

February 7, 1973

population as having specific learning disabilities. But various authorities have estimated that as many as 20 percent may have a learning problem of some degree. In the broad category of estimates we are talking about 12 million children who may not be able to begin or complete their educations without special help. This bill would clarify the discrepancies in the estimates. We would be able to determine, after the screening is conducted, what the figures actually are and what steps need to be taken.

Who is this child with a learning disability? This is a child who has average or superior intelligence, but is unable to achieve successfully in the average classroom situation. Deficits in perception, conception, communication and/or coordination, often but not always accompanied by behavior problems, make it difficult for him to learn without special help. The situation is beyond the child's control. He cannot learn just by trying harder. He usually looks and acts almost normal, so normal achievement is expected of him. Unfortunately, very few of the school teachers are able to detect what is causing the child's problem. This bill would provide for the mechanism enabling teachers to single out this child.

This child needs proper identification as early as possible so that a professional team can rectify his ineffective functions. An anxious child cannot learn. Failure to understand a child's special needs, both at home and in school, can lead to such great unhappiness and frustration that emotional disturbances result. Learning then becomes even more difficult, if not virtually impossible. The original reasons for failure may become completely hidden. This bill can provide a stopgate, so that a child can find help before it becomes too late.

Some authorities believe that many of the complex problems of today's drop-outs, delinquents, and drug addicts stem from unrecognized and unresolved learning disabilities. With the proper help this child can go on to become a happy and productive member of society and not an economic drain on our social programs.

Although America is a wealthy Nation, it is not wealthy enough to discard the hundreds of thousands of its children who have learning problems. We are not wealthy enough to forgo the contributions those children would make if only they could receive the educations to which they have a right.

By Mr. KENNEDY:

S. 809. A bill to amend section 5 of the Urban Mass Transportation Act of 1964. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. KENNEDY. Mr. President, last night in Boston, Mass., a tragic accident and fire in the subway system took the life of one man and injured 94 others very seriously. I am certain that the Members of Congress join me in extending sympathy to the families of those involved in the tragedy.

On behalf of the Massachusetts Bay Transit Authority, I contacted the Department of Transportation to ask for emergency assistance for the authority to implement immediately the safety

measures that are needed to assure the passengers of the system that their lives are not jeopardized by a continuing failure to meet adequate safety standards. I learned that the emergency program under the Urban Mass Transportation Act of 1964 expired on July 1, 1972, and that no funds can be made immediately available to the Massachusetts Bay Transit Authority. The amendment to this act, which I am offering today, would extend that emergency program to July 1, 1974.

Under funding procedures currently in effect for our mass transportation systems, mass transit systems must have completed a planning process outlining the need and projected use of Federal funds. The planning requirements call for long range, unified, and coordinated program planning that require an extended period of time to complete.

With the reinstitution of the emergency funding program, that comprehensive planning process may be underway, and funds provided to meet emergency needs can be authorized immediately. It is my hope that the MBTA could qualify for assistance if this program is reinstated.

The terrible tragedy in Boston reminds us of the importance of renewing this emergency program. I am hopeful that the Senate will act quickly on this legislation, which is so desperately needed for the safety of our citizens.

I ask unanimous consent to have printed in the RECORD certain material from the Boston Globe.

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

FOURTH FIRE SINCE DECEMBER 31 ON ASHMONT RED LINE: ONE DEAD, 94 HURT IN SMOKY BLAZE ON SUBWAY TRAIN

One person died and 94 others were overcome by dense smoke when one car of a Dorchester-bound MBTA train burst into flames after an electrical explosion in the Harvard-Ashmont subway at rush hour yesterday afternoon.

Fire officials said the fire began in the first car of a four-car train and rapidly filled the tunnel between South Station and Broadway with "thick, acrid smoke."

Several hundred commuters from the jam-packed train were led, gasping and wheezing, to the street outside South Station, most of them by MBTA personnel and firefighters who arrived within minutes of the first alarm at 4:20 p.m.

Traffic on most downtown streets slowed to a virtual halt as police blocked many roadways to provide access routes for emergency vehicles. Delays of more than three hours were reported by many motorists and MBTA patrons who took to the streets after their trains were halted.

Last night's fire was the fourth since Dec. 31 on the MBTA's Ashmont line. The four fires have left one person dead, at least 101 people treated or hospitalized, and thousands of commuters stranded.

Some of the injured were carried by litter or on chairs from the subway's Dewey square entrance, where scores of waiting ambulances took the more seriously stricken to hospitals.

Most of the victims suffered from smoke inhalation. Officials said 33 were treated at the Carney Hospital, Dorchester, 41 at Boston City Hospital and 20 at Massachusetts General Hospital.

The one fatality was identified late last night as Arthur Rotch, 74, of 1632 Canton

av., Milton. His body was identified by his son Lawrence.

Thomas Mulhane, senior administrative assistant at the Boston City Hospital emergency floor, said: "Mr. Rotch probably died in the ambulance en route from South Station."

All we did was take his vital signs, and he was pronounced dead on arrival."

