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FARMERS' DILEMMA

Economics professor George E. Brandow of Pennsylvania State University calculates that selling the Russians 20 million tons of grain in the next 12 months would raise retail food prices an additional 2.4%, adding some $4.5 billion to the national food bill. (Actually, the Russians are expected to buy a few million tons less.)

Certainly massive foreign grain sales have been a two-edged sword for farmers, depending on whether they produce cattle or grains. Garden City, Kan., provides an unusual focus on grain and cattle production today. Outside the town, grain fields that flow to the horizon are spotted here and there by large feedlots, where pen riders—the Kansas cowboys—shuttle fat steers from pen to pen.

Sitting in the Garden City Cooperative Grain Terminal, Ralph "Pete" Beckett, a tall, calm wheat farmer of 67, says easily, "I've kind of struck it rich." Beckett raises wheat, corn, sorghum, and hay on 1,700 acres of land he owns or leases. "Détente was the big watershed," he explains. "My income practically doubled in 1973 (after the first Russian grain sale). In 1974 it was good, and it will be good this year." Ten years earlier, Beckett was raising cattle. "That's what saved my bacon—when I got out of that," he says with relief. However, Beckett says he does not really feel rich when he considers the way costs are rising for fuel, fertilizer, tractors, and machinery. "We've got to have $4.50 or $4 for wheat to come out," he says. (This week, wheat was bringing about $3.52 a bushel in Chicago.)

Down the street in the Wheat Lands Motor Inn, where Garden City's now-affluent farmers congregate to talk business and eat the inn's celebrated hotcakes, wheat farmer Charles Drew was complaining about the Russian grain deal. "One thing that disgusts me," Drew protested, "was for us to raise this record 2.1-billion-bu. wheat crop after they said 'plant fence row to fence row,' and then they turn around and impose export controls on grain sales to Russia and Poland."

Clyde Mercer, a grain farmer held in awe because he raised some 226 bu. an acre of irrigated corn (average in his county last year): 108 bu. an acre) conceded that he could really raise wheat for $1.72 a bu., but only because 10 years ago he bought nearly half of the 2,000 acres he farms for $94 an acre. The world demand for U.S. grains has done something to the price. "The other day I was offered $1,180 an acre for it," Mercer reported. Like Drew, Mercer considers Under Secretary Robinson's grain deal to be meddling, although he is aware that consumers were demanding something to offset the inflationary impact of big grain sales. Recently, he and his wife took an autumn bus tour of New England. "I was the only farmer on that bus, and I never met such hostility in my life," Mercer recounts.

On the edge of town at the Brookover feed lots, a huge sign stands astride four towering feed tanks. It reads: "Eat beef. Keep slim." It is the idea of owner Earl C. Brookover, himself a tall, heavy-set man who has made money in irrigation and natural gas and made and lost some in cattle feeding. His lots handle more than 100,000 cattle a year. Brookover is a survivor of what Kansas cattlemen call "the wreck" of 1973, when feeders were holding record numbers of cattle, the 1972 Russian grain sales doubled feeding costs, meat prices were frozen, and housewives were boycotting beef.

"We went into a tailspin," Brookover says. "We lost money for 20 consecutive months." Now profits have caught up with costs, and Brookover concedes that "we are making some money this year." He figures he can live with the Russian grain agreement if it stabilizes prices, even at a high level.

But what bothers Brookover is that the State Dept., which he thinks does not have the best interests of farmers at heart, seems to be taking over agricultural policy. If this is the case, Brookover and other farmers worry whether all the big thinking about food power will be tempered by the down-to-earth fact that U.S. farmers, processors, dealers—the whole agribusiness complex—are in the business of growing and selling food to the rest of the world. They want to sell the most they can for the highest price they can get. And they are going to be very unhappy, like any other businessmen, if too much of their freedom to do business is sacrificed to other national objectives.

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## SUPPORT FOR JUDGE STEVENS

Mr. BAYH. Mr. President, yesterday the Judiciary Committee completed its hearings on the nomination of Judge John Paul Stevens to be an Associate Justice of the Supreme Court. I have now reviewed the testimony presented at those hearings, as well as the opinions of Judge Stevens, his other legal writings, his medical records, his financial statements and income tax returns, his former client list, and the ABA and FBI reports on him. Based on my review of this information, I have decided to support Judge Stevens' nomination.

My decision to support this nomination is not based on ideological kinship. Indeed, certain of my positions directly differ with those taken by Judge Stevens in his opinions as an appellate judge and his testimony before the Judiciary Committee. His views, in particular, on equal justice for women do not demonstrate the type of empathy and concern that I would prefer in a Supreme Court Justice. For that reason alone, if the choice had been mine, Judge Stevens would not have been the nominee. My nominee would not only have been someone who had greater understanding of the real nature of the discrimination faced by women in our society today, but would also have been someone whose general beliefs and convictions more closely mirrored those of the two previous holders of this seat on the Court—Mr. Justice Douglas and Mr. Justice Brandeis.

However, I do not believe it responsible to oppose a nominee solely because that nominee's views differ in part from mine or the nominee's predecessors. Therefore, in deciding whether to support Judge Stevens, I did not simply compare his views with mine or with William Douglas or with Louis Brandeis. Rather, I carefully considered whether this nomination ran afoul of the same standards I used in deciding to oppose the nominations of Judge Haynsworth, Judge Carswell and Mr. Justice Rehnquist. It is clear to me that it does not.

First, I considered whether Judge Stevens was intellectually and professionally qualified to sit on the Nation's highest tribunal. It was, of course, the distinct absence of such intellectual and professional qualities that forced me to oppose the nomination of Judge Carswell. Judge Stevens is an individual whose intellectual abilities and professional achievements are substantial. That fact is undisputed by everyone who knows Judge Stevens or has examined his record.

