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where he was exposed to law and lawyers. Always a scholar, he attended Southwestern University of Law in Los Angeles.

He married the former Goldie Stool of Del Rio, Tex., and they moved to Yuma Jan. 12, 1933, where they raised three sons. Shortly after arriving here, he purchased a department store, the Emporium, which ran into financial difficulty along with other stores in downtown Yuma in the early 1960's.

A testimonial dinner held for him in 1965, in part to help ward off financial disaster for his store, raised more than \$50,000. But the store failed two years later in spite of the effort, as did many downtown businesses before the mall project went in.

Although the governor could call an election to fill the vacancy, the governor's office yesterday said he would not. Alternatively, state law provides for the county supervisors in the elected official's district to appoint someone within 12 days after death.

Supervisors here yesterday said they had no one in mind, but would hold a special board meeting sometime in the next week to discuss the matter.

In a formal statement, supervisors extended their concern and sympathies to Mrs. Giss and the family.

Yuma Mayor Thomas F. Ali observed that he had "great respect" for Giss' talents as a legislator, and noted his accomplishments, among them his help in bringing the Marines to the air station when Vincent Air Base closed, and expanding Yuma Proving Ground.

The senator is survived by his wife, three sons, Maurice of Phoenix, Kenneth of Manhattan Beach, Calif., and Gerald of Yuma, and a brother, Monroe of Santa Monica, Calif.

[From the Arizona Republic, Apr. 17, 1973]

#### DEDICATED TO ARIZONA

Harold Giss was to the Arizona Senate what Carl Hayden was to the U.S. Senate—a wise, sensible, soft-spoken expert on the matter of legislative machinery who read the bills, knew strengths and weaknesses, and supported the good ones.

Both were Democrats but each put state and nation ahead of party.

Sen. Giss was a member of the legislature for 25 years, 23 of those years as a member of the Senate. He soon won the hearty respect of his fellow legislators because he knew what was in every important bill under consideration.

Most legislators get a handle on the bills before their own committees; Sen. Giss studied them all. When information was needed, he had it.

His influence stemmed largely from this fact.

The senator represented Yuma, which probably was the reason he never ran for statewide office. A small county, offering a limited political base, Yuma is solidly Democratic. Both facts worked against any chance Giss may have had of becoming governor. A small county doesn't have many votes; a one-party county has little leverage in political nominations.

Probably Sen. Giss was just as well satisfied. He brought Yuma a fine community college, which he always hoped to raise from a two-year to a four-year institution.

He collapsed at the Yuma County Fair, of which he was a devoted supporter. Death followed a few hours later.

There is no doubt but what Giss sacrificed himself for the public good. He had heart surgery several years ago and knew he had to slow down. His small business in Yuma suffered because he had to spend so much time in Phoenix. His grateful fellow townsmen gave a testimonial dinner to help him meet his financial obligations.

Through all his troubles, and despite his switch from majority to minority leader of the state Senate, Harold Giss was a perfect gentleman. Unruffled in floor debate, sure

of himself in parliamentary maneuvering, dedicated to the voters who put him in office, Sen. Giss was in a class by himself. Arizona is poorer for his death.

#### SENATOR EAGLETON ANSWERS I. F. STONE ON WAR POWERS ACT

Mr. JAVITS. Mr. President, Mr. Stone's letter, inserted in the CONGRESSIONAL RECORD on April 9, 1973, by Hon. CLEMENT J. ZABLOCKI, of Wisconsin, author of the House bill on the subject of war powers, is answered by Senator EAGLETON in the following letter:

U.S. SENATE,  
Washington, D.C., April 17, 1973.

THE EDITOR,  
*The New York Review*,  
New York, N.Y.

TO THE EDITOR: I. F. Stone has given his usual captivating and comprehensive treatment to the war powers question in his article entitled "Can Congress Stop the President?" in your April 19 issue. As should be obvious to those who read Mr. Stone's piece, legislating a delineation of the war powers of Congress and the President is no easy task.

