

Wednesday, Thursday, Friday, and Saturday of next week, it meet at 9 a.m.

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

AUTHORIZATION FOR THE COMMITTEE ON LABOR AND PUBLIC WELFARE TO FILE REPORTS ON THE DRUG BILL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare may have until midnight tonight to file a report on the drug bill.

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

QUORUM CALL

Mr. BYRD of West Virginia. Mr. President, I suggest what I hope may be the last suggestion concerning the absence of a quorum for today.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PROXMIRE). Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday at the conclusion of the remarks by the distinguished Senator from Iowa (Mr. HUGHES), there be a period for the transaction of routine morning business for not to exceed 30 minutes with statements therein limited to 3 minutes and that at the conclusion of the transaction of routine morning business, the Senate resume its consideration of S. 2891, a bill to extend and amend the Economic Stabilization Act of 1970.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for Monday is as follows:

The Senate will convene at 10 a.m. Immediately following the recognition of the leadership, the Senator from Iowa (Mr. HUGHES) will be recognized for not to exceed 15 minutes, after which there

will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of the period for the transaction of routine morning business, the Senate will resume its consideration of S. 2891, a bill to extend and amend the Economic Stabilization Act of 1970, the so-called phase II of the President's economic proposal.

At 1 p.m. the Senate will temporarily lay aside the unfinished business and will proceed in executive session to conduct three consecutive rollcall votes on the following three measures and in the order stated:

First, a treaty to resolve pending boundary differences between the United States and Mexico;

Second, a convention between the United States and Japan for the avoidance of double taxation; and

Third, the protocol between the United States and France regarding taxes on income and property.

Following the three aforementioned rollcall votes, the Senate will resume the consideration of S. 2891, the economic stabilization measure, and rollcall votes can be expected that day on phase II.

As to Tuesday, as far as can be seen at the moment, the Senate will continue its consideration of S. 2891, the Economic Stabilization Act, if that bill has not been finally acted upon by then. Rollcall votes can be anticipated on Tuesday. It is certainly hoped that the final action on the Economic Stabilization Act can be completed on Tuesday. I doubt that it can be completed on Monday.

As to Wednesday, the Senate will resume its consideration of S. 2891, the Economic Stabilization Act, if that bill has not been disposed of prior to that time. If the economic stabilization measure has been disposed of, as I hope it will have been, the Senate will proceed to the consideration of the nomination of Mr. Earl Butz for Secretary of Agriculture. It is hoped that the Senate can complete action on that nomination on Wednesday.

As to Thursday and Friday and Saturday, of course, the program cannot be stated at this time. However, it can be said that following Senate action on the confirmation of the nomination of Mr. Butz, the Senate will take up the two Supreme Court nominations. Inasmuch as the Judiciary Committee has until midnight Tuesday, November 30, to file minority views, it is hoped that the Supreme Court nominations can be called up on Thursday, December 2. Hopefully, and I underline the word

hopefully, the two nominations can be disposed of Thursday and Friday or, at the latest, Saturday, December 4.

Aside from the matters I have mentioned, the District of Columbia appropriation bill may be ready for action by the Senate on Friday, December 3. The supplemental appropriations bill may, hopefully, be ready for floor action on Saturday, December 4.

Other than conference reports, which may be called up at any time—and on which rollcall votes may occur—the items I have enumerated constitute the remaining "must" business to be conducted prior to sine die adjournment.

At anytime during the week, other calendar measures which would not consume much time may be interspersed when feasible. I am unsure as to what, if anything, will be done about foreign aid.

So, as a reminder, the three consecutive rollcall votes on Monday begins at 1 p.m. There will likely be additional rollcall votes during the day on phase II. Senators should anticipate rollcall votes daily throughout next week.

ADJOURNMENT TO 10 A.M. MONDAY, NOVEMBER 29, 1971

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of House Concurrent Resolution 466, as amended, that the Senate stand in adjournment until 10 a.m. Monday, November 29, 1971.

The motion was agreed to; and (at 2 o'clock and 16 minutes p.m.) the Senate adjourned until Monday, November 29, 1971, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate November 24, 1971:

U.S. DISTRICT COURTS

Morell E. Sharp, of Washington, to be a U.S. district judge for the western district of Washington, vice George H. Boldt.

DEPARTMENT OF JUSTICE

Joseph L. Tauro, of Massachusetts, to be U.S. attorney for the district of Massachusetts for the term of 4 years, vice Herbert F. Travers, Jr., resigned.

CONFIRMATION

Executive nomination confirmed by the Senate November 24, 1971:

GEOLOGICAL SURVEY

Vincent E. McKelvey, of Maryland, to be Director of the Geological Survey.

EXTENSIONS OF REMARKS

JOHN FITZGERALD KENNEDY

HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. HANNA. Mr. Speaker, it seems difficult to believe that 8 years have passed

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since the assassination of the 35th President of the United States, John Fitzgerald Kennedy. Few can deny that the 2 years, 10 months, and 2 days which he served in the highest elective office of the land had a great effect on the country. He was able, during this short time as President, to change the image of the United States, both at home and abroad.

I hope that my colleagues will take a

moment to reread the inaugural address given on January 20, 1961, by the late President, for it still has meaning for us today:

INAUGURAL ADDRESS OF JOHN FITZGERALD KENNEDY, PRESIDENT OF THE UNITED STATES, WASHINGTON, D.C., JANUARY 20, 1961

Mr. Chief Justice, President Eisenhower, Vice President Nixon, President Truman, Reverend Clergy, Fellow Citizens, we observe

today not a victory of party, but a celebration of freedom—symbolizing an end as well as a beginning—signifying renewal, as well as change. For I have sworn before you and Almighty God the same solemn oath our forebears prescribed nearly a century and three quarters ago. The world is very different now. For man holds in his mortal hands the power to abolish all forms of human poverty and all forms of human life. And yet the same revolutionary beliefs for which our forebears fought are still at issue around the globe—the belief that the rights of man come not from the generosity of the state, but from the hand of God.

We dare not forget today that we are the heirs of that first revolution. Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans—born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage—and unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed, and to which we are committed today at home and around the world.

Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty. This much we pledge—and more.

To those old allies whose cultural and spiritual origins we share, we pledge the loyalty of faithful friends. United, there is little we cannot do in a host of cooperative ventures. Divided, there is little we can do—for we dare not meet a powerful challenge at odds and split asunder.

To those new States whom we welcome to the ranks of the free, we pledge our words that one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny. We shall not always expect to find them supporting our view. But we shall always hope to find them strongly supporting their own freedom—and to remember that, in the past, those who foolishly sought power by riding the back of the tiger ended up inside.

To those peoples in the huts and villages across the globe struggling to break the bonds of mass misery, we pledge our best efforts to help them help themselves, for whatever period is required—not because the Communists may be doing it, not because we seek their votes, but because it is right. If a free society cannot help the many who are poor, it cannot save the few who are rich.

To our sister republics south of our border, we offer a special pledge—to convey our good words into good deeds, in a new alliance for progress, to assist free men and free governments in casting off the chains of poverty. But this peaceful revolution of hope cannot become the prey of hostile powers. Let all our neighbors know that we shall join with them to oppose aggression or subversion anywhere in the Americas. And let every other power know that this hemisphere intends to remain the master of its own house.

To that world assembly of sovereign states, the United Nations, our last best hope in an age where the instruments of war have far outpaced the instruments of peace, we renew our pledge of support—to prevent it from becoming merely a forum for invective—to strengthen its shield of the new and the weak—and to enlarge the area in which its writ may run.

Finally, to those nations who would make themselves our adversary, we offer not a pledge but a request: that both sides begin anew the quest for peace, before the dark powers of destruction unleashed by science engulf all humanity in planned or accidental self-destruction.

We dare not tempt them with weakness.

For only when our arms are sufficient beyond doubt can we be certain beyond doubt that they will never be employed.

But neither can two great and powerful groups of nations take comfort from our present course—both sides overburdened by the cost of modern weapons, both rightly alarmed by the steady spread of the deadly atom, yet both racing to alter that uncertain balance of terror that stays the hand of mankind's final war.

So let us begin anew—remembering on both sides that civility is not a sign of weakness, and sincerity is always subject to proof. Let us never negotiate out of fear. But let us never fear to negotiate.

Let both sides explore what problems unite us instead of laboring those problems which divide us.

Let both sides, for the first time, formulate serious and precise proposals for the inspection and control of arms—and bring the absolute power to destroy other nations under the absolute control of all nations.

Let both sides seek to invoke the wonders of science instead of its terrors. Together let us explore the stars, conquer the deserts, eradicate disease, tap the ocean depths, and encourage the arts and commerce.

Let both sides unite to heed in all corners of the earth the command of Isaiah—to “undo the heavy burdens and let the oppressed go free.”

And if a beachhead of cooperation may push back the jungle of suspicion, let both sides join in creating a new endeavor, not a new balance of power, but a new world of law, where the strong are just and the weak secure and the peace preserved.

All this will not be finished in the first 100 days. Nor will it be finished in the first 1,000 days, nor in the life of this administration, nor even perhaps in our lifetime on this planet. But let us begin.

In your hands, my fellow citizens, more than in mine, will rest the final success or failure of our course. Since this country was founded, each generation of Americans has been summoned to give testimony to its national loyalty. The graves of young Americans who answered the call to service are found around the globe.

Now the trumpet summons us again—not as a call to bear arms, though arms we need; not as a call to battle, though embattled we are; but a call to bear the burden of a long twilight struggle, year in, and year out, “rejoicing in hope, patient in tribulation”—a struggle against the common enemies of man: tyranny, poverty, disease, and war itself.

Can we forge against these enemies a grand and global alliance, North and South, East and West, that can assure a more fruitful life for all mankind? Will you join in that historic effort?

In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans, ask not what your country can do for you: Ask what you can do for your country.

My fellow citizens of the world: Ask not what America will do for you, but what together we can do for the freedom of man.

Finally, whether you are citizens of America or citizens of the world, ask of us the same high standards of strength and sacrifice which we ask of you. With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the

land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own.

THE PUBLIC STATEMENTS OF WILLIAM H. RENQUIST—PART III

HON. BIRCH BAYH

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Wednesday, November 24, 1971

Mr. BAYH. Mr. President, as the Senate approaches its consideration of the nomination of Mr. William Rehnquist to be an Associate Justice of the Supreme Court, it is extremely important that all the relevant information that has been brought forward about this nominee be made available to the whole Senate. For that reason, I have twice before placed into the RECORD excerpts from Mr. Rehnquist's public statements—November 18, 1971, at 42131 and November 23, 1971, at 42964.

Today I ask unanimous consent that two additional items be printed in the RECORD. The first is a copy of the questions addressed to Mr. Rehnquist by the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. KENNEDY) and myself, and the nominee's replies. The other is excerpts from the transcript of the deliberations of the Committee of the Whole of the National Conference of Commissioners on Uniform State Laws on the Model State Anti-Discrimination Act. Both of these items became available only after the Judiciary Committee hearing record was closed, but both are significant in helping each Senator assess whether Mr. Rehnquist has exhibited the commitment to fundamental human rights that we must demand of a Supreme Court Justice.

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

FURTHER EXCERPTS FROM THE PUBLIC STATEMENTS OF WILLIAM REHNQUIST

Q. *Supplementary Questions Addressed to Mr. Rehnquist by Senator Bayh, Senator Hart and Senator Kennedy, and the Nominee's Replies of November 20, 1971.*

QUESTION

1. In your testimony at the Judiciary Committee hearings you stated that you had advised the Justice Department to abandon the argument that the executive branch has the inherent power to wiretap without prior judicial authorization in cases involving the national security. You said (p. 321):

“I feel it was a mistake for the Government to take the position there was inherent power, and that the case could best be put forward both from the point of view of the Government in its more limited interests as an adversary and in the interests of the Government in the larger point of view framed in terms of whether it was an unreasonable search and seizure under the Fourth Amendment, rather than some . . . overriding inherent power.”

(a) Would you explain for the Committee what you meant by “the interests of the Government in the larger point of view?”

(b) What in theoretical and in practical terms is the significance of abandoning the

inherent power theory in favor of an argument of reasonableness under the Fourth Amendment?

(c) You refused to answer certain questions during the course of the hearings because of a claim of attorney-client privilege (see, for example, pp. 100, 101, 102, 132, 133, 135, 136, 212, 247). Please explain how revealing that you advised the Justice Department to abandon a public position on wiretapping differs from other situations in which you invoked the attorney-client privilege. In light of the answer you gave quoted above, are you now willing to answer the questions you declined to answer by invoking the attorney-client privilege? If so, please do so.

ANSWER

1. (a) When I used the phrase "the interests of the Government in the larger point of view," I meant that the Government is under a greater obligation than the ordinary adversary in a lawsuit to make a reasoned, responsible presentation of its case.

(b) One implication of the "inherent power" position was that in this area the Executive was not subject to the requirements of the Fourth Amendment. The effect of the abandonment of the "inherent power" theory in favor of the argument of reasonableness under the Fourth Amendment was to recognize that the Executive is subject to the restraints of the Fourth Amendment in this area as elsewhere. The practical result was to recognize that the courts would decide whether or not this practice amounted to all unreasonable search which would violate the Fourth Amendment.

(c) During the course of the hearing I declined to answer the questions enumerated because I felt it inappropriate for one who has spoken as an advocate for the Attorney General or for the President to thereafter offer his personal opinion on the same subject. I see nothing inconsistent between that position and my willingness to explain my contribution to a Departmental position which was primarily developed by the Internal Security Division, and ultimately publicly expounded by the Solicitor General.

QUESTION

2. In 1964 you wrote a letter to the *Arizona Republic* opposing a city public accommodations ordinance. You stated at the hearings that your views on this matter had changed and you added (p. 145):

"I think the ordinance really worked very well in Phoenix. It was readily accepted, and I think I have come to realize since, more than I did at the time, the strong concern that minorities have for the recognition of these rights. I would not feel the same way today about it as I did then."

(a) Can you provide the Committee with any indication that your public views on this matter changed before your nomination to be a Supreme Court Justice?

(b) When and why did you come to realize "more than (you) did" in 1964 "the strong concern that minorities have for the recognition of these rights?"

(c) Would your present views be different as to the desirability of such legislation if the ordinance had not been as readily accepted as it was?

ANSWER

2. (a) In a speech delivered in Houston for Law Day, April 29, 1970, I referred to the fact that "dramatic progress has been made by minorities in all of the civil rights areas in the past generation." I would not have referred to a law of the type I had opposed in 1964 as representing "dramatic progress" if I still opposed that type of law.

(b) It is impossible for me to pick out any particular date on which I came to realize "more than I did" in 1964 "the strong concern that minorities have for the recognition

of these rights." When I spoke in Phoenix in 1964 I placed a good deal of emphasis on the fact that very few restaurants in Phoenix actually did discriminate and therefore the denial of these rights in practice was infrequent. In the intervening years, at least in part as a result of having become acquainted with more members of minority groups, I have come to appreciate the importance of the legal recognition of rights such as this without regard to whether or not that recognition results in a substantial change in custom or practice.

(c) No. While the manner in which the ordinance was accepted was a factor in changing my opinion, my realization of the depth of feeling of the minorities about this sort of right would not be diminished, and would control, even though the ordinance had been less readily accepted.

QUESTION

3. Four years ago in a letter to the *Arizona Republic* you stated your opposition to proposals to alter the "de facto segregation" of the Phoenix schools. Professor Gary Orfield of Princeton University has told this Committee that the "integration program" you found "distressing proposed no frontal attack on segregation, but called for freedom of choice desegregation with students paying their own bus fares to attend other high schools. The local superintendent also called for more exchanges between the various schools." (p. 13 of prepared testimony)

(a) Does your recollection of the program you opposed comport with that which Professor Orfield described? If not, how does your recollection differ?

(b) Would you explain for the Committee in more detail why you opposed the plan?

(c) Did you regard the scope of that effort in Phoenix in 1967 as an excessive commitment to an integrated society?

ANSWER

3. (a), (b) This question refers to a letter to the Editor appearing in the *Arizona Republic* on Saturday, September 9, 1967, which is captioned "De facto Schools Seem Serving Well." The question characterizes the letter as stating my "opposition to proposals to alter the 'de facto segregation' of the Phoenix schools." The letter, of course, speaks for itself; the caption above the letter was not chosen by me. My position, as stated in the letter, was clearly not opposed to a number of the proposals advanced by Superintendent Seymour for reducing *de facto* segregation.

While I have not had an opportunity to review the series of articles by the newspaper reporter, Mr. Harold Cousland, to which my letter refers, I have reviewed a copy of an article in the *Arizona Republic* describing the Superintendent's "integration program" for Phoenix high schools. Referring to this letter, and to my own recollection of the situation in Phoenix at that time, I think that Professor Orfield's description of the Superintendent's proposal is materially inaccurate. Professor Orfield says that the "integration program" called for "freedom of choice desegregation with students paying their own bus fare to attend other high schools." This was not a part of the Superintendent's proposal at all; it was a program already in effect in Phoenix at that time. I was in full agreement with this program. Superintendent Seymour, according to the article, in fact commented that there was little evidence that minority groups had taken advantage of this existing "open enrollment" policy.

Thus, Professor Orfield confuses the program of open enrollment which was already in effect in Phoenix with a series of additional proposals made by Superintendent Seymour in September, 1967. Among these proposals was the appointment of a policy advisor who was skilled in interpersonal re-

lations and problems, the organization of a city-wide citizens advisory committee representing minority groups, the formation of a human relations council at each high school, and the promotion of a voluntary exchange of students among racially imbalanced schools. He went on to suggest, in addition to this voluntary exchange of students, that he would not rule out busing of students as a partial solution.

As is clear from my letter, I was speaking out in favor of the neighborhood school system, which is entirely consistent with a number of Superintendent Seymour's proposals. It was not, however, consistent with his statement that he would "not dismiss busing of students as a partial solution." In the context of a proposal which had already discussed voluntary exchange of students, and which was made in the context of an existing open enrollment program, the sort of busing envisioned by Superintendent Seymour was inconsistent with the neighborhood school concept. The reason for my opposition to this type of busing can best be expressed in the words which I used at that time:

"The school's job is to educate children. They should not be saddled with the task of fostering social change which may well lessen their ability to perform their primary job."

3. (c) To the extent that the term "that effort" used in this question refers to the suggestion of busing outside of neighborhood schools solely for the purpose of establishing racial balance, I regarded it as undesirable for the reasons stated in my letter and therefore excessive. I certainly did not consider the open enrollment program already in effect in Phoenix in 1967, which is basically that described in the quoted language of Professor Orfield, as being in the least excessive.

QUESTION

4. Mr. Clarence Mitchell has submitted to the Committee an affidavit from State Senator Cloves Campbell which alleges that following your testimony in opposition to the Phoenix public accommodations ordinance in 1964 you said to Mr. Campbell "I am opposed to all civil rights laws" (see p. 465). Did you make that or a similar statement to Mr. Campbell as alleged? If so, would you please elaborate on the circumstances and on what you meant by that statement?

ANSWER

4. I did not make the statement described in question 4, or any similar statement, to Senator Cloves Campbell.

QUESTION

5. In response to a question which asked for "a thumbnail sketch" of "what in your . . . background . . . demonstrates a commitment to equal rights for all . . ." you answered at the hearings (p. 127):

"It is difficult to answer that question, Senator. I have participated in the political process in Arizona. I have represented indigent defendants in the Federal and State courts in Arizona. I have been a member of the County Legal Aid Society Board at a time when it was very difficult to get this sort of funding that they are getting today. I have represented indigents in civil rights actions. I realize that that is not, perhaps, a very impressive list. It is all that comes to mind now."

(a) Would you care to add anything to that list which has come to mind since the hearings?

(b) Please explain in more detail the nature of the civil rights actions in which you represented indigents, and please tell the Committee how many such actions there were.

(c) Was your membership in the Legal

Aid Society Board *ex officio* by virtue of your position in the county bar association?

ANSWER

5. (a) I have recalled since my testimony at the hearings that in 1963 I served as an Associate Member of the American Bar Association Special Committee on the Defense of Indigent Persons Accused of Crime. Since becoming Assistant Attorney General, I have publicly testified in support of the ratification of the Genocide Convention and in support of the Equal Rights Amendment. As Assistant Attorney General, I also supervised and personally participated in the preparation of the Attorney General's Opinion upholding the lawfulness of the so-called "Philadelphia Plan."

(b) (Note: With respect to this question, and subsequent questions which call for historical recollection of legal cases or political activities in which I participated, I have tried as best I can to recall the events requested. I have not had the benefit of my case files or of any other contemporaneous written material, which might have been of significant aid in sharpening my recollection.)

Throughout my practice in Phoenix, I took cases on a regular rotating basis from the Legal Aid Society, a practice followed by many but by no means all of the Bar. In addition, after the *Gault* decision was handed down, I responded to a request from the then Juvenile Court judge for lawyers with some experience to appear without compensation representing juvenile defendants. I would estimate that in addition to the three cases mentioned below, there would be several times that number of the same general description, the particulars of which I cannot now recall.

I recall the following fairly recent representation of indigents outside the criminal defendant area:

(i) I was requested by the Juvenile Court judge of Maricopa County to represent the interests of a woman who had been committed to the State mental hospital during a juvenile proceeding in which she had been deprived of custody of one of her children.

(ii) I represented an elderly woman who was threatened with the sale of her interest in a home as a result of a judgment taken against her by a collection agency in which, as I recall, she contended she had a defense which she had no opportunity to assert because of lack of proper notice of proceedings.

(iii) I spent a good number of hours, partly on the Navajo Reservation and partly in my office in Phoenix, counselling with a group of Indians who constituted one faction in a tribal dispute revolving around whether certain actions taken by the tribal chairman could properly be taken by him, or whether instead they required the approval of the tribal council.

(c) My recollection is that either as Vice President of the Maricopa County Bar Association, or as its immediate past President, I was an *ex officio* member of the Legal Aid Society Board. It would be a mistake to assume from the word *ex officio* that the position was by any means a ceremonial one; it was the principal bar association duty of the officer filling that post. At the time I served, the County Bar Association contributed a substantial part of the total funds available to the Legal Aid Society Board for its operating budget, and I took an active part in the work of the Board.

QUESTION

6. You testified before the Committee as follows in response to a question concerning your role in the government's efforts to prevent publication of the Penatgon Papers:

"It does seem to me that because the gov-

ernment ultimately took a public legal position and argued the matter in the courts, that I would not be reaching the attorney-client relationship to answer your question.

"I am hesitant, but I believe that I am right in saying that I had a slipped disk operation in the latter part of May, and was either at home in bed or in the hospital until about the latter part of the second week in June. I am just trying to recall from memory. Then I started coming back into the office half days, and found that I was overdoing the first couple of days, so I stayed out again. And I think it was either on a Monday or Tuesday I was back in, perhaps for the third time, on a half-day basis, and the Attorney General advised me that the Internal Security Division was going to file papers that afternoon in New York to seek a preliminary restraining order and asked me if I saw any problem with it. And it was a short-time deadline, and I rather hurriedly called such of the members of my staff together as I was able to get.

"When we reviewed it we came across *Near versus Minnesota*, and advised him that basically it was a factual question so far as we could tell, if the type of documents that were about to be published came within the definition of the language used by Chief Justice Hughes in *Near versus Minnesota*, there was a reasonable possibility that the Government would succeed in the action.

"I believe I had one other conference with the Attorney General, and I think that was as to who should appear for the United States in the proceedings in New York and in the second circuit. I then went to the beach for a week during which time the arguments took place in the Courts of Appeal, and I think the Supreme Court case was argued while I was at the beach, too, and I have no further involvement in it than that."

(a) Did you have any involvement in the government's action in this matter which is omitted from this statement? Did you for example place any phone calls to any newspapers asking them to refrain from publishing the Pentagon Papers?

ANSWER

6. I took one action in connection with proposed litigation by the Government against *The Washington Post* in connection with its publication of portions of the Pentagon Papers. At the request of the Attorney General, on a date which I believe was Friday, June 18, I telephoned Mr. Ben Bradlee, Executive Editor of *The Washington Post*, and requested on behalf of the Justice Department that the *Post* refrain from further publication of these papers. Mr. Bradlee told me that the *Post* would not accede to this request. I believe that my telephone conversation with Mr. Bradlee was described in a story in the *Post* on Saturday, June 19.

QUESTION

7. Various Supreme Court nominees, including yourself, have properly refused to answer questions put to them by the Senate which would require the nominee prematurely to state his opinion on a specific case likely to come before him once on the bench. Some nominees have also properly declined to answer questions concerning cases they decided or opinions they wrote while sitting on the bench because answering them would have jeopardized the integrity and independence of the judiciary. You invoked yet a third doctrine to decline to answer certain questions at the hearings: the attorney-client privilege. Are you aware of any precedent in the Senate's consideration of a federal official nominated to the Supreme Court or any legal precedent in decided cases or the canons of ethics or elsewhere, which supports a nominee's invoking the attorney-client privilege to refuse to give the Senate his personal

views on matters of public importance on which he had advocated an Administration's position?

ANSWER

7. I know of no other Supreme Court nominee who, having acted as a representative or spokesman for the Executive Branch, was then asked by the Judiciary Committee to express his personal views on the matters with respect to which he had served as a spokesman or advocate. There is, therefore, so far as I know, precedent neither for the questions being asked, nor for the answers being declined.

QUESTION

8. You and Senator Tunney had the following exchange during the hearings:

Senator TUNNEY. Senator Ervin then went on to question you, "don't you agree with me any surveillance which would have the effect of stifling such activities, namely, the first amendment, those activities which are privileged under the first amendment, would violate those constitutional rights?" Your answer was, "No, do not."

Mr. REHNQUIST. I am not sure I do agree with that now. I am inclined to think that it is a fact question and I was perhaps resolving the fact question in my own mind on the basis of the line of inquiry that Senator Hart made yesterday, where thousands of people came, knowing there was going to be such surveillance, on the basis of Judge Austin's decision in Chicago, where he found as a fact that there was no stifling effect.

I do not think I would want to categorically say that such surveillance could not have a stifling effect. I think I would treat it as a question of fact.

Senator TUNNEY. I appreciate your answer.

(a) When you said that you are not sure you would agree with your prior statement now, were you expressing a personal opinion or were you expressing a Justice Department position?

(b) If you were expressing a personal opinion, why in your view was this situation different from other situations in which you refused to state a personal view on positions you had taken as an advocate for the Administration?

ANSWER

8. (a) I was expressing the position that I felt any reasonable spokesman for the Department would have taken had he been aware of this aspect of the problem at the time of his original testimony.

(b) Not applicable.

QUESTION

9. At the time that you testified before Senator Ervin's Subcommittee on Constitutional Rights with regard to the government's intelligence-gathering activities, you said that it was "quite likely that self-discipline on the part of the executive branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering."

(a) Were you aware at that time as reported in the press, that Federal Bureau of Investigation agents in at least one part of the country had been instructed to conduct interviews for the purpose of making dissenters believe that "there is an agent behind every mailbox" (see, e.g., p. 425-26, 581)?