Second, I considered whether Judge Stevens has demonstrated the personal and judicial integrity expected of a Supreme Court Justice. As you know, Mr. President, it was the lack of such propriety that led me to oppose the nomination of Judge Haynsworth. Judge Stevens is clearly a man of great integrity. In his service on the Seventh Circuit Court of Appeals, he has scrupulously observed the highest standards of judicial propriety. In this respect, he can serve as a model for the entire Federal judiciary.

Third, I considered whether Judge Stevens' views demonstrated the kind of gross insensitivity to the rights, liberties, and protections guaranteed to individuals by the Constitution. It was such extreme insensitivity that forced me to oppose the nomination of Justice Rehnquist.

I must say I am troubled about Judge Stevens' opinions in cases involving the efforts of women to overcome discrimination. I have heard some people interpret Judge Stevens' statement that the equal rights amendment has more symbolic, than legal significance to be an indication that he would take an expansive view of the protection extended to women as a class by the 14th amendment to the Constitution. But given the substance of his views in *Sprogis* v. *United Air Lines, Inc.*, 444 F. 2d 1194 (7th Cir. 1971), and in his opinion in *Doe* v. *Bellin Memorial Hospital*, 479 F. 2d 756 (7th Cir. 1973), I tend to share the concern of women who have expressed doubt as to the likelihood that Judge Stevens will take such an expansive view.

The position taken by Judge Stevens in his dissent in Sprogis was rejected by the Supreme Court in *Phillips* v. *Martin-Marietta Corp.*, 400 U.S. 542 (1971). Given this fact, Judge Stevens' insistence before the Judiciary Committee that he would not in retrospect change his opinion in Sprogis seems peculiarly defensive.

While, as I have noted, Judge Stevens' views on the rights of women are in certain cases deeply troubling, I do not think they are as objectionable as I found Mr. Justice's Rehnquist's views on the first amendment. On balance, I cannot conclude that Judge Stevens' views on women's issues are of such magnitude to deny him confirmation.

With respect to the rights of groups other than women who have often received less than equal treatment before our courts, I am also satisfied that Judge Stevens, while holding somewhat more restrictive views than mine, does not evidence anything approaching a general insensitivity. In fact, in certain areas, his opinions and testimony indicate empathy with the rights and aspirations of minorities.

Mr. President, for the reasons that I have just outlined, I have decided to support the nomination of Judge Stevens before the Judiciary Committee and the Senate, and I am hopeful that this nomination can be soon confirmed and the Supreme Court restored to full membership.

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## WORLD ECONOMIC ORDER

Mr. FANNIN. Mr. President, a recent article published in the Petroleum Economist, a scholarly British journal, deals with the subject of world economic order. Notwithstanding the problems that we are facing in this Nation in dealing

House-Senate Conferees refer to encouraging the development of high-cost and high-risk production and the application of enhanced recovery techniques. This would appear to recognize that the bulk of incremental U.S. production is likely to be achieved as the result of new discoveries in frontier areas (i.e., the outer continental shelf, the Arctic) and through implementation of secondary and tertiary recovery programs in old oil fields. Logically, the highest permitted price would accrue to properties requiring new investment. The problem is that the required economic price in both these areas is considerably higher than the composite allowed price. That is, if the President opts to apply the adjustment only to new oil, thereby maximizing exploratory incentives, he would be reducing or eliminating incentives for enhanced recovery. The President could, of course, adopt the suggestion that yet another category of prices be established for oil recovered through newly instituted secondary and tertiary schemes. Until the method of price administration is determined, however, it is impossible to forecast which, if any, oil company will benefit from the Energy Policy Act.

On balance, however, it would seem fair to project that U.S. crude earnings are unlikely to provide a source of higher profits in 1976. Legislators will now attempt to reach a compromise on natural gas prices. We are dubious that the decontrol measures which passed the Senate will survive the House. We suspect the maximum price for new natural gas that would be allowed under a Senate-House conference would be the thermal equivalency of the composite crude oil price, or around $1.35/mcf. In the absence of legislation to increase natural gas realizations, we expect the Federal Power Commission will move to increase the current 52c/mcf ceiling. While the outlook for natural gas prices is thus encouraging, particularly relative to crude oil, its impact on individual company profits will be tempered by the amount of natural gas that is classified as new.

Implementation of the Energy Policy Act suggests that a multitiered U.S. crude pricing structure will persist for at least forty months. This being the case, the FEA will undoubtedly be required to maintain the current system of allocations and entitlements which have so severely distorted downstream results in 1975. Combined with recent competitive gasoline price cuts, the prospects for higher relative refining/marketing profits beyond the first quarter of 1976 (when the comparison will be against a deficit for most companies) are very unclear. Finally, higher U.S. taxes will have to be absorbed effective January 1, 1976 from limitation of foreign tax credits and July 1 from elimination of percentage depletion on natural gas sold under fixed-price contracts. In sum, if earnings from domestic petroleum operations can show any gain at all in 1976, it is likely to be modest. This would contrast with an estimated earnings increase of around 20% for the Standard & Poor's Industrials.

Superimposed on these less-than-inspiring profit prospects is the virtual certitude that additional legislation aimed at horizontal and/or vertical divestiture will be introduced in the 1976 Congress and will become part of campaign rhetoric. A group of legislators that have seen fit to pave the way toward Project Independence by eliminating percentage depletion for the oil industry under the Tax Reduction Act of 1975 and by rolling back crude oil prices under the Energy Policy Act of 1975 cannot help but pursue its perverse logic through the "Oil Competition Act of 1976."