The train's motorman, John Mahoney, 56, of 121 Willow st., West Roxbury, was held for treatment at City Hospital. Two guards aboard the train, Richard Smith, 43, of 47 Marshview drive, Marshfield, and Michael McDonough, 36, of 1919 Hyde Park av., Readville, were treated and released there.

Most of those treated at Carney Hospital were apparently persons who escaped from the tunnel and didn't suffer the ill effects of fumes from the fire until they were on the way or had arrived home.

Many of those rescued stumbled out into Dewey square, their faces and hands blackened from smoke. Firefighters met them with inhalators.

Although only two alarms were sounded, Fire Chief George Paul called in eight extra ladder companies for their oxygen equipment.

It was very, very smoky," Chief Paul said.

An MBTA spokesman said the cause of the fire was a malfunctioning contact shoe on the third rail that "created an arc and set fire to hoses and grease."

He said the violent arcing and loud, thunder-like clap, coupled with the simultaneous closing of circuit breakers, gave many passengers aboard the train the impression that something had exploded. He said most of the damage was the result of the fire.

The reason for the faulty contact shoe was not immediately explained, but one source said initial inspection of the train showed the problem was linked to the age of the cars being used on the line.

Tricia O'Connor, 17, of 41 Acorn drive, Randolph, emerged from the tunnel and said, "I thought I was dead. I have asthma and could just barely breathe."

She said the train was just leaving South Station when "all of a sudden it stopped. It started sparking outside, and the lights were going on and off."

"Some people had babies in their arms, and the babies and even old men were crying," she said.

The train was halted about 60 yards from the South Station platform. MBTA employees, including several who had completed their shifts and were on their way home on the same train, led the passengers through the cars and out the rear door of the last car onto the tracks.

Power inside the tunnel was cut off, and the passengers were led up a short flight of ladder-steps to the station platform and then to the street.

Within minutes firefighters wearing gas masks and carrying lights entered the tunnel and began assisting in the rescue operation.

The fire was near the scene of another smoky subway blaze on Jan. 4, when an inbound train caught fire in the Dorchester tunnel, forcing more than 400 persons to walk a half-mile underground aided by MBTA and Fire Dept. personnel.

Two persons, one a fire fighter, were hospitalized in that blaze, which officials said was caused when the train's ice scraper came into contact with the electrified third rail.

In the aftermath of that fire, the MBTA claimed the Fire Dept. didn't respond quickly enough, and the Fire Dept. said the MBTA was slow in turning in alarm.

Last night, Chief Paul said he was "perfectly satisfied" with the way the MBTA handled the situation yesterday. He said there had been almost daily meetings between

February 7, 1973

MBTA and Fire Dept. officials since the last fire.

"I feel that we have worked out an excellent emergency procedure," he said. "It worked well today."

MBTA General Manager Joseph C. Kelly arrived at the scene yesterday afternoon to assist in supervising the rescue operation.

Henry Sears Lodge, MBTA board chairman, said last night, "I think the passengers and crew acted in extremely good fashion in getting out without a panic."

Lodge said the fire showed the need for modernizing the rapid transit system's out-moded equipment.

"When you're dealing with an old and neglected system, you can't insure total safety, but we have been doing a lot to improve safety," Lodge said.

The fire broke out just as the commuter rush hour was peaking. It caused a citywide traffic tieup.

Thousands of commuters had to leave subway stations and make their way home as best they could.

Hundreds of persons hitchhiked along Beacon and Charles streets. Cambridge street was almost impassable, causing difficulties for ambulances bringing fire victims to Massachusetts General Hospital.

One of the first actions taken by authorities was to block traffic at Summer street and Dorchester avenue at Dewey square. Summer street alongside South station quickly filled with fire apparatus and ambulances.

The traffic problem was compounded by motorists driving downtown to pick up stranded friends and relatives.

Telephone booths at Park street station and other locations had lines 10 deep with persons waiting to notify friends and family that they had been delayed.

The MBTA pressed buses into shuttle service. Quincy passengers were taken to Andrew station and Dorchester commuters to Columbia. Service remained open between Park street and Harvard, Joseph Malone, MBTA spokesman said.

He defended the actions of MBTA employees aboard the train, whom some passengers accused of reacting slowly.

CRITICISM FOR MBTA, PRAISE FOR PASSENGERS

The off-duty Boston policeman, who was not identified, was a passenger on the first car.

"Thank God he was there," said Barbara Gallagher, 48, of Mercier avenue, Dorchester. "He got all the people under control and told us not to panic."

"There he led us through into the other cars where the firemen were waiting."

Mrs. Gallagher, who was returning home from her job in Everett, also credited an MBTA employee with helping persons overcome by the smoke.

Mrs. Fuchs, who was treated for smoke inhalation at Massachusetts General Hospital said the conductor in the first car left the train and that the off-duty policeman took charge. She didn't know whether the conductor left to seek help.

"That policeman was wonderful. Give him a lot of credit. He knew just what to do. He yelled for everyone to be calm and lie down on the floor of the car."

"The smoke was so thick we couldn't see the people next to us, despite the fact we were all crowded into the middle of the car."

"Give the policemen and the firemen who rescued us a lot of credit. But the MBTA—I could kick them in the backside," she said. However, another woman credited the MBTA employees with saving lives.