(b) Does this document give you any reason to alter your views that executive self-restraint will provide sufficient protection of first and fourth amendment freedoms?

ANSWER

9. (a) I was not.

(b) This question characterizes my views as being "that Executive self-restraint will provide sufficient protection of First and Fourth Amendment freedoms." I do not believe this is a fair characterization of the

views which I expressed before the Ervin Subcommittee, and it is therefore all but impossible to answer the question as stated. I made quite plain in my testimony, I thought, that both the First Amendment and the Fourth Amendment imposed significant limitations on governmental information gathering. The context in which I made my statement about "Executive self-restraint" was one in which the protections of the First and Fourth Amendments to the Constitution, and such additional statutory limitations on the Executive as those pertaining to wiretapping in the Omnibus Crime Bill of 1968, were already in existence, and the question to which I was addressing myself was whether additional statutory restrictions were desirable.

To the extent that the actual activities of the FBI, as opposed to the characterizations of such activities by a particular agent or by the press, were in fact such as to have a chilling effect, there would be an added factor to be weighed in making a constitutional determination under the First Amendment. If such activities were at all prevalent, I indicated in my testimony before the Ervin Subcommittee that the Department would give careful consideration to remedial legislation.

Following is the text of my statement on these points:

"I think it quite likely that self-discipline on the part of the Executive Branch will provide an answer to virtually all of the legitimate complaints against excesses of information gathering. No widespread system of investigative activity, maintained by diverse and numerous personnel, is apt to be perfect either in its conception or in its performance. The fact that isolated imperfections are brought to light, while always a reason for attempting to correct them, should not be permitted to correct them, should not be permitted to obscure the fundamental necessity and importance of federal information gathering, or the generally high level of performance in this area by the organizations involved.

"In saying this, I do not mean to suggest that the Department of Justice would adamantly oppose any and all legislation on this subject. Legislation which is carefully drawn to meet demonstrated evils in a reasonable way, without impairing the efficiency of vital federal investigative agencies, will receive the Department's careful consideration. But it will come as no surprise, I am sure, for me to state that the Department will vigorously oppose any legislation which, whether by opening the door to unnecessary and unmanageable judiciary supervision of such activities or otherwise, would effectively impair this extraordinary important function of the federal government."

QUESTION

10. Please describe in as much detail as possible your position (including title and the manner in which you were selected), responsibility, and activities in connection with Republican Party efforts to challenge Democratic voters in Arizona for each of the following elections, separately: 1958, 1960, 1962, 1964, 1966, 1968.

In addition, please answer the following questions concerning your position, responsibility or activities in each of the above-mentioned years:

(a) Did you personally engage in challenging the qualifications of any voters? If so, please describe the nature and extent of the challenging you did and the bases on which the challenges were made.

(b) Did you train or counsel persons selected to be pollwatchers or challengers about the procedures to be used in challenging? If so, please elaborate concerning how the persons were selected, and the training

that you gave. Did you in any of the above-mentioned years train or counsel persons selected to be pollwatchers on the bases on which challenges could be made? If so, please elaborate concerning what you advised these persons were proper bases under law for challenges in each of the relevant years.

(c) Did you prepare, select or advise on the use of printed passages from the Constitution designed to be employed by challengers to determine the literacy of a potential voter? Did any such practice come to your attention? Did you think it proper and lawful? If not, did you take steps to curb such procedures?

ANSWER

10. During the course of the Committee's deliberations, I submitted the following affidavit to the Chairman of the Committee.

"I have read the affidavits of Jordan Harris and Robert Tate, both notarized in Maricopa County, Arizona. Insofar as these affidavits pertain to me, they are false. I have not, either in the general election of 1964 or in any other election, at Bethune precinct or in any other precinct, either myself harassed or intimidated voters, or encouraged or approved the harassment or intimidation of voters by other persons."

In order to fully respond to question 10, an understanding of the background of Republican challenging procedures in Maricopa County is necessary. I have therefore tried as best I can to recall and set forth that background.

A combination of the peculiarities of Arizona election law, the customary practices of the Board of Supervisors in appointing precinct election officials, and the numerical weakness of registered Republicans in part of the County resulted in the fact that the only method by which a Republican observer or poll watcher could be stationed inside a particular polling place in many precincts in order to watch for voting irregularities was to be there as a "challenger." While he was authorized by law to challenge voters, the prospects of his being successful were not great, since the challenges he made were ruled upon by a three-man election board (two judges and an inspector) and in the precincts with extraordinarily heavy Democratic registration at least two and often three members of this board would be Democrats.

The challenger's real usefulness to the Party, therefore, was not that he was going to be able to prevail upon the election board to disqualify any large number of voters, but that his mere presence as a party representative would have a tendency to discourage any large-scale irregularities in voting procedures at that precinct. My recollection is that the most frequent cause of dispute which arose on Election Day during the late 50s and early 60s was the nature of the credentials required for a challenger to be allowed to enter and remain in a polling place, since in many of these precincts there had never been a Republican representative on the scene during Election Day.

With respect to the specific questions posed, I have attempted to refresh my recollection by speaking with several persons in Arizona who acted in Republican Party affairs during the years covered in this question and to Judge Hardy, who was active for the Democratic Party at the same time. I have also had occasion to see two local newspaper articles which appeared in the Fall of 1964, describing my position during the elections of 1960, 1962, and 1964. I recall that at the time there were written schedules, instructions, and the like prepared at least for the elections of 1960, 1962, and 1964, but I have not found anyone who was able to locate any of this written material, and it may no longer be in existence.

In 1958, I became involved in the Election Day program on quite short notice, and spent all of the day at Republican County Headquarters in Phoenix answering questions as to the election laws on the telephone. So far as I remember, I was the only person having this responsibility at County Headquarters. I don't believe I had a title, and I cannot remember by whom I was selected. As I recall, Don Reese, then of Phoenix but presently of Houston, Texas, was County Chairman in 1958.

My attention has been called to a clipping from the *Arizona Republic* in October 1964, which states that in 1960 I was co-chairman of the "Ballot Security Program." I do not have any independent recollection of this fact, but I have no reason to dispute the account in the newspaper. As I recall, however, the program in 1960 was not called the "Ballot Security Program," since I don't remember hearing that term used before 1964.

In 1960, I supervised and assisted in the preparation of envelopes to be mailed out in advance of the election for the purpose of challenging voters on the basis of their having moved from the residence address shown on the poll list; I also recruited about a half a dozen lawyers to work on a "Lawyers Committee" on Election Day. I did not myself recruit challengers, but I did speak to a "school" held for challengers shortly before election, in order to advise them on the law. I believe I also supervised and assisted in the assembling of returns of our mailings which were returned "addressee unknown", so that they could be made available to the particular challenger who was stationed in the precinct in which the address was located. On Election Day, I believe that I spent most of the day in County Headquarters. In that year, however, we had enough other lawyers available in County Headquarters so that I probably spent some of the day going to precincts where a dispute had arisen, and attempting to resolve it.

I cannot remember whether Don Reese or Ralph Staggs was County Chairman in 1960; I believe I was designated by whoever was County Chairman that year.

With respect to 1962, I have been shown an article in the October 1964, *Arizona Republic* which states that I was Chairman of a Lawyers Committee which operated on Election Day. This is consistent with my own recollection. I do not believe that in this year I participated in the mailing out of envelopes prior to election, though I may have. I did speak at a school for challengers, I believe, in much the same manner as in 1960. On Election Day, my recollection is that I spent most of the day in Republican County Headquarters; however, I think that on several occasions in 1962, just as in 1960, I went to precincts where disputes had arisen in an effort to resolve them.

With respect to 1964, I have seen an article in the *Arizona Republic* dated October 1964, stating that I was Chairman of the "Ballot Security Program." This is consistent with my recollection. I presume that I had overall responsibility for the mailing out of envelopes, the recruiting of challengers, and the recruiting of members of the Lawyers Committee to work in County Headquarters; however, I believe that there were individuals other than me who were directly responsible for each of these aspects of the program. At this time, Wayne Legg was Chairman of the Republican County Committee, and I presume it was he who designated me as chairman. My recollection is that on Election Day during this particular election I spent all of my time in County Headquarters.

I also think, though I am not certain, that I spoke at the school for challengers held just before the election; if I did not speak to

the school, I believe I was present when someone else spoke on the law. Challengers were advised in this year, pursuant to an opinion issued by the State Attorney General, that challenging at the polls on the basis of literacy or interpretation of the Constitution was unlawful by virtue of the Federal Civil Rights Act of 1964.

In 1966, my best recollection is that I played no part at all in the election activities, though I am not absolutely certain. If I played any part, it was simply to serve as a lawyer on duty at County Headquarters for a period of several hours in order to handle questions that might come in over the phone.

In 1968, I played no part at all in the election activities.

(a) In none of these years did I personally engage in challenging the qualifications of any voters.

(b) The recruitment of challengers in each of these years was under the direct supervision of someone other than me. However, in at least two of these elections—1960 and 1962—and perhaps in 1964, I spoke at a challengers' school conducted shortly before the election. The purpose of my talk was to advise the various persons who were to act as challengers as to what authorization was required in order to enable them to be present in a polling place during the time the election was being conducted, and also as to the various legal grounds for challenging as provided by applicable Arizona law. My recollection is that I simply recited the grounds set forth in the Arizona Revised Statutes as to the basis for challenge, the method of making the challenge, and the manner in which the challenge was to be decided by the Election Board of the precinct in question.

(c) I did not. No such practice came to my attention until sometime on Election Day, 1962. The manner in which I saw this type of challenge being used, when I visited one precinct, struck me as amounting to harassment and intimidation, and I advised the Republican challenger to stop using these tactics. Since no question was raised at that time as to the propriety or lawfulness of the use of printed passages from the Constitution by challengers in conjunction with the election board in an otherwise courteous and lawful manner, I did not consider it. Shortly after the election, I discussed this type of challenge with Charles Hardy, now Judge of the Superior Court of Maricopa County, and expressed my vigorous disapproval of any scattergun use of literacy challenges. By the time of the next biennial election, in 1964, such challenges were no longer permitted under federal law.

QUESTION

11. To what extent are you able to confirm Mr. Richard G. Kleindienst's statement found in the *Arizona Republic* of November 7, 1962 that the Republican challengers who worked in 1962 "are the same persons, under the same instructions, who have been doing this in Maricopa and Pima counties since 1956?"

ANSWER

11. I cannot speak at all for Pima County, and I cannot speak at all for 1956. I did not myself directly supervise the recruiting of challengers in Maricopa County in any of these years. If challengers were instructed in any normal way in 1958, I do not remember it. Substantially the same legal advice as to challenging, more fully described in the answer to 10(b) above, was given by me in both 1960 and 1962. I do not presently remember whether the same challengers operated in 1958, 1960, and 1962, but I believe there was some turnover each time, and a rather substantial turnover between 1960 and 1962.

QUESTION

12. You testified that one of the roles you played in the Republican efforts to challenge Democratic voters was "to arbitrate disputes that arose" along with a Democratic counterpart" (p. 149). Did any of the disputes as to the roles of the Republican challengers which you sought to mediate involve opposition to the type of challenging procedure being employed or the basis of the challenge, as distinct from the right of the Republican challenger to function at all in such a capacity in the precinct in question? If so, please explain the challenging procedures which came under attack.

ANSWER

12. As described in my answer to 10(c), I recall one instance in which a Republican challenger was himself going down the line and requiring prospective voters to read some passage of the Constitution, rather than presenting his challenge to the Election Board in an orderly way. I advised him to stop this practice, and to make any challenges in the manner provided by the law.

QUESTION

13. Judge Charles L. Hardy in a letter to Senator Eastland describes the tactics of the Republican Party in Phoenix in 1962 as follows:

"In 1962, for the first time, the Republicans had challengers in all of the precincts in this county which had overwhelming Democratic registrations. At that time among the statutory grounds for challenging a person offering to vote were that he had not resided within the precinct for thirty days next preceding the election and that he was unable to read the Constitution of the United States in the English language. In each precinct every black or Mexican person was being challenged on this latter ground and it was quite clear that this type of challenging was a deliberate effort to slow down the voting so as to cause people awaiting their turn to vote to grow tired of waiting and leave without voting. In addition, there was a well organized campaign of outright harassment and intimidation to discourage persons from attempting to vote. In the black and brown areas, handbills were distributed warning persons that if they were not properly qualified to vote they would be prosecuted. There were squads of people taking photographs of voters standing in line waiting to vote and asking for their names. There is no doubt in my mind that these tactics of harassment, intimidation and indiscriminate challenging were highly improper and violative of the spirit of free elections."

(a) Please describe the relationship between your role in planning and implementing Republican election day challenging efforts that year and the tactics described by Judge Hardy.

(b) Did any of the practices described by Judge Hardy come to your attention before or during election day in 1962? If so, did you seek to curb such procedures or were they in your view proper?

ANSWER

13.(a) My role in 1962 was, to the best of my recollection, that described above. I neither advised nor suggested that scattergun challenges be made on the basis of literacy. I neither advised nor suggested the handing out of handbills, nor the photographing of voters at the election places. My talk to the challenging "school" in 1962 as to the law governing elections was, I believe, substantially the same as that which I gave in 1960. In 1958 and in 1960 virtually the entire thrust of the Republican challenging effort was devoted to preventing unregistered persons, or persons who had moved from

the address from which they were registered, from voting, and as I recall the main disputes which arose in those years with respect to the right of the Republican challengers to enter the polling place to which he was assigned. I did not realize the change in emphasis during Election Day of that year. I therefore feel that there was no connection between my role and the circumstances related by Judge Hardy.

(b) The practices described by Judge Hardy, to the extent that they did in fact obtain, did not come to my attention until quite late in the day of the election in 1962. At that time I believe that the County Chairman decided to remove the Republican challenger from Bethune Precinct because of the serious trouble his actions were causing. The challenging procedures relating to residence described by Judge Hardy were, in my opinion, generally proper; those relating to indiscriminate use of literacy challenges were entirely improper.

QUESTION

14. Were you present at the Bethune precinct at any time on election day, November 3, 1964? If so, while you were there, did you speak to any persons waiting to vote regarding their qualifications to vote under the state literacy laws or other laws, or regarding their ability to read the Constitution? Did you ask anyone waiting to vote at the Bethune precinct in 1964 to read from any printed material which you or anyone else presented to the potential voter? Were you engaged in any dispute at the Bethune precinct in 1964 with Democratic workers regarding efforts by yourself or other Republican representatives to challenge voters? If so, please describe the incident in detail.

ANSWER

14. I was not present at Bethune Precinct at any time on Election Day in 1964.

QUESTION

15. The *St. Louis Post-Dispatch* of November 18 carries a story which states that "documents have been discovered suggesting" that you were "once a member of a rightwing organization" called "Arizonans For America," or "For America." You have previously denied that you are or at any time in the past have been a member of the John Birch Society. Have you been a member of the "Arizonans For America" as is alleged by the *St. Louis Post-Dispatch*? Do you have any additional response to the article?

ANSWER

15. I have never been a member of Arizonans for America or For America. I have seen a newspaper clipping from a local newspaper in 1958 which indicates that I was one of four panelists who appeared at a meeting of Arizonans for America in 1958 to discuss the federal income tax. While I have no independent recollection of speaking at such a meeting, I have no reason to dispute the newspaper account.

R. *Excerpts From the Transcript of the Deliberations of the Committee of the Whole of the Commissioners on Uniform State Laws on the Model State Anti-Discrimination Act, August 1, 1966.*

MR. DORSEN. . . .

Section 312, Alternative A, comes from the federal law:

"Nothing contained in this chapter requires an employer, employment agency, labor organization, or joint labor-management committee subject to this chapter to grant preferential treatment to an individual or to a group because of the race, color, religion, sex, or national origin of the individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race,

color, religion, sex, or national origin employed by an employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by a labor organization, or admitted to, or employed in, an apprenticeship, or other training or retraining programs, in comparison with the total number or percentage of persons of the race, color, religion, sex, or national origin in the State or a community, section, or other area, or in the available work force in the State or a community, section, or other area."

Alternative A is, of course, a mouthful, and I wouldn't want to be put on my oath as to what it means, but it is taken from the federal law, and it was inserted in the federal law to deal with the problem that has already been mentioned of racial imbalance. The point was that you are not required to hire anybody or, if you are a labor union, refer for employment, because of an imbalance in a particular work force, or what have you. That's in the basic Act.

Alternative B of Section 312 is not for the basic Act; it's for the model Act, and it says:

"It is not a discriminatory practice for a person subject to this chapter to adopt and carry out a plan to eliminate or reduce imbalance with respect to race, color, religion, sex, or national origin if the plan has been filed with the Commission under regulations of the Commission and the Commission has not disapproved the plan."

The history of this section in worth taking a moment to mention. Several states—Indiana, Massachusetts, Illinois, and California—and various communities, but these states, have adopted various forms of statutes which go well beyond this in at least two instances, dealing with racial imbalance.

The Committee's feeling was that if there is going to be anything dealing with racial imbalance, (1) It should come about only under a plan that somebody comes forward with; that the Commission should not be of its own motion promulgating such a plan; and, secondly, that if you have a plan of this kind, you have to go to the Commission and file the plan and give the Commission an opportunity to reject it. As I say, several states have already done one form or another of this, and we put it in as the model Act provision.

Mr. BRAUCHER. In the Section meeting with respect to Alternative B to Section 312 the question was raised whether there should not be time limits imposed on these plans, either some waiting period after they are filed before they go into effect, or some maximum length of time during which you could carry out such a plan, and we propose to add to the comment a statement that that kind of time limitation is the sort of thing which is left to regulations of the Commission.

Mr. DAVIS. Mr. Chairman, I gather here that you are encouraging discrimination. It seems to me that discrimination is going to be bad—if it is bad—regardless of whether you are discriminating for a good motive or a bad motive, and I do not see any justification to legalize discrimination, if the whole purpose of the Act is to try to prevent it.

Mr. BRAUCHER. This is a problem, and it has been argued in various places. There are now judicial decisions in some states—New Jersey comes to mind—where there have been judicial indications that what Commissioner Davis calls discrimination is not the kind of discrimination that is forbidden.

Now, there is a problem here as to how far a state is competent to permit this, if it violates the federal statute. My own guess would be that as long as the discrimination is what is sometimes called benign discrimination, if that's a permissible phrase—my guess is that the Equal Employment Oppor-

tunities Commission probably would not get around to prosecuting that for quite a while.

The fact is that if you think in terms of the Telephone Company in a substantial city, such as—the one which comes to my mind, naturally, is Boston—and they find that they do not have any colored employees, and they are confronted with the prospect of people marching around in large numbers in front of their offices—their problem is to get themselves some colored employees, and if that is discrimination, it's a condition they are confronted with.

Now, I think the history of this in the northern states, where this kind of thing has happened, is that the Commissions Against Discrimination or the Human Relations Commissions have on the whole not been very diligent in prosecuting against that kind of discrimination. Recognizing the problem that we might be departing from what's allowed under the federal law, it seemed to us that this was a phase where we could ease the lot of some of our employers who distinctly have problems here.

Now, notice that we have allowed the Commission to step in and say: No, you can't do it. I think that's necessary, because, of course, this could be misused. It could be used to foster and perpetuate a kind of discrimination that's not benign in any sense; but it's a problem, and this thing is an optional section which we thought might be helpful to some people who are otherwise in this rather uncomfortable situation of being whipsawed between two opposing forces. And there is the problem of the fact that several states have moved in this direction.

Mr. EVERETT. Just in terms of the technical presentation, it seems to me it's somewhat misleading as it is stated in Alternative A and B, in that you are expected to pick one or the other, whereas a very real alternative would be to take both.

Mr. DORSEN. Why don't we deal with that?

Mr. MORGAN [D.C.]. As I understand this, it is to avoid taking certain steps because of race, color, sex, and so forth. I'm an old-fashioned lawyer, and with all due respect to the Committee, I must be practical. I am surprised that a group of lawyers would recommend that if it's discrimination not to employ a person because of race, color, or sex, and that the same Act provides that it is unlawful not to employ someone because of his race, color, and so forth—which is the guts of this so-called imbalance—

Mr. DORSEN. I wouldn't add to what Professor Braucher has said. This is a provision that is found in different forms in four states, and in my own knowledge I know of employers who have been put into a very awkward position. It wasn't the Telephone Company, but it was a major employer, and it seems to me the provision is eminently desirable.

Mr. MORGAN. I think you overlook the fact that the very fact that such a provision is put in an act prepared by the Conference of Commissioners on Uniform State Laws gives it a certain character to which it is not entitled legally, and I don't think it should be in any Act that is even proposed by this Conference.

You are a lawyer. You ought to know that if it is unconstitutional to deny education to a person because of color, it is equally unconstitutional to move a child to another jurisdiction or school just because he happens to be of a particular color or race.

Mr. BRAUCHER. Commissioner Morgan, I'm not perfectly clear. There are two different points lurking here. At one point I thought you were saying that we were saying that something was a discriminatory practice at one point and was not a discriminatory practice at another point. In so far as that is a difficulty—the stylistic problem—I think that

disappears. Discriminatory practice is the term of art as to what we prohibit. We prohibit discrimination on account of race, color, and so forth, in the first sections, and then we make the exceptions in the later sections. This is not a direct exception. It says it is not a discriminatory practice to carry out a particular type of plan, and it doesn't verbally conflict with anything we have said before.

The other point you are raising is a substantive question of law, and there are two sides to it. That is the question whether it is discrimination in a sense which makes it illegal under various statutes now on the books to cure a pre-existing situation of discrimination. It's very hard to cure a discriminatory situation without discriminating, and in so far as you do, we are trying to resolve that question here so far as it's within the power of the state to resolve it, that in curing a discriminatory situation the inherent—whatever you want to call it—reverse discrimination or benign discrimination or counterdiscrimination—is a thing which is permitted by private action.

Now, notice we are not allowing anybody to command it or to require it, but only to allow the private employer to go forward with a plan.

Mr. MORGAN. May I give you an example? Let's take the Telephone Company.

If some Negro comes to the Telephone Company and wishes to be employed, and they do not employ him because of his color, it's discrimination. However, if he wants to balance, you say that it's not discrimination for him to discharge, or favor certain positions occupied by white people, in order to employ colored people, or some other race, to make balance of that employment. I say that is just as much discrimination as refusal to employ a man because of his color.

Mr. BRAUCHER. Well, I think the case you put is not one that is likely to be an actual case, where you discharge a group of your long-standing employees in order to bring in some new ones. I think what is likely to happen is, particularly in apprentice training programs and the like, that the people in charge make an effort to stir up applications from the people who are short in the existing supply, and this has happened. Employers have felt that they were more or less forced into it. Some of your employers, of course, are subjected to boycotts of their products, and the like, and the pressures get pretty severe.

Mr. MORGAN. Under that condition the ordinary rule against discrimination applies. If you have got jobs open—

Mr. BRAUCHER. Yes, but the point is that some people have made efforts to try to introduce a number of employees of a kind they had not previously had. Now, arguably it's not discrimination at all. I think that's what you are saying. Arguably it is discrimination; and we are going to have to get the facts. But we are saying that this is the sort of thing that the Commission can devote its attention to and develop standards, and, subject to the action of the Commission in disapproving it, we are allowing the employer to go forward with a clear hand.

Mr. MORGAN. Let's suppose there is one position open, and a white man and a colored man come in for employment, and the white man is better equipped than the colored man, but the employer says: I want to employ the Negro, in order to avoid imbalance.

I say this is discrimination, and ought to be punished, if you are going to punish employers at all.

Chairman SCHWARTZ. Gentlemen, I think we have time for just one more comment.

Mr. DAVIS. I want to ask a question, if I may, with reference to this plan. Does the

Committee understand that this plan would have to be all-inclusive, or could it eliminate the imbalance only between males and females, or only between white and black?

Mr. DORSEN. It would not have to be all-inclusive, and I think that should be said in the comment. I think it's a fair point.

Mr. MILLMER. I think Commissioner Morgan has one point which the draft doesn't treat with, and that is Alternative B to Section 312 does not prohibit discharging as part of a plan of reducing imbalance, and it does seem to me that's a little bit different from promoting balance by hiring new employees.

Mr. DORSEN. I think that should be treated differently. That's a fair point.

Mr. REHNQUIST. Mr. Chairman, I have a comment to make on 312, which is the section we were on immediately before lunch, I believe, pertaining to imbalance.

It seems to me there is a very definite substantive question here as to whether or not it is desirable to permit benign discrimination, as Mr. Braucher referred to it, and I would like to see any part which would grant any affirmative authorization under this Act to permit this type of discrimination deleted, and therefore I move that in line 19 of Section 312, after the word "out", there be placed a comma, and the phrase, "if otherwise authorized by law" inserted.

It seems to me that this will keep the laws authorizing this thing in states which already have them, and yet not delegate to an administrative body the terrific problem of defining the term "racial imbalance", which is, as far as I know, primarily a term found in the newspapers. This confers a very broad authority on the Commission without any real bounds to it.

Mr. BRAUCHER. If I understand Commissioner Rehnquist, he is saying on line 19, after the word "out", to insert "if otherwise authorized by law".

Mr. REHNQUIST. Yes, sir.

Mr. BRAUCHER. "... a plan to eliminate or reduce imbalance . . ."

I think in order that you may understand what it is we are doing—you will remember that this morning we undertook to limit this section so that it would not authorize the discharge of existing employees, but would deal only with the employment of new employees, and so the proposal that we have now, aside from Commissioner Rehnquist's motion, would be to insert after "a plan" the words "of filling vacancies or hiring new employees so as". I'll read that again.

On the same line, "adopt and carry out a plan" and then insert "of filling vacancies or hiring new employees so as to eliminate or reduce imbalance with respect to".

Mr. REHNQUIST. I heartily concur in that suggestion.

Mr. BRAUCHER. That was a suggestion made this morning, and since it is in the same sentence you are proposing to amend, I thought we should understand how it would fit.

As I understand the proposal, it would be to amend it:

It is not a discriminatory practice for a person subject to this chapter to adopt and carry out, if otherwise authorized by law, a plan of filling vacancies or hiring new employees so as to eliminate or reduce imbalance with respect to . . . and so forth.

Mr. REHNQUIST. It sounds as though my language fits in.

Mr. BRAUCHER. I think it does. I think it does. I thought it was worthwhile to have our proposal with your suggestion added.

Now, as I understand it, this is a motion. The Committee obviously has not met on this proposal. I'm a little troubled by it, myself, because it seems to me that, in the absence of legislation, action by private employers to employ employees is authorized by

law. If you don't pass any legislation, it's authorized.

All we were trying to do in this section was to prevent this new legislation in a state where it is new, or this type of statute—this anti-discrimination law—from fettering employers in a freedom which they have enjoyed traditionally to select their own employees on these bases that seem proper to them. The whole thrust of this statute is to limit the preexisting power of private citizens to discriminate in employments, employing employees, and I would suppose in the absence of this statute discrimination among employees on the ground of race is thoroughly authorized. The trouble is that you have the federal statute which forbids certain types of discrimination, and if you mean by your amendment merely if permissible under federal law, you wouldn't have so much trouble with it; but if you mean if authorized by law in some other sense, I find myself in some difficulty.

