

# LEGAL PROBLEMS AFFECTING OLDER AMERICANS

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HEARING  
BEFORE THE  
SPECIAL COMMITTEE ON AGING  
UNITED STATES SENATE  
NINETY-SECOND CONGRESS  
FIRST SESSION

—————  
PART 2—BOSTON, MASS.  
—————

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Part 1. St. Louis, Mo., August 11, 1970

Part 2. Boston, Mass., April 30, 1971

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## LEGAL PROBLEMS AFFECTING OLDER AMERICANS

U.S. SENATE,  
SPECIAL COMMITTEE ON AGING,  
*Boston, Mass.*

The committee met at 2 p.m., pursuant to call, in the ballroom east of the Statler-Hilton Hotel, Boston, Mass., Senator Edward M. Kennedy presiding.

Present: Senators Kennedy and Brooke.

Also present: William E. Oriol, staff director; John Guy Miller, minority staff director; Patricia Oriol, chief clerk; and Elaine Mallette, clerk.

### OPENING STATEMENT BY SENATOR EDWARD M. KENNEDY, PRESIDING

Senator KENNEDY. The committee will come to order. I first of all want to express my very sincere appreciation for your understanding and patience in being here with us this afternoon. Earlier today I had an opportunity to talk, in New York City, about the National Health Insurance Program, which I have sponsored in the U.S. Senate—and caught a shuttle; and the marvelous mist and dew—that sometimes we feel up here in Massachusetts—was being felt all the way down the eastern seaboard and delayed our arrival on the plane.

But in any event, you have been very kind and patient in waiting and I wanted to express some very brief words initially. I understand that Senator Brooke will be here shortly. I know he is very interested in this whole problem and has a very deep concern about the matters which we are going to consider here today. So we will start our program. I will make a few opening remarks and then when Senator Brooke arrives, I will ask him if he'd be kind enough to extend whatever remarks he might have to make to this group, and then we will proceed.

We have the witnesses—which are listed in front of you at your tables. We have two panels that will be talking. And then what we will try and do is if we have any time available, I will open the meeting up to the floor. I am very much aware that over the period of our last 8 weeks in the Senate, as chairman of the Health Committee, we have had a number of different spokesmen for various special groups and interests on the whole health care crisis in our country. But the most eloquent testimony of all has come from consumers and those that are living with the health crisis; and so I personally, and I know the committee generally feels it is very valuable to welcome whatever comments we can—given the time in the latter part of the afternoon—receive here in Boston.

And as the time gets shorter we will ask the comments to get shorter. But I want to give the assurance to anyone here that if, as

they listen to the hearing this afternoon, they have what they consider to be some useful information and valuable comments, that they will submit them to me. We will keep the record open for 10 days, in any event, and we will hope that you will submit those comments, if you don't get a chance to speak, and we will make that a part of the complete record of this hearing.\* I know that my colleagues, as well, will be tremendously interested in whatever personal experience you might have, so the atmosphere and the spirit of this meeting should be one that is wide open. We will try and get to you.

I hope you will think about the matters which we are talking about this afternoon, and in the interest of the time available, you will express your own views on this subject matter, or any other matter which you feel strongly about and want Senator Brooke and myself to hear about. We try and get out of Washington as much as we can. We never really are quite sure during the course of the week when there will be votes. Therefore, I and Senator Brooke welcome the chance to have a forum such as this that has been provided here by this very valuable and worthwhile organization, the New England Conference of the Council of the Elderly.

I want to welcome all of you here today to this hearing of the Senate Special Committee on Aging. And I want to thank the New England Conference of the Council of Elders for their cooperation with the committee. Our hearing today is part of the committee's continuing inquiry into "Legal Problems Affecting Older Americans."

#### ELDERLY POOR INCREASING

Our investigation takes place amid rising evidence that the elderly in America are the Nation's most neglected minority. The Special Committee recently published a report documenting the deteriorating economic perspective for the Nation's 20 million elderly. The latest annual statistics show the elderly poor increased from 4.6 million to 4.8 million while the number of poor persons under 65 years of age was decreasing. Today, older Americans are more than twice as likely to be poor as younger persons. One out of every four individuals 65 and older lives in poverty.

Over the past 10 years, the focus of the Nation has been on the disadvantaged. But the plight of the elderly poor has failed to awaken the necessary public and private response. In 1959, Americans 65 and older comprised 15.1 percent of all citizens existing on below-poverty incomes. By 1969, that proportion had reached the 20-percent mark. Ten years ago, a White House Conference on Aging called for change and President Kennedy said, "We must do all we can as a Nation and as individuals to enable our senior citizens to achieve both a better standard of life and a more active, useful, and meaningful role in a society that owes them much and can still learn from them." We have still not completed the agenda left to us by the last White House Conference, and another White House Conference on Aging looms ahead this year.

\*See appendix 3, p. 163.

## ADMINISTRATION BUDGET LESS THAN 38 PERCENT AUTHORIZED

Many of us view the preparations for that conference with concern because this administration continues to show disinterest in the problems of the elderly. The original administration budget request this year for the Older Americans Act was \$29.5 million, \$2.5 million less than what Congress appropriated last year. Only this week, after months of criticism by local, State, and national associations of elderly citizens and letters of protest from Senators and Congressmen, HEW agreed to increase their request by \$10 million. Yet, even that total of \$39.5 million represents less than 38 percent of the \$105 million that Congress has authorized. This is a shocking misallocation of priorities and it extends through the entire administration program for the elderly. The Senior Opportunities and Services Program under OEO was set at the same level as a year ago, despite a 5-percent cost-of-living increase. OEO acknowledges that besides that effective 5-percent reduction in SOS services, its new budget also calls for some \$12 million less in funds apportioned to assist the elderly poor.

## RESPECT AND CARE FOR ELDERLY CITIZENS

This Nation can do far more for its elderly poor. We have the resources and the potential to insure that the elderly among us do not remain forgotten. The historian Toynbee concluded that the quality and strength of a society can be measured best "by the respect and care given its elderly citizens." Why is it then that this Nation finds more than 1.4 million men between 55 and 64 years of age absent from the workforce? Why is it that an elderly West Virginia widow must pay \$5 a month out of her \$84 a month Social Security check just to cover the Medicare? Why is it the Department of Agriculture will propose new regulations that will effectively exclude 21,000 Massachusetts elderly, 3,100 blind and disabled persons from the food stamp program? Why is it that older Americans must spend 27 percent of their income on food while the average American spends only 16 percent of his income on food? Why is it that a disabled World War II veteran living on a \$200-a-month pension must continue to pay a 3-year-old hospital bill?

If this Nation truly intends to meet its obligations, it must end these conditions. I find them intolerable. As a member of both the Aging Subcommittee of the Labor and Public Welfare Committee, and the Special Committee on Aging of the U.S. Senate, I feel strongly that we owe an opportunity to our older citizens, an opportunity to continue their contribution to the Nation, an opportunity to live in dignity in their latter years. The Health Security program I have introduced this year will end once and for all the deductibles, coinsurance requirements, and qualification loopholes that cut into the fixed incomes of the elderly. I believe this program of National Health Insurance will assure every American access to good health care regardless of his income.

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\*See letter to Secretary Clifford M. Hardin from Senator Kennedy; appendix 1, p. 159.

This year, I have reintroduced the Older Americans Community Service Employment bill. If enacted, this bill would stimulate employment of low-income senior citizens in a broad range of community service activities—day care assistants, teacher aides, librarians, hospital attendants, recreational counselors, and nutritional assistants. Also, I have introduced a nutrition program for the elderly which has 21 Senate cosponsors and its House version, introduced by Congressman Pepper, has 108 cosponsors. For many of the 20 million Americans over 65, inadequate income, inadequate education, and forced isolation means that they are effectively denied the food they need for an adequate diet. This bill would underwrite the costs for a hot meal a day for some 350,000 elderly persons.

#### ADMINISTRATION OF PROGRAMS FRUSTRATING TO OLDER AMERICANS

But these programs and others which the Congress has passed depend on responsive administration for the benefits to reach the people they are designed to serve. That is why the hearing today is of such importance. Because, too often, Government programs developed to aid older Americans, operate to frustrate and rob them of their dignity. Programs enacted to make their lives more secure and satisfying, provide neither security nor satisfaction. Those frustrations not only exist, but they are on the increase. My mail and that of other Senators includes countless entreaties from elderly persons who have been rebuffed by Government agencies: The nursing home patient who learns that his Medicare extended care benefits was cut off weeks ago, and that he can no longer receive care; the Social Security recipient who receives a reduced monthly payment without notice or explanation; the public housing tenant who is told one day that the latest Social Security increase makes him ineligible for his small apartment; the widow who, for the first time in her life, must fill out an income tax form. These are not minor problems to those who must endure them. For many Americans, the golden years can be made bitter because of an unresponsive Federal or State bureaucracy.

Not only is there frustration at the slowness and the complexity of governmental action. Arbitrary actions by local officials, combined with endless forms and computer punchcards all too often actually deprive individuals of vital services and benefits. To those of us who believe that government should serve its citizens, rather than thwart them, such situations are intolerable. In my position as chairman of the Subcommittee on Federal, State and Community Services for the Senate Special Committee on Aging, I am increasingly aware of the interrelationships between services and the legal rights of those to be served. What good does it do for Congress to order a service or benefit for older Americans if that service is later denied by redtape or by administrative inertia. This is a question that should be raised here today. It is a question that should be raised later in the White House Conference on Aging.

#### CUTBACK FOR LRSE PROGRAMS

The pioneer Legal Research Services for the Elderly program—one of the sponsors of this conference—has already asked that question. In the courts, in administrative proceedings, in legislative hearings,

OEO lawyers have helped dramatize the pervasiveness of injustice and neglect of the elderly poor. It is tragic that LRSE must operate under the uncertainties about continued funding. Despite rising costs, the administration has asked for the same amount which was appropriated last year and has maintained its refusal to refund more than five legal services projects for the elderly. This represents a cutback from the 12 programs which were operating a year ago. This conference and today's hearing hopefully will help provide the momentum for a more permanent funding for LRSE.

Ultimately, the full impact and effectiveness of these programs cannot be gaged until we hear directly from the people affected by them. And that is why we are in Boston today. We want to hear, not only about the problems, but about the role of legal services and the role of advocacy. Because perhaps the most promising aspect of the past 2 years of operation by LRSE has been its sponsorship of advocacy by elders for elders. And it is the potential of advocacy and the future of advocacy in helping to solve the problems of the elderly that we are concerned with today.

I want to also express my very great appreciation to Mr. William Hutton, Chairman of the LRSE project, who is an old friend and valued counselor to us in the Nation's Capital, for the many useful and helpful testimonies that he has given to the Congress and the Senate. We look to him for leadership and he provides it. To Al Denson, who is the assistant legal director of the Massachusetts Council of Elders. And Mrs. Emily Walker, who is the president of the Massachusetts Council of Elders and who was kind enough to greet us as we came in the hall and is with us here this afternoon as well.

Before we begin our first panel, I will ask Senator Brooke if he would like to make a statement.

#### STATEMENT OF SENATOR EDWARD W. BROOKE

Senator BROOKE. It is a pleasure to see many of the same friendly faces that greeted me last Friday at the Senior Power Mobilization at Suffolk Downs. I stated my firm conviction then and reaffirm now that we, as a Nation, have only paid lip service to the problems and adjustments of older Americans. For too long we have glossed over glaring inadequacies in the public and private treatment of your generation.

No one will challenge our commitment to improving the quality of life for older citizens. Yet we have permitted procedural disagreements to jeopardize the orderly and responsible implementation of long-range solutions. The problems facing older citizens are no less real than they were 10 years ago or even 20. The answers, however, have come about in a halting and piecemeal manner. It is doubly unfortunate that the lagging evolution of the Government's response has presented, at times, a confusing and often complicated range of programs for the elderly. Yet as we know, little attention has been focused on the means by which the elderly take full advantage of these programs.

Who can deny that the failure to understand complex Social Security regulations has cost too many older citizens money that they



could not afford to lose. Who can deny that the participation in food programs, including the relatively new and successful school lunch program for the elderly, has been reduced by a lack of information.

Older Americans clearly need effective assistance in understanding the alternatives available to them under Federal and State law.

As you know, this committee has already held hearings in conjunction with the American Bar Association relative to the need for adequate legal services for older citizens. The committee has received overwhelming evidence demonstrating the effectiveness of the Legal Research and Service Projects sponsored by the National Council of Senior Citizens. Your active role in housing, advocacy, training, and protective services is to be applauded and encouraged. But the law, like other professions, is seeing an expanding need for paraprofessionals. It has been established that the lay advocate can play an essential role in performing a wide range of social services; in representing clients before certain administrative bodies; and in reducing complex legal jargon to understandable terms. At the very least, such efforts allow the participating attorneys to devote more time to the more complex legal questions facing their elderly clients.

I am pleased that the Council of Elders Project here in Boston has led the way in utilizing the valuable services of lay advocates. Your leadership and initiative has been cited across the country as a model for constructive action. And certainly your efforts have not been in vain. Just last week the President designated May 1971 as Senior Citizens Month, thereby demonstrating his continuing concern for the problems of older Americans.

The hearings today will hopefully enable us to highlight both the accomplishments and the problems facing lay advocates. Their need is clear. I am looking forward to hearing the testimony.

Thank you, Mr. Chairman.

Senator KENNEDY. Our first panel this afternoon is headed by Mr. Jack Leff, the Executive Director, Council of Elders of Boston. He has some elderly advocates. Mr. Leff, if you would be kind enough to come up and bring your elderly advocates up here. Mr. Goldings. You can tell who the proper people are here today. Mr. Leff, I have the names of your panel here. You can introduce them.

Mr. LEFF. Thank you, Senator. Could we have at this time Mr. Frank Dumas, who is the president of the Chittenden County Senior Citizens Alliance, Vermont, come forward, please; Mrs. Betty Curley, a senior aide from Rhode Island; Mr. William Holsten, legislative chairman, Connecticut Council of Senior Citizens; Mr. Remi Gendren, director of the Senior Citizen Center, Claremont, N.H.; and Roxbury's own Mrs. Melnea Cass. And the gentleman to our far left is Morris Goldings, member of the National Advisory Board, Legal Research and Services for the elderly and counsel for the Council of Elders.

