Mr. ROBERT C. BYRD. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER. Amendment No. 1200, the amendment by the Senator from Michigan.

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

Mr. HARRY F. BYRD, JR. I yield.

Mr. GURNEY. I might apprise the acting majority leader as well as the Senate that I have discussed this matter with Senator GRIFFIN. He has no objection to his amendment being laid aside, as it was during the consideration of the Hartke amendments, for the disposition of the Byrd amendment, with his amendment reverting to its status quo parliamentary-wise after the Byrd amendment is disposed of, if it is taken up.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HARRY F. BYRD, JR. I yield

Mr. ROBERT C. BYRD. Mr. President, I would have to respond to the distinguished author of the amendment, the able senior Senator from Virginia, in this way:

I supported his amendment last year. I think it was a good amendment; I think it was the right amendment. I intend to support it again whenever it comes up for a vote in the Senate. But I could not accede to setting aside the Griffin amendment this afternoon and taking up the amendment of the able Senator from Virginia, even if I had to interpose an objection at this time myself.

Mr. HARRY F. BYRD, JR. I understand, and I certainly will not press the point. But I did want the distinguished acting majority leader to know that I am prepared today to take up this amendment, if the leadership so desires.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I would have to explain for the RECORD that, in the first place, I do not think we could get a time limitation on the amendment this afternoon. And I do not think we could get it for tomorrow. A good many Senators will be out of town tomorrow. So it would be impossible to get an agreement limiting time on the amendment as of now. As a matter of fact, I received word from a Senator earlier today indicating that he would not want the leadership to enter into a time agreement on this amendment during the rest of this week.

Second, I think I would be honorbound to those Senators who oppose the amendment to interpose an objection on their behalf if such a request were made at this time, none of them being on the floor at this moment. I am sure that we could get one of them to the floor quickly, but I do not think anything would be gained by pressing the matter today.

I do appreciate the willingness of the distinguished senior Senator from Virginia to bring up his amendment this afternoon or tomorrow and get action on it; but, under the circumstances, I doubt that this can be done, and I hope the Senator will not press his request today.

Mr. HARRY F. BYRD, JR. I understand fully the position of the able acting majority leader, and I will not press the point.

Mr. ROBERT C. BYRD. I thank the Senator.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum. I assume that this will be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WEICKER). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, again for the record, let me say that the acting leadership on this side of the aisle, together with the leadership on the other side of the aisle, has sought to ascertain whether other amendments could be brought up today and the pending amendment by the Senator from Michigan (Mr. GRIFFIN) set aside temporarily. We find none. We do not find any on which time agreements could be provided for on tomorrow.

There are no measures on the calendar which would require debate and which could be called up today or tomorrow.

The Senate has made some progress, in that the atomic energy bill was disposed of yesterday. H.R. 13150, to provide that the Federal Government shall assume the risks of its fidelity losses, was also disposed of today, as was the supplemental appropriation conference report. An amendment by the Senator from Oklahoma (Mr. BELLMON) to S. 3526 was disposed of yesterday. An amendment by the Senator from Indiana (Mr. HARTKE) was disposed of today. Another amendment by Mr. HARTKE was withdrawn after some debate today.

So, the wheels of the Senate have been grinding slowly but they have been grinding exceedingly fine. There has been some progress made. However, I do not think that the Senate would be justified in coming in tomorrow just for speeches, and committees can have an opportunity to work, with good attendance by Senators.

That being the case, I state the program for Monday next.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Monday, May 22, 1972, is as follows:

The Senate will convene at 11:30 a.m. After the two leaders have been recognized under the standing order, the distinguished Senator from Nebraska (Mr. HRUSKA) will be recognized for not to exceed 15 minutes; after which there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

At the conclusion of routine morning business, the Senate will resume the consideration of the unfinished business, S. 3526. The pending question at that time will be on agreeing to the amendment of the Senator from Michigan (Mr. GRIFFIN).

There could be rollcall votes on Monday. I want to alert all Senators to the possibility that other amendments may come up on Monday, if agreement can be reached with respect to time limits thereon and if agreement can be reached to set the pending Griffin amendment aside temporarily. Rollcall votes could occur on such amendments. Tabling motions would be in order at any time, and rollcall votes could occur on tabling motions.

I would therefore urge all Senators at least to be prepared for rollcall votes, possibly, on Monday next.

ADJOURNMENT TO MONDAY, MAY 22, 1972, AT 11:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until Monday next at 11:30 a.m.

The motion was agreed to; and at 4:03 p.m., the Senate adjourned until Monday, May 22, 1972, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 18, 1972:

COMMUNICATIONS SATELLITE CORP.

Frank E. Fitzsimmons, of Maryland, to be a member of the Board of Directors of the Communications Satellite Corp., until the date of the annual meeting of the Corporation in 1975, vice George Meany, term expired.

U.S. DISTRICT COURTS

Hirman H. Ward, of North Carolina, to be a U.S. district judge for the Middle District of North Carolina, vice Edwin M. Stanley, deceased.

HOUSE OF REPRESENTATIVES—*Thursday, May 18, 1972*

The House met at 12 o'clock noon.

Rev. Father John Nicola, assistant director, the National Shrine of the Immaculate Conception, Washington, D.C., offered the following prayer:

In the name of the Father and of the Son and of the Holy Spirit, let us pray.

Almighty God, it is with filial devotion that we bow our heads in prayer this day.

In recognition of the unprecedented wealth and bountiful blessings You have bestowed on our great country, we the people and the leaders of the people of the United States of America offer our heartfelt gratitude.

Please continue to bestow Your favors on us. Grant to our Congressmen and to the statesmen of the entire world a profound wisdom and an abiding charity, that all Americans and all mankind may enjoy the fruits of Your creation in harmony and brotherhood.

May Your kingdom come and Your will be done on earth as it is in heaven. Amen.

In the name of the Father and of the Son and of the Holy Spirit. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On May 9, 1972:

H.J. Res. 1029. Joint resolution to authorize the President to issue a proclamation designating the month of May of 1972 as "National Arthritis Month."

On May 16, 1972:

H.R. 8083. An act to amend title 5, United States Code, to provide a career program for and greater flexibility in management of, air traffic controllers, and for other purposes;

H.R. 9019. An act to provide for the disposition of funds appropriated to pay a judgment in favor of the Jicarilla Apache Tribe in Indian Claims Commission docket numbered 22–A, and for other purposes; and

H.R. 11589. An act to authorize the foreign sale of certain passenger vessels.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment, bills of the House of the following titles:

H.R. 14655. An act to amend the Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

CALL OF THE HOUSE

Mr. HAYS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 158]

Alexander	Boggs	Buchanan
Ashley	Bow	Burke, Fla.
Blackburn	Broomfield	Cabell
Blanton	Brotzman	Carey, N.Y.
Blatnik	Brown, Ohio	Celler
Chisholm	Hagan	Morgan
Clark	Harsha	Murphy, N.Y.
Clay	Hathaway	O'Hara
Colmer	Hébert	Passman
Daniels, N.J.	Hicks, Mass.	Patman
Davis, S.C.	Holifield	Pettis
de la Garza	Howard	Peyser
Dellums	Hungate	Pryor, Ark.
Denholm	Kazen	Rees
Diggs	Keith	Reid
Dowdy	Kyros	Rostenkowski
Duiski	Landrum	Scheuer
Dwyer	Link	Springer
Eshleman	Long, La.	Stubblefield
Evans, Colo.	Lujan	Teague, Calif.
Evins, Tenn.	McCloskey	Thone
Fish	McCormack	Tiernan
Ford, William D.	McEwen	Ullman
Frelinghuysen	McKay	Waggonner
Frey	McMillan	Wiggins
Fuqua	Macdonald, Mass.	Wilson, Charles H.
Gallagher	Metcalfe	Wolff
Goodling	Miller, Calif.	Wright
Gray	Minish	

The SPEAKER. On his rollcall 345 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

SOCIAL SERVICES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 92–296)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In responding to steady public demand over recent decades for more and more human services, the Federal Government created a host of assistance programs designed to meet a wide variety of human needs.

These many programs were established one-by-one over a considerable number of years. Each of the target problems was examined in isolation, and a program to alleviate each problem was devised separately—without regard to programs which had been, or would be developed for allied problems.

The result is that a compassionate government unwittingly created a bureaucratic jungle that baffles and shortchanges many citizens in need. The unintended administrative snarl wastes taxpayers' money. And it frustrates needed efforts to treat "the whole person."

The Allied Services Act of 1972, which I am proposing today, would give State and local officials authority to consolidate the planning and implementation of the many separate social service programs into streamlined, comprehensive plans—each custom-designed for a particular area.

Such plans could eventually make it possible to assess the total human service needs of an entire family at a single location with a single application. Most applicants need more than one service, and now must trudge to office after office applying for assistance from one program at a time—with the result that they may not obtain all the services they need, or may be discouraged altogether from seeking help.

The Department of Health, Education, and Welfare administers some 200 different human assistance programs in about a dozen major fields—to help needy citizens with such services as mental health, vocational rehabilitation, manpower training, food and nutrition, special programs for the aged, education, juvenile counseling, alcoholism and drug abuse, housing and public health.

Each of these programs has its own eligibility rules, application forms, management, and administrative policies. Each program usually has its own office location and its own geographical coverage area.

Federal rules and regulations, in short, now keep each social service program locked up in a little world of its own. This is not only wasteful and inefficient—it also prevents State and local efforts to close the gaps in social service delivery systems.

As I stated in my State of the Union Message this year, "We need a new approach to the delivery of social services—one which is built around people and not around programs. We need an approach which treats a person as a whole and which treats the family as a unit."

For the uninformed citizen in need, the present fragmented system can become a nightmare of confusion, inconvenience, and red tape.

The father of a family is helped by one program, his daughter by another, and his elderly parents by a third. An individual goes to one place for nutritional help, to another for health services, and to still another for educational counseling.

They are not the only victims of fragmented services—others include the taxpayers, and the public officials and government employees seeking to operate these diverse programs. Vast amounts of time, money, and energy are expended in administrative procedures which overlap and duplicate—rather than being efficiently organized to help people.

The Allied Services Act of 1972 would give State and local governments greater legal freedom and planning tools needed for the long-overdue job of modernizing the delivery of social services into consolidated programs. This process would begin at the option of elected State and local officials, and would be highly responsive to their needs.

It would permit knowledgeable State and local people to break through rigid categorical walls, to open up narrow bureaucratic compartments, to consolidate and coordinate related programs in a comprehensive approach to related social aid problems—designed to match widely-varying State and local needs.

Under the Act, the Federal Government would make dollars available for the costs of developing consolidated plans, and it would also be prepared to underwrite the administrative start-up costs when the comprehensive services program went into effect.

To encourage and facilitate such unified services, the Secretary of Health, Education, and Welfare would be empowered by the Act to approve the transfer of up to 25 percent of any existing pro-

gram's funds into any other purpose or programs involved in an approved local allied service plan—a logical flexibility now hindered by Federal program regulations.

The Secretary also could provide a waiver of any existing program regulation which barred or hampered an existing program from participating in such activity.

The Allied Services Act charts a new course for the delivery of social services. It is a complex reform proposal with many major ramifications for many established groups—government and private—on the Federal, State, and local levels.

The consideration and eventual passage of this legislation by the Congress would only be a start. At the same time, human service delivery reform would have to be debated all across the country by affected governments and groups, in order to decide how they would make best use of the proposed freedoms and incentives in their particular areas.

This is one more effort by my Administration to make government more sensible, more responsive and more effective at the local level—where most citizens actually meet the practical impact of government.

In this important proposal, as in my recommendations for Revenue Sharing, we would summon forth the creative energies and the local expertise of State and local officials, rather than keeping them strapped in a straitjacket of inflexible Federal regulations.

They would be freed—and thus would be challenged—to direct the development of customized, comprehensive social services plans to treat the special needs, resources and desires of their particular areas.

Such efforts should result in government built for people, geared for across-the-board performance, and designed for results rather than bureaucratic ritual.

If we bring this about, we shall not only be providing better social services—we also shall be taking a giant step toward the restoration of the people's confidence in the common sense performance of their government.

RICHARD NIXON.

THE WHITE HOUSE, *May 18, 1972.*

PROVIDING FOR DISPOSITION OF FUNDS TO PAY INDIAN CLAIMS

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5199) to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets numbered 255 and 124–C, dockets numbered 256, 124–D, E, and F, and dockets numbered 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket numbered 251–A, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, strike out lines 14 to 20, inclusive, and insert "adding the names of persons living on the date of this Act who were eligible for enrollment under said section 4 but were not enrolled, (b) by adding the names of children born to enrollees on or prior to the date of this Act and who are living on said date, (c) by adding the names of children born to persons who were eligible for enrollment under said section 4 but who were not enrolled, regardless of whether such persons are living or deceased on the date of this Act, provided said children of such persons are living on the date of this Act, and (d) by deleting the names of persons who are deceased as of the date of this Act.".

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, a few years ago the Miami Tribe of Indians recovered a judgment against the United States, and it was distributed per capita on the basis of a roll prepared pursuant to a 1966 act of Congress.

The tribe has now recovered a second judgment, and the pending bill authorizes its distribution on the basis of the 1966 roll, which is comparatively recent, after the roll has been brought up to date by adding the names of children who have been born since that date and by deleting the names of persons who have died.

The Senate amendment is a perfecting one, which adds the names of children whose parent was eligible for enrollment under the 1966 act but was not enrolled, and who is now dead.

I believe the amendment should be accepted.

The Senate amendment was concurred in

A motion to reconsider was laid on the table.

CONSENTING TO KANSAS-NEBRASKA BIG BLUE RIVER COMPACT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8116) to consent to the Kansas-Nebraska Big Blue River compact, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 10, strike out lines 12 and 13, and insert "1968, that were then inactive shall be canceled by due process of laws in effect in that State.".

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A REPORT

Mr. MONAGAN. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight tonight to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1973

Mr. ROONEY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14989) making appropriations for the Department of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14989) with Mr. ABERNETHY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, the Clerk had read through line 7, page 1 of the bill.

If there are no further amendments to be proposed, the Clerk will read.

The Clerk read as follows:

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $151,087,250: *Provided*, That no payment shall be made herefrom to the United Nations or any affiliated agency in excess of 25 per centum of the total annual assessment of such organization except that this proviso shall not apply to the joint financing program of the International Civil Aviation Organization.

AMENDMENT OFFERED BY MR. DERWINSKI

Mr. DERWINSKI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DERWINSKI: Page 5, line 18, strike out "$151,087,250" and all that follows down through line 23 and insert in lieu thereof the following: "$176,190,750".

Mr. DERWINSKI. Mr. Chairman, I rise to offer an amendment to increase the amount to be appropriated for the United Nations and seven of its specialized agencies by $25,103,500. This amendment, if approved, would restore cuts made by the Appropriations Committee.

The committee report accompanying the bill explains the reason for the cuts. It says:

The Committee has placed in the bill a proviso limiting the annual U.S. contributions to the United Nations and affiliated agencies to 25 percentum, except for the joint financing program of the International Civil Aviation Organization. As a result of this proviso, a reduction of $25,103,500 has been made.

Over half of the total reduction is in the amount to be appropriated for the regular budget of the United Nations. The U.S. cash assessment to this budget for 1972 is $60,119,286. The committee reduced this by $13,238,272 to $46,881,014.

Mr. Chairman, this unilateral reduction, if permitted to stand, would cause the United States to be in violation of the Charter of the United Nations.

Article 17 of the Charter provides that—

> The expenses of the Organization shall be borne by the members as apportioned by the General Assembly.

It does not allow the member states to establish its own level of contributions.

The scale of U.N. assessments is determined by the U.N.'s Committee on Contributions which is composed of 12 members elected for 3 years by the General Assembly. Every 3 years the existing scale is reviewed in depth and appropriate adjustments made. The next comprehensive review is scheduled to take place in 1973. At that time, the Committee will recommend a revised assessment of member states for the year 1974–76. That is the time and place for the United States to effect a reduction of its annual assessment—not as a result of unilateral congressional action which will cause the United States to be in violation of its treaty obligations.

Substantial cuts were also made in the amounts to be provided for the United Nations Economic and Social Council, $1.9 million; the World Health Organization, $5.4 million; the Food and Agriculture Organization, $3 million; the International Atomic Energy Agency, $1 million; the International Civil Aviation Organization, $0.3 million; and in the International Center for the Study and Preservation and Restoration of Cultural Property, $58,200. Again, if these cuts are allowed to stand, the United States will again be in violation of its international obligations. When the United States joined these organizations, it agreed to contribute to the separate budgets as determined by the respective specialized agencies.

I have also been informed that the United States will exert every effort to have the several specialized agencies reduce the U.S. level of assessment to 25 percent. This amendment would also strike the language which limits U.S. payments to the United Nations or any affiliated agency to 25 percent of the annual assessment of such organization from the funds being appropriated. If this language were not removed from the bill, it would be meaningless to increase the funds inasmuch as there would still be a 25-percent limitation regardless of how much money was appropriated.

I can understand why the Appropriations Committee took the action that it did. The United States has paid a disproportionate share of the U.N. and specialized agencies budgets over the years and I agree that the U.S. level of assessment should be reduced. Any reduction in U.S. contributions without agreement, however, is not the way to achieve our objective.

I submit that it is neither orderly nor in accordance with the legal membership obligations of the United States to suddenly and precipitantly cut our contributions to budgets already approved by each of the organizations affected and on which payments are already due.

Mr. Chairman, the United Nations is confronted with a serious financial crisis. The reason for the crisis is the refusal of the Soviet Union, other Communist countries and France to pay their assessments to those costs in the regular U.N. budget relating to peacekeeping operations in the Congo and in the Middle East. For years the United States has been working to resolve this problem by getting those countries to pay what they owe to the organization. We have also focused world attention on the fact that the Soviet Union, other Communist bloc countries, and France are primarily responsible for the serious financial crisis in the United Nations.

There is growing evidence that these efforts may be successful. This year, France is paying its full contribution to the U.N. regular budget for the first time since 1963. Hopefully, the Soviet Union will soon agree to pay its legal obligations. I have talked to our able Ambassador to the United Nations George Bush, and he tells me that he has been conferring with Soviet representatives in the United Nations and is of the opinion that a breakthrough may be made in the impasse in the not too distant future. If the United States defaults on its obligations now our efforts to persuade other member nations to meet their full financial obligations would be effectively undercut.

There is another factor that must be considered. If the United States does not pay its full assessment in 1972 the United Nations will run out of funds in October, in the middle of the 27th General Assembly. Regardless of other considerations, the United States will be blamed for the crisis. We must not permit that to happen.

Mr. Chairman, I do not disagree with those who are interested in reducing the U.S. level of assessment to 25 percent. As a matter of fact, I told the 26th General Assembly on December 22, 1971, that it is the announced intention of the United States to seek such a reduction at the earliest possible opportunity. I do believe, however, that it should be done through the United Nations machinery in compliance with our treaty obligations.

President Nixon is aware of this problem. In his Foreign Policy Report to the Congress on February 9, 1972, he announced that it is "the policy of this administration to negotiate with other U.N. member states on arrangements by which the U.S. contribution to the assessed budget of the United Nations and its specialized agencies will be brought down to the level of 25 percent." He emphasized, however, that such negotiations would take time. He said:

> In view of the UN's current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately.

This amendment, if adopted, would give the President time to accomplish that objective while enabling the United States to adhere to its legal international commitments.

I urge the adoption of the amendment.

I again direct the attention of the Members to article 17 of the U.N. which states that the expenses of the organization shall be borne by the members as apportioned by the General Assembly. Now, every 3 years the General Assembly through an assessment procedure reestablishes the assessment of the members. Our goal, the goal of our Government, the goal of the State Department and the goal of the administration, is to reduce the U.S. assessment to the 25-percent figure in the bill, but it cannot be done until the U.N. General Assembly moves in this fashion. It is our hope, and again it is the hope of the administration and the Department of State, that with the admission of the two Germanys, which could well happen this fall, the combined contributions of the two Germanys, West Germany and East Germany, will be such that the U.S. portion of the budget which is 31.52 percent could be reduced to 25 percent.

The point is that the position of the committee is premature, and does not, in fact, give us the leverage and effectiveness that we need to work in the U.N. to reduce our assessment. Furthermore, the other goal we have been working to achieve is to see that the other nations, specifically the Soviet bloc and France, which have deliberately withheld a portion of their assessment for political purposes, not only cease this practice, but also pay up the amount in arrears.

I would like to reemphasize that point. For the last 10 years we have been accusing the Soviet Union and its associate countries such as Ukraine and Byelorussia, and all of the Communist bloc states, of reneging on their obligations to the U.N. Yet if this bill passes in the form proposed by the committee, the United States would be guilty of withholding almost $3 million more from the organization, and its units, in 1 year, than the Soviet Union has withheld since 1963. So we would wind up at this point after years and years of effective support of the U.N., after years and years of pointing a proper finger of accusation at the countries which have weakened the U.N., we would wind up being the greatest culprit of all. Notwithstanding the good intentions of the subcommittee, the impact and gravity of its action is such that I would hope, that at least we could understand that the target of 25 percent is a policy, and that within a year it may be reached. And it would be extremely poor timing to accept the committee figure.

I could go on, Mr. Chairman, and read into the record statements by Secretary of State Rogers, and other administration officials on the propriety of accepting my amendment, and adding the $25 million cut from the bill by the committee. I have a sneaking suspicion that many of the Members have their minds made up, which is always a very dangerous situation if one fears he might not have the necessary votes. I would suggest that notwithstanding anybody's discontent with the U.N. that this is the wrong approach toward solving the com-

plex problems because it would deprive us of any flexibility, any bargaining power, and it would be in direct contradiction of the obligation that we assumed as a nation when we first joined the U.N.

I would think that if the members of the committee and the Members here on the floor would just pause, keeping in mind that a year from now it is our target to reduce our contribution to 25 percent, that the proper thing to do at this point would be for the committee to accept my amendment, and then in a year from now meet the issue head on in the U.N., with a good chance to reduce our assessment.

Let me make one other point: We are dealing with the fiscal 1973 State Department budget. The U.N. is on its 1972 calendar year budget. We are already technically in default. Our payment should have been made in mid-February or the first of March.

One of the other statements that has been raised——

The CHAIRMAN pro tempore. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. DERWINSKI was allowed to proceed for 1 additional minute.)

Mr. DERWINSKI. One of the other points made by Secretary Rogers is that if this bill, as it is now before us today, is adopted, the United Nations will be bankrupt in October and that the United States of America would bear the onus for this development.

We spent years putting the blame where it belongs, on the Soviet bloc and France, for creating the U.N. fiscal crisis. It would be tragic for us at this point to take this step.

Mr. Chairman, may I outline the tactical situation in the United Nations.

TACTICAL SITUATION IN THE UNITED NATIONS

Presumably all members except the floor countries would have their assessments substantially increased if the U.S. ceiling were to be reduced to 25 percent without compensatory additions. If these adversely affected members voted to protect their assessment rates, there would be about 70 votes against changing the U.S. ceiling.

However, if the United States proposed in the General Assembly this fall that the Assembly resolve to reduce the ceiling assessment rate to 25 percent as soon as possible upon the admission of new members, the existing members would not suffer an immediate rise in their assessment rate and would presumably be more willing to go along with the U.S. request. Nonmembers and their estimated assessments are:

[In percentages]

Country:	*Estimated assessment*
West Germany	6.80
East Germany	2.00
South Korea	0.11
North Korea	.10
South Vietnam	.07
North Vietnam	.07
Switzerland	.84
Total	9.99
Required to reduce United States to 25 percent	—6.52
Approximate amount to benefit other members	3.47

Therefore, I believe my amendment deserves support for the reasons outlined, and I solicit the approval of the House.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I had intended to offer an amendment—and I have one at the desk—to reduce this amount even further rather than to increase it as the gentleman would propose. However, we must be realistic. I think the committee has done an excellent job, and I certainly commend it for limiting our United Nations contribution to 25 percent.

Most people, I really am convinced, do not understand that we are paying such a large portion of the U.N. budget.

When you assess what we are paying and what we are getting in return, I still think this is about the worst break that the United States gets.

As most of us know, we get one vote in the General Assembly, the same as any other member nation.

But, what most people do not realize is that there are presently, 132 member nations—50 of them with smaller populations than my home State of Alabama.

In order to put this matter into perspective, I'd like to give you some statistics:

In my home State of Alabama, after the last redistricting, the average congressional district contains 492,000 people. There are 12 member nations of the United Nations that have smaller populations than my congressional district. In other words, my congressional district has more people than 12 members of the U.N.—yet the United States as a whole has only one vote.

Jefferson County, Ala., which contains Birmingham, has more population than 16 member nations of the U.N. Montgomery County, my home county, has more population than two member nations.

I would say that if we are paying 31 percent of the entire budget of the U.N., we are paying a disproportionate share. I commend the committee for limiting our obligation to 25 percent. I would certainly hope to answer the argument that has just been made that the administration is working toward this end by pointing a finger at Communist Russia for having failed to live up to their obligation. This is ridiculous—we have been pointing this finger now for many, many years, and it has not done a bit of good. Obviously, it has been proven in the past that pointing the finger does not do any good. For Russia has consistently refused to pay all of its past dues.

You might think we could embarrass the Soviet Union, but I would say that, by upholding the action of the Appropriations Committee, we are not suggesting to the State Department what to do and we are not suggesting to the United Nations—we are serving notice on the U.N. that we are not going to pay more than 25 percent of their total budget.

We have just recently seen the admission of Red China into the U.N. with some 800 million souls. I am very curious to know the portion of the budget they are going to pay. I am sure someone on the committee knows. I understand 800 million Chinese are going to pay $4 million in dues and the United States with 200 million pays 30 percent of the total budget. I think it is ridiculous and disproportionate, and I think we need to realize what the U.N. is—it is a debating society. That Tower of Babel on the East River in New York is a fine forum to get together and to discuss world problems, but so far as its doing anything really worthwhile like stopping the war in the Mideast, it has been of no avail.

How many voices did we hear raised when North Vietnam invaded South Vietnam? Did we ever get a pledge from the U.N. to condemn this action? No, sir. So if it is a debating society—fine. Let us recognize it for what it is. Let us pay our fair share of the dues and no more. Let us stop getting the worst break in this debating society which is not helping us at all.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I share the feeling of the gentleman about the improper way representation in the United Nations General Assembly is constituted. Of course, it is based on the theory that every nation is equal to every other nation. But I wonder if the gentleman would support U.N. Charter changes to change the method of representation to make it more in accordance with actual power and population?

Mr. DICKINSON. I would certainly support such a change. As a matter of fact, when the organization was originally set up, as I have said, it was proposed that the United States to pay 49 percent. They get together every 3 years and decide. I understand, that they are going to reassess what each nation is able to pay according to GNP. I do not know what other elements enter into it in their August deliberations.

Earlier the gentleman from Illinois (Mr. DERWINSKI) said that the General Assembly has a group or a commission that sets the fees that are charged.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(On request of Mr. SEIBERLING, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 1 additional minute.)

Mr. DICKINSON. I think rather than waiting many more years to see some meaningful and effective change come about in our dues structure, let us serve notice now that we are not going to pay.

Mr. SEIBERLING. If the gentleman will yield further, I think certainly it should be more proportionate. But I would like to ask the gentleman another question. Would the gentleman support changes in the U.N. Charter to give the U.N. some means of raising its own revenues without having to go to the members?

Mr. DICKINSON. I would think that, as soon as the U.N. demonstrates its effectiveness in dealing with world problems, it would have no trouble in raising money for its needs through voluntary contributions as it does now.

Mr. SEIBERLING. Would it not be more effective if we would live up to our commitments under the charter by paying our dues?

Mr. DICKINSON. I would advise the gentleman that we have lived up to our

commitments. It is the Communist bloc nations that have not lived up to their commitments. I do not see why we should be penalized. They are not penalized in the least. I think it is time that we serve notice that we are not going to carry the whole load, paying one-third of the entire budget of an organization consisting of 132 member nations while we have only one vote.

Mr. SEIBERLING. I think we should meet our commitments while they exist.

(Mr. BIAGGI asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. BIAGGI. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama (Mr. DICKINSON), which would cut the U.S. contribution to the United Nations to $30 million or about 15 percent of the U.N. budget.

There is absolutely no logic behind the fact that at the present time the United States is paying one-third of the costs of the United Nations operations. At the same time the United States has only 5.9 percent of the population represented in that body. This is certainly an inequitable situation for the United States and an unfair burden to be carried by the American taxpayer.

Mr. Chairman, I believe the amendment offered by the gentleman from Alabama (Mr. DICKINSON) is a most reasonable and realistic proposal. If this amendment is passed, the United States would still be paying its fair share of the costs of the United Nations.

Furthermore, by the United States paying its fair share, we would actually improve the relationships between nations because each and every country would be sharing in the operation of the United Nations on a much more equitable bases. In this way we would not appear to be buying our way into this body and the other nations would feel as if they were contributing their share to its operations.

Mr. Chairman, I urge my colleagues to join with me in supporting this most worthwhile proposal offered by the gentleman from Alabama (Mr. DICKINSON).

Earlier I voted against an amendment offered by the gentleman from Illinois (Mr. DERWINSKI) which would have increased the U.S. contribution to the United Nations on the same principle.

Mr. ZABLOCKI. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have strongly supported the legislation which the Congress approved earlier this year, urging a reduction in our assessment to the United Nations. I feel that the 25-percent ceiling which we suggested in the Foreign Assistance Act is reasonable and fair. And I hope that the President would do his best to carry out this congressional directive.

At the same time, I believe that the amendment which is pending before us warrants careful consideration.

The cut which has been recommended by the Appropriations Committee would not only cause the United States to renig on a legal commitment but could also seriously affect many worthwhile programs of the specialized agencies.

A million-dollar cut in our contribution to the International Atomic Energy Agency, for example, could be counterproductive in terms of our efforts to limit the spread of nuclear weapons. It could also endanger efforts aimed at the establishment of a workable, effective system for the inspection of atomic facilities.

The five and a half million cut in our contributions to the World Health Organization could be disastrous in its effect on undertakings aimed at the eradication of diseases which do not honor national boundaries.

And a $3 million cut in our support of the food and agriculture organization's programs could further impair international efforts directed to the eradication of malnutrition and hunger.

Other worthwhile international programs would also suffer if the cuts recommended by the Appropriations Committee were sustained.

There are times, Mr. Chairman, when, in our effort to economize, we may prove to be pennywise but pound foolish. This may be the case in this instance.

Inasmuch as our assessments to various international organizations will be under review this fall, and inasmuch as the administration has provided assurances that every effort will be made to comply with the direction of the Congress to reduce our contributions to the United Nations, I believe that we ought to refrain from shooting from the hip today.

I urge, therefore, that the amendment be approved.

Mr. GROSS. Mr. Chairman, I move to strike the penultimate word.

Mr. Chairman, this is in some respects a rather amusing situation; with the gentleman from Illinois (Mr. DERWINSKI) offering this amendment. He says, "Don't cut the United Nations today; mañana will be all right."

Congressional world travelers seem to learn something of different languages. I understand that mañana means put it off until tomorrow.

We have heard the old song and dance about mañana in connection with the United Nations for so many years it is almost becoming nauseating.

I do not know whether I should say that I regret it or not, but it was my turn on the Foreign Affairs Committee, as a member of the minority, to represent the House minority at the United Nations last year. I felt under no compulsion to go for I did not think it would do me or the United Nations any good. Moreover, sitting next to me on the Foreign Affairs Committee is the gentleman from Illinois (Mr. DERWINSKI). I could see the saliva running as he anticipated what would happen if I declined. I did decline, and the gentleman from Illinois (Mr. DERWINSKI) spent last year living high on the hog at the United Nations.

Something seems to happen when Members go on these world tours and then cap it off with a year of association rubbing elbows with the foreign gentry at the United Nations.

I understand, through a series of articles in one of the newspapers recently, that the foreign countries in the United Nations spend a minimum of $10 million each year entertaining with cocktail parties and all the trimmings.

I do not know whether the gentleman from Illinois lived at the Waldorf Astoria, or where he lived while a delegate to the U.N., but things do happen to people in such rarified atmosphere.

Here is an opportunity to make a substantial savings in behalf of the taxpayers of this country who, after all, have to foot these bills. I say to you that there is no better time in the world to save $25 million than right here and now.

I will be glad to yield to the gentleman from Illinois.

Mr. DERWINSKI. Let me say to the gentleman I appreciate his having given me the opportunity to serve at the U.N.

Mr. GROSS. I did not really give the gentleman the opportunity. It was a declination on my part that opened up the opportunity.

Mr. DERWINSKI. Just think—if the gentleman had served at the U.N. he would probably offer the amendment today which I offered.

