health Service

The benevolent and protective Bureau of Indian Affairs could be phased out of Alaska within a reasonable period of time. Most of the functions now performed by the BIA could be assumed by the State, including the administration of federal educational funds for the Natives of Alaska under the applicable federally administered programs.

In addition, Public Health Service hospitals in remote areas of Alaska, now available only to Natives, should also be made available to non-Native patients when other medical facilities are not readily available. Those Natives and non-Natives who can afford to pay for medical care should do so, but the indigents of all races should be treated on a cost-free basis. Both the BIA and PHS services and facilities in Alaska and elsewhere in the nation are government bureaucracies which foster segregation needlessly at the taxpayer's expense.

VI. CONCLUSION

It must be abundantly clear that we are dealing with an exceedingly complex problem, and a solution totally acceptable to all will not be possible. Thus, it is of utmost importance that every Alaskan citizen, Native and non-Native alike, provide the Alaskan Congressional delegation with trust, understanding, and confidence that the best possible end result will emerge for all. Every possible alternative will be explored and maximum effort will continue to be exerted to achieve a satisfactory balance between the opposing extremes. Hopefully, this treatise will contribute to a satisfactory resolution by bringing about a more comprehensive understanding of the Native land claims issue.

I am convinced that a "political" solution is preferable to a piecemeal of any other judicial determination. Yet, if a legislative solution is not achieved during the present session of Congress, the federal legislature will likely enact enabling legislation to permit the Native community to seek judicial redress from the United States government. Because of the profoundly deleterious impact which the time-consuming judicial alternative would have on the Natives and on the entire State, everything possible must be done to bring about a satisfactory legislative solution.

Recognizing the present wide divergence of opinion as to a proper solution, and the polarization of opposing views, perhaps the ultimate criterion of whether the Congress has handled the matter wisely will be the extent to which all interested parties are equally unhappy. Hopefully, in the near future the matter will be put to rest, and this explosive issue which has divided Alaskans will be but a cloudy moment in the otherwise radiant history of a determined and happy people who are privileged to live in a dynamic, emerging young state.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GROSS, for 30 minutes, today.

Mr. POLLOCK, for 5 minutes, today, to revise and extend his remarks and to include extraneous matter.

(The following Members (at the request of Mr. ANDERSON of Illinois) and to revise and extend their remarks and include extraneous matter:)

Mr. HOGAN, for 1 hour, today.

(The following Members (at the request of Mr. FUQUA) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 10 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BOLAND in two instances and to include extraneous matter.

Mr. BURKE of Massachusetts and to include extraneous matter.

Mr. GROSS in two instances and to include extraneous material.

(The following Members (at the request of Mr. ANDERSON of Illinois) and to include extraneous material:)

Mr. LANGEN.
Mr. CHAMBERLAIN.
Mr. STANTON.
Mr. LUKENS.
Mr. MCCLOSKEY in three instances.
Mr. FINDLEY in two instances.
Mr. AYRES.
Mr. SCHWENGEL.
Mr. BUTTON.
Mr. GERALD R. FORD.
Mr. ANDERSON of Illinois.
Mr. HOGAN.
Mr. BYRNES of Wisconsin.

(The following Members (at the request of Mr. FUQUA) and to revise and extend their remarks:)

Mr. FRASER in two instances.
Mr. FARBSTEIN in two instances.
Mr. WILLIAM D. FORD in two instances.
Mr. DIGGS in seven instances.
Mr. MONAGAN in four instances.
Mr. ICHORD in two instances.
Mr. MAHON.
Mr. MINISH.
Mr. RARICK in four instances.
Mr. FUQUA.
Mr. MATSUNAGA.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1289. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes; to the Committee on the District of Columbia.

S. 3072. An act to stimulate the development, production, and distribution in interstate commerce of low-emission motor vehicles in order to provide the public increased protection against the hazards of vehicular exhaust emission, and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 13448. An act to authorize the exchange, upon terms fully protecting the public interest, of the lands and buildings now constituting the United States Public Health Service Hospital at New Orleans, Louisiana for lands upon which a new United States Public Health Service Hospital at New Orleans, Louisiana may be located; and

H.R. 14289. An act to permit El Paso and Hudspeth Counties, Texas, to be placed in the mountain standard time zone.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on March 27, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 4148. An act to amend the Federal Water Pollution Control Act, as amended, and for other purposes.

ADJOURNMENT

Mr. FUQUA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until Thursday, April 2, 1970, at 12 o'clock noon.

COMMUNICATION FROM NASA

The following communication to the Speaker from the Administrator of the National Aeronautics and Space Administration:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., March 25, 1970.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: This is a report to the Congress pursuant to Section 4 of the Act of August 28, 1958 (72 Stat. 972), submitted to the Speaker of the House of Representatives pursuant to Rule XL of that House.