Senator KENNEDY. I want to welcome all of you here today; and, Jack, I will let you proceed whichever way you desire.

Mr. LEFF. Thank you, Senator. I have been asked to briefly describe to you the purposes of the conference. I promise to do so. We have come together to try to first understand why in our advanced and supposedly sensitive culture we create unjust laws that place immeasurable hardship on our fellow human beings. And secondly, to

help those that are afflicted to turn the tide in their own behalf. Thank you.

The first gentleman is Mr. Dumas, who paid me a great compliment, Senator. He said to me that he remembered me make a speech and he applied what he had heard. And to me that is a great compliment because you throw out thousands of words and you wonder if anyone ever pays any attention.

Senator KENNEDY. Mr. Dumas.

#### STATEMENT OF FRANK DUMAS, PRESIDENT, CHITTENDEN COUNTY SENIOR CITIZENS ALLIANCE, VERMONT

Mr. DUMAS. Senator Kennedy, ladies and gentlemen, I am here to relate a little story that occurred in Vermont, not a story, but a reality, in regard to drugs. In 1969 our president of the Pharmaceutical Association of Vermont went to the Capital and enlisted the aid of the attorney general to forbid all of the people in Vermont to import drugs from out of State. Consequently, this grew to a fester and through the hard work of our county senator, Mr. Stoyan Christo, when this became a reality he called upon my assistance to go to Montpelier and testify on behalf of senior citizens.

#### INJUNCTION ON DRUGS FROM OUT OF STATE

At that time the attorney general had slapped an injunction in our face, as I say, that we could no more get drugs from out of State; primarily out of Washington. And he told us that he wanted to protect the health of our senior citizens because that excuse was to protect the health because the people, the pharmacists in Washington, might not be known to us, they were not competent, and we might be getting inferior quality drugs. And I asked him to recite one case, because we were getting drugs since 1963 in Vermont, and the door was then closed. I said, "If you will relate to me one instance where we had some dissatisfaction, some people were injured, their health injured by inferior drugs, we'd like to know it." But no such instance could be related.

And I finally discussed the situation in the senate with them and the ban was left in abeyance until I told him if this injunction was not lifted, that I would take it up in Washington with the National Council of Senior Citizens. He asked me if that was a threat. I said, "No, that is just for information what we are going to do." And a week or so after the attorney general informed me that it was no further a crime for senior citizens to import drugs. And this last couple of weeks since the legislature has closed, they have taken out the injunction from the statute books.

There is one more case I will take just about a minute. Last week a lady in Vermont appealed to me that she was detained in a rest home 5 unnecessary weeks because she had no place to go. She was destitute, she had no home. She had to give up her home because she was hospitalized, and she was very despondent. And she came to me—over the phone, rather—and asked me if I could help find an apartment for her that she could afford to pay.

I made contact with the Housing Authority in Burlington and I have an appointment this coming Monday afternoon; and I believe since there will be two vacancies in the housing project there, that I will be able to put her in, according to what I am told. And I am working on that now.

Senator KENNEDY. Very good. Fine.

Mr. LEFF. Thank you, Frank. You sure did hear me. The next speaker will be Mrs. Betty Curley, a newly found friend from Rhode Island.

Senator KENNEDY. We will hear from Mrs. Curley.

**STATEMENT OF BETTY CURLEY, SENIOR AIDE, AND MEMBER,  
RHODE ISLAND LEGISLATIVE COALITION FOR THE ELDERLY**

Mrs. CURLEY. Mr. Chairman, Senator Kennedy, and ladies and gentlemen, I am Betty Curley aged 71, from Pawtucket, R.I., and a member of the Rhode Island Legislative Coalition for the Elderly. And may I say that at 11 today I was surprised to find that I was to be a participant on the panel, so please, my remarks are right from the top of my head. Maybe I should say wig today. I am also a senior aide—since August 1968—in Providence on Dr. Mulvey's program. There are 67-odd aides and we work 20 hours a week, plus homework. My jobs are telephone operator, timekeeper, and organizer for groups when we are needed where the action is.

**BLUE CROSS REQUESTS 63-PERCENT RATE INCREASE**

Illustration: We learned on Saturday, February 6, that a hearing would be held on Monday morning at 9 a.m., in Providence on request of the Blue Cross for increases in rate plan 65. I rounded up 52 aides and we were there at 8:30 a.m. in the morning protesting a monthly premium hike we learned they were asking for, a monthly premium hike of from \$4.45 to \$7.25; that is a 63-percent increase, shifting to the elderly of Rhode Island the burden they are unable to shoulder.

Dr. Mulvey and Mrs. Lillian Turner, President of the Rhode Island State Council of Senior Citizens, also a senior aide, called upon them to wait and see what changes in Medicare, if any, came out of impending legislation before levy hikes in premium. We succeeded in delaying temporarily their inquiries, but they did get a 20-percent increase since then and they want more later and are threatening to close out the 65 program entirely if they don't get their 63 percent.

Senator Kennedy, our only hope is your bill, and we sincerely hope that it will be passed. When I joined Dr. Mulvey's group of aides, senior aides, she told me that I'd never get rich. But she was very wrong. I have been enriched many ways and I am proud and grateful to be a small cog in the national organization. Thank you for the opportunity of presenting this statement.

Mr. LEFF. Thank you, Mrs. Curley. Our next speaker was heard by the conference yesterday and we were all so impressed with him that we asked him to testify at this hearing. Mr. William Holsten has already made a contribution to the council and I am sure you will enjoy hearing from him. Mr. Holsten.

**STATEMENT OF WILLIAM HOLSTEN, LEGISLATIVE CHAIRMAN,  
CONNECTICUT COUNCIL OF SENIOR CITIZENS**

Mr. HOLSTEN. Gentlemen, we all know the difficulty with housing, the lack of senior citizen housing, and those people who have their homes yet, are trying to hang onto them. There is a tradition, particularly up here in New England, that when you have a home, it is usually one that your parents had and you want to keep it. But the time is getting so bad that with taxes and with the cost of maintenance, that they just can't keep them. We know of several cases where they have had to give up. They have had to give on the basis of advice from their friends that if they let the house go, it will deteriorate to such a condition that they will not get very much for it. So they have gone out either with their relatives or found out some other way.

**CONNECTICUT PROPERTY TAX ABATEMENT BILL**

Now, to get outside housing is very expensive, and with the minimum that they have and the Social Security which in October was about \$118 average, and now with the 10 percent will be another \$12, \$130, but in the meantime everything is going up, for which they are not responsible, naturally. So the State of Connecticut, with the efforts of the senior citizens, were able to get a bill 4 years ago called the Property Tax Abatement, and in that bill any single person that has a maximum of \$5,000 income, and \$5,000 a couple, and lived in the State for 5 years, is entitled to a reduction on their assessed value of \$1,000 and the tax rate is frozen.

Now, that worked out all right excepting that it was on the gross basis of your income. Two years ago we went before the legislature and we had that changed to basis of the adjusted income, which meant that the Social Security was omitted. So that permitted some of them to continue and also permitted some to come in under the umbrella. So that has worked very well. But because of the fiscal situation, which is not only in Connecticut, it is all over the States, Governor Dempsey 2 years ago formed a committee and had them make a report in 2 years, which we got in February. And that report indicated that many of these things should be phased out in order to reduce the debt which has accumulated and also to cover future expenses. So that we are faced now with the possibility that this will be phased out, and if it is phased out, it is going to be a very difficult situation for the people who own their homes.

So that I think that we have now come to a point that if this comes by, that the Federal Government ought to do something to help, at least help these people who have hung onto their homes, because there is no other way of living, getting shelter so that they can continue to live there.

**MEDICARE DEDUCTIBLES**

Now, since I have a minute or two left, I would like to bring in another matter, and that is on Medicare. In my own case, I suffered a heart attack; with the result of that heart attack I now wear a pacemaker. And that pacemaker was put in 3 years ago, and they only

last about 20 months, and it was replaced a year ago last January. I put in my bill to the Medicare carrier and the bill was for \$250. And the carrier said, "Why, that operation is only worth \$150." And I wrote them and I said, "Well, how did you determine that?" And they said, "Well, it is supposed to be what the thing should cost." I had to give up.

So it meant that the \$150, I had to pay the first \$50 under Medicare, which brought it down to \$100. Medicare pays 80 percent. So that makes it \$80. And if you have CMS, which is equivalent to Blue Shield, they give you 20 percent. Now, when the Blue Shield gets it, they say, well, Medicare itself only valued \$100. So, therefore, 20 percent of \$100 is \$20. So with the \$80 and the \$20, that made \$100, so that I was out \$150. Now, I tried to fight that thing, but without success. And I was told that these prices were set in 1968. I understand that since then the prices had been revised to 1969 basis. I will have to have another one in probably October or November. So I really don't know how I am going to make out on that. I am hoping.

Senator KENNEDY. Mr. Holsten, this is one of the real problems I have with so many of these existing programs. This deductible is supposed to make you cost-conscious. Here is Mr. Holsten, whose whole existence is dependent on that pacemaker; and nonetheless, even with the various Blue Cross and various insurance companies, they still require that he pays those deductibles. I just find the most cost-conscious people in this country are the consumers of health care; and there is a very strong group of people in this country that feel that you have to try and discourage people from going to the doctor or going to take advantage of services. I don't think people go down to hospitals, those emergency rooms, or stay in hospitals for the fun of it. And I think this is one of the best reasons that I have heard for legislation that we have introduced in terms of national health. I appreciate your comments.

Mr. LEFF. Mr. Holsten, after hearing you for the second time, I sure do wish you were living in Massachusetts. We could use you. The fourth panelist is probably the first elder advocate I met outside of Massachusetts while on a trip to the National Council Senior Citizens Conference, Mr. Remi Gendren, who is the director of the Senior Citizens Center in Claremont.

**STATEMENT OF REMI GENDREN, EXECUTIVE DIRECTOR, SENIOR CITIZENS CENTER, CLAREMONT, N.H.**

Mr. GENDREN. Thank you, Mr. Leff. Members from the U.S. Senate, and both from Massachusetts, and the rest of the panel, I would like to state that I am Executive Director of the Senior Citizens Center in Claremont, New Hampshire, under the OEO program specializing with the elderly. We have one in Newport, N.H., doing the same thing. It is still under the Cheshire and Claremont Community Action, two-county structure. We have the center as a drop-in center for people to come and find our staff when they have problems. And the problems that we are specializing with are preretirement and retirement problems. And in both of these problems we find people that have frustration, confusion, and they get a lot of misleads from the

general public, from their own friends, and they come to us bewildered, not knowing if we are going to give them the right steer or not.

Now, we have a problem sometimes in working with these people because they have immediately developed, one might say, a doubt that there will be anything done. And there are times when they try, after they have had some type of information, they think that they have the right information at hand; they go to see the proper agencies and they foul this thing up because they don't make a proper approach. And when we are brought into the problem, then we have to do the research work before we can actually help these people.

### RESEARCH IS NECESSARY TO WIN RIGHTFUL BENEFITS

Once we have done our research work, we usually manage it, the great majority of the time we manage to win their benefit, rightful benefits that are due them. Now, we have a few cases that have been real pitiful type of cases because the people, which a number of our people are very conservative, and they have always made it on their own and they will not take anything that looks like charity; any type of welfare they still steer away from. We have one woman that was over 72 in 1966 that did finally get in under a \$35 Social Security check. She had no earning power under Social Security. But this \$35 check has really helped her. Later it came to \$46. And now we are going to get a 5 percent for her retroactive to January 1. This woman is not getting enough money as it is and won't get enough money to pay her rent, which is \$60 a month, and that doesn't leave her any alternative but go to the bank every month and draw some of her savings.

Well, this has been going on for 5 years, going on 6 years, and I am sure that her savings are going to be depleted before too long; and this woman is still holding off, not even accepting her rightful benefits, which would be surplus foods that will be given to her without her even going to the problem of signing up with the authorities to get the surplus foods. All that is required of her is to give an authorization for somebody to go and pick it up for her, deliver it to her. But her dignity and her pride has kept her from even receiving this food; and she is one that is an outstanding problem, but it isn't the only isolated case.

We have plenty similar to this; and we have one case I'd like to mention at this time, which is another pitiful one, a widow, 83 years of age, been widowed 22 years, was able to hold a home steady up till now, but this past winter with the extra fuel costs and other costs she had a fear of losing this home. And when she asked for aid through some church group and I was able to find this problem, I went to this lady and I asked her if we were successful in getting a \$100 minimum Social Security, she is receiving \$60.30 right now, if this might help her problem. And she said that would solve her problem. She's managed so far; she certainly could manage on \$100.

And so I am bringing this out because we are specializing with the preretirement and retirement problems and we have found that the image that we have created over the last 5 years has been giving us so much traffic, so much work, that our staff is only a matter of my own personal staff and an aide. And we could add three lay advocates

very nicely to this program and I feel this is a good time to present this particular problem of ours.

Thank you very much.

Senator BROOKE. Mr. Gendren, may I direct a question to you. I know the committee is very much concerned, I certainly am personally concerned, with the quality of the advocacy that the elders are getting. Certainly it is commendable to have lay advocates for the elderly. But I think it is important the committee understand just what these advocates are trained to do, how much training they have received and how many people are available to give representation to the elderly.

#### TRAINING FOR LAY ADVOCATES

Could you give us some indications as to what training you personally undertook to be come a lay advocate?

Mr. GENDREN. I believe that in 1966 the Medicare Work program required something like 50 hours of training to put us into the field, supposedly able to answer all the questions concerning Medicare and the Open Enrollment. And at the time we had a number that came from, I will say, from the general public that did work in the office and we did find that what few hours of training they had, they were able to do very well. And they have, if they ever run into a problem that they didn't know all the answers and couldn't completely go all the way with these people, they made the referrals to someone that could pick it up and from there we managed very well. So I believe a short duration of a training program for the advocates would put them into a fairly well—I mean by that we could characterize the different problems that we would have them undergo and from there they would always be able to get some help.

Senator BROOKE. As new legislation is proposed or passed by the Congress, do you have any facilities for training?

