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other substantiation except that I was told that.

Mr. HATFIELD. Does not the Senator agree that if we are to have some valid basis upon which to make a judgment of the effectiveness and merit of the continuation of the President's policy, we have to get the exact date as it relates to when the South Vietnamese began to assume some combat responsibility, because 3 or 4 years could make a great deal of difference.

Mr. JAVITS. The Senator is correct. But I think one can say that it did not begin sooner than 1968, and probably the early part of 1969.

I wish to thank my colleague for his generous remarks about my report. It means a great deal to me, coming from a Senator with such a distinguished record himself, especially as regards the Vietnam war.

Mr. HATFIELD. I thank the Senator.

Mr. HOLLINGS. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS. I yield.

Mr. HOLLINGS. Mr. President, I have listened with interest to the discussion on Vietnam.

I was wholly misinformed. I was told that when the Senator finished his speech, he was going to talk about the New York school amendment. Does the Senator intend to speak on that?

Mr. JAVITS. I will, as soon as the amendment is up. Right now the pending amendment is the amendment of the Senator from Colorado on impacted aid funds. However, when the Stennis amendment is called up, I will participate in the debate.

Mr. HOLLINGS. Perhaps the Senator can cut me short. Can the Senator tell me if he will support the amendment?

Mr. JAVITS. I think I can tell the Senator from South Carolina that I cannot give my support. I think the New York State law is very bad. My State can pass a bad law, too, and it passed a bad one there.

The ACTING PRESIDENT pro tempore. The Senate will now proceed to the consideration of morning business.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ROLE OF CONGRESS IN THE BATTLE AGAINST INFLATION

Mr. NELSON. Mr. President, all of us in the Congress are extremely concerned about the continuing rise in the cost of living, the interest rates now the highest in over a century, and the severe economic and social dislocations which have resulted.

The battle against inflation is, of course, a joint one which must involve the Congress, the Executive, the Federal Reserve Board, and the businesses, consumers, unions, and others who comprise the private sector.

In a recent talk before the Brookings Institution, Senator MONDALE outlined the efforts which the Congress undertook to combat inflation during the first session of the 91st Congress. He also suggests a number of additional steps which should be taken in the current session.

His remarks are both pertinent and informative. I 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:

INFLATION: THE RECORD OF 1969 AND THE PROGRAM FOR 1970

(By Senator WALTER F. MONDALE)

Inflation is a social and an economic illness which affects every household in America. Serious inflation has been with us now for over two years, and there are no indications that the end is yet in sight.

Because this is one of the most disturbing and important issues we face today, I want to share with you my own thoughts on the problem of inflation, the role of Congress in combatting inflation in 1969, and what Congress must do in 1970 to help stop it.

THE CRUELEST TAX

Inflation has often been called "the cruellest tax." It falls heavily upon senior citizens, living on pensions and social security.

It hurts those whose incomes are fixed and whose pay check each week brings home less food, rent, and clothing.

Inflation particularly hurts those who have spent years saving for the future and who now find the worth of those savings severely eroded.

Not only is inflation, itself, a disaster, but it generally travels in company with a host of related social and economic ills. Interest rates rise, pricing the average wage-earner out of the home he had so hoped for and seriously impairing the ability of state and local governments and school districts to raise needed revenue.

The balance of payments is worsened as American goods become unable to compete in foreign markets.

Labor-management relations become strained as each side seeks to protect itself against the pervasive rise in prices, and the "last hired" live in dread of becoming the "first fired" as policies of restraint threaten to kill inflation with the equally deadly curse of unemployment.

CONGRESS AND INFLATIONS: 1969

Contrary to some allegations, the first session of the 91st Congress was extremely concerned with inflation and moved constructively in a number of areas to impose responsible "fiscal restraint" on government spending.

In over-all appropriations, for example, Congress actually cut a total of \$7.6 billion from the Administration's budget requests. Some of this saving—about \$2 billion—was redirected into increased support to such areas as education, health, manpower training, and pollution control, which most of us in Congress felt had been severely neglected by the budget requests.

There is no question but that we are in the midst of an essentially "war-fed" inflation, fanned by the enormous expense not only of the war itself, but of a vast array of new and often wasteful expenditures in the Pentagon budget.

Much of the savings, then, came in Congressional reductions of nearly \$6 billion in the Pentagon budget. Recent studies, such as

those conducted at the Brookings Institution, have suggested that many more savings can be made in this budget. But the important fact is that Congress achieved a net reduction of some \$5½ billion in the Administration budget requests—surely an indication of "fiscal responsibility."

And equally important, I think, was Congress's determination not to sacrifice all human and environmental programs to a policy of restraint, and to demonstrate that a concern for inflation need not be inconsistent or incompatible with the need to reorder some of our priorities at home.