Mr. GROSS. The difference is that I suspect if I had spent any part of a year at the United Nations I would probably offer an amendment to cut twice $25 million or cut it off altogether.

Mr. DERWINSKI. Just 4 months; too short a time.

Mr. GROSS. Well, it was long enough to somehow impregnate the gentleman with the idea that the United Nations ought to be well served, although it gives no evidence of deserving it.

Mr. HALEY. Mr. Chairman, will the gentleman yield.

Mr. GROSS. I yield to the gentleman from Florida.

Mr. HALEY. I thank the gentleman for yielding. I think the finest thing that could happen to the United States of America would be to cut off every dime to the United Nations, go up there and take them by the nap of the neck and the seat of the pants and throw them out of this country.

Mr. GROSS. I thank the gentleman for his observation.

I should like to ask one question of the gentleman from New York (Mr. ROONEY) in connection with this matter.

Does the gentleman have any idea of the position of the ranking minority member on the Appropriations Committee (Mr. Bow), and whether he is for this reasonable reduction?

Mr. ROONEY of New York. I most certainly do. He telephoned me from Geneva last night and has caused a telegram to be delivered to my office. I shall, when I get to that point, divulge it to the members of the Committee of the Whole.

Mr. GROSS. I thank the gentleman for his response.

Mr. Chairman, I know the distinguished minority leader of the House is waiting, palpitating, and panting, to get to the well of the House to oppose this amendment in behalf of saving the taxpayers $25 million, so I yield the floor.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, obviously there is no personal gain for me to get into a family dispute between my dear friend from Iowa who came to the Congress the same day I did in January 1949 and my good

friend, the gentleman from Illinois (Mr. DERWINSKI). I have great respect for both.

However, on this occasion I think it is my responsibility to speak up as I feel, and on this occasion I feel that the gentleman from Illinois is right and my friend from Iowa is wrong.

Let me say that the gentleman from Illinois, in my judgment, did a first-class job representing the Congress at the United Nations last fall. Let me make two observations about his representation on our behalf.

I know of no one at the United Nations who worked harder to do all that he could to see to it that the Chinese Nationalist Government remained a member of that body. I think he deserves our applause and not condemnation.

Second, I know that the gentleman from Illinois while he was there did all that he could possibly do to achieve a reduction in our percentage contribution to the United Nations.

So I say again I think the gentleman from Illinois should be applauded and not condemned.

Mr. Chairman, I think the issue is not whether we should cut the contribution from 31 percent to 25 percent. I want it cut to 25 percent and possibly lower. The issue is how you do it—whether you do it by an after-the-fact action such as this recommended by the Committee on Appropriations or whether you do it in the orderly process of an agreement following negotiations by our representatives at the United Nations.

Our representatives at the United Nations since I have been here have been able to reduce our percentage contribution from 39.89 percent, as it was in 1949, to 31.52 percent, as it is today.

Now, that is progress, and it has been done under pressure from the Congress over the years that we have been contributing too much.

Our various representatives negotiating for us at the United Nations have made progress. I think we could make as much, if not more, progress by keeping the kind of pressure on that we have exhibited. The mere fact that the Committee on Appropriations recommended this cut ought to be a signal to our people up at the United Nations and to the other nation members that we anticipate at the next negotiation, which takes place in 1973, that our contribution had better be down to 25 percent or less.

We have been making a big point over the years that some other nations have not paid up their assessments.

And therefore we have been in the honest position to argue effectively that they are in default and, therefore, they ought to pay up. If these defaults were paid the United Nations would be in a better financial condition.

But, I think we ought to be honest with ourselves. If we go into default ourselves, our credibility in arguing is eroded very seriously. If we let the Committee on Appropriations' amount stand, I think our position in trying to get other nations to pay up is eroded very seriously.

Now, let me conclude with one final observation, if I may. One of our former Members is now in the United Nations representing us. I think George Bush is an outstanding representative for our country at the United Nations. He is dedicated to see to it that this result is achieved in the next negotiations in 1973. George Bush understands the attitude and the atmosphere in the House of Representatives today which is a signal to him that the reputation that he has for strong negotiations better result in this kind of a cut.

However, I feel that George Bush will achieve it, but his whole credibility is enriched, is made stronger, if we do not undercut him here this afternoon.

Mr. Chairman, I hope and trust that the Derwinski amendment will be agreed to.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has expired.

(By unanimous consent (at the request of Mr. DICKINSON), Mr. GERALD R. FORD was allowed to proceed for 1 additional minute.)

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to my friend from Alabama.

Mr. DICKINSON. The distinguished gentleman from Michigan made the point that we have been able to effectively point our finger at the Communist bloc nations that are in default, but if we do not adopt this amendment, we can no longer point our finger effectively at them.

However, it is my information that the Communist bloc nations are in default in dues and assessments in an amount of over $150 million.

I wonder how effectively the pointing of our finger has been? They have not paid anything up to this time toward reducing their default. In fact I understand the United Nations has all but written it off.

I was wondering, if really, as the gentleman says, if we give the signal to Mr. Bush, that if we say to him that we cannot contribute more than 25 percent, if this is not a stronger signal?

Mr. GERALD R. FORD. The gentleman is a very able lawyer. The gentleman knows that if you go into a court of equity, you have to come into court with clean hands. If the United States goes into this negotiation without clean hands, I do not think our case would be as strong as it would be if it goes into this negotiation with current assessments fully paid.

The United States is in a far more persuasive negotiating position if we go into these negotiations with clean hands.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has again expired.

(By unanimous consent, (at the request of Mr. GROSS) Mr. GERALD R. FORD was allowed to proceed for 1 additional minute.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I shall be delighted to yield to my distinguished friend from Iowa.

Mr. GROSS. Does the gentleman recall the statements expressing outrage that were made by Mr. George Bush and other officials of this Government last fall when the United Nations action was taken?

Mr. GERALD R. FORD. I recall very vividly the strong arguments that the gentleman from Texas, now our ambassador, made in behalf of the Chinese Nationalist Government. I thought he fought a valiant battle, although it was unfortunately an unsuccessful fight. But I certainly applaud what he tried to do and I think we should support him.

Mr. GROSS. Does the gentleman remember, however, the statements that were made that the action taken should result in a substantial reduction in the U.S. contribution to the United Nations?

Mr. GERALD R. FORD. I would like to respond to that, if I might. As I understand the situation, the Chinese Nationalist Government over the years had their contribution to the U.N. allocated on the basis that they were representing the 800 million-plus people not only of Taiwan but the mainland also. The Chinese Nationalist record of payment is that they were approximately $30 million in arrears.

I would hope some way would be found to get the Chinese People's Republic to find the money to repay the U.N. under the circumstances.

Mr. GROSS. I am not talking about arrears or defaults. I am talking about the statements that were made last fall by official representatives of this Government in support of a cut in the United States contribution to the U.N.

Mr. GERALD R. FORD. Our Ambassador is dedicated to a cut, and it will come in the next negotiations which begin in 1973.

The CHAIRMAN pro tempore. The time of the gentleman from Michigan has again expired.

Mr. DRINAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the distinguished minority leader in his statement, and to associate myself with his remarks.

Mr. Chairman, I am in disagreement with the decision of the House Appropriations Committee to cut approximately $30 million from the American financial contribution to the United Nations.

The State Department has requested $180.9 million for fiscal year 1973 for the United Nations, the sum equal to the share of the total U.N. funding—31.52 percent—that the United States is required to pay under procedures outlined in the U.N. Charter. The Appropriations Committee has reduced that figure to $151.1 million, or $29.8 million less than requested, and has mandated that this country's contributions to the United Nations and the critically important U.N. special agencies must not exceed 25 percent of the total budget.

This action by a committee of Congress is totally unprecedented, as far as the United States is concerned. It is illegal and clearly in violation of an American treaty commitment. Most importantly if effected it would seriously damage the United Nations, which, without the full U.S. contribution, will not have the financial support to survive un-

til the General Assembly convenes in September.

The United States does not have the right under international law to reduce unilaterally our contribution to the United Nations and its affiliated agencies. That power is vested in the U.N. Committee on Contributions, the decisions of which the United States must abide by according to article 17 of the U.N. Charter.

Have we forgotten that scarcely a decade ago the nations of the world censured the Soviet Union, France, and other countries for refusing to pay their contributions for U.N. peacekeeping operations? On that occasion the World Court declared that nations defaulting on their dues were clearly violating international law. Such violation and censure is what the decision of the Appropriations Committee would now precipitate for the United States.

To those who believe that the United States is paying a disproportionate share of the U.N.'s operating budget, I would point out the following facts:

The United States ranks fifth among the member nations of the U.N. in per capita contribution.

The United States ranks 42d in contributions as a percentage of gross national product.

The U.S. share of the operating budget has declined over the years, from 39.89 percent in 1946 to 32.51 percent in 1960 to 31.52 percent today.

We all know, however, that it is not the expense to the United States that has influenced some of our colleagues to support the action of the Appropriations Committee today. Rather, it is an attitude, reminiscent of the 1950's, that if the United States cannot get its way in the U.N., we will, so to speak, "take our ball and go home." This kind of retaliatory foreign policy is totally unbecoming to a great power like the United States.

Regardless of motive, the action of the Appropriations Committee would make the United States one of the major defaulting members of the U.N. and would seriously violate the U.S. commitment to the principles of the U.N. Charter. The goal of a 25-percent assessed contribution for the United States as outlined in President Nixon's 1972 State of the World Address is realistic and laudable. But we must realize that long established, legally sanctioned avenues of redress are available to the United States. To take this step suddenly, unilaterally, and illegally would alienate our allies in the world community. It would also weaken, perhaps irredeemably, the fiscal soundness of the United Nations. The United States must not commit this illegal act now, when the need for a healthy United Nations is at its greatest and when American prestige among the nations of the world is at its lowest.

Mr. SCHEUER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. SCHEUER. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes after the remarks by the gentleman from New York (Mr. SCHEUER) with the last 5 minutes to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRASER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. SCHEUER. Mr. Chairman, I rise in strong support of the views expressed by the minority leader.

On Tuesday of this week I spent an hour with George Bush, our former distinguished colleague, and I know he feels very strongly that this bill would place the United States very simply in a position of rejecting its treaty obligations, and that is wrong. It is morally wrong and it is politically wrong. It is wrong in every way, and we simply should not do it.

We have been pointing the finger at the Russians, and we have been pointing the finger at the French, for their arrogant disregard for their treaty obligations and the integrity of the United Nations financing arrangements. We would be placing ourselves in exactly that position, and we would be seriously curtailing the authority and the integrity and the credibility of the United States in the halls of the United Nations.

We are coming close to the renegotiation of these financial arrangements, and there does not seem to be any reason to me why we cannot negotiate a 25-percent figure for the U.S. contribution. We have the very distinguished American from Texas, and I do not know whether he is a Democrat or Republican, but he has just retired, apparently, from partisan political activities to assume the U.S. ambassadorship at the U.N. I suggest that we not retire that gentleman from Texas to the deep freeze, but that we unleash him so that we can take advantage of his remarkable negotiating abilities when the next round of negotiations on U.N. contributions comes up. And I am sure if Mr. Connally does not have any other important public position at that time that he would render a distinguished service in those Elysium fields of international diplomacy. I am quite confident that the efforts of our U.N. delegation with the support of whatever administration is in power, would bring the United States, U.N. contribution to a reasonable, proper, and relevant level. We do have very much at stake in the effectiveness of the United Nations, and in the leadership of the United Nations that it far outweighs the $25 or $30 million we are talking about here. For example, we have the United Nations' efforts in the field of international drug control, which are desperately important to us. We have established in the United Nations a special fund for drug control, and we want to use our leadership and our credibility to get the other nations of the world with us so that they will make reasonable contributions to that United Nations special fund on drug abuse control.

There are important programs in international population control which, next to the threat and the specter of atomic incineration, desperately need the priority attention and support of the U.N.

Here, too, our authority would be diminished and our voice would be weakened if we are in default of our U.N. treaty obligations.

I think such a default would hurt our dignity and our prestige and would be totally inconsistent with 150 years of our country living up to our international obligations. We will certainly be able to negotiate America's appropriate contribution at the appropriate conference. I strongly support Mr. DERWINSKI, the gentleman from Illinois, and the distinguished minority leader on this crucial amendment.

Mr. FRASER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

Whatever the motives of the proponents of this unilateral cut, there is no question that the effect of such a move would be to drive the United Nations into bankruptcy within the next 6 months.

The refusal of other nations—namely the Soviet Union and France—to pay the full amount due to the United Nations has been instrumental in bringing the United Nations to its present sad financial plight. In this situation, in which the United Nations working capital fund is totally depleted, the United Nations ends each year almost in the red even with full payment of the U.S. assessed contribution. The estimated cash position for the United Nations at the end of 1972 is only $1.9 million even with the full U.S. assessment of $60.1 million. But if Congress votes to cut our payment by $13.2 million, the United Nations will literally run out of money altogether some time in October of this year during the General Assembly. At the end of October, the estimated cash position of the United Nations would be minus $1.3 million. Although the Soviet Union and France hold the major responsibility for the financial crisis during the past decade, the United States would certainly be viewed as the single member nation most directly responsible for precipitating total financial collapse of the United Nations this year.

Mr. Chairman, I share the commitment of this administration to bring down the U.S. assessment rate to 25 percent of the U.N. budget. There is a good prospect that both East Germany and West Germany will be admitted to the United Nations within the next year or so. When that happens there will be an automatic reduction in the share that the United States has to pay. It is hoped that we can negotiate a further reduction through the action of the General Assembly next fall, when the special committee which works on the assessment meets in the following spring. So we can accomplish the reduction while adhering to our international obligations under the rule of law.

The fact is that we have never yet had to take this kind of arbitrary and illegal

action in order to get a reduction in the past. Since the United Nations began, we have cut our share from 42 percent down to 31 percent. It has been done by negotiation and under the orderly process and within the proper framework to which we are a signatory.

But I cannot, as a conscientious Member of this body, vote today to violate our treaty obligations. I cannot vote to arbitrarily cut assessments that have already been set. They are not negotiable. There are payrolls being met and commitments being made. Such arbitrary action would be irresponsible on the part of the Congress.

An example of important work of the U.N. in which the United States has a vital stake is the current round of negotiations and meetings leading to the conference next year on the law of the seas and seabeds. This conference is to determine national jurisdiction in the seas, rights of transit through and under international straits, fishing rights, and rights for exploitation of the mineral riches beneath the seas. Our stake in this matter is obviously enormous. To refuse to pay our legal dues to the U.N. would make infinitely more difficult the acceptance of the U.S. position at this and other conferences of the U.N. Not only would we be crippling the U.N. itself as an organization, but also the credibility and influence of our own negotiations at the U.N.

If it is the intention of those who favor unilateral and illegal cuts to get the United States out of the United Nations and to end our involvement with the organization, then an effort to that effect should be made forthrightly and stated clearly. To do so by flagrantly violating our treaty obligations would seriously undermine the international integrity of this Nation. But I believe—as the polls show 85 perecnt of the American people believe—that the United Nations should be made stronger, not weaker. Let us not go down the wrong track and further erode the already seriously eroded standing of the United States in the world community.

I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. I would like to congratulate the gentleman from Minnesota on the statement he is now making and associate myself with him in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. DERWINSKI) to restore $29.8 million cut by the committee as the U.S. contribution to the United Nations and its affiliated agencies. The suggestion has been made by the supporters of this cut that it has the approval of President Nixon and the backing of the so-called Lodge Commission on the U.S. Participation in the U.N. Although this suggestion contains an element of truth, it is misleading in several respects.

The fact is that the administration does not support a unilateral reduction in our assessed contributions. In his state of the world message in February of this year, the President said, and I quote:

> It is . . . the policy of this Administration to negotiate with other U.N. member states an arrangement by which the U.S. contribution to the assessed budget of the United Nations and its Specialized Agencies will be brought down to the level of 25 percent. In view of the U.N.'s current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal. It is unrealistic to expect that it can be done immediately.

The President's policy is consistent with the Lodge Commission recommendation that this reduction be spaced over a period of years. I think it should also be pointed out that the Lodge Commission recommended that the savings which accrue from this cutback to 25 percent should be used to increase our voluntary contributions to other U.N. programs. And again, this suggestion received the support of the President.

Mr. Chairman, the simple fact is that if we unilaterally reduce our contributions at this time, we will be abrogating our international treaty obligations under article 19 of the U.N. Charter as amended in the early 1960's, a principle we fought to establish. I think it is especially ironic that there are those advocating this cut who adhere to the line that the United States must honor its international treaty commitments elsewhere in the world. Either those commitments mean something or they do not. If we think we can simply pick and choose which commitments we will honor and which we will ignore, then all our commitments will lose meaning, and we will lose the respect and confidence of those members of the international community to whom we are committed.

I support the President and the Lodge Commission in their recommendation that we reduce our contribution share to 25 percent, and I also support the orderly and legal way of going about this. The proper way to go about this is through the U.N. Committee on Contributions and not through the House Committee on Appropriations.

Therefore, Mr. Chairman, I strongly urge adoption of this amendment to restore these funds to our U.N. contributions.

Mr. CULVER. Mr. Chairman, will the gentleman yield?

Mr. FRASER. I yield to the gentleman from Iowa.

Mr. CULVER. Mr. Chairman, I also would like to identify myself strongly with the remarks of the gentleman from Minnesota.

Mr. Chairman, I rise to support the motion to restore the full cut made by the Appropriations Committee in the authorized and legally assessed U.S. contribution to the United Nations and its affiliated organizations.

To make this cut of nearly $30 million in our contributions to the current budget of the U.N. will serve no conceivable national interest and will simply add another default record to the several which already exist with the international organization. This action on our part would probably not produce a single compensatory penny from other sources during the calendar year and would merely hobble and even cripple important work and services of the U.N., and particularly, its international specialized agency such as the International Atomic Energy Agency, World Health Organization, and the Food and Agriculture Organization. To apply this rigid 25-percent limitation now would only invite uncertainty, loss of mutual confidence, and administrative chaos—the very antithesis of the careful negotiation which would bring about some reallocation of national quotas and an improved system of financial control and management within the U.N. The new Secretary General is clearly making efforts in this direction which deserve our support. To make this unilateral cut will undermine his efforts; nor does it provide genuinely effective leverage in advance of the next General Assembly session. The United States will, in any event, see some moderation in its quota allocation in the visible future—a small one as a result of assessments of other countries already agreed to, and a larger one with the likely admission of nations still not in the U.N., such as Germany and perhaps Switzerland. The House Foreign Affairs Committee carefully considered this issue and found no clear benefit to be derived from a partial default. It would much more likely set in motion a contagious loss of confidence and mutual recrimination than it would stir a new burst of energy and support within the United Nations. The fact that some other countries have fallen short of their full obligations really provides no basis, legal or otherwise, for initiative action on our part.

The fact is that we are entering an era when this Nation and others will and must have greater recourse to international channels of negotiation, communication, and protocol. Whether we talk of effective restructuring of the international monetary, trade, and aid system or of looming issues in international environmental policy or of joint space exploration or the movement to a policy for the oceans, the U.N. and international organization are not marginal or incidental concern, but foremost necessities. To endorse a unilateral cut in our obligations to the U.N. at this time would be to harm our own national interest as well as the fabric of international order.

Mr. VANIK. Mr. Chairman, one aspect of this appropriations bill, H.R. 14989, disturbs me greatly. We are being asked to maintain most programs at close to their 1972 levels, but we are also requested to cut over $25,000,000 from our contributions to the United Nations and its related agencies.

This bill includes a provision reducing the U.S. share of the cost of operations of the U.N. and its specialized agencies to a maximum of 25 percent of the organization's total cost. This is a substantial reduction from the present 33⅓ percent ceiling. Translated into dollars, this reduction is even more appalling. This bill places fiscal year 1973 contributions to the United Nations at $46.9 million—a figure approximately $10 million below our 1972 contributions, and $14 million below the figure requested in the President's fiscal year 1973 budget.

But we have not stopped there—we are callously cutting back our contributions

to the U.N.'s specialized agencies as well. All of us are aware of the tremendous success and progress of these purely humanitarian organizations. In 1968 the United Nations Educational, Scientific, and Cultural Organization sent expert missions to 26 countries, teacher training experts to 34 countries, and administered 31 institutions for teacher training. By 1971 UNESCO teacher-training projects in Africa, Asia, and Latin America had trained approximately 64,000 teachers.

A 2-year UNESCO project increased school enrollment by 39 percent in Africa, and between 1956 and 1965 UNESCO increased school enrollment in Latin America from 25 million to 42 million students. UNESCO is also striving to eliminate illiteracy. A total of 25,000 adults were involved in UNESCO literacy courses in December of 1969—this number has grown to over 235,000 today. These programs are attempting to provide a total command of the written language which is a prerequisite for gainful employment. UNESCO stresses technical education designed to meet the social and economic needs of a developing nation.

At the urging of the United States, UNESCO is launching a fight against drug abuse and is also beginning an international educational program dealing with this tragic problem. UNESCO is also working in a wide range of scientific and cultural areas. This organization has been a highly beneficial factor in the development of many nations since its inception in 1946.

In fiscal year 1972 the United States contributed an estimated $12 million to UNESCO, but we are now asked to appropriate $10,067,101 for this urgently needed institution, a shameful cut of almost $2 million.

The World Health Organization assisted 75 countries with malaria eradication programs in 1968. WHO action resulted in a decrease of smallpox cases from 120,000 in 1967 to fewer than 70,000 reported cases in 1968. In Latin America there were 18,352 reported cases of smallpox in 1949. There were only 19 in the first 7 months of 1971. Due to the almost total eradication of smallpox, the U.S. Surgeon General is now limiting vaccinations to American persons traveling. This will save the United States almost $128 million annually. Efforts to eliminate malaria and smallpox in the undeveloped nations of the world continue.

WHO is also assisting countries throughout the world in their efforts to control cholera, tuberculosis, sleeping sickness, and other communicable diseases. WHO is also working to insure adequate and safe water supplies in the underdeveloped nations. By 1969 the organization was assisting more than 81 countries to improve their water supplies.

In fiscal year 1972 the United States contributed an estimated $23.7 million to WHO—but we are now asked to approve a cut of approximately $3 million in U.S. funds for this organization. The President requested $26.3 million for WHO, this bill only allots $20,857,370.

Similarly, and I hasten to add, unfortunately, this bill cuts about $1 million from our contributions to the Food and Agriculture Organization. This organization has made enormous strides in the struggle to resolve the world food problem through research and development of agricultural techniques all over the world.

All totaled, this bill cuts $25.1 million from our contributions to the U.N. and its affiliated agencies. Since much of the additional 1972 funds for these agencies simply reflect increased costs and not increased operations, U.S. cuts will lead to actual cut-backs in agency. We cannot in good conscience approve of such a cut in funds.

Proponents of this reduction point out that this country has always borne the largest proportion of the costs of the United Nations. This is true, and such a large share of the costs should be shouldered by the wealthiest nation on earth. But our contribution is not really that substantial. Six nations—Canada, the Netherlands, Sweden, Denmark, Norway, and even the tiny Maldive Islands—had 1970 contributions which were greater, per capita, than that of the United States. As we cut our contributions, the number of such nations will undoubtedly grow. Our contribution amounts to approximately one-sixth of 1 percent of our annual defense budget.

Our relationship with the U.N. is not a one-way street, as critics of the organization would have us believe. Each year the U.N. and its agencies spend in this country approximately four times the amount of our contribution.

Mr. Chairman, I am deeply distressed at the reduction of funds for the United Nations. Continued cutting of the U.S. contributions could conceivably be the death knell of the U.N. But I am concerned that these cuts are only the beginning of a trend in which this country will eventually reduce funds for other humanitarian international commitments and cut all unilateral development foreign aid as well.

The United States is the most powerful nation in the world, and we have been so since the beginning of the 20th century. However, it was not until the end of World War II that we finally acknowledged our responsibilities in a peaceful world. Our prewar isolationism had helped lead to the failure of the League of Nations and subsequently, the horror and tragedy that was World War II.

In 1945 we signified our acceptance of our responsibilities by founding the United Nations. Since then we have been the strongest backer of this organization. The United Nations has, in its 27-year existence, encountered crisis after crisis, and has experienced limited success in its peacekeeping efforts. But the organization has negotiated or mediated a peaceful solution to many crises, such as in Kashmir and in Cyrus. If nothing else, the U.N. has always provided an international forum for debate, a forum which has proven invaluable.

The specialized agencies of the U.N. have made great strides, especially in the underdeveloped nations of the world. I have mentioned UNESCO, WHO, and the FAO. Other organizations, notably UNICEF, have contributed to the achievement of a better lifestyle for the citizens of the world. U.S. support of these institutions has been essential to their continued operations. We must not let them down now. As the greatest power on earth, it is the moral duty of this country to assist less fortunate nations fight starvation, poverty, sickness, and illiteracy. We cannot morally withdraw assistance from such crucial and worthwhile programs.

Mr. FRENZEL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Minnesota is recognized.

Mr. FRENZEL. Mr. Chairman, I cannot say any better than the gentleman from Illinois (Mr. DERWINSKI) or the distinguished minority leader, or tell you any more the advantages of the Derwinski amendment than they have. I rise in strong support of that amendment.

Mr. Chairman, the bill before us contains a cut of nearly $30 million in the legally assessed U.S. contribution to the United Nations. If the Congress approves this cut, the United States will take its place among other defaulters, of whom we have been so critical and whom we have accused of violating international agreements.

The President, and various elements in his administration, have spoken to the need to reduce the U.S. assessment rate to about 25 percent as soon as it can be done consistent with our obligations and treaties. I agree with the President that the United Nations should not be so reliant on one country as it is upon ours, and that all members who wish to participate in the forum, and the benefits, of the U.N. should be willing to pay. However, the President has also pointed out that a unilateral reduction on our part would violate our treaties and be disruptive of plans and programs which he is trying to generate through the U.N.

The U.N. has not lived up to its promise. Some of its affiliated agencies' activities have not always gained, nor merited, our support. Nevertheless, the U.N. remains the single international forum, and the great hope for permanent world peace. If we desert our legal obligations, our international policies will be jeopardized and our word will no longer be good.

I intend to support an amendment to H.R. 14989 to restore the cuts. I urge all the Members of the House to vote also for a restoration of these funds.

At the same time, I will continue to work to see that the disproportionate reliance of the U.N. on the United States for funding is not maintained. I will support the President on his efforts to reduce our funding level to approximately 25 percent through recognized mutual negotiations, but not by unilateral actions on our part. In my judgment a vote to restore these funds is a vote to maintain the U.S. reputation for international leadership.

Mr. FASCELL. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 min-

utes following the remarks of the gentleman from Florida, with the last 5 minutes reserved to the committee.

The CHAIRMAN. The gentleman from New York has asked unanimous consent that debate on the pending amendment and all amendments thereto close in 10 minutes, the last 5 minutes to be given to the gentleman from New York. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FASCELL. Mr. Chairman, I rise in support of the amendment offered by our distinguished colleague from Illinois. Let me say that having had the opportunity to serve, as many of us have had, at the United Nations, I know how difficult a job it was for our colleague from Illinois (Mr. DERWINSKI) to be there 4 months and serve on the Budget Committee, the fifth committee, as well as all the other political committees. I know from having heard from people and having observed his services there that he did an outstanding job as representative of the United States at the United Nations.

Because of his knowledge gained there and because of his own feelings, he recognizes that this amendment is vital to the operation of the U.N., and is in the best interests of U.S. policy and commitment.

These interests were expressed by the distinguished minority leader and our distinguished colleague from Minnesota (Mr. FRASER), chairman of the Subcommittee on International Organizations. The Foreign Affairs Committee of the House has already expressed its feelings with respect to the desirability of the 25-percent assessment for the United States in the U.N. as being one which the United States ought to achieve. But now that we have been committed on a prior assessment and we are in the middle of a year, we should not arbitrarily and unilaterally cut it back and breach an international agreement.

Furthermore, the committee action means that our representatives who are at the U.N. go into the negotiations with the ground cut out from under them. It seems to me totally paradoxical, on the one hand, to urge representatives to try to achieve a reduction of this assessment and before they even get to the negotiations to fix the assessments for the next 3 years that we arbitrarily cut the U.S. assessment previously agreed to for this year.

It is ordinarily difficult for the United States to get the necessary number of votes to sustain its position in the U.N. We make their negotiation for future assessment especially difficult or impossible by going back on our international agreement now.

I just do not see how we could reasonably expect our delegation to achieve the objective which the administration wants and which the Congress has said it would want in that way. Reducing the money now due the U.N. and precipitating a financial crisis is not going to ease the ability of our representatives to negotiate.

I do not know what the outcome will be. Frankly, for the United States to get votes in the U.N. at any time is very difficult. We have to persuade and negotiate as best we can. We all know how it is around here, and it is much more difficult in the United Nations, where there are so many differing national interests, and where people see things in differing ways. There are whole blocks and regions alined one way or the other. It will not be easy to negotiate.

It is also difficult because the United States is not guaranteed an automatic reduction when other countries come in. All changes will have to be agreed to to rearrange the percentages to achieve what we want.

Yet, because of our past track record; because of the way the United States is regarded; because we have always maintained our commitment; because we have been in the forefront of trying to maintain the responsibility and the operational capability of the United Nations, we have been able through persuasion to get other countries to go along with us to reduce our share of the assessment.

I believe, based on past effort, we ought to give negotiation a try. I believe it would be absolutely wrong as a matter of national policy and that it would be counterproductive as a matter of negotiating policy for us to go along with the committee proposal. For these reasons we ought to adopt the amendment now pending and restore the funds.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Illinois.

Mr. YATES. Emphasis has been placed on negotiating and other aspects of the United Nations. It seems to me a matter of greater importance would be the impact of the reduction on such organizations as the World Health Organization, the Food and Agricultural Organization, and the International Atomic Energy Agency. These are agencies which even the opponents of the United Nations concede are doing a very good job throughout the world.

It seems to me that the brutal impact of this amendment will force a cutback in the operations of these agencies and really set back international good will to a great extent. Does the gentleman agree?

Mr. FASCELL. I thank the gentleman for those observations. Of course, he is absolutely correct.

The CHAIRMAN. As one of the two Members standing when the unanimous-consent request was agreed to the Chair recognizes the gentleman from Illinois (Mr. YATES).

Mr. SIKES. Mr. Chairman, I had hoped to get recognition.

The CHAIRMAN. Time for debate has been fixed. Under the unanimous-consent agreement, the Chair recognizes the gentleman from Illinois (Mr. YATES) for 5 minutes.

Mr. YATES. Does the gentleman from Florida desire to share my time?

PARLIAMENTARY INQUIRY

Mr. SIKES. Mr. Chairman, a parliamentary inquiry. It was my understanding that the time was fixed with the last 5 minutes reserved to the committee.

The CHAIRMAN. Does the gentleman from Illinois yield for a parliamentary inquiry?

Mr. YATES. I yield for a parliamentary inquiry.

Mr. SIKES. Mr. Chairman, it was my understanding the time had been fixed, with the last 5 minutes to be reserved for the committee. Presumably that time would be controlled by the chairman of the subcommittee.

The CHAIRMAN. There will be 5 minutes remaining after the time of the gentleman from Illinois.

Mr. ROONEY of New York. Mr. Chairman, may I say it is my understanding there would be 10 minutes.

The CHAIRMAN. The gentleman from New York propounded a unanimous-consent request that at the conclusion of the remarks by the gentleman from Florida (Mr. FASCELL) the time be limited to 10 minutes and that 5 minutes be reserved to the committee. The unanimous-consent request was granted. There were two Members standing, the gentleman from Illinois (Mr. YATES) and the gentleman from New York (Mr. ROONEY).

The Chair has recognized the gentleman from Illinois, and the time is now running. If the gentleman cares to yield to any Member, that is his privilege.

Mr. YATES. I thank the Chair.

Mr. Chairman, I should like to associate my statement with the remarks of the distinguished gentleman from Florida (Mr. FASCELL). His explanation of the operations of the political unit of the United Nations was very good, on how our Ambassador and our mission to the United Nations functions in this very critical area of world politics.

I believe it would have a most crippling effect upon our foreign policy, if we were to breach our treaty obligations by cutting back these funds. That is the fundamental point of this amendment: Shall the United States abide by or break its pledged word given by formal treaty? We are proud of our adherence to our obligations given to other nations. Certainly we should not in this way disrupt friendly relationships with nations who rely upon our promise.

The constituent agencies of the United Nations, the World Health Organization, the Food and Agriculture Organization, and the International Atomic Energy Commission and the Intergovernmental Maritime Consulting Organization, are all agencies which have been operating and operating on the very best level over the years. To suddenly and drastically cut back their operations by $29 million at this time would be a tremendous setback to the effort of the United States to achieve world peace and to achieve the kind of a world we seek.

I yield to the gentleman from Illinois.