Some feel that to concede any unilateral war-making power whatsoever to the President is unacceptable. Others feel the same way about attempts to subjugate the President or interfere in any way with his current broad interpretation of the Commander-in-Chief clause of the Constitution. The War Powers Act, sponsored by Senators Javits, Stennis and me, falls somewhere between these extremes, not because of a particular ideological bias, but because we tried as best we could to institutionalize the original intent of the Founders.

The records of the Constitutional Convention show that the Founders had a very restrictive view of the President's right to conduct war without Congressional authorization. He would be able to "repel sudden attacks." But the idea that he could somehow read that narrow delegation of power as authority to involve the United States in civil wars thousands of miles from our shores was completely alien to those who wrote the Constitution.

On these points Mr. Stone and I agree. We seem to go our separate ways, however, over the legislative formula by which we can return our system to its intended form.

The War Powers Act (S. 440) describes three emergency conditions under which the President may use American Forces in the absence of Congressional authorization: 1) to repel an attack on the United States; 2) to repel an attack on American Forces; and 3) to protect while evacuating Americans endangered in foreign countries. The first two of these provisions are simply a reiteration of powers the President now possesses under the Commander-in-Chief clause. Legislation that attempted to interfere with that power would be clearly unconstitutional.

The third emergency provision—the evacuation of American citizens abroad—is, in effect, a statutory recognition of an historically accepted practice. While the practice was admittedly not considered at the Constitutional Convention, it has, over the years, been considered a reasonable delegation of Congress's power. Problems have arisen, of course, when Presidents have expanded the rescue mission to encompass policy considerations far afield of the announced intention. We have carefully circumscribed the conditions of this delegated power in S. 440 by restricting the President to the rescue function.

Mr. Stone then takes issue with S. 440's recognition of the President's power to "forestall" an attack on the U.S. or our Forces abroad. We have again simply reiterated what clearly is an extension of the President's

right to repel attacks. While the word "forestall" does permit a degree of discretion, it seems incongruous to recognize the President's power to repel attacks and yet force him to wait until the first gun is fired before implementing adequate countermeasures. As Justice Storey pointed out in *Martin v. Mott*: "The power to provide for repelling invasions includes the power to provide against the attempt and danger of invasion as the necessary and proper means to effectuate the object."

S. 440 carefully circumscribes the President's discretion to "forestall" by placing the burden on him to prove that an attack is "direct and imminent." If the President fails to demonstrate that his actions are in accordance with the provisions of our bill, his authority can be taken away by action of the Congress prior to 30 days, or, if Congress refuses to act, automatically, after 30 days.

I would also like to clarify my remarks before the House Foreign Affairs Committee concerning the 1965 Dominican Republic incident. As Mr. Stone correctly reported, I referred to President Johnson's expansion of what he claimed to be a rescue operation as an "invasion"—hardly a word that would be used by one who supported the action. Mr. Stone has interpreted my statement that "the policy considerations that motivated President Johnson may have been correct" as a de facto endorsement of the action. I was, in reality, attempting to stress to a group of Congressmen (some of whom supported the 1965 action), that any policy consideration beyond the rescue action itself, is a matter for both Congress and the President to decide—not for the President to decide alone.

In addition, Mr. Stone alleges that the "doves" in the Senate split over the question of reinvolvement in Indochina and alleges that Senator Javits and I attempted to draw off support from the measure introduced by Senators Church and Case which attempts to force the President to seek Congressional authorization for a reinvolvement of American forces in Indochina. This is an unfortunate distortion of the colloquy Senator Javits and I had on February 20.

After the January 27 signing of the Paris Agreement, numerous colleagues and members of the press had asked Senator Javits and me for an explanation of Section 9 of the War Powers Act. This section states that hostilities in which the United States is engaged as of the date of enactment will not be affected by the provisions of the bill.

The position that Senator Stennis took on Section 9, which he has since reaffirmed, was extremely important to our 60 cosponsors since he indicated that, even in the case of Indochina, the Senate should insist on its right to authorize a reinvolvement of American Forces (after the cease-fire).