Mr. GENDREN. Well, not at the present time unless we were able to get some funding. Right at the present time our Community Action Project that we have is funded so low that we have just money enough for the rent of the center plus my own particular position is a pay position, and the rest of it is volunteer, and that is all the money we have to work with at the present time.

Senator BROOKE. What is your caseload, Mr. Gendren? How many cases do you work on in your office?

Mr. GENDREN. Well, there are some days I will average about 10 cases a day, 35 cases a week, and we have all types of cases: Social Security, applying for the benefits, to see if they have quarters enough, for one thing. Once in a while we run into problems where they do not have quarters enough; they may lack two, three, four quarters, and then we find job opportunities and we get them on a payroll some where to be able to get their benefits.

Senator BROOKE. How large is your staff?

Mr. GENDREN. That would probably run one, two a month after that particular problem, of the ones that we find do not have enough earning power or aren't with actually enough quarters to be eligible for Social Security.

Senator BROOKE. Telephone facilities?

Mr. GENDREN. We have telephone facilities, yes.

Senator BROOKE. Adequate for your job?

Mr. GENDREN. Yes, we have.

Senator BROOKE. Secretarial facilities?

Mr. GENDREN. Yes, we have.

Senator BROOKE. Are they paid?

Mr. GENDREN. One. We have one under another program; it is a homemaker's program that is doing that particular part of the service.

Senator BROOKE. Are you able to keep up with the case load or are you suffering from a lack of lay advocates working in your particular area?

Mr. GENDREN. Not able to at the present time. This is why we would like to suggest that advocates that might be able to work in this program would really help to pick out some of the problems that we are not able to take care of and we might be able to hand out the easier projects and then keep the ones that we know are going to be the harder ones for ourselves.

Senator BROOKE. Are you publicizing so that the elderly who are living in your area are aware of the services that you are able to render?

Mr. GENDREN. Yes; over the 5 years our traffic has more than doubled. We have a lot of communication now that we didn't have at first.

Senator BROOKE. So you feel that the people know of these services, and that they are able to have them free of charge?

Mr. GENDREN. Very much so.

Senator BROOKE. And are they utilizing this service?

Mr. GENDREN. Yes.

Senator BROOKE. Could you use a larger staff to adequately take care of those in your area?

Mr. GENDREN. Yes; it would do very nicely.

Senator BROOKE. What is the closest lay advocate to you geographically?

Mr. GENDREN. Well; we have people that I would say are capable of taking on this responsibility, I am sure we'd have no problems filling the bill.

Senator BROOKE. You mean you could recruit people to do the job?

Mr. GENDREN. We could recruit these people and I am sure we can recruit the right type of people, too.

Senator BROOKE. What is the area you actually serve?

Mr. GENDREN. We have Sullivan County, and that comprises 15 towns. Now, there is one city among that, which is my own community, of 17,000 people, and we have two fairly good-sized communities of about 5,000 or 6,000 and one about 5,000, and the rest are smaller communities in the range of 1,000 to 1,500 people.

Senator BROOKE. Your testimony is that the lay advocacy program is an essential program, that it is working, but that it would be improved by increasing the number of advocates, is that correct?

Mr. GENDREN. Yes, I believe it is.

Senator BROOKE. Thank you. Thank you, Mr. Chairman.

Mr. LEFF. The first time Melnea Cass introduced me I knew it was an honor, but to introduce Melnea Cass is certainly a privilege. Among her many titles, which we all don't have time to listen to at



this point, you should be aware that she's just recently received a new one, that of a member of the Health Insurance Advisory Council of the Social Security Administration. Mrs. Cass.

Senator KENNEDY. Delighted to have you.

**STATEMENT OF MELNEA CASS, MEMBER, HEALTH INSURANCE  
ADVISORY COUNCIL, SOCIAL SECURITY ADMINISTRATION**

Mrs. Cass. Distinguished Senators, it is such a pleasure to have both of you here with us; we are greatly honored to have you. Also the others on the panel. We have been working together for the last 2 days. I'd just like to say in regard to my part of this conference—that it is of great value to us all.

Senator KENNEDY. As a matter of fact, you have a peculiar way of bringing Senator Brooke and I together, not that we don't welcome each and every opportunity. The last time we got together was at your testimonial, I believe, which was a very well deserved one.

Mrs. Cass. Well, thank you.

Senator KENNEDY. We vote together a lot. We are supposed to keep that quiet, though, I guess, until next year.

Mrs. Cass. We are proud of you from Massachusetts. We are just tickled to death to have you both down here. Now, I am going to speak a little bit about the processing in the welfare department, of which I am quite familiar, especially the appeal department where sometimes old people have to come before an appeal board and testify or say what their troubles are. Particularly has this been true of some who live in housing developments and they are all mixed up on their rents and what they are supposed to pay; and supposedly, since the Brooke amendment went in, they are all looking to get the reduction into their rent. They don't understand why they have to pay this or that or the other.

This is a general conversation in housing developments amongst the elderly; and sometimes they come before the board and they are not prepared, and this is the time that we can use the advocates and they have helped a great deal in our Council of Elders to help them to know what their rights are and help them to save them. Personally, I am not too keen on people who are not qualified to plead for me any place. I think neither are you. So I think that is why the training is very important, the person who stands up to help you knows exactly what he is talking about and can call his points before the board they appear before.

This is a weakness that I have noticed in elderly people and I think there is a great need of a training period for the people who go; the Council of Elders have a training period which their advocates are well trained under the legal department and when they go again they know the facts and they can stand up and go right along with the people who are on the panel and sometimes outwit them and know even more about the thing than they do. So that is my one thing that I would like to see.

Although we are going out united together to get the things we need, and I know we are going to get them, we do want to be well informed so that we can really make the impact that we want to make. And because we depend on our Congressmen, because we know that when we

write to them or tell them what we want, they are in our corner all the time; so we feel good about that.

#### LAY ADVOCATES FOR NURSING HOME VISITS

Then the next thing I would like to say is in the nursing homes that I have had a chance to visit, I find there is a great need for somebody to really watch. That is where you really need some advocates to go in and just be a visitor and observe what is going on. So you can go in, bring it out, bring out the facts and see there is something done about those because they are where we all seem to go in time of need. And we want to go there because that is the place we can get attention when we can't get it ourselves. But there is a great need here in Massachusetts, particularly in Boston, to look into the nursing home problem. And I think our director has done quite a bit on that for us in this area to see that some of them are closed and some of them are limited in the extent of what they are doing.

#### FOOD STAMPS AND SURPLUS FOOD COMMODITIES

Then I would like also to say that today we heard from our Commissioner on Public Welfare, who was here, and he left us some very strong things to work on and I think they were very timely. And amongst them was this food stamp situation which he thinks should be regulated so that we in Massachusetts probably can benefit by it.

And it seems that this is going to be regulated by your basic budget and we hope that this will be given much attention so that we can participate in this food stamp and surplus food commodities a little better than we are doing now. And there really should be some way for the elderly to receive their commodities. And I don't think that is too good a system only in the Council of Elders and in our area. We have a way of transporting to them and I think that that needs to be looked into. You can have the commodities, but if you can't get it, it is no good to you, or if it is too difficult for you to get.

I think those are the things. And to supplement the budget with the food stamps and the commodities is a great help to the small amount of money some of them get. I think that's about all I can say. I actually say that we are all ready to unite both of you Senators to really get down in Washington and deluge them with all of our complaints and we want you to step right up and get them done just as quick as you can.

Senator KENNEDY. You can see why she is so successful and persuasive. Very well stated.

Senator BROOKE. Mrs. Cass, you have been lobbying me all my life, so I am accustomed to your lobbying techniques. I do think you made some very valid points; one on the question of advocacy about which I addressed some questions to Mr. Gendren. This concerns me greatly because I am an old attorney general here in Massachusetts and have seen a lot of lawyers. I quite agree with you that sometimes it is better not to have a lawyer if he can't represent you well.

Therefore, I think it is very important that the quality of representation and advocacy for elderly people be the best that they can possibly get. I am glad to see that you are thinking on this line and

that you are keeping your training programs going because this is important legislation and sometimes very complex legislation. In order to advise people what is available to them, certainly you have to know yourself exactly what is available.

On the nursing homes, I am hoping that you will follow through. That is a serious problem. We don't have but 3.5 percent of the elderly in the country who are actually living in nursing homes today, but these are the people who can't get out. These are the people who really need representation. These are the people who perhaps cannot make known their problems to their government and to the agencies that are concerned. I think that the job of advocacy for these people is probably much more important than the job of advocacy for people who are fortunately able to walk into an agency or to pick up a telephone and to talk to somebody and make known their grievances.

So far as food stamps are concerned, I am ashamed to say that Massachusetts is one of the worst violators in the country. We just have not done well in our State. I know this is a regional meeting. I don't know how Connecticut, New Hampshire, Vermont, and other New England States fare. I am very hopeful that the advocates will look into this area. Though you may believe that we don't have poverty and that we don't have hunger in New England, the fact is that we do and we certainly need to look to what is available, and make it known to the people that they are actually not benefiting from either one of these programs.

As far as your advocacy of the Food Stamp program and the nursing home, I say right on; let's keep moving in that direction. Thank you very much.

Senator KENNEDY. Mrs. Cass, as you are probably aware, I introduced legislation for the licensing of nursing home administrators some time ago, and that's now become law. But other than the role of advocates, do you see other things that ought to be done in terms of the nursing homes that you'd like to make some recommendations on in terms of the way we can provide greater protection to those people in the nursing homes?

**STATEMENT OF MORRIS M. GOLDINGS, COUNSEL,  
COUNCIL OF ELDERS, BOSTON, MASS.**

Mr. GOLDINGS. Senator, perhaps I could respond to that because in my capacity as Counsel to the Council of Elders responsible for the training of those advocates, whose training Senator Brooke indicated is very important, one of the major projects we have recently had is peaceful litigation, which always sounds horrendous, but which is necessary at times to protect peoples' rights to determine whether the local licensing agency, the Department of Public Health in our State, is indeed following properly those very complex and basically very good legislative and regulatory schemes that you and others have devised.

I am happy it couldn't have worked out chronologically better to report that—just yesterday, in a superior court case—the Superior Court of Massachusetts determined that the Council of Elders is a proper party, and lawyer's talk, has the standing to sue on behalf of

all elderly people in the community to review by judicial process the granting of a nursing home license to a person whom had previously been determined to be unsuitable. And this is the first time that such types of public action suits have been allowed and survived the appropriate pleadings by the attorney general's office to attempt to say there was no standing.

Interestingly, we relied on such cases as you are familiar with to protect the atmosphere from pollution, the Izaak Walton League case, and things of that nature. So one can say in shorthand that not only can the fish be protected in the courts, but also the elderly. And the significance of this, I think, is this is a form where the mere commission, this is a situation where the mere existence of the availability of judicial review on behalf of the elderly, who normally don't bring a single case in the usual adversary way, the mere existence we think is going to have a beneficial effect on the interpretation and the working out of those regulations. My feeling is the regulations are good and adequate, but they must be enforced.

#### TRAINING LAY ADVOCATES FOR MINOR LEGAL PROBLEMS

Senator BROOKE. Mr. Goldings, may I ask you a question? Many of the elderly have very serious legal problems, some of them have very minor legal problems. How much training are lawyers giving to lay advocates in order that they may help them at least with their minor legal problems? You know they just haven't had the experience of filling out certain forms and regulations and things of that nature. Do you give them any training so they can take care of that routine minor legal work?

Mr. GOLDINGS. Yes, we try to do that. This has a fancy name now and it is not only in the field of the elderly, it is called the use of paraprofessionals. We hear about it in various contexts. The fact of the matter is, we might as well display it before everybody, most lawyers don't know how to fill out those forms. And so it is maybe the blind leading the blind, really. But the fact of the matter is that for better or for worse someone has to be an alleged expert, and very often it is the lawyers. Seriously, however, we engaged in this program conscious of such things as the canons of professional ethics, of course, and other matters, but more conscious or as conscious of the practical necessity of following the fact there aren't enough lawyers around, at least haven't been; who are interested in these problems and, therefore, laymen are going to have to be guided.

We did train them. We trained them in the best way we all get trained, and that is by experience and by guidance during the actual testing of their experience. We have found that again the agencies which have been sometimes in the past reluctant to help people perhaps fill out those forms are more available when there is a presence of a lawyer around. I don't mean to say the lawyers are going to solve all these problems. You and I know they aren't. But I think it is an important improvement of the atmosphere and the improvement of the general feeling that these are rights and these are being done in a harassing way, and much of the criticism of OEO-type programs make it look as though they are only harassing State and Federal

agencies. That isn't the case in most instances. They are merely trying to make some sense out of these very complex matters which, as I said, much of the bar doesn't understand either.

Senator BROOKE. Mr. Chairman, I am very pleased that Mr. Goldings is associated with this program. I have known him by reputation and I have known him personally for many years. He is one of the outstanding members of the bar. I am reassured to know that he is working with the program. I am hopeful that he might get more lawyers of the highest quality who will really work with the lay advocates and help them at least so that some, at least many of the lay advocates, would have the advantage of working with a lawyer. Have you such a program?

Mr. GOLDINGS. Yes; I think you are going to hear in the second panel from the dean of the Northeastern University Law School where that will be discussed.

Senator BROOKE. Thank you. Thank you, Mr. Chairman.

Senator KENNEDY. I understand there is only one Federal help and assistance program represented on the panel that is here this afternoon, and that is the OEO program up in New Hampshire, isn't it, Mr. Gendren? And I'd like to get your reaction, Mr. Goldings, to the general kinds of programs and needs. I think what we have heard are very compelling comments by these seniors facing the kinds of problems that Senator Brooke has mentioned in terms of training and trying to overcome these burdens themselves. Because, as I understand, the kinds of resources which have been made available by the Federal Government have been extremely modest and we know in terms of the total programs they will even be cut back further this year.

The comments you have made this afternoon have been persuasive and have shown that we do have seniors who do have ability, who do have an interest, who do have a concern, that are prepared to take the training and do the work and help the other people. But I think what you are reminding us as your elected officials is that the Federal Government hasn't been responsive in giving you the wherewithal to do it. I think you have made your case clear that you are representing scores of other seniors who are prepared to get into a variety of different kinds of work and assume the training and responsibility to meet that challenge.