Mr. DERWINSKI. I think we should emphasize, as the gentleman from Florida did, that there is really a positive note to our hope to cut back to 25 percent without impairing the United Nations budget. As a result of the decision just this week in the German Parliament to concur in the treaties with the Soviet Union and Poland, it is quite possible that come September these two nations will be admitted to the United Nations

and that their combined assessment will run to about 9 percent. Then subsequent negotiations could be conducted and we could reduce our assessment 25 percent. I do not think we should at this point take the premature action that the committee is taking.

Mr. YATES. The gentleman is exactly right. It is important that we sustain the principle that the United States does not breach its treaties. We have criticized other nations who are members of the United Nations for their refusal to make their required contributions to the United Nations under their treaty obligations. For us to break our word will undercut the validity of the arguments we made at the time. We must sustain our treaty obligations, and if we are to reduce our contributions to the United Nations, we ought to do it by negotiation.

Mr. GROSS. Will the gentleman yield?

Mr. YATES. I am glad to yield to the gentleman.

Mr. GROSS. Does the gentleman feel the same way about the Southeast Asia Treaty Organization?

Mr. YATES. I feel that way about all of our treaty obligations. If the gentleman's remarks were directed to the question as to whether or not we were protecting Vietnam under the SEATO treaty, I would say to the gentleman that I do not believe the SEATO treaty applies to Vietnam.

Mr. GROSS. Will the gentleman yield for one further question?

Mr. YATES. I certainly will.

Mr. GROSS. Was the gentleman at one time on the United Nations payroll, or was he on the——

Mr. YATES. I was on the U.S. payroll as a member of the mission of the United States to the United Nations as the U.S. Representative to the Trusteeship Council.

Mr. GROSS. I thank the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY) to close debate on this amendment.

Mr. ROONEY of New York. Mr. Chairman, our distinguished friend, the gentleman from Illinois (Mr. DERWINSKI), Ambassador DERWINSKI—excuse me—said that the committee's position on this matter is premature.

Let me show you just how premature it is. I have in my hand a report I wrote in the year 1950 on the 1951 appropriation bill—the same bill. In it I said:

> Every effort must be made to reduce the unusually high percentage of contributions which in all too many instances this country is called upon to make. The high percentage of contribution of the United States should be reduced just as quickly as the economic conditions of other member countries make possible their assuming a more equitable share of the cost. The committee will examine carefully the Department's submission of this item next year to determine what accomplishments have been made by the Department in obtaining such reductions.

The same year, on the same bill, when it went to the other body, the Senate Appropriations Committee said:

> The committee believes every effort must be made by the Department to reduce the unusually high percentage of contributions which the United States is called upon to make to most of these organizations.

Please do not forget that this was back in 1950. This is now 22 years later. We should be credited for having the courage to come on this floor and take some action to finally do something about this situation.

So, in effect, the State Department and our ambassadors to the U.N. and our diplomats never did a d—— thing about it.

Now, Mr. Chairman, let me get to the next item.

I want to call to your attention the fact that the President appointed a Commission known as the Lodge Commission. This is what the former U.N. Ambassador and Senator Henry Cabot Lodge said in a press conference at the White House on April 26, 1971:

> The Commission thinks that no state should pay less than $200,000; that no state should pay less than one-tenth of one percent. The Commission recommends that the United States reduce its current contribution to the regular budget of 31.52 percent down to 25 percent, but it also recommends an increase the voluntary budgets and funds for other purposes. So we will still be contributing, but on the regular budget it is unwholesome and unsound for any country to pay more than 25 percent.

Now, I mentioned earlier that on last night I had a telephone call from the gentleman from Ohio (Mr. Bow) who is in Geneva. He told me that everyone he spoke to in Western Europe and in Geneva insofar as our U.N. membership is concerned were in favor of the proposed action of this committee reducing our assessments to 25 per centum.

He then sent me a telegram which reads as follows:

> Stay firm on limitations on international organization funds. Many of our friends here in Switzerland agree with our position. We shall have the respect of many nations that will support us. You may quote me on the floor.
>
> FRANK T. BOW,
> *Member of Congress.*

I suggest to the Members of the Committee of the Whole House on the State of the Union that this pending amendment of the gentleman from Illinois rightly should be voted down. No one should stand here and say that insofar as the United Nations itself is concerned they are going to be seriously affected. All this nonsense about the items referred to by the gentleman from New York (Mr. SCHEUER) has nothing to do with this. This has nothing to do with UNICEF, the Children's Fund, and many of the items to which the gentleman from New York referred. The Committee action only concerns the U.N. and a few other U.N. agencies.

So, Mr. Chairman, I ask that the pending amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. DERWINSKI).

The question was taken; and on a division (demanded by Mr. DERWINSKI), there were—ayes 34, noes 59.

TELLER VOTE WITH CLERKS

Mr. FRASER. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FRASER. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. DERWINSKI, SMITH of Iowa, DICKINSON, and ZABLOCKI.

The Committee divided, and the tellers reported that there were—ayes 156, noes 202, answered "present" 1, not voting 72, as follows:

[Roll No. 159]

[Recorded Teller Vote]

AYES—156

Abourezk	Forsythe	Nedzi
Abzug	Frenzel	Obey
Adams	Fulton	O'Hara
Anderson, Calif.	Gibbons	O'Neill
	Gonzalez	Pepper
Anderson, Ill.	Green, Pa.	Pike
Arends	Griffiths	Pirnie
Ashley	Gubser	Podell
Aspin	Gude	Preyer, N.C.
Badillo	Halpern	Price, Ill.
Barrett	Hamilton	Quie
Belcher	Hanna	Railsback
Bell	Hansen, Idaho	Rangel
Biester	Harrington	Rees
Bingham	Harvey	Reuss
Blatnik	Hathaway	Rhodes
Bolling	Hawkins	Riegle
Brademas	Hays	Robison, N.Y.
Brooks	Hechler, W. Va.	Rodino
Brown, Mich.	Heckler, Mass.	Rooney, Pa.
Burke, Mass.	Heinz	Rosenthal
Burton	Helstoski	Roybal
Byrnes, Wis.	Horton	Ruppe
Carlson	Hosmer	Ryan
Carney	Howard	St Germain
Celler	Jacobs	Sarbanes
Chamberlain	Johnson, Calif.	Scheuer
Clay	Karth	Schwengel
Cleveland	Kastenmeier	Seiberling
Collins, Ill.	Kee	Sisk
Conable	Keith	Smith, N.Y.
Conte	Koch	Stanton, J. William
Conyers	Leggett	
Corman	Lloyd	Stanton, James V.
Coughlin	McClory	
Culver	McDade	Steele
Dellenback	McKinney	Steiger, Wis.
Dellums	Madden	Stokes
Derwinski	Mailliard	Sullivan
Diggs	Mallary	Thompson, N.J.
Dingell	Matsunaga	Udall
Dow	Mayne	Ullman
Drinan	Meeds	Van Deerlin
du Pont	Mikva	Vanik
Eckhardt	Minish	Vigorito
Edwards, Calif.	Mink	Waldie
Erlenborn	Mitchell	Ware
Esch	Monagan	Whalen
Evans, Colo.	Moorhead	Whalley
Fascell	Morgan	Widnall
Findley	Mosher	Wolff
Foley	Moss	Yates
Ford, Gerald R.	Murphy, Ill.	Zablocki

NOES—202

Abbitt	Chappell	Goldwater
Abernethy	Clancy	Grasso
Addabbo	Clark	Gray
Anderson, Tenn.	Clausen, Don H.	Green, Oreg.
		Griffin
Andrews, Ala.	Clawson, Del	Gross
Andrews, N. Dak.	Collier	Grover
	Collins, Tex.	Haley
Annunzio	Cotter	Hall
Archer	Crane	Hammer-schmidt
Ashbrook	Curlin	
Aspinall	Daniel, Va.	Hanley
Baker	Danielson	Henderson
Baring	Davis, Ga.	Hicks, Mass.
Begich	Davis, Wis.	Hicks, Wash.
Bennett	Delaney	Hillis
Betts	Dennis	Hogan
Bevill	Dent	Hull
Biaggi	Devine	Hunt
Boland	Dickinson	Hutchinson
Brasco	Dorn	Ichord
Bray	Downing	Jarman
Brinkley	Dulski	Johnson, Pa.
Broyhill, N.C.	Duncan	Jonas
Broyhill, Va.	Edmondson	Jones, Ala.
Buchanan	Edwards, Ala.	Jones, N.C.
Burleson, Tex.	Eilberg	Jones, Tenn.
Burlison, Mo.	Fisher	Keating
Byrne, Pa.	Flynt	Kemp
Byron	Fountain	King
Caffery	Frey	Kluczynski
Camp	Galifianakis	Kuykendall
Carter	Gaydos	Kyl
Casey, Tex.	Gettys	Landgrebe
Cederberg	Giaimo	Landrum

Latta	Poff	Staggers
Lennon	Powell	Steed
Lent	Price, Tex.	Steiger, Ariz.
Long, Md.	Quillen	Stephens
McClure	Randall	Stratton
McCollister	Rarick	Stuckey
McDonald, Mich.	Roberts	Talcott
McFall	Robinson, Va.	Taylor
McKevitt	Roe	Teague, Calif.
McMillan	Rogers	Teague, Tex.
Mahon	Roncalio	Terry
Martin	Rooney, N.Y.	Thompson, Ga.
Mathias, Calif.	Rostenkowski	Thomson, Wis.
Mathis, Ga.	Roush	Vander Jagt
Mazzoli	Rousselot	Veysey
Melcher	Runnels	Wampler
Michel	Ruth	White
Miller, Ohio	Sandman	Whitehurst
Mills, Md.	Satterfield	Whitten
Minshall	Saylor	Williams
Mizell	Scherle	Wilson, Bob
Mollohan	Schmitz	Wilson, Charles H.
Montgomery	Schneebeli	Winn
Myers	Scott	Wyatt
Natcher	Sebelius	Wydler
Nelsen	Shipley	Wylie
Nix	Shoup	Wyman
O'Konski	Shriver	Yatron
Passman	Sikes	Young, Fla.
Patten	Skubitz	Young, Tex.
Pelly	Slack	Zion
Perkins	Smith, Calif.	Zwach
Pickle	Smith, Iowa	
Poage	Snyder	
	Spence	

ANSWERED "PRESENT"—1

Bergland

NOT VOTING—72

Alexander	Ford, William D.	Macdonald, Mass.
Blackburn	Fraser	Mann
Blanton	Frelinghuysen	Metcalfe
Boggs	Fuqua	Miller, Calif.
Bow	Gallager	Mills, Ark.
Broomfield	Garmatz	Murphy, N.Y.
Brotzman	Goodling	Nichols
Brown, Ohio	Hagan	Patman
Burke, Fla.	Hansen, Wash.	Pettis
Cabell	Harsha	Peyser
Carey, N.Y.	Hastings	Pryor, Ark.
Chisholm	Hébert	Pucinski
Colmer	Holifield	Purcell
Daniels, N.J.	Hungate	Reid
Davis, S.C.	Kazen	Roy
de la Garza	Kyros	Springer
Denholm	Link	Stubblefield
Donohue	Long, La.	Symington
Dowdy	Lujan	Thone
Dwyer	McCloskey	Tiernan
Eshleman	McCormack	Waggonner
Evins, Tenn.	McCulloch	Wiggins
Fish	McEwen	Wright
Flood	McKay	
Flowers		

So the amendment was rejected.

PERSONAL ANNOUNCEMENT

(Mr. PURCELL, at the request of Mr. BERGLAND, was granted permission to extend his remarks at this point in the RECORD.)

Mr. PURCELL. Mr. Chairman, I am unable to be present. Were I present, I would vote "no" on this amendment. The gentleman from Minnesota (Mr. BERGLAND) having intended to vote "aye," the result of the vote would be the same. The gentleman from Minnesota voted "present."

WAYS AND MEANS APPROPRIATION BILL

Mr. MAHON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I believe it is impossible to properly consider an appropriation bill except in the context of other spending proposals and other appropriation bills, so I think we should have a look at the bill now pending in the context of other appropriation bills which are scheduled for consideration shortly.

It may be that next week the House will have three appropriation bills, two out of the Committee on Appropriations, and the other out of the Committee on Ways and Means. That has not yet been determined because the Committee on Rules has not made a determination. But before we act, perhaps, on the pending bill, we ought to think about the other appropriation bills that may be before us.

Next week, the House is scheduled to consider the $19.7 billion appropriation bill for housing, space, science, veterans, and so forth, reported today by the Committee on Appropriations. We are also scheduled to have before the House next week the appropriation bill for the Department of Transportation, to be reported by the Committee on Appropriations on Monday next. Those are the two bills from the Appropriations Committee that will certainly be considered.

The Ways and Means Committee is seeking to call up a third appropriation bill next week. I sent for a copy of the Ways and Means Committee appropriation bill, H.R. 14370. I expected to find in it some reference to revenue sharing, but I did not find any such reference.

On page 1 the bill says:

This Act may be cited as the State and Local Fiscal Assistance Act of 1972.

In other words, it would be proposed that we consider State and local fiscal assistance—in other words, appropriations—for 1972.

Then, in my curiosity, I turned over to page 18, and I found that it said—brazenly and clearly—on line 19:

There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of Federal individual income tax not otherwise appropriated—

A certain amount.

All right. It would appropriate for the local communities $1.750 billion for the current fiscal year 1972.

Then, over on the next page—page 19—the bill would appropriate $3.5 billion for the fiscal year 1973. But it does not stop appropriating there.

The bill would also appropriate for fiscal year 1974, $3.5 billion. But further—

It would appropriate for the fiscal year 1975, $3.5 billion. And on it goes—

For the fiscal year 1976, the bill would appropriate $3.5 billion. And then—

For the first half of the fiscal year 1977, the bill would appropriate $1.750 billion.

Now, that is the end of the appropriations for the local communities in H.R. 14370.

We then turn to the appropriations in the Ways and Means Committee bill for the States where, on page 32, it is provided that,

There is hereby appropriated out of any amounts in the general fund of the Treasury attributable to the collections of the Federal individual income tax not otherwise appropriated—

A certain amount.

There follows on page 32, these appropriations for the fiscal years 1972–77:

For the fiscal year 1972, $450,000,000.

For the fiscal year 1973, $1,000,000,000.

For the fiscal year 1974, $1,200,000,000.

For the fiscal year 1975, $1,400,000,000.

For the fiscal year 1976, $1,600,000,000, and

For the first half of the fiscal year 1977, $900,000,000.

Now, the bill out of the Ways and Means Committee does not say that these funds are to be a certain percentage of the revenue collected each year. The bill is essentially nothing more than a simple, garden variety appropriation bill. The bill before us today could just as easily be handled by the Ways and Means Committee as it is also a fiscal assistance bill for the State Department and the Commerce Department and so forth. It contains funds for fiscal assistance to States and communities—law enforcement assistance, for example.

It does seem to me that in considering spending and appropriations that we should not appropriate for a 5-year period. It seems to me that we ought to act every year on the appropriations for anything as important as State and local fiscal assistance. So it strikes me as remarkable that it would be recommended that we appropriate for a period of 5 years ahead, that we not be required to take a look for 5 years. Remarkable indeed.

Members who have political opponents this fall could be faced with the challenge that he or she has a locked-in position for 5 years for State and local fiscal assistance. An opponent might well say, "Elect me and the first day I take office I will introduce a bill doubling the amount which your sitting Congressman has voted for the next 5 years."

So, Mr. Chairman, I would say if we are properly to consider the vital matter of appropriations of taxpayers funds, we had better do so on a yearly basis. We had better keep a closer rein on the purse strings than just once every 5 years.

Now, if the Congress is to authorize any such plan as so-called general revenue sharing, it might want to consider authorizing appropriations to be made on a 1-year advance funding basis. But the idea of a 5-year appropriation—and out of the Ways and Means Committee at that—crosses the borders of absurdity.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAHON. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. GROSS. Mr. Chairman, reserving the right to object, and I will not object——

Mr. MAHON. I yield to the gentleman.

Mr. GROSS. I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Texas is recognized for 5 minutes.

Mr. GROSS. Will the gentleman yield to me?

Mr. MAHON. I yield.

Mr. GROSS. I would like to suggest to the distinguished chairman of the Committee on Appropriations that if he would offer himself as a candidate for the Presidency, he might be able to write his own appropriation bills.

Mr. MAHON. Let me say that today, on this particular issue, I do not speak in behalf of the Committee on Appro-

priations. I speak as a Member of the House, because if we pass the Ways and Means appropriation bill, we have 5 years in which we have no longer any need to take any action with respect to general fiscal assistance to State and local communities.

Another feature of this Ways and Means Committee 5-year appropriation bill is that it seeks to characterize the funds as "trust funds". Well, you could just as rationally set up trust funds for the entire Federal funds budget and provide that the Federal Government—from such trust funds—is authorized to provide for operation of the State Department, the Department of Defense, the Agriculture Department and so forth, for this year, for next year, and for the next 5 years.

Mr. Chairman, the bill deals with general Federal funds in the general fund of the Treasury, and it is a rank perversion of the trust fund concept, which is used for social security and other participating beneficiary programs, to label them as "trust funds" in any way, shape, or form.

I would point out that the Ways and Means Committee appropriation bill would amount to an abdication by Congress for 5 years. Of course, it could be extended for 10 years, if we wanted to abdicate for that length of time, and we could expand the coverage and eliminate ourselves altogether from the fiscal picture in perpetuity if we desired to do so.

I shall get permission to revise my remarks and extend them, if I may, in regard to this matter, which troubles me a great deal. The bill would make something of a shambles of our vital fiscal processes.

It is not a matter of how one feels about the general question of revenue sharing. A Member could be for revenue sharing with a vengeance and still not be for the Ways and Means appropriation bill.

Mr. BURTON. Will the gentleman yield?

Mr. MAHON. I yield to the gentleman.

Mr. BURTON. I would like to commend our distinguished colleague, the chairman of the Committee on Appropriations, for taking this time to alert the Members as to some of the very serious policy implications, not the least of which is the significant erosion of the congressional authorities that are inevitably contained in the bill recently reported out by the Committee on Ways and Means.

Mr. MAHON. I thank my friend.

Another vital question about this matter is that it is doubtful that it is appropriate to separate two inseparable political responsibilities, that is, the responsibilities of taxing and spending. Does the House want to do the taxing at the Federal level and let State and local officials do the spending without our concurrence on a year-to-year basis?

Mr. Chairman, I shall not now take further time of the Committee. However, I had thought that H.R. 14370 was an entirely different animal, some sort of revenue sharing. But when I read it, I found that it is just another appropriation bill. I hope that all Members will take the time to read the bill. All a Member needs to do to see that it is an appropriation measure is read the bill.

Mr. DAVIS of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Yes, I yield to the gentleman from Wisconsin.

Mr. DAVIS of Wisconsin. The distinguished chairman mentioned the possibility that this could be extended for shorter or longer periods of times beyond the 5-year period. Really, I wonder how something like this could ever be discontinued or even lessened once it is initiated.

Mr. MAHON. Whenever you find a safe way after you have a tiger by the tail to turn the tiger loose, then I could answer the gentleman's question by saying that we could stop it. No, in my opinion we could not stop the trend or the escalation.

If we start down this broad road, with the States and localities clamoring for more money year after year, there is no way as a very practical matter to ever bring this kind of program to an end or contain it. It would undoubtedly escalate very rapidly and Congress would be on the sidelines, and since we do not have the money in the Treasury fiscal chaos would occur, and our system of government would greatly erode or collapse as a result of it.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. MAHON. Yes, I yield to the gentleman from Florida.

Mr. GIBBONS. I heard the gentleman reading the dollar figures and as I recall these figures total up to about $30 billion.

Mr. MAHON. It is about a $30 billion appropriation bill. It is as simple as that. And it covers 5 years.

Mr. GIBBONS. Mr. Chairman, if the gentleman will yield further, now that we in the Ways and Means Committee have appropriated $30 billion, does the gentleman's committee plan to bring in a tax bill to bring in the revenue with which to raise the $30 billion?

Mr. MAHON. The challenge of the seventies is to raise the revenues with which to pay the bills of this country. However, what the Ways and Means Committee bill does is to ignore the need for revenues although it involves $30 billion in actual spending from the Treasury.

If that is not nonsense, Mr. Chairman, I do not know what it is.

Mr. CÓRDOVA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I commend the distinguished chairman of the subcommittee, the gentleman from New York (Mr. ROONEY) for his usual excellent job. My constituency in Puerto Rico is appreciative of his sensitivity to our problems, and I know that I can always count on his help where Puerto Rico is concerned.

AMENDMENT OFFERED BY MR. HOSMER

Mr. HOSMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOSMER: On page 5 line 18 strike out $151,087,250 and insert in lieu thereof "$152,120,250" and

On page 5 line 22 after the word "apply" insert the following: "to the International Atomic Energy Agency and".

Mr. HOSMER. Mr. Chairman, I ask for the attention of the gentleman from Iowa, the gentleman from Missouri, and anyone else who voted against the previous amendment to raise funds for the international agencies back up to 31 percent.

The vote established the principle that we are not going to maintain the commitment that was made on an international basis to various international agency budgets. So be it. I am not asking you to change the principle. I am asking you to look at one specific application.

My amendment proposes that we should restore $1,033,000 taken away from the International Atomic Energy Agency by the bill before the House, because the function of that agency is of personal importance to all of us. IAEA is not an agency which merely hosts parties and does a lot of other useless things on the international social circuit that a lot of people properly object to.

Mr. Chairman, the International Atomic Energy Agency is in exactly the same category as the International Civil Aviation Organization which was exempt from the cutbacks contained in this bill.

The International Civil Aviation Organization is designed to do work which prevents airplanes from crashing and people getting killed.

The International Atomic Energy Agency is designed to do the work which safeguards nuclear material from mischievous hands and thereby keeps people from getting blown up by proliferated nuclear bombs.

I direct this particularly to the chairman of the Appropriations Subcommittee. I am asking for $1,033,000 to be restored to this bill so that it can be used to support the international inspection and safeguards activities of the International Atomic Energy Agency, which keep you and every other citizen of this world a little further from the possibility of being blown to bits by plutonium or uranium that is stolen out of legitimate channels and surreptitiously used to make illegitimate nuclear bombs in violation of the International Atomic Energy Agency Statute, and in violation of limited test ban treaty obligations and in violation of national safeguards on fissionable materials.

Mr. PRICE of Illinois. Mr. Chairman will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Illinois.

Mr. PRICE of Illinois. Mr. Chairman, I would like to join the gentleman from California (Mr. HOSMER) in support of his amendment. The International Atomic Energy Agency is a very important agency that is dedicated to the peaceful uses of the atom throughout the world. The safeguard program the gentleman mentioned is essential to safeguarding the peaceful uses of the atom throughout the world. It has been a very successful agency. It has brought international cooperation in making certain that the atom would be directed more to peaceful uses than to armament uses. I fully support the gentleman from Cali-

fornia, and hope that his amendment is adopted by the House.

Mr. HOSMER. Mr. Chairman, I thank the gentleman from Illinois. I think that he, if anybody, being the vice chairman of the Joint Committee on Atomic Energy, can speak authoritatively respecting the necessity for this money.

I would say to the Members of the House that I do not often get up here and ask to spend more money and I never ask to throw it away on anything that is useless. I am a fiscal conservative, but I say that this is a necessary and wise expenditure. I say that appropriation of the full IAEA budget is essential in order to better protect your lives and the lives of people around the world who depend on the IAEA to police and safeguard special nuclear material. So I ask all of the Members for support of this amendment. I think to do anything less would

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. HOSMER. I yield to the gentleman from Washington.

Mr. PELLY. Mr. Chairman, I would ask the gentleman how much did the President ask for this purpose in his budget request?

Mr. HOSMER. The President asked for $1,033,000 more than he got, and that is what I am asking to be put back in.

Mr. PATMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to come out in favor of the position taken by the gentleman from Texas (Mr. MAHON), Chairman of the Committee on Appropriations, and suggest that there is a big question involved in these closed rules. What right have a majority of the Members of the House to prevent a Member who represents 500,000 people himself—and it is a bigger question than the one-man, one-vote question—what right have they to say to this Member who is elected by the people as a Member of the House of Representatives, that he does not have the power to offer an amendment to a bill, and that he is not allowed to have any meaningful participation in the proceedings?

That is what happens under a closed rule.

Now, of course, you can say that, well, a majority select him, but the point is, does the majority have the power to muzzle Members of the House? Does a majority, even 434, have a right to muzzle the 435th one?

In the other body, it is not allowed. There every Member of the U.S. Senate has a meaningful participation in every bill that comes before that body and every Member over there has an opportunity to offer an amendment to any bill that comes before that body and he cannot be excluded from offering it and having a vote on it.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. CEDERBERG. That is the best reason for a closed rule that I know of when the gentleman refers to what happens in the other body.

Mr. PATMAN. Of course, that is the gentleman's privilege to say that.

Of course, I am not criticizing the gentleman. But I do not think it is really democratic when they take it upon themselves to exclude amendments in the public interest. This is a constitutional question.

There are 81,299 entities of government in this country. I had the Library of Congress look into that a couple of years ago and they came up with the numbers, one Federal, 50 States, 20,000 school districts, thousands of counties—3,071 counties, cities and political subdivisions and there are 81,299 entities of government in all the 50 States.

Now some of these political entities are in every Member's district, thousands of them, and do you think that the majority has a right to exclude that Member from even offering an amendment and to just stop him from having any meaningful participation in that bill that means so much to the people of his district—500,000 people?

Mr. HALL. Mr. Chairman, will the gentleman yield so that I may ask unanimous consent that he may speak out of order?

Mr. PATMAN. I yield to the gentleman.

The CHAIRMAN. Does the gentleman from Missouri ask unanimous consent that the gentleman from Texas may speak out of order?

Mr. HALL. I do, Mr. Chairman.

The CHAIRMAN. Without objection, it is so ordered.

Mr. PATMAN. Thank you, sir.

Mr. HALL. If the gentleman will yield, I would like to "welcome him to the club." For 12 years I have spoken and voted against closed rules. I am glad to find that after 40 years, the gentleman has finally reached this decision, also; and speaks out against taking away the individually elected member's rights—when his ox is gored.

Mr. PATMAN. I have voted against closed rules many times.

Sometimes I would vote for a closed rule if I decided that is the most expeditious way of passing legislation there was no real objection to. I think it is undemocratic—a closed rule is undemocratic. It is the majority forcing their will upon a minority involving constitutional rights and privileges that should not be denied. I hope you consider that in revenue sharing.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman.

Mr. PELLY. I understood the gentleman from Texas (Mr. MAHON) to object to some other committee than the Committee on Appropriations appropriating money. I know that the gentleman's committee, the Committee on Banking and Currency, for 40 years has been appropriating money through the backdoor spending process although the U.S. Constitution provides that no money shall be drawn from the Treasury except by an appropriation made by law.

Mr. PATMAN. Oh, I will not agree to that at all. I do not agree to that at all. The gentleman is entirely mistaken.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that debate on the pending amendment, and all amendments thereto, close in 5 minutes, the time to be allotted to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The gentleman from New York (Mr. ROONEY) is recognized.

Mr. ROONEY of New York. Mr. Chairman, the pending amendment of the distinguished gentleman from California (Mr. HOSMER) is just another bite at an apple that has already been properly digested. Only a few moments ago by an overwhelming vote the Committee of the Whole approved the position of the committee and defeated the amendment offered by the gentleman from Illinois (Mr. DERWINSKI). Now he seeks to deduct $1,033,726 from the committee reduction of $25,103,502.

It so happens that of the U.N. agencies that were enumerated in the $25 million plus cut, the one with the largest share of United States contributions is the International Atomic Energy Agency where the share is 31.716 percent.

The position of the committee is merely a reduction from that amount or from that percentage down to 25 percent. Since the Committee of the Whole has already taken action on this matter, I suggest that the pending amendment be defeated.

Mr. HOSMER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from California.

Mr. HOSMER. Is it not a fact that the cutback is a meat ax *cutback*, that it does not consider the particular needs of the agencies.

Mr. ROONEY of New York. No, I would not consider it that kind of cut at all. It is a scientific cut. As I stated before, it was suggested by former Ambassador to the U.N. Henry Cabot Lodge and suggested also by the President of the United States, if you please, who has advocated a reduction of 25 percent.

Mr. HOSMER. Mr. Chairman, will the gentleman yield further?

Mr. ROONEY of New York. I yield to the distinguished gentleman from California.

Mr. HOSMER. It is not a scientific cut in any way, manner, or form. The International Atomic Energy Commission is the agency which is policing the special nuclear material, and all I am asking for is the money that is necessary to do it. If you do not want to have all that money, you are not going to have these materials safeguarded. If you do not want them safeguarded, they will be stolen. If they are stolen, you are going to have a great outcry.

Mr. ROONEY of New York. Mr. Chairman, I yield back the balance of my time.

The question is on the amendment offered by the gentleman from California (Mr. HOSMER).

The question was taken; and on a division (demanded by Mr. HOSMER) there were—ayes 44, noes 42.

So the amendment was agreed to.

The Clerk read as follows:

The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used, in addition to those uses authorized thereunder, for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State Statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation.

POINT OF ORDER

Mr. EDWARDS of California. Mr. Chairman, I make a point of order against the paragraph on page 17, lines 1 through 12, since it constitutes legislation on an appropriation bill in violation of clause 2, of rule XXI.

The CHAIRMAN. Does the gentleman from New York desire to be heard.

Mr. ROONEY of New York. Mr. Chairman, the gentleman from New York must state that this proviso allows the FBI to furnish indentification records to officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions. And as it further states:

If authorized by State Statute and approved by the Attorney General, to officials of State and local governments.

This has been done for years. Then one of the judges, and I use the term in its broadest sense, ruled that the FBI could not furnish this information. The other body inserted this proviso last year. We brought the amendment back to the House for a separate vote and it was approved.

If the gentleman from California (Mr. EDWARDS) desires to superimpose his views over the majority of the House, and wants to prevent the banks from finding out if they are hiring criminals, he can press his point of order and we shall have to concede the point of order.

The CHAIRMAN. The gentleman from New York concedes the point of order.

Mr. EDWARDS of California. Mr. Chairman, I thank the gentleman for the concession.

The CHAIRMAN (Mr. ABERNETHY). The point of order is conceded, and the Chair sustains the point of order.

The Clerk will read.

The Clerk read as follows:

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of (not to exceed eighteen for replacement only), and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code, $114,400,000: *Provided*, That there may be transferred to the Health Services and Mental Health Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I have two amendments which are at the Clerk's desk, and I ask unanimous consent that they be considered en bloc.

Mr. ROONEY of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: On page 19, line 17, strike out "$114,400,000" and insert in lieu thereof "$115,417,000."

Mr. RAILSBACK. Mr. Chairman and Members of the House, this amendment is to that section which is titled "Salaries and Expenses, Bureau of Prisons," and the purpose of the amendment is to reflect that there has been a cut of about a million dollars from the budget request, which I believe is very serious, inasmuch as it is probably going to result in the reduction of a number of teaching positions which had been requested.

Let me say that the budget requested an increase of 18 positions and $254,000 for inmate education. Fifty percent of all males are high school graduates, but only 17 percent of the inmates are. The offender returning to the community we know will face keen competition for employment, and we know, too, that he must be equipped educationally if he is to survive this competition. Unfortunately, about 15 percent of the inmates function below the sixth grade level. Since 1965 the number of teacher positions in the prisons doubled and the number of high school equivalencies increased four times, from 406 in 1965 to slightly over 2,000 in 1971. The addition of 18 teacher positions will provide an opportunity to add approximately 300 inmates per year to the number now receiving high school equivalency certification and increase the enrollment capacity by 200 per year in the adult basic literacy programs.

With respect to drug addiction treatment, there is an increase of $100,000 requested to meet the increased cost in 1973, and half a million dollars is requested for after-care services for 253 new releases.

With respect to correctional officers, an increase of 120 positions and $86,000 is requested to provide increased supervision and control capability in institutions and additional counselors and attention for training.

My feeling, Mr. Chairman, is as a member of Subcommittee No. 3 of the House Committee on the Judiciary, which has been conducting investigations of our prisons, we have found time after time that young people who have committed a first offense which sent them to prison are being returned to prison as recidivists. We know, for instance, 72 percent of the first-time youthful offenders are going to be back in jail within 5 years. It would be my hope that by adding $1 million, which is all this does, we would not shortchange the Bureau of Prisons in trying to increase the number of teaching positions so that hopefully we will be in a position to rehabilitate and maybe send these young people back to society so that they can get a job and so that they will not have to commit further crimes and so that they will not go down in statistics as recidivists.

So it is my hope, Mr. Chairman, that we can adopt this amendment, which only involves $1 million. It would be very worthwhile in my opinion.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the gentleman.