Mr. Stone's assertions that we were attempting to draw off support from Church-Case are therefore totally unfounded. I support the Church-Case amendment and deem that, under current conditions in Southeast Asia, its passage is imperative. I find nothing in Church-Case incompatible with the War Powers Act.

Sincerely,

THOMAS F. EAGLETON,  
U.S. Senator.

#### PROGRESS REPORT ON SOCIAL INDICATORS

Mr. MONDALE. Mr. President, there has been a continuing need for a comprehensive review within one volume of our social ills and achievements. This need has been made even more timely and pertinent by our current discussions concerning the proper ordering of our national priorities within the restricting confines of the present national budget.

I was, therefore, pleased to introduce for myself and the Senator from New York (Mr. Javrs) a bill which meets this need, entitled "The Full Opportunity and National Goals and Priorities Act." This bill has had wide cosponsorship of more than 20 Senators from both parties during the last three Congresses, and has twice been approved in committee and passed by the Senate.

The Johnson and Nixon administrations have both endorsed the purposes of this bill, but raised objections to the establishment of a new Council of Social Advisers, provided for in title I of the bill. Following the publication in the last days of President Johnson's administration, of what is described in a recent paper as that much criticized yet highly praised pathfinder, "Toward a Social Report," there was at first no social indicator work under President Nixon. Our hopes were, however, kindled by the setting up of the national goals research staff in the White House. They were going to produce annual reports, using social indicators. But, after the very first report in 1970, the group was disbanded. Soon after, the Office of Management and Budget embarked on a major review of already-available social statistical series, in order to establish which statistics were now useful as social indicators. We have been frequently informed at irregular intervals since 1970 that this statistical project will be published in 6 months' time. This report has yet to appear.

The concern for the quality of life embodied in this bill is shared by many groups of people both in this country and elsewhere. An excellent and timely paper by Dr. Pamela Haddy Kacser provides us with a useful description of the work on social indicators currently being carried out in national governments around the world, and in international organizations.

Pamela Kacser is advisor on socioeconomic research in the Bureau of Labor Statistics of the U.S. Department of Labor. Her duties have included work on social indicators for the last 6 years and she is an acknowledged expert in this field.

Dr. Kacser's stimulating paper, "A Progress Report on Social Indicators—in the United States and Internationally," was delivered in December 1972, at a session of the Industrial Relations Research Association, which meets jointly each year with the American Economic Association, and other professional associations in the social sciences.

The paper analyzes some of the different approaches being used by the multiplicity of organizations working on this important subject. Besides governments, these include banks, private corporations and research organizations, as well as universities. In spite of this widespread interest, and "in spite of the considerable body of work going on concerning social indicators," the paper suggests that the "state of social indicators is undeveloped, experimental, disorganized, and still full of potential." Why is the work of all these distinguished scholars at sixes and sevens? Because the subject of social indicators has lacked the official support, the impetus and focusing of efforts

around the Nation which would be the immediate effect of the formal establishment of an official body with the obligation to produce an annual social report on the social state of the Nation. This is precisely what my bill would do.

Mr. President, I ask unanimous consent that this excellent article be printed in the RECORD.

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

A PROGRESS REPORT ON SOCIAL INDICATORS—IN THE UNITED STATES AND INTERNATIONALLY

(By Pamela Haddy Kacser)

The proposal that there should be an annual Social Report, comparable in some ways to the Economic Report, has three times been placed on the agenda of the Senate, by Senator Walter Mondale of Minnesota. The Bill, now called the Full Opportunity and National Goals and Priorities Act (S. 5), has three times been the subject of extensive and useful hearings. The Bill has twice been approved in committee and by the Senate, by not by the House. It has had two successive administrations of opposite parties praise the idea and reject the Bill, with some of the main discussants changing sides as well as office between debates, opposing the Bill while in office and supporting it when out. Freed from the constraints of office, they readily expressed the need for comprehensive national social reporting, perceived while carrying the burdens of office. Nevertheless, we must all be aware that the state of the subject of social indicators is undeveloped, experimental, disorganized, still full of potential.

