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peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.

FACILITATE TRADE

Both sides view bilateral trade as another area from which mutual benefits can be derived, and agree that economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They agree to facilitate the progressive development of trade between their two countries.

The two sides agree that they will stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two countries and continue to exchange views on issues of common interest.

The two sides expressed the hope that the gains achieved during this visit would open up new prospects for the relations between the two countries. They believe that the normalization of relations between the two countries is not only in the interest of the Chinese and American peoples but also contributes to the relaxation of tension in Asia and the world.

President Nixon, Mrs. Nixon and the American party express their appreciation for the gracious hospitality shown them by the government and people of the Peoples Republic of China.

PRESCRIPTION FOR POLITICAL LEADERSHIP

(Mr. BRADEMAS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, this morning's edition of the New York Times contained a timely and perceptive essay by William V. Shannon, a member of the Times editorial board.

Mr. Shannon's topic was the role of political rhetoric in striking a balance between hope and fear in the public mood. He points out that "words provide the voters with their principal clues in judging the strength and sincerity of a candidate's underlying convictions," and compares the climate of the present presidential campaign with those of the recent past.

Mr. Speaker, in this uncertain age of "watch what we do, not what we say," Mr. Shannon's comments are most welcome. In order that other Members may share his thoughts I include his essay in the RECORD at this point:

OF HOPE AND FEAR

(By William V. Shannon)

MIAMI.—In a democratic society, the task for a political leader is how to encourage and sustain people's hopes while taking account of their fears. The busing issue which now dominates the Florida primary defines that difficult task at the moment for the Democratic Presidential contenders. But busing is not unique.

Candidates have to strike the right balance between hope and fear in many different fields. The people yearn for peace but they understandably fear the intentions of the Communist powers. They recognize that military spending is an awful waste and yet they realize their own ignorance about the military budget.

People want inflation stopped but would like a raise for themselves. They want improved public services but fear higher taxes.

To win a Presidential election in this vast, diverse country requires a man to have an unusual sensitivity to public opinion, a good sense of timing, and skill in phrasing his own position on an issue. Once he is elected, to govern a nation, requires in addition a set of fundamental convictions which inform and guide a leader's tactical skills. Words are also critical. A slight change in wording can make hope billow or fear quiver. Words provide the voters with their principal clues in judging the strength and sincerity of a candidate's underlying convictions.

The last Democrat to strike the right balance was John F. Kennedy. As with most master politicians, there is ambiguity in his record. He can be remembered as the man who raised the "missile gap" issue in 1960, demanded that we "stand up to Castro," made a man on the moon a top national priority, enlarged the armed forces and edged this country into Vietnam.

Or he can be remembered as the man who instituted the Peace Corps and the Food for Peace program, proclaimed an Alliance for Progress with Latin America, signed the Nuclear Test Ban Treaty, agreed to the neutralization of Laos and avoided irrevocable military action.

Both sets of memories are valid. Kennedy was a peacemaker abroad and a liberal at home. But in dealing with his nation's adversaries and his own political antagonists, he was always wary, searching for the defensible posture, trying to find the right balance.

Two of President Kennedy's close colleagues are rivals this year—Senators McGovern and Jackson. In their different ways, each is an excellent public servant. Their campaigns are weak chiefly because each stresses different factors which Kennedy in his time kept in balance.

Senator McGovern is pre-eminently the candidate of hope. Whether it is Vietnam or amnesty or legalizing marijuana or cutting the military budget, he states the hopeful, humanitarian, ideal course that could be followed. There is really no mystery as to why the McGovern campaign does not get off the ground. Too many people who admire his ideas do not feel that his prescriptions square with their own perceptions of the orneriness and unpredictability of human nature.

By contrast, Senator Jackson is the Hobbesian candidate. More missiles for the United States, more Phantoms for Israel, a constitutional amendment against busing, a tough approach to street crime—none of these is an unreasonable concern, but taken together they add up to a grim picture of human beings and their future.

Senator Muskie, the front runner, is regarded as a "centrist." The difference between him and his rivals cannot really be found in their stated philosophy or voting records. The difference is that he tries to keep in touch with many currents of opinion, conservative and moderate as well as liberal. His definition of his positions reflects his continuing effort to strike that elusive balance between hope and fear, between the hunger for change and the fear of change.