Our thought was that we are coming in, in some states at least, with a new regulation, and in other states we are displacing existing legislation on discrimination, and we were trying to simply limit the reach of the new legislation. Now, you are suggesting that there is some requirement. Either you have the same notion I have, that anything that isn't forbidden is authorized, or you mean there must be some affirmative authorization in a law somewhere for an employer to select his employees.

Mr. REHNQUIST. Commissioner, if I might respond, the Comment on page 22 states that Alternative B is for the model Act and is "designed to obviate a possible repeal by implication of statutory authorization of plans to cure imbalance." As I conceive my amendatory language, it would retain such statutory authorization where it exists, but it would not cover any additional authorization by this section where it does not already exist by statute.

Mr. BRAUCHER. The suggestion has been made from the Committee: Would it meet your point—I am just trying to understand what it is we are trying to accomplish here. Would it meet your point if we said, "if not inconsistent with other law"?

Mr. REHNQUIST. If I may respond, I don't believe it would meet my point. To me the substantive question here involved is: Do you permit at all benign discrimination, as you referred to it?

The section as drafted authorizes private employers to benignly discriminate. The purpose of any amendment is to sharply limit that permission, so that it has to be created in some other statute already in effect. It would save those statutes, but not authorize under 312 what I regard as a highly controversial type of discriminatory legislation.

Mr. JOINER. I think this motion is a direct attack upon the power granted in the statute to eliminate racial imbalance. It's a complete frontal attack, and raises the issue rather squarely, as I have listened to the discussion. I have heard an articulation of what has always seemed to me to be the real reason for a provision of this kind, and that is that in many areas of employment, and in other areas as well, there has for a long period of time been some kind of discrimination which has, as a result, created a very great imbalance; and this is a direct method—this provision, as I understand it—is a direct method to permit a catch-up of this particular situation, and I think it would be a grave mistake to allow this attack to pass, and I think we should vote "No" on the motion.

Chairman SCHWARTZ. Any other discussion? [No one responded.] Are you ready for the question?

The motion, as I understand it, is to insert in line 19 after the word "out" the words "if otherwise authorized by law".

[The motion was put to a voice vote.] Chairman SCHWARTZ. I think the motion is lost.

Mr. REHNQUIST. I call for a division. Chairman SCHWARTZ. All right. Will you raise hands?

Mr. WITHERSPOON. Mr. Schwartz, will you announce how you are taking this vote, so we will know?

Chairman SCHWARTZ. We are voting with raised hands, one hand apiece, "Aye," if you are so minded. [Laughter]

[A hand vote was taken, and the motion was lost.]

Mr. RAIN. Mr. Chairman, I think that Professor Joiner was right as to the purpose of the section and what it is designed to do, and it obviously is the view of the Conference that that is desirable. In that light I think the Comment is misleading. It ought to state exactly what the purpose is—to catch up.

Mr. DORSEN. I think that's right. [Reading.]

Section 606. [Blockbusting.] It is a discriminatory practice for a person, for the purpose of inducing a real estate transaction from which he may benefit financially.

(1) to represent that a change has occurred or will or may occur in the composition with respect to race, religion or national origin of the owners or occupants in the block, neighborhood, or area in which the real property is located, or

(2) to represent that this change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area in which the real property is located.

I'm sure you know that provisions of this kind, of which this is a quite narrow one, were begun in cities. Many small cities—and large cities, for that matter—have ordinances roughly of this kind. A couple of years ago Ohio passed a statute dealing with this problem, which has been a recurring one. We thought we could draft a much better one than the one that some of the smaller towns had put together, and we proceeded to do so, and this is the result.

Mr. MORGAN [D.C.]. Mr. Chairman, the objection to that provision is that, in the first place, it lacks reality, and in the second place, I think it violates the constitutional freedom against free speech.

Mr. JOINER. I ask the question: Why do you leave color out of this section, when we have been carrying color all the way through?

Mr. DORSEY. It should have been included. That's a typographical error.

Mr. REHNQUIST. Mr. Chairman, I have great reservations about Section 606, even in a Model Act. It forbids what could be a perfectly truthful representation, and it forbids what certainly could be a representation made with a good faith belief in its truth, and I read the case of *Valentine v. Christensen*, and I think it's certainly very commendable that the word "see" was presented in the Comment in that case. The fact that you can prohibit a man advertising on a handbill in New York City certainly does not mean that you can prohibit a man making a representation that somebody else is trying to sell a house in the privacy of the man's home.

I therefore move that Section 606 be deleted.

Mr. DORSEY. I was just going to say, about your reference to the *Valentine* case: The statutes and ordinances which exist on this subject go well beyond in every respect the way we drafted it, and in particular I would like to draw your attention to Lines 2 and 3 of the section, where we included specifically the phrase "for the purpose of inducing a real estate transaction from which he

may benefit financially", in order to make sure that we weren't dealing with gossip, we weren't dealing with non-commercial representations, or representations that did not have a commercial purpose.

Now, I feel that there is plenty of room for argument. There may be plenty of room for argument both on the constitutional question that you raised and even on the policy question. I do think that if you looked at the ordinances that have been passed, you would agree that the drafting we have done has substantially improved—I don't mean to be immodest about it, because it's not my draft. I can assure you it was worked over very carefully by the members of the Committee, and I think it's a substantial improvement over what we have seen, and I think that it's a desirable provision, if only to limit the scope of potential blockbusting statutes and ordinances that are already on the books.

Mr. REHNQUIST. I have never thought it was the function of the Conference, because I saw some bad laws on the books somewhere, to draw a law slightly less bad. It seems to me our function is to draft something that we can put our approval on. It seems to me we have a constitutional question and a serious policy question, and in view of the combination of those two factors, plus the fact that it doesn't strike me this is a vital part of your bill at all, I think this would be a good thing to leave out.

Mr. BRAUCHER. Mr. Chairman, I don't want to add anything on the constitutional question. We were very conscious of the constitutional problem, and this is very much cut down from the standard—I say "standard"; from the various provisions in these municipal ordinances.

The State of Ohio did include a provision of this kind in its statute, and we have more or less followed that, although I think we are less subject to constitutional doubt than the Ohio statute.

However, I would like to speak for just a moment to the merits of this. The practices that are dealt with in this provision are practices that have no merit whatever. They are vicious, evil, nasty, and bad. These are people who go around—and this is not a hypothetical situation; this is something that has happened in every big city in the United States—and run up a scare campaign to try to depress the value of real estate. They will, if possible, buy one house, and then they will throw garbage out on the street; they will put up "For Sale" signs; they will perhaps hire twenty badly clad and decrepit-looking Negroes to occupy a single-family house, and so forth; and then they go around to the neighbors and say: "Wouldn't you like to sell before the bottom drops out of your market?"

And the notion that that type of conduct should be entitled to some kind of protection under the bans of free speech is a thing which doesn't appeal to me a tiny bit.

Now, you may be able to get five Justices of the Supreme Court to say that that is unconstitutional. I don't believe it, myself; but if you do, I would like to give them a chance to vote the other way before I withdraw this statute.

[Calls of "Hear! Hear!"]

Mr. ABRAMS. I would like to ask the Committee whether the word "or" between Section 606 (1) and (2) should be "and", because it doesn't seem to read quite right, unless it is.

In Section (2) it refers to "this change", which would not read properly unless Section (1) also was in there to define—

Chairman SCHWARTZ. Where are you?

Mr. ABRAMS. Page 35, Section 606, (1) and (2).

Mr. DORSEN. You are referring to the "or" on Line 7?

Mr. ABRAMS. Yes. It should be an "and", because that is the kind of representation that you are referring to. Is that not right?

Mr. DORSEN. There is an article by a gentleman from Texas, Professor Witherspoon of the University of Texas Law School, in which he points out that it's really done in all kinds of ways, including spreading of rumors of crime waves, and so forth. It's more than one technique, and sometimes it's done with only innuendo, without expression specifically of color, and we were trying to include that, and that was the reason for the "or".

Mr. ABRAMS. But isn't the intent that the change to which you refer will have the effect that is set forth in Section (2)? Isn't that the change?

Mr. DORSEN. To the extent that that is perhaps the ultimate effect to be effected, you are quite right, but the key word, I think, is "represent", and the process can take place without the representation under (1)—and has, as I understand it—and that's why we put it in the alternative.

Mr. MORGAN [D.C.]. Mr. Chairman, I come from a section where if a Negro moves into the area, it will reduce prices, and I don't think it's a crime for a real estate agent to tell the property holders that a Negro family has moved into the area, and it will reduce values.

Chairman SCHWARTZ. It is not a crime in any event, under this Act.

Mr. MORGAN. It is.

Chairman SCHWARTZ. There is no criminal punishment. There is a cease and desist order.

Mr. MORGAN. Well, it is a discriminatory practice.

Chairman SCHWARTZ. That's right. There are no criminal penalties except contempt, if you go to court.

Mr. MORGAN. How can you have a law without a sanction?

Chairman SCHWARTZ. You have a cease and desist order enforced by a court order.

Mr. MORGAN. I don't think that's appropriate.

Chairman SCHWARTZ. Is there a motion before the house?

[Calls of "Yes! Yes!"]

Chairman SCHWARTZ. The motion, as I understand it, is to delete Section 606 in its entirety. Are you ready for the question?

[The motion was put to a voice vote and was lost.]

IMPROVING THE QUALITY OF LIFE

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues an article entitled "Improving the Quality of Life" written by Dr. Irving Abrams, medical director of the Chicago Board of Education; Mrs. Louise G. Daugherty, assistant superintendent, pupil personnel services and special education, Chicago Board of Education; Dr. Richard S. Abrams, psychiatrist, Northwestern University Medical School; and Dr. Michael Vanecko, associate medical director, Chicago Board of Education.

Dr. Irving Abrams, whom I know personally, is an eminent physician and a recognized authority in the field of public

health administration. He has given many, many years of dedicated service to the schoolchildren of the city of Chicago, and in his capacity as medical director, he has instituted countless new programs benefiting the health and welfare of the students in the public schools of our city.

Speaking from the vantage point of broad experience, Dr. Irving Abrams and his distinguished coauthors review the relationship of poverty and health defects, which contribute to a child's failure to learn and to achieve, and point out that although health is a contributory factor, social, economic, and political factors contribute as well to behavior disorders and health-learning problems.

Citing some of the shortcomings of current HEW programs, the authors make 10 recommendations aimed at "improving the quality of life" for all Americans. The article—parts I and II—which appeared in the June and October 1971 editions of the *Journal of School Health*, including these 10 recommendations, follows:

IMPROVING THE QUALITY OF LIFE¹

(By Irving Abrams, M.D., F.A.A.P., Louise G. Daugherty, Richard S. Abrams, M.D. and Michael Vanecko, M.D.)

In this article we shall point up some of the problems that reduce the quality of health, education, and welfare.

The "child in school" is different than the child at home. On entering school, he meets formal competition with his peer group for the first time. He needs satisfying experiences for proper growth and development. He must learn to respect restrictions, to obey, to play cooperatively, to speak clearly, to read, to spell, to write, to develop good health practices and to perform more complicated tasks as he reaches toward maturity.

The child who has the best chance is the one with a good heredity, a smooth parental experience, an uneventful natal day and parents who set proper examples of total living. He needs good preschool and school years embracing optimum or near-optimum health-welfare and educational programs. He should attend a school that has a school doctor and nurse. If he shows signs of educational or health failure he needs a staffing conference by a trained doctor and educator so that a diagnosis can be made and a "direction" given to the child, the teacher, and parents.

Many children do not have this. Many come from homes burdened with large families, with insufficient money, lack of experiential surroundings, lack of motivation, lack of good health and good food habits and a high incidence of reproductive casualty. To some millions of children across the nation, the expression "the parent has the primary responsibility for the health of the child" is meaningless. It is urgent that we

¹This article is published in two parts. Part I is herein presented. It deals with a multiplicity of factors that reduce the quality of living. Part II deals with programs the authors recommended to improve the quality of life. Because of the length of the entire article, Part II will be published in the October 1971 issue.

²From the Chicago Board of Education. I. Abrams, Medical Director, L. Daugherty, Assistant Superintendent, Pupil Personnel Services and Special Education, R. S. Abrams, Psychiatrist, Northwestern University Medical School and M. Vanecko, Associate Medical Director, Chicago Board of Education.

promote, protect and restore the health of school children. Health and education and welfare must be tied together intimately.

At the federal level the expression is HEW, but down the line, H is separated from E and from W in the actual programs that are carried out. The word comprehensive is used loosely if for example a child is seen in a clinic and found to be a "healthy specimen," but who, at the same time, is failing in school, or is a run away or a drug abuser, or is acting out in the classroom, so that the teacher cannot conduct class procedures for the benefit of all the pupils. Somewhere along the line, the poor family has been the victim of commission or omission in terms of adequate health, education, and welfare services from private and/or public agencies.

It is indicated to present the problems that prevent the boy or girl from achieving near their full potential. The failure to achieve in school at the elementary and/or high school level is as serious to the child as other handicapping illnesses or conditions.

In the Chicago Public Schools, children are tested seven times, at periodic intervals, from the entering primary grades through the eleventh grades. About 2 or 3 weeks after entrance to the primary grades, the children are tested with the Metropolitan Readiness Tests. In order for teachers to prepare individual approaches to children, they need to know as much as possible about the children in all categories of function. Testing is only one method of getting some information. The child brings to the primary grades the knowledge and skills of the total past experience in the home and community together with the influences of the heritable traits built into the genes.

Each child, therefore, comes to school with different qualitative and quantitative skills and attitudes. Some of these are tested in the Readiness Tests (1) which embrace word-meaning, listening, matching, alphabet, numbers, copying, and an optional Draw-A-Man Test. As the children advance in grade, other tests are employed.

In January of 1970, the Chicago Public Schools' City-Wide Testing results (2) of the period 1968-1969 were made public for the first time in the school systems' history. What had been known to many in the school system was a shock to the public. The newspapers headlined various test results.

Below is Table One showing the scores of the city public schools as compared with the National Norms (3).

TABLE 1

[In percent]

	Entering 1st-year readiness	
	National	City
Ready.....	69	52
Probably not ready.....	24	35
Not ready.....	7	13

It is noted that 1/2 of all the children (35% + 13% = 48%) are "probably not ready" and "not ready".

Let us select at random a school of low income black and compare it with a middle income white. Table Two gives the test readiness of the low-income school (4).

TABLE 2

[In percent]

	Entering 1st-year readiness		
	National	City	Low-income black school
N=91.....			
Ready.....	69	52	24
Probably not ready.....	24	35	44
Not ready.....	7	13	32

In this school, 76 percent of entering first grade pupils are "probably not ready" and "not ready", as compared with 48 percent at the citywide level and 31 percent at the national level.

Table Three gives the test readiness of a middle-income white school (5).

TABLE 3

[In percent]

	Entering 1st year readiness		
	National	City	Middle-income white school
N=77.....			
Ready.....	69	52	90
Probably not ready.....	24	35	8
Not ready.....	7	13	2

In this school, only 10 percent of the entering first grade pupils are "probably not ready" and "not ready." This is a far better picture than in the black-pupil school and far better than the national level.

If we follow the testing of pupils in each of the two schools we find the pupils in the low-income school score lower than the white pupils in the middle-income school in later grades also, in terms of learning ability, reading, arithmetic computation, and in intelligence quotient. These facts hold up generally in inner city black low-income school children as compared to middle income white school children.

From our experience and from the tests, it means that many low-income children enter primary grades already educationally retarded, and continue on this path. Many are promoted because a child becomes too old and/or too big to be held back, and/or it is expensive to hold a child back. These facts point up the seriousness of the national situation, in which hundreds of thousands of boys and girls from grade and high schools in the U.S.A., are graduated without the multiple skills they need to "make it on their own". The social and political consequences are also serious and are a great danger to the boy and girl, the city, the state and the nation.

The failure to learn is not a simple matter of lowered I.Q., or of brain damage or intellectual impairment or of malnutrition or hunger, or heart murmur or large tonsils. We submit that in our experience on a large scale, the major causes of failure to learn are social, political and economic. We feel that many of the programs funded by the Federal Agencies and others are not and will not do the needed job because of prevailing built-in failures.

In recent years, great social changes have crystallized into specific demands. People want health needs met. They know it is poor practice to have to wait and wait in outpatient clinics for health care. They want jobs without regard to racial and ethnic origins. They want more and better food. They know the value of good nutrition. They want better housing. They are tired of seeing their children crippled and dead from lead ingestion and lead inhalation. They want money and energies and people involved in construction, rather than in destruction. People want "in" from the big unions. They want jobs and a part in building our U.S.A. They want better education. They are depressed with seeing their children grow up and not have the skills to get a decent job.

Educational retardation does not necessarily mean mental retardation. The big majority of the hundreds of thousands of boys and girls who are in school and not achieving, are suffering from a pseudo-mental retardation which manifests itself as educational retardation. Perhaps only five percent or less

have a real mental retardation of a varying degree.

Of the five percent or less of the mental retardates, seventy-five percent are in the educable mentally handicapped group with I.Q. between 50 and 75. These children are indeed educable with special approaches and programs (6).

Of the five percent or less of the mental retardates, about 20 percent are in the trainable mentally handicapped (T.M.H.) group. Their I.Q. is 30-50. Many children with Down's Syndrome are in this group (although there are some who function near the normal range and at the normal range). The T.M.H. children can be mostly trained and can be educated only to a varying degree.

Of the five percent or less of the mental retardates, only five percent are in the very severe group with I.Q. less than 30. Many of these are in institutions. They cannot be educated. They can be trained in elemental habits only with great patience and a multi-discipline approach.

It is clear to us that there is a large section of our low-income population who are pseudo-retarded and therefore "at risk" because of the restricted opportunities to compete in a competitive society and it is most often engendered by conditions and situations beyond their control.

It is necessary to look at the situations and conditions that terminate in educational retardation for almost 1/2 of our child population, in order to plan, promote, and implement needed programs. Among these situations and conditions are:—

Health defects of a heritable, congenital and acquired nature; poverty or low-income; father not in the home. Mother overburdened and/or frustrated, and/or working outside the home; no good job for father and frustration from lack of success; inadequate diets and various nutritional abnormalities; lack of experience among the family constellation; numerous infections among the children; crowded housing; teachers trying to keep order and all too often a lack of time and motivation to teach; children acting out in school; frequent absenteeism; frequent moving; failure to develop adequate identification; mental retardation; language barrier; ethnic and racial group emotional immaturity; confused goals; insufficient material possessions such as clothing, furniture, beds, space, food, etc.; general insecurity; trauma from noise, crowding, etc.; gangs; peer group pressures for drug abuse, theft, vandalism, delinquency, crime, etc.; failure to learn to read; unrecognized worm infestations; fragmentation of health services; separation of health from education and welfare and separation of emotional health from physical health.

It is our opinion that most of the health defects are generally, minor causes of failure to learn. However, some health defects often assume major proportions because of the failure to combine properly the health needs with the educational and welfare needs. It is necessary nevertheless to state the health defects so that they can be best seen in relation to learning and to low income and poverty. There is abundant empiric and/or specific evidence that the following hazards go hand in hand:—poverty; inadequate nutrition; prematurity and low birth weight babies; small-for-dates babies; some neurologic deficits arising from prematurity; educational retardation; some health-learning problems; some emotional illness associated with frustration, lack of success experiences, failure to achieve near the potential, etc.; many physical illnesses, such as worm infestations, lead poisoning, some anemias, some malnutrition syndromes; some mental retardation; some of the drug and sex scene; some of the crime scene; and on and on.

In recent years a large number of reports in medical journals called attention to the various relationships between poverty, mal-

nutrition, low birth weight, educational failure, mental retardation, neurologic deficit, low income families and so on.

In a study of the physical and mental status of 500 single-born premature infants, and 492 infants born at term. Knobloch (7) et al reported that the incidence of abnormalities increased as the birth weight decreased and that among the infants with birth weights less than 1501 grams, the defects were 50.9 percent. The defects ranged from minor neurological damage to severe intellectual deficiency. Some of these also had major visual handicaps. The authors called attention to a continuum of reproductive casualty resulting from brain damage, with a lethal component consisting of abortions, stillbirths, and neonatal deaths and a sublethal component with a gradation of damage extending from cerebral palsy through epilepsy and mental deficiency to the minor dysfunctions that could result in behavior disorder. This continuum affects the human from the sperm and ovum union, until well after the baby is born. At birth the reproductive casualty factors are joined by the environmental factors and both then become operative on the baby. Pasamanick et al (8) stated in 1956 there appeared positive and probable etiologic relationships between low socio-economic status and prenatal and paranatal abnormalities which may in turn serve as precursors to retarded behavioral development and to certain neuropsychiatric disorders of childhood. Again in 1958, Pasamanick (9-10) and Knobloch called attention to the likelihood that inadequate diets in early pregnancies as a result of the summer heat might result in fetal cerebral-anoxia-producing complications, that in turn might account for an increase in mental deficiency and possibly other constituents of a continuum of casualty. There is a popular opinion among people generally that abnormalities of pregnancy are rare. This of course is not true.

Between 10 percent and 20 percent of recognized pregnancies end in spontaneous abortion. C. R. Green (11) stated that of 34 embryos two weeks after fertilization, 10 or 29 percent had major abnormalities.

Lillienfeld (12) in 1954 studied the records of 564 epileptic children and stated that they showed significantly more complications of delivery, prematurity, and other abnormal neonatal conditions than a similar number of matched controls. He also points up the continuum of reproductive casualty. Incidentally, he feels that because of his findings there is some doubt as to the genetic basis of convulsive disorders.

In 1955, Lillienfeld and Pasamanick (13) emphasized that the nonmechanical abnormalities, such as bleeding during pregnancy and toxemia, appear to be important in the continuum of casualty and that mental retardation should be added to the sublethal component of the continuum.

Goldberg et al (14) studied 553 legally blind children of single birth in New York State and suggests that blindness in children be added to the continuum of reproductive casualty. They point out that congenital cataract was the most notable affliction associated with low birth weight in their study group.

Knobloch and Pasamanick (15-16) in a paper on Heredity and Intelligence state that in the full-term control infants (studied in relation to their several investigations of reproductive casualty), re-examined at the age of 3 years, there was a "marked racial divergence in adaptive and language behavior, while motor behavior and personal-social behavior are essentially unchanged". For white children, the general development quotient rose to 110.9 and for black children, fell to 97.4. Similarly, language rose to 106.0 in the white children and fell to 90.1 in the non-whites. There was no change in gross motor behavior between the races, the quotients

remaining at 113.7 and 112.5 respectively. These findings point to the major impact of socio-economic deprivation factors on the development of language ability among young black children.

Investigative work indicates that the genetic information is stored (17) in the DNA and is transmitted to the protein-making machinery of the cell, so that a specific nucleotide sequence in DNA gives rise to a unique amino-acid sequence in the polypeptide chains of proteins. It may be said that DNA contains a coded message with instructions for the manufacture of specific proteins. DNA directs the synthesis of a specific RNA and this, in turn, directs the synthesis of a specific protein. Mutagenic changes affect genetic structures. Genes determine the activity of critical proteins, their quantity or quality, or the milieu in which the proteins operate. Work with mutants showed that in over 95%, each mutant had a single gene defect and lacked, by nutritional analysis, the ability to supply a single nutrient in optimal amount. Subsequent work shows many mutants do not contain appreciable amounts of a particular enzyme for synthesizing the essential substances. *Some mutants make some enzymes but less than an adequate amount.* Thus it is that the normal or distorted actions of a single gene can infringe on a wide variety of related actions and in this way influence metabolic patterns, cellular structures and morphologic units. *Nutrition is at the formation of life and at the development of a life into a functioning human.* The role of nutrition is basic.

A large number of inborn errors of metabolism have been reported involving proteins, fats, carbohydrates and pigments. Some of the conditions are fatal. Some are crippling. A few are understood and remediable, among which are diabetes and PKU.

A consideration of the large number of noxious elements and medications that are lethal or crippling to the fetus, infant, and child is extremely important. However, if we look at just one, namely the Thalidomide (18) affair, we gain an insight to the massive job that needs to be done in the field of medication—the hundreds of things we need yet to know. Thalidomide first came out as Grippex in 1956 and was thought to be effective in flu. Later it was found to be a sedative and was used as a sleeping tablet. It was marketed under a great many different names. The brakes were off and in its wake, thousands of despaired and mourning parents were left with their dead or crippled children. Fortunately incidents like these may be only "one-shot affairs". But socio-economic influences stay with us and take a heavier toll.

There is an overflowing literature on the effects of social (19) and economic and family environmental (20) conditions on the health and function of infants and children. The effects on growth and health such as very high infant mortality, slow rate of growth and physical and mental lethargy, is well-documented in some underdeveloped countries and areas such as among deprived groups in Central America. Patton and Gardner (20) stated, that maternal deprivation, even in high socio-economic homes can produce growth failure with symptoms of physical and mental retardation and severe associated emotional disturbance.

If we were to look at all of the sequelae of the noxious influences plaguing humans and zero in on the target of the day, it would be taking a look at the life wastage in terms of spontaneous abortions, immature stillbirths, premature stillbirths, premature livebirths, (which die soon after birth), and then the premature livebirths, which stay alive with various types of morbidities and defects. Being even more specific, it would be the non-white low birthweight baby in cities that have large numbers of low income black residents, and the white low birthweight babies

in areas that have large numbers of low income white residents.

Clifford (21) stated the problem is like an iceberg in which we see only the deaths and the casualties, with the greater number and variety of morbidities hidden deep. The prevention of prematurity is the *Sine Qua Non* for reducing mental retardation and other neurologic disorders.

Bacala et al (22-23) in two studies, one of low birth weight babies 1500 grams and less, and one of babies 1500 to 2500 grams found that in the under 1500 gram group, 50 percent had borderline mental development or actual mental retardation.

Williams and Scarr (24) found after careful studies that learning ability in low birth weight infants is directly associated with CNS damage.

Eaves et al (25) stated that many authors find as the birth weight decreases, there is a gradually increasing incidence of mental retardation and psychoneurologic defect.

We must take a look at the trends in prematurity in the U.S.A. (26). The following table shows the trends:

TABLE SHOWING PERCENT OF LIVE BIRTHS OCCURRING IN HOSPITALS AND PERCENT LOW-BIRTH-WEIGHT INFANTS U.S.A. 1950-1960-1967

Year	White		Nonwhite	
	Born in hospitals	Low birth weight	Born in hospitals	Low birth weight
1950.....	92.8	7.1	57.9	10.2
1960.....	98.8	6.8	85.0	12.8
1967.....	99.4	7.1	92.9	13.6

It is apparent that from 1950 to 1967 the incidence of prematurity or low birth weight babies has not changed significantly in the white group. However, in the non-white group the incidence of low birth-weight babies increased from 10.2 percent to 13.6 percent. The incidence is almost twice the percent in non-white over white.