Mr. KEATING. I would like to commend the gentleman for his amendment and be associated with his remarks.

I thank the gentleman from Illinois for yielding and commend him for his insight into this very real problem.

I wish to be associated with the remarks of the gentlemen at this point in the RECORD.

Having served for almost 9 years as a judge, later as a member of the Select Committee on Crime, and the Judiciary Committee I have had a full and extensive look into law enforcement and prison facilities at the municipal, State, and Federal level.

I am firmly convinced that to reduce the ever-increasing crime rate, one of the steps to be taken is to improve the prison system and all related functions such as parole, rehabilitation, and facilities.

The end goal for all of us must be to make the streets of this Nation safe again and it is my opinion this is one of the steps that will help.

Mr. CONYERS. Will the gentleman yield?

Mr. RAILSBACK. Yes. I am glad to yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I want to join in supporting the gentleman on this increase.

I think, as many of us have heard in the committee, it is a very worthwhile effort.

I concur with the gentleman's remarks and hope his amendment is supported.

Mr. McKINNEY. Will the gentleman yield?

Mr. RAILSBACK. I am glad to yield to the gentleman.

(Mr. McKINNEY asked and was given permission to revise and extend his remarks at this point in the RECORD).

Mr. McKINNEY. Mr. Chairman, I thank the gentleman from Illinois for yielding.

The U.S. prison system is one of the saddest disgraces that this Congress must bear responsibility for. Recidivism in the U.S. prison system is about 72 percent. This shows our total and abject failure in rehabilitation.

This failure is particularly tragic when one considers that the great percentage of prisoners that are in jail for drug related crimes. This in most cases means that the prisoners are younger, brighter, and an even greater loss to society.

Even if one is not to consider the human values of the rehabilitation of a criminal, certainly we should consider the cost to the American taxpayer. It costs twice as much to keep a man in

jail as it does to supply him with a Yale education. At this price 72 percent failure ratio is intolerable.

Now, Mr. Chairman, I admit that this $1 million is not going to change this. The principle, however, is vital to the future of prison reform. Under the instructions of this committee there is nowhere that this money can be cut except in the teaching staff. Education and retraining are the very heart of rehabilitation and the major emphasis in general over all reform.

These few positions will not change even the education emphasis enough. However, Congress must stop looking for savings that are false in the long run in the prison system. Our failure is proof of the cost of this long established habit of shortchanging the Bureau of Prisons.

Congress must establish at least the principle that we are going to finally work to bring the prison system out of the 18th century.

Mr. RAILSBACK. I thank my friend.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent, seeing that the distinguished gentleman from Illinois was the author of this amendment, that all debate on the pending amendment and all amendments thereto close in 10 minutes, 5 minutes to be allotted to the gentleman from Illinois (Mr. MIKVA) and the last 5 minutes to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MIKVA. Mr. Chairman, I thank the distinguished chairman of the committee for his suggestion of 5 minutes on each side for the discussion of the amendment.

Mr. Chairman, let me say at the outset that this is one of a series of three amendments that will be offered dealing with the problems of our prisons and the manner in which they are conducted as well as the supervision of the prisoners.

I think that all of our colleagues received a letter from the gentleman from Illinois (Mr. RAILSBACK) and me this morning which talked about four amendments, but I would like to state to my colleagues at this time that we do not plan to pursue the amendment having to do with the cut in construction funds.

However, the other three amendments, two of which will be offered by the gentleman from Illinois (Mr. RAILSBACK), and one of which will be offered by me with reference to probation officers, we do pursue, because the problem of our prisons and recidivism has reached another high. I do not mean to say that the authorities have not attempted to do the job because I believe they have done the best job they can. But there is no secret that it has been an inadequate job.

Just last week in one of our Federal institutions a prisoner immolated himself—burned himself to death—after he was denied parole.

Mr. Chairman, I seek not to place the blame for that tragedy on the officials of the prisons and certainly not on the Bureau of Prisons, and certainly not on the distinguished Committee on Appropriations. But I think it is one example of the fact that our prisons have not found the handle in rehabilitating people.

Mr. Chairman, people who come out of our prisons most frequently come out worse than or as bad as when they went in.

The cut that this amendment would seek to restore is vital to our rehabilitative system. The committee virtually mandated that all of the money should be spent for additional line personnel, the guards, and for an additional chaplain.

The only place these cuts can be made, for all practical purposes, is out of additional teaching personnel that was requested, out of additional medical personnel that was requested and, in short, out of all of the people that have something to do with trying to rehabilitate our prisoners.

We have hired a lot of people to stop more wrongdoing, we have hired more police officers and prosecutors and more judges, and we have put more people into the institutions, but we have not provided the necessary funds for their proper handling.

I would suggest that for the sake of $1 million you would not want to have a continuation of the policies that have not worked in the past because I think that is being penny wise and pound foolish.

Therefore, Mr. Chairman, I would hope the members of the committee would support the amendment.

Mr. DENNIS. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I would like to associate myself with the two gentlemen from Illinois in this particular matter and support the amendment.

Mr. DRINAN. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. Yes, I am glad to yield to the gentleman from Massachusetts.

Mr. DRINAN. Mr. Chairman, I would like to associate myself with the remarks of the gentlemen who have preceded me, and to say that it seems to me it is vital in this area to create the 348 additional Federal probation officers that are required and requested and have been approved by the Office of Management and Budget.

I would like to commend the two gentlemen from Illinois and the gentleman from Indiana and I hope this very important amendment is supported and agreed to.

There follows the statistics concerning the Probation Office and the need for more officers:

First. As of December 31, 1971, the Federal probation system had under its supervision 45,177 persons.

Second. The number of probation officers to supervise these 45,177 persons was 640, averaging out to a per officer caseload of 71. It was estimated that by the end of fiscal year 1972, the persons under supervision would have risen to 47,200, and the caseload would therefore rise to 74 per officer.

Third. Even with the proposed increase of 348 officers, producing a complement of 988 total officers, the estimated caseload by the end of fiscal year 1973 was projected as 53—988 officers supervising 52,500 persons.

Fourth. Even the figures in Nos. 1 and 2 do not disclose how bad the real picture is because they do not take into account the man hours which must be devoted to one of the major roles of probation officers—preparation of presentence investigation reports for the courts. This work is computed at 14 hours per presentence investigation. For fiscal year 1971, the number of presentence investigations constituted 23,479. For fiscal year 1972, the figure is estimated to be 25,800; and for fiscal year 1973, the figure is projected as 28,400.

Thus, in fiscal year 1971, while there were a total of 640 probation/parole officers, there were really only the equivalent of 429 available for supervisory work, producing a real caseload of 99. For fiscal year 1972, it is estimated that there will be the equivalent of 439 parole/probation officers available for supervisory work, producing a caseload of 108.

And for fiscal year 1973, even with the hoped-for addition of the 348 new officers, the real caseload, figuring the equivalent of 767 officers actually available for supervisory work, would be 68.

I should note that the 1967 President's Commission on Law Enforcement and the Administration of Justice called for a caseload of 35.

Mr. PEPPER. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Florida.

Mr. PEPPER. Mr. Chairman, this is a very important and much needed expenditure. Today we are struggling with the problem of what to do with these prisoners; how to help toward their rehabilitation and keep than from the commission of future crimes. These funds will help.

I support this amendment and I associate myself with the remarks of its authors.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. MIKVA. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I rise in support of the amendment, because it seems to me that if we really mean it about having law and order in this country, we have got to spend the necessary amount of money all the way down the line from the law enforcement agencies to our rehabilitation system. If we are not going to do this, then we are not willing to put our money where our mouth is.

Mr. ROONEY of New York. Mr. Chairman, and members of the Committee of the Whole, I rise in opposition to the pending amendment.

Mr. Chairman, I shall not take much time on this amendment, but I should like to point out that the committee granted an increase of $9,537,000 over the appropriation for the current year. The reduction was only $1,017,000, which is less than 1 percent of the total request.

Apparently some of these figures—and one speaker was talking about an

item which is about 20 pages further on in the bill, he was talking about probation officers, and they are not included in this item. As a matter of fact, probation officers are provided for in the judiciary appropriations, not the Department of Justice appropriation. But apparently these gentlemen have not even read the report because the report states on page 11:

The amount allowed is an increase of $9,537,000 over the appropriation for the current fiscal year. All of the additional custodial and chaplain personnel have been approved as well as all other top priority items requested, including narcotic addict treatment.

Please let me quote from a letter addressed to the chairman of the Senate Committee on Appropriations handling this bill—and before I do, and as this letter will indicate, the Department of Justice has not even appealed this item to the other body. They are satisfied with the amount, and they know that if they need additional funds they can come in and make a supplemental request. Please do not do it on the floor such as is being attempted to be done here.

This letter, which is dated May 16, 1972, on the letterhead of the U.S. Department of Justice, Washington, D.C., and signed by Glen E. Pommerening, Acting Assistant Attorney General for Administration, says:

With reference to the Bureau of Prisons, the Department accedes to the House reduction on the basis that prison population may not reach the average 22,300 projected in the 1973 budget and that consequently staff costs associated with that level as well as per capita care costs may not materialize. Should the average population reach the level initially projected, the Department may find it necessary to seek supplemental relief.

Now, that is the perfectly normal way to handle such a matter. This is the way it has been done for a long time, and there is good sense to it without a question of a doubt.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Michigan.

Mr. CEDERBERG. Mr. Chairman, I want to associate myself with the remarks of the chairman of our subcommittee. This reduction is less than 1 percent, $1,017,000 out of a $115,417,000 budget.

This amendment is to restore $1 million. We are not talking about the money because if $1 million was going to do all of the rehabilitating that the gentleman from Illinois says it is going to do, then the gentleman ought to make it $5 million, and rehabilitate five times as many.

We ought to stick with the committee's position. When we can prove that this money can be sensibly used, then we will give the money to them in a supplemental, if necessary.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I think that Members might keep in mind that this budget started last October through the appropriations process and naturally 9 months later there would have been some reassessments set forth to the chairman from the Departments. That is what happened in this case and this would apply to all items in this budget.

Mr. ROONEY of New York. And the fact is that the recommended amount is satisfactory to the Department of Justice, which includes the Bureau of Prisons.

I urge that the pending amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. RAILSBACK).

The question was taken; and on a division (demanded by Mr. RAILSBACK), there were—ayes 34, noes 40.

TELLER VOTE WITH CLERKS

Mr. RAILSBACK. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. RAILSBACK. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. RAILSBACK, SLACK, CEDERBERG, and MIKVA.

The Committee divided, and the tellers reported that there were—ayes 178, noes 165, not voting 88, as follows:

[Roll No. 160]

[Recorded Teller Vote]

AYES—178

Abourezk	Erlenborn	Madden
Abzug	Esch	Matsunaga
Adams	Fascell	Mayne
Anderson, Calif.	Foley	Mazzoli
Anderson, Ill.	Ford, Gerald R.	Meeds
Aspin	Forsythe	Melcher
Badillo	Fraser	Mikva
Barrett	Frey	Minish
Begich	Fulton	Mink
Bell	Galifianakis	Minshall
Bergland	Gibbons	Mitchell
Biaggi	Gonzalez	Moorhead
Biester	Grasso	Mosher
Bingham	Gray	Moss
Boland	Green, Pa.	Murphy, Ill.
Bolling	Griffiths	Nedzi
Brademas	Grover	Nelsen
Brinkley	Gubser	O'Hara
Brooks	Gude	O'Neill
Brown, Mich.	Halpern	Pepper
Broyhill, N.C.	Hamilton	Perkins
Buchanan	Hansen, Idaho	Pickle
Burke, Mass.	Harrington	Poff
Burton	Harvey	Preyer, N.C.
Caffery	Hathaway	Price, Ill.
Carter	Hawkins	Quie
Celler	Hechler, W. Va.	Railsback
Chamberlain	Heckler, Mass.	Randall
Clay	Heinz	Rangel
Cleveland	Helstoski	Rees
Collier	Hicks, Mass.	Reuss
Collins, Ill.	Hicks, Wash.	Riegle
Conable	Hillis	Rodino
Conte	Hogan	Roe
Conyers	Howard	Roncalio
Corman	Jacobs	Rosenthal
Coughlin	Johnson, Calif.	Rostenkowski
Culver	Johnson, Pa.	Roybal
Danielson	Kastenmeier	Ruppe
Dellenback	Keating	Ryan
Dellums	Keith	St Germain
Dennis	Kemp	Sarbanes
Derwinski	Kluczynski	Scheuer
Diggs	Koch	Seiberling
Dingell	Kyl	Smith, N.Y.
Donohue	Lent	Staggers
Dorn	Lloyd	Stanton, J. William
Dow	Long, Md.	Stanton, James V.
Drinan	McClory	Steele
du Pont	McClure	Steiger, Wis.
Eckhardt	McDonald, Mich.	Stokes
Edwards, Calif.	McKevitt	Sullivan
Eilberg	McKinney	Symington
Teague, Calif.	Vanik	Wyatt
Thompson, N.J.	Waldie	Wydler
Tiernan	Ware	Wyman
Udall	Whalen	Yates
Van Deerlin	Whitehurst	Zablocki
Vander Jagt	Widnall	Zwach
	Wolff	

NOES—165

Abbitt	Griffin	Price, Tex.
Abernethy	Gross	Quillen
Addabbo	Haley	Rarick
Andrews, Ala.	Hall	Rhodes
Andrews, N. Dak.	Hammer-schmidt	Roberts
Annunzio	Hanley	Robinson, Va.
Archer	Hansen, Wash.	Robison, N.Y.
Arends	Harsha	Rogers
Ashbrook	Hays	Rooney, N.Y.
Aspinall	Henderson	Rooney, Pa.
Baker	Hosmer	Rousselot
Baring	Hull	Runnels
Bennett	Hunt	Ruth
Betts	Hutchinson	Sandman
Bevill	Ichord	Satterfield
Brasco	Jarman	Saylor
Bray	Jonas	Scherle
Broyhill, Va.	Jones, Ala.	Schmitz
Burleson, Tex.	Jones, N.C.	Scott
Burlison, Mo.	Jones, Tenn.	Sebelius
Byrne, Pa.	Karth	Shipley
Byrnes, Wis.	King	Shoup
Byron	Kuykendall	Shriver
Camp	Landgrebe	Sikes
Carlson	Landrum	Sisk
Carney	Latta	Skubitz
Casey, Tex.	McCollister	Slack
Cederberg	McDade	Smith, Calif.
Chappell	McFall	Smith, Iowa
Clancy	McMillan	Snyder
Clark	Mahon	Spence
Clausen, Don H.	Mailliard	Steed
Clawson, Del	Mallary	Steiger, Ariz.
Collins, Tex.	Martin	Stephens
Cotter	Mathias, Calif.	Stratton
Crane	Mathis, Ga.	Stuckey
Curlin	Michel	Talcott
Daniel, Va.	Miller, Ohio	Taylor
Davis, Ga.	Mills, Md.	Teague, Tex.
Delaney	Mizell	Thompson, Ga.
Dent	Monagan	Thomson, Wis.
Devine	Montgomery	Veysey
Downing	Morgan	Vigorito
Dulski	Myers	Wampler
Duncan	Natcher	White
Edwards, Ala.	Nix	Whitten
Evans, Colo.	Obey	Williams
Findley	O'Konski	Wilson, Bob
Fisher	Passman	Wilson, Charles H.
Flynt	Patten	Wylie
Fountain	Pelly	Yatron
Garmatz	Pike	Young, Fla.
Gaydos	Pirnie	Young, Tex.
Giaimo	Poage	Zion
Green, Oreg.	Podell	
	Powell	

NOT VOTING—88

Alexander	Ford, William D.	Metcalfe
Anderson, Tenn.	Frelinghuysen	Miller, Calif.
Ashley	Frenzel	Mills, Ark.
Belcher	Fuqua	Mollohan
Blackburn	Gallagher	Murphy, N.Y.
Blanton	Gettys	Nichols
Blatnik	Goldwater	Patman
Boggs	Goodling	Pettis
Bow	Hagan	Peyser
Broomfield	Hanna	Pryor, Ark.
Brotzman	Hastings	Pucinski
Brown, Ohio	Hébert	Purcell
Burke, Fla.	Holifield	Reid
Cabell	Horton	Roush
Carey, N.Y.	Hungate	Roy
Chisholm	Kazen	Schneebeli
Colmer	Kee	Schwengel
Daniels, N.J.	Kyros	Springer
Davis, S.C.	Leggett	Stubblefield
Davis, Wis.	Lennon	Terry
de la Garza	Link	Thone
Denholm	Long, La.	Ullman
Dickinson	Lujan	Waggonner
Dowdy	McCloskey	Whalley
Dwyer	McCormack	Wiggins
Edmondson	McCulloch	Winn
Eshleman	McEwen	Wright
Evins, Tenn.	McKay	
Fish	Macdonald, Mass.	
Flood	Mann	
Flowers		

So the amendment was agreed to.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in line with this bill, which appropriates money for the State Department, let me say to you—and I know this will not be reported in the press, especially not in the New York Times and the Washington Post—that Mr. Clark Clifford appeared before the Committee on Foreign Affairs this morning and advocated our immediate withdrawal from Vietnam and advocated that the North Vietnamese be allowed to take over.

He did say that they ought to give back 10 percent of the prisoners as we cut out 10 percent of our troops and if they did not live up to that, then we ought to reescalate.

But he is for getting out and their taking over.

I pointed out to him in the open meeting this morning—and I want the Members to know about it, because I know it will not be reported in the Eastern press—that he had been Mr. Truman's adviser for 4 years and after that we had a Republican President for 8 years, and he was Mr. Johnsons' adviser and Secretary of Defense and his evidence was to escalate in Vietnam, and in my opinion he destroyed Mr. Johnson; and lately he has been Mr. MUSKIE's adviser on foreign policy, and you know what has happened to Mr. MUSKIE.

So all I can say is, gentlemen, pardon me if I do not place too much reliability on Mr. Clifford's advice.

Mr. YATES. Mr. Chairman, I move to strike the last word.

I should like to make an inquiry of the distinguished chairman of the subcommittee (Mr. ROONEY).

In the course of reading the portion of the bill relating to the State Department, I notice that there is no provision for assistance to Israel with regard to refugees from the Soviet Union. Such provision is provided for to the extent of $85 million in the authorization bill that passed the House yesterday.

I understand also in the Committee on Rules the other day the gentleman from New York (Mr. ROONEY) indicated such an item would fall within the jurisdiction of the Subcommittee on Foreign Operations of which the gentleman from Louisiana (Mr. PASSMAN) is the chairman, and the gentleman from New York was quite confident that appropriate provisions would be made when the bill was brought before the House shortly by the gentleman from Louisiana.

Is my understanding correct, may I ask the gentleman?

Mr. ROONEY of New York. The distinguished gentleman from Illinois is correct.

Mr. YATES. I thank the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by law (24 U.S.C. 168a), $17,000,000.

AMENDMENT OFFERED BY MR. RAILSBACK

Mr. RAILSBACK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RAILSBACK: On page 20, line 16, strike out "$17,000,000" and insert in lieu thereof "$18,090,000".

Mr. RAILSBACK. Mr. Chairman and members of the committee, I would like to address a question to my distinguished colleague from Michigan.

The budget request was about $1 million higher than the appropriation figure. It is my understanding that that was because they project certain higher costs in fiscal year 1973 calculated on an anticipated increase of 6.5 percent in man-days and an estimated increase of 16.7 percent of the average man-days cost over the fiscal 1972 estimates.

These are the moneys that we must pay to contract out for prisoners that are not kept in U.S. prisons by way of contract with States and even in some cases local governments.

It is my understanding, after talking to my colleague, the gentleman from Michigan (Mr. CEDERBERG), that these are taken care of when the exact bill becomes known by way of a supplemental request. I would like to ask the gentleman if my understanding of that situation is correct?

Mr. CEDERBERG. That is correct. Last year we gave them $14,545,000 and the request this year was $18,090,000 and we gave them $17 million. If it turns out the amount is $17.5 million. We have to pay the extra money. There is not any way out of it. We have put that figure in there based upon the best guess we could make and our guess is as good as theirs.

Mr. RAILSBACK. Mr. Chairman, in view of the statement of the gentleman from Michigan (Mr. CEDERBERG), I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, including departmental salaries and other expenses in connection therewith, $850,597,000, to remain available until expended.

AMENDMENT OFFERED BY MR. JAMES V. STANTON

Mr. JAMES V. STANTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JAMES V. STANTON: On page 20 strike out lines 17 through 24.

Mr. JAMES V. STANTON. Mr. Chairman, in this day of law and order it would seem a little paradoxical that a Member of Congress would stand up here and ask that all of the money for the Law Enforcement Assistance section of this bill be stricken, but if you were acquainted with the detailed administration of this program as I have been, I can assure you that you would join with me in putting a new law-enforcement program into being in the United States.

Last year the Attorney General of the United States, John Mitchell, said crime is being eradicated from the streets, and from this House floor I said that in Cleveland it was not crime that was being eradicated, it was people being pushed off the streets. I have just received the latest FBI statistics which indicate that all violent crimes—murder, forcible rape, and robbery—in the United States there has been a 10-percent increase despite the continued appropriation of millions of dollars by this House and by the Senate. Why is that? The reason is simple. The bureaucracy that exists has caused the millions and millions of dollars that this House has appropriated in the past not to get to the cities of America, not to get to the sources of the crime.

Last year alone of the funds that were appropriated ending in the fiscal year June 30, for the State of Hawaii, Hawaii received only 1.4 percent. In the State of Ohio the figure was 4.6 percent of all the money appropriated by this House and by the Senate in the fiscal year ending June 30, was received at the local community level.

Nationally, 83 percent of the money that was appropriated by the House and the Senate for the fiscal year ending June 30, was never received. It is tied up in the bureaucracy, the bureaucracy between here and the cities of America.

Let me show you that bureaucracy.

(Chart.)

Mr. JAMES V. STANTON. This reflects the steps that the city of New York has to take to get an LEAA grant. The city of New York which you (Mr. ROONEY) has a great concern for, and I share that concern——

Mr. ROONEY of New York. This is utter imagination on the part of the gentleman from Ohio. I have heard many people complain that I just had to make a telephone call to obtain funds for the city of New York.

Mr. JAMES V. STANTON. Let me say, Mr. Chairman, these are the steps we have to take to get these funds to the local communities. This bureaucracy is the reason that this money should be stricken from the bill and an entirely new program written for LEAA.

Jerris Leonard, Law Enforcement Assistant in the Administration, cannot fight crime.

We have a letter from the mayor of Philadelphia, we have a letter from the mayor of Chicago, from all of the metropolitan areas of the United States, indicating that they are not getting the dollars that we appropriate on the floor of the House. Because of that, I believe the money ought to be stricken.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close upon the conclusion of my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. JAMES V. STANTON. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROONEY of New York. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 5 minutes, the 5 minutes to be allotted to the committee.

Mr. MIKVA. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Illinois will state his point of order.

Mr. MIKVA. Do I understand, Mr. Chairman, that the gentleman from New York has asked that all the time be allotted to the committee?

Mr. ROONEY of New York. Mr. Chairman, the gentleman is correct. I did not understand that anyone else had asked for time, and the gentleman from Ohio (Mr. JAMES V. STANTON) had already spoken.

Mr. MIKVA. Mr. Chairman, I make the point of order that the request is out of order.

The CHAIRMAN. The Chair will state that the request of the gentleman from New York is not in order.

Does the Chair understand that the gentleman from New York wishes to make another request?

Mr. ROONEY of New York. That is correct, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 20 minutes, with the last 5 minutes to be allotted to the committee.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DRINAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ROONEY of New York. Mr. Chairman, I move that all debate on the pending amendment and all amendments thereto close in 20 minutes, with the last 5 minutes to be allotted to the committee.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MIKVA).

(By unanimous consent, Mr. MIKVA yielded his time to Mr. JAMES V. STANTON.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Chairman and Members of the House, I know what I suggest is rather harsh, striking all of the LEAA money. But I want to point out to you that the money is not getting to your local communities and that in the vast majority of instances the funds that are being appropriated here have totally failed to reach the crime areas.

If I could indicate to you for a second, from the city of Philadelphia, Frank Rizzo, the mayor of that great community, indicates a total failure of the LEAA program. I think he is as good a strong law and order man as there is in this Nation.

We have from the city and county of Honolulu, a documentation of a total failure of the program.

Each city has documented that they are unable to get Federal funds that have been provided by this Congress to the local community because of redtape.

For the year prior to the end of this fiscal year, 51 percent of those funds for the LEAA have not been received by the local community. So when you have a program that is so tied up in bureaucracy as this program is, there is only one thing you can do, and that is to kill the program.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ECKHARDT. Mr. Chairman, I ask unanimous consent that my time be allotted to the gentleman from Ohio.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. JAMES V. STANTON. Thank you, Mr. Chairman.

First of all, from the State of Tennessee we have an indication that LEAA funds are further delayed because the State administration is not appropriating the funds.

You get a situation that exists in Tennessee where the States are fighting with the local administration and, as a consequence, the funds are not being put into effect to fight crime.

If you go throughout this Nation, you will find that conflicts exist throughout the Nation between the States and the local LEAA agency, again tying up these funds needed to fight crime.

For example, in the city of Miami, all of the funds that were to be appropriated to the city of Miami are tied up in the regional authority of LEAA and not $1 has been received by the city of Miami, which has one of the highest crime rates in America.

The CHAIRMAN. The Chair recognizes the gentleman from Iowa (Mr. SMITH).

(By unanimous consent, Mr. SIKES yielded his time to Mr. SMITH of Iowa.)

Mr. SMITH of Iowa. Mr. Chairman, the members of our subcommittee have been somewhat critical as to the way this program is being handled, but for exactly the opposite reasons as those given by the proponents of this amendment. Only about 50 percent of the money has actually been spent on law enforcement, but it is because local people have not spent it on law enforcement and have been diverting it to other purposes. Instead of too much redtape causing the diversion, it was lack of strict enough guidelines that resulted in local governments using so much of the money for nonlaw enforcement purposes.

They have been auditing only to see if money were stolen but not to see if it is spent to enhance law enforcement, Mr. Leonard states that they are changing procedures to make sure the applications are directed to law enforcement.

This program has been used as a general revenue-sharing proposal. They have just handed out the money so long as they said they may use it for law enforcement.

So when the local people are not spending it on law enforcement but are just accepting the money and spending it for other purposes, it is because there has not been strict enough guidelines and that is the reason there has been so much slippage.

Now, they promise they are going to do something to assure benefits to law enforcement with the money. We need to do more to reduce crime in this country. Who else is going to do something about law enforcement if the local agencies do not?

In this country the Federal Government does not have the police power. That authority is reserved to the States. We must depend upon some such program to help local governments do a better job of law enforcement. Therefore, I urge defeat of this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. VANIK).

Mr. VANIK. Mr. Chairman, I heartily concur in the protest on bureaucratic redtape in the distribution of LEAA funds which has been made by my distinguished colleague from Ohio, the Honorable JAMES V. STANTON.

It is incredible that applications by local governments for LEAA funds should have to pass through the almost impossible barriers of redtape which have been outlined by my colleague, Mr. STANTON.

I believe that the goals of this program are important and should be expeditiously funded. The bureaucratic hurdles are costly and consume far too much of the vital resources which are critically needed for effective law enforcement.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, I think it would be a great mistake to approve this amendment.

The Law Enforcement Assistance Act has only been in effect for a short number of years and really has not had a chance to be judged appropriately, even though I commend Mr. MONAGAN'S subcommittee of the Committee on Government Operations for the excellent oversight report. However, the House Judiciary Committee wrote the original LEAA legislation. The House Judiciary Committee is anxious to offer amendments whenever they are needed.

The pending amendment is the wrong way to proceed. If approved, it would eliminate perhaps one-half of the heroin treatment programs in the United States. I do not think anybody in the House wants to do that.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, one of the small county seat towns in my district, the city of Bluffton, in Wells Countrict, the city of Bluffton, in Wells County, Ind., has completely reequipped its police department under this program and has become one of the best small police departments in the country. So some of the money is getting through. Both the argument for the amendment and the amendment itself are entirely too drastic and the amendment should be opposed.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Chairman, I urge defeat of the amendment. It was my privilege to author the original LEAA

bill. Recently, there have been some mistakes. I was very apprehensive about this money going through State regional boards. It ought to go directly from the LEAA to law-enforcement agencies. But it has been used with great success in many communities, including both the city and county of Los Angeles. I hope that we continue to strengthen the program.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment. However, I commend the gentleman for focusing attention on the problem. The problem is twofold. There is the bureauracy on the one side and the implementation of programs that would result in the proper utilization of money. We find that throughout the country police officials will use the money no matter for what purpose. It is available. Hence, they dream up notions that do not relate to police enforcement. It is essential that this whole program be revised and reviewed, and if we accomplish nothing else this day by the offering of the amendment, at least we put the officials of LEAA on notice that they will be subjected to even greater scrutiny.

Mr. Chairman, during this week, which has been designated National Police Week, Americans all over the country have the opportunity to express their appreciation to our Nation's police officers for a job well done.

Indeed, over the course of the last few years we have witnessed an unprecedented attack on our law enforcement system. The main thrust of this attack has been directed at our police officers. They have been subject to verbal abuse and the worst sort of degrading behavior on the streets of our cities as well as in the smallest town in rural America.

These gallant men go about their business day to day—the business of protecting the lives and property of each and every one of us from the criminal elements of our society. I know that it is not an easy job because I was a police officer for 23 years in New York City. These men are called upon to put their lives on the line every day in the performance of their duties.

Yet they have been the victims of sniper fire and wanton assaults in ever-increasing numbers. In New York City this deplorable situation appears to take on the aspects of an all-out war on the police.

This trend takes on the appearance of outright anarchy with every slaughter—and it must stop. Cooler heads must prevail in order for our police system to survive and remain an effective and fair dispenser of justice for all. More sober minds must put the difficult task of the law enforcement officers of our Nation in perspective.

Mr. Chairman, I urge my colleagues to join with me in praising our Nation's police officers not only during this week of official recognition, but throughout the entire year for a job well done. They certainly deserve it.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I rise in opposition to the amendment. In hearings before our Judiciary Committee, in which we considered revisions of the Law Enforcement Assistance Act, we took note that there were some discrepancies and a need for some improvements. We have endeavored to provide those improvements. The programs authorized by the Law Enforcement Assistance Act is relatively new. The act grants wide latitude to State and local officials. The fact that we observe some deficiencies may arise, in part, because local officials have had too much control by the Federal bureaucracy. This is one way for them to become extricated from this bureaucratic redtape which has hampered local and State officials in the exercise of their proper prerogatives.

It is my hope that this effort toward decentralization and special revenue sharing can continue to be supported. It is my expectation that this innovation in Federal programs will be successful.

The CHAIRMAN. The Chair recognizes the gentlewoman from New York (Mrs. ABZUG).

Mrs. ABZUG. Mr. Chairman, I oppose the amendment. I think we all are interested in seeing the LEAA function. It helps fight drug addiction and matters of that kind. Many of us feel very critical about the way LEAA has functioned because of the utilization of our funds for improper police activities. The Government Operations Committee has issued a report criticizing it. I hope that this discussion will spur the Judiciary Committee to intensify its oversight operations so that we can act to revitalize the LEAA for progressive law enforcement as was intended as soon as possible.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, Mr. STANTON and I are coauthors of a bill now pending before the Judiciary Committee which would cut through all the redtape and get this money where it was supposed to go when this House adopted the act. Four years, it seems to me, is long enough to prove whether a system is being administered effectively or not. When only 17 percent of the funds appropriated last year have gotten to the cities that are supposed to be benefited by them, obviously it is not working.

The gentleman from Indiana (Mr. DENNIS) pointed out that the small cities in his area are getting LEAA funds. Of course, they are. But that is part of the problem. We have letters from the law enforcement authorities in Honolulu, in Chicago, in major cities all over this country, that say the money is not getting to the major metropolitan areas. Yet that is where most of the crime originates and where most of the law enforcement funds are needed.

The law as it is now administered is not providing effective law enforcement assistance. It is time we faced up to the fact and made a new start.

(By unanimous consent, Mr. SLACK and Mr. CARNEY yielded time to Mr. JAMES V. STANTON.)

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. JAMES V. STANTON).

Mr. JAMES V. STANTON. Mr. Chairman, I would like to read to you from the subcommittee hearings conducted by the distinguished chairman, Mr. ROONEY, on the subject of the LEAA. This statement is from Richard Kleindienst, who is the Acting Attorney General of the United States or the Attorney General. It states:

> LEAA has greatly improved the flow of funds and services to States and localities. As a result of the reorganization of the agency, duplication of effort in the review process has been eliminated.

Then he goes on to justify the bureaucracy that has been created. But this is not a partisan issue. This has existed since 1968. Gentlemen, we have to face up to it. This program is a failure.