Marion Edney, 69, of Melville avenue, Dorchester, said she was very frightened by the experience. "Every once in a while," Mrs. Edney said, "the train would make a noise like it was going to explode."

MBTA patrolman John Peritzian, one of the first to reach the scene, said rescue of the passengers was hampered until the power could be shut off.

Peritzian entered the tunnel with firemen to aid the stranded passengers despite the smoke.

"We finally got in and tried to calm the people, but there was very little panic," Peritzian, a Plymouth resident, said.

"You've got to give those people a lot of credit for the situation they were in."

At first, there was apparent confusion as to whether the estimated 400 passengers on the four-car train should proceed to the front or the rear, two passengers said.

But after directions were given, said Joan McInness, 14, of North Weymouth, "there was a lot of pushing by people trying to get to the rear of the train."

"There was an old man who couldn't breathe and a young man helped him off the train," she said.

Robert Thomas, 46, of Tophitt street, Dorchester, said the train caught fire about 100 yards out of South Station.

"The train slowed down and stopped, the lights started flickering and there were electrical arcing noises," he said.

"A man from the MBTA kept hollering to let him through, then the lights went out. We were very lucky there wasn't a panic situation."

The train was filled with rush-hour passengers and there were people standing, said Louis Goodman, 58, of Randolph.

"The train began filling with smoke," he said. "But there wasn't any panic. People were telling each other to keep calm."

Goodman, who called the Ashmont trains a "death trap," criticized the MBTA for their handling of the accident.

"When I got on the train at Washington street, I noticed there were sparks flying underneath the train. Also, the lights on the train were flickering all the way from Washington street to South Station."

"I told the conductor and he ignored me," Goodman said.

The crew, according to Irv Hirschfeld, a Harvard Medical School professor, "didn't seem to know what to do" during the confusion right after the fire started. "The crew just didn't seem prepared for this kind of an emergency," he said.

"I thought the whole first car was on fire," the Dorchester resident said. "But the flames died down in about 30 seconds or a minute. It was really frightening because there was no place to go."

Hirschfeld, who believed the MBTA's electrical system must have gone "haywire," causing the fire, said: "I hope something is done about this, because this is the second fire in a month and there's something strange going on."

Estimates of the time involved between the start of the fire and the rescue of passengers by firemen through the smoke-filled tunnel ranged from 10 minutes to nearly a half-hour.

"Thank God I'm alive," said Diane Levine, 19, of Huntington avenue, Hyde Park. "I prayed and promised to give up smoking if I ever got out of there."

In contradiction to other comments, Miss Levine said: "People got hysterical. The smoke became very bad and someone said we would be led out of the car one at a time."

"But I'm not sure what happened next. I know I came outside at South Station and I ran to where my mother works—but I don't remember running."

"Thank God I'm alive," she repeated, adding: "I want my 25 cents back from the MBTA."

By Mr. HATFIELD:

S.J. Res. 54. A joint resolution repealing the Military Selective Service Act of

1967. Referred to the Committee on Armed Services.

S.J. Res. 55. A joint resolution proposing an amendment to the Constitution of the United States with respect to the conscription of persons for service in the military forces. Referred to the Committee on the Judiciary.

REPEAL OF THE SELECTIVE SERVICE SYSTEM

Mr. HATFIELD. Mr. President, I send to the desk two pieces of legislation relating to the abolition of the Selective Service System.

In his Inaugural Address on January 20, President Nixon declared that:

We stand on the threshold of a new era of peace in the world.

Seven days later, American involvement in the Vietnam war ended and cease-fire was declared. And now perhaps we do have the chance to achieve a "generation of peace." Why then should we enter this new era of peace with an institution that exists to serve the ends of war? The President has also said:

Unless we in America work to preserve the peace, there will be no peace.

Then why should our work for peace be impeded by the continued existence of the Selective Service System, particularly when there is no longer any need for a draft?

If we are to begin the works of peace, then let the task begin with the dismantling of this institution.

If we are to have peace, if, as Secretary of Defense Laird says, we are to have an all-volunteer force by the end of fiscal year 1973, then we no longer need the Selective Service System. From a broader perspective, I believe that an institution that conscripts men against their will to prepare them for war has no place in a free society that is working for peace.

It is particularly appropriate to examine the basic assumptions of the Selective Service System now that our involvement in Vietnam is over and the commitment to a volunteer army has been made. But whether or not this country is engaged in war, a compulsory draft is alien to our principles of freedom. As Senator ROBERT TAFT said:

Military conscription is far more typical of totalitarian nations than of democratic nations. It is absolutely opposed to the principles of individual liberty, which have always been considered part of American democracy.

I would say that those principles are not merely a part of our democracy, but its very foundation.

And yet, looking over the record of the draft debates since World War II, I find very few statements dealing with the basic assumptions of a peacetime military draft, its domestic and foreign implications, and, most importantly, its implications for the individual in our society. Even during the 1971 debates in the House and the Senate, when extended debate created a 5-month period during which the President did not have authority to induct men into the Armed Forces, these questions were hardly raised.

