

UNITED STATES

U.S. Congress.



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS
FIRST SESSION

VOLUME 119—PART 10

APRIL 12, 1973 TO APRIL 18, 1973

(PAGES 12003 TO 13222)

This vivid, though perhaps overstated, observation by a St. Louis newspaper publisher in the late 1960s points up the most devastating failure of local government in America: the cumulative neglect that has led to the destruction of our natural environment. The failure of local government to deal with the pressures of modern industrialization has permitted the spread of billboards and junkyards, has tolerated the misuse of open space, and has allowed the clamor of noise to impinge on once placid residential areas. But most tragic has been the failure to prevent the fouling of our rivers and lakes. The Hudson River, the Cumberland, the Ohio, the Monongahela, the Missouri, the Chattahoochee, even once idyllic Lake Tahoe way up in the Sierra Nevada Mountains, are all polluted now, and local governments, which defaulted on their responsibilities, are largely to blame. The fragmented, short-sighted, warring little governments had neither the capacity nor the will to preserve our waters.

The prospects that federal revenue sharing will seduce local governments into meeting the challenge of pollution, as allies of each other or of the federal government, seem remote at best.

Revenue sharing will surely not help local governments in their struggles against crime, except as perhaps a temporary palliative. The fragmentation of local law enforcement means overlapping jurisdiction, petty jealousies, poor or non-existent communication, inadequate resources, particularly in the nation's urban areas where there are almost as many police departments as there are governments. There are, according to the International City Management Association, more than 40,000 autonomous police departments in the United States. A study by the Northwestern University Law School turned up in Cook County, Illinois, alone 90 separate law enforcement agencies, operating for the most part, the study concluded, "without coordination and many times without the knowledge of what the other police forces in the county are doing or attempting to do. The combined strength of law enforcement in Cook County is so weakened by this dis-coordinated structure that the process of law enforcement is seriously impeded."

In his book *Sick Cities*, Mitchell Gordon wrote in 1961: "Feuding or jealous police departments which hide evidence from one another, or don't call for assistance until it is too late, needless duplication of records, and a thinning of resources which might otherwise be used for better services, are just a few of the consequences of fragmented police authority." Ten years before Gordon's indictment, the Kefauver Crime Committee, after an investigation of Cook County; Bergen County, New Jersey; and Los Angeles found that there was "no centralized direction responsible for seeing that a uniform law enforcement policy is applied to the entire area of the county." Such disorganization, the committee reported, "lends itself to buck passing and evasion of responsibility, which can only inure to the advantage of gangsters and racketeers. And it makes it possible for hoodlums to find those cities and towns where law enforcement is low and to concentrate their activities there."

Revenue sharing, without insistence that crime prevention and detection be better coordinated, will be of no help to the residents of urban counties. Nor, in the rural areas of the country, will the fight against crime be appreciably improved by revenue sharing as long as counties cling to their elective sheriffs and to their most absurd official, the elected county coroner. The sheriff has been blamed, and rightly so, for lack of effective law enforcement in non-urban America. "If a deliberate attempt were made to establish an inefficient and inadequate system of police protection," wrote an au-

thority of public administration 40 years ago, and the assessment is no less valid in 1972, "it would be difficult to imagine how a plan could be devised with more certainty of failure than what we have permitted to grow up in the form of the county sheriff." Recent surveys confirm the analysis: Montana—"Inexperienced and untrained sheriffs and deputies are ill-prepared to combat rural crime." Illinois—"The sheriffs' offices are not adequate because they are superimposed upon town and village systems which themselves are hopelessly inadequate." Connecticut—"The sheriff is the highest paid, the most ornamental, and least needed officer in the state."

What of the likelihood that, whatever the past, local governments will now use their new revenue to treat problems that transcend local boundary lines? In their commitment to home rule, to provincialism, to ultralocalism, local officials generally reflect the attitude of their constituents. In the 80,000 counties, towns, villages and special districts the motivating spirit is a determination to preserve the independence of each little government, however archaic, wasteful and unnecessary.