And I understand what you are suggesting to us is to give you the tools to be able to go ahead and do this. But I'd be interested, Mr. Goldings, in your summary comments in terms of the kind of support we are getting up here in New England and where you think we could be more helpful.

#### FUNDING RESTRICTIONS CAUSE CUTBACKS

Mr. GOLDINGS. We have only one ongoing program or one program at all in New England on the legal advocacy basis: that is this Boston Council of Elders. That is one of six funded programs from the New England Senior Citizens Research programs, the others being Columbia University, Miami Beach, CRLA in California, and the Alta Housing Project also in California. These five actually had been twelve 2 years ago before we cut back and the fear is, the fear very generally is that these six may not be able to go on because of funding

restrictions. In dollars what we are talking about is that the present national funding, including Washington and five branch projects, is \$626,000. The Washington office has been advised by OEO to prepare alternative budgets for next year at the levels of \$600,000, \$500,000, or \$400,000.

Now, I ask you to bear in mind that \$600,000, the top alternative budget, is itself an 18-percent drop over previous years. And I must say Mr. Hutton and David Marlin, the head of the projects, are meeting next Wednesday, I understand. I must say that a funding at only \$400,000 would totally eliminate the projects. This is a serious problem. This is really seed money in the true sense of the word and it is modest funding for a national program of this impact. If you compare it with what other parts of the society and economy spend for legal services in matter of equal importance, it is payless.

Senator KENNEDY. Well, I think the comments that we have had from the panel have been helpful, at least in my understanding of the need, but what kind of resources are you really talking about in terms of giving some training and providing some opportunities to meet unmet needs here among the seniors? You mean you could really use all of those resources here in New England, could you not?

Mr. GOLDINGS. You surely could. You need an ongoing and mature legal staff as well as the young hands to handle things that young hands handle. The fact of the matter is that poverty law, which now is at least gone to the point where the Thomas Clearing House has a poverty law reporter, just as the Internal Revenue Service, needs the nuts and bolts, needs the people capably trained, needs the resources to do investigative work; the nursing home field, of course, needs investigators very much, which are not being funded by the States and it needs that basic research to propose new legislation regulations without which we are going to stagnate in this field. And those are the things that Legal Research and Services hope to provide.

**STATEMENT OF JACK LEFF, EXECUTIVE DIRECTOR,  
COUNCIL OF ELDERS, BOSTON, MASS.**

Mr. LEFF. Excuse me, Mr. Chairman, may I make a comment here. As an administrator of three different projects receiving Federal funds, it is a constant source of drain on our energy at the agency because the Federal Government has never really set down a policy of providing permanent funding for those programs which prove successful. They give us a 3-year grant, they set up all kinds of criteria for us to follow and when we make good our only reward is being threatened that we don't get any more funds. This means that a whole lot of people work almost double time to insure that the program is refunded. From an administrative point of view this really isn't fair because there are just so few agencies that deal with the problem of the elderly. Every time I write a proposal, I get a twinge of conscious pain because I know I am competing against other agencies in other parts of the city, in other parts of the country, and it is expected that I match my skill against another sensitive worker somewhere else.

## TITLE IV PROGRAM CUTBACKS

This isn't a basketball game where I learned what competition is all about. This is real life. For example, when we talk about nutrition projects under the title IV program, when we are faced with cutbacks for a mere \$1.8 million, and when we look at how many elders will not be receiving meals because the Federal Government, who started it all 3 years ago by providing \$2 million in money, hasn't lived up to its commitment. When we put it in the perspective that there is going to be a lot of hungry people because of a lack of income, not caused by a lack of laziness or any other stereotype of the recipient, but because the Federal Government who held out a hand and fed you for 3 years—and then tells you to go hungry. I think this is where you gentlemen could really have an impact and could really be helpful to those of us who are out in the field and struggling with this problem on a day-to-day basis.

Senator KENNEDY. I think that is an excellent statement and I think you are speaking not only for those that you are interested in, but I think you spoke for all of us. I think since, we in this great country, can find the wherewithal and the resources to send people to the moon and escalate the arms race and a variety of other different kinds of programs, we ought to be able to look after our people here. Very well said. I just want to thank all of you. I think you have each reflected a different experience, a varied experience. I know that you have all been extremely active in your communities, and you have really showed us here today and for this record which we bring to Washington what really can be done.

You are saying to us we have shown we can do it, we have shown the variety of different efforts and we have shown the results, and now you are asking for the national and the Federal Government to respond to these needs, and I am sure you are distressed by these cutbacks and I just want to give you the assurance we are going to do everything that we possibly can to see that the funds are restored.

Mr. LEFF. Mr. Chairman, may I beg your indulgence for one moment because something has come to my attention. Before the panel leaves I'd like you to hear this. In the audience today is a gentleman who I would consider, as would many others, the spiritual leader of the elderly advocacy movement in Massachusetts, one Mr. Joseph Levin, who writes the Senior Set column in the Boston Globe. Mr. Levin has been documenting for some time all of the letters that he's been receiving from people that really show the kinds of problems we are talking about. He wanted to make this material available and I ask you if you would provide him with a few moments to present this material publicly to you.

Senator KENNEDY. That's fine, Mr Levin.

**STATEMENT OF JOSEPH LEVIN, SENIOR SET COLUMNIST,  
BOSTON GLOBE**

Mr. LEVIN. Thank you very much, Mr. Chairman, Senators, for letting me come up here and say a few words about the letters. I receive approximately 2,000 letters a year from the readers in the New England area. My work is done over a typewriter and this is a kind of

new experience to me. I just wanted to say first that, to the committee, to express my own personal undying gratitude to this Committee on Aging, especially the Committee on Aging, for the marvelous reports that they have sent along to the newspapers. I have read them with a great deal of interest and I think that when we stop to consider the work of your committee from Oregon to Boston, it is a marvelous piece of exploration they have done for a number of years.

I have been writing the Senior Set column since 1967. I am now retired, but continue to do the column. The topic of this hearing being "Legal Problems of the Elderly," I would merely say that almost every problem the elderly have is in effect a legal problem and the letters that I get, and I will leave a sample of them with the committee,\* indicate this to be the case. And because their problems deal with housing, health care, jobs, income, public services, every one of these things we get involved with legal questions.

#### NEED FOR INFORMATION PAMPHLETS

I would like to go immediately to at least one or two of the letters. This one came to me dated April 14, came to me from someone in New Hampshire. He asked us not to print his name, so I won't mention it. But he made several pertinent observations, I think. One of them was that the Government agencies give you pamphlets on how to make a gardener build a chicken house. Could they also get a pamphlet out bringing together information that would help all old people better with their problems. I think basically we have a common craving running through all these letters, no matter what the problem is, the request is give us some information.

This gentleman here, this hasn't anything to do much with information, but it is a rather amusing remark, he says, "We are not yet ready to push the older folks off the iceflows as the Eskimos did, but we are moving into that spirit." Well, I hope not, personally. I think in this country if we have shown any tendency at all, that we are too kind to have them die in ice water, we prefer to see them die by inches on land. But to continue, these letters indicate that there is a lack of information available to old people and the demand for hard facts and for the reports both of this committee and other Federal official agencies is really surprising at times.

You recall the committee issued a Task Force Report on the Economics of Aging, and Mr. Oriol, as staff director, provided me with, I have forgotten now, I think it may have been 100 copies. I printed in my column that this report would be available on a first-come, first-served basis, and I got 500 requests for your report, as I recall it now, but I could only fill about 100. I mailed them out at the expense of the Globe. I never told the auditors about that.

Anyway, we had recently a very striking thing. The State got out a report on inheritance taxes; what happens to you if you don't fill out a will. And there was one simply stunning impact from that. The first day the column appeared 500 people came on foot to the Saltontall Building, the Government Center, to get copies of the law booklet. The following day 500 more came there. And the first truckload

\* Retained in Committee files.



of mail—they tell me in all they had 20,000 letters and 1,000 people on foot asking for this booklet, but I think those show the enormous need of older people for information, and information on the laws.

I would add one word more on the subject of the laws. There is always a tendency when lawyers write laws to be very precise and the result is that a thing may be to the trained legal mind quite understandable, but to the layman it is just an impossibility; they don't understand it. And people in this country who are 70 and older, the statistics show only 50 percent of them ever saw high school. The rest have grammar school or less in education. So we need greatly to simplify these laws that affect the elderly; if they can't be simplified on the books, then it seems to me it is up to the Government to get out more booklets that would present the information in simplified form.

Now, I have had contact with the things issued by the Social Security Administration, which is very cooperative to me, and the Veterans' Administration, Railroad Retirement Board, and others, and all these people want to get the information out to the people, but somehow or other it doesn't seem to get out. Otherwise I wouldn't be standing here with just a sample of the thousands of letters I have received in the past few years asking essentially for information, how to do, where to go, who to see.

#### HALF FARES FOR THE ELDERLY

I think, also, that we ought to realize that in simplifying the laws we will greatly cut Government costs. Let me give you just one illustration. In this State we had a law passed which gave elderly people the right to travel on the MBTA at half fares. Now this is a very simple statement of a law. Some people wanted to write means tests into the law and so on. But the cost of administering the means test itself would have made the thing impractical. So the government, State government, wisely decided that we will just give them a half fare and an ID card and let it go at that.

Thank you very much. That's about all I have to say.

Senator KENNEDY. Thank you very much. We will take those letters and make them part of the file, and include the particular letters in the body of the record. Thank you very much. I think you have pointed up the importance of printing and making information available to people. This is really one of the greatest needs that we have today and I think you have reminded us of that and given us some useful suggestions on what should be done. I want to thank you very much for your help. Thank you very much.

Our next panel: Thomas J. O'Toole, Dean of the Law School, Northeastern; Louis Lowy, Chairman of the Council on Gerontology, School of Social work, Boston University; James McKay, Chairman of the New Hampshire Council of Aging; Rev. Donald Strong, Coordinator of the Offices of Services to Older Americans, Commonwealth of Massachusetts.

I understand that in our audience is Frank Manning, who is the President of the Massachusetts Legislative Council of Older Americans. He is also a friend. I am sure there are many distinguished people out there, but we want to welcome you all. We will follow this procedure: We have about five after four. We are going to terminate the hearing just about 10 minutes to 5, and I want to say that these

people should have at least 10 minutes saved at the end to make whatever comments they want and ask them to stay just a minute. So we have got about a half hour, gentlemen, for you. And then I am sure Senator Brooke and I will have a few questions. But try and see if we can get through and then hear from some of the audience.

I will ask Dean O'Toole if he'd be kind enough to lead off.

**STATEMENT OF THOMAS J. O'TOOLE, DEAN OF LAW SCHOOL,  
NORTHEASTERN UNIVERSITY, BOSTON, MASS.**

Dean O'TOOLE. Mr. Chairman, Senator Brooke, I shall necessarily be brief because my knowledge in this field is extremely limited. What I know I have learned through my students. But we have been engaged in a project that I think is directly relevant to the concerns of this conference and holds, I think, some real promise for the future. We happen to have an unusual law school in which, after the first year, the students are required to alternate between 3 months of work in a law office and 3 months' study in the school.

And as we looked around the Boston area and, indeed, the whole northeastern portion of the United States, for interesting working opportunities for our law students, we were attracted to the very unusual arrangement that Mr. Goldings is involved in. It is rare for the problems of the elderly to receive much attention at all from the bar. It is almost unheard of for them to receive the quality of legal representation that the Mahoney, McGrath, Atwood, Piper & Goldings firm has offered. We asked Mr. Goldings if we might put some students into working positions with him, devoting the bulk of their time to the problems raised in the work of the Council of Elders.

We have now over a year's experience in doing that and we have made a commitment to develop a training program for lay advocates. We have not completed our planning on that, but it is moving along very well. We first have our students acquire experience concerning the general run of the legal problems that the elderly face. They are what we call the low visibility problems. They involve administrative processes. Working on them typically involves very time-consuming endeavors. Most of them are not dramatic problems. They are tremendously important to the people who have them, but they almost never are fee-generating, hence the relative disinterest of the bar. However, most of the problems are not basically complicated from a legal point of view.

Bright and interested and energetic people, lay people, who have the time can be trained to handle them themselves. And we have now made a catalog of the problems and are in the process of developing a training program through which the faculty and the students who are working and have worked on these programs shall jointly offer to people who are working with the Council of Elders a training program for one group after another of lay advocates. The purpose we are pursuing is not simply to get a body of able advocates, but it goes beyond that.

**LEGAL PROBLEMS OF THE ELDERLY NEGLECTED**

The elderly, I guess, are the largest minority, certainly our most neglected one, and a part of the consequences of this neglect is a feel-

ing of hopelessness and a surplus of empty hours. One of the benefits of an advocacy program among the elderly is to give the elderly themselves a new sense of dignity and to help them fill their own lives.

But more than that is involved. I have been in legal education for two decades now and I have never seen any attention paid in law schools to the problems of the old. We have increasingly, in recent years, paid attention to the problems of other minorities, but the old have indeed been neglected. Lawyers, as they get their education, don't have their attention called to the problems of the elderly in law school. Our students who have worked with the Council of Elders have found it very gratifying to work with this particular kind of clientele, and they have been bringing back into the school their experiences. We have been very gratified to note that not only the students have worked with the elderly, but some of their classmates have begun to turn their own research and their paper writing into problems relating to the interests of this group. We have recently had, for example, a significant student paper on consumers' legal problems in connection with the purchase of hearing aids, an area that we found was surrounded with immense quantities of advertising and great mysteries. We have had similar projects done in connection with some specific problems relating to nursing homes.

I think this is a healthy thing in a country where we have this paradox of a rapidly growing population of elderly and a rapidly dropping median national age. It is very healthy, I think, that the young begin to develop some concern for the problems of the old. After all, all of us, whatever our age, aspire to join this particular minority some day; not too soon, we trust. But it is a basic human problem which ought not to be neglected.

In our experience thus far we are convinced that with a modest expenditure we could develop an effective training program which would involve the young working with the old, aspiring lawyers turning their attention to this problem and helping elderly people manage their own problems and those of their fellow elderly. It could be done. We would estimate that a very sound and very sensible program which will develop an able and effective elderly advocate might be done for as little as \$400 or \$500 per advocate on a thoroughly professional basis which would meet some of the problems that Senator Brooke has raised this afternoon.