## THE HONORABLE JOHN PAUL STEVENS

Mr. MATHIAS. Mr. President, prior to the submission of Judge John Paul Stevens' name as President Ford's nominee to be Associate Justice of the Supreme Court, I was asked by a number of journalists what standards or tests I would apply in assessing the qualifications of the next nominee to the High Court. I replied only that he or she must be a person who is honest and who understands the Constitution.

Since that time, as a member of the Committee on the Judiciary, I have had the opportunity to review the opinions of Judge Stevens while serving on the Seventh Circuit Court of Appeals, his other legal writings, the financial reports, income tax returns and former client list he was kind enough to provide to the committee, and the reports of the American Bar Association and Federal Bureau of Investigation regarding his fitness to serve.

Based on everything I have seen, heard and read of Judge Stevens since his nomination, and based on the record of his conduct and responses during 2 days of extensive questioning by members of the Committee on the Judiciary, I must say that I am happy to apply that test in his case and to observe that he meets it.

One need not agree with every decision or opinion of a sitting judge such as Judge Stevens in order to recognize his qualities of candor, integrity, intellectual capacity and deep understanding of the spirit and substance of the document which has guided our democracy since its ratification 187 years ago.

For this reason, I was happy to vote in favor of Judge Stevens' nomination when it was unanimously approved by the committee on December 11, and look forward to his prompt confirmation by the full Senate.

I believe we all can be confident that his contributions to American jurisprudence as a member of the U.S. Supreme Court will be substantial for as long as he graces its bench.

## SENATOR MUSKIE'S CONCEPT OF THE NEW BUDGET PROCESS AND THE ROLE OF CONGRESS IN THAT PROCESS

Mr. MANSFIELD. Mr. President, I have reviewed the transcript of the proceedings of last Thursday's meeting of the majority conference.

I was most impressed by the remarks of Senator MUSKIE at that conference. As the chairman of the Budget Committee he displayed a fine grasp of the new budget process and the responsibilities of the Congress with regard to that process. For the benefit of all Senators I commend these remarks of Senator MUSKIE and ask unanimous consent that they be printed in the RECORD.

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

REMARKS OF SENATOR EDMUND S. MUSKIE

I would like to make a couple of observations to begin with. I have lived through many of these confrontations between the President and the Congress which were provoked by attempts to set arbitrary spending ceilings. They rarely worked. They always resulted in acrimony and bitterness, in no results. They resulted finally in the impoundment scenario of 1973–74 which resolved nothing. The budget process was created as a result of the failure the last time the President tried to set an arbitrary spending ceiling. So there is that history.

Secondly, and I cannot resist this, with respect to looking ahead a year or two to determine what your spending cuts ought to be, I have two illustrations.

A year ago this President announced that he was going to recommend a balanced budget for fiscal 1976. This was in October 1974. Five months later, in February, he sent his budget to the Hill and it was in the hole $52 billion. He was not able to look ahead 5 months at that time. His own latest figure on the deficit for this year is about $68 billion. So that is the margin of error with which he has worked.

Another point: Since his last budget review for this year, which takes place about June 1, his own budget has gone up $8.6 billion because of uncontrollables which were not accurately estimated June 1. This is December and he was off by $8.9 billion just on that part of the budget in less than 6 months.

Let's look at his proposal. First of all, he proposed cutting $28 billion. How did he arrive at that? First, he projected outlays or potential outlays of $423 billion for the next fiscal year. Where did he get it? I have been unable to find out.

Under the Budget Act he is required now to send up a current services budget in November. This pamphlet contains that. Is the $423 billion in here? The answer is no.

We projected four different sets of economic assumptions in order to give us not one number on outlays but four, from the most optimistic economic assumptions to the least optimistic.

The range of his outlay numbers is from $410 billion to $414 billion. So the highest number is $9 billion below the $423 billion which was the basis for his $28 billion in cuts.

We do not know the make-up of the $423 billion at all. He has not sent it to us. This pamphlet was printed after he made his proposal. The $423 billion is not in here, nor is the basis for it. The justification for it is not in here.

Then how about the $28 billion in cuts? If he does not have $423 billion in outlays and his proposed spending ceiling is $395 billion, then is he proposing cuts of $15 billion or $19 billion or $28 billion? He has not made that clear. He said that the number is $395 billion, but he has not told us how that relates to an outlay figure.

As to the $28 billion, what does that consist of? He did not tell us at the time. Since that time, the Budget Committee has had extensive hearings with Mr. Lynn, with Mr. Simon, with Mr. Burns, and we did our best to solicit from them the details of the $28 billion in cuts. We still have not received them.

If the administration in a 2-month period has not been able to make up its own mind, its collective mind, as to what the cuts are, where they ought to be, it is a little difficult for us to get a handle on them.

So we are talking about a $423 billion outlay figure that is a complete phantom, that is not found anywhere except in the President's speech of that night. Nowhere else have we found it.

Secondly, we are talking about a $28 billion cut which is not substantiated in any way whatsoever. The OMB leaks pretty well from time to time. We have not had even a leak as to the composition of that $28 billion in cuts. Now we are asked to establish an outlay ceiling of $395 billion.

As Russell says, that may be a figure that we agree upon.

What have we done as a Congress? We have prided ourselves, and I think justifiably, that we have at least set in motion a process which would lead us to fiscal responsibility and budgetary prudence. I think the case is pretty good on that score, but history will

only in the warmest summer months—quaintly called them "cottages". Those cottages were mighty hard to heat, and if the tax laws had not already discouraged single ownership of the properties, today's electric bill fuel adjustment charges would certainly have done the job.

As the Nation's smallest State, Rhode Island must fight for every scrap of recognition, and we are intensely proud of our individuality. Among all the available choices for a state symbol, what other state would have the temerity, the nerve and the pugnacious pride to choose a domestic chicken—"our beloved Rhode Island Red."

