

U. S. Congress

UNITED STATES



OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 91<sup>st</sup> CONGRESS  
SECOND SESSION

VOLUME 116—PART 10

APRIL 23, 1970, TO MAY 4, 1970  
(PAGES 12657 TO 14096)

others. Where do you begin? The same way you prepare a case. By getting all the facts, visiting the scene, if necessary, and then organizing the evidence. In this area most of the facts are available at the prisons and from prison authorities. A visit to most prisons will make one a zealot for prison reform. A fact-finding party of one judge and two or three lawyers will soon discover that 75 to 80 percent of all prisoners are in substandard institutions.

When you see a prison built a hundred years ago for 600 inmates and find it crowded with 1,500 men with almost no recreational facilities, obsolete vocational training, little or no counseling and two men living—or existing—in a cell 6 by 8 feet, I think you will understand the paradox of why so many of them come back. Prison officials will welcome you, but they will want you to share their sense of frustration and futility. You will find them the most severe critics of their own institutions and sometimes more frustrated than the prisoners.

The range of these needs is staggering. They are expensive, complex and difficult. They rival, if they do not exceed, those of our great cities. But we are suffering and must pay the high price of accumulated and deferred maintenance. And the cost is not in some distant future period: It is here and now, and it is no farther away than the nearest dark street.

Prison administrators are frustrated because over the years they see the same faces returning. Each time the person has been released unprepared and untrained for a useful life. No one can visit prisons and talk with these men without a depressing sense of melancholy for wasted lives, which damage and destroy other lives.

Let me try to state the characteristics of a typical American prison, even at the risk of generalization:

1. It is likely to be old. Buildings erected fifty, a hundred and even 150 years ago are not uncommon. A few are even older.
2. Industrial operations used for training purposes are likely to be old, and the skills taught are limited and often obsolete. A large proportion of prisons are institutions of enforced and devastating idleness.
3. Psychological and psychiatric services are limited or nonexistent. The 200,000 persons in American prisons have barely fifty psychiatrists and psychologists, contrasted with small countries like Denmark, where in some prisons the ratio is approximately one psychiatrist for one hundred prisoners.
4. Recreational facilities for weekend or evening use are limited or nonexistent. Libraries are nonexistent or inadequate.
5. Education and vocational training are generally limited, nonexistent or obsolete.
6. Work release for long-term prisoners is just coming into use, and only in a few places.
7. Transition facilities, such as halfway houses to condition the prisoner for freedom and responsibility, are just coming into use, and only in a few places.
8. On the administrative side, there is little or no research, medical service, screening or training of attendants, and little or no follow-up on former inmates.
9. The pay scales of prison attendants are generally so low that they cannot attract personnel with adequate background to absorb on-job training when it is provided. Prison personnel must be selected with great care, under rigid standards in terms of psychological adaptation, if we are to have any hope of changing the inmates.

Do you know or can you conceive of an industrial enterprise with 200,000 employees, which turns out a critical product and would use fifty to 150-year-old plants, equipment and techniques, no research, low pay and little or no training for its production workers, no long-range planning, no concern for its output or quality control? This question answers itself.

Yet, with notable exceptions in a few of the states and the federal system, this is a description of the process we use to deal with these 200,000 prisoners. Is it any wonder that we find a grim and distressing "recall" of 65 percent of the human output of these prisons "back to the factory"? This is a true pollution of society, and it manifests itself in the highest crime rate in our 200 years of existence, with most crimes being committed by "graduates" from these penal institutions.

#### WINNING EVERY PROSECUTION WILL NOT WIN THE WAR

It is in this second phase of justice that society's success or failure becomes known. Prosecutors could win every prosecution, convict every defendant and imprison every guilty person; yet society would still fail. We would fail because there must be two purposes, and the second purpose is not served by a perfect record on the first. Unless we succeed in both, we fail. I am encouraged by the American Bar Association's recently announced program that the Association accepts the concept that criminal justice embraces the correctional process. The Association now has embarked on a program to identify workable standards and implement them with action at the state and federal levels. With such a program we can change the thinking of the country.