It is true that ineffective advocacy is worse than none; it tends to close a problem without having closed it properly. Sound training is essential. We think it could be done if there were any modest degree of community support for such endeavors. Thank you.

Senator KENNEDY. Mr. O'Toole, what will be the attitude of the bar toward lay advocates? Will they feel this is an unauthorized practice of law?

Dean O'TOOLE. The attitude of the bar towards lay advocacy of the elder would either be one of indifference or hostility; hostility if they thought the advocacy program might take some cases in which there would be a fee; but indifference toward the rest of them.

Senator KENNEDY. What do you suggest we do about it?

Dean O'TOOLE. Well, I think that we have gone too long in this country and tolerated a situation in which virtually all of our legal

services are made available to those who need them least and almost no legal services made available to those who need them most.

#### NO LAW SCHOOL COURSES RELATED TO ELDERLY'S PROBLEMS

Senator KENNEDY. That is the same thing with health care in this country. What is happening in the development of law schools, in the development of curricula courses in this particular area? Have any of the law schools been able to develop courses, for example, in terms of the legal problems and administrative problems that are peculiar to the senior citizens? And should it be done?

Dean O'TOOLE. Some 15 years ago there was a brief, temporary and unsuccessful movement to develop courses in what we call social legislation. And a major portion of those courses did deal with problems of the elderly. Despite a plethora of new materials about problems of minorities, I have seen nothing, at all in recent years that is specifically addressed to the problems of this particular very large and important minority.

Senator BROOKE. Dean O'Toole, how is your program funded?

Dean O'TOOLE. Well, we are a so-called cooperative school and, therefore, when our students go out to work, we insist that it be a real working situation with payment. So that our students who work on the problems of the elderly are working in part under the grant that the Council of Elders has and under which they have retained Mr. Goldings and his firm. Not all of their work is on behalf of the elders and sometimes they are working for the firm on its own accounts and paid there. But the fees that are involved here are very modest compared to customary legal fees.

Senator BROOKE. But this is just scratching the surface, is it not? You don't see this as really a beginning of answer to the problems of the elderly?

Dean O'TOOLE. I don't see any answer to the problem of educating people to handle legal problems unless you can interest the law schools in them. We happen to have a situation that is particularly adaptable to doing this. But any school that really went out of the way to do it could make some contribution. Now, law schools are being asked to do everything on earth and there is a limit to resources and time. But this has been a grossly neglected area.

Senator BROOKE. Do you have courses in your law school that are specialized for this particular purpose?

Dean O'TOOLE. Not entire courses, but we have put units in certain courses that are directed to this problem. In our course in law, family, and population, we address ourselves to some of these problems. In our course in consumer protection we have done quite a bit in working on the special problems of old people who are particularly susceptible of being taken advantage of.

Senator BROOKE. If this program is to expand, would you recommend that we have special training for these lawyers, law students, in special problems pertaining to the elderly?

Dean O'TOOLE. I think we need to introduce into law curricula some materials relating to problems of the elderly and then we need to encourage young careers in the area. We find it easy now to get law students to enter into careers in criminal law. That is sort of the "in

thing." Many are working on the civil rights problems of racial minorities. The elderly, too, are a minority which should attract the energies and attention of cadres of young lawyers.

Senator BROOKE. Thank you.

Senator KENNEDY. Thank you very much, Dean O'Toole.

Mr. Lowy.

Mr. Lowy is the chairman of the Council on Gerontology, School of Social Work, Boston University.

#### STATEMENT OF LOUIS LOWY, PROFESSOR OF SOCIAL WORK, AND CHAIRMAN, COUNCIL ON GERONTOLOGY, BOSTON UNIVERSITY

Mr. Lowy. My name is Louis Lowy. I am a professor of Social Work at Boston University and chairman of the Boston University Council on Gerontology. I am happy to testify before the Special Committee on Aging of the U.S. Senate in support of an "income strategy" plus a service strategy for our older population. Attempts to shapen allegiance to an income strategy to the exclusion of a service strategy is unrealistic because it is not an either/or proposition. I support an adequate guaranteed income for all older people to live their lives without undue financial burdens and to allow them to participate in the community as full-fledged citizens.

Without an adequate income no amount of services will be able to achieve this goal. At the same time, I support a "service strategy" which is predicated upon the principle of entitlement of people to obtain services to meet their total range of human needs. Of particular import are social services for older people which I would define as levels of provisions for the good and welfare of people undertaken by society, designed to eradicate unacceptable social conditions to prevent psychological and social difficulties and to enhance the well-being of our aging population.

They should be part and parcel of institutions, such as extended care facilities, nursing homes, homes for the aged, and, above all, they should be available and accessible to the majority of our elderly who reside in the community. In fact, studies in gerontology have given evidence that the availability of a network of social services for older people can mean the difference between living in the community in their own homes rather than in an institution at greater public expense.

There are a variety of social services. They can be categorized into those which enhance a person's ability to participate in the activities of daily living; such as, homemaker services, food services, shopping aides, home-health aides, etc. There are those which are designed to maintain or increase levels of social contacts such as group work services, recreational, educational services, volunteer opportunities friendly visiting, etc. Problem-solving and socially supportive services include psychological and legal counseling programs. Protective services are those which protect an individual's civil rights and also protect a person from neglect or exploitation as consumers. As you know, we have many of these types of services in our communities. However, they are fragmented, uncoordinated, and, above everything else, they are not available to all older people in every town, city, or region. They suffer from maldistribution and inaccessibility. Although the city of

Boston has an array of social services for its total population, very few are available to older people despite the attempt of several public and private agencies to develop and organize them. The reasons are lack of sufficient funding and personnel, and a lack of visibility and acceptability. For many older persons such services hold a stigma, especially when they are offered under the auspices of a Welfare Department.

#### REIMBURSEMENT FOR HOMEMAKER SERVICES

In 1970 the Social and Rehabilitation Service issued regulations which provided that State adult categorical plans must provide for homemaker services by April 1974, to be reimbursed at 75 percent by the Federal Government. These regulations also provide for additional services for the blind. However, these regulations apply only to two out of 19 million older people who receive Old Age Assistance now. The regulations only cover a small number of the aged population even if we can be assured that they will be implemented for all OAA recipients.

We have experimented in this community with the provision of coordinated health, social, and community services to elderly residents in a number of housing projects. We have found that such services improve the physical and mental health of the elderly whenever they have been instituted. Older people make use of these services because they are offered in places where they live, they do not have to negotiate an unwieldy bureaucracy, they are available to all of them and, therefore, they lose their stigma. Several public and private agencies cooperate to make such services possible. However, they are a drop in the bucket, as we consider that the majority of senior housing projects are without health and social services. Again the major reasons are lack of funding and lack of personnel. The housing authorities do not have any money towards the development and organization of services and social agencies are financially hard pressed even to maintain the minimal services they can offer.

In my judgment it is imperative that Federal funds be made directly available to housing authorities for the development of health and social services in senior housing projects and that the provisions of the 1970 Housing Act be broadened to include facilities for health, social and recreational services, as it has been done for central dining facilities. Furthermore, recipients of OASDHI benefits under the nonstigmatized social insurance program should be provided with homemaker, legal aid, and other type social services as needed and wanted rather than restrict these to those who qualify under the stigmatized OAA and AB categories. Only a nationally financed program will encourage States and communities to set up a network of services for its older citizens and thereby make these services available, accessible, and acceptable to them. The Administration on Aging should be asked to design a comprehensive social service plan which can be adapted to the needs and requirements of individual communities. The existence of such a plan would further stimulate the States and localities to devise their own particular models and get us started on the road toward a network of social services which must meet the criteria of comprehensiveness, continuity, and coordination and be

tooled up to facilitate the delivery of services wherever older people reside. All of us must speak up and make our voices heard and act as an advocate on behalf of the elderly.

### ADEQUATELY TRAINED PARAPROFESSIONALS NEEDED

Intimately connected with the provision of services is the availability of competent manpower. Health, social, and legal service professionals are in short supply. This situation is not likely to change in the foreseeable future. At the same time it has been demonstrated that many functions in the provision of services can be fulfilled very well by paraprofessionals, often referred to as technicians, provided they are adequately trained to perform these jobs and receive further assistance through supervision and consultation. These paraprofessionals can free lawyers, doctors, and social workers to attend to more complex tasks. It is a well-founded assumption that people who work with the aged (and others) will do a better job if they have special training and that all services should meet quality standards. Many paraprofessionals or technicians, particularly those who are older themselves and live in the same community as the aged, have a special relationship and display more intimate knowledge of their needs. But this alone does not guarantee a job well done. In fact, this places a heavier burden on all of us to assure them high-level training.

In the report to the Massachusetts Governor's Commission on Elderly Affairs and the 1971 White House Conference as chairman of the Task Force on Training, I have described many fine training programs conducted by educational institutions, health and social agencies in this State. Quite a number of older adults are involved as volunteers or underpaid trainees. They learn to become geriatric aides, legal aides, lay advocates, homemakers, senior aides, friendly visitors, companions, health aides, etc. There are suggestions how to train high school youth in service roles to older persons and older persons in service roles to younger people. The Foster Grandparents program provides some evidence of success of an approach which relates the old to the young in a meaningful way, and yet there has not been sufficient funding to ever maintain existing programs, let alone increase them.

Because of my experience in training professionals and paraprofessionals in this field, I am convinced that a continuum of training programs geared to specific levels of competence is essential. Professionals increasingly will have to be trained to assume consultative and teaching roles and paraprofessionals will have to be trained to perform many technical functions. Here is a great opportunity for older people to assume new roles that benefit all generations and create closer contact between young and old.

### THREE MAJOR ROLES: ENABLERS, BROKERS, AND ADVOCATES

In training people we have to prepare them for three major roles: (1) enablers, (2) brokers, and (3) advocates. As enablers they will assist older persons to help themselves to maintain their independence as much as and as long as possible; as brokers they will negotiate and provide a liaison between institutions, agencies, and people in need of

services; and as advocates they will speak up for the rights of older people and negotiate their access to services; at the same time they will assist older persons to speak up for themselves to demand quality services and programs that are rightfully theirs. The judicious interplay of these three roles is at the heart of a skilled worker.

The foundations toward acquisition of such skills rest on developing attitudes toward aging as a normal developmental stage in life, acceptance of and respect for people as people regardless of age, status, and background; knowledge of the aging process and the strengths and potentials of older people as well as of problems faced by our elderly population in our future and productivity-oriented society. Paraprofessionals have a right to envision a career that opens up job opportunities and does not stifle their potential creativity and earning power. Therefore, a career ladder approach is indicated to assure mobility in job selection and to develop a realistic recruitment program that can attract people of all ages—from adolescence to senescence—to work with our elderly. We have to give serious consideration to arrange for payments to trainees, since most of the people who want to undergo training as technicians and aides are unable to afford this financially. Precedents for such stipends exist but the financial resources allocated for this purpose are meager, indeed.

#### SYSTEMATIC TRAINING PROGRAMS RECOMMENDED

In the Task Force Report for this State we have recommended that educational institutions, agencies, and organizations of the elderly collaborate to develop, organize, and carry our systematically training programs for professional and paraprofessionals and that in the newly created Department of Elderly Affairs a Division of Training be established which would assume major responsibility for initiation and coordination of such efforts. At the same time, I recommend that a single Federal agency, notably the Administration on Aging, assume major responsibility for the promotion and development of training programs in general and for paraprofessionals in particular. All this requires adequate funding and demands not only a reversal of the budget-cutting trend which the various programs of the Administration on Aging are subjected to, but a substantial increase in service and training funds. We need people who can teach others to be trainers, we need curriculum materials, we need training consultants, and we need sound evaluations. All this costs money, but quality of services cannot be bought on bargain basement terms.

If young and old can be engaged in a mutual enterprise of learning, teaching, and working together, we may not only find better trained people to provide services for each other, but also a climate of improved mutual understanding which makes the life of all of us more worth while. To act as an advocate towards furthering these goals is really to act on behalf of ourselves since life is indivisible from the day of our birth to the day of our death. In this recognition we affirm the meaning of living.

As chairman of the Boston University Council on Gerontology I am not just concerned with social work. I believe it is quite unusual for an institution of higher learning to get involved in the training of paraprofessionals. As you know so well, most educational institu-



tions, especially those of higher learning, have been primarily concerned with on-campus education and with research. I am very much in favor of research, but I believe certain things have been researched to death and we already know quite a bit. What we need now is outreach action. That is why our Council has been concerned with developing training programs, not just on the graduate level in various schools and colleges that are part of Boston University, but we are also very much concerned with the functions and responsibility of a university to train paraprofessionals in the community.

As has been pointed out time and time again, today adequate training is an insurance of more qualitative services; and I think older people would be short changed if training was of inferior quality. For this reason, I think it becomes very important that we have quality training for paraprofessionals who can work under the supervision, and with the consultation, of professionals—whether they are in the medical, legal, social work or nursing field; or in any other field for that matter.

In Massachusetts, where we have a plethora of educational institutions—primarily located only in the Greater Boston area—there's been a very slow start in training paraprofessionals. As Dean O'Toole pointed out, some professional groups here engaged in this effort. This includes not only older people, but younger people as well; because only contacts between the young and the old can bridge a generation gap. Eventually all the younger people will become older people; for this reason, it is an enlightened self-interest of younger people to get engaged in training and service programs for the elderly.

In order to do this, we have tried at Boston University, to get NIMH funding for the training of professionals who, in turn, learn how to train paraprofessionals. Hopefully we will receive this funding. Increasingly many professionals in the various fields, such as law, social work, nursing, medicine, et cetera, will have to learn to assume teaching and consultation roles. Many of the direct service roles that enable our older people to remain in their community and to be kept out of institutions will be performed by paraprofessionals; who need career ladders to avoid finding themselves in dead end jobs, because the professions do not allow them to move further ahead.

#### DIVISION OF TRAINING RECOMMENDED

For this reason, we recommend strongly that universities in this State, and across the country, assume major responsibility for the training of professionals and paraprofessionals in gerontology. As chairman of the Task Force on Training for the Commonwealth, I have recommended that under the Massachusetts Department of Elderly Affairs—which hopefully will get organized very soon—that there will be a Division on Training to assume responsibility for stimulating, creating, and coordinating training programs in gerontology.