(By unanimous consent, Mr. ANDREWS of North Dakota and Mr. CEDERBERG yielded their time to Mr. POFF.)

Mr. POFF. Mr. Chairman, I oppose the amendment. I regret that the gentleman decided to offer it. It thrusts into the campaigns this fall an issue which should not be in the political arena.

The issue is simply the fight against crime. That fight should be nonpartisan and bipartisan.

The structure of the Law Enforcement Assistance Administration honors the principle that the police power of this Nation should not be centralized and lodged in the Federal Government but compartmentalized and vested in State and local governments. It is the instrumentality fashioned by Congress to promote the concept of decentralization in the field of law enforcement. A minority of the Congress opposed this concept from the beginning. The minority favored categorical grants in aid rather than block grants. But the majority, I think wisely, decided that the role of the Federal Government should be that of a silent partner rather than that of overseer and overlord in the business of enforcing criminal laws and punishing disobedience of those laws.

LEAA had a shaky start. Its administrative apparatus was cumbersome. Mistakes were made at the Federal administrative level. Mistakes of implementation were made at the local level. Most of these mistakes were discovered promptly and announced publicly by LEAA itself. Moreover, LEAA moved positively to correct those mistakes and to prevent their reoccurrence. After the present Administrator took office and following the adoption of amendments by Congress in 1970, LEAA was reorganized from bottom to top. Three new regional offices were established. More than 40 new auditors were employed, regulations were clarified and strengthened.

Yes, in its early days, LEAA made mistakes. Doubtless, improvements can be made yet today. Nationwide, the program encompasses some 50,000 individual criminal justice projects in every echelon of the system, and in every State and nearly every municipality in the country. It is unavoidable that there should be some mistakes, some misfeasance, some nonfeasance, and inescapably some malfeasance. However, that is no reason why the total program should be penalized. We should not dis-

mantle a city police department in order to punish the occasional bad cop.

The fight against crime has not been won; but the corner has been turned. In the last 3 years, in cities over 100,000 population, the rate of crime increase has dropped. In 53 of those cities, there has been an absolute reduction in the statistics of major crime. In the Nation at large, the crime increase rate has dropped dramatically. In 1968, the increase was 17 percent over 1967; in 1971, it was only 6 percent over the year before. In the District of Columbia, there has been an absolute 50-percent reduction in major crime over the last 3 years.

The LEAA program cannot and does not claim credit for all of the progress that has been made. Indeed, the credit belongs largely at State and local levels where dedicated men and women have suffered the most vicious verbal abuse and even the hazard of physical violence to lead the fight against crime. But there can be no reasonable doubt that the LEAA program has provided the leadership, the incentive, and the funds to spearhead the fight.

There must be no armistice in this fight. We dare not grow weary of the battle. We must win. Victory is going to take money. We must be prepared to pay the price.

I urge the defeat of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY) to close debate on this amendment.

Mr. ROONEY of New York. Mr. Chairman, this pending amendment seeks to strike the entire appropriation for the Law Enforcement Assistance Administration.

The distinguished gentleman who offered the amendment, the author of the amendment, is a fine gentleman who unfortunately, when he says that the funds are not getting through to local communities, evidences the fact that he has been expertly misinformed, because the funds are getting through.

The funds are distributed under a formula set by whom? Set by the Congress of the United States. If anyone does not like the formula, if anyone objects to the way the funds are handled, this should be taken care of in the proper way, with the Legislative Committee and not here with the appropriation bill.

The Appropriations Committee fully realizes the many past failings of LEAA. We said that yesterday in a colloquy with the distinguished gentleman from Connecticut (Mr. MONAGAN). But these funds do get through to the police departments. They do get through to the State police organizations and to the police departments of the various cities.

Let me say, if the gentleman from Ohio wants to prevent the police department of his city and of all the cities in the country, and the State police organizations from having any funds to combat the rampant crime we have in this country, then I say, adopt the amendment. That is exactly the effect of it.

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. MONAGAN. Mr. Chairman, although the report of the Legal and Monetary Subcommittee on LEAA is very critical, and I yesterday detailed the areas in which LEAA performance has been disgracefully bad, I am opposed to the amendment which has been offered by the gentleman from Ohio, (Mr. STANTON).

As I said in yesterday's debate, I believe that the Appropriations Committee should not have granted the additional funds requested by LEAA and should have at most continued the $698 million figure of last year, but I definitely am opposed to cutting off all funds for the program. It should be improved, if possible, and not eliminated until its total inadequacy has been proven.

Perhaps this day will come. There is much reason to expect so. But the program has only been in effect since 1968 and has never been thoroughly reviewed before this last year. Next year, the legislative committee will have an opportunity to reconsider the authorizing legislation and decide what the future course of the agency will be. At this stage, we should not stifle it through total restriction of funds in an appropriations bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JAMES V. STANTON).

The question was taken; and on a division (demanded by Mr. ROONEY of New York) there were—ayes 4, noes 82.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $75,663,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided further*, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $41,326 and $31,744 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $53,477 and $40,797 per annum, respectively.

AMENDMENT OFFERED BY MR. MIKVA

Mr. MIKVA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MIKVA: On page 40, beginning in line 15, strike "$75,663,000" and insert in lieu thereof "$84,153,000".

Mr. MIKVA. Mr. Chairman and members of the Committee, this is the last amendment in a series of amendments which the gentleman from Illinois (Mr. RAILSBACK) and I had planned to offer.

In many respects this one deals most vitally of all with the question of what kind of system of criminal justice do we want to have.

While this comes under the judiciary, let me make it crystal clear that we are talking about law enforcement in its most vital aspect, the probation officer who also serves as a parole officer for our Federal prisoners and people who have been convicted in the Federal courts.

Mr. Chairman, the probation officer historically has functioned under the judiciary, although I might say that it is merely a historical fact; there are many people in this country who think they should be separated from the judiciary. In any event, they requested an additional 348 probation officers for the purpose of supervising people that were out on probation.

The committee saw fit to cut that number down to 100, or about 29 percent of the request.

I do not want to belabor this Committee with statistics, but I think that the members of the Committee ought to know that at present the caseload for the average probation officer for fiscal year 1972, taking into account the fact that the probation officers also have to do presentencing reports, amounted to 108 cases per probation officer.

Ladies and gentlemen of the Committee, who are we kidding? With that kind of caseload there is no supervision. We might as well turn those people free and not go through the pretense of putting them on probation with that kind of caseload. There is no supervision. What we are talking about if we restore this cut, and this is some $6 million of additional funds requested, we would be able to cut the caseload down at its best to perhaps 60.

The President's Commission on Law Enforcement has said that a meaningful caseload for real supervision would be 35. We are not even talking about that point as yet.

But I can tell you that if we are talking about a caseload of 160 cases per probation officer, we are talking about turning loose 100 or more people who have been convicted or who have served time, but who are not going to receive any kind of supervision worthy of the name.

We have authorized more police officers, more prosecutors in the courts and more judges on the bench and we may be putting more people into correctional work, thanks to the wisdom of the House in the amendment which was adopted earlier; but if we do not do something about supervising them after they have been granted probation, we deserve the kind of recidivism and repeater crime we are getting.

Mr. Chairman, I think if there is any amendment which will be offered to this bill which more squarely shows our concern for law and order, I do not know what it is.

Mr. Chairman, I urge the support of the members of the Committee of this amendment.

Mr. DENNIS. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment offered by the gentleman from Illinois (Mr. MIKVA).

Mr. Chairman, I have the highest and the greatest respect for this committee,

and normally I would not question its figures. I think it knows better what figure to arrive at, obviously, in general, than I do; but I do think that I know a little bit about the subject matter at hand, because it is a fact that I have spent a good part of my life in courtrooms, and not a small part of that in criminal courtrooms, both as prosecutor and as defense attorney. I am convinced from that experience—and we can speak only from our experience—that we are accomplishing very little in the way of our criminal justice. We are not too efficient, and we certainly are not accomplishing reform.

We have to send people to jail, unfortunately, in order to protect society sometimes, but in rehabilitating them we are signally failing.

If there is anything we can do, and it is a very difficult problem, to succeed in the rehabilitation process, it probably comes in the case of those offenders who merit and are granted probation without being given the debilitating experience of incarceration in a penal institution. And if probation is to be meaningful these people have to have a reasonable amount of supervision, and there is no judicial system in this country where that supervision is adequate.

I think this is one way where a few dollars, while no panacea, might actually be spent usefully. I think the committee knows that I am not ordinarily an advocate of increasing appropriations, but I think this is a place where, to restore the appropriation to the budget request, which is all the amendment offered by the gentleman from Illinois (Mr. MIKVA), does, and to restore it to what the departments involved feel that they ought to have, is an expense that this wealthy society can well afford in an effort to try to rehabilitate people who need rehabilitation, and as to whom we are almost universally failing today.

So, Mr. Chairman, I urge support of the amendment offered by the gentleman from Illinois (Mr. MIKVA).

Mr. CORMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not use the full 5 minutes. I call the Committee's attention to the fact that the new Chief Justice urged district court judges to go into prisons and see what happens to the people that they send to those institutions. I know several judges who have done that.

We all fuss from time to time because we think judges are too lenient; they do not put people in prison for a long enough time. But those judges are faced with a very, very difficult problem, particularly when they must sentence a relatively young person convicted of a serious crime. They must either put them in an institution where they know they will come out as hardened criminals, well educated in their profession of crime, and be of tremendous expense and burden to society for the rest of their natural lives, or they must run the risk of putting them back on the street under the supervision of a probation officer.

That latter course is unquestionably the better in most instances, for those who have adequate supervision. That is the reason why this amendment is tremendously important. I urge its adoption.

Mr. McKINNEY. Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Illinois (Mr. MIKVA).

Mr. Chairman, I shall not take the full 5 minutes, but I would very much like to point out that this is one appropriation that we could make that would save money.

It costs more to keep a man in prison than it costs to send two young men to Yale University. Certainly if we fail in 70 percent of all of the instances, we are wasting our money.

There is no possible way that we can succeed in rehabilitation if we turn our prisoners out of the prison system with no supervision and no help in finding a job and no help in leaving the very society and surroundings that put them there in the first place.

Basically, what we are talking about is the most important part of the entire process, that of getting a man back into society as a rehabilitated human being.

This amount of money is cheap indeed as compared with what the American taxpayer pays for a failure of rehabilitation within the prison system.

I, therefore, include in the RECORD a copy of my testimony in front of the Judiciary Committee, which, I think, will show the Members the importance of restoring the 248 probation officers that the Appropriations Committee cut.

STATEMENT BY CONGRESSMAN STEWART B. MCKINNEY

Mr. Chairman:

I would first like to thank you for inviting me to testify with the knowledge that I address you today as a concerned citizen and legislator and not an expert in the field of prison reform. I wish to make a few brief comments on what I feel faces us today from my own experience in a prison and the subsequent dialogue which developed between myself and other concerned citizens throughout the United States.

Before I address myself specifically to the area of parole, I would like to make a few introductory remarks on the system of which it is an integral part. I think I voice the concern of many Americans in regard to the great waste of human and natural resources which is our present prison system. The men behind the walls in Terre Haute or Atlanta often find their behavior the subject of many surveys and fiction, but eventually they come to understand that they are really only the object of neglect. We are not concerned here with the motivating factors which got them where they are, but we certainly have more than a generous stake in what happens to them from the day of their arrest and their subsequent treatment in the criminal justice system.

I think I can safely say that we have adopted the theory of rehabilitation as both a salutary treatment for the offender and an adequate safeguard for the public. However, if we are to profess an adamant belief in rehabilitation then we certainly must admit that we have either failed miserably or we have the hardest criminals in the world. I think most would agree that the latter is true and is necessarily the product of the former.

How should we respond to this situation? Some would say that we have been too soft and that rehabilitation is a failure and that our main concern should be punishment. These same people would point to the recent prison riots and the work stoppages and food strikes at such comfortable prisons as Danbury. Ironically, the fact of the matter is that we are inflicting the cruelest of punishments on our prison populations every day. First, we send many young men to prison who should never be there in the first place. Second, when they do get to prison we tell them that they may be there for a year or they may be there for five years. They don't know how long their stay will be and they don't know what to do to shorten it. They are sure of only one thing—that one day in the future some man from Washington will sit down in front of them and tell them whether they will be there another year.

Where can we place the blame for this situation? It lies with all Americans, myself included, who have failed to see that we all have a stake in the lives of these men, that most crimes are committed by repeaters and that like it or not more than ninety percent of those men that we send behind bars are going to be coming out and they are going to be coming out mad.

Now where do we start? We start by recognizing the fact that our criminal justice system is uncoordinated and overgrown. If we have neglected the aged and the mentally ill, you can be sure that at the bottom of the list are our prisons and the administration of the system which got them there. How do we intend to ameliorate this situation? Do we patch up the old system which has proven time and again that it can't respond, that it can't fulfill its task of rehabilitating the prisoner and protecting *society*? Unfortunately, I think that is where we are headed.

The Federal Parole Board has been referred to by one commentator as "on the whole as low in quality as anything I have seen in the federal government." The Parole Board exists to protect society and to offer prisoners hope if they reform. I think we need only check the statistics to prove that society is far from protected and if you ask prisoners what is their main grievance, they will probably answer the parole system. One such prisoner in the Atlanta Federal Penitentiary wrote me the following:

"The major cause of prison uprisings in the opinion of this writer, based on years of experience, as a prisoner in the State prisons, and in the Federal system, is the denial of a prisoner's right to earn his freedom. The continued arbitrary treatment of prisoners by state and federal parole boards and authorities will continue to compound the problems of prison administrators and render their rehabilitative programs useless and meaningless if allowed to continue. The time has come that a prisoner convicted in the courts of this land can be allowed by his own efforts to earn his right to freedom from his term of incarceration."

Ironically, the Chairman of the Federal Parole Board, testifying before your Committee actually made the best case for complete reorganization of the parole system. He asserted that it was the enormous responsibility of the Board as the releasing authority for inmates of the federal system to conduct hearings on some 12,000 cases, review some 5,000 progress reports, totalling some 17,000 decisions in 1970. This is not "enormous" responsibility; it is an impossible responsibility when you consider that this entire load is handled by eight Board members and eight Board examiners.

Mr. Reed asserted that the Board had set out on a massive research project to study decision-making procedures of the U.S. Board of Parole and to conduct follow-up research on the success or failure of those paroled. This project was termed a unique in the fact that it would utilize for the first time, through modern computers, correlation of relevant social factors which would be pertinent to our "rapidly changing culture patterns of the Seventies." Whether or not this concept is possible is beyond me, but even if this information were available, how would it be used in relation to other criteria

such as the five-minute hearing. Could we be safe in assuming that the computer might become the sole judge? Have we progressed so far that we have even lost sight of the individuality of man despite the fact that he has been branded a criminal?

I commend the Chairman and other members of the Committee for introducing the long-awaited changes in the parole system as contained in H.R. 13118. These reforms, if enacted into law, would see substantive progress made in this area. However, I do not feel, as I have mentioned before, that the overhaul of a sunken ship will necessarily make that ship seaworthy again. I do not think that this legislation significantly answers the problem of meeting the administrative needs of some 17,000 cases each year. I do not think that this legislation significantly answers the need for a more humane approach to our prison population. And finally, I do not think this legislation faces the overwhelming problem of the criminal justice system to coordinate itself into a responsive contemporary "system".

For my own purposes, I feel that H.R. 13293, introduced by Congressman Railsback, and S. 3185 introduced by Senator Percy in the Senate, formulate a viable alternative to the present system.

Parole, as I have stated earlier, should be and in reality is, interrelated to all the other steps which make up criminal adjudication. The main thrust of this legislation would get the Board, in this case a District Board, right into a case from the minute of arraignment. This would mean that evaluation and consultation would be taking place from the very start. This consultation would be between the court, the U.S. Attorney, the defense, and the Board.

I have made clear my feeling that the present Board as it is now constituted cannot possibly handle the load which comes before it each year. With the establishment of District Boards in each of the 90 federal districts we would alleviate this great burden and for once see individual attention given the offender and at the same time, a better chance for his rehabilitation and a more secure community.

I think one of the most interesting aspects of H.R. 13293 is the chance which is given in special pre-trial consideration for an offender to be released into special community programs, be they drug, alcohol or health centers, for a period of one year. This type of program is revolutionary in the sense that it answers a twofold problem. One, our prison population has drastically been changed by the great number of young people who have been arrested on drug charges. In Connecticut over 50% of all the male inmates in our prisons are drug dependent and many of them are newcomers to crime. They soon find themselves well trained by the pro in all the con games, thereby becoming losers on two fronts, both to narcotics and to a life of crime. The second aspect which has always been of great concern to me is the great lack of psychiatric and mental aid which is now available in our prisons. The utilization of community programs would see this scarcity filled and also at the same time provide good care to the offender. I would hope that if such programs were implemented there would be no bounds for the federal and state programs to work side by side.

It would also be the function of this Board to set up goals for the convicted offender so that he would know what is expected of him and that he can be sure that he will have an annual review of his case with the results of that review published. This new attempt at regionalization for more than one reason strikes me as much more advantageous than the system which now exists.

This legislation also does not lose sight of the need for national policy and standards or the need for appellate jurisdiction over the District Courts, which would be filled by the Circuit Board. Although the exact powers of this Board seem at this time nebulous, I cannot question its concept of giving this regional program the unification it needs.

This Committee has certainly recognized the need for greater research into all the aspects of prison reform and corrections. Whether this void can be filled by an Institute or Advisory Council I would like to see greater cooperation between the state and the Federal Government correction departments giving both sectors a chance to share their programs and ideas. I think if anything we must share our knowledge in this field and that certainly no one has a monopoly on this commodity.

The main thrust of my statement today has been to emphasize the great need for us to regionalize and unify the knowledge and methods which we have now. To bring some awareness to all Americans of the waste of lives and money which now is a fact of life in our prisons. I commend this committee for any action which it will take in rectifying this situation and I appreciate the chance you have given me to express my views. Thank you.

(Mr. WHITE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WHITE. Mr. Chairman, I rise in support of the amendment which will restore funds as requested by the administration for 348 additional probation officers for the U.S. Courts.

I am quite aware of the critical problem of case workload for U.S. probation officers in the western district of Texas and I am sure that the figures of the case workload in my area of the country are reflective the national shortage of U.S. probation officers.

Since 1968 the supervision case load for the U.S. probation office for the Western district of Texas rose from 509 cases to 926 cases in 1971. Presentence investigations rose from 573 to 823 in the same period. Yet the staff to do this work remain constant with only one additional officer. There is every indication that the trend for more and more cases to be supervised by U.S. probation officers will steadily increase. For example, the Comprehensive Drug Abuse Act of 1970 provides for a special parole term for every convicted drug offender in addition to a term of confinement. This means that every federally convicted Drug offender will be under supervision at some time. In the Western District of Texas this case load has increased from 826 cases to to 926 in less than one year, from July 1, 1971.

Translated into meaningful realities, the lack of sufficient staff for the U.S. Probation Office will mean that young people who might have been salvaged for a useful role in society will face an uncertain future in prison, and it will mean that presentence reports upon which decisions in a prisoner's life are made include inaccurate and incomplete information.

I have every confidence in the ability of the U.S. Probation Office to help in restructuring and reconstituting misguided lives into constructive and contributing members of our society. It is the duty of the Congress to give the U.S. Probation Office the wherewithal to accomplish this goal. I urge my colleagues to support this amendment.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment, and all amendment thereto, close at the conclusion of 5 minutes, with the time to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. ROONEY)?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to this amendment.

The committee has allowed 260 new positions as set forth on page 21 of the committee report.

This amendment would add on top of those 260 brand new positions, 737 additional positions including 100 positions that the Judicial Conference and its budget committee does not under any circumstances want. This is the sort of thing we are doing here today. It is true that all of the positions requested were not allowed. Some of the requests were exorbitant. They requested an increase of over 50 percent in the probation system.

I would suggest that you look at the figures on pages 145 through 149 of the printed hearings, volume I.

The gentleman by this amendment proposes to restore the full amount requested for all positions, as I said before. In so doing, he is proposing to add 100 deputy clerks over and above the number which the witnesses from the Judicial Conference requested. This will be found a page 135 of the printed hearings, volume I. I should like briefly to read what we have at that page:

DEPUTY CLERKS FOR DISTRICT COURTS

Mr. ROONEY. With regard to No. 6, which is a request for 277 new jobs as deputy clerks for the district courts, $2,525,000.

Judge WEINMAN. Take 100 off of that. I stated that before we began.

Mr. ROONEY. Because of the fact you do not have to process passport applications?

Judge WEINMAN. That is correct.

The distinguished Judge Weinman is the chairman of the budget committee of the Judicial Conference, as well as the chief judge of the southern district of Ohio.

A great many passport applications are now being handled by postal employees in the post offices throughout the country.

As you know, we are always confronted by the judicial branch with budget requests which have never been looked into by the bureau of the budget that is now known as the Office of Management and Budget. Because of the comity between the three branches of Government—the judicial, the executive and the legislative—they just insert in the budget whatever the judiciary requests and then that amount comes up to the Hill as a budget request.

If you adopt the pending amendment you will in effect be giving a rubberstamp endorsement to the request of every Federal judge, at least so far as deputy clerks are concerned, and then tossing in another extra 100 for good measure.

Furthermore, though some of the proponents were talking about criminals, crimes, and someone even referred to jails, a good deal of this money is for civil cases.

I suggest that the pending amendment be voted down.

Mr. MIKVA. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from Illinois.

Mr. MIKVA. I am sure the gentleman wants to at least make clear what the committee is voting on. The thrust of the amendment is to restore the cut of 248 probation officers, which were cut by the commiteee from a total of 348 probation officers which were asked for before the committee.

Mr. ROONEY of New York. No. I must tell the gentleman from Illinois that his amendment goes far beyond that. It would add 737 brandnew jobs. Mr. Chairman, I yield back the balance of my time and ask for a negative vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. MIKVA).

The question was taken; and on a division (demanded by Mr. MIKVA) there were—ayes 34, noes 60.

TELLER VOTE WITH CLERKS

Mr. MIKVA. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. MIKVA. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. MIKVA, SLACK, DENNIS, and CEDERBERG.

The Committee divided, and the tellers reported that there were—ayes 142, noes 199, not voting 90, as follows:

[Roll No. 161]

[Recorded Teller Vote]

AYES—142

Abourezk	Forsythe	Moorhead
Abzug	Fraser	Mosher
Adams	Frey	Moss
Anderson, Calif.	Fulton	Murphy, Ill.
	Gibbons	Nedzi
Anderson, Ill.	Gonzalez	O'Hara
Anderson, Tenn.	Green, Pa.	O'Neill
	Griffiths	Pepper
Ashley	Grover	Podell
Aspin	Gubser	Price, Ill.
Badillo	Gude	Price, Tex.
Barrett	Hamilton	Pucinski
Begich	Hanna	Railsback
Bell	Harrington	Rangel
Bergland	Harvey	Rees
Biaggi	Hathaway	Reuss
Biester	Hechler, W. Va.	Rhodes
Bingham	Heckler, Mass.	Riegle
Bolling	Heinz	Roe
Brademas	Helstoski	Roncalio
Brown, Mich.	Hicks, Mass.	Rooney, Pa.
Broyhill, N.C.	Hicks, Wash.	Rosenthal
Buchanan	Hillis	Roybal
Burton	Hogan	Ruppe
Celler	Howard	Ryan
Clay	Jacobs	Sandman
Cleveland	Johnson, Calif.	Sarbanes
Conte	Johnson, Pa.	Scheuer
Conyers	Karth	Seiberling
Corman	Kastenmeier	Smith, N.Y.
Coughlin	Keating	Stanton,
Culver	Koch	J. William
Danielson	Leggett	Stanton,
Delaney	Lent	James V.
Dellums	Lloyd	Steele
Dennis	McClory	Steiger, Wis.
Diggs	McKinney	Stokes
Dingell	Madden	Symington
Donohue	Mailliard	Udall
Dow	Matsunaga	Van Deerlin
Drinan	Mayne	Vanik
du Pont	Mazzoli	Waldie
Eckhardt	Meeds	Whalley
Edwards, Calif.	Melcher	White
Esch	Mikva	Wolff
Fascell	Minish	Wyatt
Foley	Mink	Yates
Ford, William D.	Minshall	Zablocki
	Mitchell	Zwach

NOES—199

Abbitt	Giaimo	Pirnie
Abernethy	Grasso	Poage
Addabbo	Gray	Poff
Andrews, Ala.	Green, Oreg.	Powell
Andrews, N. Dak.	Griffin	Preyer, N.C.
	Gross	Quie
Annunzio	Haley	Quillen
Archer	Hall	Randall
Arends	Hammer-schmidt	Rarick
Aspinall		Roberts
Baker	Hanley	Robinson, Va.
Belcher	Hansen, Idaho	Robison, N.Y.
Bennett	Hansen, Wash.	Rogers
Betts	Harsha	Rooney, N.Y.
Bevill	Hays	Rostenkowski
Blatnik	Hosmer	Rousselot
Boland	Hull	Runnels
Brasco	Hunt	Ruth
Bray	Hutchinson	St Germain
Brinkley	Ichord	Satterfield
Broyhill, Va.	Jarman	Saylor
Burke, Mass.	Jonas	Scherle
Burleson, Tex.	Jones, Ala.	Schmitz
Burlison, Mo.	Jones, N.C.	Schneebeli
Byrnes, Wis.	Jones, Tenn.	Scott
Byron	Kemp	Sebelius
Caffery	Kluczynski	Shipley
Camp	Kuykendall	Shoup
Carlson	Kyl	Shriver
Carney	Landgrebe	Sikes
Carter	Landrum	Skubitz
Casey, Tex.	Latta	Slack
Cederberg	Lennon	Smith, Calif.
Chamberlain	Long, Md.	Smith, Iowa
Chappell	McClure	Snyder
Clancy	McCollister	Spence
Clark	McCulloch	Staggers
Clausen, Don H.	McDade	Steiger, Ariz.
	McDonald, Mich.	Stephens
Clawson, Del		Stratton
Collier	McFall	Stuckey
Collins, Tex.	McKevitt	Sullivan
Conable	McMillan	Talcott
Cotter	Mahon	Taylor
Crane	Mallary	Teague, Calif.
Curlin	Martin	Terry
Daniel, Va.	Mathias, Calif.	Thomson, Wis.
Davis, Wis.	Mathis, Ga.	Tiernan
Dellenback	Michel	Ullman
Dent	Miller, Ohio	Vander Jagt
Devine	Mills, Md.	Veysey
Dickinson	Mizell	Vigorito
Dorn	Mollohan	Wampler
Downing	Montgomery	Ware
Dulski	Morgan	Whalen
Duncan	Murphy, N.Y.	Whitehurst
Edwards, Ala.	Myers	Whitten
Eilberg	Natcher	Widnall
Evans, Colo.	Nelsen	Williams
Findley	Nix	Wilson, Bob
Fisher	Obey	Wydler
Flynt	O'Konski	Wylie
Ford, Gerald R.	Passman	Wyman
Fountain	Patman	Yatron
Galifianakis	Patten	Young, Fla.
Garmatz	Pelly	Young, Tex.
Gaydos	Perkins	Zion
Gettys	Pickle	

NOT VOTING—90

Alexander	Flood	Mann
Ashbrook	Flowers	Metcalfe
Baring	Frelinghuysen	Miller, Calif.
Blackburn	Frenzel	Mills, Ark.
Blanton	Fuqua	Monagan
Boggs	Gallagher	Nichols
Bow	Goldwater	Pettis
Brooks	Goodling	Peyser
Broomfield	Hagan	Pike
Brotzman	Halpern	Pryor, Ark.
Brown, Ohio	Hastings	Purcell
Burke, Fla.	Hawkins	Reid
Byrne, Pa.	Hébert	Rodino
Cabell	Henderson	Roush
Carey, N.Y.	Holifield	Roy
Chisholm	Horton	Schwengel
Collins, Ill.	Hungate	Sisk
Colmer	Kazen	Springer
Daniels, N.J.	Kee	Steed
Davis, Ga.	Keith	Stubblefield
Davis, S.C.	King	Teague, Tex.
de la Garza	Kyros	Thompson, Ga.
Denholm	Link	Thompson, N.J.
Derwinski	Long, La.	Thone
Dowdy	Lujan	Waggonner
Dwyer	McCloskey	Wiggins
Edmondson	McCormack	Wilson, Charles H.
Erlenborn	McEwen	
Eshleman	McKay	Winn
Evins, Tenn.	Macdonald, Mass.	Wright
Fish		

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For the operation of Federal Public Defender and Community Defender organizations, and the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A, as amended by Public Law 91-447, October 14, 1970), $13,500,000: *Provided*, That none of the funds contained in this title shall be available for the compensation and reimbursement of expenses of attorneys appointed by judges of the District of Columbia Court of Appeals or by judges of the Superior Court of the District of Columbia.

AMENDMENT OFFERED BY MR. FAUNTROY

Mr. FAUNTROY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FAUNTROY:

Page 41, beginning in line 17, strike out "$13,500,000" and all that follows down through line 21, and insert in lieu thereof the following:

"14,750,000".

Mr. FAUNTROY. Mr. Chairman, my amendment asks that the provision prohibiting the expenditure of funds by courts in the District of Columbia pursuant to the Criminal Justice Act be eliminated from this bill. It is clear that the impact of such a prohibition on our local criminal justice system would be catastropic. We are also asking that the appropriation be increased by $1,250,000, an amount that represents the current level of expenditures by these courts.

In 1971, 43,157 criminal cases were prosecuted by the Federal Government in all Federal courts. On the other hand, 36,749 criminal cases were prosecuted by the U.S. Attorney for the United States in the Superior Court of the District of Columbia. Thus, the local District of Columbia courts handled 46 percent of the cases brought by the Federal Government.

The effect of this proposal by the committee would be that Federal moneys now available to pay for indigent counsel in cases brought by the United States would be cut off. If this provision is retained in the bill, Judge Greene has written me that 70 percent or 15,000 of the indigent cases will be without any counsel. I will introduce into the RECORD his letter at the appropriate time.

SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., May 17, 1972.

Congressman WALTER FAUNTROY,
Cannon Office Building,
Washington, D.C.

DEAR CONGRESSMAN FAUNTROY: In response to your request, I submit herewith the following information concerning the operation of the Criminal Justice Act in the District of Columbia Court System.

According to figures supplied by the Administrative Office of the United States Courts, there were 43,157 criminal prosecutions handled by the federal courts throughout the nation in 1971. In that same period 36,749 criminal cases were prosecuted by the United States in the Superior Court of the District of Columbia. Thus, the courts of the District of Columbia handled 46% of the cases to which the Criminal Justice Act applied in 1971, while receiving in payments

$1,072,098 of the total amount of approximately $10,700,000 Criminal Justice Act funds disbursed.

It is my understanding that the Public Defender Service, with its presently authorized staff, would be unable to provide representation for only approximately 30% of the defendants prosecuted in the Superior Court for criminal acts against the United States. Inasmuch as the court is obligated to furnish counsel to each such defendant appearing before it, some 15,000 persons annually will require representation by attorneys other than those of the Public Defender Service. Approximately 90% of these criminal defendants are indigent. If Criminal Justice Act funding is eliminated it will be necessary either to hold proceedings without counsel or to require all members of the bar of the District of Columbia, irrespective of expertise or other commitments, to undertake such representation free of charge.

The court has made no independent study of the feasibility of relying on the private bar to provide counsel for most indigent defendants, but leading members of the bar have indicated that it would be difficult to implement for a great variety of reasons. It is, of course, not inconceivable that the appellate courts would void criminal convictions obtained if counsel were not appointed because funds were not available.

I hope this information is responsive to your requests.

Sincerely,

HAROLD L. GREENE.

The court will then be left with three alternatives:

First, release of the 15,000 charged individuals since without counsel it would be impossible to try them and quite possibly unconstitutional to hold them pending a time when counsel is available. This would mean the release of individuals who quite possibly are guilty of an offense or a delay which would mean that justice is thwarted either by another act of crime or a failure of the prosecutorial witnesses to remember clearly.

Second, return to the court system of the practice of some who deliberately profited from the misfortunes of others by taking money and providing little or no competent counsel.

Third, requiring as a condition of practice in the District that each attorney represent without charge or compensation such indigent cases as may be assigned, irrespective of expertise or other commitments. This is a system that is unworkable. The organized bar tells me that this is unworkable because the commitment to an adequate defense is not possible given the demands of one's regular clients and possible lack of expertise in criminal matters.

The committee feels that the 1970 Court Reorganization Act ends the need for Federal funding of this nature under this act for the city. The legislative history of the Criminal Justice Act makes abundantly clear that the District of Columbia Courts were to receive full benefits of the act. Subsequent amendments spell out with even greater clarity the intention to provide funds for counsel to indigent defendants:

The provisions of this Act, other than subsection (h) of Section (1) shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia and the District of Columbia Court of Appeals.