## SMALL RECLAMATION PROJECTS ACT

Mr. CHURCH. Mr. President, I rise in strong support of Senate passage of H.R. 6874, a bill to amend the Small Reclamation Projects Act of 1956.

With the passage of the original Small Projects Act in 1956, Congress created a valuable tool for the development and effective utilization of water and related land resources in the arid Western States. For almost 20 years this program has been wholeheartedly pursued by the water resources community and the program's history is one of continued success. The importance of the program to the Nation can be measured by the number of projects which have been initiated under the act. Nationwide, 49 loan projects have been completed with loans totaling $95 million, and 15 more projects valued at $65 million are under construction. Over $240 million worth of potential projects are presently in various stages of preparation. Without question, this program benefits the entire Nation.

On May 21 of this year, I introduced S. 1794, a companion measure to H.R. 6874. On September 16 the Subcommittee of Energy Research and Water Resources of the Senate Interior and Insular Affairs Committee held hearings on S. 1794. As chairman of the subcommittee, I can report to my colleagues that the small reclamation projects program is continuing to function well but is in need of revision. Congress has periodically reviewed the small projects program and has amended the basic act to reflect changing times or congressional intent for the program. Evidence gathered by the subcommittee during the September 16 hearing indicates that the act is again in need of amendment if it is to continue to be a viable asset in the development of Western water resources.

Foremost among the needs faced by the program is the ability to adjust to inflationary cost increases in construction. Over the past 3 years since the act was last amended, inflation has eaten away at the authorized cost ceiling for projects in such a way that current projects under the act are only two-thirds the size originally envisioned by Congress. H.R. 6874 would provide for the adjustment of cost ceilings to reflect inflationary pressures. Additionally, because of the enthusiasm with which the program has been pursued by the water resources community, there is a need to increase the authorization level for the entire program. And finally, testimony indicated that a saving may be realized to the program if authorization is given for the use of program funds for the purchase of existing project related facilities, thereby preventing useless duplication of project features.

Mr. President, H.R. 6874 reflects two decades of experience with a widely used Federal program and with enactment, Congress will insure that the Small Reclamation Projects Act will continue to be of vital service to the production of food and fiber for the Nation and the world.

I strongly urge the Senate's approval of H.R. 6874 as reported by the Committee on Interior and Insular Affairs.

## SUPPORT FOR THE CONFIRMATION OF JUDGE STEVENS

Mr. BAYH. Mr. President, the Judiciary Committee has unanimously reported favorably the nomination of Judge John Paul Stevens to be an Associate Justice of the Supreme Court. Before deciding to support this nomination, I viewed the testimony presented at hearings as well as the opinions of Judge Stevens, his other legal writings, his medical records, his financial statements and income tax returns, his former client list, and the ABA and FBI reports on him.

My decision to support this nomination was not based on ideological kinship. Indeed, certain of my positions directly differ with those taken by Judge Stevens in his opinions as an appellate judge and his testimony before the Judiciary Committee. His views in particular, on equal justice for women do not demonstrate the type of empathy and concern that I would prefer in a Supreme Court justice. For that reason alone, if the choice had been mine, Judge Stevens would not have been the nominee. My nominee would not only have been someone who had greater understanding of the real nature of the discrimination faced by women in our society today, but would also have been someone whose general beliefs and convictions more closely mirrored those of the two previous holders of this seat on the Courts—Mr. Justice Douglas and Mr. Justice Brandeis.

However, I do not believe it is responsible to oppose a nominee solely because that nominee's views differ in part from mine or the nominee's predecessors. Therefore, in deciding whether to support Judge Stevens, I did not simply compare his views with mine or with William Douglas or with Louis Brandeis. Rather, I carefully considered whether this nomination ran afoul of the same standards I used in deciding to oppose the nominations of Judge Haynsworth, Judge Carswell, and Mr. Justice Rehnquist. It is clear to me that it does not.

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Second, I considered whether Judge Stevens has demonstrated the personal and judicial integrity expected of a Supreme Court Justice. As you know, Mr. President, it was the lack of such propriety that led me to oppose the nomination of Judge Haynsworth. Judge Stevens is clearly a man of great integrity. In his service on the Seventh Circuit Court of Appeals, he has scrupulously observed the highest standards of judicial propriety. In this respect, he can serve as a model for the entire Federal judiciary.

Third, I considered whether Judge Stevens' views demonstrated the kind of gross insensitivity to the rights, liberties, and protections guaranteed to individuals by the Constitution that forced me to oppose the nomination of Justice Rehnquist.

As I noted, there is one area—the legal rights of women—in which Judge Stevens' record causes me deep concern.

As one who has fought long and hard to establish many of the legal guarantees against discrimination based on sex, I was disturbed by the narrow scope of reasoning used by Judge Stevens in his dissent in *Sprogis* v. *United Airlines Inc.* 444 F. 92d 1194 (7th Cir. 1971). In this case, despite existing equal employment opportunity guidelines to the contrary, Judge Stevens refused to consider United Airlines' practice of marital status discrimination against married stewardesses as sex discrimination under title VII of the Civil Rights Act of 1964.

In his dissent Judge Stevens argued that firing married stewardesses did not constitute discrimination based on sex but rather was discrimination against a certain class of females—therefore not covered by the statute. Judge Stevens, in a footnote to his dissent, stated that indeed had United Airlines employed males and females in the same job category and applied a no marriage rule for females only, his findings would be quite different.

This narrow finding of what constitutes sex discrimination ignores the fact that a great deal of the most invidious form of sex discrimination comes from sex role stereotyping. Judge Stevens, while finding he could not support this line of reasoning, at least showed he was not totally insensitive to this very real problem when he stated:

As I understand the majority's test, it did not focus on the impact of a rule on the employment opportunities of the members of one sex as opposed to the other: instead the critical inquiry is whether the rule is an irrational attitude toward females. As a matter of policy, the majority's view may not only be contemporary, but also wise.