An observer who spent several days recently traveling across Florida with Muskie was unexpectedly reminded of Adlai Stevenson in 1952. At that time, when the Korean War was winding down and McCarthyism was heating up, Stevenson tried to cut through the fear and demagoguery and appeal to what is best in men's natures. Muskie has been making much the same kind of appeal.

"The doubts, the divisions which this war has caused stand between us and our future . . . as Americans, we have to live together and reach out to each other and

build a country together. We cannot do it if we erect walls between the young and the old, the white and the black. . . . We have to build on our hopes and not our fears."

"Sermonettes" the reporters call these extemporaneous speeches. Recalling the optimism of the Kennedy years, Muskie said, "We can rekindle that spirit in the 70's and by the end of the decade reach not the moon but one another's hearts."

It will be much further along in the primaries before we know whether Muskie or any candidate can elicit a fresh response this year in the unending dialogue between fear and hope.

RADIO FREE EUROPE AND RADIO LIBERTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. STEELE) is recognized for 10 minutes.

Mr. STEELE. Mr. Speaker, the Senate and House conferees on legislation to continue Radio Free Europe and Radio Liberty are hopelessly deadlocked because the Senate conferees insisted on their version of S. 18, a version which would be disastrous to the continuation of the two radios and which would destroy the position that the House conferees were instructed to uphold. The intransigence of the Senate conferees, led by Senator FULBRIGHT, is clearly aimed at killing these vitally needed radio stations. The House conferees reported that the Senate's position and actions are perverting the legislative process.

One of the most disturbing sidelights of this effort to kill Radio Free Europe and Radio Liberty is the suppression of evidence by the staff of the Senate Foreign Relations Committee. I refer to the two voluminous reports on the operations of the radios which were compiled at considerable expense to the taxpayers by the Congressional Research Service of the Library of Congress. Only a few sentences of these reports have leaked out to the public—just enough to show that the expert findings of their authors are highly favorable to the radios.

I estimate the cost to the taxpayer of the Congressional Research Service reports as \$20,000. They were compiled on a crash basis by two senior analysts at the Library of Congress who devoted months to the task. In addition to the expense of their salaries, the reports also represent the cost of travel by both men to Munich, Germany, to observe the work of Radio Free Europe and Radio Liberty on the spot. I understand that in order to meet the rush deadline set by the Foreign Relations Committee these gentlemen even sacrificed their annual leave last year.

These reports were originally commissioned by the chairman of the Senate Foreign Relations Committee at a hearing he conducted in that committee back in May of last year. His remarks at the time leave little doubt that he expected them to put the "radios" in a bad light. The manuscripts of the reports were delivered to Mr. Robert Dockery of the committee staff in mid-January, and as far as I can find out they have just been sitting there ever since, seen only by a handful of outsiders. However, a New

York Times reporter who got a look at them printed the following:

The report on Radio Liberty, written by Dr. Joseph G. Whelan, a specialist in Soviet and East European affairs, said that the station's basic policy had shifted from its early "liberation" of the Soviet Union to "liberalization" as conditions eased within Soviet society.

"The professionalism of the staff," the report said, "is apparent in the quality of their research product, their multilingual facility, the unique combination of American and Western scholarship with the native talents of former Soviet citizens, and finally the existence of an organizational spirit that seems to arise from a conviction of participating in creating positive change in the Soviet Union."

"The reality of Radio Liberty," the report continued, "conflicts with its popular image. It is neither a cold war operation nor is its staff a group of cold warriors. On the contrary, Radio Liberty accepts all Soviet institutions, though not its ideology, and seeks to bring about peaceful democratic change from within."

Mr. Whelan said that if Radio Liberty was disbanded, the Soviet people "will have lost a free press for the inflow of information" that could not be duplicated by officially sponsored government radios. He said it would also bring the loss of a means of dissemination of "samizdat" or underground writings, throughout the Soviet Union "with the consequences that this liberalizing movement will unquestionably receive a serious setback."

Similar praise for Radio Free Europe was expressed by James R. Price in his Library of Congress report.