A symposium was recently held on the role of malnutrition in the pathogenesis of slums (27). The speakers pointed up a long chain of abnormal conditions, each feeding on the other in an unbroken pattern. Some of the abnormal conditions are:—poverty in the home—maternal malnutrition—small weight baby—brain size smaller than normal. The placenta showing a reduced number of cells as well as differences in composition of DNA, RNA, protein and trace minerals. The brain size may be less than normal, with appreciable reduction in numbers of brain cells, DNA, RNA, protein and lipids. There may be intellectual limitations—growth impairment—frustration—infections—emotional deprivation and disturbance—health-learning difficulties, etc.

In a recent article (28) by Bergner and Susser, it is pointed out that the effects of poverty increase the chances of children growing up and marrying into the poorer classes and keeping up the cycle of poverty and reproductive disadvantages. Kallen (29) agrees with the abnormal effects of severe malnutrition, but states that the effect of mild chronic malnutrition on intelligence is not clear. It is suggested that among the consequences of malnutrition are apathy, ininvolvement in the world, unresponsiveness, interference with learning, interference with using the skills already present, negative self-image, feeling of incompetency, reduced social mobility, etc.

David Coursin (30) stated, "the question is not does malnutrition affect the brain, but how much does it and by what means?" He states that the requirements for prevention of malnutrition are at hand but the concerted efforts of medical, economic, political, educational, psychological, and social forces are needed to implement them successfully. Max Seham (31) stated that 11 million or

more American children are suffering from the "deprivation syndrome", and that the poor, especially the Negro, have been trapped in a relentless cycle of poverty for many years.

K. Mehlinger (32) in a hard-hitting article states the milieu of the ghetto is sick and other ethnic groups as Mexican-Americans, Latin-Americans, Puerto Ricans, and Appalachian-Americans are afflicted with the same endemic illness. He states, "oppressive social conditions destroy the protective function of the black family and rob the child of the inner security and self-esteem needed for mature growth . . . the ghetto child (ghetto-naught) plods and shuffles in a vacuous never-never land of unlimited nothingness.

PSYCHOLOGIC STATUS

Psychiatric service today is sorely lacking in most aspects of human need. When a child or parent show symptoms indicating psychiatric treatment is needed, the service seems not to be easily and readily available on an early and continuous basis. Preventive psychiatry is rare indeed.

A frequent need for the psychiatrist is from the school boy and school girl and their parents. The school is the first major competitive challenge in a person's life. The other major competitive challenge is when the young man and woman "go out into the world to seek fame and fortune," or in other words, when they enter the work force and need to compete to get the job, to hold the job, to change jobs, to get a raise, to gain recognition and so on: Preventive mental health programs practically are not making headway because a look at the world scene shows: widespread social illness, enslavement, mass murders, cruelty, almost unbelievable materialism, poverty, malnutrition, hunger and air-food-water pollution. Strangely, these exist side by side with affluence, good health, compassion, and charity.

If we look at the school scene we find:

- Too many children act out.
- Too many do not achieve well.
- Too many are on drugs.
- Too many are truant.
- Too many are emotionally disturbed.
- Too many are undernourished.
- Too many are sick with defects.
- Too many are defiant.
- Too many do not have clear goals.
- Too many are all of these.

In interviewing many children with some or all of these troubles, we find many have confused goals. Many have great difficulty and are actually in crisis, trying to establish and identify with themselves, with adulthood, with their families, with the school, with their future. Many do not have a clear idea of their role and are depressed and fearful of the future. Many gravitate to the peer group or the gang or club, out of sheer need for comfort in belonging with others, who feel as they do. Many neglect their nutrition because of general depression and hopeless outlook. Many put on a rebellious and pseudo-independent front and attempt to hide their inner depression. Many turn to promiscuity or to self-punishment or punishment of others. Many are unable to bring proper relationships to the id, ego and superego and the result is failure to establish optimum or near optimum function. The present drug scene in our opinion has a strong element of depression of youth, and the drug scene is only one symptom of this widespread depression. Society is faced with a great challenge. It would take a major change of direction on the national and world scene to make effective priority changes. It would take an Herculean effort to change entrenched committees, departments and groups all along the line, to move rapidly to give service to people. Is this probable?

As the infant grows he needs just enough frustration and challenge and motivation to develop skills as they are challenged to appear, and also so that the individual pattern of skill development will indeed unfold in as near an optimal manner as possible. On the part of the mother and father this means knowledge, love, understanding, compassion, and relative freedom from want of the basic necessities to live. It also means relative freedom from fear of living in any particular country where the climate is far to the right or far to the left. The parents must set examples of good total living so that the milieu of the infant will be best for optimal growth and development. The parents need to have some knowledge of child behavior and child growth and development, especially in regard to diet, inoculations to prevent disease, periods of development, puberty, adolescence, and so on. Many people of foreign ethnic groups in their own foreign countries had little knowledge of these things, but they had love and a father in the home and work to do, and they had a simple, non-rush type of society and milieu. Thus, their built-in skills of being a father and mother were quickly developed when needed.

To expect a mass of black poor, Mexican poor, Puerto Rican poor, Appalachian poor, and rural poor in various parts of the country, to meet the challenge of parenthood when they face more prematurity, poor health care, poor housing, poor education, increased infections and segregation from the more affluent, is, to say the least, unrealistic. Or to expect that many of the existing Federal Health and Education programs can do the job is indeed an amateurish approach to serious widespread problems.

As these children of poverty grow into the adolescent period, they need to identify with interests outside the homes such as friends, loves, groups, jobs, goals, school, clothes, sex, sports and so on. With the total past of so many, it is no wonder the expansion of interest is the gang and its accompanying school failure, truancy, delinquency and the rest.

As this country developed, rationalism took over, but neglected the emotional needs of the ever-increasing population. Rationalism developed from expediency and together they led to steel, brick, mortar, guns, wars, crimes, and lack of participation in decision-making by the young. The materialistic developments continued at a fast pace but wasn't enough to meet the needs of peoples' minds, and changing needs, and changing desires. As the young presented their claims and desires, they feel they were met with a tightening-up of the status quo. We should recommend and implement programs that will surely improve the plight of the needy. The cost of the programs that will work is immaterial—if they work. The vista of planners often is palliative rather than curative—often expedient rather than groundbreaking in imagination.

Finally, we would like to give you our definition of proper nutrition. It should mean proper food intake, proper air intake, proper water intake and proper thought intake.

This world was indeed fortunate to have had a Bobby Kennedy who said:

"Some men see things as they are and say, why? I dream things that never were and say, why not?" We think the world needs to think in the broad aspects embodied in Bobby Kennedy's work.

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[Journal of School Health, October 1971]

IMPROVING THE QUALITY OF LIFE—II¹

(By Irving Abrams, M.D., F.A.A.P., Louise Daugherty, Richard S. Abrams, M.D. and Michael Vanecko, M.D.)

In June of 1971, Part I of "Improving the Quality of Life", was published in this Journal. Part I emphasized the widespread existence of educational retardation and reviewed the possible and probable relationships of poverty with health defects, but stressed the fact that while health defects were very important in the general failure to learn to achieve, the most important causes were social, economic, and political. A long list of defects, conditions and situations were brought together. Among these are:—poverty, which breeds poverty, inadequate nutrition, prenatal and perinatal abnormalities, low birth-weight babies, increased infections, neurologic deficits, apathy, emotional immaturity, lack of self-esteem, negative self-image, reduced social mobility, identity confusion, high infant mortality, environmental and cultural deprivation, and the concept of a "continuum of reproductive casualty resulting from brain damage, with a lethal component consisting of abortions, stillbirths, and neonatal deaths, and a sublethal component with a gradation of damage extending from cerebral palsy through epilepsy and mental deficiency to the minor dysfunctions that could result in behavior disorder and some health-learning problems."

Part I pointed out the school situation in which too many children act out, too many do not achieve well, too many are on drugs, too many are truant, too many are emotionally disturbed, too many are undernourished, too many are sick with defects, too many do not have clear goals, and too many are all of these.

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The national situation is serious. However, the problems are complex. To attempt to meet the challenges and to fulfill the needs, with a "business-as-usual" methodology is again destined to keep alive many preventable situations and to lose time and lives and materials and energy. This would be a repetition of much that is happening now. Many of the Federal HEW programs are not "on target". Many of the E.S.E.A. programs are burdened with administrative details and administrative overhead so that the recipients of the services are short-changed. Many non-medical persons who are overseers or "funding people", use their energies to accumulate numbers and quantities of services rather than quality of services with personal and individual concern.

Some of the trends in services actually removes responsibility from the parents and places it squarely on the community. There should be a strong trend to provide health services in which a general practitioner or pediatrician would be the "family doctor", and to practice in groups so that the family doctor would have access to specialty services when needed. This is similar to the old "Mayo Clinic" concept and is good. However, the Head Start program clearly separates the Head Start child from the family health care, and, indeed, splinters the family health care. In E.S.E.A. programs, the personnel paid by E.S.E.A. funds cannot serve children eligible for Model Cities' health service, and cannot serve Head Start children eligible for Head Start health service, even if the E.S.E.A. child is in the same school as the Head Start child, or any other child. This necessitates duplicating personnel and school visits. To us, as doctors, this is characteristic of the unrealistic splintered planning at top levels.

Another negative aspect of what is taking place in big cities is the frequent changes of professional staff in some medical centers that serve low-income families so that a child or family finds it difficult to establish a necessary intimate relationship with the family doctor concept.

The solutions are not easy. There will need to be plenty of time, materials, labor, production, cooperation, willingness to do the job, careful planning for the present and for the long-range. Plugging holes unfortunately has been substituted for effective planning. Fragmentation has too often side-tracked comprehensive integrative programs. To come anywhere near filling the needs of our American society will require revolutionary concepts, Herculean efforts, massive amounts of money, and better national goals than now exist. It could be easy if the problems were only of a health nature, because a health program of comprehensive scope would be the answer. What makes the solutions difficult and complex is the fact that health is tied in closely with education and welfare and one cannot be separated from the other.

In days gone by, if a person was sick, and needed a hospital, and didn't have the money to pay, his illness was attended to at a charity hospital, but the welfare needs were not considered too seriously because the family didn't complain too seriously and "suffered in relative silence", so to speak. Today, there is an organization of people into groups, and they are aware of the needs and they articulate them clearly.

Also, it is apparent from years of observation of the passing scenes, that the greatest causes of present-day health problems are due to social, economic and political reasons. Thus the solutions must consider programs of social, economic and political significance in order to improve health, welfare and education. Furthermore, the acuteness of

the problems requires unusual and massive programs to be effective. For example, feeding children breakfast and lunch in school isn't going to solve the nutritional and welfare problems of the poor family (33). The problems of the poor family are intergenerational, that is, passed on from one generation to the other. This is one reason why the social and economic factors are of major importance.

Can the U.S.A. afford massive planning and massive programs? The answer, of course, is yes! The President of the U.S.A. called for revolutionary planning. We need refer only to World War I and II and the Korean and South Vietnam Wars, and the space program and then think of the huge amounts of money, manpower, materials and organizations that went into them. The true statistics of these wars would stagger anybody. We are not expressing any opinions about wars except to state that the capacity of this great nation indeed can solve all the major problems.

IMPROVE THE QUALITY OF LIFE

To improve the quality of life will surely need more than just vitamin research or teaching some women to use contraceptives, or building some neighborhood health centers, or any planning that may be sporadic, or integrating a few schools or a few teachers, or adding some more children to Head Start. All of these help some, but the problems will always be ahead of the solutions and improvements.

The word "adequate" seems insignificant and so little. It is used so often. Yet, it carries a profound meaning and has the vista of mountains, and costs billions of dollars. The following programs and actions are recommended. They embrace the interests of total living rather than just medicine, because health cannot be separated from other necessities of living, such as education welfare and religion in all its meanings.

We recommend the following:—

1. A conference of World Religious leaders, representing all major religions, to consider practical aspects of population control, of promoting ecumenicalism, of preventing war, and of teaching children the benefits and positive aspects of religion so that the spectre of condemnation of any religion will eventually disappear from all teaching and religious practice. The conference should be regularly scheduled similar to the way management and labor are brought together to settle differences for the common good. The "common good" is in deeper trouble in the area of religious differences, religious bigotry, population out-of-control, wars rampant, and so on, than the common good of any differences of labor and management. Why does the world press pay headline attention to strikes of labor against management rather than to the urgencies herein stated?

Of course, we are fully aware of the obstacles and complexities involved in possible but improbable meetings of world religious leaders. But isn't it high time that religious leaders faced their responsibilities squarely and made themselves accountable to the betterment of mankind and the improvement of the quality of living? Is it too much to expect them to meet and "iron out" differences exactly as labor and management meet in emergency sessions? We know for sure that sometime in the future, this will be done if people are to survive, so why not now, and shouldn't political leaders on the national scene take responsibility to bring about these meetings.

2. A World Congress of the Great Powers to do the following:—

a. Elimination of pollution of air, drinking water, food, lakes, rivers and oceans. A definite timetable must be instituted world wide. Agreements must be reached. Following

agreements on a world basis, each nation must start a large-scale de-pollution process.

b. Elimination of wars through a World Body. This must be accomplished through meetings of the Great Powers. Our own country, the U.S.A., must spend enough to keep militarily strong, but must avoid wars of mistakes.

c. Guarantee freedom of small democratic nations based on compassion, understanding and justice, rather than on oil and real estate.

d. World-wide controlled food program. There is enough food to feed the world. This must be done through the Great Powers. The food production capacity can be mobilized to do the job. In the U.S.A. a nation-wide food plan to eliminate hunger and quantitative and qualitative defective diets is necessary so that the people will be exposed to the knowledge of adequate diets and will have the means to purchase them. This should not reduce research in basic foods and metabolic problems and enzyme systems, etc. However, it offers the quickest and most effective method of reducing under-nutrition and much malnutrition and reducing prematurity and a lot of other troublesome traumas. The cost of feeding the large number of needy of the low-income group is big. However, the long-term cost of the sequelae of inadequate diets is far greater. The impetus needs to be national.

3. Health-Education-Welfare Educational Program. Health education, and education, and welfare education, in all its aspects to the community is sporadic and mostly crisis-inspired practically all over the nation. We send children to school to receive education, to increase their experience, their knowledge, their judgment and their maturity. We neglect the adults. The adults of the nation need information on a regular basis on health matters, economic matters, morality and ethics matters, business matters, legal matters, welfare matters and so on. While all this information is available to anybody who wishes to set out and get it, the fact remains that the great majority of adults (parents and others) do not get it nor do they get enough of it to take advantage of modern knowledge and facilities and services.

In these regards, the press of the national, radio, T.V. and the rest of the communications media needs to be mobilized to bring to the doorstep the things people need to know such as:—

Our National Goals—3 minutes.

The Sacredness of Marriage—3 minutes.

The Responsibilities of a Father—3 minutes.

The Responsibilities of a Mother—3 minutes.

The Importance of Going to School Every Day—3 minutes.

Home Reading for the Family—3 minutes.

High-Risk Pregnancies—3 minutes.

Local Health Facilities—3 minutes.

Local Welfare Facilities—3 minutes.

Your Eyes—3 minutes.

Your Child's Eyes—3 minutes.

Drug Use—3 minutes.

Drug Abuse—3 minutes.

Opportunities for You—3 minutes.

Evening School Program—3 minutes.

Vocation Adult Program—3 minutes.

How to Answer Your Child's Sex Questions—3 minutes.

Any and Every Practical Subject, of Which There are Many Hundreds.

These 3 minute releases should be given, one a week, in the daily press, T.V., radio and other communication channels. If necessary, new channels of communication should be opened. The author of each 3 minute segment should be a practical expert in the field. All of the present attempts before the public are fragmented and piece-meal in substance. This suggested program can inte-

grate health education with other education and welfare of the people. The subject matter is endless. The releases will vary with the community. However, the communication channels must be used more for the benefit of the people than ever before. The "Press" has done a good job but needs to do better. It is not enough to headline a sporadic outbreak of diphtheria or encephalitis. It is necessary to headline the preventive and accepted aspects of total living, so that the people are informed for the common good. There are no politics in reading on the front page the location of various human services. There are no politics in carrying on the front page a 3 minute article on the psychologic needs of children or on the things a person should expect on a trip to the doctor's office, or on why a child needs to attend school every day or on HEW material the parents should know about, and so on. A massive continuing HEW program to the total community can be conducted by a Board of Education in cooperation with a medical society. This can indeed be quite practical.

4. Massive Rehabilitation and Vocational Program, to train people in need of skills that will make them fit to enter the productive work force and remove some of them from a life of frustration, depression, dependency, failure and charity. It is long overdue to train all people who can be trained in skill-development. Our nation needs the skills of people. Giving skills to people now who are "failures", "cripples" and so on, would restore their hopes in many instances. There are thousands of possible jobs in which many people can be trained, people who now are not producing but who are passively receiving help and who wish to contribute to the extent of their time and strength and within the terms of their defects. This program should not be compulsory but needs to be organized so as to reach out to the people in a friendly, helpful, cooperative way.

5. Sharp increases in school budgets for health services. This will afford a real opportunity to bring health services to children where they are needed. For example, the child in school manifests many health problems inside the school building. The improvement and correction of these defects need to be meshed in with an in-depth understanding of the schools' educational system and the nature of the child's competitive challenge and needs. Therefore, physicians need to have some exposure to the school system, before they can be effective in making decisions about the child's school problems. There needs to be a program of medical student and/or interne and/or resident training in school systems. Medical-education planners need to incorporate the school systems into their curricula and programs, so as to round-out the medical education of doctors and other professionals so they will have a knowledge of health, and education and welfare rather than of health and only a smattering of school health knowledge and solutions.

6. A National Health Plan, in which the family doctor will give the primary service in group offices, clinics and hospitals, and in which the family doctor will have access to all specialty services and specialists. We cannot see that people in poverty can pay totally for needed services. A national plan of some sort seems practical. However, the details need to be worked out at conferences of government with health leaders and community representatives. The participation of the non-professional community is vital.

7. A National Plan of stimulating and motivating high school boys and girls to think of, and plan, and enter, the medical, paramedical and nursing and laboratory fields. This is done by having selected students, especially in low-income areas, visit hospitals once a week, 2 hours each week, for a semester, to get exposed to surgery, medi-

cine, pediatrics, laboratory, x-ray, and all other departments in hospitals, on a planned basis, with high-school credit given to the student. This will guarantee a steady supply of manpower to all low-income areas of the nation. This plan is being developed citywide in Chicago by Dr. Frederick Stenn (34) of Northwestern University Medical School and Wesley Memorial Hospital, with the cooperation of the Chicago Board of Education Medical Bureau, and Department of Special Education and Pupil Personnel Services. Students go to the hospital nearest the particular high school, by arrangements all prepared in detail.

8. A massive plan of building new schools, new hospitals, and restructuring those that can be fixed. This needs to be a continuous new program and replacement program because the need is great. This will open up many jobs to help cut unemployment, as well as to care for the educational needs of children, and the health needs of all.

9. A massive plan of building new low-cost housing and reconstructing those that can be fixed. For new housing, the units should be separated and no more than 1 or 2 stories high in order to remove the trauma and crowding of high-rise dwellings. Arrangements need to be made for beautifying the houses with land, park, playground and trees and so on. This program will, of course, be continuous and on-going. It will open up many jobs. It will bring confidence and security to poor people. It will bring hope to the depressed. Private industry can indeed afford to "get in the act" and still retain low-cost aspects, if government will clear the way.

10. Programs of crime prevention must be instituted. Public officials must not "look the other way".

Of course, there are other programs needed. Again, the cost of all of these programs is less than the cost of war, the cost of property damage from frustrated youth all across the country, the cost of keeping youth in prison, who could have been in legal productive jobs, etc. Taxes need not go up. Private industry can absorb most of the programs and with profit. What is needed is initiative and cooperation from government. Also, what is needed is the same powerful massive push for these programs that surely will improve the quality of life, the same vigorous push that is given to wars. Depressions need not occur, if peace breaks out.

Finally, the success of massive programs depends on the skill and integrity of the planners. It surely wasn't the intent of the Medicare planners to pay Nursing Homes enormous sums of money for room and board for elderly men and women, when a great many of these "homes" treated the elderly with neglect. It surely wasn't the intent of Medicare to pay enormous sums to many doctors when some doctors did not give adequate quality service to the elderly sick.

We realize it is important to be practical. While some of the 10 programs herein recommended are hardly likely to be implemented, we do feel that saying what we've said here is long overdue.

SUMMARY

Parts I and II reviews some of the available evidence linking poverty with health defects. It is pointed out that, while these associations are probably true, the most important etiological factors are not primarily health, but rather are social, economic and political. Large-scale programs are recommended to improve the quality of life.

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PROBLEMS OF THE AGING

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mrs. ABZUG. Mr. Speaker, there are 20,000,000 Americans over the age of 65. The elderly are the one age group in our society that has become poorer in recent years, and the number of elderly poor continues to increase. The Government has set \$1,750 as the poverty level for an individual and \$2,200 for a couple. Of the total number of single people over the age of 65, 47 percent live below the poverty level. And 17.6 percent of all aged families live below the poverty level, while one-third of these families have incomes of less than \$2,670. Most of these people are dependent upon income from social security benefits.

Because of inflation and skyrocketing costs of food and medical care, the elderly are not able to meet their needs. Medicare, for example, only pays 40 percent of health bills. Property insurance rates have increased 60 percent since 1957; in the same time period, property taxes have risen 50 percent. The cost of housing has increased by more than 25 percent and the cost of transportation has risen by something over 35 percent. Social security and pension benefits have not kept pace with the cost of living increases and the elderly find themselves increasingly excluded from the mainstream of our society.

The Special Studies Subcommittee of Government Operations, of which I am a member, has been holding hearings on the problems of the aging. With the cooperation of our distinguished chairman,

Mr. WILLIAM RANDALL, we have had the privilege of hearing witnesses from New York who are particularly familiar with the problems of the urban aging at these hearings. Because their testimonies pinpoint and highlight the problems of the urban aging in particular, I would like to insert them in the RECORD in their entirety:

STATEMENT OF ESTHER LEVITT, DISTRICT 65, RETAIL WORKERS UNION, NEW YORK CITY

In speaking of the needs of the elderly in our country, we would not wish to negate the need for additional money, Social Security, housing, medical care, etc. Our Union has 3,000 retirees, our Pensions are better than average. Nonetheless, our members income falls below the minimum as described by the Bureau of Labor Statistics.

The housing that our retirees—White, Black and Puerto Rican—live in, ranges from adequate to the cell-like rooms in ramshackle rooming houses, where there is no privacy for either cooking or bathroom privileges. However, even in the face of this lack of privacy and with adequate income, the hardest and saddest part of their existence is the constant and never relieved loneliness.

There are some elderly people who make an attempt to hang on to the last vestige of involvement with other human beings. It is one of the most pathetic sights in contemporary America to alight from a bus or train and find the elderly flotsam that inhabits bus and train depots. They are also found in all night cafeterias throughout the city. This is unconscionable in our vital affluent society.

But, there are some even more pathetic. Those are the elderly who do not ever have this capacity to seek human relationships. They are utterly confined to a quasi existence. These are the ignored and the loneliest people in the country. They venture forth only to make their meager purchases and have no contact of any sort with any other human being.

It is to these hundreds of thousands of lonely citizens that we must direct our attention and energies. We must "Reach Out" to these people. We think that the best way to institute this "Reach Out" operation would be the agency which we have at this very moment.

The Social Security Administration should be the instrument for preparing people for retirement and for insuring that once retired they are not cast off from the American mainstream. We have a nucleus of a staff that they might draw from in the ranks of those currently retired. It has been said repeatedly that our most priceless asset is our people. Should people just shrivel up like autumn leaves and be swept away because they have worked all their lives and retired? Where are the Golden Years? What do they mean? What could they mean?

We have done much to extend life. Middle age now reaches into the 60's. We know many vital people who are well into their 70's and some in their 80's. Let us use some of these vital elderly people to "Reach Out" to the lonely, timid retirees.

The mechanics of such an operation to "Reach Out" are available through, let us repeat, the Social Security Administration. Currently, we in District 65 have just instituted such a program, and are gratified at the number of people who have responded to our first attempt. But, we are just one institution in one great city. If this "Reach Out" Program were adopted as National Policy, we could retrieve millions of wasted lives.

It is obviously beyond the power of private organizations to contribute greatly to this

vast need. You in this room have the instrument and the power to break down the walls of indifference, apathy and loneliness.

Thank you.

STATEMENT OF ROLAND N. WILLOUGHBY, RETAIL WORKERS UNION, NEW YORK CITY

The needs of America's Senior Citizens are many.

There is hope that the White House Conference on Aging scheduled November 28 to December 3, will make a genuine effort to make life better for older Americans.

The fact is that millions of men and women age 65 or over are still without adequate income—many of them lacking the cash necessary to participate in the Medicare Program.

Some of the problems affecting the aged which require prompt attention include:

- 1) Higher Social Security increases
- 2) Housing for the Elderly
- 3) Medicare improvements
- 4) Nursing Home standards
- 5) Transportation needs

All Americans should have an adequate income as a matter of National policy and to the extent that this level of income is not achieved through private and public retirement programs, income supplementation should be provided from general revenues of the United States Treasury.

To achieve this level, a 25% Social Security increase effective January 1, 1972, over and above the 5% Social Security increase proposed in the Social Security Welfare Bill, is necessary. When last year's Social Security Bill was introduced, it was greeted as necessary and indispensable legislation. The special committee on Aging has called the problems of the elderly an "unnoticed crisis." There is no doubt it is a crisis which affects a majority of the 20 million elderly Americans and threatens to embrace many more millions of people nearing retirement age.

Senior Citizens are entitled to a level of income sufficient to eliminate poverty. There has to be further development of programs to assure elderly citizens reasonable comfort and security and a better balance between income after retirement and income before retirement; to maintain the power of the elderly by increasing retirement income in line with improvements in living standards of the employed segments of our society.

A nation as wealthy as ours can afford to do more for its older people. Government has the duty and the responsibility to serve as a strong advocate for the beneficiaries of the programs it provides. In a representative democracy, government at all levels is the servant of the people. For older people with their special problems of income and health problems, government has the responsibility of seeing that the older people have a fair share of our nation's resources.

HOUSING FOR THE ELDERLY

The housing crisis confronting older Americans is appalling. Six years ago, the Older Americans Act declared that, "in keeping with the inherent dignity of the individual, older people of our nation are entitled to suitable housing—individually related, designed and located with reference to special needs and available at costs which older people can afford."

Recently, the planning staff for the White House Conference on Aging made this finding: "It is apparent that the decade of the 1970's finds the housing circumstances of older people as critical as ever."

"Millions are still forced to live in the dilapidated dwellings of the central cities and in economically deprived rural areas. Most are too poor to afford anything better."

"Many are lonely and isolated, afraid to venture into the city streets. They are immobilized by the lack of transportation and

are deprived of needed services from their communities."

Although we have a wide range of Federally financed programs for the elderly, the progress in providing elderly housing units over the past decade—an optimistic estimate of 375,000 units (an average of 37,000 units per year)—is pathetic when measured against the absolute need of at least three million units.