During Calendar Year 1969, the National Aeronautics and Space Administration utilized the authority of the above-cited statute as follows:

1. Extraordinary contractual adjustments authorized by the NASA Contract Adjustment Board:

a. Under date of June 10, 1969, the Board authorized the adjustment of a contract for a man-carrying motion generator with Genisco Technology Corporation. The relief granted clarified the intent of an earlier Board decision so as to enable Genisco to obtain consideration on the merits of other claims for equitable adjustment or contractual relief to which it may be entitled. The amount of relief which might be obtained under such claims is not yet ascertainable.

b. Under date of June 10, 1969, the Board authorized the adjustment of a contract for the Saturn S-1B stage for a C-1 launch vehicle with Chrysler Corporation. Relief was granted on the basis of mutual mistake of a material fact, so as to authorize Chrysler to be paid a flight performance incentive fee for a successful space mission. The maximum relief that could be authorized would be $79,400, but it is subject to determination by the contracting officer.

c. Under date of December 18, 1969, the Board authorized the adjustment of a contract for system management for the Scout launch vehicle with LTV Aerospace Corporation. Relief was granted by amending the contract so that LTV could submit its case to an Award Evaluation Board which would decide if LTV is entitled to restoration of all or part of a penalty which had been assessed because vehicle performance requirements specified in the contract had not been fully met, although the mission involved had been adjudged to be successful. The maximum amount which could be granted is $375,000.

2. Actions under Project Stabilization Agreement applicable to construction work at Cape Kennedy, Florida.

Under date of September 26, 1962, the Administrator of NASA made a determination pursuant to the Act of August 28, 1958 (Public Law 85-804), that from and after September 26, 1962, all contracts, or amendments, or modifications thereof, for the performance of construction work at the Patrick Air Force Base, Cape Kennedy, and the John F. Kennedy Space Center, should include a clause requiring contractors and all subcontractors thereunder to abide by money provisions of a Project Stabilization Agreement, to the extent such money provisions are determined by the Government to be reasonable. The Project Stabilization Agreement referred to is an agreement negotiated by and between the Patrick Air Force Base Contractor's Association and other local and national association of contractors, and the Brevard Building and Construction Trades Council of the Building and Construction Trades Department, AFL-CIO. The purpose of this agreement is to promote stability, efficiency, and economy of performance of contracts involving construction work at Patrick Air Force Base and the Cape Kennedy complex. The agreement was originally negotiated in 1962, and amendments were re-negotiated again on April 1, 1964, and April 1, 1967. On June 23, 1969, the unions and employers association agreed to extend the Project Stabilization Agreement without amendments for a two-year period ending March 31, 1971.

Pursuant to this determination, during 1969, one amendment to be an existing contract and two new contracts for construction were awarded for a total of $6,729,073 which included the clause making the money provisions of the above Project Stabilization Agreement applicable.

3. Action under Project Stabilization Agreement applicable to construction work at the Mississippi Test Facility.

Under date of June 22, 1967, the Deputy Administrator of NASA made a determination similar to that described in Paragraph 1 above with respect to contracts and subcontracts for construction work at the Mississippi Test Facility, in implementation of a revised Project Stabilization Agreement dated July 1, 1966, which had been negotiated for that area. (The original Agreement expired on June 30, 1966.) During 1969, there were no amendments to existing contracts. One new construction contract for an amount of $90,000 was awarded in 1969 at the Mississippi Test Facility which made applicable the clause which included the money provisions of the revised Project Stabilization Agreement.

On October 3, 1969, the Administrator of NASA cancelled the determination under Public Law 85-804 dated June 22, 1967, providing for the inclusion of a clause in all construction contracts and subcontracts which required contractors and subcontractors to abide by the money provisions of the Mississippi Test Facility Project Stabilization Agreement. Future construction contracts executed at Mississippi Test Facility will continue to contain a clause providing coverage under the Davis-Bacon Act and the required minimum rate schedule furnished by the Department of Labor.

Sincerely,

T. O. PAINE,
Administrator.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1837. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the District of Columbia for the fiscal year 1970 (H. Doc. No. 91-288); to the Committee on Appropriations and ordered to be printed.

1838. A letter from the Chief Justice of the United States, transmitting proposed amendments to the Federal Rules of Appellate Procedure which have been adopted by the Supreme Court pursuant to 28 U.S.C. 2072 and 2075 and 18 U.S.C. 3771-3772, together with a report of the Judicial Conference of the United States pursuant to 28 U.S.C. 331 (H. Doc. No. 91-290); to the Committee on the Judiciary and ordered to be printed.

1839. A letter from the Chief Justice of the United States, transmitting proposed amendments to the Rules of Civil Procedure for the U.S. district courts which have been adopted by the Supreme Court pursuant to 28 U.S.C. 2072, together with a report of the Judicial Conference of the United States pursuant to 28 U.S.C. 331 (H. Doc. No. 91-291); to the Committee on the Judiciary and ordered to be printed.