The columnists Evans and Novak have written:

Those voluminous reports explain precisely why Eastern Europe experts are concerned by Senator Fulbright's action. Radio Free Europe, says one report, "contributes substantially to preserve the reservoir of good will toward the U.S." by the Eastern Europeans. "In some cases, regimes have grudgingly adopted some features desired by their publics and supported by Radio Free Europe."

The other Library of Congress report suggests "Radio Liberty encourages detente, amelioration of international differences through negotiations, strengthening of the United Nations as an instrument of peace and creation of a world system based on the rule of law."

In the face of this evidence, the chairman of the Senate Foreign Relations Committee stated on national television last Wednesday that—

Over my dead body am I going to take that new provision, that new bill—because they are relics of the Cold War and ought to be liquidated. They are \$35 million. There is no excuse for continuing to broadcast propaganda in these areas as long as the President is trying to, you know, make peace with them.

In a speech in the Senate on February 17, the chairman denied he had suppressed the reports. But the fact is that the reports had not been sent to the printer. They have not been circulated to members of the House Foreign Affairs Committee on which I serve, and they have not been made available to the general public.

In his speech on February 17, the Senate Foreign Relations Committee chairman made much of the fact that staff members of the House Foreign Affairs Committee were given the favor of a briefing on the reports. That is, they

were told about the reports but they and we have not been allowed to have copies of them, with the explanation that the reports were only in draft form. Mr. Speaker, this highhanded procedure is an insult to the House of Representatives and our Committee on Foreign Affairs. There is no justifiable reason why the House Committee cannot have copies of the reports, even if they are draft versions, especially when there is every indication that their completion has been deliberately delayed. The public and the Congress cannot operate in an informational void.

Ironically, Mr. Dockery of the Foreign Relations Committee staff gave an interview to the Arkansas Democrat last October in which he said:

These studies are important and their conclusions will be acted on . . . The committee clearly looked on the \$35 million authorization as stop-gap legislation, and the conclusions of these studies will help determine how much, if any, is authorized next year.

Instead of acting on this pious promise, Mr. Speaker, certain people on the other side of the Hill have chosen to suppress these costly and revealing documents. These individuals evidently hope that they can liquidate the national assets represented by these radios before the Congress and the public can learn the facts. I call on the Senate Foreign Relations Committee to proceed forthwith with publication of the reports in full and untampered form. I call on the Congress of the United States to keep Radio Free Europe and Radio Liberty alive until we and the public can have ample time to study these findings.

When President Nixon visited the Great Wall of China last Thursday, he spoke these good words:

What is most important is that we have an open world. As we look at this Wall we do not want walls at any time between peoples, and I think one of the results of our trip—we hope—may be that the walls that are erected, whether they are physical walls like this, or whether they are other walls, or ideology or philosophy, will not divide people in the world; that people, regardless of their differences in background and their philosophies, will have an opportunity to communicate with each other, know each other, and share with each other those particular endeavors that will mean peaceful progress in the years ahead.

I call on President Nixon to confer immediately on his return from China with the leadership of both House of Congress to take emergency action to save Radio Free Europe and Radio Liberty from a most untimely death.

The Senate version of S. 18, the radios' authorization bill, on which the Senate conferees have been insisting, will at this late date in the fiscal year not help the radios. Only the authorization through fiscal 1973 which our House bill offers will give people time to study the evidence.

Mr. Speaker, let voices be raised in the Congress and throughout the land to prevent this attempted frustration of the will of Congress and the American people by certain individuals bent on having their own way.

There has been much sincere concern

in both Houses of Congress, under this and previous administrations, about getting the executive branch to consult with us more regularly on foreign policy matters. I submit to you, Mr. Speaker, that the kind of irresponsible shenanigans with the public trust that I speak of here are one of the greatest obstacles in widening Congress' role in foreign affairs.

GUIDELINES FOR LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 10 minutes.

Mr. ROSTENKOWSKI. Mr. Speaker, today I am introducing, along with most of my distinguished colleagues from Chicago, a bill which will provide several new guidelines for the Law Enforcement Assistance Administration. This bill was first introduced by my good friends from Ohio, the Honorable JAMES V. STANTON, and the Honorable JOHN SEIBERLING, on November 16, 1971. This bill is a well researched, technically superior piece of legislation, and I heartily congratulate Mr. STANTON and Mr. SEIBERLING and their staffs on their initiative. It has come to my attention that the distinguished chairman of the House Judiciary Committee, the Honorable EMANUEL CELLER, intends to conduct hearings on the bill in the near future. Basically, the bill would instruct the State planning agencies in the LEAA network to distribute its block-grants locally to high crime urban areas, on a percentage computed by weighing crime rates twice as heavily as population proportions. It also would provide a high impact, temporary grant of \$5 per capita to high crime urban areas, to fill in the wide gaps that now exist in the fight against crime.