A state of acute emergency exists now with respect to the housing conditions of the elderly—a denial of their "essential dignity" which compels them to live their later years in neglected dwellings in cities and in deprived rural areas.

The situation is worsening. A program—Section 202 of the Housing Act—which provided direct loans to non-profit organizations to build housing for the elderly, a program off to a most promising start, was phased out in 1970 in favor of a program requiring these non-profit organizations to compete in a tight and high interest mortgage market.

We note that the Report of the President's Task Force on the Aging of April, 1970 described this 202 program as "a particularly effective program to meet the housing needs of the elderly."

The developments of housing units for the elderly has been further blocked by the downgrading of concern for senior housing in the Department of Housing and Urban Development. For a period of several years, up to 1969, HUD had a position of Assistant Secretary for Senior Housing.

By Administration policy, the housing needs of the elderly have been submerged in a program of meeting the housing needs of the low-income generally. This concerned the President's Task Force on Aging which observed that this "will inevitably deny to the elderly consideration of their needs for special living arrangements." The record shows that this is happening.

Two decades ago, Congress adopted as a national goal provision of "a decent home and a suitable living environment for every American family." Our lack of progress toward this goal is shameful and for the elderly—particularly the low-income elderly—grim and cruel.

To ease this situation, a five year housing program with the following timetable is needed:

- a) Immediate release of \$928 million in housing fund appropriated by Congress but impounded by the Administration.
- b) Full funding of housing programs to achieve the national goal of 2,600,000 units a year with specific allocations for the construction of a minimum of 120,000 units for the elderly each year.
- c) Substantial upward revision of income limits for eligibility for low and moderate income housing.
- d) Continuance of and additional authorization for direct loans under the Federal Housing Act's 202 program with an amendment to include life supportive services under direct loan, low interest financing.
- e) Use of Federal influence to obtain relaxation of zoning regulations which restrict construction of low income housing for the elderly where the need exists.

In view of the large number of housing units now inhabited by older people which are being lost by deterioration and decay, we urge an emergency program of rehabilitation to encourage and implement the creation on the State level of volunteer or other rehabilitation and repair programs for housing occupied by the elderly.

An Assistant Secretary for Housing for the Elderly should be appointed in the Department of Housing and Urban Development, given statutory authority and charged with initiating, review and implementing housing programs for the elderly.

The ratio of housing charges or rent should not exceed 20 per cent of income. A governmental rental supplement program should be adequately funded to provide the necessary subsidy for this purpose.

Congress should enact legislation providing a national agency to set-up and administer a nation-wide program of home owner and allied insurance protection to be available at reasonable, uniform cost without regard to the area involved or the character of the neighborhood population.

The achievement of these recommendations would be a partial solution to the housing needs of America's elderly, but one further step is necessary. The alarmingly growing crime rate in our nation's cities strikes fear into the hearts of our citizenry. Senior Citizens are afraid to walk the streets or even within the outer confines of their dwellings.

There should therefore, be provisions for adequate professional security protection for elderly citizens in housing projects.

ON ANOTHER SUBJECT—MEDICARE IMPROVEMENTS

Top quality comprehensive health services should be available to every American as a matter of right without regard to social position, income, race or religion.

The Health Security Bill—S-3 in the Senate and H.R. 22 in the House of Representatives, is designed to provide top health services under a program of Federally operated national health insurance.

This would pay at least 70% of the average citizens health expenses as compared to a smaller percentage of health costs covered under Medicare, the Federal program of health insurance for those age 65 or over.

However, pending enactment of a much sorely needed National Health Insurance Program, improvements in the present Medicare program are vitally essential. These include:

- a) Elimination of the premium charged for Medicare, Part B insurance. Medicare, Part A and Part B, should be combined and the Medicare, Part B eliminated. Medicare, Part B benefits should be financed through taxes on rising payrolls and through Federal general revenues.
- b) Out-of-hospital prescription drugs. Medicare should pay the full cost of prescription drugs. It now pays for drugs or other medications prescribed during hospitalization, but not for drugs prescribed for use on an out-patient basis.
- c) Abolish limitations on hospital care. The Medicare benefit period should cover the entire period of treated illness or disability. Present limitations on Medicare coverage of hospital care should be eliminated up to \$60 as should the additional out-of-pocket payments for hospitalization beyond 90 days and the limit of 100 visits under a spell of illness under Medicare home health services.
- d) Immediate determination of eligibility for extended care. Many Medicare beneficiaries enter extended care facilities believing Medicare coverage is assured only to learn, frequently, after weeks or months, that Medicare officials have ruled against reimbursements.

The United States Department of H.E.W. should promptly devise procedures to insure early decision as to the patients eligibility for reimbursement for extended care under Medicare.

- e) Medical costs should be reduced through maximum use of predetermined reimbursement rates for doctors and other providers of health services and not through additional charges to the patient. Our government should move quickly to institute a "watch-dog" agency for this purpose until superior health services can be provided through a National Health Program for all Americans.

NURSING HOME STANDARDS

Safety in Nursing Homes has been an ongoing concern of millions of elderly who must live in these institutions. President Richard Nixon recently spoke about the ghastly conditions in our Nursing Homes. Pressure for higher standards of Nursing Home care has been increasingly exerted by organized labor, the American Association of Homes for the Aging, Senior Citizens Councils and other humanitarian groups.

What is needed is the establishment of professional standard review organizations and an inspector general for health administration and public access to records concerning an institution. Many of our elderly have become frightened and alarmed over the prospect of being shut out from the outside world by being confined to a Nursing Home.

The Nursing Home industry has greatly expanded since the mid 1960's. A substantial portion of United States Nursing Homes provide substantial services to patients in their care. Independent studies of the Nursing Home industry have proved this.

Incidents of neglect and brutal treatment of patients in Washington, D.C. area Nursing Homes were reported on the floor of the House of Representatives a few short months ago. Public hearings in many areas of the nation to demonstrate the extent of the seriousness of deficiencies in our nation's Nursing Homes are required. A resolution was introduced in the House of Representatives calling for a Congressional investigation of the Nursing Home industry. Make this resolution the law of the land.

TRANSPORTATION

Older Americans rank transportation as a major problem. Without adequate transportation the elderly are denied easy access to shopping areas, church services, recreational facilities, gainful employment and social contacts with friends and relatives.

Cut off from these vital contacts, the elderly tend to become isolated with resulting mental and physical deterioration. For most aged persons, transportation is a heavy expense—accounting for about nine cents of every dollar of the average retired person's budget. It is the top expenditure after food and housing needs.

Senior Citizens see the need for a Federally aided mass transportation, equal in scope to the Federal highway program which, it is estimated will have cost \$50 billion when it is completed in 1974. To this end, Older American groups urge Congress to earmark a substantial portion of revenues from Federal gas, oil, and motor vehicle taxes for improvement of mass transit service.

Some U.S. cities have granted their elderly residents the privilege of riding on public transit lines at reduced fares during non-rush periods. State and local authorities across the nation are urged to extend this privilege to elderly men and women.

Substantial reductions in bus, train and domestic air fares are required for the elderly. This would promote the health and comfort of seniors by making it easier for them to visit distant members of their families and friends and to spend their leisure time in travel.

Those are some of the problems and some of the solutions. These problems have been with us for centuries. It is up to you ladies and gentlemen to insure that they are not with us a hundred years from now. Thank you.

STATEMENT OF GERTRUDE W. WAGNER OF HUDSON GUILD-FULTON CENTER FOR SENIOR CITIZENS

Mr. Chairman and members of the Committee. Thank you for this opportunity to present some ideas relating to the aging.

In this country of affluence, the aged are truly among the poorest of the poor. Shunted

aside from the mainstream of the work-a-day life, even though their skills may still be intact, they are soon barely surviving on the sums of pensions, annuities and social security. Many are deprived of comfort, health and adequate nutrition.

The Hudson Guild-Fulton Center is located on the lower west side of Manhattan in Chelsea—an area a square mile in size and 22.6% of whose population is now sixty years of age or over. As a voluntary agency with a registered membership of some eight hundred persons, in this age category, and also offering services to many other elderly, we feel that some of the concerns are indeed amenable to solution, in whole, or in part, by Congressional action and we should like to highlight them. Although we represent the urban population, with many intensified problems stemming from living in an impoverished, complicated city, nonetheless, there is a communality among all elderly.

One such concern is the inadequacy of income, which affects many other problems. Our own records indicate the 70% of our members have incomes below the \$185 monthly food stamp eligibility level. We would suggest that a basic minimum decent income based on the moderate Bureau of Labor Statistics tables, adjusted to locality, be provided through Social Security payments and supplemented from general tax funds.

Administration through the Social Security system would eliminate fragmented, costly, ineffective programs, such as Welfare and Food Stamps, and would provide for needs in a dignified and humane way. However, sufficient basic income would only, in part, alleviate such problems as inadequate and expensive housing; poor but expensive health care services; lack of security; inadequate transportation; poor nutrition and inadequate meals.

We believe that testimony will be offered here on housing needs, but we would indicate nonetheless that requests from our members for help with housing makes us well aware that there are no apartments available for the thousands (said to be 34,000) Seniors who have been "processed" as eligible for public housing. We suggest that the Congress assume responsibility for enforcing a continuing rent freeze and rent control in such cities as New York—which is due in January 1972, for rent increases and the elimination of the temporary program of rent increase exemptions for Seniors. We further suggest that federal housing programs be realistic so that communities can indeed build or renovate housing.

Further, we urge inclusion of provisions for needed services—as an example—for security police, especially where there is a high concentration of elderly. As part of the large urban community, the elderly would urge effective help at the federal level for increasing police and security forces and in providing for effective drug prevention and addiction treatment programs.

Few would contend that medical services for the aged are adequate. In the Chelsea area, the Hudson Guild has been struggling with local hospitals and other agencies to find some way to meet the needs of temporarily or chronically ill persons who with minimum help could remain safely and comfortably in their homes. The Hudson Guild employs two elderly persons to provide escort and personal services, including assistance with Medicaid, Medicare, Social Security problems, etc., but many more elderly in the area need similar or expanded services. Medicare regulations for home health aides are restrictive and unrealistic and do not provide such necessary services. But, the ever-increasing need for these are aggravated by malnutrition, anxiety, loneliness, etc.

A more comprehensive health service pro-

gram in which the needs of the aging would be given a high priority is clearly indicated but until such a program is properly legislated, Medicare now must be expanded to include such items as medication, glasses, prosthetic appliances. Good, professionally-determined standards for payment of services by the carriers must be set and be available for inspection. The federal supervision of the Medicaid programs of the several states must insure that services to the poor, including the elderly poor, not be continuously eroded. The current reduction of services in New York State through a 20% co-insurance and the elimination of payment for medication, glasses, dental services, means that New York State is not providing help to the medically indigent.

Since these are days of cost and benefit considerations, let us weigh the results of this deprivation in terms of cost to the taxpayer. And while so doing, let us be mindful of the fact that these older people have by virtue of their longer lives paid more taxes than many others and that those monies which they are now receiving (if indeed they rate Social Security) were paid for partly by them and partly by their employers.

During the past three years, some 30 nutrition projects throughout the country were partially funded by the Administration on Aging under Title IV of the Older American Act of 1965. Types of food services varied greatly from center city to rural areas, from multi-ethnic to homogeneous groups, from meals in large group settings to small gatherings in the homes of participants.

Common denominators of all of these projects were sound nutritional value of meals, nutrition education and social interchange. Most of them also had a home delivery service built in for those physically unable, due to advanced age and, or infirmities, to bring themselves to the meal service.

The net results have been more viable people (for the elderly are people) the ability to remain longer in their homes, in their communities, thus postponing the advent of custodial care; earlier discharge from hospital because meal service was available first at home and later back in the group setting.

For the hard facts and figures in terms of the comparative cost of subsidizing such meal programs and the cost of either longer hospital care or custodial care maintenance, I respectfully refer you to Item 6, page 100, of Joint Hearings before the Special Committee on Aging and the Sub-Committee on Aging of the Committee on Labor and Public Welfare, United States Senate, Ninety-second Congress, March 25th of this year, Senator Frank Church, Chairman.

It is now a year and a half since the recommendations of the Panel on Aging of the White House Conference on Food, Nutrition and Health was released. The Preamble states: "The present crisis among the aged demands immediate national action to relieve poverty, hunger, malnutrition and poor health. . . . Certain priorities exist:

(1) Provision of adequate income to the aging. (2) Provision of adequate nutrition for the aging. (3) Provision of adequate health services to the aging. (4) Federal, state and local funding to insure immediate implementation for (1), (2) and (3) above. (5) Prompt provision of substantial increases in federal funding for support of education, research and development in nutrition and gerontology."

There follow eleven specific proposals for immediate action, proposals which are the results of their thoughtful considerations.

The recommendations from all the states to the White House Conference on Aging held in 1961, while not quite so specific, were very similar and covered all of the nutritional and health care priorities as well as many other areas to which today other speakers here have or will address their remarks.

Nation-wide conferences cost a considerable amount of money. I can see no cost consciousness in a repeat performance if we fail to implement with fitting legislation the studied recommendations of such conferences, the implication of the findings resulting from our research and demonstration experiences.

I respectfully urge prompt legislative implementation of the recommendations of the White House Conference on Food, Nutrition and Health as previously outlined, such legislation to include adequate monitoring of allocated funds. All this, I submit, is in the interest of more for the tax dollar.

Mr. Chairman, I want again to express my appreciation for this opportunity to present these recommendations for your consideration. I sincerely hope that the presentations given here today will prove helpful to your Committee in its continuing effort to formulate and enact into law legislation which will drastically improve the lot of the lower-income elderly and, at the same time, achieve a worthwhile return for the tax dollar expended.

STATEMENT OF THE OFFICE FOR THE AGING
BY ALICE M. BROPHY, DIRECTOR

Chairman Randall, Distinguished Members of the Special Studies Committee: I am delighted to testify before you this morning as the representative of New York City's one million elderly who represent 5% of the total elderly in America. Because 60% of all the elderly in the nation live in urban areas, much of the information gathered by my office in research projects covers many specific areas of concern relevant to the work of your Committee.

Today I wish to call for your help in putting an end to the "medical starvation" of the elderly. In the past month, we have been concerned that one hundred fifty thousand older New Yorkers were removed from Medicaid or had their benefits severely cut back. Although the decision by the Federal court last week restrained the Medicaid cut-back, older people are constantly subjected to this recurring threat. And yet another setback was the announcement by HEW Secretary Elliot Richardson that the elderly will pay \$68 instead of \$60 in 1972 for each hospitalization under Medicare.

The hard facts are that our elderly are not only poor, but that they live daily with chronic and debilitating illness. More than 3/4 of our aged suffer from at least one chronic disease and 1/2 from two or more. The incidence of illness increases as family income decreases. With half the aged living on less than \$3,000 and one-third living on less than \$2,000 a year, Medicaid cut-back threatens the precarious health of our poorest elderly. Medicaid has permitted the elderly poor not only to see physicians, but even more important, paid for prescription drugs, dentures, for non-welfare client.

The average out-of-pocket health costs for the elderly was \$248 in 1969 with \$70 spent on medication. These costs cannot be carried by persons living in abject poverty.

Thousands of elderly face rapid physical deterioration, loss of dignity and independence and ultimately expensive hospital and nursing home care. And when they are hospitalized, Medicare will now pay less of their bill.

In a National Health Survey of 1959 (and we have no reason to think the picture of chronic illness has changed) 86% of older people in the lowest income bracket suffered from chronic illness, while at the higher income levels only 76% reported such illnesses. The higher incidence of chronic illness among our poorest older people undoubtedly reflects the inadequacies of health care during their earlier years. The Urban League in their study *Double Jeopardy* notes that black people reaching old age are the

victims of double jeopardy, their earlier health and income deficiencies being severely compounded by the problems of old age.

Utilization of physicians' services increases with old age. Post-Medicare data from HIP in 1968 revealed that utilization of services per aged person was almost double that of persons under 65.

Furthermore, the elderly tend to spend a longer amount of time in hospitals. In 1964, the city's aged population averaged 16.4 days per hospital stay, while the total population averaged 13.2 days per hospital stay.

Let us now turn to the question of costs and who pays the medical bills of the elderly. Because of their poorer state of health, the elderly are forced to spend a higher proportion of their incomes for health, even with Medicare.

In 1969, the total bill for personal health care for older people in the U.S. was \$13.5 billion. Although the elderly were at that time almost 10% of the population, their health care expenditures constituted 26% of the total spent on health in the country. The average health bill for each older person that year was \$692, six times the total of persons under 19 and 2 1/2 times that of persons 19 to 64.

Almost all persons in New York City over 65 are enrolled in one or both parts of Medicare, about 210,000 are covered by Medicaid¹ and several hundred thousand carry private insurance as well. It might seem on the face of it that older people have to pay very little of their medical expenses out-of-pocket.

Not so. In 1969, with Medicare in full-swing, older people were still paying an average of 30% of their medical costs out of their own pockets. If the average bill in 1969 was about \$700 and an older person paid 30% of this, this means at least \$210 was borne by the individual. And this did not include the \$48 annual premium for Medicare. With family incomes of \$2000 and \$3000, medical bills for a couple could average \$500 or upwards of a quarter of their incomes.

While Medicare and Medicaid cover about 90% of hospital bills and 80% of doctors' fees, there remain serious gaps. 24% of nursing home care is paid for privately while the expenses of drugs, eyeglasses, hearing aids, dental care, nursing and therapists as well as many types of preventative health care are borne almost wholly by individuals. Since many of the uncovered items are connected with chronic care, these expenses tend to go on unremittingly year after year.

Moreover, it may well be that the average costs quoted under estimate out-of-pocket expenses inasmuch as these averages include persons who have no medical expenses and persons whose expenses are fully covered. We must recognize that for too many individuals out-of-pocket expenses can be more catastrophic than the illness itself.

Not only do individuals continue to bear a significant portion of their health care expenses but the dollar amounts have risen and are continuing to rise, at a skyrocketing rate. Here in New York City where medical costs have risen higher than the national average, medical prices jumped 10% last year. Over the past three years room charges in hospitals have increased 65% as doctors' fees rose 12% and drugs 5%. It is estimated that last year elderly New Yorkers paid \$70,000,000 for drugs alone. It has been estimated that with the general increase in medical costs in the last three years, the 20% co-insurance payment alone may be more than the individual's total payments for health services prior to Medicare. And the outlook for the future is bleak.

The implication of these facts for older people is even more frightening when we bear in mind the low incomes on which they live. Fixed retirement incomes unlike doc-

tors' and hospital fees, do not rise proportionately.

But cost is only one factor in limiting the utilization of health services by the elderly. Lack of coverage under Medicare and Medicaid and fragmentation in the delivery of care are two other important areas of concern.

The Senate Special Committee on Aging declared that "There is reason to believe that millions of old people in our Nation today postpone treatment until the crisis stage because . . . gaps in Medicare and Medicaid coverage make it difficult for them to receive high-quality health services and supplies except during and immediately after hospitalization."

Medicare at the present time does not cover drugs, dental care, eyeglasses and hearing aids, prosthetics, many diagnostic and treatment services whether in or out-of-hospital and long range psychiatric care.² For example:

85% of the elderly had no private insurance for out-of-hospital prescription drugs in 1969. But that year the per capita costs of drugs and drug sundries paid by the elderly was \$70.25 and for those with more than one severe illness the expense can rise to over three times that amount. According to Dr. James G. Haughton, formerly First Deputy Administrator of the New York City Health Services Administration the drug costs relating to chronic illnesses may be sufficient "to spell the difference between a Social Security beneficiary's financial independence and his need for public assistance."

Over 50% of the elderly, according to National Health Survey data, had not seen a dentist in more than five years. Less than 1% had private insurance for dental care in 1969.

Although eyeglasses and hearing aids are not reimbursable medical items, two out of every ten older persons has impaired vision and one out of six partial or total deafness.

Home health aides, who can provide health care service to the elderly in their homes far less expensively and far more advantageously psychologically are in serious short supply. In 1969 when there were approximately 2000 such persons available, it was estimated that a minimum of 4000 were needed. Extremely restrictive Federal regulations have held to a minimum this vitally needed service.

Although it is true that homemakers are not always available, even when they are neither Medicare, Medicaid nor private insurance will pay for these services. It is estimated that at least 10% of the nursing home residents in New York City are institutionalized because of lack of adequate care in their own homes. Many could be discharged to their homes and many hospital stays could be reduced by days, and sometimes weeks, if homemaker services could be provided. The present alternative is institutional care at public expense.

A shortage of nursing-home beds for long-term care patients estimated to be between 400 and 700 beds on any given day, keeps patients occupying expensive, no longer needed hospital beds longer than they should.

Fragmentation of services is another serious problem affecting health care for older people. The general practitioner has almost vanished from the scene. It has been estimated that although there are 168 medical doctors per 100,000 persons in the Middle Atlantic states, the ratio drops to 50 per 100,000 in inner city areas where so many elderly live. It is not unusual for an older person to have to drag himself from clinic to clinic, often at different locations and on different days. And too often older people

¹ 190 day lifetime limitation on treatment in mental hospitals; payment of 50% of doctors' fees, and an annual limit on out-patient care of \$250.

² Roughly one out of four are enrolled in both programs.

cannot get to clinics because transportation facilities are too expensive, poorly scheduled or simply lacking.

Each organizational deficiency causes financial, social and moral problems for the elderly. Until these deficiencies are resolved, the economic problems of the elderly will be needlessly intensified and their physical suffering neglected.

The soaring costs of health care, the lack of availability of health resources, wide variation in quality of care and lack of preventive care has become a matter of prime national concern. There are now before Congress over a half dozen major bills relating to health care and others are anticipated. It is even expected that Congress will act upon health care in this Session.

The Nixon Proposal, which concerns itself primarily with financing, would use the private sector to finance and provide most health care and would continue Medicare for the elderly but actually reduce coverage of the present program. For example, the plan calls for a reduction in the number of fully-covered hospital days from 60 to 13 and will probably raise the deductibles for hospital and doctors' fees. Nor do the Medicare plan of the AMA or the Healthcare plan of the insurance companies make provision for any of the present gaps in health care. The Javits plan builds on the Medicare program and offers improvements in coverage, especially in the areas of preventative medicine and drugs. The most comprehensive of all, the Kennedy-Griffiths bill would cover the many gaps that now exist but there is serious question as to its passage. We must work to see that whatever bill is passed extends rather than erodes benefits to older people.

However, no one knows whether a National Health Bill will actually pass this Session. Meanwhile there are many improvements in health care that can be provided for older people.

On the National level within the framework of Medicare it is urgent that drugs, appliances, prosthetics and preventative and diagnostic services and homemaker services be covered.

At the local level, neighborhood based geriatric clinics affiliated with hospital complexes are a vital necessity to overcome many of the gaps and problems in health care and delivery to older persons. These facilities diminish the fragmentation of care by enhancing continuity of care and reduce costs by establishing preventive medicine and rehabilitation. It makes better use of scarce professional manpower. And, in communities where it has been tried, it has reduced the hospitalization rate by as much as 50%.

For now, however, medical starvation is public policy. Medicare cannot continue to escalate medical costs for the elderly which results in their further pauperization and poor health.

I thank you for this opportunity to speak for adequate health services for the elderly and extend to you most cordially the information materials of the New York City Office for the Aging so that we may all work together. To do any less would be tragic for the older people of New York and the nation.

TESTIMONY OF WILLIAM R. HUTTON

I am William R. Hutton, Executive Director of the 3,000,000-member National Council of Senior Citizens, largest U.S. organization of the elderly.

The National Council of Senior Citizens is grateful to Chairman Chet Hollifield of the House Committee on Government Operations and to Chairman William J. Randall of the Special Studies Subcommittee of the Government Operations Committee for holding these hearings.

However, our membership feels there is something very wrong in a nation as well

off as ours, when there is no space available for a Special Committee on Aging to make members of the House of Representatives aware of the many desperate problems of the low- and moderate-income elderly among their constituents.

There are 20,000,000 Americans age 65 or over and another 20,000,000 in the 55-65 age bracket most of whom have problems about which House members should be kept fully informed, National Council members feel.

Our members have long regretted that the House of Representatives is without a counterpart committee to carry on serious studies in the area of aging being continually undertaken by the Senate Special Committee on Aging.

The Senate Special Committee on Aging is not a legislative committee but it has nevertheless performed brilliantly year after year over its 10-year history by providing factual information that has helped call attention of the Senate to the neglect and suffering imposed on so many U.S. elderly by our changing society.

Thus, during 1969 and 1970, the Senate Special Committee on Aging published a series of powerful studies that documented the grim facts about the needs of the elderly.

This series, entitled "Economics of Aging: Toward a Full Share of Abundance," brought out the tragic fact that the elderly are the one age group in our society that has become poorer, that private industrial pensions are a great benefit to those who collect them but that the great majority of seniors will never collect such a benefit and must depend on Social Security for their retirement income, that despite Medicare, the Federal health insurance program for the elderly, more and more elderly are being denied the benefits of medical care because of the steadily rising out-of-pocket payments required of Medicare beneficiaries.

Included in the series are these studies published in 1969: Social Security for the Aged: International Perspectives; Health Aspects of the Economics of Aging; and Employment Aspects of the Economics of Aging. The Committee in 1970 published the widely quoted Pension Aspects of the Economics of Aging.

I note that Subcommittee Chairman Randall in announcing this hearing said (and I quote): "We must understand the emotionalism that attaches to the difficulties older people encounter in coping with the problems of keeping well and comfortable and satisfying their needs in these inflationary times but our Subcommittee must look beyond emotion in this area and find answers for as many of the immediate problems of the elderly citizens as we can. . . . Beyond that, we must seek solutions that will make the way easier for coming generations of aged citizens."

Mr. Chairman and other distinguished members of this Subcommittee, the National Council of Senior Citizens is eager to cooperate with you not only during the present hearing but in all further investigative efforts to get the facts about the problems of the low- and middle-income elderly.

The task you have set will surely require a great deal of time and effort. The National Council of Senior Citizens would like to work with you for as long a time as it takes to carry out the task assigned this Subcommittee.

National Council President Nelson H. Cruikshank and the National Council leadership have given some thought to how best our organization can be of assistance to this distinguished body.

Perhaps, to start with, it would be well for me to tell you about the National Council of Senior Citizens and how it endeavors to influence national policy as it affects the problems of older Americans.

The National Council of Senior Citizens has become the major spokesman for the na-

tion's elderly in the short time since retired Congressman Aime J. Forand of Rhode Island organized it back in 1961.

As you know, Forand had become nationally known as the advocate for health insurance for the elderly (now Medicare). Ill health forced Forand to retire from Congress in 1960 but he continued to work for health legislation for the elderly by setting up the National Council of Senior Citizens.

With the enactment of Medicare in 1965, the National Council remained in the field to promote meaningful Social Security benefits levels, better health care, substantially increased housing for the elderly at prices within their means, Federally funded community service employment for the low income elderly, tax relief for elderly home owners living on limited income and reduced fares for the elderly on public transportation systems.