To put a man behind walls to protect society and then not try to change him is to win a battle and lose a war. Let us turn to the business of winning the war. I know of only one way: We must bring to bear on it the uniquely American combination of energy, brains, ingenuity, research and innovation that has made us the world's greatest industrial power. And all of this must be backed by those special American assets—idealism and enthusiasm.

When the French writer Jean Paul Sartre writes that free men are captives of their own freedom, I elect to read him as stating something of a modern version of the "obligations of nobility". We take on a burden when we put a man behind walls, and that burden is to give him a chance to change. If we deny him that, we deny his status as a human being, and to deny that is to diminish our own humanity and plant the seeds of future anguish for ourselves.

#### THE CHALLENGE OF EARTH DAY

Mr. MONDALE. Mr. President, environment is a concern whose time has come. The millions of Americans who participated in Earth Day made that clear.

The programs that we saw and participated in last week across the country reflects a dramatically increased national demand for action to halt the destruction of our environment and the threat to survival itself.

The environmental teach-ins, which were proposed last fall by the Senator from Wisconsin (Mr. NELSON) could well be a national turning point in crossing the communications gap in this country between young and old. The pollution of our rivers and air, the desecration of our landscape, the decay of our cities concern us all and can only be dealt with with an effort that involves Americans of all ages, States, and political attitudes. In my view, the story of Earth Day was that of a Nation recognizing the shared concern and need for action.

Now this concern must be translated into unified efforts in communities, in State legislatures, in Congress, in all the decisionmaking bodies in the country for the establishment of what is truly a na-

tional policy to protect our environment and respect the values which will assure not only survival, but a decent way of life for all Americans.

Earth Day must not be forgotten, and I do not believe it will be. The environmental crisis confronts us all in personal terms every day of the year. In this regard, excellent editorials, published in the Washington Post and the Minneapolis Star point out the meaning and the challenge of Earth Day. I 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 Washington Post, Apr. 20, 1970]

#### EARTH WEEK

An expected 2,000 colleges and universities, 7,000 high schools and still more local communities begin Earth Week today, climaxed Wednesday by Earth Day. Some groups will be mega-active, others moderate, some passive. They will be looking at the American air, land and water that has become, in less than 200 years, the world's most expensive monument to pollution—but a monument that threatens to topple of its own weight.

The purpose of Earth Week is for each group to develop a strategy for improvement. Some may organize for something as simple as declaring war on one-way, non-reusable bottles; others may join in lawsuits against polluting industries, since that may be the only way to stop their crimes against the earth; some will unite in pressure groups to change local laws that favor pollution, others will work to elect earth-minded politicians. Earth Week, explains Denis Hayes, a national coordinator, in the current Progressive magazine, "is a tool—something that can be used to focus the attention of a society on where we are heading. It's a chance to start getting a handle on it all; a rejection of the silly idea that somehow bigger is better, and faster is better, world without limit, amen."

The group Mr. Hayes leads is called Environmental Action. It has planned well and worked hard. Its only lapse has been a refusal to take contributions from industries which are known polluters. That, said a spokesman, would compromise the integrity of the movement, as well as delude the polluters into thinking their contribution was serious. This kind of idealism is strained and foolish. A smart idealist would take the polluters' money and work against them with it. Money is money, whether from General Motors or John Muir. Ironically, Environmental Action could have doubled its present budget if it had accepted "tainted" money.

Despite this, the group deserves thanks, as well as men like Sen. Gaylord Nelson who suggested the idea of Earth Day six months ago. What will come of it all is not known. The great fear is that the environment will become just another "issue," to be replaced soon by another one. But as we are all learning quickly, man is running out of soon faster than he runs out of issues.

[From the Minneapolis Star, Apr. 22, 1970]

#### THE MEANING OF EARTH DAY

Earth Day. It has a good feel to it; something basic, like the smell of freshly-turned, rich Red River Valley soil. It has also the dramatic sound of a summons to action in defense of nothing less than the survival of man.

And the people, particularly the young people, have responded to the call, so enthusiastically, in fact, that what started out last August in the mind of Sen. Gaylord Nelson, D-Wis., as a one-day teach-in has blossomed into a full week of speeches, workshops, conferences, protests and demonstra-

tions, and pamphlets and publications until the senses recoil.