Judge Stevens' findings in this case, as in many other cases relating to women, reflects his overall tendency to apply the narrowest and simplest interpretation to the statute in question. This narrow type of legal reasoning is evident in other cases such as *Cohen* v. *Illinois Institute of Technology*—F. 2d—(7th Cir., Oct. 28, 1975) and *Doe* v. *Bellin Memorial Hospital*, 479 F. 2d 756 (7th Cir., 1973).

In both of these cases, he applies a very strict standard of what constitutes State action, declaring that the simple receipt of Federal funds is not sufficient in and of itself to constitute State action. By the use of such a narrow interpretation, Stevens limits the application of Federal discrimination standards to private educational or medical facilities, despite their receipt of Federal financial assistance.

Particularly distressing to me was Judge Stevens' statement on the Equal Rights Amendment during the Judiciary Committee hearings on his nomination. I do not believe that Judge Stevens believes in discrimination against women. I do not believe that Judge Stevens is totally insensitive to the vast scope of what constitutes sex discrimination. I do believe, however, that Judge Stevens' narrow line of judicial reasoning could deny to women the broader protection that should be afforded them under the 14th Amendment and which will be guaranteed when the ERA is ratified. As the Senate author of the equal rights amendment, I can assure Judge Stevens that its intent and its impact is considerably more than symbolic.

While, as I have noted, Judge Stevens' views on the rights of women are in certain cases deeply troubling, I do not think that on balance, Judge Stevens' failings on women's issues are of such magnitude to deny his confirmation.

With respect to the rights of groups other than women who have often received less than equal treatment before our courts, I am also satisfied that Judge Stevens, while holding somewhat more restrictive views than mine, does not evidence a general insensitivity. In fact, in certain areas, his opinions and testimony indicate empathy with the rights and aspirations of minorities.

Mr. President, for the reasons that I have just outlined, I have decided to support the nomination of Judge Stevens before the Judiciary Committee and the Senate, and I am hopeful that this nomination can be soon confirmed and the Supreme Court restored to full membership.

## CONSTRUCTIVE CONTRIBUTIONS TO AID HANDICAPPED PERSONS ARE MADE BY VOLUNTARY GROUPS—EASTER SEAL CONVENTION STRESSES MUTUAL EFFORTS—CONGRESS PROVIDES NEEDED LAWS

Mr. RANDOLPH. Mr. President, the National Easter Seal Society for Crippled Children and Adults Convention November 4 through 8, in Louisville, Ky., demonstrated the constructive contributions being made by voluntary organizations. The convention brought together over 1,000 representatives of such diverse fields as dentistry, design, recreation, employment, and the entire scope of health and social services to the handicapped.

In the keynote address, Dr. Leonard Silverstein, Executive Director, Commission on Private Philanthropy and Public Needs, reviewed the scope covered by the Commission's 3-year study of the role of private philanthropy today. He commented on the decline in private contributions due to recent hearings, and the increase of Government intervention. Dr. Silverstein analyzed the validity of current proposed legislation which threatens to decrease the mainspring of revenue for private philanthropy. Said the Director:

> The uniqueness of the American private sector needs to be sustained if we are to have a genuinely free society in America.

Included was an award to the Greyhound Lines for its recent action in making facilities available to the handicapped; an award to Universal Studios for the film, "The Other Side of the Mountain" which was accepted by Lucie Arnaz; and the presentation to the delegates of the 1976 Easter Seal Child, Miss Kerri Hines of Pontiac, Mich.

Throughout the meeting, convention participants in forums addressed themselves to a myriad of subjects, including reaching out for employment opportunities for persons with handicaps, and reassessing needs for rehabilitation services from the clients' point of view. Attitudes of life style for handicapped persons, integrated camping experiences for the disabled with the nondisabled, special needs for the handicapped for dental services, and recent research in infant stimulation and early detection of handicaps in the newborn—all were stressed.

Volunteers and staff in Easter seals and allied agencies analyzed some of the social and legislative forces affecting service to the handicapped. There was a discussion on the Health Planning and Resources Development Act, as well as a detailed explanation of title XX of the Social Services Act.

In a workshop, professionals and parents looked at methods of involving parents or handicapped persons themselves, in assessing the needs of the client for rehabilitation services. The process for training professionals was cited as an area needing improved emphasis in dealing with handicapped clients and their families.

The American Occupational Therapy Association and the American Speech and Hearing Association were two cosponsoring agencies. In the workshop sponsored by ASHA some 200 registrants learned techniques for relating the process of speech therapy to the total rehabilitation of the handicapped child.

The Academy of Dentistry for the Handicapped sponsored a thought-provoking session devoted to new concepts in dentistry for the handicapped, including proper nutrition, new techniques in dental surgery, and special inpatient treatment.

Last year, Mr. President, it was my privilege to speak at the Academy's national convention on Congressional concern and commitment to the total rehabilitation of the handicapped. I am gratified that the academy's "Campaign of Concern" and commitment to the handicapped has stimulated the application of new concepts in the care of handicapped persons' dental needs.

The involvement of the evergrowing number of self-help groups was witnessed in the Easter Seal Convention program. ALPHA–Action League for Physically Handicapped Adults, Inc.—participated in a specially designed forum to discuss barriers posed by peers, parents, and professionals to the independent life styles sought by many of our Nation's handicapped citizens.

Barriers faced in the manmade environment by persons with handicaps was the focus on the final day of the convention. As a founding member of the National Center for a Barrier Free Environment, the National Easter Seal Society for Crippled Children and Adults sponsored the national center's first annual meeting as a part of its convention. The meeting open to the public brought over 200 persons from nearly every State in the Union and Canada.