Mr. Speaker, the Law Enforcement Assistance Administration has enjoyed up to now only mediocre success in dealing with the problems of crime control in our largest cities. Since its inception in 1968, this agency has often used its funds unproductively. It has become bogged down in excessive bureaucratic structures at the State level. These State agencies have, at times, concentrated their efforts in areas where success could be statistically manipulated for glamorous publicity. In short, LEAA's influence in the area of crime control has fallen short of our expectations.

We all realize that money injudiciously spent is useless. Yet our remedy for this problem of wasted money has been simply the approval of larger budget requests. The real impasse to effective use of Federal aid to crime control lies in the widespread inefficiency of the State planning agencies spawned by LEAA. These State agencies have become a superfluous layer between the Federal and local governments. It is time for Congress to intercede; to provide the LEAA with viable legislation guidelines to give our cities the attention and money they deserve. As a spokesman for the National League of Cities has stated, "the States should be conduits, not another layer of bureaucracy."

According to the stipulations of the

it hasn't as yet been resubmitted. If an extension petition is filed by a car company, EPA has 60 days in which to make a decision. Administrator Ruckelshaus has indicated that any petition would be made available to the public for open hearings. He did indicate, however, that EPA was giving some consideration to amending the petition's disclosure policy in order to provide full public disclosure and yet guarantee the protection of certain trade secrets.

On January 1, 1972, the National Academy of Sciences filed its first semi-annual report on which EPA will base its decision on the technological feasibility of the car companies to meet the 1975 deadline. The report said that while "there is no certainty today that any 1975 model year vehicles will meet the requirements of the Act", it may be possible if three conditions are met: 1. provisions are made for catalyst replacement, 2. averaging of emissions throughout the day rather than just for the first trip, and 3. general availability of non-leaded gasoline.

Besides Rep. Rogers' suggestion for the catalyst problem, the other two National Academy of Sciences' conditions may also see early solutions. Changes in the EPA testing procedure, beginning with 1975, will encompass the average of the emissions from all the trips taken in a day rather than just the emissions from the first trip (The first four to six running minutes emit the greatest amount of pollutants.). EPA officials feel that this change will "more accurately reflect the driving experience of the average motor vehicle in major urban areas."

In addition, the oil industry will apparently have little or no trouble making non-leaded gasoline generally available for use by 1974. Although presently available in limited quantities, there has been some question whether it could be produced on a mass basis. When questioned during the hearings about whether the oil industry can get the lead out within the deadline period (the experimental converters work only on unleaded gas) an American Petroleum Institute spokesman said "No question about it." "The bill means changes, and that's what we're doing is changing," he added.

AIR CLEANUP

WASHINGTON, February 17 (UPI).—Despite Government promises to enforce a 1975 clean-air deadline, at least 18 states have requested two-year postponements and appear likely to get them.

In applications made to the Environmental Protection Agency, most of the states involved, said that urban areas could not meet the standards without limiting downtown traffic. They indicated a reluctance to impose such traffic controls.

When EPA Administrator William D. Ruckelshaus announced the air quality standards April 30, he emphasized that many cities would have to curb traffic.

"I don't anticipate any delay in their implementation," Ruckelshaus said of the standards.

But in an interview yesterday, the EPA official in charge of reviewing state applications said that the agency probably would forgo the deadline rather than force traffic restrictions that might be unpopular with commuters.

"If you need traffic control you probably can get a two-year extension," said B. J. Steigerwald, director of the EPA's stationary source pollution control program.

"Traffic control isn't easily imposed," Steigerwald said. He said that cities would need mass transit to replace automobiles. "You just don't install mass transit in three years," he said.

Experts from the EPA and other agencies have estimated that car exhaust causes at least 50 per cent of air pollution, the most harmful concentrations being in downtown areas.