However, the National Council is more than a special interest group for the elderly. Our organization has supported the lowering of the voting age to 18, consumer protection legislation, Federal occupational safety and health legislation, the war on poverty and other measures of general concern to the nation.

Our membership believes what's good for America is good for older Americans and they ask for no benefits at the expense of their children and grandchildren.

Forand was first President of the National Council of Senior Citizens but ill health forced him into permanent retirement in 1963. Nelson H. Cruikshank, now President of the National Council, is the retired Director of the AFL-CIO Social Security Department and an internationally recognized authority on social insurance.

The National Council is a non-partisan, non-profit organization operated democratically by the membership.

National Council policy is determined by delegates from approximately 3,000 affiliated clubs meeting annually and between annual meetings by a 55-member board of directors chosen at the annual meetings.

At the National Council's 1971 annual convention held in Washington last June, the delegates' policy resolutions were addressed to the 14 areas of concern that will be considered at the approaching White House Conference on Aging (scheduled November 28 to December 2).

With your permission, Mr. Chairman, I would like to submit for the record of this hearing a dynamic document, entitled "A Platform for the Seventies for All Older Americans", which is based on resolutions adopted at the National Council's 1971 convention.

This document is co-sponsored by representatives of the National Council of Senior Citizens and eight other national organizations concerned about the desperate situation of the nation's elderly.

At this point, you may ask what particular message do today's elderly have for this Subcommittee?

Briefly, the message they send you is this. The elderly of this nation—despite the hardships of two world wars and the great depression—have contributed much to our economic growth and to ever higher standards of living. They are used to making sacrifices and they put national interest before their own personal interest. But they should not be expected in their old age to bear the brunt of inflation or of efforts to control inflation.

To understand the real impact of inflation on the elderly, we must examine three basic and inter-related questions. Where do they get their income? How much do they have? How are they affected by price rises?

Furthermore, we must recognize that certain social and economic trends of the last few decades make inflation an especially acute problem for today's elderly, a problem

that cries for immediate national attention and solution.

Retired persons are increasingly dependent on money incomes from Social Security. Savings are no longer likely to be in the form of ownership of a farm or small business. There are not only more people who have reached their 65th birthday, but a larger proportion of them have attained advanced years.

The "aging" of the aged population means particularly great increases in the numbers of widows and other older women living alone, a particularly disadvantaged group economically and socially.

The trend toward early retirement—much of it involuntary—adds to the years during which the older person living on a fixed income suffers acutely from price rises.

Sources of income. Where, then, do the elderly get their income?

Employment—the source that automatically provides a hedge against inflation through rising wages—was on a steady decline for the older population long before unemployment became the serious problem for the nation that it now is. Only about one in every six people aged 65 or older is in the labor force at all and fewer than half of these hold fulltime jobs.

Furthermore, realistic assessment of labor force conditions gives little hope that the economy will generate enough job opportunities to solve the income problem of older people, especially the oldest of them, now or in the years ahead. The elderly population's main hope for increased employment opportunities lies in an expansion of part-time paid community service jobs.

Nearly nine out of ten older people now receive Social Security benefits. For many it is the major or only source of income. One-fourth of the aged couples on the rolls at the end of 1967 and two-fifths of the non-married beneficiaries, depended on Social Security for virtually their entire support—except perhaps for about \$300 per person for the year. Significantly, too, there had been little improvement in this respect since the incomes of aged beneficiaries were surveyed a decade earlier.

One in ten of the people over 65 receive Old-Age Assistance, more than half of them as supplementation of inadequate Social Security benefits.

One in five, perhaps, receives a private pension—and that can be as low as ten dollars per month. (Here, it is relevant to point out that only the most exceptional pension plan attempts to adjust to rising prices.)

For a very small proportion of older people income from assets is an important source of income. For the average elderly person, however, the major asset is the owned-home—an asset that is too often a drain on income rather than a source of income.

Clearly, then, our elderly population's best hope—one might even say "only hope"—for protection against the impact of inflation is through the Social Security system.

Amounts of income. In 1970, half of all families with a head over age 65 had incomes below \$5,053. Half of all single aged individuals had incomes below \$1,951.

Thanks mainly to an increase in Social Security benefits, the median income in 1970 was 5.2 percent above 1969. But over the same period, the Consumer Price Index had gone up 6 percent.

Of all families with an aged head, 16.3 percent had incomes below the poverty level in 1970 and another 8.3 percent were on the borderline—a total of one out of every four elderly families. Of elderly persons living alone or with non-relatives, nearly six out of every ten were classified as poor or near poor.

For your purposes, Mr. Chairman, it is appropriate to examine these figures on the incomes of elderly people in the light of what it costs them to live in today's economy. The

Bureau of Labor Statistics has updated its three budgets for urban retired couples. In the Spring of 1970, BLS estimates that the cost for an elderly couple would have been \$3,109 at the lower level—in effect, a poverty level—\$4,489 at the intermediate level and \$7,114 at the higher level—and even the higher level is by no means lavish.

Nearly two out of every five aged couples had insufficient income to afford the intermediate budget. For two-thirds of the single aged persons, the equivalent intermediate budget costing \$2,469 was out of reach.

These comparisons take on special significance when it is recognized that, for both the lower and the intermediate budgets, about eight out of every ten dollars is allocated to housing, food, transportation and medical care. These are the costs of surviving from day to day. They are not expenditures that can be postponed until "the price is right".

This nation has experienced unprecedented price rises: an increase in the CPI of 5.4 percent in 1969 and 6 percent in 1970, the two sharpest rises in nearly two decades. As of August 1971, the cost of living had registered increases for 55 consecutive months—the largest unbroken string in the 58 year history of the CPI. And, even more important, many of the price rises have been especially steep for the items on which the elderly are most dependent, items that take up an overwhelming share of their limited incomes.

As an example, let's look at what has been happening to medical costs. Here I would insert a word of gratitude from the members of the National Council of Senior Citizens for the invaluable protection afforded by Medicare. But Medicare covers little more than \$2 out of every \$5 of their total medical costs, a proportion that has dropped recently and that still leaves unprotected a larger medical bill than the total bill for the average younger person. While the Consumer's Price Index for all items rose by nearly 40 percent from the 1957-59 base, physicians' fees rose about twice as fast or by nearly 80 percent. The increase for hospital daily service charges amounts to over 200 percent, meaning that these charges are now more than triple what they were some twenty years ago.

Total housing costs have risen by more than 25 percent during this period. Some of the costs of home ownership have seen much sharper rises, threatening the ability of the older person to continue to own the home—his major form of accumulating an asset that would be available in his old age after retirement had cut his income in half. Property taxes have risen by nearly 50 percent throughout the nation, according to the CPI, but we know that for many of our members they have doubled or tripled, in some instances exceeding the amount of the total downpayment made on the home years ago with the hope that old age could be secure. Property insurance rates are up more than 60 percent. So are the costs of home maintenance and repairs on which the elderly, whether owners or renters, are increasingly dependent as advanced age curtails the ability to "do it yourself".

The cost of transportation too puts a special burden on the elderly. The cost of all forms of transportation has risen by something over 35 percent since 1957-59 but the cost of local transit fares has more than doubled. And it is on local transit that so many of our elderly are dependent.

The President's wage-price freeze

Against this background—and before offering the recommendations of the National Council of Senior Citizens for dealing with the problem of the impact of inflation on the elderly—I would like to spend a few moments summarizing our reactions to the Administration's 90-day freeze as it affected our elderly population.

When the freeze was announced, we fore-

saw grave danger that an undue portion of the burden of the so-called economic crisis would be borne by the most vulnerable of our citizens—welfare recipients and other elderly people living on low incomes.

The National Council was greatly dismayed when the President virtually abandoned his welfare reform legislation. We saw very real danger that the economic mood of the administration might even result in an effort to postpone the meagre 5 percent cost-of-living adjustment passed by the House and awaiting Senate action as H.R. 1.

Therefore, on August 20, Nelson H. Cruikshank, President of the National Council of Senior Citizens wrote to President Nixon on behalf of our membership to ask for assurance that the badly needed improvements of H.R. 1 would not be lost in the effort to slow inflation. With your permission, I will introduce Mr. Cruikshank's letter to the President for the record. (There is no need to burden your record with the superficial staff acknowledgement of its receipt by the White House.)

Because of its relevance to the deliberations of the Committee, I would like to quote just one paragraph from Mr. Cruikshank's August 20 letter to the President:

"The price freeze offers little hope to our older people. Very few Social Security beneficiaries are going to be dashing out to buy new cars. Your order was too late to save our older people from rent increases, which many landlords put into effect as soon as Social Security beneficiaries got their last increase in June. Those who own their homes are provided no protection against sharply rising property taxes. Elderly people and the younger members of their families who are forced to borrow to meet urgent family needs find nothing in your plan to protect them against rising interest rates."

I turn now to the recommendations of the National Council of Senior Citizens for easing the burden of price rises for the elderly.

A major reform of the Social Security system is long overdue. We need an immediate substantial increase—we recommend an across-the-board increase of 25 percent—in Social Security benefits, coupled with a Federally financed and administered guarantee of a floor of financial assistance to bring income above the poverty level.

Members of the National Council of Senior Citizens and the elderly generally are disturbed and alarmed at the rising out-of-pocket payments under the Medicare program as I have previously noted. Although Medicare lifts much of the burden of medical costs from the elderly, it pays less than half (40 percent) of their health bills.

For this and other reasons, our membership strongly supports national health security legislation—S-3 in the Senate and H.R. 22 in the House of Representatives—which would guarantee at least 70 percent of the health costs of all Americans, ending the era of so-called deductible and co-insurance payments (out-of-pocket) payments required for Medicare beneficiaries.

Medicare was a great social advance but we must recognize health care as a matter of right for all Americans. The National Council of Senior Citizens favors health care benefits for all Americans from the cradle to the grave.

However, the National Council asks that Congress apply the lessons learned in the operation of the five-year-old Medicare health insurance program for the elderly in setting up a Federal health care program for all Americans.

When Congress enacted Medicare health insurance for the elderly in 1965, it expected doctors and hospitals would exercise restraint in fixing charges for their services and also that insurance firms, serving as

Medicare's fiscal intermediaries, would influence them in this direction.

Both assumptions proved woefully inadequate and the costs have skyrocketed.

The lesson to be learned is that, in the face of rising demand for a very limited supply of available services, doctors, hospitals and other providers of services have no incentive to keep costs down and the private insurance industry can neither provide the incentive nor impose the necessary controls to stabilize health costs.

It is time to think in terms of planning a health care system that assures all Americans equal access to comprehensive and continuous health services of high quality at the lowest possible cost.

However, until this nation has achieved National Health Security for the total population, the fixed incomes of our elderly people will be threatened by heavy and unpredictable health costs—unpredictable insofar as any one individual is concerned but predictable in that a continued escalation is inevitable. The National Council of Senior Citizens strongly supports National Health Security under which the government would assume responsibility for improving the organization and delivery of high quality economic health and health-related services as well as responsibility for the financing mechanism. Pending the enactment and development of National Health Security, we urge immediate improvements in Medicare and Medicaid to extend protection, to control costs, and to reverse the trend toward ever heavier copayments and deductibles.

We believe that the government should actively promote the development of the public service jobs that are so badly needed by the nation and so appropriate for the employment of older persons.

We further recommend immediate enactment of a nationwide Senior Citizens Community Service program—modeled on such as the Senior AIDES program of the National Council—to provide part-time community services for the elderly, administered through the Labor Department as a special employment program for the elderly.

The National Council of Senior Citizens is deeply concerned that the needs of the elderly housing have been submerged by the Department of Housing and Urban Development in a program of meeting the housing needs of the low income group generally—to the serious neglect of the millions of elderly who are poor or close to the poverty level.

The truth is that this Administration's resistance to categorical aid and assistance is depriving older Americans in almost every area of Government operation. So we are asking the forthcoming White House Conference on Aging to support us in the contention that appropriate identification of programs and funds for the aged is necessary if our elderly are going to get a fair shake in America's youth oriented society.

In conclusion, the National Council of Senior Citizens recognizes that the nation's elderly depend on America's economic strength and have a real stake in all efforts to promote economic stability. But, I want to emphasize, the particular nature of their problems requires special efforts to achieve economic security for them.

HENRY STREET SETTLEMENT—URBAN LIFE CENTER—NUTRITION PROGRAM FOR THE ELDERLY

The project, known as the Good Companions Luncheon Project, is conducted in the basement facilities of Vladeck Houses, a low-income housing project on the Lower East Side. The address, 344 Madison Street, New York 10002.

The population served by the Good Companions' Luncheon Project are the elderly impoverished people living in the public housing projects in the neighborhood of

Henry Street Settlement. They are economically disadvantaged. 70 percent of this group are Jews; the rest are black and Puerto Rican residents of the projects.

At the turn of the century, over one million Jews settled in the area of Manhattan known as the Lower East Side; this group was followed years later by additional waves of Orientals, Puerto Ricans and American blacks from the South—all of these groups seeking the economic promise of the northern United States. Most of the children and grandchildren of the earlier immigrants have moved uptown or out of town, into secure jobs and more comfortable housing, leaving the old people and the new minorities behind to live in poverty, rising crime and poor nutrition.

As a result of the population shift, the proportion of elderly living on the Lower East Side is twice that of the national average. For the nation as a whole, 9.5% of the population are over 60 years of age; on the Lower East Side, 20.5% are over 60 years of age (City Planning Commission, 1965).

The Urban Life Center of Henry Street serves an area within the Lower East Side of approximately 25,000 people. Of these, 55% are white, 29% are Puerto Rican and 16% are black. Among the aged, a higher proportion are white. Their poverty is as severe and as damaging as the other groups; they are the "hidden poor".

The elderly poor who live in Henry Street's neighborhood have a multitude of problems that control their day-to-day lives. Their budgets allow little to spend on food. 7% report an income below \$500 annually. Another 14%, between \$500—\$1,000; 32% between \$1,000—\$1,500, and 18% between \$1,500—\$2,000. Thus, the majority of elderly using Henry Street services live, not close to the poverty line, but well below it. This is aggravated by the tendency among the elderly to avoid going on public assistance.

Before the existing luncheon program was set up, an analysis was made of the nutritional level of Good Companions members. Diets were found to be inadequate from all standards of judgment. Daily calorie intake was about 30% below requirement, and these were to a great extent high starch content calories. The analysis did not cover the distressingly high number of elderly people in the neighborhood who are regularly found searching through garbage cans for crusts of bread.

THE GOOD COMPANIONS' LUNCHEON PROJECT

For many years, Henry Street's services to the elderly have been run by the elderly who formed an organization known as the Good Companions. Under the leadership of the Board of the Good Companions, this program is far more dynamic than many centers for the elderly that provide bingo and little else. The participants in the program have been active in many local social service projects including volunteer work at the Gouverneur Hospital clinic. In the early days the program membership was 100% Jewish; in recent years, again under the leadership of the Board of the Good Companions not one of which is under 70 years of age, the program has made an active effort and has seen unusual success in recruiting black and Puerto Rican old people into the program.

In 1968, Henry Street Settlement in conjunction with the Good Companions accepted a three year grant from the federal government to run a demonstration program in providing hot meals for the elderly. Under the terms of the grant, nutritious hot lunches were provided daily at minimal cost for those who wished them; simultaneously, a study was undertaken that sought to demonstrate that the psychological and physical well-being of elderly people is far improved when they are adequately nourished.

Not surprisingly, the demonstration was

proved true, and this nutrition program has become vital to the health and welfare of some 400 elderly poor people, many of whom would have to go into nursing homes if the program were to end.

FURTHER ASPECTS OF THE PROGRAM

The Good Companions and the Henry Street Board felt that the program was vital and should be run at all costs. It has proved to be vital, and it has had some significant side effects which were not even suspected when the program began.

One of these has been the formation of the Mealtime Companion Corps of the Good Companions, a group of elderly volunteers who take turns taking the meals out to the housebound and ill and offering them companionship and light housekeeping help. Another beneficial side effect was the way in which the Good Companions learned how to perform many of the services connected with providing the meals; they have been training and acting as kitchen aides, cashiers, dining room managers, etc. and have thus earned small amounts which they have been able to use to pay for their meals. In this way, they have been able to sustain their dignity and sense of independence by paying \$.60 for each meal—without dipping into their very small budgets to do so.

The training that the luncheon participants receive in the normal course of their programs at the Good Companions provides an excellent opportunity for part-time employment in the neighborhood, in restaurants or in the Gouverneur Clinic and Hospital where they could earn useful funds as cashiers, hostesses, meal time aides, etc. These kinds of jobs have little potential for growing or expanding and thus they are not desired by younger people; they could be very important and constructive sources for continued independence and dignity for elderly people.

SUMMARY

Services to the Elderly at Henry Street Settlement attempts to (1) provide nutritionally adequate meals at a low cost to economically deprived older persons, (2) educate these elderly persons in sound nutritional practices and (3) provide them with social interaction, leisure-time activities and opportunities for participation in community projects.

Evaluation during a three year period of the nutrition program showed that the physical and mental well being of the participants improved, that the meals program tended to act as a stimulant to a broad range of social activities and, further, that the low proportion of homebound elderly participating in the program who required institutionalization indicated the project's success in sustaining the elderly homebound in the community without resort to institutionalization.

Approximately 2,230 lunches are served each month to elderly people who come into the Good Companions Center. Of those, about 600 meals are taken out to the homebound each month, and 50 additional frozen meals are purchased every Friday for weekend use. These meals are vital to the well-being of several hundred people, proud but needy examples of the "hidden poor" in America today. An end to these meals would mean hardship for all—public institutions for many.

STATEMENT OF STEVEN SOLARZ, AMERICAN JEWISH CONGRESS

My name is Steven Solarz. I am a member of the New York State Assembly from the District of Brooklyn and of the American Jewish Congress' Commission on Urban Affairs and its Governing Council. The AJ Congress is an organization that for many years has sought to expand social and economic benefits available to both senior citizens and the general public.

The American Jewish Congress is a national organization of more than 300 chapters and divisions committed to the preservation and creative survival of the Jewish people. In this regard we are deeply involved in social, political and economic problems affecting both American Jews as well as the nation as a whole. We view the problems of the Jews as intimately tied to the well-being and security of the American nation, and any recommendation we make here we feel will benefit not just the aging Jewish poor, but all of the nation's poor.

I have been invited to appear before this committee in order to discuss the special problems of the elderly Jewish poor. In the two days of hearings, we shall hear many poignant descriptions of the plight of the aged poor. Their numerous and complicated problems have been reviewed, and many recommendations have been made, which if enacted, would go a long way towards ameliorating their problems and enable them to live a more fulfilling life.

The A.J. Congress' Commission on Urban Affairs just completed a study entitled *The Jewish Poor and the Anti-Poverty Program*. This study is relevant to the concern of this committee because so many of the Jewish poor are elderly and because it is a glaring example of how the needs of the aged have been disregarded by those charged with administering the poverty program.

I request that the committee accept this study which includes legislative recommendations, as part of the record. I would like, however, to summarize some of the outstanding points made in this study that are relevant to the mandate of this committee.

In 1970 there were 943,212 persons 65 years of age and over in New York City. They represent 12 percent of the city's population.

There are only three states (California, Illinois and Pennsylvania) in the U.S. that have as many elderly people as are found in N.Y.C. alone.

The number of senior citizens is growing rapidly. In the five year period, from 1960 to 1965, there has been an estimated increase of 25 percent in the population of the city, 65 and over. From 1960 to 1970 the increase was 15.9 percent. In 1920 the elderly segment of the population was only three percent; by 1940 it reached six percent by 1960 it had risen to 11 percent, and today it is 12 percent and rising steadily.

In 1968 there were 86,296 Jewish elderly poor living in those areas designated as poverty areas in New York City. There are no exact figures as to the total number of Jewish aged living in the city (i.e. in the poverty areas and outside these areas), but it is estimated that there are approximately 300,000.¹ If as is true of the aged as a whole that one-half of households headed by senior citizens have an annual income of less than \$3,000, it would follow that there are 150,000 Jewish aged poor in N.Y.C., with 86,296 living in poverty areas and 60,000-70,000 living in other sections of the city.

With this background I would like to comment upon a few of the problems the elderly poor, and especially the elderly Jewish poor, have in participating in the poverty program.

The criteria used to determine the boundaries of poverty areas, as well as the allocations to programs within these areas, dis-

criminate against the elderly, and especially the Jewish elderly. Thus, the three basic factors involved in determining allocations are juvenile delinquency rates, live births in municipal hospitals, and welfare rates. The first two obviously lack any applicability to older citizens and the third, because of the long standing tradition of independence among many of the Jewish and non-Jewish elderly, is only slightly applicable. Other factors that are involved in determining allocations, such as the venereal disease rate, are equally inappropriate for measuring poverty among the aged.

We request that the Congress take steps to correct this situation by mandating the use of income as the sole or basic factor involved in determining both poverty area allocations and boundaries. Whatever criteria are used, they must accurately measure the poverty of the aged poor.

In N.Y.C. less than 1% of monies funneled from the city and Federal governments through the N.Y.C. Council Against Poverty are allocated to programs dealing with the problems of the aged. Thus, but \$500,000 of close to \$70,000,000 is spent on such programs. This is barely \$1.00 per person per year for the estimated 400,000 impoverished senior citizens living in N.Y.C. Furthermore, out of more than 250 delegate agencies in N.Y.C.'s Poverty Program, only eight of them have programs devoted to senior citizens.

The problem, however, is not just N.Y.C.'s. Much of the fault may be placed on the U.S. Congress. That body's appropriation for the Senior Opportunities Program under the EOA, is but \$8,000,000, or once again barely \$1.00 per older person per year on a national basis (this is but two percent of the many allocated to Head Start). When a few weeks ago Congressman Scheuer sought to significantly increase that figure by \$50,000,000, his proposal was readily defeated.

Our recommendations here is that the funding sections of the Economic Opportunity Act must be changed to provide more money for senior citizens' programs. Thus, in more than half a dozen places (Sections 126, 221-223, Titles III, VI and VIII), the Economic Opportunity Act makes special note of the needs of the aged. Without proper funding these sections are meaningless. It is time that Congress gave them meaning by appropriating adequate sums of money to meet the needs of this group.

Another problem is that sections of the EOA have not been implemented on the local level and the national office of Economic Opportunity has failed to take sufficient steps to see that they are implemented.

For example, in Title I, part B, Work and Training Programs for Youth and Adults, there is a section which provides:

The director shall provide that programs under this part shall be designed to deal with the incidence of long term unemployment among persons 55 years and older. In the conduct of such programs, the director shall encourage the employment of such persons as regular, part time and short term staff in component programs.

This has rarely been done. And again, in the section of funding the Community Action Programs, there is the following provision:

The director may provide financial assistance to the community action agencies for the planning, conduct, administration and evaluation of community action programs and components. These components may involve, without limitation, other activities and supporting facilities designed to assist participants, including the elderly poor, to secure and retain employment . . . make better use of income . . . to provide and maintain adequate housing . . . (Sec. 221)

If these mandates were properly implemented, the Jewish and other elderly poor would benefit substantially.

Many of the elderly Jewish poor, perhaps

half of them live outside of poverty areas. In practice this means that they are excluded from participating in the various programs funded under the Economic Opportunity Act.

We ask that poverty be treated on the basis of need and not of residence. It is unfair to an impoverished citizen who resides in East Flatbush to be told that he is ineligible to participate in the poverty program because he does not live a block away in the Crown Heights section which is a defined poverty area.

Title II, Section A, should have a provision clearly mandating that citywide programs be established to cover poor persons not living in defined poverty areas and that such persons also have the opportunity to participate (perhaps on a voucher basis) in the various community programs established even in areas in which they do not reside. This should not be left to local regulations; rather, it should be Federally mandated.

Title II, Sec. B, dealing with Special Programs (Senior Opportunities & Services) should include a provision specifically stating that these programs are not to be limited to poverty areas and that the poor throughout the city should have access to them.

Lastly, Office of Economic Opportunity Memo 81, which was designed to implement the 1967 Amendments to the Economic Opportunity Act specifies that the boards of directors of community act agencies should take measures to include such potentially unrepresented groups as the elderly. This has not been done. We request that community action agencies throughout the country be required to do so.

In conclusion, it has often been stated that a society will be judged by the way it cares for its children, its sick and its aged. It is time that this nation began to pay serious attention to its too frequently forgotten older persons.

STATEMENT PRESENTED BY ANNE SHORE, ON BEHALF OF LOCAL 1199, DRUG AND HOSPITAL UNION, RWDSU AFL-CIO

My name is Anne Shore, I am the Assistant Director of the two Pension Funds of Local 1199 Drug and Hospital Union in New York City. Our Union has a membership of fifty thousand persons in the greater New York and New Jersey area comprised of workers in Voluntary and Private Hospitals and Nursing Homes, the Retail Drug Industry and other health organizations. In addition, the National Union of Hospital and Nursing Home Employees, with which we are affiliated, represents another twenty thousand workers in these fields in other parts of the country. Of these seventy thousand workers about 70% are black, 10% Puerto Rican and 20% white. The majority of those working in hospitals and nursing homes are women.

The composition of hospital workers across the nation, essentially follows this same pattern except that in western Pennsylvania and the midwest the majority are poor white women.

INADEQUATE INCOME

In the brief time that I have today, I want to concentrate on the one main problem of the elderly and that is inadequate income. I want, particularly, to touch on the income of single men and women over age 65 and the special plight of the black elderly. Abject poverty is still the major problem facing all persons over 65 in our country. Let me give you a few examples.

* Statistics are from the position paper prepared for the 1971 White House Conference on Aging entitled "Income—Background and Issues" by Yung-Ping Chen, Ph.D.

The government has set \$1,750 as the poverty level for an individual and \$2,200 for a couple. Yet 17.6% of all the aged families now live below this level and 41% of these are aged black families. Individual older per-

¹ The council of Jewish Federations and Welfare Funds is currently doing a demographic study of the Jewish aged in N.Y.C. Until that study is available, all figures are approximate. The figure, 300,000 was arrived at by the Jewish Assoc. for Services for the Aged (JASA) in the following way: Jews represent 25 percent of the total population of N.Y.C. They represent about 30 percent of the aged, since the Blacks and Puerto Ricans have a shorter life span.

sons are far worse off. 47% of all single persons over 65 are compelled to exist on less than \$1,750 a year. Translated into weekly income this is something under \$34.00 a week. In addition the number of elderly poor continues to increase. From 1968 to 1969 two hundred and fifty thousand more older person's income dropped below the poverty level. Permit me to enlarge on what this means in dollars and cents!

The Bureau of Labor Statistics moderate budget for an urban retired couple issued in 1969 was \$4,192 and \$2,880 for an individual. Yet nearly 70% of all single women and 32% of all single men over 65 had total annual incomes under \$2,000 and one third of all aged families had incomes of less than \$2,670.

The terrible plight of black women over 65 is shocking. Over 75% live in dire poverty.