I believe that, eventually, the people who will make use of the health, social, legal, and recreational services will only do so if there is competently trained manpower available to staff these services. And, what an opportunity for older people and younger people to work together. Universities can no longer hide behind an ivory tower, but they must get out into the community where the action is and share responsibility for continuing education programs.

Although we have many educational institutions in this State, most of them are financially hard pressed and need Federal support on a massive scale if they are expected to do this job. And I maintain that this is a realistic and timely expectation.

I have found, as has Dean O'Toole, that many of our younger people who are involved in programs working with the elderly become enthusiastic supporters of the elderly. The other day I was called to the Harvard Medical School to talk to their students about health and problems of the aged. Students, themselves, had organized this course on aging, because they felt they did not get much of this material in their regular curriculum. To include material on aging in the curricula of law schools, medical schools, nursing schools, schools of social work and in undergraduate colleges is a major priority.

All of this, of course, costs money. As has been pointed out so eloquently before, we get involved in the "game of grantsmanship," resulting in 2- or 3-year funding, if we are lucky. Many of these programs, even if they are well conceived, well carried out and favorably evaluated, do not get refunded. We do not have a national commitment and it becomes extremely difficult to insure the continuation of adequately trained personnel, without assurance that financing is continued.

#### FUNDING FOR TRAINING SHOULD BE INCREASED

So my plea to the Senators and to our Congress is to make certain that some of the training provisions and the training funds that have already been reduced be not only restored, but be increased. Without such funding, we cannot develop trainers, we cannot recruit people who are to be trained, we cannot develop the necessary curriculum materials. We need the kind of funding that at least insures us some continuity even in those limited programs that do exist. I hope that the White House Conference will endorse a national commitment and formulate a national policy on training for the aged—both on the professional and paraprofessional levels. All of us, whether young, middle-aged, or older, are entitled—as human beings—to quality services that make our years really meaningful in terms of our total lives.

Senator KENNEDY. Thank you very much. In your statement you really develop the reasons and justifications for the development of the single Federal agency, notably the AoA that assumes major responsibility for this training. I couldn't agree with you more. You gave very substantial reasons for it based upon your study and experience. I think it is enormously helpful for this committee.

Mr. James MacKay, Chairman of the New Hampshire Council on Aging.

#### STATEMENT OF JAMES MacKAY, CHAIRMAN, NEW HAMPSHIRE COUNCIL OF AGING

Mr. MacKAY. Senator Kennedy, Senator Brooke, I can't speak nearly as rapidly as my former professor from Boston University, but I will try to shave down the statement to 6 or 7 minutes. Basically, I was asked to speak on the role of the State agency in stimulating advocacy programs for elderly. The legislation which established the

New Hampshire State Council on Aging gave the council board powers and areas of responsibility. The legislation requires that "the council shall make a continuing assessment of existing knowledge and problems relating to the aged with a view to determining what steps can and should be taken to provide a better integration of the older group of persons in the social and economic life of the State." Not just to study, but also to take action. It calls for a coordinated effort by both public and private sectors of the community and emphasizes consideration of those in rural areas. It also calls for the development of a cooperative effort from all aspects of the community to make recommendations for legislative action.

Certainly there is considerable legislative intent that the State Council on Aging should represent the interests of the aging and that it take action on their behalf. My view is that the State agency—particularly in the smaller States, which is delegated broad responsibility for its State's senior citizens—must provide a balanced and comprehensive program. I do favor an advocate role as the service component in an integrated approach. It concerns me that some advocates may be so zealous in their salesmanship that they tend to downgrade the importance of other activities, for example, direct service, research, and planning activities.

The role of the advocate includes an "unreserved commitment" to the problems of the "disadvantaged." This sets up two major goals. One is largely political and refers to the defense or promotion of a particular cause; the other is more personal and is directed to the pleading in support of another individual. Such a highly partisan role requires considerable maturity, knowledge, and judgment. The advocate intends to interfere in the status quo to effect social change. The difficulties inherent in such an intervention are obvious. A judgment must be made about what the situation is, and then as to what it should be. Since the advocate is in a subjective position, his action in favor of a particular cause obviously may work to the disadvantage of others and their rights.

I agree with Mrs. Cass when she indicated that the advocate role requires an informed, mature, and balanced approach. It should be initiated on the State level by the State agencies on aging, and funded by the Federal Government through the Administration on Aging. However, it should reach out and educate citizens to be their own advocates. Based on the strengths of the State agencies, staff experience, research facilities, and so forth, it should encourage and aid older people to use their given rights within the democratic processes. An advocacy program should enable these people to gain their fair share of the "system's" goods and services.

## TWO MAJOR AREAS OF CONCERN

What are the problems that require an advocate? On the broadest level, I see two major areas of concern. First is the generally sad economic plight of the aged. Second is the misinformed public attitude toward aging and, coincidentally, their own lack of information as to the aging process itself. The elderly are the only group in the United States which has an increasing number joining the poverty ranks. Recent studies indicate that approximately half the elderly in Vermont,

Maine, and New Hampshire live in poverty and that 35 to 40 percent in Massachusetts, Rhode Island, and Connecticut live in poverty.

Social Security payments are low and tend to discourage senior citizens from working, since their earnings above a limited amount are deducted from Social Security payments. Tax and cost-of-living increases are devastating to those living on fixed incomes. Our experience with older citizens makes it clear that the preponderant number suffer more from inadequate income than from any other single problem. Many do not require special services different from the requirements of the general population. What they do require is an adequate income to allow them to lead their lives in dignity and independence.

As to the other major area—a misinformed public. There is considerable mythology concerning the aging process and aging people. These myths need to be explored since they tend to set up needless barriers to a successful adaptation to old age. Let me just mention a few.

In the area of health, senior citizens have less acute illness than people of middle age. Although we are concerned about nursing care for the elderly, less than 4 percent of the individuals over 65 are in any type of institutional facility. Despite this fact, most of us tend to think of old age as a time of illness leading to institutional care.

In the area of employment, many employers are reluctant to hire the elderly, fearing lost time due to illness or loss of efficiency due to lack of stamina or dependability. Studies indicate that senior citizens have a better attendance record and are more responsible, reliable, and dependable than younger workers.

In the area of housing and retirement activities, it is generally assumed that older persons want to be by themselves or with other people their own age, and certainly not with younger people or small children. However, the success of programs such as Foster Grandparents, and the examples of many older persons choosing to live in the area where there is an age mix suggest that no blanket assumption can be made.

Perhaps the greatest myth is the very assumption that older people are a monolithic group who all want, choose, or believe the same things. Older people are people, like us, with individual differences, tastes, and concerns. It is a mistake to imagine that we know the aging if we rely on any kind of stereotypes.

#### NEED FOR AN OUTREACH PROGRAM

The other advocate area would be more personally oriented. Not only is there a need for a central, publicized place where senior citizens can go for information and help with their problems; but, also, there has to be an outreach program that finds those who cannot find help for themselves. This aspect of the program would utilize existing resources such as the Legal Service and other programs of the Office of Economic Opportunity, and develop such new resources as are required. Such a program, although responsibility should be vested in a single agency, certainly must be viewed as the cooperative job of many. The task requires professional direction and coordination, but the overall work must be shared by many. This is an area where the senior citizens' active participation is also required.

In answer to Senator Brooke, as far as I know, there is no actively organized advocacy program in New Hampshire. We are in the process of developing one. We do recommend that this be made a special emphasis program under the Administration on Aging, and further recommend that the official State agencies on aging be responsible for the conduct of such programs on the State level. We would like to see a pilot project in New Hampshire. This is a particularly opportune time to move ahead, following upon the intensive and extensive activities leading up to the White House Conference on Aging.

We are in the process of developing an advocacy training project for New Hampshire's older citizens utilizing our title III Community Project grant money. This project would combine private training resources with the guidance of the staff of the State agency and community facilities. It would educate older persons to learn to speak more effectively for themselves. This program would reflect the cooperation of public, private, and community resources to help older citizens enter the democratic process more fully.

#### CUTBACKS IN AOA BUDGET CAUSE CONCERN

However, I should like once again to place emphasis on the need for a balanced program. Those of us in the State programs on aging are deeply concerned about the projected cutbacks in the Administration on Aging budget. Great strides have been made under the Older Americans Act in development of community projects and services to older people. New Hampshire has greatly benefited from this program. Our senior citizens still have faith in the democratic process, and they hope that Congress will restore these severe budget cuts.

The fiscal year 1972 request for the Administration on Aging under title III—which provides direct allotments to States—is \$5,350,000. For the New England States this means a 40.5-percent cutback of \$320,361. We are deeply concerned that this will have a direct adverse effect on our programs and communities. In many ways, the State agencies on aging are also in need of an advocate if we are to continue to develop our programs of service to the elderly. Thank you.

Senator KENNEDY. Thank you very much.

Senator BROOKE. I do hope the record reflects which of the New England States do have an advocacy program already existing and operating. New Hampshire does not, and if we could get that in the record, it will be very helpful to us.

Senator KENNEDY. Our final witness is Reverend Donald Strong, coordinator of the Office of Services to Older Americans, Commonwealth of Massachusetts.

#### **STATEMENT OF REV. DONALD STRONG, COORDINATOR, OFFICE OF SERVICES TO OLDER AMERICANS, COMMONWEALTH OF MASSACHUSETTS**

Rev. STRONG. Thank you, Senator, members of the committee. I would like to say in addition to the role which you mentioned, I spent 4 years as Director of Community Services at Columbia Point, and the last 2 years as Director for the Council on Aging in Quincy. That is just to qualify myself for what I want to say. I want to comment on

older people as advocates for themselves in the field of social services, which we have not touched on today.

I think it is fair to say that of all groups in our society, the elderly most often fail to receive the social services they need. Some of the barriers are in the way our systems are structured; others are in the way our services are delivered. I would like to point out concisely some reasons why the social problems of older people are not better served, and follow that with some concrete suggestions.

Why do the elderly not receive better social services?

1. Social agencies are most often walk-in offices located downtown in the cities. Getting to them requires expenditure of time, energy and money.

2. Most agencies offering social services are fee-charging systems. Although there is often a sliding scale, this requires either a payment or the disclosure of financial circumstances which New England Yankees find degrading. Advocates of the elderly do not feel comfortable about recommending them to an agency that will bill them.

3. Traditional social agencies are controlled by boards of directors who are often out of touch with the poor and the old. These boards rarely include any consumers who represent the elderly.

4. In the past, few social workers have been trained in the special problems of the aging. For that reason few agencies have anyone on the staff specially assigned to the needs of older people. This situation is beginning to change with the greater concern of many younger workers.

5. It is often slower and more difficult to serve older people because they sometimes do not relate quickly or well to young interrogators.

6. In rural and suburban areas public transportation is often nonexistent and private transportation is expensive.

7. The retiring, lonely person who needs help most is the least likely to seek it.

8. Yet the usual way to get any help is to go after it, and there is almost no outreach being done by social service agencies.

9. Many older people have had the frustrating and embarrassing experience of being sent from one office to another because so few agencies have staff people assigned to the problems of the elderly.

10. Information procedures about available resources are very inadequate, and this is a fault of both public and private facilities.

11. Proposals to provide improved social services have been refused by funding sources (OEO and AoA), which state they are interested in research but not providing services.

12. Publicly funded mental health centers serve a small number of older people. It is the feeling of some workers that the problems of families and children are more urgent.

13. Social workers assigned to Old Age Assistance have such large caseloads that in some cases they do not visit their clients more than once a year. The result is that those who are financially

independent and aggressive and drive cars get help while those in the most need are least served.

#### SUGGESTIONS FOR BETTER SERVICE

1. Social agencies should establish extension services at stated hours in housing developments or suburban communities.

2. Social services for elderly persons should be available without payment of a fee.

3. Older persons should be employed to deal with the social needs of their own age group. This can be accomplished through VISTA or a Public Service Corps, which will provide employment while serving a need.

4. Plans should be developed for free or low-cost transportation in scattered areas using school buses or mini-buses so people can go to where services are.

5. Outreach services to locate and identify isolated older people must be provided through VISTA, Old Age Assistance social workers, Visiting Nurses, etc.

6. Additional funds must be provided through AoA to establish information and referral offices where trained people can provide answers, make appointments, and arrange transportation.

7. Councils on Aging should take the responsibility for getting out local information on available services.

8. Future funding guidelines should recognize that a wealth of research information now exists, and should begin to give priority to providing solutions.

9. The training of social workers who will deal with the elderly should include input from older people as well as those who have worked directly with them.

10. Funding of public housing projects for the elderly should include provision for social service workers.

Brandeis University got a grant of \$400,000 to do gerontological study; that is great for Brandeis. But that is twice as much as the Commonwealth of Massachusetts has to provide services for the problems that Brandeis finds out about. That is a hospital with a great X-ray department and no drugs or surgeons. The result is that the poor lonely older person who doesn't have cash or a car, who needs help most, is the last one to get it.

#### INSENSITIVE TO SOCIAL NEEDS

Let me, if I may, just add a few illustrative comments. First, there is a remarkable insensitivity to these social needs both in government and among the people. I submitted a proposal to the Administration on Aging for social service using trained retired people and they wrote me back, "It is a great idea, but if you had written in more research and study, we might have funded it; but because you talked about service, we can't fund it."

I want to say one of our greatest resources is the clergy and people of our churches, but on the whole they are doing a very bad job on concern for the elderly. I think that out of 28 years in the clergy I can say that. I met recently with the board of directors of a council of

churches and tried to sell them on this idea and asked them to try to help us identify the poor lonely older persons, and they said to me, "We don't know any of these people." I said, "Good for you."

People go into public housing often with no preparation because there is so little social service attached to public housing. Very recently a lady who moved into public housing spent 3 days borrowing matches from the tenants and the maintenance men before she finally found out from a staff member of our Council on Aging that she had an electric stove and it didn't need matches.

The Food Commodity program is very little help. In one community I was asked please not to advertise it because some eligible people might find out about it and neither the staff nor the resources were available, so please don't tell them. Here in Massachusetts, about 3 weeks ago, a lady 81 years old walked 4 miles to the next town to the welfare office to apply for Food Commodities. When she got there she was told she was \$4 over the income limit and wasn't eligible, and she walked the 4 miles back home.