Richard E. Ayres, who has studied the state plans for the Natural Resources Defense Council, a private environmental group, said that any delay in curbing urban auto pollution would undermine the entire air clean-up program.

"What they're saying is that they'll meet the standards where there isn't any pollution and delay them where the problem is most severe," Ayres said.

Many states said that if given until mid-1977, the car-pollution problem largely would go away because of progressively stricter federal requirements for exhaust clean-up devices on new cars.

The first such devices were installed on 1968 models. Under the same Clean Air Act, which mandated the 1975 air clean-up standards, 1975 model cars must cut carbon monoxide and hydrocarbon emission by 90 per cent, compared with 1970 models, and 1976 cars must reduce nitrogen oxide emissions 90 per cent, too.

Although the law allows a one-year extension of these standards if car-makers cannot meet them, and although all four U.S. car companies have requested such a delay, the EPA permitted states to presume in drawing up their plans that the 1975 and 1976 auto deadlines would be met.

Steigerwald indicated that he was using the same presumption in reviewing state applications.

"By 1977, car emission limits will allow many cities to meet the air standards," Steigerwald said. "Does it make sense for us to demand significant traffic controls by 1975 when two years later they could meet the standards without traffic controls?"

However, Steigerwald said, "About 15 cities won't meet the standards even in 1977 without traffic controls." He did not name all the cities but said that they included New York, Chicago and Los Angeles.

The law required each state to give EPA by Jan. 30 its plan for meeting limits on six air pollutants—sulfur oxides, particulate matter, carbon monoxide, photochemical oxidants, nitrogen oxide and hydrocarbons.

The EPA must approve or disapprove the plans by May 30. The law says the limits must be met by July 1, 1975, unless EPA grants the state a two-year extension.

The plans are hundreds of pages long and no one in Washington has read them all. United Press International compiled the list of 18 states seeking extensions from EPA sources and from reporters in state capitols.

Most of the 18 sought no over-all extensions, but rather a two-year delay in meeting standards for carbon monoxide and hydrocarbons—which come mostly from cars—in urban areas.

Steigerwald said that about 15 states did promise to work on some form of traffic controls—reduced parking space, higher bridge tolls, inspections, mandatory installation of antipollution devices on older cars—but few included them as firm parts of an enforcement program.

GOD BLESS THE PRESIDENT ON HIS TRIP TO CHINA

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 1972

Mr. GUDE. Mr. Speaker, as we prepare to welcome the President back from his history-making trip to China, I would like to share with my colleagues the following letter from a constituent of Maryland's Eighth Congressional District. I feel it is particularly noteworthy in that

it is not simply a partisan, "rubber stamp" letter of support, but one which expresses the views of a thinking, responsible American citizen. This kind of thoughtful letter is further evidence that there exists widespread support for President Nixon's meetings with China's leaders, and that, truly, all the Nation's prayers have been with him on this journey:

GOD BLESS THE PRESIDENT ON HIS TRIP TO CHINA
CHEVY CHASE, MD.,
February 17, 1972.

HON. GILBERT GUDE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GUDE: I have written many letters to you, over the years, that could be considered critical in the sense that they expressed my frustration about what our government has done in Vietnam.

Because—the President's trip to China is a day for hope, I wish to express words of favor for the present Administration and party in power which I do support from time to time, as follows:

1. I believe the President is trying (at some risk) by this China effort to find an end to a war which in all fairness we should admit he does not bear the major responsibility for.

2. I believe he understands the domestic needs of the American economy should now have top priority over do gooding abroad, and that he will act to help to restore the world leadership we once enjoyed as the most capable country in the production of goods and services, here at home.

There are, of course, a lot of things happening in the government which I do not agree with, political and otherwise, and I am sometimes concerned that our very form of government is under severe test.

I do want the President to succeed and I want you gentlemen to succeed in the sincere efforts you are demonstrating. I choose this day of hope to express confidence in you.

Yours sincerely,

JOHN W. MALLEY.

CONTINUE RADIO FREE EUROPE

HON. ROBERT H. STEELE

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 1972

Mr. STEELE. Mr. Speaker, I wish to direct the attention of the Members to the following editorial from the Hartford Courant on the future of Radio Free Europe and Radio Liberty. The editorial presents an incisive analysis of the current congressional struggle to keep the Radios alive and makes a telling argument for continuing their vital operations.