In a city like New York for instance there are over one million persons over age 65, and the cost of living is the fourth highest in the nation, and also higher than any other major city. The plight of the aged almost defies description.

The items which consume the greatest part of a retired persons income are food, housing and medical care and these are the three items which have increased faster and greater than any other components.

MEDICAL CARE

Although the passage of medicare did improve the quantity of medical care for persons over 65, it also escalated the cost of services for the entire population. After five years experience we note that only 47% of the medical expenses of the aged are covered by medicare. Copayments and increased medical fees have eroded much of the benefits. The average annual cost of medical care for a working family is \$265.00 nationally (in New York it is much higher). For those over 65 the average annual cost is \$650.00. After Medicare has paid its share, \$350.00 remains to be met. In families where only one member is over 65, (usually the former wage earner) the problems are even greater since the spouse under 65 is not covered for Medicare.

The sharp cutbacks in Medicaid, have also put an additional financial burden on the aged poor who must also pay for medication, dental care, and eye glasses. Since many of them cannot meet these costs they just settle for less than an adequate level of health care.

DECLINING STANDARD OF LIVING

There is another popular fiction that retired people live on a "fixed income". In reality they are trying to live on "fixed dollar incomes" which are being eroded every day by inflation.

The Senate Special Committee on Aging, in its report dated March 1969, page XI states "The Social Security Benefit payable to a couple who retired in December, 1950 . . . despite periodic adjustment . . . would now purchase a much smaller fraction of the Bureau of Labor Statistics 'moderate' budget—than at the time of retirement". Unless someone can come up with a surer formula whereby the aged can learn to live retroactively, we will have to concede that our current program guarantees attrition of the aged by a systematic and painful process of starvation.

PRIVATE PENSION PROGRAM

Although it may be said that private pensions have raised the incomes of those covered to place them among the elite of the elderly, the facts are that only 19% of married couples; 13% of single men and 5% of single women are actually receiving them. Available information shows that the income of those receiving private pensions in addition to Social Security is still below the moderate budget of the Bureau of Labor Statistics.

Many older people—even those not living in absolute poverty—must travel from one government agency to another to seek assist-

ance such as food stamps to supplement their inadequate incomes. Such bureaucratic splintering of this responsibility is not only a waste of everyone's time but robs the aged of their dignity and self-respect. New York has a rent exemption program which requires that all aged applicants be subjected to a means test. But even this inadequate and demeaning program is being terminated and sharp rent increases will unquestionably follow.

Medicaid is all but unavailable to those over 65 who are not on Old Age Assistance, and of course also requires a means test, and coinsurance.

There is the ultimate indignity of Welfare for many individuals who have been self-sufficient all their lives—many of whom have "managed" for years on Social Security and Pensions, only to see skyrocketing prices force them to accept what they consider as charity.

UNION RETIREES DEMANDS

At a Pre-White House Conference on Aging held by our Union in the spring of 1971, our retired members proposed a guaranteed minimum income for a retired couple of \$7,600 and \$5,000 for a single person. These figures are comparable to the "higher" of the B.L.S. budgets. Our retired members are not willing to settle for the B.L.S. "moderate budget" which would give a couple \$360.00 a month and a single person \$240.00 a month (the summary of this Conference is attached). We must demand that Congress establish realistic income standards which meet the needs of all of our people—a national standard which guarantees an adequate annual minimum income for every elderly person in our country. Such a program should then be reviewed regularly for the purpose of making any necessary adjustments to guarantee that its purpose is continued.

NATIONAL COMPREHENSIVE HEALTH CARE

A Comprehensive Medical program to replace the stop-gap measures of Medicare and Medicaid. The cost of both of these programs continues to escalate while the services are diminished. The fact is that neither of these programs have attempted to deal realistically with the medical needs of the elderly or any other section of the population. The major funding for a 20th century national health program must come from General tax revenues as well as Social Security taxes. Many other countries with higher old age pensions are able to finance them through general tax revenues. In order to achieve this goal we will, of course, have to first reestablish our national priorities. Congress and the Administration must decide whether the health of our people is more or less important than flying to the moon, policing the world, building highways to nowhere or subsidizing corporate projects.

HOUSE COMMITTEE ON AGING

The Senate Committee on Aging provides leadership and factual material for many organizations. The Senators on the Committee have become advocates on behalf of the Aging. A comparable Committee in the House would give greater leadership and recognition to the problems of 10% of our population.

CONCLUSION

The above brief picture of the economic plight of the elderly in our country has been amply and fully documented many times in the past few years. I am not an economist and do not pretend to have presented facts from an economists point of view—rather I speak from my years of day to day experience with the elderly.

Retirement for most people is bleak indeed. At a time in life that should be tranquil there is instead insecurity. Instead of the opportunity to enjoy well-earned leisure and pursue new ventures, there is poverty and isolation. Instead of respect and appreciation of a life-time of knowledge and experi-

ence there is neglect, and disregard. Finally there is the dreadful spectre which haunts every elderly person—the unchallenged knowledge that if you live long enough you will become poorer and poorer.

The concern of our union, Local 1199, is not limited to the interests of our members. Our goal is that Congress enact legislation which will guarantee that our affluent society demonstrate its concern for the elderly by enacting legislation which will permit them to live out the balance of their lives with reasonable comfort, dignity and self respect. We cannot afford to compromise for anything less.

STATEMENT BY MRS. ELIZABETH STECHER TREBONY, PROJECT FIND

I am the Director of Project FIND, a senior citizens program on the Lower West Side of Manhattan in New York City's 19th Congressional District, represented by Congresswoman Bella S. Abzug. We started as a demonstration program in July 1967, funded by the Office of Economic Opportunity through the National Council on the Aging.

Our program was continued with local OEO funds after the demonstration funds were discontinued in October 1968. The need for the service aspect of our program was evident: when we started in 1967 there were no service agencies exclusively working with the aged, who constitute 23% of the total population, or 27,000 persons over the age of 65, living in a 240 square block area, 34th to 74th Streets, Fifth Avenue to the Hudson River.

Ours has been an unusual program in that we persistently out-reach in the community to bring services to senior citizens; anything that affects the aged in the 240 block area we consider to be our responsibility. We are responsive to all events from supporting senior citizens being evicted because of building demolition to launching a door-to-door information campaign about the availability of Food Stamps.

During the 4½ years of work in the community, our staff has serviced almost 7,000 senior citizens. Today we have a network of senior citizens clubs in donated space in four church basements and one settlement house. Our club membership numbers close to 1,000.

eW have recently opened up a free coffee house for senior citizens, jointly sponsored by Project FIND, the Port of New York Authority, the New York City Office for the Aging, and the Travelers Aid Society of New York. It is a community effort to answer a serious problem evidenced in every urban area: senior citizens congregating in public places because they have no place else to go. The FIND Coffee House is funded privately by the Port of New York Authority, the Federation of Protestant Welfare Agencies, the New York Foundation, and individual contributors. Daily attendance has reached 115 persons.

We started FIND with a staff of 35 senior citizen aides, working part-time, and two caseworkers. Our program was cut to 7 senior citizen aides and 3 full-time staff, the Director, one Caseworker, and one Assistant Caseworker, when demonstration funds were discontinued and we became funded by New York City's umbrella organization for OEO funds, the Community Development Agency.

Our work consists of service to the homebound—escort service to doctors, hospitals and clinics; emergency homemaker and home visiting program—casework and referral; advocacy intervention and organizing senior citizens into community action groups; as well as staffing five senior citizen clubs.

Because of cuts in our OEO grants—our staff has received no raises in the past four years—transportation costs for escort service excluded and meeting supplies discontinued, we have raised a small amount of private funds for transportation and serv-

ice to the homebound. As well as local church and tenant groups support a free soup-and-sandwich lunch program at our five clubs. We serve free lunches to close to 500 senior citizens every week. Four local churches have joined together and formed volunteer groups to open the FIND Coffee House every Sunday.

I have taken the liberty of attaching several reprints about our program to this Statement.

I welcome this opportunity of bringing to your Committee's attention several very important problems which will directly affect senior citizens, particularly in the year ahead. Many of us in the field of the aging believe that in the ensuing year senior citizens will be facing the greatest crisis in living conditions in New York City than faced in the past ten years.

The crisis is caused largely by actions taken this year by the New York State Legislature.

Yet, I know I speak for the majority of my colleagues in the field of the aging in the City, when I state that the New York State delegation to the White House Conference on Aging (November 28 to December 3rd, 1971) can in no way truly represent our points of view as to what this crisis is.

While two-thirds of all of the State's aged population or 1.3 million 65 years and older, live in the downstate area—New York City, Nassau, Suffolk, Westchester, and adjoining counties to Westchester, our delegation to the White House Conference, chosen by Governor Rockefeller, has such characteristics as to preclude significant City representation, both of the aged poor, leaders in the field of the aging, workers in the field of direct service to the aging, and City Officials.

Almost one half of the State's aged reside in New York City—close to one million over age 65. Yet, instead of one half of the State's delegation of 135, 41 (excluding 7 State Commissioners or high level State officials with Manhattan addresses), not 68 delegates will represent New York City. Twelve of the City's delegation of 41 have no business or agency affiliation. Six of the twelve unaffiliated reside in Manhattan, but not all are senior citizens and none of those who are senior citizens reside in poor neighborhoods and could be considered representative of the aging poor in Manhattan. No senior citizen is included in the State delegation residing on the Upper and Lower West Sides, the Lower East Side, Harlem or East Harlem.

The following are criteria set by the National Planning Board, and communicated to Governor Rockefeller on June 8th by Elliot Richardson, Secretary of HEW. The first listed states that:

The diversity of population in each State be reflected in the composition of the State delegates, and that due recognition be given to ethnic, minority, and economically disadvantaged groups of older persons in each State population.

I state unequivocally that the aged poor from Manhattan, which houses 207,000 over the age of 65, or 11% of the aged in New York State, and probably a greater percent of whom are poor than any other county in the State, are completely without representation at the White House Conference on Aging.

The fourth criterion states that:

The individual's capacity to undertake follow-up action in his State and community, subsequent to the National conference, and his leadership potential be given weight. Insofar as possible, state legislators with responsibility for matters affecting the aged should be considered.

Since leaders in the City's umbrella organizations in the field of the aging have been by-passed, since New York City officials have

been by-passed, and since organizations, like geriatric hospitals and voluntary direct service organizations have been by-passed, this criterion has been completely ignored in the choices for delegates representing New York City.

It should be pointed out that each delegate invited to serve as state Delegates will be provided round-trip transportation and \$25 per diem for four days. Efforts to gain Federal funds for these stipends originally focused on the need to make it possible for the elderly poor to attend the White House Conference. I would venture to say that every delegate from Manhattan and the majority of the other delegates from New York City, could well afford to pay his own way to Washington. It is a disgrace that Federal funds, gained ostensibly for the purpose of giving a voice to the aged poor, are not being used for this purpose.

It could have been very important to have proper representation from Manhattan and New York City because the crisis older people will be facing in the year ahead is probably a uniquely urban problem. This by-passing of those persons who have been most vocal about the urban crisis as it affects the aged, is only symptomatic of the deaf ear our City receives from the New York State Administration and the State Legislature.

When facing our State Legislators in New York City with those issues vitally affecting their constituents, they advise that older people must bring their cause to up-State Legislators because City Assemblymen and Senators lack the number of votes to have an impact on the power of the up-State votes. Yet, the cause of the aged poor in New York State is overwhelmingly a City cause, since 3/4rds of the aged live down-State.

A significant impact through Senior Power on up-State Legislators seems wishful thinking, because the weight of the senior citizen population, even if seniors joined together in their demands, is singularly a small minority in up-State counties.

Thus from the City, we in the field of the aging beg for compassion for the cause of the elderly poor, and if not openly criticized for our aggressiveness by our colleagues in the field of the aging up-State, we are simply ignored as rebels by up-State Legislators.

Examples of the regressive legislation which promises to make life unbearable in the coming year for our senior citizens in New York City are cuts in the State Medicaid program, the removal of vacant New York City apartments from Rent Control, and a State Law which prohibits our City Council from extending senior citizen rent increase exemptions in January 1972, one of six bills included in the vacancy de-control package supported by Governor Rockefeller.

In addition, we in the New York City area have been warned that Federal provisions for new senior citizen service programs may be rejected by the New York State Legislature. Under Title XVI of the Social Security Act, the Federal Government is offering to put up 75% of the cost of service programs, with the State 12 1/2% and the City 12 1/2%. The New York State Legislature reportedly may refuse to put up the 12 1/2% required as the State's share to bring the Federal 75% share of new funds into the State.

Again, the area to suffer most grievously for such disregard for the aged in the State of New York, will be the down-State area. No amount of clamor from New York City, apparently will move the up-State Legislators to realize the enormous needs of the aged poor in the down-State area for such programs. It would seem that somehow the State must be by-passed if New York City is to get such vitally needed funding.

The cuts in Medicaid passed by the State Legislature last June are being held up presently by a lawsuit. But, it is now rumored and City machinery is now being readied to

put the cuts into effect in January 1972. These cuts directly affect the aged and disabled. If an elderly person has Medicaid but is not receiving Welfare, after January 1972 he will no longer get coverage through Medicaid for prescription medicines, appliances like hearing aids, crutches, eyeglasses, wheelchairs, and home health aides—the very services which help to keep elderly people living independently in the community, out of institutions.

Some 200,000 senior citizens in New York City have Medicaid, yet less than 60,000 are Welfare clients; the majority of elderly people are too proud to accept Welfare. These 200,000 elderly New Yorkers will have those services for which they relied on Medicaid discontinued; their hospital and doctor bills are covered by Medicare.

If Medicare for all senior citizens is not extended to cover what is called preventive medical care, like prescription medicines, e.g., eyedrops for glaucoma, medication for heart disease or diabetes and medical appliances which can upgrade the general physical condition of an aged person, at least Medicaid broad enough to include these needs should be continued for the aged poor. The restoration of Medicaid benefits to the aged and disabled as it appears now will not pass at the next session of the New York State Legislature, however, unless pressure is brought from all areas of community life and all parts of the State or Federal controls are mandated to the State Legislature to give due recognition to the needs of the aged and disabled poor.

Vacancy decontrol of Rent Controlled apartments in New York City is just another action which heightens the already horrifying housing crisis in New York City, to affect the aged more cruelly than any other age group. Landlords in New York City, and most particularly in Manhattan, are harassing aged people so that apartments can be freed from Rent Control and rents can be appreciably raised.

Obviously the philosophy at work is that it is simple to harass an old woman or man and because of frailty, he or she may not react quickly enough to avoid eviction. The tragic effects of vacancy de-control on senior citizens—70% of whom are renters in New York City—are compounded by rising rents in residential hotels, one of the few housing resources for the aged in Manhattan, an inadequate stock of senior citizen residences, and in adequate nursing homes.

At the same time, there are nowhere near enough new or renovated housing projects for the aged in the City to be other than a drop in the bucket toward the need for accommodations for elderly persons being displaced, either because of luxury development, institutional expansion, or the allot effort to drive older people out of their long-term occupancy of Rent Controlled apartments.

In other words, there is absolutely no place for elderly people to move to today in New York City if they lose the small hotel rooms or Rent Controlled apartments which they now have.

It is vitally important that for the sake of the aged poor and middle income senior citizens in New York City the freeze on rents be continued at the Federal level. Let the housing situation for the aged in New York City be cited as a National emergency with no worsening of conditions allowed, until steps can be taken to provide new or renovated housing for the aged living in the City today.

If the freeze is not continued, some 29,000 low-income senior citizens in New York City will get a 22% increase in rent as of January 1972. This will occur because the State has prohibited the City from continuing Rent Increase Exemptions granted in the Fall of 1970 and the Spring of 1971. It is not so simple to say that those who cannot afford a rent

increase will just have to take welfare; this would demoralize the majority such that it amounts in real terms to signing their death warrants.

One practical solution would be Federal rent subsidies to be granted directly to older low-income people, regardless of where they live: Rent Controlled apartments, hotels, adult residences, non-controlled housing units. But the prognosis for this seems dim. Rent subsidies in the past have been restricted to new apartment dwellings, mainly to allow for establishing an economically mixed tenant community which otherwise would be totally middle and upper income.

What's called for is some imaginative programming instituted through the Housing and Urban Development Administration. Here we are in New York City with an old present housing stock which does not meet standards set for being granted funds for renovation.

Everyone it seems has his vision set for 50 or 100 years in the future. If in advance it cannot be surely proved that a building will provide sound housing, with all of the improvements deemed necessary for the health of older people, which will still be serving as sound housing some 50 or 75 years from now, Federal funds cannot be put into the renovation. Yet, all the while, the majority of older people are living under sub-standard housing conditions in our City with none of the safety or comfort devices deemed absolutely necessary.

Somehow it must be possible to exercise imagination in renovating present housing just to meet minimum conditions, raising sub-standard conditions. For example, on the Westside, the housing presently occupied by a great number of senior citizens are old law tenements, with toilets in the halls and bathtubs in the kitchen. These are four and five flight walk-up tenements.

Another large housing stock are old brownstone and limestone family houses which have been converted to small apartments or single room occupancy dwellings. One idea would be to acquire the brownstones through non-profit community housing corporations and convert them into old-fashioned boarding houses, which abounded at the turn of the century, with communal dining rooms and the personal ministrations of a patient landlady.

But financing for renovation of the brownstones seems bogged down because it is not financially feasible nor physically possible to install elevators. In effect, Federal guidelines for feasible programs for the aged dictate that it is not healthy for older people to climb stairs! Isn't it amazing to note that countless thousands of elderly people climb 3 and 4 and 5 flights of stairs everyday, and someone observed that maybe it's for doing that that their hearts are as healthy as they are. It is only chronic heart patients who absolutely should not climb stairs. I am not advocating intentionally asking an elderly person to test his endurance by climbing stairs, because it is possible to install simple seat elevators on staircases for the upper levels, but this short-range (that is 25 or 30 years) approach is apparently not feasible according to HUD.

Another failure in New York City has been the response of older people to Federal Food Stamps. A fraction—less than 25,000, of those known to be eligible (the requirements are the same for Medicaid and 200,000 have applied for Medicaid) are using Food Stamps.

It is perfectly understandable why Food Stamps are not working—older people in Urban communities have roots in these communities; the grandson of one's schoolmate might be at the check-out counter of the A & P. It is really too much to ask that elderly people suffer the indignation of fumbling around with Food Stamp handouts. The old system for surplus food distribution at

least maintained a needy person's anonymity; your neighbor doesn't necessarily know where a shopping basket of food came from.

I have purposely avoided remarks about increasing Social Security allotments, and while I advocate increases, I believe these problems are of more moment today. Even an increase in the amount of Social Security will not help an elderly poor person meet the total projected increases in rent or those medical costs formerly provided by Medicaid. Thank you.

[From the New York Times, Oct. 15, 1971]

BUS TERMINAL HABITUÉS GET OWN COFFEEHOUSE

(By Paul L. Montgomery)

Mrs. Bertha Moore is 80 years old and lives alone in a \$35-a-month room on Tenth Avenue. About the only pastime she used to be able to afford was a trip to the Port Authority Bus Terminal waiting room to watch the world go by.

"When I started over there, the cops would come and chase us out," she recalled yesterday. "They would come and look and look at you, I don't like them looks. Here, you come and nobody looks."

Mrs. Moore was one of 150 guests yesterday at the formal opening of the FIND Coffee House at 425 West 43d Street, a place where elderly habitués of the terminal can come and enjoy one another's company.

The opening was the culmination of two years of work by the New York City Office for the Aging, the Port of New York Authority, the Travelers Aid Society of New York and Project FIND, a program for the elderly begun by the Office of Economic Opportunity.

FIRST OF ITS KIND

"This is the first project of its kind in the country," said Mrs. Elizabeth Stecher Trebony, the executive director of FIND (an acronym for Friendless, Isolated, Needy, Disabled). "We've already had inquiries from all over the world about it."

Mrs. Trebony formed a committee two years ago to study the elderly habitués of terminal. The other key members were Mrs. Stella B. Allen of the city Office for the Aging, Marvin Weiss, who was then manager of the terminal, and the late Herbert Rummel of Travelers Aid.

One of the first tasks was to check on the habits of the terminal sitters. This was accomplished by Mrs. Mary Z. Butler, who is 67, and Mrs. Stella G. Trebony, Mrs. Trebony's mother-in-law, who is 72. They set up a table in the terminal waiting room and began gathering data on 84 regulars and 189 sporadic visitors.

They met some resistance at first, but after a time the habitués began to talk, usually prefacing their remarks with something like, "Don't tell anyone, but I do sit here a lot." The median age of the sitters was 69, the average income \$1,500 a year. About 70 per cent of the regulars sat alone; 25 per cent came from outside Manhattan.

TOTAL OF \$35,000 CONTRIBUTED

In the meantime, Mrs. Trebony's committee was gathering money and support for the planned coffeehouse. The Port Authority, the Federation of Protestant Welfare Agencies and the New York Foundation made contributions totaling \$35,000, and there were also individual donations.

Last year, a place was found. The Port Authority provided workmen to do much of the renovation. Since June, about 400 elderly people have joined the project, and each weekday from 11 A.M. to 5 P.M. they fill its spruce quarters on the ground floor of two adjacent brownstones to chat, sip coffee, play cards, or read.

An arts and crafts program is offered and so is a referral service for those who have problems they want to discuss.

There is no charge for membership. The average age of the members is 70, and the average income, \$1,650 a year. Mrs. Trebony says that the coffeehouse can operate on a budget of \$35,000 a year, which is about one-third the average cost of a city-sponsored senior citizens center.

"This is the closest thing to home they've got," said Mrs. Allen. "It's really like an extended family situation. You can talk about things here that you couldn't talk about in a more structured place."

"I like it very much," said Mrs. Moore. "I was here the first time it was open and I saw it was nice. They talked to me so nice, I said to myself, these are the friends I should know."

HEALTH, FOOD AND RENT: THREE CRISES FOR THE ELDERLY

(By Elizabeth S. Trebony)

Project FIND's Fourth Annual Conference, "Senior Citizens Report to Congress," on May 21st came at a time this year which could be described as the most serious crisis for the elderly people trying to live in this city.

The West Side's three Congressional Representatives, Bella Abzug, Edward Koch, and William F. Ryan, gave up most of their day for the event, which was co-sponsored by the East Harlem Committee on Aging, Inc. First the Congressmen came to St. Paul the Apostle Church for the morning session on the West Side and then they travelled to East Harlem for the afternoon. Jack Ossofsky, Deputy Director of the National Council on the Aging, was moderator both on the West Side and the East Side. More than 1,000 senior citizens attended.

Frustration was the keynote of the day, expressed both by the Congressmen and all of the seniors who spoke out. The idea of the meeting was, as Jack Ossofsky put it, "to bring together the people of the community, the ordinary citizen of our town with their Representatives in Congress who make the legislative decisions."

The Congressmen all stressed the importance of Senior Power and exerting pressure. Many seniors wanted to know how must Senior Power was necessary beyond what they had shown and were showing that day in the pouring rain by being there and speaking their minds. One lady in East Harlem said, "Do you expect older people to go to Washington or Albany, when most can't afford carfare to City Hall?"

The meetings were planned months ago before many of the recent events occurred which can spell real crisis to the aged in the year ahead. Here are some of the current issues:

The State Legislature has passed a bill cutting Medicaid, which appears to be directed straight at older people, because those payments being cut are the only things elderly people rely on Medicaid for: dental care, eyeglasses, prescription medicines, appliances for the handicapped, home health aides for the sick.

Federal Food Stamps are slated to cost more next September. Now the minimum an eligible person pays is \$9 for stamps with which he can buy \$14 worth of food. Stamps are to cost more after September.

Mayor Lindsay is cutting the budget and threatens to discontinue the New York City Office for the Aging, the only agent through which elderly people have a voice in City government.

Governor Rockefeller has pushed through his proposal to discontinue rent control in vacant City apartments. Elderly people are already harassed because of rent increase exemptions, which are slated to be revoked in January 1972; the Governor's proposal will mean that older people will be surely pushed out of their apartments by landlords employing one technicality or another.

Medicare is being whittled away year after year such that, while it never covered preventive care that Medicaid presently picks up (eyeglasses, etc.), it is becoming inadequate for proper hospital coverage—last year the cost was increased and this year—in May, Senior Citizens Month—the duration of full hospital care has been cut from 60 to 30 days a year.

As Stella Allen, director of the West Side Office for the Aging, guest speaker at the West Side meeting, said, "Cut, cut, cut . . . increase, increase, increase. Higher rents in hotels and apartments, higher prices; increase everything that it takes to live a dignified, comfortable and adequate life."

Jack Ossosky and everyone of the Congressman deplored the "upside-down priorities in this country." Congressman Koch called for the end of the war; William Pitts Ryan condemned legislators for "putting ahead of human beings, the military, SST, and other irrelevancies;" Congresswoman Abzug called for "a National Bill of Rights for elderly citizens, who are entitled to decent Social Security, decent medical care, decent housing, regardless of their ability to pay."

In his summary statement, "A Mandate to Congress," Jack Ossosky said, "Obviously your message to our Congressmen in New York is that you require action very fast; less talk and more action. This is the message that came through to me as I review the discussions on the West Side and on the East Side today."

He summed up those needs expressed in both communities as adequate Social Security, total health care without the need for additional payments, new and better housing at levels they can afford to pay, with a moratorium on rent increases in hotels and present rent controlled apartments, and finally, more vigorous effort on the part of the police to make the streets and homes safe for elderly people.

In addition to getting the undivided attention of all of our Congressmen for this event, the conference this year had several unique features. Present were invited delegations from every senior club and center on the West Side, from Hudson Guild-Fulton Senior Center on 19th Street to Goddard-Riverside Senior Center on 93rd Street, a number of which made donations toward the cost of free lunch for close to 600 on the West Side.

The day ended with a volunteer guest artist from a professional dance group, organized by Eleanore Kingsley, who was elected last September a director of the Community Corporation of the Lower West Side.

The dancers, directed by the world-famous choreographer-Balletmaster R. Antic, were from the Pan American Ballet Company; Eleanore Kingsley, Jon Von Erb, and Constanza Piccirillo. Also performing was Miss Indra Nila, who presented dances of South India.

One elderly lady said after the hour's entertainment, "I forgot there was such beauty left in the world."

With all the bad news, I guess we all had.

PROJECT FIND: SEEKING OUT THE ISOLATED (By Jerome D. Bona)

"Hello, Mary," George McDermott called out to Mary Greene. "She's a real old timer," George explained. "We all come here from the neighborhood and to the other FIND clubs, to pass the time of day with each other. And the people from Project FIND help us with our problems. Anything that comes up, you name it, they try to help us. They have a Newsletter which this time tells about senior benefits we ought to know about."

In spite of gale winds, snow and ice this bitter cold March day, some thirty seniors had braved the foul weather, and had gin-

gerly made their way down the steps for the weekly Thursday meeting of the FIND Club held at the Sacred Heart Church on West 51st Street. Elizabeth Stecher Trebony, Director of FIND, sat in one corner, answering special problems, which one-at-a-time seniors were raising in response to their Newsletter.