This conference on "Developing a Barrier Free Environment," which closed the Easter Seal Convention, highlighted the implications of some federally funded projects underway to identify deterrents for accessibility, to develop standards in the manmade environment, and develop design standards. Other resources are needed by architects, designers, builders, and municipal officers to insure accessibility features in the construction and remodeling of buildings across the country.

This conference on the problems handicapped persons face when confronted with architectural barriers will result in increased public awareness of the fact that our society has not provided to the handicapped population full freedom to enjoy the benefits of our society.

Congress has taken steps to eliminate these barriers which exist for our handicapped citizens. In 1968, we worked to pass the Architectural Barriers Act. That legislation required that all Federal and federally assisted buildings must meet accessibility standards. September 26, 1973, the Rehabilitation Act of 1973 became law; that measure included a provision, which I authored, to establish a Federal Architectural and Transportation Barriers Compliance Board to insure compliance with the 1968 law. Amendments to the 1973 act, which became law on December 7, 1974, further strengthened the Board and provided it with an enforcement mechanism.

On February 7, 1975, I introduced Senate Concurrent Resolution 11 which states that there shall be a national policy to recognize that all citizens, regardless of their physical disabilities, have the right to full development of their potential through the free use of our environment levels.

A highlight of the convention was the luncheon sponsored by Rehabilitation International, USA. The speaker, Arieh Fink, president-elect of the 13th World Rehabilitation Congress, extended an invitation to send delegates to Tel Aviv, Israel, on June 13 through 18, 1976.

## VETERANS DESERVE EDUCATION AND JOB ASSISTANCE

Mr. BAYH. Mr. President, nearly one out of every two Americans is a veteran or the dependent or survivor of a veteran. For the past several years, Congress has taken the initiative in providing various kinds of assistance to veterans,

manpower needs in an orderly, efficient manner. It is ready to do so again if the need arises.

But to reduce its funding from $28 million to $6 million, would gut the entire program, leaving little more than a skeleton operation.

Legislation which Congress passed in 1971, called for a phasing out of the draft and a reduction in the activity of the Selective Service System. This legislation purposefully contained safeguards, in the form of a standby system. This was done so that the machinery of the organization would be ready to reinstate the draft immediately in the event of a national emergency.

Unfortunately, no position was taken by Congress on the level of spending to maintain this standby status.

Apparently the Office of Management and Budget would like to use this omission to further reduce the capabilities of our national defense forces by slashing the System's budget.

This is just another example of the heavy-handed tactics used by OMB on national security budget programs. I hope President Ford, who consistently voted in favor of funds for a strong national defense during his years of service in the House, will reject such a drastic cut.

It would be a foolish move and would put our great Nation in a vulnerable position. I for one will not stand still and permit the dismantling of the Selective Service System.

I plan to do everything within my power to see that adequate funding is provided for the System. I am not opposed to cutting out the fat in any program, but I believe it is most important that this agency be kept at a high level of readiness.

A strong national defense serves as an absolute foundation for all our national goals. An effective standby selective service system will serve as the foundation for a strong national defense.

It is commendable to be able to say that no young American has been drafted into the Armed Forces since December 31, 1972. But it would be totally incorrect to say that tensions throughout the world and goals of conquest have disappeared during this same period. Reality demands that we face up to the fact that the Russians are committed to achieving overwhelming military superiority over us.

Strength is the one thing the Communists understand and respect. Every reduction in the United States' defense capabilities is taken as a sign of weakness on our part. And every cutback in defense spending is met with an increase by the Russians. Commonsense tells us where such a policy will lead.

Former Secretary of Defense, Schlesinger, took a strong public position in favor of maintaining an effective Selective Service System. Mr. Byron V. Pepitone, the System's present Director, has stated that such an unreasonable cut in the budget would dismantle the whole apparatus.

It is my desire, like that of all our citizens, to have peace and protect our freedom. This is accomplished through strengthening those agencies and organizations which contribute to our national defense posture, not by weakening them.

## NOMINATION OF JOHN PAUL STEVENS

Mr. PERCY. Mr. President, the Senate Judiciary Committee's action in unanimously approving the nomination of John Paul Stevens to be an Associate Justice of the Supreme Court is testimony to the nominee's unique qualifications and to his acceptability to a wide range of individuals and philosophies. In addition, his nomination has elicited overwhelmingly positive comment from the Nation's editorial writers and columnists, and I urge my colleagues, consistent with thoroughness, to confirm expeditiously Judge Stevens' nomination.

From the dozens of editorials which have appeared as a result of this nomination I have selected a representative sample and ask unanimous consent that they be printed in the RECORD.

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

[From the New York Times, Nov. 30, 1975]

COURT NOMINEE IS HARD TO LABEL

President Ford has nominated a successor to Justice William O. Douglas on the Supreme Court. He named John Paul Stevens, a judge of the United States Court of Appeals for the Seventh Circuit since 1970, a selection that confounded political speculation Mr. Ford would pick either a woman or his old Republican colleague from Michigan, Senator Robert Griffin.

Judge Stevens' legal outlook may also prove unexpected. Some immediate comment categorized him as "conservative," apparently on the basis of 11 of his opinions listed by the White House as "representative."

But a group of law school professors who studied all his opinions for the American Bar Association rejected any labelling and gave him high marks as a judge. They used such words as "practical, not always bound by the conventional wisdom, analytical, very smart, moderate, imaginative, elegant, aggressive, a little brisk, hard to categorize."

In the field of criminal law, for example, Judge Stevens declined in 1972 to hold unconstitutional on its face the Federal law allowing official wiretaps under court order, he said particular abuses could be dealt with as they occurred. It may have been on the basis of such an opinion that a news agency jumped to the conclusion that "Stevens is unsympathetic to rights of the accused."