There is not one word which is contrary to this position in the Court Reorganization Act. In fact, it is clear from the reorganization and the fact that the prosecutorial function is left to the United States and the U.S. Attorney that there would be a definite Federal interest and participation which would be compatible with the Criminal Justice Act.

The act was enacted to fulfill the fifth and sixth amendments to the Constitution that require equal justice be afforded to all defendants in criminal cases brought by the United States. This representation is to be based on categories of crime and it is not intended to be based on categories of court—the decisive factor is whether or not the United States, represented by the U.S. attorney, is the one who is bringing the case. In the District of Columbia, all criminal prosecutions, except prosecutions of police and municipal regulations, disorderly conduct, and lewd, indecent, or obscene acts, are brought in the name of the United States and are prosecuted by the U.S. attorney. Furthermore, where the offense can be joined with any other Federal offense which is solely cognizable by a Federal court, that case is tried in the Federal courts and counsel is provided. The result is that counsel is provided at the discretion of a prosecutor for essentially the same crime depending upon the court in which the case is tried.

This resultant misjustice was never contemplated by the Criminal Justice Act. We have come a long ways in this city in providing justice in our courts. We now have speedy trials, which has resulted in a reduction of crime, we have protected the constitutional rights of a defendant by assuring counsel, and we have established a partnership with the Federal Government in accomplishing this goal. All of this is now threatened, and so I implore you to support this amendment, so that the catastrophe which will emerge does not become a reality and that the progress we have strived so hard to make is continued.

Mr. CELLER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. Chairman, if we do not adopt this amendment, then the Criminal Justice Act, which we had enacted, will be without the funds to provide appropriate services for defendants. The Superior Court and the Court of Appeals of the District of Columbia are Federal courts: First, they were created by an Act of Congress; second, the Federal jurisdiction previously in the U.S. district court was transferred to them; and third, the U.S. attorney is the prosecutor.

There are approximately 20,000 prosecutions brought by the United States in the District of Columbia. The Public Defender Service can handle no more than 20 percent of these. The remainder of the defendants may be unrepresented, that is about 16,000 prosecutions. If these prosecutions cannot go forward, these cases will have to be dismissed.

It cannot be emphasized enough that the most serious felonies, including first-degree murder, have to be tried in the Superior Court.

It is doubtful that those cases not being handled by the Public Defender Service could be parceled out on an uncompensated basis to the District of Columbia bar members. And while there are about 1,500 to 2,000 such attorneys, most of them are not prepared to handle criminal cases. Such a situation can only contribute to backlogs and delays.

To the extent that there may have been some exorbitant fees paid to a few attorneys under the Criminal Act program, this situation is being very well taken care of by a special committee of judges appointed by the Chief Judge of the Superior Court.

The Criminal Justice Act specifically says that—

The provisions of this Act, other than in subsection (h) of Section (1) [providing for public defender organizations] shall be applicable in the District of Columbia. The plan of the District of Columbia shall be approved jointly by the Judicial Council of the District of Columbia Circuit and the District of Columbia Court of Appeals.

It was Senator HRUSKA who introduced an amendment to the Criminal Justice Act to make the provisions of the Criminal Justice Act applicable in the District of Columbia, and he so stated it categorically on the floor of the Senate.

The Criminal Justice Act was enacted by Congress to fulfill the requirements of the fifth and sixth amendments to the Constitution that equal justice must be afforded to all defendants in criminal cases brought by the United States by providing, wherever necessary adequate legal services to defendants who cannot themselves afford to purchase such services.

It would be most unfortunate if the courts of the District of Columbia should be rendered incapable of making timely disposition of important criminal prosecutions due simply to a failure to appropriate funds with which to compensate counsel.

I urge the approval of the amendment.

Mr. SMITH of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, as a member of both the Judiciary Committee and the District of Columbia Committee, I urge my colleagues to reject the language contained in lines 17 to 21 on page 41 of H.R. 14989.

It seems to me that the question is whether or not the Criminal Justice Act of 1964 as amended by Public Law 91–447 in 1970 encompasses the courts of the District of Columbia and what the responsibility of the Congress is in that regard.

In reviewing the legislative history of this act, it is quite clear to me that the intent of Congress was to include the courts of the District of Columbia. The 1970 Amendments to the Criminal Justice Act specifically included the District of Columbia courts. If my colleagues will indulge me, I will read the comments of Senator ROMAN HRUSKA in offering such an amendment on the floor of the Senate.

Mr. HRUSKA. Mr. President, the amendment that I have offered would make the provisions of the Criminal Justice Act, as amended by S. 1461, fully applicable to the District of Columbia.

This amendment is needed to clarify the application of the act to appointed counsel appearing before the court of general sessions or any other court of general jurisdiction, now or in the future, in the District of Columbia. The Criminal Justice Act of 1964, as originally enacted, omitted any reference to the District of Columbia Court of General Sessions, although the Comptroller General ruled in 1966 that the act does extend to certain classes of cases prosecuted in that court. As I recall, that was also the intent of the 1964 act.

Since the Constitutional Rights Subcommittee began consideration of S. 1461, and other proposed amendments to the 1964 act, legislation has been proceeding through the Senate and the House District Committees that would significantly reorganize the Federal courts of the District. That legislation is now before a conference committee.

The concurrent jurisdiction of the District of Columbia District Court and the District of Columbia Court of General Sessions over certain offenses against the United States would end under that legislation, and the court systems would be greatly changed. It is the concurrent jurisdiction, however, upon which the Comptroller General based his opinion of coverage under the 1964 act.

Therefore, to insure coverage of the Criminal Justice Act in the District, whether or not the court reorganization bill is enacted, for those classes of cases specified in the 1964 act, as amended by S. 1461 as reported by the full Judiciary Committee, this amendment is offered.

The amendment was agreed to and the bill passed the Senate. The House Judiciary Committee accepted the amendment stating only that those provisions providing for a Public Defender Service, did not apply to the District since one was already in existence.

I am pleased to state that I voted for that legislation and it passed the House 277 to 21.

It may be asked what interest does the Congress have in the internal workings of the Superior Court of the District of Columbia?

It is we who enact the laws under which all felonies and misdemeanors are tried. Prosecutions in the Superior Court are in the name of the United States and handled by the U.S. attorney. Judges are appointed by the President. Even prisoners in court are in the custody of the U.S. marshal. Is it not proper, therefore, to provide defense counsel when our Constitution demands no less of us.

It appears that the committee's action is prompted by newspaper accounts of seemingly excessive compensation having been paid to appointed counsel under the act. I do not defend the propriety of those fees. I have no information, and I have not seen any before the House, as to the quality of representation or the circumstances warranting such fees. However, a committee of judges, private lawyers and representatives of the Public Defender Service is meeting this afternoon to seek methods of preventing the excessive compensation of attorneys in such cases. Tomorrow, a full committee of Judges of the District of Columbia Superior Court will convene to further explore the problem. It seems to me that any vindictive action taken today in cutting off funds is premature and one that will plunge the District of Columbia court system into chaos.

So I would urge, ladies and gentlemen, that this amendment be supported.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I am happy to yield to the gentleman from Maryland.

Mr. GUDE. Would the gentleman say that after having strengthened both the police and the court system, in Washington this amendment would be counterproductive in our fight against crime. Because of the lack of legal counsel many arrested criminals would probably end up back on the streets without having been tried.

Mr. SMITH of New York. I would certainly agree with the gentleman. We have made great progress here in the District of Columbia in reducing actual crime and in speeding up the process of justice, and this would certainly be counterproductive.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes, the time to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROONEY of New York. Mr. Chairman, the situation which has been uncovered here is one of the most unusual that this committee has ever come across in all the years of its existence. We find that we appropriated $10 million-plus for a system of court-appointed counsel in all the Federal courts throughout the land, including the courts of appeal. Lo and behold, over 10 percent of that money has been used here in the District of Columbia by a court that is not a Federal court, and a court that has its own public defender service.

We find that in this court here in the District of Columbia, the Superior Court—and Judge Greene himself, the chief judge, has referred to the fact that it is not a Federal court—they have paid out and approved as much as $51,510.60 to one lawyer in 1 year. To go down the list, we find that they paid another lawyer $26,852.50. They paid another one $26,161.50, another one $34,031.16, another one $30,104.25, and again we are back to the king of them all, Mr. Barney Keren, who got $51,510.60, a member of the fifth street bar.

There is another one who got $47,108, and another $37,574. The entire list is well above $10,000. That is for only a year. This sort of thing was never intended and they never should have permitted it to happen, particularly when they have their own public defender system. That is $1,611,000 in the current year and $1,934,000 is requested for the coming year. The District of Columbia appropriation bill is yet reported, and all the court has to do is to go to the District of Columbia Committee and ask the committee and the District of Columbia government to increase the funds that they think are necessary.

There is no reason why the fund about which we are speaking should be tapped for this local court. It is not a Federal court, anything here said to the contrary notwithstanding. This is for the U.S. District Courts and the U.S. Courts of Appeal for the District Courts.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. I think the Members would find it interesting to read the list of attorneys who have fattened in the District of Columbia as set forth on pages 161 and 162 of part I of the committee hearings. This is the list to which the gentleman from New York has referred.

Mr. ROONEY of New York. That is correct. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman from New York.

Mr. SMITH of New York. I thank the chairman. I do not defend any of the attorneys who may have gotten fees that are too high, but I understand *some* of those high fees were earned in the Federal court as well as in the District of Columbia Court.

Mr. ROONEY of New York. Where?

Mr. SMITH of New York. They were earned in representing indigent clients in the Federal courts in the District of Columbia, as well as in the District of Columbia courts.

In addition to that, Mr. Chairman, I would like to point out that by law the public defender service in the District of Columbia is limited to 60 percent of all indigent defendants, as I understand it.

Mr. ROONEY of New York. I would think the gentleman would confine himself to the views of his fellow members on the District Committee on this subject, who do not take the position that he does condoning the payment of fees such as these, when, as he knows, lawyers used to consider it a privilege and an honor to be appointed to represent an indigent defendant and to spend their own moneys for expenses to try the case for them.

We have gotten far away from that system when we must pay $51,510.60 to one lawyer.

Mr. Chairman, I ask that the pending amendment be rejected.

The CHAIRMAN. The question is on the amendment offered by the Delegate from the District of Columbia (Mr. FAUNTROY).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $1,500,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, $25,110,000.

AMENDMENT OFFERED BY MR. GROSS

Mr. GROSS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GROSS: On page 47, line 2, strike out "$25,110,000" and insert "$23,000,000".

Mr. GROSS. Mr. Chairman, this amendment eliminates the $2,110,000 increase in the appropriation allowed by the committee over the amount appropriated last year.

If anyone needs to be reminded that the Equal Employment Opportunity Commission is one of the most incredibly wasteful and completely mismanaged agencies in the Federal Government, the hearings and investigation conducted by the Appropriations Committee will serve that purpose.

The excellent investigations staff of the Appropriations Committee has submitted a report on this EEOC operation that almost defies belief.

The staff discovered, for example, that top officials at EEOC—and I quote—

Have been oriented toward hiring individuals who were involved in civil rights movements rather than hiring individuals based on their ability to perform the job for which hired regardless of any prior civil rights experience. Some officials believe that many of the EEOC morale and employee problems stem from the fact that this type of individual frequently disrupts the operation of the Commission.

The staff also discovered that the top brass of this outfit has a passion for spending money in the final days of a fiscal year, and spending it as if it were going out of style on various and sundry ill-conceived and mostly useless projects.

There was one instance where the acting general council of the EEOC had the unmitigated gall to refuse to resign from the EEOC until he was awarded a $20,500 contract to prepare a handbook that contained nothing that was not already available in the agency.

One Special Assistant to a Commissioner told the committee staff that the EEOC had—and I quote—

Doled out over $2 million and does not have any results to show for the expenditure.

The Chairman of the EEOC is so inept that he could not recall a memorandum from one of his officials written on June 22, 1971 warning him that, and I quote—

As of June 21, 1971, we had $406,000 to spend before the end of the fiscal year.

The Chairman could not recall this, but he had no difficulty remembering to put in a request for money to buy uniforms for his chauffeur.

The Civil Service Commission has characterized the EEOC as "chaotic." It has had an annual employee turnover as high as 42 percent, yet each year its officials clamor for more and more people—over 200 percent more employees now than it started out with 4 years ago.

Given the sorry record it has compiled, and given the contempt with which its chairman treats the taxpayers of the country, I see no reason whatscever why the appropriation for this agency should be increased one penny over last year.

Mr. ROONEY of New York. Mr. Chairman, I must rise in opposition to the pending amendment.

In the subcommittee I favored the full amount requested. But I found myself without sufficient votes to have the other members agree with me.

Unquestionably there have been a great number of administrative weaknesses and errors in this agency. However, I do not think we are going to cure this immediately at a time when they are being given so many additional duties by the Congress, by cutting them back more than $2 million. That is my personal feeling with regard to the matter.

Mr. Chairman, I yield back the balance of my time.

Mr. CEDERBERG. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I think the action taken by the subcommittee is the proper action. This kept it at the last year figure, giving them the opportunity to also have sufficient funds to provide for the pay increases and also to fill positions that we granted last year that had not been filled.

I can appreciate in reading the investigative report the point which has been made by the gentleman from Iowa (Mr. GROSS). There have been some very difficult problems insofar as administration of this agency or Commission is concerned. This is why we do not give them any new positions. I think they requested 312 new positions, and in my opinion this was done in order to hold the line until they had an opportunity to get their administrative house in order.

In addition to this, Mr. Chairman, we are faced with another supplemental of something in the area of $17 million, that we want to take a look at, going to this Commission during the next several months.

While I, personally, am somewhat sympathetic to the position of the gentleman from Iowa and I recognize the problem he has pointed out, I think it would be unwise to adopt the gentleman's amendment.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Yes, I yield to the gentleman from Iowa.

Mr. GROSS. Would not the gentleman like to correct his opening remarks to the effect that the committee gave the Equal Employment Opportunity Commission no new money?

Mr. CEDERBERG. I said no new money, but I think no new positions would be more nearly correct.

Mr. GROSS. But you did give the Commission $2.1 million more than for last year.

Mr. CEDERBERG. We gave them sufficient money to take care of the positions we granted them last year which have not been filled and also to provide for the pay increases.

Mr. HAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I do not suppose there is a Member in this House who has not at sometime during the past year and this year made a speech somewhere deploring waste in the Federal Government.

Here is an opportunity to do something about it.

Here is an organization which as Mr. GROSS has pointed out has wasted money shamefully, an organization that does not know what to do with the money and, of course, they bribe people to resign from it by giving them a $20,000 contract.

You know a lot of people are trying to interpret the results of some of the primaries. Well, I will give you one interpretation. People are tired of this kind of thing. They are tired of reaching into their pockets to pay for it. They are tired of buying uniforms for chauffeurs for bureaucrats.

Here is an opportunity to do something about it, a small one, albeit, but an opportunity to save a couple of million dollars.

Mr. Chairman, I intend to support the amendment.

I rarely ever—in fact I cannot ever remember taking part in the debate on the gentleman from New York's appropriation bill, and I do not pick this one out as any special target, but from the testimony contained in the hearings, this organization simply has thrown money around as though, to use Mr. GROSS' expression, as though it were going out of style.

Mr. Chairman, I think if we really mean some of these speeches we have been making about economy, here is a chance to vote for some economy.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the chairman of the subcommittee a question.

I was intrigued by the statement made to the effect that a report had been given to the committee showing malpractice or malfeasance of the manner in which this Commission is conducted.

By any chance, did that report contain anything indicating that some of the personnel were engaged in political activity?

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Texas yield?

Mr. GONZALEZ. I yield to the gentleman from New York.

Mr. ROONEY of New York. Not to my knowledge.

Mr. GONZALEZ. Would it be possible for any Member of the House to obtain a copy of the report?

Mr. ROONEY of New York. It is contained right there in the book which the gentleman has his hand on.

Mr. GONZALEZ. Oh, is that the one you have reference to?

Mr. ROONEY of New York. Yes; I referred to it yesterday. The investigative staff of the House Appropriations Committee made an investigation with regard to the activities of this agency and the report is in the printed hearings, volume 4.

Mr. GONZALEZ. I thank the gentleman.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I think it well that we recognize the fact that just a few months ago this House passed an amendment to the EEOC bill which gave this Commission special enforcement powers out of recognition of the fact that heretofore it had not had those powers.

This agency is charged, particularly under the complaint section, with trying to eliminate discrimination in this country. The Commission has already been severely hampered in the job assigned it by this Congress. They came before the chairman and the committee, and requested an $8.6 million increase. They asked for 312 additional positions to do what this Congress asked them to do. They were denied the increase and they were cut $6 million. They were denied all 312 of the new positions requested. They are now functioning by virtue of the $6 million appropriation cut at their same 1972 personnel level.

It just seems to me that we have to recognize the fact that in fiscal year 1970 they had received 14,000 complaints to investigate and evaluate. In fiscal year 1971 it went to 23,000 complaints. It is now at the figure of more than 30,000 for the year 1972.

It seems to me that if we are really serious about attacking the problem of discrimination in employment in this country that this Congress must live up to its commitment and assist the EEOC Commission to try to carry out the mandate given it by this Congress. To cut it further than the $6 million cut that has already been done certainly shows hypocrisy on our part.

Mrs. GRIFFITHS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, one of the largest expenditures in this Government is the expenditure for welfare. You authorized me, and I am checking into those expenditures. If you do not do something about helping women get jobs you are never going to reduce that expenditure; it is going to be increased indefinitely.

If there is any movement that has been tried here this afternoon on this floor that is pennywise and pound-foolish, it is to do anything to the EEOC which reduces the opportunity for women to be given jobs.

You are not spending peanuts on welfare in this country; you are spending this year $85 billion on income maintenance programs, and now you want to make a cut of $6 million.

Mr. Chairman, this is ridiculous.

I am wholeheartedly against this amendment, and I am for seeing to it that people are given a decent opportunity without discrimination to go to work.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 55, noes 74.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, and not to exceed $15,000 for expenses of travel, $450,000.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES: Page 51, line 1, strike out lines 11 through 16.

Mr. YATES. Mr. Chairman, Members may have an idea that the Subversive Activities Control Board is a live agency that is engaged in the task of listing so-called subversives, which was the statutory responsibility of the Board when the act was first passed in 1950. Now all that remains is the name behind which the Board is hiding.

Since 1965, when the Supreme Court of the United States held unconstitutional the basic law which created the Board, because that law abridged the first amendment, guaranteeing free speech, and the fifth amendment, which prohibits laws requiring self-incrimination, the Board has had nothing to do. At the present time this agency has nothing to do. It is a dead agency which should have been buried 7 years ago. But it is still being kept alive in the hope that perhaps some day a law will be written that will be found constitutional.

However, at the present time the Board has nothing to do. Nothing. Oh, yes, the Board has the task of deleting defunct organizations on the Attorney General's list, which a high school student can do in 2 weeks.

Let me read to you from the hearings as they appear in part IV on page 44. Mr. ROONEY is addressing the Chairman of the Board, Mr. Mahan, as follows:

Mr. ROONEY. How many times has the Board met in the past year?

Mr. MAHAN. I listed that. You mean in relation to cases, Mr. Chairman, or on Board meetings?

Mr. ROONEY. Even to have just a talk with one another.

Mr. MAHAN. We meet about once a week.

Mr. ROONEY. That would be how many times in the past year?

Mr. MAHAN. I would say we have met 50 times. All of these cases go before a panel of three members of the Board. We eliminated hearing examiners some time ago. Recommendations are made by the members themselves, after hearing the evidence on all these cases.

We need two administrative assistants. Two Board members do not have secretaries, including the chairman. I think we need another and another secretary in the event these cases come up.

Mr. ROONEY. To help you do what—do nothing? I don't understand this.

Mr. MAHAN. I will not hire anybody, Mr. Chairman, unless we get new cases under Executive Order No. 11605.

Mr. ROONEY. How many days of hearings did you have last fiscal year?

Mr. MAHAN. Nine.

Mr. ROONEY. Nine days?

Mr. MAHAN. I had 14 in the last calendar year, but nine in the last fiscal year—nine in New York, two in Pittsburgh, and three in Washington.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. YATES. I will be pleased to yield to my distinguished friend, the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I would like to commend my distinguished friend for reading so accurately and well.

Mr. YATES. Well, I thank the gentleman for complimenting me even in that way. After all, the gentleman's questioning was so good.

Now on page 46 I read the final exchange between Mr. Mahan and the gentleman from New York (Mr. ROONEY), which is as follows:

Mr. MAHAN. I have always told you when we needed it I will come up here. You always told me I could. I appreciate very much being before you and saying that whatever you give us is satisfactory.

Mr. ROONEY. We like to see you socially. We really do.

So based upon these hearings the gentleman from New York (Mr. ROONEY) and the committee provided for $450,000 to pay the salaries of a nonfunctioning board that has no statutory activities at all and which lives in hope that someday they will find something to do.

When I offered this amendment before the Committee on Appropriations, the gentleman from New York (Mr. ROONEY) indicated to the committee that it could not take this action—it could not cut off the funds for appointees by the President and confirmed by the Senate.

I asked the Library of Congress for a brief on this question and I was told that there is no such law, that the distinguished gentleman from New York was referring to the Lovett case which in 1946 sought in an appropriation bill to cut off the salary of Mr. Lovett, at that time that action was rejected by the Supreme Court of the United States.

This is what the head note of that case states:

Legislative acts, no matter what their form, that apply either to named individuals or to easily ascertainable members of a group in such a way as to inflict punishment on them without a judicial trial are bills of attainer prohibited by the Constitution.

This is a case that has no possible bearing upon the action which I am taking in trying to cut off the funds for this agency. The Appropriations Committee in every single one of its bills cuts off funds in order to cut out jobs that are on payrolls. There is no reason why the Appropriations Committee and the Congress cannot eliminate jobs, not only of those who are underlings, but as well, those who are members of a board.

Does the gentleman wish me to yield?

Mr. ROONEY of New York. Yes, please.

Mr. YATES. I am glad to yield to the gentleman from New York.

Mr. ROONEY of New York. I should like to point out that those are presidential appointees and they have to be paid.

Mr. YATES. I suggest to the gentleman that there is no legal foundation for the gentleman's argument. If the gentleman has any, I wish he would cite his case. I can tell the gentleman that I have had the Legislative Counsel's Office and the

Library of Congress look into the matter to see if they could find any cases in support of his position. None has been found. I urge support of my amendment.

Mr. ICHORD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri is recognized.

Mr. ICHORD. Mr. Chairman, I would like to take this time to put this matter in proper perspective. The purpose of establishing the Subversive Activities Control Board in 1950 was to provide a way of making public the identity, purposes, and mode of operation of Communist organizations within the United States. The program, as the gentleman from Illinois has stated, has encountered many frustrations, not only because of adverse court decisions, but also because of the failure of Attorneys General to assign work to the Subversive Activities Control Board for whatever reason.

Under the law the Subversive Activities Control Board cannot work unless the Attorney General assigns it work. As a result, the work of the Subversive Activities Control Board has been severely circumscribed. It has not been very active.

I rise in opposition to the amendment offered by the gentleman from Illinois, and I submit to the House that this is not the time and the place to consider this amendment. I agree with the gentleman from Illinois that we should not pay officers and employees when they are not doing any work, but I would point out to the gentleman from Illinois that the President of the United States has recently, by Executive order, assigned a function for the SACB to perform in connection with a loyalty security program operated under Executive order.

The U.S. Government for several years, since the Truman administration, has operated a loyalty security program under Executive order. That was Executive Order No. 9835, promulgated by President Truman. That program was continued by President Eisenhower under Executive Order No. 10450 and, most recently, President Nixon amended No. 10450 assigning a function formerly performed by the Attorney General under the loyalty security program to the Subversive Activities Control Board. The order has been very controversial. Many constitutional lawyers have argued that the President did not have that authority. But in any event the President did not have the authority to make the order completely effective because SACB would have to have subpena power, the right of court review and the right of the court to enforce the orders of the SACB before the order was fully effective. The President definitely did not have authority to grant such powers. Therefore, the President recently recommended to the Congress that it pass H.R. 9669, giving SACB such powers.

That bill was referred to the House Committee on Internal Security. It was reported to the House on May 9, 1972, with the recommendation that it do pass. It is now pending before the Rules Committee. In a few days this House should have the opportunity to pass upon that measure.

That will be the time and place to decide whether or not the Subversive Activities Control Board should be continued. The real question here involved is, do we want the U.S. Government to operate a program designed to weed out persons who are disloyal to the Government of the United States? Admittedly it is very difficult to operate such a program.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ICHORD. I am sure the gentleman from Illinois would want such a program to continue.

I yield to the gentleman from Illinois.

Mr. YATES. The gentleman has rightfully pointed out that under previous Executive orders, beginning with President Truman, the Civil Service Commission has had the task of weeding out those people in Government who have been found in various parts to be either undesirable, unfit, subversive, or disloyal.

Mr. ICHORD. The Civil Service Commission, in answer to the gentleman——

Mr. YATES. That is right. Let me make my second point.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

(On request of Mr. YATES, and by unanimous consent, Mr. ICHORD was allowed to proceed for 3 additional minutes.)

Mr. YATES. I point out further that supplementing the activities of the Civil Service Commission is the work of the Federal Bureau of Investigation, the FBI, which is authorized as well under the Executive order to make full field checks in those cases where Government employees are supposed to have some sort of taint.

Mr. ICHORD. I would point out to the gentleman from Illinois that there is no provision mandating a full field investigation under the loyalty and security program for nonsensitive positions. Such a program would be too expensive. This is where we need an organization performing the function which was formerly performed by the Attorney General. Admittedly the Attorney General was not the right agency.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. ICHORD. I yield further.

Mr. YATES. The Supreme Court has held that Executive orders which seek to hold employees disloyal who are in insensitive positions are without validity, and has held those orders unenforceable.

Mr. ICHORD. I disagree entirely with the gentleman from Illinois. He is entirely wrong. The Supreme Court held that they did not have the right to dismiss summarily.

Mr. YATES. Right.

Mr. ICHORD. Employees who were in a nonsensitive position.

Mr. YATES. That is right.

Mr. ICHORD. There has been no determination as to sensitive positions.

Mr. YATES. Which is a procedure authorized under the Executive order. The Court said that could not be done.

At any rate, what the gentleman is saying is that his committee has reported out a bill which may or may not become a law. That is point No. 1.

Point No. 2 is this: Executive Order 11650, which is the subject of the gentleman's bill, was the subject of an amendment by Senator ERVIN in the Senate last year, and Senator ERVIN was able to persuade the Senate to vitiate Executive Order 11605.

Mr. ICHORD. I would predict that when H.R. 9669 does come before this House that this House will pass that bill overwhelmingly. That is the place to make the decision as to whether or not to abolish SACB.

Mr. DRINAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, today once again we are presented with the annual ritual whereby the Subversive Activities Control Board, that lifeless institution, that ugly corpse, is dragged before Congress and hundreds of thousands of dollars are requested for its maintenance.

Every year, in the remote and unrealistic hope that we could somehow breathe life back into this corpse, Congress has appropriated funds for the SACB.

After studying the bizarre, fruitless, and unconstitutional 21-year history of this anachronism funded at public expense, I am persuaded that it is finally time to put the corpse to rest.

In 21 years, the Subversive Activities Control Board has produced absolutely nothing by way of work product. The SACB has been totally useless and irrelevant to the Federal loyalty-security program. In 21 years, the only accomplishments of the SACB have been to clog the courts and to waste the time of the Justice Department in expensive and protracted constitutional litigation. As a trustee of the taxpayers' money, I cannot in good conscience support additional funding for this Board.

No member of this House who truly believes in fiscal responsibility can vote funds for this Board which has had, and can have, nothing whatever to do. No Member of this House who is opposed to wasting money should be intimidated by the discredited and shameful ploy that he is "soft of communism."

The inadequacies and wastefulness of the Subversive Activities Control Board have been so well demonstrated that it would be redundant to repeat at this point all of the evidence which indicates how wrong we would be to waste taxpayers' money on the SACB by not voting for this amendment today.

I would like to insert at this point in the RECORD the text of letters which I have received from the American Civil Liberties Union and the Americans for Democratic Action setting forth their basic objections to SACB funding and their support for this amendment. I endorse both letters.

AMERICANS FOR DEMOCRATIC ACTION,
Washington, D.C., May 16, 1972.

DEAR CONGRESSMAN: You will soon be called upon to vote on the appropriations bill for the Departments of State, Justice, Commerce and the Judiciary which contains a $450,000 appropriation for the Subversive Activities Control Board. Americans for Democratic Action urges you to support a floor amendment to the bill to strike all 1973 funds for the SACB.

We submit that the SACB should no longer be funded on two grounds. First, we believe that Executive Order 11605, issued last year by President Nixon in an effort to give the SACB something to do, represents an uncon-

stitutional infringement on First Amendment freedoms of speech and association and an unconstitutional usurpation of legislative power by the executive branch.

Second, continued maintenance of the Board is a waste of the taxpayers' money because the courts will undoubtedly strike down the Order (a federal district court has already indicated it will do so) and the Board will be left with $450,000 and nothing to do.

At a time when the President is warning Congress against over-spending, at a time when funds are so desperately needed for a host of domestic programs, why fund an agency that has not made one single contribution to the welfare and safety of this country?

After twenty-two years of utility at a cost of over $6 million, it seems clear that the SACB and all it stands for has no place in our government. When active, it infringes on constitutional freedoms; when moribund, it represents a shameful waste of the taxpayers' money. We urge you to help abolish, once and for all, the SACB.

Sincerely yours,

LYNN PEARLE,
Legislative Representative.

AMERICAN CIVIL LIBERTIES UNION,
Washington, D.C., May 16, 1972.

DEAR CONGRESSMAN: This week you will be called upon to vote on the fiscal 1973 appropriation of $450,000 for the Subversive Activities Control Board. The American Civil Liberties Union urges you to vote for an amendment which will be offered to delete SACB funds from H.R. 14989, the State, Justice, Commerce, and Judiciary Appropriation Bill.

Three reasons underly our position: First, the activities of the SACB unconstitutionally infringe upon the First Amendment freedoms of all of our citizens. Second, funding the SACB is a significant waste of the taxpayers' money. Third, the Administration has usurped the Congress' legislative powers by giving the SACB by Executive Order functions well beyond those assigned it under Congressionally-approved statute—a course in which the Congress should not acquiesce.

BACKGROUND

Prior to July, 1971, the SACB had been reduced to total inactivity by decisions of the federal courts holding virtually all of their responsibilities unconstitutional. In *Albertson* v. *SACB*, 382 U.S. 70 (1965), the Supreme Court held in 1965 that individuals could not be compelled to register under the Internal Security Act because they would thereby be subject to prosecution under the Smith Act, thus violating the constitutional guarantee against self-incrimination. In 1967, the Congress empowered the SACB to register individuals. In *Boorda* v. *SACB*, 421 F.2d 1142, (D.C. Cir. 1969), *cert. denied* 397 U.S. 1042 (1970), the courts held that this new task violated the First Amendment guarantee of freedom of association. As a result of these and other cases, the level of activity at the SACB dropped so low that in the course of last year's appropriation hearing, SACB Chairman John W. Mahan testified that the SACB does not have enough work to keep its officials busy.

E.O. 11605 UNCONSTITUTIONAL

In the midst of last year's appropriations hearing, the Administration moved to rescue the Board from possible oblivion by issuing Executive Order 11605 which was intended to greatly expand the workload of the SACB. In considering whether to continue to fund the SACB, the fact that E.O. 11605 will ultimately be found unconstitutional, once again leaving the SACB with a great deal of the taxpayers' money and nothing to do, must be considered.

Executive Order 11605 authorizes the government, in evaluating the loyalty of its employees, to consider "knowing membership in, or affiliation or sympathetic association with" any group which is totalitarian, Fascist, Communist, subversive, which unlawfully advocates force or violence to deny others their constitutional rights, or which seeks to overthrow the government by unlawful means. The SACB is given the job of making a list of such organizations to replace the outdated Attorney-General's list. The definitions of these categories of organizations are vague, imprecise, and could be interpreted to apply to many perfectly lawful but dissident organizations, including most of the peace movement and many civil rights organizations. Moreover, the entire scheme of the Order is aimed at speech alone and not at illegal acts.