1840. A letter from the Secretary of Agriculture, a report on the agricultural conservation program for the fiscal year ending June 30, 1969, pursuant to the provisions of 50 Stat. 329; to the Committee on Agriculture.

1841. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Justice for the Federal prison system for the fiscal year 1970 has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to the provisions of section 3679 of the Revised Statutes (31 U.S.C. 665); to the Committee on Appropriations.

1842. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting the report on Department of Defense procurement from small and other business firms for July 1969-January 1970, pursuant to the provisions of section 10(d) of the Small Business Act, as amended; to the Committee on Banking and Currency.

1843. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize the District of Columbia to issue obligations to finance District capital programs, to provide Federal funds for District of Columbia institutions of higher education, and for other purposes; to the Committee on the District of Columbia.

1844. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to provide for improvements in the administration of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1845. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation to provide improvements in the administration of health services in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

1846. A letter from the Assistant to the Commissioner, District of Columbia, transmitting a draft of proposed legislation relating to crime in the District of Columbia; to the Committee on the District of Columbia.

1847. A letter from the Assistant Secretary for Economic Affairs, Department of State, transmitting the 22d report on the Mutual Defense Assistance Control Act of 1951 (Battle Act); to the Committee on Foreign Affairs.

1848. A letter from the Comptroller General of the United States, transmitting a report on the examination of the financial statements of the Bureau of Engraving and Printing Fund for fiscal years 1968 and 1969, pursuant to the provisions of 31 U.S.C. 181; to the Committee on Government Operations.

1849. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on extraordinary contractual actions in which the National Aeronautics and Space Administration utilized the authority granted, pursuant to the provisions of 72 Stat. 972; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted March 28, 1970]

Mr. PATMAN: Committee on Banking and Currency. H.R. 15073. A bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes; with amendments (Rept. No. 91-975). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BENNETT:

H.R. 16724. A bill to require local consultation in Federal construction projects; to the Committee on Public Works.

By Mr. WILLIAM D. FORD (for himself, Mr. HAWKINS, Mr. DENT, Mr. BURTON of California, Mrs. MINK, and Mr. ERLENBORN):

H.R. 16725. A bill to amend the Department of Defense Appropriation Act, 1970, to permit the expenditure of funds for the education of children of deceased servicemen overseas; to the Committee on Appropriations.

By Mr. FUQUA:

H.R. 16726. A bill authorizing the Secretary of the Army to make a survey of Black Creek, Clay County, Fla.; to the Committee on Public Works.

By Mrs. HECKLER of Massachusetts (for herself, Mr. MILLER of Ohio, and Mr. COHELAN):

H.R. 16727. A bill to provide for the issuance of a gold medal to the widow of the Reverend Dr. Martin Luther King, Jr., and the furnishing of duplicate medals in bronze to the Martin Luther King, Jr., Memorial Fund at Morehouse College and the Martin Luther King, Jr., Memorial Center at Atlanta, Ga.; to the Committee on Banking and Currency.

By Mr. HELSTOSKI (for himself and Mr. BIAGGI):

H.R. 16728. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MONAGAN:

H.R. 16729. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. OTTINGER:

H.R. 16730. A bill to authorize the U.S. Commissioner of Education to make grants to or contracts with public educational and social service agencies for the conduct of special educational programs and activities concerning the use of drugs; to the Committee on Education and Labor.

By Mr. RIVERS:

H.R. 16731. A bill to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

H.R. 16732. A bill to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; to the Committee on Armed Services.

By Mr. FARBSTEIN:

H. Con. Res. 563. Concurrent resolution condemning Soviet treatment of its Jewish population; to the Committee on Foreign Affairs.

By Mr. PATTEN:

H. Con. Res. 564. Concurrent resolution expressing the sense of the Congress in opposition to the high interest rate policy; to the Committee on Banking and Currency.

By Mr. RARICK:

H. Con. Res. 565. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to place the question of denial of the right to self-determination, and other human rights, including genocide, in Soviet-occupied Byelorussia on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ICHORD introduced a bill (H.R. 16733) for the relief of Dr. Teresita Guerrero Boylon, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

345. The SPEAKER presented a memorial of the Senate of the Commonwealth of Massachusetts, relative to a proposed constitutional amendment abolishing the electoral college and providing for the election of the President and Vice President by popular vote, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

426. By the SPEAKER: Petition of Henry Stoner, York, Pa., relative to enacting pending legislation on various matters; to the Committee on the Judiciary.

427. Also, petition of the legislature of the county of Erie, Buffalo, N.Y., relative to enactment of the bill, H.R. 13982, entitled "Revenue Sharing Act of 1969"; to the Committee on Ways and Means.