In spite of this lack of legislative favor and this conceptual underdevelopment, some work on social indicators has persisted in the U.S. Federal Government through two administrations since 1967 to this day. The focus of this work has remained remarkably consistent and represents one of the three main intellectual threads discernible in the multiplicity of work carried out on the subject of social indicators. It is shared to a large degree by most of the governmental work going on elsewhere, both in national governments and in international governmental units, and by only a few of the private groups.

The work of the French Government (in the Commissariat du Plan) actually pre-dates the work in the Department of Health, Education, and Welfare (HEW). A draft which I have seen is unique in including consideration of how much aid a rich nation should contribute to poorer nations.

After our work in HEW, which culminated in that now much-criticized yet high-praised path-finder, *Toward a Social Report*, had died down, social indicator work appeared to be doubly reborn in the White House in *Toward Balanced Growth: Quantity with Quality* in a single volume in 1970, and in the statistical work still under way in the Office of Management and Budget.

Social indicator work is also being carried out by the British, who have published three successive volumes of *Social Trends*; by the German Government; by the Japanese, who became forcefully aware of the social costs of their economic miracle, and who probably realized the desirability of making the rest of us aware of them, and, as we can read in the adjoining paper, by the Canadians.

The Japanese plans are unusual in that the general category of Justice or Public Order and Safety has been interpreted in terms of industrial safety, safety on the highways and in manufactured products in the home. American government work has been unique among the nations with the interpretation of justice, law and order in terms of concern for personal safety. In other words, each

country has developed a slightly different set of indicators to reflect its own problems and its own efforts to solve them.

There is, however, considerably similarity in the areas of concern, or the chapters into which social indicator work is divided by the several governments, if not in the indicators themselves, nor in the capacity of each country's statistical system to develop the desired indicators. All governments working in social indicators include (though not necessarily with these exact terms): (a) health, (b) learning, science and culture, (c) income and poverty (or command over goods and services), (d) justice, public order and safety, (e) the physical environment, a mammoth topic including housing, and transportation, and pollution, and resource management. (f) Later work tends nowadays to include social aspects of employment, though no-one has satisfactorily determined how to have national social indicators of job satisfaction. As a result of this "new" topic, leisure is now contrasted with work, instead of with income, and so the general discussion of allocation of time is now discussed in the employment context.

Most of these groups have expressed an interest in, but have found well-nigh intractable, the wide general area of inter-relationships between groups in society, including class and race relations, alienation, unrest, participation, and social opportunity. Officials of several latin countries indicated that they regarded these topics as the most important in the whole field of social indicators. Crucial though they are, these areas are the weakest not only in the development of indicators, but in the formulation of areas of goal concern, and in the formulation of exactly what the problems are. This general subject was also the weakest in the preparation of *Toward a Social Report*. The diversity of views was so great among the panelists working on the subject of alienation and participation that, it will be recalled, all discussion of goals was abandoned in that chapter in favor of a discussion merely touching on problems.

This common approach of governments to the subject of social indicators is not confined to the industrialized countries. In the last year, the United Nation's Economic Commission for Asia and the Far East held two conferences for its members on the subject of social indicators. The topics were similar, the only difference was that discussion of them was couched in terms of the social problems which accompany the major goal of economic development.

Within the United States, there has been some shift in emphasis. The two early governmental studies, both published in the waning days of an administration (both the *Commission on National Goals*, and *Toward a Social Report* were, I believe, published between election and inauguration days) have discussed social indicators as closely related to goals, the achievement of which would improve the quality of our lives, usually by means of the diminution of the severity of the problems measured by the social indicators. Examples would be: days of healthy life free of bed disability, and reduction in the urban citizen's risk of being mugged.

Among the stated virtues of this approach to social indicators was that a comprehensive survey of our social ills and achievements was to be summarized in one report, drawing attention to problem areas which had been previously overlooked. With its implicit policy implications, there is some analogy between a Social Report and the Economic Report of the Council of Economic Advisers. The analogy is limited, however, since the Council's report tends to emphasize certain problems and to indicate a possible policy choice. The mood of the country has changed as we have found the social problems much harder to solve, and there are enough of

them visible without drawing attention to those unnoticed. The very comprehensiveness of a social report is a hazard, since it implicitly raises hopes that the right policies could remedy the problems, without emphasizing the fundamental points of economics that resources are limited, choices have to be made from the array, and among them there may well be harsh trade-off terms, as we have come to appreciate them among the possible goals of economic policy. These reasons explain, I believe, why it has been wholly natural to shift to a much more neutral approach to social indicators.