In *Cole* v. *Richardson*, 40 U.S.L.W. 4381 (April 18, 1972), the Supreme Court reviewed the limits imposed on loyalty oaths and programs:

"We have made clear that neither federal nor state governments may condition employment on taking oaths which impinge rights guaranteed by the First and Fourteenth Amendments respectively, as for example those relating to political beliefs. *Law Students Research Council* v. *Wadmond*, 401 U.S. 154 (1971); *Baird* v. *State Bar of Arizona*, 401 U.S. 1, (1971); *Connell* v. *Higgenbotham*, 403 U.S. 207, 209 (1971), (Marshall, J., concurring). Nor may employment be conditioned on an oath that one has not engaged, or will not engage, in protected speech activities such as the following: criticizing institutions of government; discussing political doctrine that approves the overthrow of certain forms of government; and supporting candidates for political office. *Keyishian* v. *Board of Regents*, 385 U.S. 589 (1967); *Baggett* v. *Bullitt*, 377 U.S. 360 (1964); *Cramp* v. *Board of Public Instruction*, 368 U.S. 278 (1961). Employment may not be conditioned on an oath denying past, or abjuring future, associational activities within constitutional protection; such protected activities include membership in organizations having illegal purposes unless one knows of the purpose and shares a specific intent to promote the illegal purpose. *Whitehill* v. *Elkins*, 389 U.S. 54 (1967); *Keyishian* v. *Board of Regents, supra; Elfbrandt* v. *Russell*, 384 U.S. 11 (1966); *Wieman* v. *Updegraff*, 344 U.S. 183 (1952)."

The scope of inquiry in Executive Order 11605 goes way beyond these limits.

One federal court has already examined Executive Order 11605 and found it constitutionally deficient. In *American* Servicemen's Fund v. Mitchell, C.A.No. 1776-71 (Memorandum and Order, January 10, 1972), although the district court dismissed the suit as premature, it left no doubt about the ultimate unconstitutionality of the Executive Order. In the court's words,

". . . the Order contains definitions governing listing which appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many Government workers, present or future."

WASTE OF TAXPAYERS' MONEY

The SACB cannot begin to list new organizations until the Justice Department petitions it to do so. Robert Mardian, until recently head of the Justice Department's Internal Security Division, testified in July, 1971 that the Department was considering 25 cases for presentation to the SACB. As of today, almost a year later, not a single case has been referred. Indeed, in testimony before the House Internal Security Committee in January of this year, a Justice Department spokesman stated that the Department "probably would not file any cases" while the American Servicesman's Fund case was in its "appeal period." (Testimony of Kevin Maroney, January 27, 1972) That appeal is just now in the beginning stages. It could take two years before the appeal is completed through the Supreme Court. *Thus, the entire fiscal 1973 could pass without the Department's sending a single new case to the Board.*

SACB Chairman Mahan has testified that the Department has submitted 169 names of organizations to be taken off the Attorney-General's list and that the SACB expects 96 more petitions this year. They indicate, however, that 82 of these cases were disposed of in approximately 3 days of hearings. At that rate, it should take only about 7 more days to dispose of all of the remaining delisting cases, including those not yet referred by the Department.

Executive Order 11605, therefore, in no way justifies the appropriations of any funds for the SACB in fiscal 1973. As indicated above, SACB Chairman Mahan has testified that the SACB does not have enough other work to keep its officials busy. There is simply no justification for any expenditure of the taxpayers' money on such a body. And yet, H.R. 14989 appropriates $450,000 for the SACB to spend.

E.O. 11605 USURPS CONGRESSIONAL POWERS

E.O. 11605 purports to give the SACB powers never given to it by the Congress. In defending that course last year, former Assistant Attorney General Mardian stated that the President had "constitutional statutory powers." As Senator Sam Ervin so clearly stated on the floor of the Senate, "My copy of the Constitution says that all legislative power is given to Congress. The President has none. His responsibility is to 'faithfully execute' the laws, not amend them as the Justice Department sees fit." 117 Cong. Rec. S 12211 (daily ed. July 27, 1971). And in the words of Judge Gesell in the *American Servicemen's Fund* decision, there is "no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress."

H.R. 9669, an Administration bill which would have Congress ratify, after the fact, this act of Presidential legislation, is a long way from passage. In the meantime, the Congress is being asked to ignore the constitutional doctrine of separation of powers and fund the SACB anyway.

Despite the SACB's attempt to portray it otherwise, the SACB still has no significant amount of work to do to justify the almost one-half of a million dollars proposed here. Moreover, the work it wishes to do infringes substantially on the rights guaranteed to all by the First Amendment. As you consider this appropriation, we urge you to keep in mind the following thought which is taken from an editorial in the Washington *Evening Star* which appeared during last year's debate:

"The surest way to fan the spark of revolution and violence is to over-react to the threat, to curb constitutional liberties in an attempt to maintain the status quo, to lose faith in the due process of law, to establish bureaucratic vigilante committees to inquire into the thoughts, the words and the associations of citizens of the United States." 117 Cong. Rec. E 8297 (daily ed. July 26, 1971).

Sincerely,

HOPE EASTMAN,
Acting Director.

I would also like to bring to the attenion of my colleagues, Mr. Chairman, the following statement which I have made in the report of the Internal Security Committee on H.R. 9669, which seeks to expand the jurisdiction of the SACB in a manner which is unconstitutional, in my judgment:

VIEWS OF CONGRESSMAN ROBERT F. DRINAN

I am entirely persuaded that H.R. 9669 as amended in Committee would, upon enactment, almost immediately be declared un-

constitutional. Perhaps the most distressing of the several constitutional infirmities of this bill is its total abdication to the President of legislative authority over the jurisdiction of the SACB.

Apart from the legal deficiencies of this proposal, I am opposed to it because there is no evidence whatever that any Federal department or agency needs this law to insure fidelity by its employees to our system of government.

Finally, I oppose H.R. 9669 because it would undermine one of our most precious freedoms—the freedom to assemble and speak our beliefs without fear of punishment by the government.

For two years, the Internal Security Committee has been holding hearings in an attempt to give the Subversive Activities Control Board something to do. As Chairman Ichord stated in his original announcement of these hearings on June 2, 1970, "The question arises as to the advisability of the further maintenance and funding of a Board which has little or no work to do."

For a variety of reasons—most fundamentally the established unconstitutionality of the principal functions of the SACB,[1] and the absence of any groups for it to investigate (expressed repeatedly by the Justice Department)—the SACB was, and it is to this day, unable to find anything with which to occupy itself.

The day after SACB Chairman John Mahan testified on July 6, 1971, before the Senate Appropriations Committee that "We do not have enough to fill our time," there appeared in the Federal Register Executive Order 11605. That order sought to provide the SACB with work. In open contravention of the exclusive authority of Congress to legislate new SACB functions, the Executive Order asserted several vaguely-defined categories of political organizations which the SACB could, in the words of its Chairman, "expose and disclose."

Nine groups soon brought suit in the United States District Court for the District of Columbia, in *American Servicemen's Union* v. *Mitchell*, seeking a declaratory judgment and injunctive relief against the operation of the Executive Order on the ground of unconstitutionality.

In an extensive analysis, the Court essentially did two things. First, it declined immediate relief pending the administration of the Executive Order. More importantly, however, in its January 10, 1972, opinion the Court clearly intimated that Executive Order 11605 was unconstitutional. The Court stated:

"Apart from the disturbing implications of this effort to revitalize a loyalty program that has found little favor, the issues presented by the complaint are extremely serious and must eventually be resolved. There is, for example, no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress."

The Court further stated,

"Wholly apart from the question of delegation, the Order contains definitions governing listing that appear on their face to raise constitutional problems by reason of their vagueness and overbreadth and the resulting effect on the rights of many government workers, present or future."

H.R. 9669, as originally introduced, was an attempt to codify—incorporate by reference—and somehow legitimize the Executive Order. However, it was clear that no codification could cure the constitutional defects to which the Court alluded and which are so well demonstrated in a long line of Supreme Court decisions extending over a period of many years.

H.R. 9669 as amended is a misconceived attempt to give the SACB something to do. The amended bill strikes the original bill's references to Executive Order 11605 and replaces them with a wholly unspecified, undefined and unlimited transfer of legislative authority to the President or his designees to create any criteria they want "with respect to the character of relevant organizations" which the SACB may use as a basis for Federal agencies to exclude on "loyalty" grounds prospective and existing employees.

It seems to me that, by taking this approach, the proponents of the amended H.R. 9669 are saying in effect that a small dose of dangerous medicine is intolerable but a huge dose of poison is a good thing.

Further complicating the background in which this bill is reported is the fact that notwithstanding two years of hearings on the subject of government loyalty-security programs, our Committee never at any time held hearings on the unprecedented amendment contained in the bill which would set up the President as the exclusive legislator with respect to SACB functions. Neither the Administration, nor any Federal department, nor any of the many other witnesses before the Committee asked for such a proposal, commented upon it, or, indeed, was aware that it might be made. (In fact, there appears to me very substantial merit in the argument that this bill should have been referred to the Post Office and Civil Service Committee, or the Judiciary Committee, both of which have exercised long-standing jurisdiction in the areas covered.)

To my knowledge, not the slightest effort was made to solicit the views of constitutional experts or anyone else outside the Committee as to the desirability or legality of such a drastic step. To all appearances, it would seem that this proposal was a last-minute afterthought.

I don't believe any Member of our Committee, or any Member of the House, really favors this bill. The Chairman of the Subcommittee which studied this subject for two years, Congressman Preyer, who elsewhere in this Report sets out his basic objections to H.R. 9669, did not vote for the bill in Committee. Chairman Ichord, in his April 14, 1972, letter to Congressman Preyer which is appended to this Report, states—

"I am not certain that the solution is to be found in H.R. 9669, nor am I wholly convinced that we may expect any more action from the Department of Justice in the future than it has given the [SACB] in the past."

Under all of these circumstances, I am frankly surprised that five Members of our Committee determined to bring such a measure before an already-overburdened House.

Before I very briefly set forth the constitutional infirmities of this bill, I think it is important to note that all of the cabinet departments, the Posal Service and the Civil Service Commission appeared before the Committee in the course of its loyalty-security hearings and that notwithstanding probing interrogation of each of them there was asserted no evidence which would even remotely support the contention that we need an expanded loyalty-security program of this nature. Over and over, department representatives testified that the present program is adequate to their needs, that they could not recall a single instance where an employee was fired on loyalty-security grounds, that they were satisfied with the present approach. To the extent that there were objections to our current loyalty-security program in testimony before the Committee, those objections were on civil liberties or curable administrative grounds. A careful review of all of the testimony persuades me beyond any doubt that any suggestion that our government needs expanded bureaucracies or program to combat the risk of subversion in its ranks is not supported by the evidence.

On March 15, 1972, for example, the General Counsel of the Civil Service Commission, Anthony Mondello, testified before the Committee that for at least seven years—since 1965—no Federal department or agency has felt obliged to remove even one employee on loyalty-security grounds.

But even if there were an expressed need for this radical new proposal, which there certainly is not, I would urge my colleagues to vote against it because of its dangerous and unconstitutional provisions.

Essentially, this bill has three constitutional defects. First, it purports to legitimize exclusion from government employment on the basis of associational activities. As the Supreme Court has held in *Keyeshian v. Board of Regents*, 385 U.S. 589, 606 (1967), and elsewhere:

"Mere knowing membership without a specific intent to further the unlawful aims of an organization is not a constitutionally adequate basis for exclusion from [a government] position. . ."

See also, *Aptheker v. Secretary of State*, 378 U.S. 500 (1964); *Elfbrandt v. Russell*, 384 U.S. 11 (1966); and *Brandenburg v. Ohio*, 395 U.S. 444 (1969).

The Supreme Court doctrine in this regard makes perfectly good sense. All of us who lived in the 1950's remember painfully the innumerable tragic consequences of guilt-by-association.

Secondly, this bill is an unconstitutional delegation of legislative authority to the President. The law is well established that Congress may not delegate authority to the President or anyone else without setting a comprehensible legislated standard. As long ago as 1825 the Supreme Court stated in *Field v. Clark*, 143 U.S. 649, 692:

"[T]hat Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution."

See, *e.g.*, *United States v. Chicago, M.St.P and P. Rr.*, 282 U.S. 311, 324 (1931); *Curnin v. Wallace*, 306 U.S. 1, 16–17 (1939); *Mulford v. Smith*, 307 U.S. 38, 48–49 (1939); *Sunshine Anthracite Coal v. Adkins*, 310 U.S. 381, 398 (1940); *Opp Cotton Mills v. Administrator*, 312 U.S. 126, 142–46 (1941); *Pittsburgh Plate Glass v. N.L.R.B.*, 313 U.S. 146, 165–66 (1944).

In a complex, technological society there are sometimes occasions when broad discretion must be vested in the President and Executive agencies to administer programs—such as Phase II—and promulgate rules. In each such instance, however, the Congress has provided comprehensible standards of national policy upon the basis of which the Executive could act. If ever there were a case where no such standards were enunciated by Congress, this bill is it. Here, the President would be guided by a totally undefined, unarticulated concept of "loyalty and security." These words present no standard, no policy, no intelligible principle. In a concurring opinion in *Joint Anti-Fascist Refugee Committee v. McGrath*, 314 U.S. 123, 174, 176 (1951), Mr. Justice Douglas well summed up such a situation:

"No one can tell . . . what meaning is intended. . . . [they] will mean one thing to one [person], another to someone else. [They] will be given meaning according to the predilections of the [administrator]. . . . [to some they] will be synonymous with 'radical'; to others [they] will be synonymous with 'communist.' [They] can be expanded to include those who depart from the orthodox party line—to those whose words and actions, though completely loyal, do not conform to the orthodoxy view on foreign or domestic policy. These flexible standards, which vary with the mood or political philosophy of the [administrator], are weapons

[1] See, *e.g.*, *Albertson* v. *SACB*, 382 U.S. 70 (1965); *Boorda* v. *SACB*, 421 F. 2d 1142 (D.C. Cir. 1969), *cert. denied* 397 U.S. 1042 (1970).

which can be made as sharp or blunt as the occasion requires."

This bill is a clear example of the unconstitutional transfer of legislative authority which Professor Kenneth Davis calls "true Congressional abdication" in his *Administrative Law Treatise*, § 2.01 (1958). Under H.R. 9669 the Congress would simply vest in the President nothing more or less than the power to write the loyalty-security laws of the United States.

Third and lastly, I believe H.R. 9669 is unconstitutional under the First Amendment as vague and overboard. As the Supreme Court stated in *United States* v. *Robel*, 389 U.S. 258, 265 (1967), in which it held unconstitutional government sanctions against members of "communist action" groups under the Subversive Activities Control Act—

"It has become axiomatic that 'precision of regulation must be the touchstone in an area so closely touching our most precious freedoms.' *NAACP* v. *Button*, 371 U.S. 415, 438 (1963); see *Aptheker* v. *Secretary of State*, 378 U.S. 500, 512–13; *Shelton* v. *Tucker*, 364 U.S. 479, 488 (1960)."

Much has been said in recent years about the "chilling effect" of government action on First Amendment rights. *Dombrowski* v. *Pfister*, 380 U.S. 479 (1965). In the words of Judge Gesell in the *American Servicemen's Union* case, *supra*, the phrase "chilling effect"—

Cover[s] many degrees of chill and it is necessary to distinguish between the fear of catching flu, a possible shiver or two, and that hard chill that stifles free exercise of a definite constitutional right."

In H.R. 9669 we have, in my judgment, the hard and stifling chill to which Judge Gesell refers. Here is postulated an arrangement whereby citizens would fear entering into political associations which might be designated "unloyal" by some present or future President not restrained or guided by the Congress. Here we would have a law under which any President who for whatever political or other reason felt constrained to give the SACB something to do would feel obligated to create new zones of impermissible associations. If H.R. 9669 were enacted no citizen would have any guide as to what groups he could join without placing his reputation and livelihood in jeopardy.

There is much controvery in Congress as to whether we need any loyalty-security program, whether the SACB should be given any funds, whether the House Internal Security Committee should continue to exist, whether its files should be used to exclude citizens from government employment, and so forth. Those are not the issues here.

Instead, the issue presented by this bill is whether we should endorse this particular and unprecedented approach—this abdication of our legislative function. Two million citizens apply for Federal employment every year, and enactment of this bill would in a real sense injure every one of them.

Our highest court gave us wise guidance in this matter in a highly relevant footnote in the *Robel* case, 389 U.S. at 268:

"Faced with a clear conflict between a Federal statute enacted in the interests of national security and an individual's exercise of his First Amendment rights, we have confined our analysis to whether Congress has adopted a constitutional means in achieving its concededly legitimate legislative goal. In making this determination we have found it necessary to measure the validity of the means adopted by Congress against both the goal it has sought to achieve and the specific prohibitions of the First Amendment. But we have in no way 'balanced' those respective interests. We have ruled only that the Constitution requires that the conflict between congressional power and individual rights be accommodated by legislation drawn more narrowly to avoid the conflict."

If there is a remedy for what so many of us perceive to be the failings of our government loyalty-security program, this bill surely is not it.

ROBERT F. DRINAN.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 10 minutes, the last 5 to be allotted to the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. Mr. Chairman, I wonder if I could have the attention of the gentleman from Illinois (Mr. YATES) for a question.

Is it true one of the members of this Board was found administratively to have violated an executive directive pertaining to release of personnel files; that is to say he had disclosed classified documents of the State Department? Is he still on the Board?

Mr. YATES. I do not know the answer to the gentleman's question. Perhaps the gentleman from New York (Mr. ROONEY) can answer the question.

Mr. JACOBS. Is this the Board Mr. Otepka is on?

Mr. ROONEY of New York. Mr. Otepka, a former employee of the State Department, is a member of the Subversive Activities Control Board.

Mr. JACOBS. If that is the gentleman, I might say, if I am not in error, he was dismissed from his job for having disclosed State Department personnel files against an executive directive, I believe, to the legislative branch of the Government.

Mr. ICHORD. Will the gentleman yield?

Mr. JACOBS. Surely.

Mr. ICHORD. I believe the gentleman from Indiana is in error. Mr. Otepka was not dismissed.

The employee that the gentleman from Indiana has described was not dismissed from his employment with the State Department, as I understand it. He was kept in that position and was appointed to the Subversive Activities Control Board from his position in the State Department.

Mr. JACOBS. There was a controversy, was there not? And can the gentleman describe that controversy?

Mr. ICHORD. He was never dismissed by the State Department.

Mr. JACOBS. Is the gentleman really sure about that?

Mr. ICHORD. That is my understanding.

Mr. JACOBS. Do I understand also that under this administration, as a matter of fact, Mr. Otepka was finally reprimanded, reduced one civil service grade and transferred to duties which did not involve the administration of personal security functions.

Mr. ICHORD. I am not fully familiar with all of the issues in the matter. The alleged disclosure was made to the Senate Judiciary Committee and not to an outside organization.

Mr. JACOBS. I just point out that as I understand the debate it is expected that possibly very soon there will be legislation for this Board creating something for it to do.

It strikes me that that will be soon enough to appropriate the money with which to pay them.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Illinois.

Mr. YATES. I will say to the gentleman from Indiana that at the present time the Board has nothing to do, and I would say further to the gentleman that if there is something which they have to do it could be done through the Attorney General. They submit certain information to the Attorney General, information which a high school student could formulate in 3 weeks.

Mr. JACOBS. And a high school student's minimum wage would not allow for this kind of compensation?

Mr. YATES. That is correct. The compensation is $36,000 a year for five Board members who are doing nothing.

The gentleman from Missouri spoke about a bill that his committee has approved, and I suggest that that bill is a long way from enactment, if ever enacted at all.

Mr. JACOBS. My point is this. It seems to me if the bill is enacted, that might be time enough to appropriate the money.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

We already have had the same amendment before the full House Committee on Appropriations on Monday and the amendment was defeated.

This is a matter where the Board is constituted of Presidential appointees who are authorized by law.

Now, with regard to the bill H.R. 9669, I am glad that in the last couple of days, the gentleman from Illinois (Mr. YATES) has learned that this bill was reported out by the House Committee on Internal Security on May 9. I should like to ask the gentleman from Missouri (Mr. ICHORD) the chairman of that committee if there were any "no" votes against reporting it out?

Mr. ICHORD. Mr. Chairman, if the gentleman will yield, the vote on the bill recommended by the President was 5 to 1.

Mr. ROONEY of New York. Now, the reference of the distinguished gentleman from Illinois to the questions asked by the gentleman from New York in the printed hearings laid the basis for the substantial reduction by the committee from $706,000 requested, down to $450,000, the same amount as allowed by the Congress in the current fiscal year.

This committee therefore, cut $256,000 below the budget request.

Mr. Chairman, this Board has a great many things to contend with. They hold hearings and these subversive crackpots from all over the country descend upon these hearings and create a great deal of disturbance.

I have here a page of the transcript of one of their hearings. You really would not believe what goes on. The language contained in this transcript is so obscene and filthy that we would not dare print it in the report or RECORD. All I am going to do is leave it here on the table for any Members of the House to read.

These sort of people would favor the pending amendment. These are the people who do not want a Subversive Activities Control Board, and they do not want it at a time when many additional duties are being given to the Board by the Department of Justice.

Mr. Chairman, I yield back the balance of my time, and ask for a vote against the pending amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES).

The question was taken; and on a division (demanded by Mr. YATES) there were—ayes 39, noes 87.

TELLER VOTE WITH CLERKS

Mr. YATES. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. CEDERBERG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered, and the Chairman appointed as tellers Messrs. YATES, CEDERBERG, DRINAN and ICHORD.

The Committee divided, and the tellers reported that there were—ayes 106, noes 206, not voting 120, as follows:

[Roll No. 162]

[Recorded Teller Vote]

AYES—106

Abourezk	Fascell	Nedzi
Abzug	Findley	Nix
Adams	Fisher	Obey
Addabbo	Foley	O'Hara
Anderson, Tenn.	Ford, William D.	O'Konski
Annunzio	Forsythe	Patten
Ashley	Fraser	Podell
Aspin	Frenzel	Railsback
Badillo	Giaimo	Rangel
Begich	Gibbons	Rees
Bergland	Green, Pa.	Reuss
Biester	Gude	Riegle
Blatnik	Hanna	Robison, N.Y.
Boland	Harrington	Roncalio
Bolling	Hathaway	Rosenthal
Brademas	Hechler, W. Va.	Roybal
Burke, Mass.	Helstoski	Ryan
Burton	Hicks, Wash.	St Germain
Carney	Howard	Sarbanes
Celler	Jacobs	Scheuer
Clay	Karth	Seiberling
Conte	Kastenmeier	Sikes
Conyers	Koch	Stanton, James V.
Corman	Leggett	Stokes
Cotter	Lloyd	Symington
Culver	Long, Md.	Tiernan
Danielson	McKinney	Udall
Diggs	Mailliard	Van Deerlin
Dingell	Mallary	Vander Jagt
Dow	Matsunaga	Vanik
Drinan	Mazzoli	Waldie
Dulski	Mikva	Whalen
Eckhardt	Mink	Wolff
Edwards, Calif.	Monagan	Yates
Eilberg	Moorhead	
Evans, Colo.	Moss	

NOES—206

Abbitt	Betts	Caffery
Abernethy	Bevill	Carlson
Albert	Biaggi	Carter
Andrews, Ala.	Bray	Casey, Tex.
Andrews, N. Dak.	Brinkley	Cederberg
Archer	Brown, Mich.	Chamberlain
Arends	Broyhill, N.C.	Chappell
Aspinall	Broyhill, Va.	Clancy
Baker	Buchanan	Clausen, Don H.
Baring	Burleson, Tex.	Clawson, Del
Barrett	Burlison, Mo.	Cleveland
Bennett	Byrnes, Wis.	Collier
Betts	Byron	Collins, Tex.
Bevill	Camp	Conable
Biaggi	Carey, N.Y.	Coughlin
Bray	Chisholm	Crane
Brinkley	Clark	Curlin
Brown, Mich.	Collins, Ill.	Daniel, Va.
Broyhill, N.C.	Colmer	Davis, Wis.
Broyhill, Va.	Daniels, N.J.	Dellenback
Buchanan	Davis, Ga.	Dennis
Burleson, Tex.	Davis, S.C.	Dent
Burlison, Mo.	de la Garza	Devine
Byrnes, Wis.	Delaney	Dickinson
Byron	Dellums	Donohue
Camp	Denholm	Dorn
Carey, N.Y.	Derwinski	Downing
Chisholm	Dowdy	Duncan
Clark	Dwyer	du Pont
Collins, Ill.	Edmondson	Edwards, Ala.
Colmer	Erlenborn	Esch
Daniels, N.J.	Eshleman	Flynt
Davis, Ga.	Evins, Tenn.	Ford, Gerald R.
Davis, S.C.	Fish	Fountain
de la Garza	Flood	Frey
Delaney	Flowers	Fulton
Dellums	Frelinghuysen	Galifianakis
Denholm	Fuqua	Garmatz
Derwinski	Gallagher	Gaydos
Dowdy	Goldwater	Gettys
Dwyer	Goodling	Gonzalez
Edmondson	Gray	Grasso
Erlenborn	Hagan	Green, Oreg.
Eshleman	Halpern	Griffin
Evins, Tenn.	Hansen, Idaho	Griffiths
Fish	Hastings	Gross
Flood	Hawkins	Grover
Flowers	Hébert	Gubser
Frelinghuysen	Heckler, Mass.	Haley
Fuqua	Heinz	Hall
Gallagher	Holifield	Hamilton
Goldwater	Horton	Hammer-schmidt
Goodling	Hungate	Hanley
Gray	Kazen	Hansen, Wash.
Hagan	Kee	Harsha
Halpern	Kemp	Harvey
Hansen, Idaho	King	Hays
Hastings	Kluczynski	Henderson
Hawkins	Kyros	Hicks, Mass.
Hébert	Link	Hillis
Heckler, Mass.	Long, La.	Hogan
Heinz	Lujan	Hosmer
Holifield	McCloskey	Hull
Horton	McClure	Hunt
Hungate	McCormack	Hutchinson
Kazen	McEwen	Ichord
Kee	McKay	Jarman
Kemp	Macdonald, Mass.	Johnson, Calif.
King	Mann	Johnson, Pa.
Kluczynski	Martin	Jonas
Kyros	Meeds	Jones, Ala.
Link	Metcalfe	Jones, N.C.
Long, La.	Miller, Calif.	Jones, Tenn.
Lujan	Mills, Ark.	Keating
McCloskey	Mitchell	Keith
McClure	Mosher	Kuykendall
McCormack	Murphy, Ill.	Kyl
McEwen	Nichols	Landgrebe
McKay	Passman	Landrum
Macdonald, Mass.	Pettis	Latta
Mann	Peyser	Lennon
Martin	Pike	Lent
Meeds	Pryor, Ark.	McClory
Metcalfe	Pucinski	McCollister
Miller, Calif.	Purcell	McCulloch
Mills, Ark.	Quie	McDade
Mitchell	Quillen	McDonald, Mich.
Mosher	Reid	McFall
Murphy, Ill.	Rodino	McKevitt
Nichols	Roush	McMillan
Passman	Rousselot	Madden
Pettis	Roy	Mahon
Peyser	Saylor	Mathias, Calif.
Pike	Schmitz	Mathis, Ga.
Pryor, Ark.	Schwengel	Mayne
Pucinski	Shriver	Melcher
Purcell	Springer	Michel
Quie	Stubblefield	Miller, Ohio
Quillen	Teague, Tex.	Mills, Md.
Reid	Terry	Minish
Rodino	Thompson, Ga.	Minshall
Roush	Thompson, N.J.	Mizell
Rousselot	Thone	Mollohan
Roy	Ullman	Montgomery
Saylor	Veysey	Morgan
Schmitz	Vigorito	Murphy, N.Y.
Schwengel	Waggonner	Myers
Shriver	Ware	Natcher
Springer	Wiggins	Nelsen
Stubblefield	Wilson, Bob	O'Neill
Teague, Tex.	Wilson, Charles H.	Patman
Terry	Winn	Pelly
Thompson, Ga.	Wright	Pepper
Thompson, N.J.	Wylie	Perkins
Thone		Pickle
Ullman		Pirnie
Veysey		Poage
Vigorito		Poff
Waggonner		Powell
Ware		Preyer, N.C.
Wiggins		Price, Ill.
Wilson, Bob		Price, Tex.
Wilson, Charles H.		Randall
Winn		Rarick
Wright		Rhodes
Wylie		Roberts
Yates		Robinson, Va.
Yatron		Roe
Young, Fla.		Rogers
Young, Tex.		Rooney, N.Y.
Zablocki		Rooney, Pa.
Zion		Rostenkowski
Zwach		Runnels
		Ruppe
		Ruth
		Sandman
		Satterfield
		Scherle
		Schneebeli
		Scott
		Sebelius
		Shipley
		Shoup
		Sisk
		Skubitz
		Slack
		Smith, Calif.
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Spence
		Staggers
		Stanton, J. William
		Steed
		Steele
		Steiger, Ariz.
		Steiger, Wis.
		Stephens
		Stratton
		Stuckey
		Sullivan
		Talcott
		Taylor
		Teague, Calif.
		Thomson, Wis.
		Wampler
		Whalley
		White
		Whitehurst
		Whitten
		Widnall
		Williams
		Wyatt
		Wydler
		Wyman
		Yatron
		Young, Fla.
		Young, Tex.
		Zablocki
		Zion
		Zwach

NOT VOTING—120

Alexander	Flood	Mitchell
Anderson, Calif.	Flowers	Mosher
Anderson, Ill.	Frelinghuysen	Murphy, Ill.
Ashbrook	Fuqua	Nichols
Belcher	Gallagher	Passman
Bell	Goldwater	Pettis
Bingham	Goodling	Peyser
Blackburn	Gray	Pike
Blanton	Hagan	Pryor, Ark.
Boggs	Halpern	Pucinski
Bow	Hansen, Idaho	Purcell
Brasco	Hastings	Quie
Brooks	Hawkins	Quillen
Broomfield	Hébert	Reid
Brotzman	Heckler, Mass.	Rodino
Brown, Ohio	Heinz	Roush
Burke, Fla.	Holifield	Rousselot
Byrne, Pa.	Horton	Roy
Cabell	Hungate	Saylor
Camp	Kazen	Schmitz
Carey, N.Y.	Kee	Schwengel
Chisholm	Kemp	Shriver
Clark	King	Springer
Collins, Ill.	Kluczynski	Stubblefield
Colmer	Kyros	Teague, Tex.
Daniels, N.J.	Link	Terry
Davis, Ga.	Long, La.	Thompson, Ga.
Davis, S.C.	Lujan	Thompson, N.J.
de la Garza	McCloskey	Thone
Delaney	McClure	Ullman
Dellums	McCormack	Veysey
Denholm	McEwen	Vigorito
Derwinski	McKay	Waggonner
Dowdy	Macdonald, Mass.	Ware
Dwyer	Mann	Wiggins
Edmondson	Martin	Wilson, Bob
Erlenborn	Meeds	Wilson, Charles H.
Eshleman	Metcalfe	Winn
Evins, Tenn.	Miller, Calif.	Wright
Fish	Mills, Ark.	Wylie

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 704. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

AMENDMENT OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 59, after line 8, insert the following:

SEC. 705. No part of any funds appropriated by this Act shall be used to pay, directly or indirectly, the salary of any officer or employee of the United States, who refuses to testify on any matter before any joint committee, committee, or subcommittee of Congress, or of either House of Congress.

Page 59, line 9, strike out "705." and insert in lieu thereof "706.".

Mr. DINGELL. Mr. Chairman, this might properly be denominated the congressional privilege amendment to this appropriation bill.

For a long time I have been concerned about the fact that policymakers are continuously unavailable to the Congress, that we do not have the opportunity to participate fully in the judgments made by the Executive.

The people in the downtown offices of the Executive will refuse to come before the congressional committees.

Recently my colleague and our good friend, Mr. UDALL, performed a very valuable service for the Congress. He ran a study as a part of his responsibility on the Post Office and Civil Service Committee as to the large number of Federal employees who have been moved from the regular executive departments over to the Executive Office of the President.

I have seen different figures as to the number of people who have been moved into the Executive Office of the White House.

It is obvious that there is a need for there to be an executive staff to the President and obvious that the confidences of the President be preserved.

One thing that should be noted is that the amendment provides no part of any funds appropriated by this act shall be used in the payment of any person who refuses to testify in a matter before a joint committee, he being a public employee or official.

The act, I remind my colleagues and friends, is the appropriation bill for the Departments of State, Justice, Commerce, and the Judiciary.

What this says to these agencies when they are called by an appropriate committee of the Congress to give testimony and to inform the Congress on matters that are of legitimate and proper concern with regard to the expenditure of funds and Government policy is that they come in a cooperative mood to give testimony on matters of concern to the Congress.

Congress I think has a high responsibility to the American people. The American people expect us to lay down policies, to expend money, and to disclose

the policies of this country, and they expect us to make available to them information on where we are going. They expect us to control the power of the purse and the power of taxation and to have the ability to get from the executive departments all the cooperation and participation and all the assistance and testimony that is necessary for us properly to carry out our responsibilities in legislating and seeing to it that the laws are fairly and properly carried.