But in 1974 he rejected the claim of Federal agents that they were entitled to break into a man's home without a warrant in order to keep him from destroying marijuana; the value of privacy outweighed the state's interest, he said. In 1973, upholding the claims of some prisoners, he said: "The restraints and the punishment which a criminal conviction entails do not place the citizen beyond the ethical tradition that accords respect to the dignity and intrinsic worth of every individual."

This year, voting to reverse an Illinois corruption conviction, he said the evidence of guilt was strong and the crime shabby. He hesitated to upset the conviction, he said, but he did not want to compromise fair procedure for others. He added:

"This case brings to mind the trial of Titus Oates, a guilty man who was convicted by improper means. Macauley's observation about that trial is worth repeating: 'That Oates was a bad man is not a sufficient excuse; for the guilty are almost always the first to suffer those hardships which are afterward used as precedents against the innocent.'"

Mr. Ford's nominee is not likely to have much difficulty getting confirmation in the Senate, where hearings will be held this week. Before his appointment to the bench in 1970 he had been a leading anti-trust lawyer in Chicago. He also was a law clerk to Supreme Court Justice Wiley Rutledge from 1947 to 1949.

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[From the Washington Post, Dec. 3, 1975]

THE STEVENS NOMINATION

If President Ford was looking for a Supreme Court nominee who could be confirmed with minimal difficulties, it appears that he has chosen well. John Paul Stevens is a non-controversial judge, whose credentials are impressive, although not overwhelming, and whose record, as far as we now know, contains nothing that should impede his confirmation. On that record and those credentials, Judge Stevens is clearly a better choice than were most of the six men nominated for the Court by former President Nixon.

It is difficult, if not impossible, to predict what kind of a justice Judge Stevens would be. His opinions on the circuit court have been, for the most part, tightly reasoned and confined to the issue before him. That is as it should be, for a circuit judge's task is to stay generally within the bounds of precedents. Because a judge on circuit courts is not confronted frequently with the kinds of broad issues that are routine on the Supreme Court, it is usually impossible—unless his service has been exceptionally long—to tell from his work there how he will approach major constitutional questions.

What one looks for, therefore, in a nominee coming from a lower court are demonstrations of scholarship, technical excellence, thoughtfulness—and a breadth of mind and spirit. Judge Stevens' work is full of examples of the first three qualities. But his adherence to the traditional role of a lower court judge has given him few opportunities to demonstrate the fourth. If he is confirmed, he will need to adjust quickly to the wide horizons required of one who interprets the sometimes vague language of a constitution as compared to the narrow focus of one who is involved in interpreting statutes and following precedents. Many of those who know Judge Stevens, either as a lawyer or a judge, believe he has the capacity for this kind of growth and will make a major contribution to the Court.

We hope that the Senate will act on this nomination as expeditiously as it can. Unless there is something in the Judge's record that is not now evident, we see no reason why a thorough review cannot be completed and the nominee confirmed before the Christmas recess. The Court has been handicapped for almost a year now because of the illness of Justice Douglas. It needs a full complement of members in place when it begins its January argument period.

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[From the Chicago Tribune, Dec. 1, 1975]

JUDGE STEVENS' NOMINATION

President Ford has made an excellent choice in his nomination of Federal Judge John Paul Stevens of Chicago to the Supreme Court. If confirmed by the Senate, he will fill the vacancy caused by the retirement of Justice William O. Douglas.

We are pleased, of course, that Judge Stevens is from Chicago—he is only the fourth Illinoisan out of the 105 justices who have served on the court. But a strong case could also be made—and was made—for naming a woman, and there were some creditable candidates.

Judge Stevens' virtue is that he has earned this appointment not by controversial stances or his place of residence or his sex or his politics, but simply because in his five years on the 7th Circuit Court of Appeals he has been a steady judge and a good one. He has looked for the right answer or the best

one, not for the one that would bring cheers or headlines. A good measure of his success is that in these five years he has never been reversed by the Supreme Court. His record supports the comment by White House counsel Philip Buchen that "he won't stretch to find a federal question arising in cases where there are only state questions."

His virtue as a strict constructionist is enhanced by the fact that his reputation is not engraved in stone as either a liberal or a conservative. For too long the Supreme Court has been divided between relatively inflexible blocs—the liberal activists on one side and the conservatives on the other. As the usual "swing" members, Justices Stewart and White have had more influence than any two men should. If Judge Stevens' nomination is confirmed, he will become a third member of this influential group and will thereby strengthen the court.

His nomination has the endorsement of Sen. Stevenson as well as of Sen. Percy and Atty. Gen. Levi, both of whom have known and worked with him. We have every reason to hope and believe that his nomination will be confirmed quickly. The Supreme Court has been weakened too long by its strong ideological division and by the illness of Justice Douglas. It has much important work ahead of it.

## THE NATIONAL COUNCIL ON THE AGING: 25 YEARS OF SERVICE TO THE ELDERLY

Mr. KENNEDY. Mr. President, for 25 years, the National Council on the Aging has provided ongoing service and leadership to public and private agencies working to meet the continuing needs of the Nation's elderly. As the spokesman for America's aged—the National Council on the Aging has led the way in playing a vital role in the development and implementation of a public national policy which is more responsive to the concerns of our Nation's older citizens. Throughout this quarter century, the National Council on the Aging has sought to facilitate the full utilization by the aged of services and programs that could make their lives more meaningful and personally gratifying.

As a result of this ongoing effort by the National Council on the Aging, there has been a considerable improvement in the quality of life for older people—particularly for those citizens who require special social programs and other services to meet special individual needs.