U.S. Government work on social indicators has now shifted to the very useful purpose of examining presently available statistical series to see how far they can function as social indicators, and to see what are the important omissions. This work is being undertaken in the Office of Management and Budget and is expected to be published in mid-1973. The chapter with which I have been associated, that on employment-related social indicators, has a vast array of indicators on conditions of work, risk of unemployment to different population groups, and accident rates, but shows that we do not have adequate measures of the degree of opportunity for advancement, nor suitable social indicators of job satisfaction.

In place of goals, relatively simply stated, we have collections of statistical series grouped into "areas of goal concern." There is still a concern with improving the quality of life, and with the implicit relation to policy. But by the very quantity of the series we would not expect to be able to improve performance in all of them, and so by implication a selection has to be made from the abundant menu of choices. Thus, this statistical approach is both more neutral toward policy and more realistic. If the analogy was to be the Economic Report, the analogy has now shifted to the research arms of Commerce and Labor, such as the Bureau of Economic Analysis and the Bureau of Labor Statistics.

This policy-neutral approach has also been adopted by two of the international organizations. The Organisation for Economic Co-operation and Development hopes to complete the first stage of its work on social indicators shortly. It has concentrated on the development of a detailed listing of social concerns grouped into major areas, which could be used in the development of national systems of social indicators by any of the member countries, and for international comparisons.

For the U.N. Conference of European Statisticians in Geneva a very elaborate system of detailed indicators was developed, entitled "A System of Demographic, Manpower, and Social Statistics: Series, Classifications, and Social Indicators." Member countries were then called upon to complete the system, and fill in the empty boxes, by providing the necessary data. My office was brought in mainly for one section of this response. U.S. manpower and demographic data are relatively plentiful, nevertheless, there were a number of areas which we were unable to complete. Assuming other sections and member countries shared similar problems, I question whether such a degree of fine elaboration serves a useful purpose at the international level, other than as an intellectual exercise.

So far my discussion has been confined to governmental work on social indicators. Some private social indicator research groups share the same concern for the development of problem and policy-related indicators expressed as statistical time series. At the other extreme from the complex elaboration of the U.N. Statisticians lies the work of the Urban Institute. The Institute's work uses what I would term the "proxy approach." For each of 14 areas they have selected one available statistical measure, which acts as a proxy for all the rest, for example, one education

measure, and one crime measure, and have calculated these for 18 large metropolitan areas. They are thus able to produce rapidly, inexpensively and understandably, a simple comparative measure of the "quality of life" in these 18 cities. This interesting development of local social indicators has also been the task of the Midwest Research Institute for 9 areas for 50 States, and by several individual States, notably the State of Michigan.

In spite of slight shifts over time and between groups, all of the work described so far relates social indicators to goals or goal concerns, to problems, to policy for the solution of some of them, and to the development of measurements of aspects of goals, or of problems. It thus represents one of the three, main, conceptual approaches to social indicators. Both of the other approaches have emanated from the Russell Sage Foundation, and one of them is closely associated with one of the authors, Dr. Eleanor Sheldon, of the paper following this one. Since I have discussed these views elsewhere at some length, they will be treated somewhat briefly here. In the major work, *Indicators of Social Change*, which Sheldon and Moore edited, social indicators are treated as measures of social change, and a great deal of valuable material is presented. This work thus fits into the body of sociological, statistical work. It would not, to my mind, provide adequate guidance to the would-be follower as to what social change should and what should not be included as a social indicator.

The third, important, approach to social indicators research is embodied in the work of Kenneth Land, also of Russell Sage. In his work, a social indicator must form a part of a system in which there is theoretical understanding of the operation of the indicator over time.