Revenue sharing, without strings, may permit local governments temporarily to ease local tax burdens (usually too heavy because the local government is wasting tax revenues in attempting to provide services which could be better provided by a higher level of government) or to build recreation centers, or to raise salaries of unneeded officials. But local government will continue to fail to solve the larger problems—of education, fire protection, transportation, police protection, preserving the environment. Those problems will have to be solved by the federal government which now, having siphoned off several billion dollars to local communities, will be less able to do so.

The congressmen and the senators who declined to attach conditions to the revenue sharing bill simply did not, would not, or feared to face up to the painful truth, and to say so publicly: that the enemy of progress may not be bigness but smallness, not encroaching centralism but pettiness and narrow provincialism, that the larger danger comes not so much from big government but from over-little government.

Revenue sharing will fail because local government has failed.

THE OEO LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, it has long been my contention that the OEO legal services program is one of the most important—and cost-effective—programs in Government today. If the idea of equal justice under law is to have meaning, that justice cannot be denied to one segment of our population by virtue of its inability to afford legal counsel. This is a very simple idea indeed, and yet it is one of the most basic to our constitutional democracy.

Yesterday, a prominent conservative columnist—James J. Kilpatrick—provided one of the most important pleas recently published on behalf of an independent Legal Services Corporation, "generously funded, with authority to provide essential representation for the poor." Mr. Kilpatrick effectively explores the reasons for this vital need, and concludes that only such an independently funded corporation, provided with effective backup facilities for research, and able to bring "law reform" and class action types of litigation, will fully realize this need.

Mr. President, I have introduced legislation—along with Senators CRANSTON, KENNEDY, WILLIAMS, JACKSON, and JAVITS—to create the type of independent National Legal Services Corporation needed to fulfill this commitment to the legal needs of our Nation's poor. I strongly urge President Nixon to immediately submit the Legal Services Corporation legislation he promised to send to the Congress in his January budget, and demonstrate his continued commitment to the principles of equal justice under law and the need to implement that concept through an independent National Legal Services Corporation, free from political pressure and able to provide effective representation to our Nation's poor.

Mr. President, I ask unanimous consent that the text of Mr. Kilpatrick's column appear in the RECORD at the conclusion of my remarks.

The distinguished Senator from Kentucky, Mr. Cook, joins the Senator from Minnesota in these remarks and comments this article to the membership.

There being no objection, the article was ordered to be printed in the RECORD, in as follows:

CONTINUE LEGAL SERVICES? BY ALL MEANS
(By James J. Kilpatrick)

There are times, sad to say, when American conservatives appear to constitute "the stupid party," as John Stuart Mill once labeled their British counterparts a century ago. By their failure to give active support to a continuing program of legal services for the poor, my brother conservatives are abandoning their principles and exhibiting a dull-wittedness that makes a man despair.

Of course a legal services program should be extended! Let the Congress, if it pleases, scrap everything else that has been funded through the Office of Economic Opportunity. Let the administration, if it can, dismantle a hundred boondoggling, paper-shuffling programs of grants-in-aid. But in one form or another, the Neighborhood Legal Services must be maintained.

Chiseled in stone above the great white columns of the U.S. Supreme Court are four famous words: Equal justice under law. No concept in our public life is nobler and no concept has been more poorly served. The grim truth is that for all practical purposes we still have two systems of law in this country, one for the rich, another for the poor. Every newspaperman who ever has covered the small claims and criminal courts of his city knows this is so.

Granted, much has been done in recent years. Indigent defendants, even in serious misdemeanor cases, now have a right to counsel. Bail reform has remedied some of the most flagrant evils of the criminal justice system. Since 1965, the federally assisted legal services program has greatly benefited the poor in areas of civil litigation. Now this civil program—a program seeking to promote equal justice under law—is threatened with abandonment. Conservatives, dedicated in principle to this elementary proposition, ought to be in the forefront of a fight to push the cause along.

But where are they? They are grumbling that in recent years the program of legal services has been abused. Doubtless this is true. It would be incredible not to discover abuses in a program involving 2,500 lawyers in 900 neighborhood law offices.