In the city of Quincy, there is a man 70 years old employed by the Council on Aging as a job recruiter stationed in the Division of Employment Security office, because they weren't doing a good job of finding employment for older people. Last year—in 1970, with work conditions being as tough as they are—he found private jobs part time and full time for 70 senior citizens 60 or over. And the manager of the employment office reported in his official report that he was going to place his staff with this man on a rotating basis to find out how he did it. You and I know how he did it. He understood his people and he cared about his people and that was the difference.

A nursing home on the South Shore tried to charge the residents \$8 a month a couple of months ago for electricity for their television sets. Now, without any staff help or any professionals behind them, the residents got together and they said, "We don't think that is legal." They called the electric company. The electric company said in fact it is not legal. They called the management of the nursing home and said, "You can't do that." And they called it off. I am talking about elderly people taking the responsibility for solving their own problems.

There is a lot to be done and there is much that can be done by senior citizens, but they deserve and need the understanding and the support of government. I have suggested some concrete kinds of things to help with these social service problems of the elderly. Improvement in the delivery of social services can best be brought about by the elderly themselves, and they are doing it. The Council of Elders, the National Council of Senior Citizens, the Legislative Council, the Senior Aides, VISTA, Commonwealth Service Corps, Foster Grandparents, are all proving this.

#### ADDITIONAL FUNDS FOR PROGRAMS REQUESTED

And incidentally, some of the most unsung, unappreciated, underpaid people in the world are the seniors who belong to Commonwealth Service Corps in this State. It's been said, gentlemen, please let me repeat, some of the specific things Congress can do is provide some added funds for these programs. Requests are coming from many towns in Massachusetts for VISTA people, particularly senior citi-



zens. We can't get them. The program isn't funded for them. You can pry loose some funds for the Administration on Aging to fund the local councils on aging. We are not fighting you, you are doing your duty; you made the appropriation, but the administration is tying up the money.

I understand Secretary Richardson has released some; that's good, but they are not nearly enough. Last week 10,000 people met at Suffolk Downs, more or less, senior citizens. Today hundreds more are here spending their money, giving their time, burning up their energy because they care, because they are willing to do some work. They are willing and able to help solve their own needs, and they are many. But they need your help and they deserve your help and please give it to them. Give them the tools and you can see what they will do. They have proved it. Thank you.

Senator KENNEDY. That is really a superb statement. They have all been. Let me ask you a leading question. Who appointed you as the coordinator? Are you Governor Sargent's appointment?

Rev. STRONG. Commissioner Charkoudian.

Senator KENNEDY. The work you are doing for the needy is really refreshing and I am impressed by the quality of your dedication. I think we miss out on so many of these things and take so much for granted. There are many people who are working in the public interest, as many of you gentlemen are. I just think it is a wonderful tribute. I hope you will extend my congratulations to the Commissioner for his wisdom in your selection.

I want to thank all of you gentlemen very much for your comments. It's been enormously informative and helpful, and a very strong record. We will carry this back to the other members of the committee. And you have given us, I know I speak for myself, food for a lot of thought in terms of what can be done in the legislative branch. You have reminded all of us in the Congress and all Americans about where some of the most crucial and important needs are in our society.

And you have not only pointed out where the needs are, but have made some extremely useful and constructive suggestions in how those needs can be met. I want to thank all of you for your statements and comments. Now we have just a few moments. I think we will only be able to take about six or seven questions. We will just have to take the first seven that line up. I hate to have everybody racing and rushing. We will try seven and we will ask them to take just 1 minute. I regret having to lay down these rules. Then we are going to ask everyone else to fill out one of these forms and when you fill this out, you can either take it home with you and mail it to us, or bring them up to the desk.\* The forms are on the table.

If you'd be kind enough to identify yourself, give your home address.

#### STATEMENT OF REVEREND SAMUEL McCAIN, REPRESENTING BISHOP HALL, DIOCESE OF NEW HAMPSHIRE

Reverend McCAIN. Senator Brooke, I am Reverend Samuel McCain representing Bishop Hall from the Diocese of New Hampshire.\*\* At

\*See appendix 3, p. 163.

\*\*See appendix 2, p. 161 for prepared statement.

our workshop today we were saying the first responsibility is obvious, to face the representatives face to face, and I didn't think I'd have the opportunity so soon. The churches of the country, especially of New England, are in virtually every community of New England, the churches traditionally have been concerned with the whole man. The churches also in our communities have tax-free facilities that are or should be available for such programs as this. And so somehow it would seem to be excellent that the churches would be turned to when programs such as this are seeking space in various communities.

#### A PRIORITY ITEM FOR LAY ADVOCACY

I will read just the last paragraph of my prepared statement. We recommend that lay advocacy be made a priority item, that funds be made available to pay for the expenses of such a program, reimburse trained personnel, and to pay the expenses of participants who otherwise could not afford to be involved. The administration of such a program would not be astronomical. The supplies and materials would be moderate. The real cost and benefits would vary in direct proportion to the older person who would be taught to be advocates for themselves and help themselves. Here is an opportunity for the public and private sectors to work together utilizing resources generally untapped and cooperating in such a way that persons are encouraged to participate in the democratic process of our country, thoughts which we all share.

Senator KENNEDY. Thank you very much.

#### STATEMENT OF SOL BOSKIN, DIRECTOR, AGED CENTER OF WORCESTER, MASS.

Mr. BOSKIN. Senator Kennedy, Senator Brooke; Sol Boskin, director of the Aged Center of Worcester, I represent one of those people who are today trying to solve some of the problems. I think as we sat and listened to the testimony and as I have read the testimony that comes from the Senate Committee in other hearings, the thing that comes through loud and clear is that a tremendous fragmentation that is taking place in terms of trying to provide service. Our agency, in doing just a little cursory examination of the contacts we have had over the past year, find that we have been in contact with 56 different agencies in our attempt to find and give help to the elderly.

I plead for some kind of model to be developed, funds for developing a model on a community-wide basis that will provide a way of delivering and coordinating services for the elderly. Thank you very much.

Senator KENNEDY. Thank you very much.

#### STATEMENT OF VIRGINIA ALLEN, DIRECTOR, SENIOR WORKERS ACTION PROGRAM, OHIO

Mrs. ALLEN. I am Virginia Allen, Ohio, director of SWAP—Senior Workers Action Program. I came to Boston to learn everything I could to help my colleagues and I to be better advocates for the aged

in Ohio. I have a background of 11½ years in Old Age Assistance in the State of Ohio. I left the program with the idea that I might be able to form better personal supporting services that I know to be needed by the senior citizens.

Now, one of the major problems with senior citizens is health, and I am going to approach you and just make two suggestions for how our country can save money on one end of the health, to provide for other health services. No. 1, nursing care—nursing home care is very expensive. In Ohio it cost at least \$3,600 a year for minimum care. Many of the nursing homes are filled with people who do not need nursing home care, but could be in their homes if they had someone to help them do the work, run the errands, and this type of thing.

This type of service could be provided for between \$800 and \$1,000 a year according to the amount of services needed by the individual in comparison to \$3,600 a year in a nursing home. So you have extra money available. No. 2, if we established a national policy which will put an end to the means test which says liens must be signed if you want Old Age Assistance, and assignments of policies, insurance policies, is necessary also. In the long run the State doesn't gain anything because most of the property is run down and the insurance policies are so minimal that they do not really help, and they really do not even pay for the administration that is necessary in taking care of these assignments and liens.

Please give this consideration and see what you can do about it, because what it is, is a citizenship requirement—and I think you can do this with liens and insurance assignments. Thank you.

Senator KENNEDY. Thank you very much. I just want to make a very brief comment. I have a 5:30 plane back to Washington. If any of you have been through the Callahan Tunnel on Friday afternoon at 5 o'clock, you know why I have to leave now. But Senator Brooke is going to be able to remain for a few moments and keep this going. I have asked the Staff Director of the Senate Committee to remain, Bill Oriol, who is of enormous value and help to all of us. We are going to keep providing an opportunity for comments until 5:30, so more of you will get a chance.

I just want to finally thank all of you again for your attentiveness. We have been here for 3 hours now. You have been enormously attentive and quiet and respectful of all the witnesses and I think by your indication of support and applause have given the message very strongly to me and I am sure to Senator Brooke, about your strong feelings. As you know, we are interested in the problem and that is why we are here. And we want to be of help. I do. So I am going to continue to call on many of you to help us do many of the things you have talked about. I know I won't provide any disservice in indicating that it's been drawn to my attention that the National Council's annual award of merit goes to Ed Brooke this year. So you can be sure that we will work closely together and we will work in your interest. And I want to once again thank you very much.

And I will ask Senator Brooke if he'd chair the hearing now. Thank you very much.

Senator BROOKE. You may proceed.

**STATEMENT OF ETTA JACOBSON, WEST ROXBURY, MASS.**

Mrs. JACOBSON. My name is Etta Jacobson. I am a leader of senior citizens, speaking in behalf, pleading in behalf of national health care. I believe the woman who spoke previous to me had covered some of the things I feel very deeply about. Besides that, I really feel families are being annihilated because of hospital expenses, heart breaks, nervous breakdowns because of the financial drain, emotional disturbances because of guilt complexes. And I believe that the lady who spoke before me gave some wonderful recommendations and I certainly hope that we have health care. Social Security has worked beautifully; I have never missed getting my check.

I am glad I worked in America. I am glad I contributed. And I hope that national health care will come through the same as Social Security. It is very painless when you think of the pain that families go through, youngsters with nervous breakdowns, the patients themselves becoming deteriorated because of love and affection for their families drawing and draining from their strength and the resources which they built up all their lives. I am sorry, I have no written report. I came completely unprepared. I am living this. Thank you.

Senator BROOKE. Thank you very much for your very moving statement. What town are you from?

Mrs. JACOBSON. West Roxbury.

Senator BROOKE. Thank you.

Would you give your name and town, please?

**STATEMENT OF JOHN A. COLLINS, CAMBRIDGE, MASS.**

Mr. COLLINS. Thank you, Senator Brooke and members of the committee. My name is John A. Collins. I come from Cambridge, Mass. One of the innovations that I would like to see established is what you might call a community clinical service, which could be manned by not fully professionals, but practitioner professionals, which many of our hospitals are now training for. This would be a great additive to the elderly, if they could go to a community clinic rather than to have, as you know, Senator Brooke, many people have to go a long way to get down to the City Hospital. And the same pertains to any other city in the Commonwealth. So, therefore, I heartily endorse community-type clinical services for the elderly and those others that might need it on a practical nurse basis. Thank you.

Senator BROOKE. Thank you very much. Next witness.

**STATEMENT OF SOPHIA COILL, MATTAPAN, MASS.**

Mrs. COILL. Senator Brooke, I hope I am not out of order. I am Mrs. Sophia Coill. I come from the Mattapan, Mass., area. My question is in behalf of all the people who are recipients of Social Security. Why did Medicare raise their moneys before the Social Security Act went into effect and before we received the raise in Social Security? This is my question and this is in behalf of all the senior citizens, also the Veterans of Foreign Wars, the American Legion, which I am affiliated with. And I don't think that this should have happened be-

fore we received the increase in our Social Security. Thank you very much.

Senator BROOKE. Thank you. That's a good question and I wish I had a good answer for it. It was a ridiculous thing to do to raise it before you got your increase. I know they were required by law to do so, but they certainly should not have done it at the time.

Mrs. COLL. They give it to you with their right hand and take it back with their left.

Senator BROOKE. Thank you very much for bringing that up. Next witness.

#### STATEMENT OF HERBERT JERALD, REPRESENTATIVE, ACTION FOR BOSTON COMMUNITY DEVELOPMENT

Mr. JERALD. I am representative of Action for Boston Community Development. I want to thank you and the members of the Special Committee of the Senate for restoring the cuts or restoring the funds to us. I want to point out that there is \$25 million still available and if efforts can be made to expand the program for this service to the full capacity the money is appropriated. Also, to point out that it might be well if all seniors had the choice of meaningful employment or welfare, and such opportunity as Foster Grandparents Office and Interpersonal Relations in terms of occupation; that the placing of Foster Grandparents program under the new division called Action, I think, is a dereliction of the aging. I think they have to be categorized as such to receive the aid available. I do testify to the fact that the elders to have a life when they are put in relationship to other people in the mainstream and come off welfare.

Senator BROOKE. Thank you very much. Before the next witness proceeds, I am going to have to turn over the Chair. I just want to say that this has, as Senator Kennedy said, been an excellent meeting. I am sure it will be very helpful to our colleagues on the Committee on Aging of the U.S. Senate. I had the opportunity to address the group at Suffolk Downs, which was a Massachusetts group, as some of you will remember, last Saturday. It's been estimated that as many as 15,000 were in attendance that day.

And I think that this is certainly a great tribute to Frank Manning, who did a magnificent job. But it is even more of a great tribute to so-called senior power. I know that you have grievances, you have rights. We can talk about advocacy and it is good that we have advocacy and professional advocacy. But you are still your best advocacies. I think that senior power is going to be a thing that is going to really pull you through. I know that many of these problems have existed for years. You now are 10 percent of the Nation's population, some 20 million so-called older Americans. Senior power was never used during the early phases of the history of this Nation. More recently you have organized and have attended meetings such as this and the one at Suffolk Downs. I think that if you are really going to have an impact; you are going to have to continue this organization and to continue to petition your government at every level to right the wrongs and to get on with the proper funding, because most of the statements that have come out today have highlighted the need for additional funding, as I am sure you are well aware.

It is a priority that senior citizens in this country be given adequate funds for a good life in their older years. The one thing you don't have is time. Time is running out on all of us, to be sure; none of us have any great deal of time. We have immediate problems. I am very pleased that you have taken your time to have this meeting and to come to Massachusetts today from all over New England to give us the benefit of your thinking and your experiences in this very vital field of lay advocacy.

Keep doing what you are doing. I am down in Washington. I listen to my colleagues. I know how they think. They are impressed by the power of senior citizens. Believe me much of the success and much of the progress that you have made today would not have been achieved had you not organized, had you not been bold, and had you not petitioned your government as you are doing now. I am just so grateful you are continuing. I just say keep it up. I am sure that you are going to be successful. Thank you very much.