Instead, the focus was on such issues as the needed manpower for our active

duty forces, the quality of men entering the Armed Forces, the racial mix, the economic mix, our reserve strength, medical facilities and personnel, and combat arms manpower requirements. All of these are important questions. However, they do not go to the root of the problem.

The central issue is the meaning of a free society and the institutions we create to insure the maximum freedom of choice for each individual. This, coupled with a deep distrust of centralized governmental power, were the cornerstones of our Declaration of Independence and the Constitution. The Selective Service System is a prime example of centralized governmental power that severely limits an individual's freedom, for it can take him from his home and against his will place him in the Armed Forces under circumstances where he may well lose his life.

In essence, conscription is a form of involuntary servitude. We theoretically abolished slavery after the War Between the States. That form of slavery was a form of economic servitude. But we have subsequently instituted an even more onerous form—military conscription—and rationalized it by saying it would enhance our freedoms at home and enable us to create freedom abroad. But we cannot try to defend freedom at home or create it abroad by taking it away from our own citizens—we cannot export what we do not have.

To attempt to do so is a contradiction of our 200-year history as a free nation. Too few of our citizens seem to remember that it was conscription that bought many of our original settlers to this land and was a major factor in precipitating two of our earliest wars—the Revolutionary War and the War of 1812.

To show the degree of confusion—and unfortunately, ignorance—surrounding the issues involved, we hear such phrases as "voluntary draft," "national obligatory service," and the like. But this is the language of totalitarianism. It is a form of blackmail: putting a gun to a person's head and saying he has a "free choice" to do what he deems best. What we have done is continue the rhetoric of democracy and republicanism, but have changed the definitions to apply to institutions that render them nearly meaningless. What is most tragic, however, is that this situation seems to attract little attention, let alone public outcry.

Now that we are paying first-term enlistees a wage comparable to what they could be earning in the civilian sector, we no longer need the draft to meet our military manpower requirements. Consequently, attention has focused on the need of the President to have the authority to induct men into the Armed Forces. This has been the focus of the Senate and House debates for the past 2 decades. Clearly there is no need for this authority. President Nixon himself has asserted this in recent years, beginning with his campaign in 1968. If there is not any need for the President to have the authority to induct men into the military, then I believe there is no reason why the draft structure should remain. We should take legislative action to return us to the

traditions of peacetime America. Therefore, I am introducing legislation to repeal the Military Selective Service Act, thus dismantling the Selective Service System.

The ability of our Armed Forces to react quickly in time of danger has never depended upon the draft. It is impossible to do so, due to the time required to induct, train, and transport a man to the danger area. The draft has been used to sustain and gradually build up the active duty forces. Our policy has always been, and the realities of manpower development dictate, that the active duty forces, then the reserves, and then draftees would be used in time of danger.

This is precisely what former Secretary of Defense Laird repeated time and again. Whether or not the draft is on a standby basis, our ability to adequately rapidly meet a threat would not be hampered. The time to set up a system, give physical examinations and transport the men to their training stations would be virtually the same with or without a draft system continuing on a standby basis. The essential question, then, is why pay the money for it? There is simply no reason.

There is some indication that the administration is also aware of this fact. The proposed budget for fiscal year 1974 requests a \$55 million appropriation for the Selective Service System, a one-third reduction below the fiscal year 1973 request.

There are also reports of plans to register only 100,000 men each year, with no physical examinations, no transporting of men to examining centers, no transporting of men to induction centers.

I cannot see any way in which this will help our defenses. To spend \$55 million, for this purpose is not only a waste of money but counterproductive. In the remote chance that the Nation decides a draft is needed sometime in the future we can certainly set up a conscription system, register men, give physical examinations, train and transport them in virtually the same time as it would take if we continued limited registration. We were able to do so in 1917. Surely now, with our advanced technology, we could do so just as easily.

The actual life and death alternatives faced by a young man going into the Armed Forces during a time of war or national emergency is a most demanding personal question which each individual has to make. The alternatives are even more profound when a man is faced with induction during peacetime, when he could be drafted involuntarily and perhaps sent anywhere in the world to participate in a conflict about which he may have had no information previously.

I am therefore introducing another bill besides the repeal legislation. This is a constitutional amendment which would require a national referendum within 30 days after a request by the President to set up a draft system and induct men into the Armed Forces.

A national referendum would not only be consistent with our principles of democracy, it would strengthen them by giving the people more power to

decide in what ways they will permit the Government to partially control their lives. This greater degree of involvement and responsibility for the people will serve to revitalize our commitment to democracy, and make us a stronger nation. To quote again from President Nixon's inaugural address.

A person can be expected to act responsibly only if he has responsibility. This is human nature. So let us encourage individuals at home and nations abroad to do more for themselves, to decide more for themselves . . . Government must learn to take less from people so that people can do more for themselves.

I agree. The Government must learn to take less from the people, for the increase in recent years of street demonstrations and other forms of extra-electoral dissent indicate that the present system is not responding to the needs of the people. Our Founding Fathers foresaw the possibility of the republican structure becoming unrepresentative. James Madison's Federalist Paper No. 10 held that a republic was preferable to a pure democracy only so long as the representatives were wise and judicious men:

Men of facetious tempers, of local prejudices, or sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people.