This places social indicators firmly back in the body of sociological theory, with the consequence that all the weaknesses and lacunae of present-day sociological theory are shared by social indicators. If the social change view of social indicators were so wide as to give no guidance for the next step, this theoretical model view of social indicators is so restricting that it would leave the cupboard almost entirely bare of social indicators. It seems to me that this represents one of the ideal goals of social indicators of the future, and also of sociological theory in the future.

Having been programmed by the title of this paper to emphasize the social indicator work of governments at home and abroad, I am unable here to do more than mention the salutary wealth of different studies funded by private foundations, by the National Science Foundation, and by commercial firms in the course of other work, and, for example, by some banks, for their communities. I am forced to omit discussion of the social accounting approaches of the National Planning Association's work, and of the National Bureau of Economic Research, and prevented from discussing the importance of the study of the values of people in work as disparate as that of the University of Michigan, and the Gallup Institute.

From the earlier remarks above, it will be clear that if the reader is concerned with social indicators as providing a menu of possible policy alternatives now, he will find that another economic analogy is appropriate, namely that of the early development of economic indicators. The highly empirical work of the National Bureau proceeded quite independently of the theoretical work on national income, with which it subsequently meshed. The development of social indicators will be still more difficult, because all the major areas of concern will, presumably, develop their own theoretical frameworks. As a consequence it seems reasonable to conclude that in spite of the considerable volume of work going on concerning social indicators

we still have a very long way to go yet to the development of satisfactory social indicators.

#### BUSING IN THE PUBLIC SCHOOLS— STATEMENT BY SENATOR SCOTT OF VIRGINIA

Mr. BARTLETT. Mr. President, I ask unanimous consent that a fine statement made by my distinguished colleague, the junior Senator from Virginia (Mr. Scott) before the Senate Judiciary Committee on the proposed constitutional amendment to ban busing in the public schools be printed in full in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT OF SENATOR WILLIAM L. SCOTT OF VIRGINIA BEFORE THE SENATE JUDICIARY COMMITTEE ON PROPOSED CONSTITUTIONAL AMENDMENT TO BAN BUSING IN THE PUBLIC SCHOOLS, APRIL 10, 1973

Mr. Chairman and Members of the Committee: First, let me thank you for holding these hearings. The question of busing of children to achieve a racial balance is one of the most serious domestic problems we have had in recent years.

A poll was taken last year in my Congressional District and the question was asked: "Do you favor busing of school children to obtain racial balance under any circumstances?" This was sent to every home in the district in March of 1972 and of the more than fifty thousand families who responded, only 7% favored busing, 91% indicated their opposition, and 2% expressed no opinion. This opposition, however, is not confined to Virginia. Every poll I have seen in recent years indicates that the people of the country are overwhelmingly opposed to racial busing. The general assembly of Virginia this year adopted a joint resolution petitioning the Congress to call a convention for the purpose of amending the Constitution to eliminate racial busing, which, with your permission, I would like to insert in the record at this point. While I do not press the convention course in proposing a constitutional amendment, this issue must be resolved one way or another. If we believe that ultimate sovereignty resides in the people of our country collectively, I feel we are obligated to respond to this collective will and to eliminate racial busing. Therefore, I commend the committee for holding these hearings and would hope that a resolution to amend the Constitution will be favorably reported so that all Senators will have an opportunity to vote on this most important matter.

Mr. Chairman, when young people are considering the purchase of a home to raise their families, they consider the location of the schools, churches and shopping centers as well as the general neighborhood. Children make friends within this neighborhood, and it seems reasonable for them to attend school with the friends they develop. We might say that parents purchase an environment within which to raise their families. In the event they are taken from this neighborhood into strange areas, emotional problems may develop and hostility. They also may be less alert on arriving at their destination and have less time during the day to devote to the learning process. It certainly seems in the interests of children to concentrate on quality education rather than attempt to use children as pawns to solve social problems for which they have no degree of responsibility.

I know there are a number of anti-busing bills pending before the Committee on Labor and Public Welfare, but it's impossible for us to judge what reception they might receive by our Federal courts if enacted, and, therefore, it does seem that the only practical solution to the busing problem is through