Thus, a kind of pollution in itself, Earth Week runs the risk of being mistaken for genuine progress in intelligently managing our environment. And there is room for speculation that, like the war on poverty, the environmental battle will quickly lose its volunteers when the cost and the effort of victory become clear.

Make no mistake about it: The cost and the effort will be immense and victory by no means certain. It is not just that we must find and/or employ the technological means of reducing pollution of a livable level, which is the price we pay for using the environment, but we must also get a handle on a means of determining how the environment should be used.

Our resources now—air, water, minerals, land, trees—are used much as they have been historically, first come, first served. The first factory that wants to locate on a given stream does so. If a second taconite plant wanted to locate on the North Shore and agreed to meet state water and air quality standards, there is no firmly established public policy declaring it should not, just as there is no established public policy against adding one more fast-food franchise in Dinkytown.

The message of Earth Day is that this kind of passive acceptance of assault on the environment must end. But to reverse the thrust—to try to make some resource use determinations in advance and on a different basis—will require this nation to make difficult, maybe even impossible, social choices on how we want to live, with the clear indication that many of the goals and values of the past can no longer be acceptable.

#### REMARKS OF THE VICE PRESIDENT IN SOUTH CAROLINA

Mr. THURMOND. Mr. President, this past weekend, my State of South Carolina was pleased to welcome the Vice President of the United States, who delivered two major addresses at that time.

The Vice President received a warm welcome from the people of South Carolina, who turned out in record numbers to hail his arrival and to applaud his speeches.

The occasion of the Vice President's visit was the tricentennial celebration commemorating the 300th anniversary of the settlement of the region by the English. We were very pleased to have the Vice President, a native and former Governor of Maryland, a State which shares the common bond of a long and distinguished history.

The Vice President also spoke at a Republican fundraising dinner, where he received tremendous acclaim.

The Vice President fully lived up to his reputation for outstanding speeches, filled with wit and pungent thought. I wish that every Member of this body could have been present to share South Carolina's hospitality and to hear his words.

Mr. President, I ask unanimous consent that the speeches of the Vice President at Columbia and Edgefield, S.C., be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT, STATEWIDE  
REPUBLICAN DINNER, COLUMBIA, S.C. APRIL  
24, 1970

Senator Thurmond, Congressman Watson,

Chairman Harris, fellow Republicans, and any establishment respecting Democrats that may be among you. Greetings all!

It becomes more obvious every day that after years and years of idle talk we're going to have a two-party South.

Dixie is taking on a Republican accent, and the leaders of that movement are right here in this room. You have been showing the rest of the South the way since 1964, and 1970 should be one of the best years yet for Republicans in South Carolina.

With a ticket led by Albert Watson for Governor, Jim Henderson for Lieutenant Governor, and State Senator Floyd Spence for Congressman Watson's seat in Washington, you have the right crew to complete the mission.

And with Grady Ballard, Len Phillips, and Ed Baskin going after three other Congressional seats, I'm encouraged to believe that the President is soon going to have a Congress interested in enacting his programs rather than figuring out how to stall the legislative process.

I bring you greetings tonight from YOUR President, and I underscore that pronoun, "Your." He thanks you for standing by him at the National Convention, for delivering South Carolina to the Republican column in the 1968 election, and for staffing the Administration in Washington with more Southern voices than it has heard since "Gone With The Wind" enjoyed a record run at Loew's Palace.

The Washington-New York press have just about given up trying to make adversaries of the President and the Vice President. This has been a favorite game with past Administrations. But the President and I get along too well together to fall into that trap. Actually, we have only had one real argument. That was when the President decided to convert the White House swimming pool into a sumptuous new press room. It wasn't that I objected to using the swimming pool for this purpose. It was just that I resented his insistence that the water be drained out. So I lost that one. The reporters have stayed dry, but it sure hasn't improved their copy any.

The President keeps me so busy making speeches and going from one place to another that I haven't had much time to practice my golf swing lately. I suppose it doesn't really matter. I have been having a little trouble finding partners anyhow.