Aside from these budget cuts, the major "restraining" action of Congress in 1969 was passing a tax bill with reforms which will increase Federal revenues by \$6.6 billion in 1970 and by nearly \$7 billion in 1971. Although we need more and stronger reforms—such as taxation of capital gains at death, further lowering of the oil depletion allowance, and other "loopholes" closed—the bill which Congress passed in 1969 contained the most significant reforms since the enactment of the income tax, 56 years ago.

Much has been made of the tax relief voted by the Congress. Again, however, there is nothing inherently incompatible between "fiscal responsibility" and tax relief, provided that the Congress is willing—and it has amply demonstrated this willingness—to finance relief through tax reforms and budget cuts.

It should also be stressed that the relief measure originally adopted by the Senate in the form of increased personal exemptions was actually offered as a substitute to the relief package passed by the House and endorsed by the Administration. The fiscal difference between the two versions is minimal; the main effect of the increased exemptions was to move this relief down to middle and lower incomes, as opposed to the House and Administration measure which would have given 25% of the relief to the wealthiest 5% of the taxpayers.

CONGRESS AND INFLATION: 1970

There are great limits, of course, in the ability of Congress, acting alone, to curb inflation. While we can appropriate funds and investigate waste, we cannot stop all costly overruns, and we must continue to rely heavily on budget requests which stem from the Executive Branch.

Our control over the semi-independent Federal Reserve Board is minimal, limiting our ability to directly manage interest rates.

Finally, the most important decision affecting the stability of the dollar—decisions to borrow, to invest, to lend, or to save—are primarily made in the private sector, and short of rigid controls (which, thankfully, no one seems to want) we are limited in our capacity to influence these decisions.

Nevertheless, there is a great deal Congress can and must do in 1970 as its share of the war against inflation.

First and foremost, we must continue to search for economy in government spending. The major area for such savings remains in the Pentagon budget, where the government's General Accounting Office recently reported cost overruns of nearly \$21 billion. The Joint Subcommittee on Economy in Government recommended a \$10 billion cut in this budget—a cut which they claimed would have no detrimental effect on America's capacity to meet defense commitments here or abroad. Of course, the expected and hoped-for disengagement from Vietnam will greatly increase these possible savings, but there is no doubt about the potential for economy remaining in the Pentagon budget.

I would hope that Congress would maintain some of the tax reform initiative and raise more revenue through additional cuts of the oil depletion allowance, a tighter minimum tax, removal of the "capital gains at death" loophole, and other remaining reforms.

I expect Congress in 1970 to take further steps to ease the soaring interest rates, which many economists feel have done little to halt, and may even be promoting, inflation. The Banking and Currency Committee, on which I serve, has already moved to create a secondary market for home mortgages, thereby opening up desperately needed funds in this area. Related measures initiated by this Committee and now signed into law give the President authority to institute selective credit controls and authorize the Small Business Administration to aid the lagging supply of investment funds for small businesses. The coming year should see additional efforts to discourage inflationary investment spending by large corporations, but to ease the monetary restraint which has fallen so unfairly on small businesses, home buyers, and the construction industry.

Further activities of Congress in 1970 should seek to expand manpower training, public service employment, and other programs to reduce the inflation-unemployment trade-off and to allow a "tightening" of the economy while avoiding either a general recession or high rates of unemployment among the young, the minority worker, or the unskilled.

In short, Congress has been and will continue to be extremely concerned with the great problem of inflation and the attendant problems of high interest rates, unemployment, and the threat of recessionary "overkill".

It is my very great hope that Congress, the Administration, labor, management, and the consumer can all work together in this effort, pursuing policies of restraint and moderation, but not sacrificing the commitment needed to face the great unmet social needs of our country.

PREVENTIVE DETENTION

Mr. ERVIN, Mr. President, on several previous occasions I have sought to focus public attention on the ominous threat preventive detention poses to the system of criminal justice in this country.

Preventive detention has all the appeal of a cheap, simple solution to a grave, complex, and perplexing problem. The first instinctive reaction of many who are confused and frustrated by society's inability to come to grips with crime is to lock up those we fear. "Constitutional principles become luxuries we cannot afford in a crisis," goes the argument. "Innocent until proven guilty" is a technical rule of evidence and no more" is what we hear from enthusiasts who should know better, and probably do. All objections, be they on practical grounds or principle, are rejected as "mere quibbles," "legal redtape," "lawyers' talk," "knee jerking by soft-hearted libertarians"—this is what we hear from officials who have seized upon "crime" and seek simple solutions in preference to hard decisions.

It is the Senate's responsibility to deal with the crime crisis, but to do so responsibly. Repressive legislation, be it a "no-knock" provision or preventive detention, is not the answer that is demanded. It is a reaction to fear—and one which will cost us more as a Nation under constitutional principles than it will ever gain us in fighting crime.

A Congress which repeals an emergency detention law after 10 years should not turn around and pass a preventive detention bill based on the same blindness to our country's heritage of freedom.

Justice Brandeis' famous warning bears repeating now, as it often does:

Men born to freedom are naturally alert to repel invasion of their liberty by evil-minded rulers. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding.