Madison noted that the final defense against such legislative abuse was the people. A national referendum such as I propose is consistent with this notion and would act as a check to the system when it fails to be responsive to the people's needs.

Since there may be occasion when there is not time to call for a national referendum on this question, I have made provision in the constitutional amendment that in case of invasion the President can request the authority from Congress. The authority would continue until the statute expired or until the Congress repealed the law.

The method of referendum is not an untried panacea, since it has been successfully implemented in this Nation's various States, as well as in Switzerland. Certainly a referendum could be used on the issue of military conscription, a question of great importance to every member of our society.

In the late 1930's Representative Louis Ludlow of Indiana proposed a constitutional amendment giving the people the sole power by a national referendum to declare war or to engage in war outside of the Western Hemisphere, except in the event of actual invasion of the United States. In 1938 the Ludlow amendment failed on a motion to discharge it from the Rules Committee by a vote of 188 to 209, after the intervention of President Franklin D. Roosevelt against the proposal. In the 75th Congress, Representative Hamilton Fish, Jr. introduced House Joint Resolution 576 providing for a referendum on military conscription for service overseas. In the same Congress, then Representative WARREN G. MAGNUSON introduced a joint resolution providing for a referendum on certain methods of warfare.

Mention can also be made of Senator Kenneth Champ Clark of Missouri, who introduced in the Senate a resolution providing for a referendum on the question of war and military conscription for service abroad. Further, in the 75th Congress Senators La Follette of Wisconsin, Bone of Washington, Capper of Kansas, Clark of Missouri, Donahey of Ohio, Frazier of North Dakota, Hitchcock of South Dakota, Lundeen of Minnesota, Murray of Montana, Nye of North Dakota, Shipstead of Minnesota, and Wheeler of Montana are joined in proposing a constitutional amendment for a referendum on war.

These are but a few examples of earlier proposals for national referendums on important issues. It is worth noting that most of these proposals came during the Populist-Progressive era, another time when there was great concern about the Government's responsiveness to the people. Therefore, my proposal for a national referendum on the draft is not a radical new departure, but an effort that has traditionally been made when the Federal Government has seemed to escape control by the people.

We are all aware of the way in which the executive branch of Government has usurped the Congress proper constitutional responsibilities for committing the Nation to war. The restoration of the intended constitutional balance requires strong initiatives. This is why I make such a proposal.

A national referendum would allow for greater congressional participation in a domestic question that greatly affects our foreign relations. If freedoms are taken away even temporarily, the Congress and the people should participate in the decisionmaking process to the greatest extent possible. For as Benjamin Franklin said:

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.

I ask unanimous consent that the text of these two pieces of proposed legislation be printed at this point in the RECORD.

I also ask unanimous consent that a study prepared by the Library of Congress on the Ludlow amendment be printed in the RECORD following these two joint resolutions.

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

S.J. RES. 54

Joint resolution repealing the Military Selective Service Act of 1967

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Military Selective Service Act of 1967, as amended, is repealed effective June 30, 1973.

S.J. RES. 55

Joint resolution proposing an amendment to the Constitution of the United States with respect to the conscription of persons for service in the military forces

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the

Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Notwithstanding the provisions of section 8 of Article I of this Constitution relating to the authority of the Congress to raise and support Armies and except as provided in section 4 of this article, the Congress shall enact no law providing for the involuntary induction of persons into the military forces unless the enactment of such a law has been approved by a majority of the electors of the United States voting in a national referendum to determine whether the people of the United States favor such a law.

"SEC. 2. Whenever the President determines that, because of national security reasons, a law should be enacted authorizing the involuntary induction of persons into the military forces of the United States, he shall issue a proclamation to that effect, and on a day specified by him at least thirty days, but not more than ninety days after the issuance of such proclamation a special election shall be conducted in such manner as the Congress may prescribe by law to determine whether the people of the United States favor the enactment of a law authorizing involuntary induction of persons into the military forces. All persons qualified to vote for the electors of the President and Vice President shall be eligible to vote in any such election. If a majority of the persons voting in such election vote in favor of the enactment of such a law that Congress may enact such a law within one year after the date of the special election.

"SEC. 3. Whenever the Congress has enacted a law authorizing the involuntary induction of persons into the military forces of the United States following approval of such action by a national referendum and the authority under such law subsequently terminates, the Congress may not thereafter enact a new law providing for involuntary induction except pursuant to another national referendum approving enactment of such a law. Nothing herein shall limit the authority of the Congress to extend the time period of any such law if the induction authority under such law as originally enacted or amended has not expired.

"SEC. 4. The foregoing provisions of this article shall not apply to the authority of the Congress to enact a law providing for the involuntary induction of persons into the military forces of the United States to repel an actual invasion of the United States.

"SEC. 5. The Congress shall have the power to implement the provisions of this article by appropriate legislation."

THE LUDLOW AMENDMENT

During the first quarter of the 20th Century three new instruments of government rose to prominence in American politics. These instruments were the initiative, the referendum, and the recall.