The editorial follows:

RADIO FREE EUROPE FACES CUTOFF

It seems more than a little ironic that in this country where freedom of information and the right to know are so fervently cherished, the Congress is haggling over whether Radio Free Europe and Radio Liberty should be continued or not.

In some ways the hangs-up is a technical one. The House and Senate are at odds, the former being willing to finance the two stations for two more years, the latter wanting to cut off funds after one year.

The real stumbling block is a matter of foreign policy, and not just whether the country

should spend \$36 million annually to run the two operations. If Senator Fulbright has his way, the funding will not be renewed. He says "These radios should be given an opportunity to take their rightful place in the graveyard of cold war relics."

And of course, ever since it came out that the Central Intelligence Agency had been financing Radio Free Europe and Radio Liberty, their names have been mud—not only in Russia and Eastern European countries naturally, but here at home among those who think there is something villainous about the CIA.

Yet when Senator Fulbright asked for studies by the Library of Congress on the effectiveness of the two stations, he was set back on his heels. "The reality of Radio Liberty," the Library of Congress reported, "conflicts with its popular image. It is neither a cold war operation, nor is its staff a group of cold warriors. On the contrary, Radio Liberty accepts all Soviet institutions, though not its ideology, and seeks to bring about a peaceful democratic change from within."

The report on Radio Free Europe was in kind. And the truth of the matter is that the two stations for a generation now have been broadcasting factual news. What has aroused the ire of the Communist regimes is that there are plenty of facts these governments don't want their people to know. This is plain enough from the rigid control exercised over news media in Russia and its satellite countries.

If Radio Free Europe and Radio Liberty are disbanded, the peoples of these countries will have lost a free press for the inflow of information that certainly is not going to be duplicated by officially sponsored government radios. Millions of persons have listened to news over Radio Free Europe and Radio Liberty, which would have been completely censored by Communist governments.

As has been remarked, before Congress decides whether it believes these radio stations are relics of the cold war, it might be well to wait until after President Nixon returns from Moscow. The cold war itself may not prove to be the vanished spectre some persons would have us believe. An American foreign policy substituting negotiation for confrontation is a very nice idea but it still takes two to tango.

**NATIONAL JUDICIAL CONFERENCE
ON STANDARDS FOR THE ADMINISTRATION OF CRIMINAL JUSTICE**

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 28, 1972

Mr. RARICK. Mr. Speaker, the 4-day National Judicial Conference on Standards for the Administration of Criminal Justice took place on the campus of Louisiana State University in Baton Rouge, February 1-4, 1972.

More than 300 appellate court judges and justices attended the conference which considered the improvement of the criminal justice system through the implementation of 17 sets of standards, 15 of which had been approved by the American Bar Association's House of Delegates.

Included in the discussions were the revamping of the Nation's bail system, pretrial release, and electronic surveillance; speedy trials, police function, prosecution function, defense function, trial by jury, criminal appeals, probation, and postconviction remedies.

So that our colleagues may have more information about this important and extraordinary conference, I insert in the Record at this point news accounts as appearing in the Baton Rouge daily newspapers:

[From the Baton Rouge State Times, Feb. 11, 1972]

BETTER JUSTICE SYSTEM SAID LEGAL PROFESSION

(By Jack Lord)

The president of the American Bar Association said today that the improvement of the criminal justice system is "the greatest challenge our profession has faced in this country."

Keynoting the opening session of the four-day National Judicial Conference on Standards for the Administration of Criminal Justice at LSU, Leon Jaworski of Houston, Tex., called for implementation of the new ABA standards as one of the key means of bringing about improvement of the criminal justice system.

About 300 appellate court judges and justices have registered for the conference which is featuring an ABA push for an overhaul of the criminal justice system.

Jaworski pointed out that the standards are suggested guidelines to be applied in the states and the federal jurisdiction.

"The ultimate objectives they seek to attain are to promote fair, balanced justice, effective law enforcement and adequate protection of society—and at the same time to delineate and safeguard the constitutional rights of those suspected of crime," Jaworski declared.