Mr. President, I do not have to elaborate on the many problems still facing the elderly of the Nation. As a member of the Select Committee on Aging, I know all too well that the burden of inflation has severely punished the elderly who are mostly living on fixed incomes. And not only have food prices skyrocketed, the cost of medical care and housing has turned retirement into a virtual nightmare for most of our older citizens. The National Council on the Aging is all too well aware of these and other problems, and the Council's important recommendations to meet these problems warrant careful study by my colleagues and the public.

I ask unanimous consent that the policy statements of the National Council on the Aging be printed in the RECORD.

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

SEPTEMBER 1975.

### OLDER AMERICANS AND THE ARTS

For 25 years the National Council on the Aging has sought to facilitate the full utilization by the aged of services and programs that could make their lives more meaningful and personally gratifying.

NCOA continues to seek new alliances that can improve the quality of life for older people particularly as that quality relates to the loneliness, isolation and lack of new social roles that exist in the world of the aged. Leaders and policymakers in the burgeoning field of cultural services must be increasingly made aware of how the arts network, both public and private, can serve and be served by older Americans. Agencies and practitioners in the field of aging must become active advocates for older persons in the field of the arts.

NCOA believes that while the aged's involvement in cultural services and programs may not be a matter of life and death for older persons, it can be a matter of happiness or unhappiness, usefulness or uselessness. The overall goal in this area is to ensure that older persons have an equal opportunity, with other population groups, to participate in and have access to cultural programs and services.

In addition, NCOA recognizes the need to preserve the folklore and forgotten arts of America, including the ethnic heritages of our diverse population, for the enjoyment of all citizens. It is the older adult who has the knowledge and skills not only to produce such crafts and artwork, but also the capability to teach others the techniques of these accomplishments.

With these goals in mind, NCOA makes the following recommendations:

1. The arts constituency should be broadened to include the elderly.

2. The quality of arts programs now available to older people should be upgraded.

3. New employment opportunities for artists young and old in the field of aging should be provided.

4. Art forms which otherwise might be lost forever must be preserved.

5. Support for the arts should be broadened through better use of the energy and ability of older persons whether as volunteers or as paid professionals.

6. Arts resources at local, state and national levels in both the public and private sectors that are currently overlooked or underused in the field of aging should be mobilized.

7. Local initiatives to preserve the folklore and forgotten arts of America can be encouraged by developing co-ops and/or channels to the retail market where they can reach the consumer. Any public effort to develop such channels should ensure that the proceeds of sales benefit the older artisan.

8. Older artisans should be given opportunities to share their knowledge with others and be provided opportunities to improve their skills. Both Federal and state governments need to be sensitive to these needs and provide avenues by which this unique talent can be shared and enhanced.

To date, cultural services for, with and by the aged is a concept without priority status in either the arts or aging fields. We recognize that promoting a new concept which is not considered as important as survival support services is difficult at best and is more so in two fields that are currently underfunded. The arts are primarily concerned with survival of cultural institutions and the individual artist. Likewise, practitioners in aging emphasize survival and support of aging service agencies and the aged themselves. Nevertheless, NCOA remains convinced that there is something positive for both the arts and the aging fields in the marriage we have proposed.

### CRIME AGAINST THE ELDERLY

The elderly, especially the urban elderly, are the most vulnerable victims of the recent dramatic increase in crime in America. Millions of the aged are virtual prisoners in their own homes, self-confined victims who fear even going out in the streets. The quality of life for thousands and thousands of elderly people is degraded not only by the existence of robberies, assaults, fraud and rape, but also by the threat of such crimes. In a recent NCOA study conducted by pollster Louis Harris, those over 65 rate crime or the fear of crime as their most serious personal problem.

Unfortunately, there is no reliable index of the volume of such offenses against the elderly. Numerous studies showing the high numbers of unreported and underreported crimes also indicate that the elderly are more likely to be silent victims. In addition, reported crime records only note the age of the criminal, not that of the victim.

NCOA believes that a number of steps must be taken immediately, at both the national and local levels, to make America safe for its nearly 21 million older citizens.

1. A national Senior Citizens Crime Index should be developed to monitor the growth and delineate the development of offenses against older people.

2. The Law Enforcement Assistance Administration (LEAA) of the Justice Department should undertake studies to determine how localities may best cope with the problem of crime against older people and to use its resources to fund programs which protect the elderly.

3. Local police authorities should be encouraged to set up strike forces to prevent attacks on the elderly and to pinpoint the locations and modus operandi of the attacks.

4. Local police should undertake regular visits and liaison to facilities used by the elderly such as senior centers, housing projects, etc.

5. Self-help programs which train the elderly themselves in crime-prevention procedures should be developed.

6. Senior center leaders should be trained to train their members in crime prevention.

7. Community watch programs, involving community groups of all ages (teen patrols, radio-dispatch cab drivers, police hookups, high school student escorts, etc.) should be established to be alert to threatening or suspicious activities.

8. Patrol of streets (perhaps by retired policemen or police cadets) and areas older people use that have high incidences of criminal activities should be encouraged, and escort services to and from transportation services to housing projects, shopping malls, senior centers, clubs, clinics, etc., should be set up.

9. The police should train and assign the elderly stay-at-homes or home-bound to observe streets or sections of their neighborhoods, and to report suspicious behavior to police.

10. Regular police security checks of buildings and sites housing the elderly should be made (just as the fire department makes regular fire prevention inspections).

11. Housing for the elderly should have installed (on government subsidy or as tax-deductible expense) burglar-proof photoelectric beams on windows and doors, one-way glass, TV monitors in elevators and corridors, and central alarm buzzer systems linked to police dispatchers or patrol units.

12. Since crime against the elderly is reduced in specific housing as compared to intergenerational housing, more housing especially for the elderly should be encouraged and built.

13. Government checks should be mailed to banks for individual deposit; banks should provide free checking accounts for the elderly.

14. An offense against an older person