But these occasional abuses, while serious, have been few. Viewed on the whole record, the legal services program has helped to foster a sense of confidence not only in the courts, but also in what is known vaguely as

"the system." In a message two years ago, urging creation of a wholly independent Legal Services Corporation, President Nixon made that point: "This program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets."

Unhappily, Nixon now seems to be dragging his heels. The present \$70 million program is to expire in June, and nothing is yet in sight to take its place. It would be calamitous to let the concept go. As a recent report from the General Accounting Office made clear, the great bulk of case-work by the NLS lawyers involves legal problems arising from housing, domestic relations, employment and consumer grievances.

What is needed—and needed promptly—is a bill to create an independent legal services corporation, generously funded, with authority to provide essential representation for the poor. Such a corporation should have backup facilities for research. It ought not to be denied a hand in "law reform." Neither should it be prohibited from bringing the class actions that often provide the most effective remedies at law.

Conservatives should back such a bill, in the full awareness that from time to time they will be irritated, harassed, and outraged by the 'zeal and adrenalin.' Mistakes will be made. Incidents of bad judgment can be expected. But if we truly believe in equal justice under law, we ought not to be deterred from supporting an effort to make those words in stone something more than an empty phrase.

DELAWAREANS HIRE THE VETERAN

Mr. BIDEN. Mr. President, the high rate of unemployment in this country is a severe problem with which we are all familiar. The difficulties encountered by returning Vietnam veterans as they seek employment are particularly acute, however. The veteran not only faces the emotional adjustment of return to civilian life, but also finds a severely limited job market. After 2 years or more out of the job market, the veteran needs and deserves assistance in getting started again on a productive civilian career.

In keeping with Delaware's tradition as the "First State," the Rotary Clubs of Delaware launched a "Hire the Vet" program. Since its inception in February of 1972, the program has spread to more than 800 Rotary Clubs across the country.

An article by Steve Hulsey in the March 1973 issue of *Manpower*—a Department of Labor publication—describes Delaware's "Hire the Vet" program. The Rotary Clubs, whose members include presidents of large corporations as well as individuals employing only a few people, adopted a district project of hiring 10 percent of the Vietnam veterans returning to their district. According to Mr. Hulsey, employers soon discovered that veterans in their own communities constituted a sizable force of talented workers with qualifications employers look for in prospective workers. Although many ex-GI's did require training, employers were able to take advantage of programs funded by the Manpower Administration of the Department of Labor which made the hiring and training of these veterans economically feasible.

The initiative of these Delawareans, and others who have followed their ex-

ample, has done much to relieve the veterans' unemployment plight. While there is still more work to be done to alleviate the problem, Delaware's "Hire the Vet" program is an admirable example of private industry working with Federal assistance to benefit the veteran and our economy.

Mr. President, I ask unanimous consent that the text of the *Manpower* article, "Rotarians Hire the Vet," be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

ROTARIANS "HIRE THE VET"—PROJECT LAUNCHED IN DELAWARE SPREADS ACROSS THE NATION

(By Steve Hulsey)

The situation in Delaware in early 1972 was a familiar one across the Nation: Vietnam-era veterans, returning home in great numbers, were finding it extremely difficult to get jobs. Their unemployment rate was substantially higher than that for nonveterans of the same age.

Edward T. Campbell, veterans employment representative for Delaware's United States Department of Labor, and Ray Hecht, the National Alliance of Businessmen's director for the Wilmington metropolitan area, concluded that the problem was more one of communication than lack of suitable jobs. Businessmen with jobs to offer weren't getting the message.

Together, Hecht and Campbell visited several service organizations in Delaware to plead for increased hiring of veterans by the organizations' members. Few significant results were realized, however, until the veterans' unemployment plight was brought to the attention of Robert Wood, then Governor of Rotary International District 763, by Rotary members who had become enthusiastic about hiring vets.

Wood, Hecht, and Campbell created a program for promoting the hiring of veterans by Rotary members that has since spread to more than 800 Rotary clubs across the country. The expanding Rotary project is one part of the overall Vietnam Veteran Job Program, launched in 1971 at the direction of President Nixon, which has helped bring about a sharp reduction in unemployment among young ex-servicemen. In December 1971 the jobless rate for Vietnam-era veterans aged 20 to 29 was 8.4 percent, compared with 7.7 percent for nonveterans in the same age group. A year later—thanks to an expanding economy and the Veteran Job Program—the rate for veterans was 5.5 percent, a full percentage point below the 6.5 rate for nonveterans.