South Dakota, in 1898, was the first state to adopt the initiative and referendum as instruments of state government. Since then, eighteen more states have adopted similar legislation, the last to do so being Massachusetts in 1918. Maryland and New Mexico have the referendum only.

Many proposals to adopt the initiative and/or referendum were made to Congress during the beginning of the century, but interest on such legislation diminished considerably following 1920.

Proposals for legislation providing for a national referendum on specific issues, however, have been made from time to time ever since. Prior and following World War I pro-

posals for legislation providing for a referendum on war were a perennial feature of Congress. The most persistent and nearly successful attempt towards the adoption of a constitutional amendment for a referendum on war was made from 1936 to 1939. Representative Louis Ludlow of Indiana spearheaded the movement for such an amendment. Congressman Ludlow introduced to the 74th Congress (1st session) H.J. Res. 89, 159, and 167. These resolutions proposed an amendment to the Constitution of the United States with respect to the declaration of war and the taking of property for public use in time of war.

Representative Hamilton Fish, Jr., of New York introduced H.J. Res. 168 which provided for a popular referendum on war.

In the Senate, Senator Marvel Logan of Kentucky introduced S.J. Res. 7 which would give the people of the United States power to veto a declaration of war. All these resolutions died in committee.

Congressman Ludlow introduced H.J. Res. 2 and 199 during the first session of the 75th Congress and Congressman Fish introduced H.J. Res. 63. These resolutions were in substance similar to the ones introduced during the previous Congress. Representative Francis H. Case of South Dakota introduced the so-called "Unknown Soldier" amendment which would give to the people the right to declare war.

During the second session of the 75th Congress the following resolutions were introduced:

S.J. Res. 218 (Senator Robert M. La Follette, Jr., of Wisconsin) proposing an amendment to the Constitution to provide for a referendum on war.

S.J. Res. 221 (Senator Joel Bennett Clark of Missouri) providing for a referendum on war and conscription of citizens for military duty abroad.

H.J. Res. 498 (Representative William A. Ashbrook of Ohio) providing for a referendum to limit conscription and undeclared war.

H.J. Res. 502 (Representative Edward C. Eichler of Iowa) providing for a referendum on war.

During the third session of the 75th Congress Senator La Follette of Wisconsin introduced for himself and for Senators Homer T. Bone of Washington, Arthur Capper of Kansas, Joel Bennett Clark of Missouri, Alvin V. Donahey of Ohio, Lynn J. Frazier of North Dakota, Herbert B. Hitchcock of South Dakota, Ernest Lundeen of Minnesota, James E. Murray of Montana, Gerald P. Nye of North Dakota, Henrik Shipstead of Minnesota, and Burton K. Wheeler of Montana, S.J. Res. 270 proposing an amendment to the Constitution for a referendum on war.

Representative Warren G. Magnuson of Washington introduced H.J. Res. 565 providing for a referendum on certain methods of warfare.

Congressman Fish introduced H.J. Res. 576 providing for a referendum on draft for services overseas.

On January 6, 1938, President Franklin Delano Roosevelt in a letter to the Speaker of the House of Representatives, William B. Bankhead, opposed the Ludlow amendment and other similar resolutions as "impracticable in its application and incompatible with our representative form of government." Following a reading of this letter on the floor, the House defeated a motion to discharge the Committee on Rules from further consideration of the bill by a vote of 188 to 209, although previously 218 members had signed a discharge petition.

During the 76th Congress another attempt was made to bring about passage of the Ludlow amendment.

Congressman Ludlow introduced H.J. Res. 89. The text of the resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by convention in three-fourths of the States as provided in the Constitution:

"ARTICLE —

"SECTION 1. Except in case of invasion by armed forces, actual or immediately threatened by an approaching military expedition, or attack upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

"SEC. 2. Congress shall by law provide for the enforcement of this section.

"SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution."

Senator La Follette introduced for himself and for Senators Bone of Washington, Capper of Kansas, Clark of Idaho, Clark of Missouri, Donahey of Ohio, Frazier of North Dakota, Lundeen of Minnesota, Murray of Montana, Nye of North Dakota, Shipstead of Minnesota, and Wheeler of Montana, S.J. Res. 84. The text of the resolution was as follows:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as a part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Except in case of attack by armed forces, actual or immediately threatened, upon the United States or its Territorial possessions, or by any non-American nation against any country in the Western Hemisphere, the people shall have the sole power by a national referendum to declare war or to engage in warfare overseas. Congress, when it deems a national crisis to exist in conformance with this article, shall by concurrent resolution refer the question to the people.

"SEC. 2. Congress shall by law provide for the enforcement of this section.

"SEC. 3. This article shall become operative when ratified as an amendment to the Constitution by convention in the several States, as provided in the Constitution."

By Mr. CRANSTON:

S.J. Res. 56. A joint resolution to authorize the President to proclaim the week containing February 12 and 14 as Afro-American History Week. Referred to the Committee on the Judiciary.

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, a joint resolution authorizing the President to proclaim that each year, the 7-day period from Sunday to Saturday containing the dates of February 12 and February 14, be designated Afro-American History Week.