Mr. ORIOL. We have been told by the management that we should be out right now. But there are four people on their feet and if we take a minute each, we'd like to hear from you. So would you give your name and town and we'd like to hear from the four people on the floor.

**STATEMENT OF MARY A. MCGEE, REPRESENTATIVE,  
LYNN SENIOR CITIZENS, LYNN, MASS.**

Mrs. MCGEE. Mr. Chairman, I am very proud and happy to be here as part of the Senior Citizens of Massachusetts this afternoon. I am very happy and grateful both to Senator Brooke and Senator Kennedy for coming here and telling us what they are going to do. We know what they have done. We know that they are fighting for the senior citizen, and I really am happy that the Council of Elders have had such a wonderful showing of all our senior citizens from all over this State and the other States.

I can look back over the years and see what has been done. Of course, I am not a professional woman, but I have been a business agent and an organizer for working. Fifty years ago—I am 75 years old—50 years ago I was business agent and organizer for the shoe-workers. I was down in Washington when Francis Perkins had the workers down there at that time and President Roosevelt signed the Social Security bill. So that I do believe from what we have done, from what we are doing, and from what we are going to do as senior citizens of this State and all over the country, there is nothing that we can do but go forward. And I am very happy this afternoon to say that I talked in Faneuil Hall, that I talked in the Gardner Auditorium, and I am privileged to talk here this afternoon because I do say that united we stand, divided we fall, and we are all going behind all of the people that are helping us. Thank you.

Mr. ORIOL. I think that is what Senator Brooke meant by senior power.

Mrs. MCGEE. I forgot to say that my name is Mrs. Mary A. McGee, and I represent the Lynn Senior Citizens. My son is the majority leader in the House of Representatives. And believe me, I think that

we must keep all of them behind us and I do believe that we are going places. They can't stop us. We have got senior power and we are going to use it, and we are going so far we are going to keep on going. And I think that Senator Brooke and Senator Kennedy have been an inspiration to all of us. With those men in office we know that we cannot be set down. We are going to stand up.

Mr. ORIOL. You inspire us.

**STATEMENT OF CLARENCE JOHNSON, PRESIDENT, SENIOR  
CITIZENS, ELM HILL, DORCHESTER, MASS.**

Mr. JOHNSON. Mr. Chairman, my name is Clarence Johnson, president of the Senior Citizens at Elm Hill, Dorchester. I regret very much that Senator Kennedy and Senator Brooke have left before I got a chance to talk to them. I didn't come asking for anything. I came here to thank them for what they have done for senior citizens and people in Massachusetts in the past. There is a saying that if you do not thank someone for the past, the things they have done for you, you should not ask for something for the future, and I wanted to remind them that they belong to us, Massachusetts people, and the senior citizens, and we belong to both of them. And I am very pleased just to see them, but regret very much they didn't listen to what I have to say.

Mr. ORIOL. We will see that they get your message.

**STATEMENT OF VERONICA MURRAY, PROVIDENCE, R.I.**

Mrs. MURRAY. I am from Providence, R.I. I am vice chairman of the Senior Citizens Action Group of Rhode Island. On behalf of the poor senior citizens, I want to point up again that the resumption of welfare payments when the Social Security 10-percent increase goes into effect will be a very severe blow to many, many senior citizens. They won't even be able to have State welfare department to keep the welfare payments intact. They are very concerned about this. Thank you.

Mr. ORIOL. The last witness.

**STATEMENT OF JOANNA ADELBERG**

Mrs. ADELBERG. Social worker for 30 years. I am speaking as a private person. I have worked with children, middle-aged people, and older people. I want to say that I think the spirit of 1971 is particularly hard for the old. It is hard to have peace of mind when you are worrying about finances. I feel that much coordination of resources we have ought to be done. People fall between programs we have. I think we should extend programs that we have. I would like to respectfully suggest that whatever techniques we learned in college economics might be helpful. I believe in older people helping themselves. Thank you very much.

Mr. ORIOL. Thank you very much. We have to turn this over to the Statler Hilton. And so with thanks to everyone who participated in this, we will now close the hearing.

Thank you.

The subcommittee is in recess, subject to the call of the Chair.

(Whereupon, at 5:25 p.m., the subcommittee recessed, to reconvene at the call of the Chair.)

# APPENDIXES

## Appendix 1

### FOOD STAMP PROGRAM—NEW REGULATIONS

LETTER FROM SENATOR EDWARD M. KENNEDY TO THE SECRETARY OF AGRICULTURE CRITICIZING NEW REGULATIONS WHICH EXCLUDE ELDERLY, BLIND, AND DISABLED PERSONS FROM THE FOOD STAMP PROGRAM

APRIL 30, 1971

HON. CLIFFORD M. HARDIN,  
*Secretary of Agriculture,*  
*U.S. Department of Agriculture,*  
*Washington, D.C.*

DEAR MR. SECRETARY: I am writing to urge that you immediately rescind the newly proposed USDA regulations to revise the Food Stamp Program. As published in the Federal Register of April 16, 1971, the Department intends to alter the maximum allowable income and the basis upon which food coupons are issued. Because the new levels are lower than existing allowable income standards, the effect of the Department's action will be to remove millions of hungry Americans from the rolls of federal food assistance programs.

In testimony before the Senate Select Committee on Nutrition and Human Needs, yesterday, Ronald F. Pollack, Director of the Food Research and Action Center in New York City, called the proposed regulations covering eligibility, purchase prices and coupon allotments, an "entire sham." I support his view that "instead of offering hope" the new standards "tragically portend the end of Federal anti-hunger programs in numerous places". Surely, you are aware of the mounting testimony about widespread hunger and deprivation throughout this country. Yet, instead of extending food assistance to all who are needy the Department's action would strike many recipients off the rolls of food assistance programs. No state provides assistance—in cash or in kind—sufficient to meet every family need. But, in those States where assistance payments are highest, recipients at the top of the payment scale will be the principal targets of the Department's latest administrative gambit. For a four-member family in Massachusetts, receiving a monthly assistance payment of \$300—\$76 of that, today, buys \$106 in food under current food stamp rules. The new regulations will force that family to spend \$7 more to gain only \$2 in added benefits. Surely, the effect of the new rule would be to force those families off the rolls. That is indeed a cruel result for the sake of administrative expediency.

Additionally, as a result of the Department's proposal to lower the cutoff for food stamp eligibility, a majority of the elderly, blind and disabled recipients who live in Massachusetts will be denied participation in the food stamp program.

At least half of the 60,000 elderly recipients of public assistance in Massachusetts now receive monthly payments that exceed the Department's proposed allowable income levels. Those same levels will strike from the rolls the 3100 blind and 20,000 disabled who are eligible to receive food stamps in Massachusetts.

Across the country nearly 400,000 hungry Americans will be denied assistance because of these new regulations. According to current estimates, four million people will be adversely affected by these rules.

While it is true that many of the needy living in Southern states will be aided by the new rules, your new regulations discriminate against poor residents of urban states.



It should be the aim of food programs to assist all—instead your rules will eliminate assistance for millions of those who are presently receiving these benefits.

Therefore, I urge you to revoke all provision in your proposed regulations which will exclude needy citizens who now receive food stamps.

Sincerely,

EDWARD M. KENNEDY.

## Appendix 2

### ADDITIONAL MATERIAL FROM WITNESSES

#### STATEMENT OF THE RT. REV. CHARLES F. HALL, BISHOP OF THE DIOCESE OF NEW HAMPSHIRE\*

##### THE ROLE OF THE CHURCH IN ENCOURAGING LAY-ADVOCACY FOR ELDERS

Gentlemen: I am the Rev. Samuel McCain of Salisbury, New Hampshire, representing and speaking for the Rt. Rev. Charles F. Hall, Bishop of the Episcopal Diocese of New Hampshire.

The Church traditionally has played a central role in the life of our nation and society over the years. Specifically, its role is to be concerned with the whole man in a whole society. We are concerned about the entire person—the social, economic and political facets, as well as the spiritual aspects of human life. Our concern as Christians is that every person have the opportunity to develop and use his God-given talents and skills to the highest possible degree, and that each person have life—in the fullest sense of that word. This concern includes the aging as much as any other segment of the people.

In the past, we in the church have often taken the attitude that “we know what older people need.” After consultation with experts and others, we have embarked upon projects designed to do something *for* older people. Thus, more and more we are involved with housing for the aging, health care plans and facilities, emergency help, social centers, employment opportunities programs, and so forth through an extensive list. Many of these efforts were appropriate and served a real need. Others missed the mark and consequently were of little good. However, most happened because of *our* assessment of the need rather than in response to or dialog with the persons we wanted to help—the older persons themselves.

In addition to these programs and projects, the churches have always had their pastoral ministry to older parishioners. There are numerous instances where both clergy and the parish have been able to respond creatively and effectively to the human needs of the aging in their community. However, there are more instances where older persons are generally forgotten, wasted, ignored or tolerated—their participation sought only for fund-raising.

It seems to us now that there is a need for the church to take steps to give older persons the tools they need to make their own needs known—in short, to speak for themselves. It is no longer adequate for us—or any institution—to decide that we always know what's best for “them”. We believe that older persons have the necessary capacity to identify their problems, to conceive appropriate solutions, and to take the necessary steps within the system to obtain a positive response to their situation. We believe that older persons themselves can speak more clearly, more effectively for their needs than can any institution.

So, in addition to the kinds of programs with which we have been concerned previously, we need also to be concerned about helping people help themselves. We need to give persons the kinds of tools they need to take a more active part in the society. We need to prepare, educate and encourage the older citizens to help us all move toward solutions which will be acceptable to them, and fair for the other elements of the population.

Specifically, we believe that a program of lay-advocacy training, focusing on teaching people how the system operates, how they can get into the system to be heard, and how they can help the system be more responsive to the people would provide the kinds of tools people need. Such a program would make available to those who want to “get involved” an opportunity to act in ways that have some hope of success. We believe that it would be appropriate for the churches to sponsor such a project, in conjunction with others.

\*See statement by Rev. McCain, p. 152.

The Churches are in contact with a large percentage of the older population of our country. The Churches have people trained in the educational process needed to teach advocacy. The Churches have persons who have been advocates for years, who would be an invaluable resource. Thus, the churches have the physical facilities, the organizational network, and the educational resources to teach people the value of speaking for themselves. On top of these capabilities and resources which could be used for this purpose—the church has the responsibility to provide ways for person to live their lives to the fullest, in dignity with self-respect; and to be actively involved in the system in which they live.

The Church should not only provide an opportunity for such a training project, but also should actively encourage the older people to participate—to learn how to speak and act for themselves. We believe that older persons who discover their effectiveness in this way, will also use their skills for the benefit of society as a whole.

Finally, the churches have the job of helping to change the prevailing attitude about old-age. We need to let people know that older persons, like the rest of us, do have skills and abilities; have needs and problems; can speak and want to be heard. Most of all, we need to let everyone know that these are persons to exist as much in the church as in the general public. These must change. One way to change them is for older persons to begin to show themselves in dynamic, effective acting.

It seems to us that a program like the kind we envision could do much to help in the matter of changing prevailing attitudes. It is possible, perhaps probable, that the church itself would become an issue of concern to the older advocates we hope to develop. This active participation by our older people should not be discouraged, but welcomed. We may all find a measure of new life in the bargain.

As an aside, it seems important for us to help older persons discover that their issues and the issues of the "youth generation" are in many respects essentially the same. Both groups feel ignored and shut out by the society, both are experiencing a forced uselessness on the job market, both face regular rejection by a system responsive only to in group. Perhaps the young and the old should find a way to get together for their common benefit. For surely the experience of the aging, and the energy and enthusiasm of the young—molded together—would create a force which would be noticed. And if they were able to use the relatively simple methods of working within the system—essentially the process of advocacy—the young and old together could very effectively influence our society.

In closing, if the Churches do have this responsibility and can help society become more responsive to its people by teaching people how to work the system—then we should help advance advocacy. It would be very helpful, of course, if our representatives in state and federal government also felt these goals were important.

We recommend that lay-advocacy training be made a priority item; that funds be made available to pay for the expenses of such a program—to reimburse training personnel and to pay the expenses of participants who otherwise could not afford to be involved. The administration of such a program would not be astronomical, the supplies and materials could be moderate. The real costs and benefits would vary in direct proportion to the older persons who would be taught to be advocates for themselves—to help all of us. Here is an opportunity for the public and private sectors to work together, utilizing resources generally untapped, and cooperating in such a way that persons are encouraged to participate in the democratic process of our country—goals which we all share. Thank you.

### Appendix 3

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#### STATEMENTS SUBMITTED BY THE HEARING AUDIENCE

During the course of the hearing, a form was made available by the chairman to those who wished to make suggestions and recommendations but were unable to testify because of time limitations. The form read as follows:

Dear Senator Kennedy:

If there had been time for everyone to speak at the hearing on "Legal Problems Affecting Older Americans", in Boston, Mass., on April 30, 1971, I would have said:

The following replies were received:

RITA T. IFILL, ROXBURY, MASS.

We, as Senior Citizens are much concerned with Medical Aid and its type which is so poorly administered at clinics and other places of service. Many have long waits and are rushed through with little consideration of their ailments. Pills won't do what they stand in need of, understanding and just a wee bit of courtesy.

It is the general consensus of the affluent that the elderly and poor run up the hospital bills.

For example: \$15.00 just to go to the clinic. \$10-15-20 for pills—Is this necessary?

The elderly feel just as bad if not worse after taking medication. You get another doctor on your case in the same clinic he tells you to discard \$ worth of pills and he writes a new order. Hence an upswing in medical care fees. In projects we need volunteer health aides. Warren Lowers have lost 15 persons in less than 2 years. Some were found dead in their apartments without anyone to administer any kind of aid which might have saved some.

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MRS. IRMA A. JACKSON, DORCHESTER, MASS.

I would like to see "child care" centers be instituted in Massachusetts. It would give these young mothers that are not caring for their children to be able to go to work. The Senior Citizen could manned these Centers with Professional Administrators as guidelines.

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MRS. LEBBE WARSCHAW, MILTON, MASS.

I would appreciate to know why after you have been frozen for Social Security and you work for 10 years after paying Social Security on each check why is it not possible to receive additional money on my check each month. This is also for other elderly too. Thank you.