Hire the Vet, the program proposed by Wood, Hecht, and Campbell, was unveiled in February 1972 at the first annual conference of newly created Rotary District 763. The district covers 14 counties in the Delmarva Peninsula, which includes Delaware, and parts of Maryland and Virginia. Like most Rotarians, the majority of the district's 1,800 members in 30 clubs are businessmen interested in social and community action. Representing many varied businesses, they range from presidents of large corporations to individuals employing only two or three people. Most importantly, they usually are decisionmakers within their companies and have the authority to hire employees without going through a lot of red tape.

Pentagon estimates placed the number of Vietnam-era veterans who would return to their homes on the Delmarva Peninsula during the next 12 months at about 4,000. The Rotarians adopted as a district-wide project the hiring of 10 percent, or 400, of these veterans in this period.

"Veterans were coming home to very unfavorable employment conditions and

couldn't find work," said Wood. "If employers would give them preference for jobs, we could make a dent in their unemployment situation."

Employers soon found they had been overlooking a vast pool of talented workers in their own communities. Though many ex-GI's required training for particular jobs, the majority had qualifications that employers look for in a prospective worker.

"The veteran has developed discipline, he has been exposed to experiences outside his hometown, and he has learned to take care of himself," said Alan C. Reed, NAB vice president for veterans' affairs. "These are things that employers look for. The veteran knows more about what he wants to do, and he has a sense of maturity and responsibility."

DENTAL APPRENTICE HIRED

Jim Dodd, owner of Dodd Dental Laboratories, Inc., in Wilmington, was looking for workers with these qualities to fill two vacancies in his establishment, where he employs 24 people. A member of the Brandywine Rotary Club, Dodd became aware of the veterans' high unemployment rate through the Hire the Vet program and began giving veterans hiring preference.

Dodd hired a Vietnam-era veteran under the Veterans Administration's on-the-job training program to train as a crown and bridge dental technician apprentice. Under this program, a VA training allowance of at least \$160 a month is paid to the veteran while he is training for a skilled job. As the apprentice's salary increases the allowance decreases. To fill his other vacancy, Dodd hired a disabled World War II veteran, an experienced ceramist, \$330 a week.

Another employer who found a Vietnam-era veteran ideal for his needs is John A. Moffitt, a partner in a two-man public accounting firm in Georgetown, Del. Moffitt learned of the Hire the Vet program at the Georgetown Rotary Club's weekly meeting and discovered that he didn't need to put off hiring help if he made use of a Manpower Administration training program.

"We were overloaded with detail work," he said of his business situation at the time. "It is economically not feasible—in fact, it is physically impossible—for us to perform all the detail work."

Since seasonal income tax work wouldn't be upon them for some time, Moffitt and his partner could not afford to hire a third person and train him before the tax return season began. Yet, when tax time arrived, it would be late to train someone.

"We had toyed with the idea of hiring another person," said Moffitt, "but didn't see how we could. But when we learned that we could train someone under the Jobs Optional Program (JOP), we couldn't turn down this opportunity."

A 25-year-old veteran who was an aircraft mechanic in the service and who was attending a local community college was hired under JOP, which provides on-the-job training for up to 44 weeks. The program, funded by the Manpower Administration and operated by State on-the-job training agencies, reimburses the employer for training costs. Starting pay for the veteran hired by Moffitt was \$110 a week. In 4 years he will be eligible to take tests leading to certification as an accountant. Moffitt is "more than happy" with his new employee.

Other firms throughout the Delmarva Peninsula appear just as satisfied with the veterans they have hired, and with the manpower programs that often have made hiring and training them possible. Campbell estimates that 10-20 percent of the 425 ex-GI's reported hired in 1972 (NAB personnel say half again that number probably have been hired but were not reported to NAB) through the Hire the Vet program received some type of training funded by the Manpower Administration.

Rotary's Robert Wood, who has hired five