Next week will be the 47th anniversary of Afro-American History Week. It has been observed in many communities throughout the Nation since 1926, when

Dr. Carter G. Woodson published some data emphasizing the historical contributions black people have made to enrich the lives of all Americans. Dr. Woodson was the founder of the Association for the Study of Afro-American Life and History, the organization that cosponsors Afro-American History Week with the National Education Association.

Dr. Woodson's action in 1926 was warmly received by the black community. Gradually, Afro-American History Week gained the support of many non-black institutions in the United States and abroad. Today, the observance enjoys widespread acceptance. At least 13 Governors and 25 mayors have proclaimed Afro-American History Week in their jurisdictions.

The week is planned to coincide with the birthdays of Abraham Lincoln, February 12, and Frederick Douglass, February 14. The theme of this year's observance is "Biography Illuminates the Black Experience."

Mr. President, the enactment of this joint resolution would greatly advance this observance and lead to better interracial understanding in America.

Americans should know more about the great contribution black scholars, writers, inventors, athletes, and many others have made to this country. Consider, for example, this brief list of inventions in every day use that were the product of black genius:

Harvesting machine—William Douglass.
Telephone receiver—Granville Woods.
Fountain pen—William Purvis.
Parachute—H. Julian.
Alarm clock—Benjamin Banneker.
Gas mask—Garrett Morgan.
Tabulating machine—Robert Pelham.
Corn planter—H. Blair.
Street sweeper—C. B. Brooks.
Lawn mower—G. F. Grant.
Elevator—A. Miles.
Clothes dryer—G. T. Sampson.
Fire escape ladder—J. R. Winters.
Machinery for mass-producing shoes—Jan Matzeliger.

In addition, Mr. President, it was George Washington Carver whose agricultural reforms pulled the Southern States out of bankruptcy after the Civil War. Even the design for the city of Washington, D.C., was reconstructed from memory by a brilliant free black named Benjamin Banneker after the French architect refused to finish the job.

I think you will agree, Mr. President, that Afro-American History Week is worthy of congressional support. I ask unanimous consent that the text of the joint resolution to proclaim Afro-American History Week be printed in the CONGRESSIONAL RECORD.

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

S.J. RES. 56

Whereas Afro-Americans have made outstanding but little known contributions to the History of the United States;

Whereas an appreciation of this heritage and contribution is essential to the development of a sense of worth and pride in any group;

Whereas Afro-American Week has been observed throughout the United States since 1926 during the period which includes the birthdays of Abraham Lincoln and Frederick Douglass, February 12 and February 14 respectively; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the seven-day period from Sunday to Saturday during which February 12 and February 14 fall, be designated "Afro-American History Week."

The President is authorized and requested to issue an annual proclamation calling upon the people of the United States to observe such week with appropriate activities.

By Mr. BARTLETT:

S.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States relating to prayer in public schools. Referred to the Committee on the Judiciary.

Mr. BARTLETT. Mr. President, today I introduce a constitutional amendment which, if passed, will insure to every person his inherent freedom to pray. The freedom to pray will mean that our schoolchildren will be guaranteed their right to participate voluntarily in prayer.

This constitutional amendment is necessary in view of the Supreme Court rulings which forbid prayer in public schools. There is something wrong in America when free speech protects the right to utter obscenities yet does not protect the right to pray. This amendment will assure our schoolchildren their right to pause at the beginning of the school day to offer thanks to their Creator.

I ask unanimous consent that the text of the proposed amendment be printed in the RECORD.

S.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, to be valid only if ratified by the legislatures of three-fourths of the several States within seven years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. No provision of this Constitution shall abridge the inherent freedom of persons to pray. The freedom of prayer shall include the right of persons lawfully assembled in any public school or other public building to participate voluntarily in nondenominational prayer."

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS

S. 4

At the request of Mr. WILLIAMS, the Senator from New Mexico (Mr. DOMINICK) was added as a cosponsor of S. 4, the Retirement Income Security for Employees Act of 1973.

S. 12

At the request of Mr. WILLIAMS, the Senator from Hawaii (Mr. INOUE) and the Senator from Iowa (Mr. HUGHES) were added as cosponsors of S. 12, the Urban Parkland Heritage Act of 1973.

S. 40

At the request of Mr. BROCK, the Senator from Tennessee (Mr. BAKER), the Senator from Florida (Mr. CHILES), the

Senator from Nebraska (Mr. CURTIS), the Senator from Georgia (Mr. NUNN), the Senator from New Mexico (Mr. DOMINICK), the Senator from Mississippi (Mr. EASTLAND), the Senator from Montana (Mr. METCALF), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Virginia (Mr. SCOTT) were added as cosponsors of S. 40, a bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes.

S. 41

At the request of Mr. DOLE, the Senator from Florida (Mr. GURNEY) was added as a cosponsor of S. 41, a bill to designate November 11 of each year as Veterans Day and to make such day a legal public holiday.

S. 44

At the request of Mr. DOLE, the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. GRAVEL), the Senator from Georgia (Mr. NUNN), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 44, a bill to amend the Small Business Act to increase the availability of management counseling to small business concerns.