SEVENTEEN STANDARDS SET

Seventeen sets of standards have been drafted. Fifteen have been formally approved by the ABA's policy-making House of Delegates, while the remaining pair is expected to be approved at the ABA annual meeting in August.

Jaworski said three pilot states were chosen for implementation to provide planning and feedback experience.

The states, he said, were Arizona, where implementation is accomplished largely by court rule; Texas, where criminal procedure is dependent exclusively on statute, and Florida, which implementation comes from both the supreme court and the legislature.

"The valuable lessons learned were used to develop guidelines to assist other states in their planning, and to enable them to avoid pitfalls and fruitless activity in their implementation programs," Jaworski said.

The ABA overhaul, Jaworski said, "is the first time any such endeavor had been attempted for criminal justice."

He said, "From a procedural standpoint especially, the system by and large had been substantially untouched for almost two centuries. Chief Justice Warren E. Burger diagnosed maintenance."

M'KEITHEN SPEAKS

Gov. McKeithen was one of several Louisiana dignitaries who welcomes the judges to the conference.

McKeithen, referring to himself as "an attorney who will return to the practice of law in May," congratulated those who are attempting "to keep the judicial system entuned to the changing needs of our society."

Referring to his eight years as governor and a total of 24 years in public office, McKeithen said he could "appreciate fully the promotion of reform or change."

Associate Justice William H. Erickson of Colorado, chairman of the ABA Section of Criminal Law, gave a basic rundown of the 17 ABA standards which will be explained in depth in future sessions.

U.S. Dist. Judge William J. Jameson of Montana, chairman of the ABA Special Committee Standards, reviewed the background

of the eight years of activity leading to the proposals.

He said more than \$1 million had been spent on the project—\$500,000 from two private foundations and \$527,000 from the American Bar endowment fund.

Other speakers on the morning program included Chief Justice Howard McCalob of the Louisiana Supreme Court who introduced Jaworski; Associate Justice Joe W. Sanders of Louisiana and Dean Paul Hebert of the LSU Law School who both made opening remarks.

Sponsors of the conference are the ABA, the LSU Law School, the Appellate Judges' Conference of the ABA, and the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. Sessions are being held at the LSU Union.

In an interview on the eve of the conference, Colorado Supreme Court Justice William H. Erickson said the standards already are being felt in the criminal courts in the country.

"The situation is starting to improve," Erickson, who heads the ABA's criminal law section, said, "and I think with the completion of the standards . . . we will not see utopia but a system of criminal justice we can all be proud of."

SEVENTEEN STANDARDS

The ABA's 17 standards for criminal justice, which, Erickson said in an interview, "go completely across the field of criminal justice," were compiled to cope with "practices that are different in nearly every state."

"We've had what's been described as a revolution in criminal justice with decisions such as the right to counsel in every case and search and seizure protections which came about because many states did not afford to an accused the basic minimum rights that our constitution dictates," Erickson said.

"We have had during a period of some 25 years a 50 per cent increase in population and during that same period we've had a 400 per cent increase in crime," he said. "If the rights of society are to be protected, we've got to see that there's a finality to the criminal prosecution."

"That means the defendant who is a threat to the public is confined," he added, "that the defendant who can be rehabilitated is and is placed back in a productive fashion in the society from which he came, and that the same time the person on the street can feel some safety."

The standards, Erickson said, ranging from right right to a speedy trial to the handling of probation, were compiled by "the top lawyers, judges and professors in the country and they show a cross section of the criminal justice process." They have been universally accepted, he added.

There have, in recent years, been "grave differences" in the way states administered justice in criminal cases, Erickson said.

"One of the reasons for this is that some police practices are antiquated. The standards of criminal justice suggest remedies that see to it police practices are not only uniform but are upgraded.

"And, for example, in Texas and Missouri the jury still imposes the sentence of the defendant. That's hardly consistent with our modern practice of thinking that punishment will be meted out to fit the crime," Erickson said.

"You see," he went on, "up until the 1030s the states were largely free to handle their criminal business any way they saw fit. After that, the U.S. Supreme Court began to impose constitutional limitations.

"The standards we have now are trying to bring up to date criminal justice machinery so that the guilty can be convicted, the innocent can go free and the public can take pride in seeing that justice is administered promptly and efficiently," he added.

The ABA's standards, Erickson said, begin