Mrs. Trebony said FIND was currently working with city-wide groups in the field of the aging to convince older people that they should take advantage of the federal food stamp program and city rent increase exemptions.

"They are adverse to welfare and are against taking charity. But they have a right to programs like food stamps and rent increase exemptions, as past and current contributing members of our society," she said. "And seniors must be encouraged to overcome the stigma these programs seem to have."

Project FIND has developed into a wholly responsive program, adapting itself to whatever causes senior citizens seem to be facing as time goes by. The present under-utilization in the city by seniors of food stamps and rent increase exemptions are just two current examples. Another example is the crises FIND met head on in helping hundreds of seniors when they were being evicted from hotels in the Times Square area two years ago.

Marie Peterson says she's known about Project FIND for a little over a year. "Margaret Lehrfeld came to me from FIND because a neighbor told her about one of my problems, which I'm glad to forget now because it was worked out for me," she said.

"I'm 71 years old now," says Marie. "Unlike the boy who leaves home, I'm that girl who ran away from home to join the circus. I only weighed about 90 pounds then," said Marie, who looks as if she couldn't weigh much more than that today. "I did aerial work on the trapeze, the rings, and the ladders. They liked me because I was light, I guess."

"In the 1920's, I rode the elephants bare back, you know, with the Downie Brothers Circus all up and down the East Coast. They used to have to sing the elephant's hair for me, otherwise it was like bristles," she explained.

Two others, almost as tiny as Marie, are the Greene sisters, Margaret and Mary, both in their 70's. They told about how the West Side was "peaceful" in the old days. "It was most neighborly. Nobody was beaten up just walking down the street. Nowadays it's hard to know which people to trust. Project FIND helps a lot."

"We've always lived on the West Side," says Mary Greene. "And in just two houses all our lives. About three or four years ago, we had to move from 42nd Street to Ninth Avenue when the Port Authority expanded the Lincoln tunnel."

"We were lucky," said Margaret Greene. "We were recommended by an old friend, and were able to get our apartment in a four-family house, and there has only been the one vacancy there in many years."

Mrs. Trebony emphasizes that housing for the elderly is the worst problem in both Clinton and Lincoln Square, where FIND's staff members, who now number 10, seven of them senior citizens, have accomplished an impressive record in servicing the very high number of elderly residents.

Project FIND is an "out-reach" organization. That is, it makes definite moves to seek out isolated senior citizens, mobilizes resources, and reacts to all issues which affect the elderly community. Since it was started three and one-half years ago, FIND has been able to service about 15% of the senior citizen population in the areas. That is well over 5,000 of the 36,000 over-age-60 residents.

Originally one of 12 Federal projects in the nation, New York City's FIND is the only one

still in existence; the others didn't have the power to gain local funding after their neighborhood surveying had been completed.

FIND is now funded by the Community Corporation of the Lower West Side with War on Poverty (Office of Economic Opportunity) funds from the Community Development Agency of the City's Human Resources Administration.

Rabbi Gerald A. Goldman, then with the Stephen Wise Free Synagogue, on West 68th Street, was the first chairman of Project FIND's advisory committee. He has now been followed by Rev. Kevin Sheehan, C.S.P., of St. Paul the Apostle Church, just south of Lincoln Center.

Mrs. Trebony is quick to stress that the problems of senior citizens are nowhere near being met. Many live in the 55 or so low-and-middle rent hotels between 34th and 74th Streets. "The majority of these hotels are falling into deterioration," she points out, "as landlords take their profits, simply waiting for their property values to increase as the hotels and walk-up apartment buildings give way to high rate commercial buildings, institutional development, and luxury apartment towers."

"We need housing for the elderly desperately," Mrs. Trebony emphasizes. "But the transition of the West Side makes the acquisition of property prohibitive, except for luxury development and institutional expansion."

"If the elderly and other longtime residents of the West Side are to be protected," Mrs. Trebony maintains, "if the area is to be kept a mixed community ethnically, religiously, and financially, more land has got to be acquired by the city, just as it has been from 50th to 56th Streets, where the Clinton Housing Association is now sponsoring the construction of some 3,000 mixed income housing units."

In keeping with its style of responding to current needs, Project FIND, through its recently founded non-profit corporation, FIND Aid for the Aged, Inc., is also working on the acquisition of brownstones, apartment buildings, and hotels, to turn them into old-fashioned boarding houses, licensed under state law as residences for the elderly. "If we can do this," says Mrs. Trebony, "people evicted from SRO's (single room occupancy buildings) and run-down hotels would have a place to go. But here again, financing is an almost insurmountable problem."

Frances McLaughlin agrees about the relevance of Project FIND. "I became a West Sider nine years ago when the building I lived in on East 73rd Street was renovated," Frances explained. "I had to move out. I was alone down here and didn't know anybody. Then I heard about Project FIND when I went to Show Stoppers one night at Hartley House. For three years now Project FIND has given me a lot of pleasure. I never need be lonesome. I always have a place to go."

"You know I'm 87 years old," says Frances. "Elizabeth just helped me out of a scrape with my landlord. And I've been on TV twice to talk up for senior citizens and Project FIND. Now that we have four FIND clubs, we have some place to go every day."

Clubs are an important activity for FIND staff. In addition to giving seniors a place to go and a free lunch, the clubs are the focal point of the seniors' community action activities, which, next to direct service to seniors in their homes, is the heart of FIND's efforts on behalf of the elderly community.

There are club meetings every day in donated quarters: Tuesdays at St. Luke's Lutheran Church, 308 West 46th Street; Thursdays at Sacred Heart Roman Catholic Church, 457 West 51st Street; Mondays, Wednesdays, and Fridays at St. Stephen's Episcopal Church, 120 West 69th Street; and Tuesdays and Thursdays at Lincoln Square

Neighborhood Center, 218 West 64th Street. With the numerous churches involved, it's an ecumenical project; it's relevant; it's filling a vital need for the neighborhood's older citizens, this Project FIND.

[From Newsday, July 29, 1971]

PROJECT FIND—SOON TO BE FORGOTTEN?

(By Penelope McMullan)

Only seven elderly women are left of Project Find in New York. But their search for abandoned old people in West Side tenements and hotels, and their attempts to help them, is still one of the few well-coordinated community efforts to help the aged in the country.

Project FIND survives, unknown and unthanked, the only one of 12 "FINDs" the Office of Economic Opportunity funded around the country four years ago to study the old. Its an acronym—for friendless, isolated, needy, disabled.

"It's me, Betty," says Margaret Drain, 73, staring expectantly at a chipped gray door of a third-floor walkup. Clutched to her chest, is a bag filled with milk, Marlboros and soup. She waits.

The gray door gives way to an acrid odor of cat and Margaret marches through in her accustomed way and sets down what Elizabeth Z, 69, had told her she needed.

In this Project FIND area—from 34th to 74th Streets, Eighth Avenue to the Hudson River—there are 36,000 people over 60. Most, like Betty Z, live alone, on an income of around \$1,500, their total Social Security plus savings. "Decaying" is too good a word for the buildings or hotels they live in, but most of their money goes for rent. Their landlords wish they would die or leave; rent control will end in these buildings the day the tenants go.

"There's no mail," Margaret Drain says importantly, her large blue eyes magnified by the lens of her glasses. Betty Z picks at her nightgown; it slips because her left side has been paralyzed by two strokes. When she suffered the last one they had to break down her door to get to her.

"There never is [any mail]" she replies, and sits down at her kitchen table. Her apartment is ugly—exposed pipes, dirty walls, grimy windows that block light, and amidst the clutter, such things as a dusty man's cap perched on a nail. Betty Z doesn't know where it came from—one of the infrequent visits from her sons, maybe.

Mrs. Drain is paid \$2,080 a year for this work, but it is not the money she is after; she is being useful. Soon, she leaves to take an 88-year-old woman to a clinic. Chin thrust forward, she seems to march down the streets.

The objectives of all 12 projects set up by the Office of Economic Opportunity in 1967 were the same: they were to hire senior citizens who needed the money, have them search out their peers, and then mobilize their communities. OEO hoped to pave the way toward a national network of FINDs.

But it didn't happen. Eleven groups closed down, leaving only a joint report, "The Golden Years—A Tarnished Myth," behind. As it turned out, local agencies didn't really help them; their communities didn't really care, and then the money ran out.

New York's agencies and West Side community were no better, but this FIND group survived in spite of them. "The aged in New York have no priority," Stella Allen, head of the West Side Office of the Aging, says frankly. "There's just fragmentation and no planning." The city's aged population, 943,212 (12 per cent)—the only segment in the city that is increasing—is way down on the priority list. In Project FIND, for example, when the distribution of the OEO funds that support it changed hands from the National Council

on Aging to New York City, the budget fell from \$99,000 to its present \$50,000.

What happened with this one group was that it was not only well-organized but quickly involved the senior citizens. (Almost the day their doors opened at 1966 Broadway, one of the hotel owners decided to close, and sent eviction notices to more than 250 people who had no place to go and no money for moving.)

"We are advocates," Margaret Lahrfield, 75, says carefully. She's been a FIND worker from the beginning, and has learned the government jargon. Belleing a lifetime spent on West 24th Street, she refers to "pockets of poverty," "advocacy," and her job—"therapy for me."

But the workers never had a chance to be just "finders." Issues like the hotel eviction made them advocates immediately. And when they won a promise from the hotel owner to pay \$25,000 to his tenants, they took heart, and prepared never to lose again.

"They got personally involved," Elizabeth Stecher Trebony, FIND's director all four years, says. "In the first months we had two clubs opened up, by the next May two more." This space, donated by four churches in the area, was the catalyst they all needed: a place to meet for recreation and a place to organize for their rights.

Meanwhile the aides continued what Stella Allen calls the "day-to-day services," the little odd jobs like escorting and shopping the aged who have no families to do for them. And, they knew how to get Medicare, Medicaid, or food stamps for the people they found needed help, and how to convince them that taking welfare wasn't the end of the world.

"They don't know their rights," Mrs. Lehrfeld says. "They don't have radios and televisions, most of them, and they don't see the papers."

FIND has to be careful not to offend. "Most people say they'd rather die than go on welfare," Mrs. Lehrfeld says, for these are people come from a time when poverty meant laziness. "These are proud people," Mrs. Trebony says.

Outside volunteers haven't worked out for that reason. At one point, some women from the East Side planned to do a "telephone re-assurance service," telephoning shut-ins once a day.

"They were going to do it, but then they said they didn't want to use their real names," Mrs. Trebony says, her eyes darkening at the memory. "They were afraid the old people would start calling them back. But you can't take a dignified old person and say, 'Hello, this is Miss S.'"

In one club, for example, Teresa O'C sits alone, waiting patiently for the free lunch. Painfully, she answers a few questions about herself, but her eyes beg off. When the food comes she swiftly eats as much as she can get, stiffening slightly when she sees her hunger has been noticed.

Mrs. Trebony is protective and dedicated. She fell into this work as a volunteer, and gets an ironic satisfaction from using techniques of the business world (she formerly was an editor at McGraw-Hill) to push for old people instead of profits.

Last year, for example, FIND wrote a report on the "sitters"—about 200 old people who journey from all over the city, and even New Jersey, to the Port Authority Bus Terminal, where they sit in the waiting rooms from morning until night. There are so many that sometimes there's no place for the travelers to sit.

"It's quite a phenomenon," says one FIND staffer. "They do it in Grand Central, too, and if they had the money, you can bet they'd be out at the airports."

Mrs. Trebony's study led to press coverage

of "the sitters," and then to money from two foundations and the Port Authority itself for a free "coffee shop," to be run by FIND, at 425 W. 43rd St. FIND will try to get "the sitters" to go there instead.

It will be for others, too; Mrs. Lehrfeld tells Richard K about it when she visits him in his tiny one-room apartment at W. 45th St. To save electricity, he wasn't using his fan, but he turned it on when she came, and pulled out a folding beach chair for her to sit on.

He said he would go to the coffee shop. "It's so monotonous," he told her. "I go from this chair here to that chair over there and back again." His apartment is barely furnished; the "chair here" is one by the front window (most have chairs by their windows), and the "chair there" is next to a small kitchen table. Add a bed, night table and a sewing machine (so he can repair his own clothes) and that's it.

K is an example of how budget cutbacks and funding affect the elderly on the West Side. His apartment is under rent-control, which a Rockefeller-sponsored state bill now abolishes—once the tenant leaves "voluntarily." Even if a senior tenant doesn't leave, there will be an automatic 22 per cent increase in January. Joseph Giamo, K's landlord, simply refuses to make repairs: a broken sink, no cold water, and two rat holes that should be plugged up. If it gets worse, maybe the 88-year-old man would leave "voluntarily."

The state also cut back on Medicaid services—payments for eyeglasses, hearing aids and prescription medicines. So K, who pays \$60 a month out of an \$82-a-month Social Security check, will simply not get those things, even though he is deaf and going blind.

But Mrs. Lehrfeld tells him she will take him to an eye doctor she's found. "He's a human being," she says, proud of her discovery, "you know, beyond medicine." She also spotted a sign in a Woolworth's that seniors can get their shoes resoled at half price; K's shoes will make that visit. And then there's the television. Mrs. Lehrfeld convinced a woman who had three to part with one. K watches the little red portable often. Ch. 11 is all he can reach on it, but "Beat the Clock" is better than nothing.

Still, FIND's future is not secure. A FIND Fund tries to raise money from private sources, but that's not all they worry about.

"The lack of priority starts at the federal level," Mrs. Trebony says, "and works its way down to the state and city. Right now we're facing the worst year of all, as I see it. The cuts in state aid, and now, federal food stamps will cut cost more. The cuts seem to be directed against the aged, and nobody seems to realize that these are people who just don't have time to wait."

MAN'S INHUMANITY TO MAN—
HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,600 American prisoners of war and their families.

How Long?

BILL SCOTT REPORTS

HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. SCOTT. Mr. Speaker, since coming to the Congress, I have sent a regular newsletter to citizens of the Eighth District of Virginia and I am inserting in the RECORD at this point a copy of the November 1971 newsletter:

YOUR CONGRESSMAN—BILL SCOTT REPORTS
ELECTION REFORM BILLS

Three major bills relating to campaign spending and reporting will be considered in the House of Representatives after the Thanksgiving holiday. One of the measures has been passed by the Senate, a different one reported by the House Interstate and Foreign Commerce Committee; and still another one reported by the House Administration Committee. All measures are different, controversial, and political. Few people would want anyone to be permitted to spend enough money to buy an election and most would agree on the need for a more complete reporting and disclosure of expenditures. However, there are differences of opinion as to the amount of spending limits; whether officials within the Congress, the General Accounting office, or a new Federal Election Commission should supervise spending and reporting by candidates. There are also differences regarding equal time requirements for television and radio, credit card restrictions, limitations on candidates contributions to their own campaign and whether violations of the election laws should result in forfeiture of the election, or in a fine, or imprisonment. We are not sure which of the three basic bills will be adopted in the House, but are reasonably certain that there will be numerous amendments offered on the Floor. Because of the wide differences of opinion within the committees, between individual members and between the Democratic-controlled Congress and the White House there is some doubt as to whether any election reform bill will receive sufficient support to become law before the next Presidential election.

DISTRICT OF COLUMBIA REVENUE ACT

The District of Columbia Revenue Act passed the House of Representatives early this month by a vote of 248 to 50. It contains the largest amount ever authorized to be spent by the District of Columbia Government and provides increases in gasoline tax, corporate income tax, and the Federal payment from \$125 million to \$170 million but omits any authorization for the imposition of a commuter tax by the District of Columbia Government. Of course, Virginia and Maryland Congressmen had all appeared before the District of Columbia Committee and testified against the levying of this tax. The voice vote in the House on the proposal was overwhelmingly against it. The Senate is also opposed. So we can be sure that there will be no commuter tax for at least another year and hopefully not at any time.

MIDDLEBURG MINISTER

The Chaplain of the House of Representatives has arranged for Reverend W. Michael Nobel, Minister of the Middleburg United Methodist Church to offer the opening prayer in the House on Thursday, December 2. Reverend Noble was Pastor of the Beavertown Methodist Church in Hanover County prior to being transferred to Middleburg where I was the Layman's Day speaker last month.

FERRY FARM

On December 10, the Director of the National Park Service, the Chief Historian of the Park Service and a representative of the Southeast Region will join me in Fredericksburg to visit Washington's boyhood home at Ferry Farm across the Rappahannock River. The Fredericksburg Area Chamber of Commerce will serve as host to the visitors and are arranging a luncheon and a presentation of the history of the property. A total of 38 members of the House have now co-sponsored the bill to acquire, preserve and restore this historic site and others have indicated a desire to join in the introduction of an identical bill. Therefore, we are hopeful that the House Committee on Interior and Insular Affairs will hold hearings some time next year.

HIGHER EDUCATION BILL AMENDMENTS

Spurred by the tremendous public sentiment against forced busing to achieve racial balance, the House approved an amendment to the Higher Education Act of 1971 that would delay busing under any lower-court order until all legal appeals have been exhausted. It also approved another anti-busing amendment which bars the Federal Government from pressuring or requiring school districts to spend local or state money on busing aimed at achieving racial balance. I voted for both of these amendments and hope they will be retained in the bill by the Senate. Final passage of the measure by a vote of 332 to 38 came after the House had worked on the bill for four days and had engaged in a marathon session which ended at 2:30 a.m. Friday.

INTERSTATE 66

As you may have read, the Federal District Court at Alexandria has determined that there is no justification or legal requirement for further delay in completing the construction of Interstate Route 66. A primary concern, of course, is the portion between the Beltway and the Theodore Roosevelt Bridge which has been discussed many times with the Virginia Highway Commissioner. In a recent letter the Department of Highways advised that an environmental impact statement has been forwarded to the Federal Highway Administration and that the portion of the highway between Glebe Road and Kirkwood Drive, at the intersection of Route 29-211, will be advertised for bids March 15. A second project, from the Beltway to the intersection of Route 7, is now being formalized and should be advertised for contract in early summer. I have again contacted the Secretary of Transportation and urged that every effort be made to expedite the completion of this interstate highway which is not in any sense a substitute for the Metro System. It is contemplated that Metro will utilize the median strip of the highway for its trains.

EAST COAST DOCK STRIKE

A number of constituents including businessmen and representatives of state and county farm bureaus have contacted the office urging that action be taken to terminate the East Coast dock strike. Some have cited losses in excess of a half-million dollars per day primarily to farmers producing grain, soybeans, and tobacco. We are told that railroads are refusing to pick up harvested crops for fear of spoilage while the crops are in their possession and cannot be unloaded because of the strike. Several days ago, therefore, I contacted the President with the request that the Taft-Hartley Act be invoked. In the early stages of the dock strike, the White House refused to invoke it because the strike was not general in nature and negotiations for settlement were under way. However, it has since spread to most East Coast

ports and the President has been urged to re-evaluate the situation in order to alleviate the loss to farmers and businessmen. The White House has promised that full consideration will be given to the request.

SENIOR CITIZENS

Sometimes we fail to utilize the talent and experience of older people who may not want complete retirement. In all probability, among our constituency, there are people with long years of legislative or Capitol Hill experience who would like to be employed on a part-time basis. Therefore, I am allocating one space in the office to alternate on a four hour a day, or twenty hour a week basis, for persons between the ages of 50 and 65, who would like to work part-time on Capitol Hill. An individual could commence work at 8 a.m. 12 noon or 4 p.m. on a weekday and if fully experienced in research, legislative, journalism or other Congressional activity, be of material help to this office and at the same time relieve the boredom of not being gainfully employed. If you meet this qualification and would be interested, please submit a résumé of your background, experience and salary requirements. Of course space and available funds require that this proposal be limited to no more than three persons working twenty hours per week.

DUPLICATE NEWSLETTERS

We would like to correct our mailing list and would appreciate it if you will advise us if you are receiving more than one copy of the newsletter or if your mailing address should be corrected in any way.

CALENDARS AND CONSUMER INFORMATION

We have a limited number of Government calendars which will be made available in the order that written requests are received in the office until our supply is exhausted. There are two types, the regular stiff back House of Representatives calendar and the one sponsored by the Capitol Historical Society, which features a number of Washington scenes. If you would like one, please specify your choice and indicate whether or not you would like the other type if the supply of the one you prefer is exhausted.

Also available are copies of a 16-page catalog, or index, of selected Federal publications on how to buy, use and take care of consumer products. About one-fourth of the publications listed are free, and the rest can be obtained for a nominal charge. Individual publications cover such products as appliances, autos, child care, clothing and fabrics, food, health, housing and pest control. Let us know if you'd like a copy of this publication catalog.

SOMETHING TO PONDER

The vote by which Formosa was expelled from the United Nations and Communist China admitted has been described merely as a recognition of reality. However, it may be time for a realistic look at the way the U. N. operates and for the adoption of a U.S. policy more in line with this reality.

The U.N. is said to be \$176,699,974 behind in dues collections and other assessments from its members. Some 76 nations are delinquent. The Soviet Union owes nearly \$87 million, and the rest of the Communist bloc owes the United Nations another \$31 million. In other words, Communist nations owe nearly \$118 million to the organization which just voted to accept another huge Communist country. The United States pays one-third of all the operating costs of the U.N. We might ask, is it realistic to have one nation paying 33 1/3 percent of the costs of a body that supposedly represents all the nations of the world and allots each member equal voting rights?

RESOLUTION TO EXPEL BYELORUSSIA AND THE UKRAINE FROM THE UNITED NATIONS

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, November 19, 1971

Mr. BROOMFIELD. Mr. Speaker, I lend my full support for the resolution introduced by my distinguished colleague, Mr. BURKE of Florida, asking President Nixon to direct our representatives in the United Nations to take the necessary steps for the expulsion of Byelorussia and the Ukraine from the United Nations.

The Congress and the people of America have been distressed by the recent actions taken by the U.N. to expel the Nationalist Chinese from this world body. If this free, sovereign, and independent state can be expelled, why should two constituent republics, indivisible of the Soviet Union, be allowed to remain.

Byelorussia and the Ukraine are two of the 16 republics that make up the U.S.S.R. They relate to the U.S.S.R.

roughly in the same way that Michigan and California relate to the United States. Despite this obvious fact, the Soviets persuaded our war-weary political leaders in 1944 and 1945 that Ukraine and Byelorussia were separate states.

Twenty-six years have passed since then, and Ukraine and Byelorussia, on the contrary, have become more an integral part of the U.S.S.R. They are not allowed to carry on their own sovereign foreign relations, nor have they any semblance of a nation-state which is the criteria for acceptance into the U.N. for all other members.

Any body of nations that expels from its membership an independent nation like Nationalist China, which has defended its borders from intruders for more than 25 years, and at the same time, countenances that retention of Byelorussia and the Ukraine as full-fledged members with an equal vote is practicing the most gross form of hypocrisy. Since Byelorussia and the Ukraine, like Nationalist China, were charter members of the U.N., they too can be expelled by the same method as was used to eliminate the Nationalist Chinese.

The United States has been the primary backer of the U.N. since its inception, paying at least 31.52 percent of the annual U.N. budget. Despite our heavy contributions, the U.N. is virtually in a state of financial collapse. This is quite understandable when one realizes that countries like the Soviet bloc nations owe \$118 million alone, while some countries do not pay their dues at all. Two-thirds of the votes in the General Assembly belong to countries which together pay only 4½ percent of the annual U.N. budget.

Mr. Speaker, now is the time to start making the U.N. a truly representative body—a body of independent nations, free and sovereign. I believe that the responsible course is to try to translate the high feelings generated by the China vote into support for national voting procedures and to reform the finances of the U.N.

To conclude, if the U.N. is to be a meaningful and useful body of world states, it must have integrity. The unequal representation of Byelorussia and the Ukraine cannot be tolerated by a group of equal nations.

HOUSE OF REPRESENTATIVES—Monday, November 29, 1971

The House met at 12 o'clock noon.

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

Let the peace of God rule in your hearts . . . and be thankful.—Colossians 3: 15.

At the close of our Thanksgiving recess, our Father, we pause to thank Thee again for Thy goodness to our Nation and to us. Throughout the year Thy presence has attended our ways and Thy spirit has blessed our days and we are grateful.

Now as we enter the Advent season help us to hear and to heed Thy voice endeavoring to lead us in the paths of righteousness, truth, and love. We are disturbed as we face the experiences of these troubled times and we pray that Thou wilt keep us aware of Thy spirit, strengthening us, guiding us, and seeking to establish among us the ways of peace.

Bless our President, our Speaker, our Members of Congress, and our people. Keep us all faithful to the high task of making America great in goodness and good in greatness—to the glory of Thy holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arington, one of its clerks, announced that the Senate had passed with amendments

in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3749. An act for the relief of Richard C. Walker;

H.R. 5419. An act for the relief of Corbie F. Cochran, Jr.;

H.R. 6283. An act to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government, and for other purposes;

H.R. 9727. An act to regulate the dumping of material in the oceans, coastal, and other waters, and for other purposes;

H.R. 9961. An act to provide Federal credit unions with 2 additional years to meet the requirements for insurance, and for other purposes;

H.R. 10947. An act to provide a job development investment credit, to reduce individual income taxes, to reduce certain excise taxes, and for other purposes;

H.R. 11341. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H.R. 11731. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1972, and for other purposes.

The message also announced that the Senate had passed bills, joint and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 247. An act for the relief of Albert G. Feller and Flora Feller;

S. 641. An act for the relief of Luis Guerrero-Chavez, Guadalupe Guerrero-Chavez, and Alfredo Guerrero-Chavez;

S. 888. An act for the relief of David J. Crumb;

S. 1089. An act for the relief of Robert Rexroat;

S. 1299. An act for the relief of Dr. Biman K. Khastagir;

S. 1436. An act for the relief of Dr. Alfredo Rivera Soliva;

S. 1466. An act to authorize the Secretary of the Army to grant certain rights-of-way for road improvement and location of public utility lines over a portion of Fort DeRussy, Hawaii;

S. 1481. An act for the relief of Jose Amaral de Souza;

S. 1675. An act for the relief of Antonio Plameras;

S. 1893. An act to restore the golden eagle program to the Land and Water Conservation Fund Act, provide for an annual camping permit, and for other purposes;

S. 1923. An act for the relief of Harold Donald Koza;

S. 2048. An act for the relief of Mrs. Jun Kuen Chiu Yee (Jun Kuen McNeeley Yee);

S. 2601. An act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes;

S. 2878. An act to amend the District of Columbia Election Act, and for other purposes;

S. 2887. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes;

S.J. Res. 149. Joint resolution to authorize and request the President to proclaim the year 1972 as "International Book Year";

S.J. Res. 176. Joint resolution to extend the authority of the Secretary of Housing and Urban Development with respect to interest rates on insured mortgages, to extend and modify certain provisions of the National Flood Insurance Act of 1968, and for other purposes; and

S. Con. Res. 50. Concurrent resolution authorizing the printing of the handbook entitled "Guide to Federal Programs for Rural Development" as a Senate document.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 9961) entitled "An act to provide Federal credit unions with 2 additional years to meet the requirements