When the President heard I was coming to South Carolina for this speech and the Tri-Centennial celebration, he suggested I try to get in a round of golf at Hilton Head. And he thought it might be a great bipartisan gesture if I invited Fulbright, McGovern, and Muskie to round out the foursome. But I really didn't want to play golf with them. I just might accidentally tag one with a golf ball. And then he might respond the way they usually do to aggressive and brutal treatment. And I hate to be kissed on a public golf course.

Speaking of Ed Muskie reminds me that a politician who tires to please everybody often looks like a small dog trying to follow four boys home at the same time.

I doubt that anyone would accuse me of trying to please everyone. Certainly not the verbose people in Washington and New York who refer to each other as intellectuals. These are the people who editorially implored the President to silence the Vice President because he was polarizing the country and in the same breath foresaw grave threats to their freedom of speech. There isn't anything in the Constitution that I know of that withholds from the Vice President the protections of the First Amendment.

And I intend to continue to speak strongly against those who would reject all of the traditional American values in their attempts to accommodate the childish screams of the New Left.

Their feverish and intemperate attacks on

Judges Haynsworth and Carswell show how distraught they are. Their vilification and sarcastic invective are totally inconsistent with their pretended shock at what they call my intemperate language.

But enough about learned idiocy. I'm here tonight to talk to you about some serious problems facing this country and how we as Republicans are moving to solve them. And don't let anybody tell you we're not making headway.

In two dramatic acts just this week, for example, Richard Nixon went a long way toward securing his role as a peacemaker. He announced troop cuts in Vietnam which, when completed, will have reduced our forces there by half. And he sent to Congress just yesterday a message which should lead eventually to the end of the draft and its replacement by a well paid, volunteer military force.

I would like to address myself to the importance of these two actions in a few minutes, but first I will mention some other areas where progress is being made by a determined Executive who is receiving but minimal help from a Democrat-dominated Congress.

There are now, at last, some signs that the crime rate is being brought under control—by strong executive action in the Justice Department under John Mitchell, not through any help from Congress, where the Administration's Anti-Crime package has been lying fallow in committee for nearly a year. The rate of increase in street crime last year was less than half what it had been the two previous years under Ramsey Clark. It was 13 per cent under Mitchell compared with 29 per cent in 1968 under Clark and 27 per cent in 1967 under Clark. In the District of Columbia—where a special effort is being made to make the Nation's Capital safer—the total number of serious offenses has declined for the fourth straight month. That's the first time since 1956 that this has happened. And his critics are saying we ought to get rid of John Mitchell. I say we need him in the Cabinet and we need a few like him in the Congress!

Headway is also being made in the battle against inflation—painfully slow, but sure—and in reform of the Postal Service, the Welfare System, and the vast federal bureaucracy which is beginning to respond to Richard Nixon's deft organizational touch.

I'll admit that we haven't yet succeeded in getting a second strict constructionist appointed to the Supreme Court to join Chief Justice Burger, but I'm sure you'll acknowledge that the President has been giving it an all-out try. If we had had a little more help from some senators in our own party, and if a few fairweather Southern Democrats had been willing to brave the storm, the matter would have been settled long ago. Judge Clement Haynsworth would have made it in a breeze and South Carolina would have contributed an outstanding Justice to the Supreme Court. Instead he went down to defeat on the most nebulous set of trumped-up charges ever contrived by the labor and civil rights lobbies and their allies in the news profession. To prove it was no accident, these same forces combined to defeat G. Harrold Carswell by using the flimsy, subjective indicia of "insensitivity" and "mediocrity."

But friends, never underestimate the staying power of Richard Nixon in a battle with high stakes. He intends to redeem his campaign pledge to balance the Supreme Court. He will appoint that strict constructionist of the Constitution. If we have another Haynsworth or Carswell type smokescreen with Judge Blackmun, I'm sure the public will arise in wrath.

There are two other matters of special concern to you which I would like to touch on briefly. One is desegregation of schools and the other is imports of textiles.

I think the President has spoken quite plainly on the subject of desegregation. His