In the few months since the Department of Justice submitted its proposal for preventive detention, more and more citizens have come to realize how shortsighted, how cruelly deceptive, how destructive of our principles such a law would be.

I have received many letters opposing preventive detention. They are brief but extremely eloquent statements by ordinary citizens who recognize the great principle at stake.

A concerned American from Michigan fears that preventive detention moves us "perilously close to the conditions described in Orwell's '1984.'" A New Yorker worries that preventive detention is a solution to the crime problem would be "more detrimental to the welfare of the country than the problem." From Puerto Rico comes the warning that "preventive detention is the instrument of dictatorships," and from California the concern that the threat of political repression is a potential evil "simply too great to risk for the good which might be gained in the prevention of a few crimes." An Oregon housewife views preventive detention as "a most lamentable assault on the Constitution." And a Bostonian sees a "clear violation of the Bill of Rights" and correctly points out that speedy trial and penal reform is the obvious answer to any problem of crime on bail.

Mr. President, these letters constitute a significant commentary by our people on the evils of preventive detention, and I ask unanimous consent to have them printed in the RECORD.

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

ANN ARBOR, MICH.,
December 3, 1969.

MY DEAR SENATOR ERVIN: May I express my admiration for your forthright stand for the preservation of individual rights in the matter of the administration move for "preventive detention" and other attacks on freedom of the individual.

Under the leadership of the present attorney general, we are moving perilously close to the conditions described in Orwell's 1984. More power to you!

EDGAR G. JOHNSTON.

RIO PIEDRAS, P.R.,
October 30, 1969.

HON. SAM J. ERVIN, JR.,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: Thanks for your beautiful defense of the right to bail as published in the Wall Street Journal of October 20.

Preventive detention is an instrument of dictatorships. Even though Secy. Mitchell proposes to introduce it with "protections", you may be sure that in the course of time those restrictions would be relaxed in order to increase the "efficiency" of the police or "untie" their hands, and preventive detention would be used systematically to persecute people (instead of just occasionally).

I know; I have lived in a dictatorship (and worked there too). My friends, neighbors and coworkers were arrested, imprisoned, sometimes tortured. (Sadly, most Americans over-

seas like dictatorships because it usually makes things nice for foreigners, which is one reason why many people hate us.)

Sincerely,

LEWIS SMITH.

NEW YORK CITY COMMUNITY COLLEGE,
Brooklyn, N.Y., November 26, 1969.

HON. SAM J. ERVIN,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ERVIN: I am thankful for your thoughtful and courageous stand on the preventive detention aspects of the Administration Anti-Crime Bill.

I am sure that many Americans are concerned about the tendency to advance simplistic solutions to complicated and deep-rooted problems. There seems to be an historical inevitability that the solution becomes more detrimental to the welfare of the country than the problem.

Your efforts and insights are very much appreciated.

Very truly yours,

RICHARD FREED.

OFFICE OF THE PUBLIC DEFENDER,
Fairfield, Calif., October 14, 1969.

HON. SAM J. ERVIN, JR.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: The concept of preventative detention, currently pending in legislation before your Sub-Committee in the form of S2600 is not new. The effectiveness with which such power can be used to destroy dissent was well demonstrated during both the Nazi rise to power in Germany and Stalin's purge of the Communist Party during the 1930's. However remote such a turn of events may seem to us, the potential evil is simply too great to risk for the good which might be gained in the prevention of a few crimes.

The present hue and cry for law and order can be channeled to real progress in improving our system of criminal justice if we look unemotionally and ask what it is that causes people to commit anti-social acts and then move to prevent that. Let's not again deceive ourselves into thinking that we'll reduce crime by increased penalties and short-cutting defendants' rights, remedies which have been tried and failed over and over again in the past.

Our California Assembly Committee on Criminal Procedure conducted such a study and found, not surprisingly, that what prevents crime is the individual's own self image of importance. This would seem to give considerable reason to weigh the new Chief Justice's suggestion most carefully when he suggests there is a need for immediate change in our present correctional system.

I am not opposed to S2600 except as it permits pre-trial detention. I hope these provisions are deleted as quickly as possible.

Very truly yours,

PAUL LIGDA.

JUNCTION CITY, OREG.,
December 3, 1969.

DEAR SENATOR ERVIN: I want to commend you on the stand you are taking in opposition to the preventive detention proposal. This seems like a most lamentable assault on the Constitution.

In reading further about the Subcommittee's deliberations and the testimony of John Mitchell, your statements, and the questions in opposition to the bill by the ACLU, I must conclude that this measure must be voted down.

Keep up your strenuous efforts and outspoken opposition to such legislation.

Mrs. K. B. SALMONSON.

BOSTON, MASS.,
December 1, 1969.

DEAR SENATOR ERVIN: I am very pleased to see your opposition to Att. Gen. Mitchell's desire for a preventive detention bill, certain-