S. 159

At the request of Mr. DOLE, the Senator from Rhode Island (Mr. PASTORE), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Utah (Mr. MOSS), and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 159, a bill to provide for reimbursement of extraordinary transportation expenses incurred by certain disabled individuals in the production of their income.

S. 176

At the request of Mr. HARTKE, the Senator from Montana (Mr. METCALF), was added as a cosponsor of S. 176, a bill to amend title 38, United States Code, to provide for a special addition to the pension of veterans of World War I and to the pension of widows and children of veterans of World War I.

S. 255

At the request of Mr. EAGLETON, the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 255, a bill to repeal certain provisions which become effective January 1, 1974, of the Food Stamp Act of 1964 and section 416 of the Agricultural Act of 1949 relating to eligibility to participate in the food stamp program and the direct commodity distribution program.

S. 275

At the request of Mr. HARTKE, the Senator from Oregon (Mr. HATFIELD), and the Senator from Nevada (Mr. CANNON), were added as cosponsors of S. 275, a bill to amend title 38 of the United States Code increasing income limitations relating to payment of disability and death pension, and dependency and indemnity compensation.

S. 316

At the request of Mr. BUCKLEY, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 316, the Eastern Wilderness Areas Act.

S. 418

At the request of Mr. BELLMON, the Senator from Colorado (Mr. DOMINICK),

the Senator from Nebraska (Mr. HIRSHBAUM), the Senator from Utah (Mr. MOSS), the Senator from Rhode Island (Mr. PASTORE), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of S. 418, a bill to reinstate the emergency loan program of the Farmers Home Administration.

S. 425

At the request of Mr. ROBERT C. BYRD (for Mr. RIBICOFF), the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 425, a bill to establish a Department of Health.

S. 491

At the request of Mr. BEALL, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 491, the Older Americans Comprehensive Services Amendments of 1973.

S. 514

At the request of Mr. MOSS, the Senator from South Carolina (Mr. HOLLINGS), was added as a cosponsor of S. 514, a bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data.

S. 548

At the request of Mr. HUMPHREY, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 548, a bill to provide price support for milk at not less than 85 percent of the parity price therefor.

S. 580

At the request of Mr. PERCY, the Senator from Michigan (Mr. HART) and the Senator from California (Mr. TUNNEY) were added as cosponsors of S. 580, a bill to establish an Institute for Continuing Studies of Juvenile Justice.

S. 586

At the request of Mr. DOMINICK, the Senator from Oregon (Mr. HATFIELD), the Senator from Tennessee (Mr. BROCK), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 586, a bill to amend the Occupational Safety and Health Act of 1970.

S. 632

At the request of Mr. WILLIAMS (for Mr. CHURCH) the Senator from South Dakota (Mr. MCGOVERN) was added as a cosponsor of S. 632, a bill to amend title II of the Social Security Act to increase the amount which individuals may earn without suffering deductions from benefits on account of excess earnings, and for other purposes.

S. 653

At the request of Mr. BELLMON, the Senator from Missouri (Mr. EAGLETON), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 653, a bill to prohibit the impoundment of funds from the highway trust fund.

S. 667

At the request of Mr. RANDOLPH, the Senator from West Virginia (Mr. ROBERT C. BYRD) was added as a cosponsor of S. 667, a bill to amend the Public Health Services Act to provide for the protection

of the public health from unnecessary medical exposure to ionizing radiation.

S. 744

At the request of Mr. RANDOLPH, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Maine (Mr. HATHAWAY) were added as cosponsors of S. 744, a bill to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes.

S. 762

At the request of Mr. HARTKE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 762, the military recomputation bill.

SENATE JOINT RESOLUTION 3

At the request of Mr. DOLE, the Senator from North Dakota (Mr. YOUNG) was added as a cosponsor of Senate Joint Resolution 3, a joint resolution to provide for a 1974 centennial celebration observing the introduction into the United States of Hard Red Winter wheat.

SENATE JOINT RESOLUTION 4

At the request of Mr. DOLE, the Senator from Alabama (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. BIBLE), the Senator from Utah (Mr. BENNETT), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOK), the Senator from California (Mr. CRANSTON), the Senator from Colorado (Mr. DOMINICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. FANNIN), the Senator from Alaska (Mr. GRAVEL), the Senator from Florida (Mr. GURNEY), the Senator from Maine (Mr. HATHAWAY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. NUNN), the Senator from Oregon (Mr. PACKWOOD), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), the Senator from Texas (Mr. TOWER), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 4, a joint resolution to authorize and request the President to issue a proclamation designating a week as "National Welcome Home Our Prisoners Week" upon the release and return to the United States of American prisoners of war in Southeast Asia.

SENATE JOINT RESOLUTION 11

At the request of Mr. HOLLINGS, the Senator from Maryland (Mr. BEALL), the Senator from Nevada (Mr. BIBLE), the Senator from North Dakota (Mr. BURDICK), the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), the Senator from Wyoming (Mr. HANSEN), the Senator from Michigan (Mr. HART), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Hawaii (Mr. INOUE), the Senator from Georgia (Mr. NUNN), the Senator from Illinois (Mr. STEVENSON), the Senator from South Carolina (Mr. THUR-