In many instances that has been denied to us. If we look at the situation, for example, in the Bay of Pigs or the Gulf of Tonkin or in Vietnam, we might recognize that had we had full participation by the executive department in the decisionmaking process and had Congress the opportunity to receive fully the information that may or not have been withheld from us, conceivably the judgments of this Nation might have been rather different.

Mr. Chairman, I for one think the Congress has the right to this information and the right to cooperation of the executive and we have the duty to procure it. The function of this amendment is to see that it shall be done.

This is not the last time that this amendment will be before the House, because as appropriation bills come before this body I propose to offer similar amendments to other legislation and I will assure my colleagues that I will offer such amendments to the executive appropriation bill so that we might have an opportunity at that time to determine whether or not we are going to be able to get from the people who really run this Government the information that we need.

You know, we believe the Congress has the power to confirm Cabinet officials, but never does Mr. Kissinger appear before us to be confirmed and never does Mr. Ehrichman appear before us. Never will they appear to respond to questions from us. What we get essentially is an errand boy—Rogers, the Secretary of State. Mao Tse-tung when the President was over there had the wisdom to know who really runs this country. He did not invite Mr. Rogers, the Secretary of State, to meet with him, but, instead, Mr. Rogers met with a third-level functionary in the Chinese Foreign Ministry. But who did meet with Mao Tse-tung. Mr. Kissinger and the President. Indeed it is rumored about and it might be reliably believed—and it might come as a surprise to some, but it is factual, I think—that the President and Mr. Kissinger excluded Mr. Rogers from their meetings with Mao Tse-tung.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 2 additional minutes.)

Mr. DINGELL. Mr. Chairman, I think the point at issue here is a very simple one. If we are to be able to get at the real decisionmakers and to have their participation and testimony, their counsel and advice so that we might understand fully what the programs and the policies of this Nation are and what the administration really intends and what the actions being taken by the executive are and what our actions with relation to these actions might happen to be or might happen to mean, then an amendment of this kind is absolutely necessary or else the Congress will be legislating half blind, half deaf, and half without the intelligence and the information that it needs in order to carry out its responsibilities in the writing of our laws.

And, so for that reason, it is imperative that this body adopt this amendment and begin adopting this amendment so we might have the full cooperation of everyone and so the Congress may begin to legislate with its eyes open, with full information as to all aspects of all matters relating to the actions in which it is engaging. That is the function of the amendment, and I hope for that reason my colleagues in this body will adopt the amendment.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think there are grave doubts as to the constitutionality of this amendment. It not only applies, for instance, to the Secretary of State and his relations to the President, but under this amendment, as I read it, if a subcommittee decided to do so it could call any Justice of the Supreme Court, any Federal judge, before it and ask him why and how he made his decision on any specific case, if the subcommittee were so disposed to do it.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman from Michigan yield?

Mr. CEDERBERG. Yes; I yield to the chairman of the subcommittee.

Mr. ROONEY of New York. Does not the gentleman feel, based upon his experience over the years that this represents the worst type of an amendment to an appropriation bill.

This is, in effect, a legislative proposal. Strictly speaking, it is a limitation on an appropriation bill.

Further, this is not the sort of thing that we should be confronted with at this hour of the day.

Mr. CEDERBERG. The gentleman states it exactly correct.

I just cannot believe that the House of Representatives would consider on an appropriation bill putting this kind of restrictive language, which should consume a number of days of hearings by the appropriate committees.

This goes far beyond the State Department. It goes into the Judiciary and all of these areas. Certainly, this should not be considered at this time and I am opposed to it.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. Yes; I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I know that inconsistency is not necessarily a virtue around here, but I would like to point out the fact that a moment ago we were told that we should not pay the salary of somebody because they had revealed secrets. Now we are told that we should not pay the salary of people who do not reveal secrets.

Mr. CEDERBERG. Yes; it is a rather inconsistent approach.

AMENDMENT OFFERED BY MR. ECKHARDT TO THE AMENDMENT OFFERED BY MR. DINGELL

Mr. ECKHARDT. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT to the amendment offered by Mr. DINGELL: Add after the words "who refuses" on the 4th line, the following: ", except upon the basis of a constitutional privilege and within that scope absolutely protected by a right which he enjoys under the Constitution.".

Mr. ROONEY of New York. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order against the amendment.

The gentleman from Texas may proceed.

Mr. ECKHARDT. Mr. Chairman, what this amendment does is takes care of the problem which the gentleman from Michigan was mentioning.

It is true that there are areas absolutely protected by the Constitution against trenchment by any of the three branches of Government, but those areas are extremely restricted.

No. 1, a committee of the Congress may not call upon a person to testify to matters which would cause his own incrimination or tend to cause it, and there is nothing we could write or nothing we could do to abridge that right of the individual against self-incrimination.

Second, there is a very narrow field in which Congress may not command appearance and testimony. For instance, a member of the Supreme Court could not be brought before a body of Congress merely for the purpose of asking him to explain the basis of his decision, nor could Congress call upon the President of the United States to come before a body of Congress and reveal in advance the placement of troops.

Now, I think the effect of my amendment to the amendment would be not to change the original amendment, because I think it is constitutionally limited, even without this amendment, but I, like everyone else here, am pledged to uphold the Constitution and I feel it our duty to draft any bill or any amendment within the limitations of the Constitution.

It is for this reason that I feel that the amendment is necessary, and I feel that the amendment does not do anything other than what is dictated by the Constitution. Therefore, it seems to me that it is impossible to consider it as placing any greater burden upon anyone by placing this amendment to the amendment in the bill.

I would, therefore, think that this amendment must be in order, because this amendment only makes the amendment comply with the constitutional limitations which would exist anyway. But it does seem to me that the observation of the gentleman from Michigan is correct, and is one that deserves attention, and we do not wish, by providing for a limitation on use of funds, to cause

that limitation to impinge upon constitutionally guarded rights. And that is the only reason why I have offered this amendment.

Mr. DINGELL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I want to commend the gentleman for offering his amendment to my amendment. I believe it can be very helpful, and if it survives a point of order I certainly will look with kindness on it, and hope the House will accept it.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman from Texas yield?

Mr. ECKHARDT. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, I am constrained to withdraw my reservation of a point of order. But I do want it understood that I am just as vigorously opposed to this amendment as I indicated a moment ago.

Mr. ECKHARDT. I thank the gentleman.

Mr. DENNIS. Mr. Chairman, I move to strike the last word.

These amendments which have been offered here by the gentleman from Michigan (Mr. DINGELL), and the gentleman from Texas (Mr. ECKHARDT) go to very important fundamental constitutional questions which actually reach back to the very early days of the Republic. President Washington, if I recall correctly, refused certain documents to the Congress on the grounds of executive privilege, having to do with the Jay treaty at the end of the Revolutionary War.

And, really, this is a fundamental and important constitutional question, the exact limits of which, where the President's power of so-called executive privileges leaves off, where the rights of the Congress begin, and so on, have never really been decided. I think it is a proper matter for us to give attention to at some appropriate time. It ought to be given careful attention with a lot of study, with a lot of prior hearings, certainly in a nonpartisan sense, because the question is going to exist, whoever has the majority in the Congress, or whoever holds the White House. But it ought to be done on a resolution or a bill on that subject, and after extensive hearings and after due and extensive deliberation, as the distinguished chairman of the subcommittee, the gentleman from New York (Mr. ROONEY) has said. And with all respect, even with the amendment offered by the gentleman from Texas (Mr. ECKHARDT) on it, I cannot feel that it makes good sense, on an appropriation bill, at 6 o'clock in the afternoon, to try to determine the limits of a constitutional problem which has been with us since the early days of the Republic, and probably will be with us for a long time to come.

This is not the time nor the place for the House to take this matter up. Therefore this amendment and the amendment to the amendment, in my humble judgment, should certainly be defeated.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Chairman, from what the gentleman has said, and I think that what he has said is correct, that there are certain constitutional limitations which have protected all Presidents from President Washington on down, I would assume the gentleman would at least vote for the amendment to the amendment.

Mr. DENNIS. I would say to the gentleman in response to that that I think his amendment to the amendment just makes a bad situation sound a little bit better. The gentleman says, as I understand him, that this is not to apply, this amendment will not apply when constitutional privilege properly applies, or something to that effect.

Mr. ECKHARDT. That is correct.

Mr. DENNIS. But that leaves up in the air the question, which is a very difficult question itself, and which has never been determined, as to when and where and under what circumstances does a constitutional limitation properly apply.

I have to say to my friend, that question, too, ought to be discussed on appropriate legislation and not here off the cuff this afternoon on an appropriation bill.

Mr. ECKHARDT. Mr. Chairman, would the gentleman yield again?

Mr. DENNIS. I yield to the gentleman.

Mr. ECKHARDT. That question exists without this amendment. There is always the question of the extent and the bound of constitutional limitations.

Mr. DENNIS. In that case the gentleman's amendment is unnecessary.

Mr. ECKHARDT. If I may assert this point—the gentleman's amendment is necessary because it gives this body the power to enforce its own constitutional right. The only power we have is the power of the purse.

Mr. DENNIS. I think not. We have certain powers and we can legislate on this subject, but not in this manner, I would say, on an amendment to an appropriation measure.

Mr. MOSS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I rise in support of the amendment to the amendment offered by the gentleman from Texas (Mr. ECKHARDT) and in support of the amendment as it wouud then be amended.

I think it is time that the Congress assert its privilege. We are faced with unilateral decisions of the Executive as to the parameter of information that the Congress can have—the input it can have for the purpose of making legislative decisions. Let us face the simple fact that an Executive who claims the power to determine the availability of officials of the Government and who claims the power to determine the type of information that Congress can get is in a very favorable position to determine the outcome of legislative decisions.

Information is vital to the Congress in fulfilling its obligations to the American people. I do not think even without the Eckhardt amendment the Congress would go to the extremes that Executives have in the last two decades in claiming privilege. I have encountered during the 16 years I have served as chairman of the Government Information Subcommittee—I have encountered every conceivable type of claim of privilege and some of them by persons far down in the ladder of responsibility. But anyone interjecting privilege against the Congress on appearing before a committee in advance leaves the Congress helpless.

We have no means, no effective means of compelling them to appear and to give testimony to the Congress.

I think all we do, if we adopt this amendment, is to make the Congress a little bit more equal to an executive department which grows and grows and grows and claims ever more power without looking for any sound constitutional basis to sanction the claims of power.

I hope that the House of Representatives in a sense of some commitment to its own powers and to its own responsibilities will adopt the amendment offered by the gentleman from Michigan and assert, as he stated in offering it, the privilege of the Congress against the Executive.

Mr. UDALL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the sun never sets on this Chamber without a half dozen speeches lamenting the decline of congressional power.

Today on this amendment, and on subsequent appropriation bills as they appear, this Chamber will have an opportunity to do something about the erosion of congressional power.

Let us make clear what is involved here. There is not a dime in this bill, as I read it, for the White House. There is not a dime in this bill that deals with the President or his immediate aides or his personal secretary or his counsellors. This bill deals with administrative departments and agencies. I have no quarrel with the doctrine of executive privilege as it originally developed in our unique and unusual system of government, with a separation of powers. Here is what the doctrine means: The three branches are equal. I have no right to go down and paw through the President's filing cabinets or call his personal secretary before a committee to ask her what is going on, or to make such requests of his immediate counsellors and advisers.

By the same token we have no right to interrogate the Supreme Court Justices about the Court's internal workings or the bases of their decisions.

And likewise neither of the other branches can summon my administrative aide to question him about what policies I am discussing and proposing, and that sort of thing.

But the other side of the coin, the other side of that limited doctrine, is that the President's principal advisers, policymakers, and the President's principal administrators—the members of his Cabinet and their assistants—must come to Congress and disclose what is going on, how they are administering the public law.

The key matter of congressional over-

sight, the key matter of the congressional power of the purse, which are the ways we check and balance the executive department, those power simply cannot function unless we have the information that has been discussed by my colleagues here today.

So what this amendment states is as follows: "Mr. President, you have a legitimate area of secrecy and privacy in your own office among your own intimates and your close advisers in the White House Establishment"—and we are going to try to define that a little later as we deal with other appropriation bills—"but under the Constitution, the power of the Congress to oversee, the power of the Congress to control—these powers can and must be exercised only through adequate information." So this amendment says, as it will be limited by the Eckhardt amendment, that these administrative departments cannot claim executive privilege and cannot hope, if they do, to have paid the salaries of employees who claim that privilege.

Mr. Chairman, this is a sound amendment and it ought to be adopted by any self-respecting legislative body.

Mr. MOORHEAD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan (Mr. DINGELL) as amended. The Foreign Operations and Government Information Subcommittee has been holding hearings this week on the very problems which this amendment seeks to attack. We have found flagrant instances of denials of information to Congress by the Executive. We have also noted, as other Members have also, the increasing tendency of executive branch witnesses to refuse to testify before congressional committees, or to make excuses, stall for time, or otherwise refuse to cooperate with legitimate congressional legislative and oversight responsibilities.

A recent study for the subcommittee by Dr. Harold C. Relyea of the Government and General Research Division, Congressional Research Service is entitled "The Development of the White House Staff." It shows how the power and authority over executive branch functions has been flowing from Cabinet departments and agencies into the White House staff and Executive Office of the President. For example, the study shows that the White House staff has almost doubled since 1969.

Mr. Chairman, what good is it for Congress to take testimony from a Cabinet or sub-Cabinet officer on a particular bill or oversight matter when the actual decisions are being made at the White House level? These advisers, paid with public funds, are responsible to no one except the President himself. They have repeatedly refused to testify before our subcommittee and before other committees as well.

I commend the gentleman from Michigan (Mr. DINGELL) for offering this amendment. While it will not get at the entire problem, it is a long-delayed step in the right direction for Congress to reassert its constitutional prerogatives as a coequal branch of the Government.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that all debate on the pending amendments and any further amendments thereto, as well as any other amendments to the bill, close in 15 minutes.

The CHAIRMAN. The Chair advises the gentleman that his request is not in order inasmuch as the remainder of the bill has not yet been read.

Mr. ROONEY of New York. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD at this point and that all debate on the pending amendments and any further amendments thereto, as well as any further amendments to the bill, shall close in 5 minutes.

Mr. JACOBS. Mr. Chairman, I object.

Mr. ROONEY of New York. Mr. Chairman, I should like to amend my request by extending the time to 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the bill be considered as read, printed in the RECORD at this point, and that debate on the pending amendments and all amendments to the bill close in 10 minutes.

Is there objection to the request of the gentleman from New York?

There was no objection.

The remainder of the bill is as follows:

SEC. 705. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973".

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT) to the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 66, noes 55.

So the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL) as amended.

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 67, noes 73.

TELLER VOTE WITH CLERKS

Mr. UDALL. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. DINGELL. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. DINGELL, CEDERBERG, DENNIS, and ECKHARDT.

The Committee divided, and the tellers reported that there were—ayes 132, noes 180, not voting 119, as follows:

[Roll No. 163]

[Recorded Teller Vote]

AYES—132

Abbitt	Galifianakis	Moss
Abourezk	Gaydos	Murphy, N.Y.
Abzug	Giaimo	Nedzi
Adams	Gibbons	Nix
Addabbo	Gonzalez	Obey
Anderson, Tenn.	Grasso	O'Hara
	Gray	O'Neill
Annunzio	Green, Oreg.	Patman
Ashley	Green, Pa.	Pepper
Aspin	Gross	Pickle
Badillo	Gude	Preyer, N.C.
Baring	Hall	Price, Ill.
Barrett	Hanley	Rangel
Begich	Hanna	Rarick
Bergland	Hansen, Wash.	Rees
Blatnik	Harrington	Reuss
Boland	Hathaway	Riegle
Brademas	Hays	Roberts
Brinkley	Hechler, W. Va.	Roe
Burke, Mass.	Helstoski	Rogers
Burton	Hicks, Mass.	Roncalio
Carney	Hicks, Wash.	Rosenthal
Celler	Howard	Roybal
Clay	Jacobs	Runnels
Conyers	Johnson, Calif.	Ryan
Corman	Jones, N.C.	St Germain
Cotter	Jones, Tenn.	Sarbanes
Curlin	Karth	Scheuer
Danielson	Kastenmeier	Seiberling
Delaney	Kee	Sisk
Dent	Koch	Skubitz
Diggs	Landrum	Staggers
Dingell	Leggett	Stanton, James V.
Donohue	Long, Md.	
Dow	McCulloch	Stokes
Drinan	McFall	Sullivan
Dulski	Madden	Symington
Eckhardt	Matsunaga	Tiernan
Edwards, Calif.	Mazzoli	Udall
Eilberg	Melcher	Van Deerlin
Evans, Colo.	Minish	Vanik
Fascell	Mink	Waldie
Ford, William D.	Mollohan	Wolff
	Moorhead	Yates
Fraser	Morgan	Yatron

NOES—180

Abernethy	Dennis	Keating
Anderson, Ill.	Devine	Keith
Andrews, Ala.	Dickinson	Kuykendall
Archer	Dorn	Kyl
Arends	Downing	Landgrebe
Aspinall	Duncan	Latta
Baker	du Pont	Lennon
Bennett	Edwards, Ala.	Lent
Betts	Esch	Lloyd
Bevill	Findley	McClory
Biaggi	Fisher	McCollister
Biester	Flynt	McDade
Bolling	Foley	McDonald, Mich.
Bray	Ford, Gerald R.	
Brown, Mich.	Forsythe	McKevitt
Broyhill, N.C.	Fountain	McKinney
Broyhill, Va.	Frenzel	McMillan
Buchanan	Frey	Mahon
Burleson, Tex.	Garmatz	Mailliard
Burlison, Mo.	Gettys	Mallary
Byrnes, Wis.	Griffin	Mathias, Calif.
Byron	Griffiths	Mathis, Ga.
Carlson	Grover	Mayne
Carter	Gubser	Michel
Casey, Tex.	Haley	Mikva
Cederberg	Halpern	Miller, Ohio
Chamberlain	Hamilton	Mills, Md.
Chappell	Hammer-schmidt	Minshall
Clancy		Monagan
Clausen, Don H.	Harsha	Montgomery
	Heckler, Mass.	Myers
Clawson, Del	Henderson	Natcher
Cleveland	Hillis	Nelsen
Collier	Hogan	O'Konski
Collins, Tex.	Hosmer	Patten
Conable	Hull	Pelly
Conte	Hunt	Perkins
Coughlin	Hutchinson	Pirnie
Crane	Ichord	Poage
Culver	Jarman	Poff
Daniel, Va.	Johnson, Pa.	Powell
Davis, Wis.	Jonas	Price, Tex.
Dellenback	Jones, Ala.	Railsback

Randall	Smith, N.Y.	Veysey
Rhodes	Snyder	Wampler
Robinson, Va.	Spence	Whalen
Robison, N.Y.	Stanton,	Whalley
Rooney, N.Y.	J. William	White
Rooney, Pa.	Steed	Whitehurst
Rostenkowski	Steele	Whitten
Ruppe	Steiger, Ariz.	Widnall
Ruth	Steiger, Wis.	Williams
Sandman	Stephens	Wyatt
Satterfield	Stratton	Wydler
Scherle	Stuckey	Wyman
Schneebeli	Talcott	Young, Fla.
Scott	Taylor	Young, Tex.
Shipley	Teague, Calif.	Zablocki
Shoup	Terry	Zion
Sikes	Thomson, Wis.	Zwach
Slack	Ullman	
Smith, Iowa	Vander Jagt	

NOT VOTING—119

Alexander	Fish	Mizell
Anderson, Calif.	Flood	Mosher
	Flowers	Murphy, Ill.
Andrews, N. Dak.	Frelinghuysen	Nichols
	Fulton	Passman
Ashbrook	Fuqua	Pettis
Belcher	Gallagher	Peyser
Bell	Goldwater	Pike
Bingham	Goodling	Podell
Blackburn	Hagan	Pryor, Ark.
Blanton	Hansen, Idaho	Pucinski
Boggs	Harvey	Purcell
Bow	Hastings	Quie
Brasco	Hawkins	Quillen
Brooks	Hébert	Reid
Broomfield	Heinz	Rodino
Brotzman	Holifield	Roush
Brown, Ohio	Horton	Rousselot
Burke, Fla.	Hungate	Roy
Byrne, Pa.	Kazen	Saylor
Cabell	Kemp	Schmitz
Caffery	King	Schwengel
Camp	Kluczynski	Sebelius
Carey, N.Y.	Kyros	Shriver
Chisholm	Link	Smith, Calif.
Clark	Long, La.	Springer
Collins, Ill.	Lujan	Stubblefield
Colmer	McCloskey	Teague, Tex.
Daniels, N.J.	McClure	Thompson, Ga.
Davis, Ga.	McCormack	Thompson, N.J.
Davis, S.C.	McEwen	Thone
de la Garza	McKay	Vigorito
Dellums	Macdonald,	Waggonner
Denholm	Mass.	Ware
Derwinski	Mann	Wiggins
Dowdy	Martin	Wilson, Bob
Dwyer	Meeds	Wilson,
Edmondson	Metcalfe	Charles H.
Erlenborn	Miller, Calif.	Winn
Eshleman	Mills, Ark.	Wright
Evins, Tenn.	Mitchell	Wylie

So the amendment, as amended, was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana (Mr. JACOBS).

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 59, after line 21, add:

"SEC. 706. No part of the funds appropriated by this Act shall be used to furnish Government purchased or leased limousines or luxury sedans or chauffeurs for any employee of the United States other than those defined in 5 U.S.C. 5312."

Mr. JACOBS. Mr. Chairman, this amendment speaks for itself.

About 2 months ago I was driving in Washington, and pulled up next to one of the chauffeur-driven cars with a bed-lamp in the back, and a fellow was sitting in there reading the funny papers. So I took the license number and called the District of Columbia government the next day and asked which agency had that automobile, and the answer came back that they could not give that information because that vehicle was involved in national security.

I have always heard that there was never a depression in Washington, and in a sense, my friends, we might even consider this as an antibusing amendment because I am talking about those big buses with chauffeurs in which the people's servants are served by servants. I think this is a good time to make clear to the public that we do not tolerate that, and that we are interested in transportation, not transfiguration of government servants into holy cows, and that they should get around the same way as all of the Members of the Congress do.

The CHAIRMAN. The time of the gentleman from Indian has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois (Mr. FINDLEY).

AMENDMENT OFFERED BY MR. FINDLEY

Mr. FINDLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FINDLEY: On page 59, after line 21, add a new section 706 as follows:

"SEC. 706. Money appropriated in this Act shall be available for expenditure in the fiscal year ending June 30, 1973 only to the extent that expenditure thereof shall not result in total aggregate net expenditures of all agencies provided for herein beyond 86 per cent of the total aggregate net expenditures estimated therefor in the budget for 1973 (H. Doc. 215)".

Mr. FINDLEY. Mr. Chairman, this is a very modest amendment. It would have the effect of cutting $553 million from the appropriation bill.

I recognize that the subcommittee under the leadership of the gentleman from New York (Mr. ROONEY) has done an exceptionally good job because unlike some subcommittee its work is within the executive budget request. I think that is notable and deserving of applause.

But it would be a mistake for anyone to assume that staying within the budget request means that the U.S. Treasury is saved and that we will have a balanced budget because the executive budget request is $25 billion in the red.

This is the Bow amendment of several years ago brought up to date to accord with the budget request now before us. I have offered this amendment before and I plan to again on subsequent appropriation bills.

If it were adopted on each appropriation bill, we would emerge in the fiscal year 1973 with a balanced budget.

The CHAIRMAN. The gentleman from New York (Mr. ROONEY) is recognized.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the amendment.

This amendment is a bit refreshing because it at least seeks to reduce and all day we have been fighting amendments to increase. The gentleman from Illinois only wants to cut the bill 14 percent or over half a billion dollars. I do not know what the gentleman has in mind. Does he want to discontinue the FBI? Does he want to do nothing about our narcotics problems? Does he want to lower the assistance to States and municipalities for law enforcement agencies?

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. FINDLEY. I want to show that we have either got to quit spending as much money as we are or bring in bills providing for more revenue.

Mr. ROONEY of New York. I know, but in this bill these are all very important and utterly necessary functions.

Mr. FINDLEY. I think we ought to quit appropriating until we have enough money for the appropriations.

Mr. ROONEY of New York. I appreciate the statement of the gentleman.

In this pending bill we saved over $102 million, which is a pretty good record. This subcommittee has always had a pretty good record, but when it comes to a day such as this and we have the gentleman from Illinois wanting to cut 14 percent—I am ready to give up.

Mr. FINDLEY. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. FINDLEY. The point is—we ought to be reducing the appropriations and should wait until we have enough money to provide for increases.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FINDLEY).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. GONZALEZ).

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: On page 59, line 8, insert:

SEC. 705. No part of any funds appropriated in this Act shall be used to pay, directly or indirectly, for wiretaps or tapes on telephone conversations of Members of Congress or the Federal judiciary.

Mr. GONZALEZ. Mr. Chairman, I offer this amendment to insure the integrity of the legislative and judicial processes, and protect those separate branches of the Government from the interference of the tremendous power of the Executive. Under the ancient principles of parliamentary procedure and freedom, the legislature sought protection from the interference and undue pressure of the crown. With recent developments of electronic devices, the executive branch—the crown—is vested with tremendous powers over the independence and the integrity of the legislative branch. This amendment is designed to maintain a free and independent Congress and judiciary.

Mr. SIKES. Mr. Chairman, I rise in opposition to the amendment. There have been no instances in which congressional telephones have been tapped by the Federal Bureau of Investigation. There is no reason to assume that this is needed now. It is not the kind of thing that we should try to institute with 1 minute of debate on each side. I am afraid, though I am reluctant to say this about an amendment offered by my very distinguished and dear friend from Texas, but I am afraid this is bordering

on the ridiculous, and I ask that it be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GONZALEZ).

The question was taken; and on a division (demanded by Mr. SIKES) there were—ayes 66, noes 124.

TELLER VOTE WITH CLERKS

Mr. CEDERBERG. Mr. Chairman, I demand tellers.

Mr. ALBERT. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ALBERT. The gentleman was not standing on his feet before the vote was announced.

The CHAIRMAN. The Chair feels that the gentleman was on his feet as quickly as he could get there.

Mr. ALBERT. Mr. Chairman, if the Chair's view was that way, I withdraw the point of order.

The CHAIRMAN. The gentleman was on his feet when the Chair announced the result of the vote.

Tellers were ordered.

Mr. CEDERBERG. Mr. Chairman, I demand tellers with clerks.

Tellers with clerks were ordered; and the Chairman appointed as tellers Messrs. GONZALEZ, SIKES, CEDERBERG, and JACOBS.

The Committee divided, and the tellers reported that there were—ayes 71, noes 231, answered "present" 1, not voting 129, as follows:

[Roll No. 164]

[Recorded Teller Vote]

AYES—71

Abourezk	Fraser	Price, Ill.
Abzug	Gonzalez	Rangel
Adams	Gray	Rarick
Addabbo	Green, Pa.	Riegle
Badillo	Gude	Roberts
Begich	Hanna	Rogers
Biester	Harrington	Roncalio
Blatnik	Hathaway	Rosenthal
Brademas	Hays	Roybal
Burton	Hicks, Wash.	Ryan
Carney	Jacobs	Sarbanes
Celler	Johnson, Calif.	Scheuer
Clay	Kastenmeier	Snyder
Conte	Koch	Stanton,
Conyers	Leggett	James V.
Curlin	McFall	Stokes
Diggs	McKinney	Teague, Calif.
Dingell	Matsunaga	Udall
Drinan	Melcher	Vanik
Edwards, Calif.	Mikva	Waldie
Eilberg	Mink	White
Evans, Colo.	Moorhead	Wolff
Fascell	Moss	Yates
Ford,	Murphy, N.Y.	
William D.	Nix	

NOES—231

Abbitt	Bray	Collins, Tex.
Abernethy	Brinkley	Conable
Albert	Brown, Mich.	Corman
Anderson, Ill.	Broyhill, N.C.	Cotter
Anderson,	Broyhill, Va.	Coughlin
Tenn.	Buchanan	Crane
Andrews, Ala.	Burke, Mass.	Culver
Annunzio	Burleson, Tex.	Daniel, Va.
Archer	Burlison, Mo.	Danielson
Arends	Byrnes, Wis.	Davis, Wis.
Ashley	Byron	Delaney
Aspin	Carlson	Dellenback
Aspinall	Carter	Dennis
Baker	Casey, Tex.	Dent
Baring	Cederberg	Devine
Barrett	Chamberlain	Dickinson
Bennett	Chappell	Donohue
Bergland	Clancy	Dorn
Betts	Clausen,	Downing
Bevill	Don H.	Dulski
Biaggi	Clawson, Del	Duncan
Boland	Cleveland	du Pont
Bolling	Collier	Edwards, Ala.
Esch	Long, Md.	Rostenkowski
Findley	McClory	Runnels
Fisher	McCollister	Ruppe
Flynt	McCulloch	Ruth
Foley	McDade	St Germain
Ford, Gerald R.	McDonald,	Sandman
Forsythe	Mich.	Satterfield
Fountain	McKevitt	Scherle
Frenzel	McMillan	Schneebeli
Galifianakis	Madden	Scott
Garmatz	Mahon	Shipley
Gaydos	Mailliard	Shoup
Gettys	Mallary	Sikes
Giaimo	Mathias, Calif.	Sisk
Gibbons	Mathis, Ga.	Skubitz
Grasso	Mayne	Slack
Green, Oreg.	Mazzoli	Smith, Calif.
Griffin	Michel	Smith, Iowa
Griffiths	Miller, Ohio	Smith, N.Y.
Gross	Mills, Md.	Spence
Grover	Minish	Staggers
Gubser	Minshall	Stanton,
Haley	Mollohan	J. William
Hall	Monagan	Steed
Hamilton	Montgomery	Steele
Hammer-	Morgan	Steiger, Ariz.
schmidt	Myers	Steiger, Wis.
Hanley	Natcher	Stephens
Hechler, W. Va.	Nedzi	Stratton
Heckler, Mass.	Nelsen	Stuckey
Helstoski	Obey	Sullivan
Henderson	O'Hara	Symington
Hicks, Mass.	O'Konski	Talcott
Hillis	O'Neill	Taylor
Hogan	Patman	Terry
Hosmer	Patten	Thomson, Wis.
Howard	Pelly	Ullman
Hull	Pepper	Van Deerlin
Hunt	Perkins	Vander Jagt
Hutchinson	Pickle	Veysey
Ichord	Pirnie	Wampler
Jarman	Poage	Whalen
Johnson, Pa.	Poff	Whalley
Jonas	Powell	Whitehurst
Jones, Ala.	Preyer, N.C.	Whitten
Jones, N.C.	Price, Tex.	Widnall
Jones, Tenn.	Railsback	Williams
Karth	Randall	Wyatt
Keating	Rees	Wydler
Keith	Reuss	Wyman
Kuykendall	Rhodes	Yatron
Kyl	Robinson, Va.	Young, Tex.
Landgrebe	Robison, N.Y.	Zablocki
Latta	Roe	Zion
Lent	Rooney, N.Y.	Zwach
Lloyd	Rooney, Pa.	

ANSWERED "PRESENT"—1

Seiberling

NOT VOTING—129

Alexander	Flowers	Mitchell
Anderson,	Frelinghuysen	Mizell
Calif.	Frey	Mosher
Andrews,	Fulton	Murphy, Ill.
N. Dak.	Fuqua	Nichols
Ashbrook	Gallagher	Passman
Belcher	Goldwater	Pettis
Bell	Goodling	Peyser
Bingham	Hagan	Pike
Blackburn	Halpern	Podell
Blanton	Hansen, Idaho	Pryor, Ark.
Boggs	Hansen, Wash.	Pucinski
Bow	Harsha	Purcell
Brasco	Harvey	Quie
Brooks	Hastings	Quillen
Broomfield	Hawkins	Reid
Brotzman	Hébert	Rodino
Brown, Ohio	Heinz	Roush
Burke, Fla.	Holifield	Rousselot
Byrne, Pa.	Horton	Roy
Cabell	Hungate	Saylor
Caffery	Kazen	Schmitz
Camp	Kee	Schwengel
Carey, N.Y.	Kemp	Sebelius
Chisholm	King	Shriver
Clark	Kluczynski	Springer
Collins, Ill.	Kyros	Stubblefield
Colmer	Landrum	Teague, Tex.
Daniels, N.J.	Lennon	Thompson, Ga.
Davis, Ga.	Link	Thompson, N.J.
Davis, S.C.	Long, La.	Thone
de la Garza	Lujan	Tiernan
Dellums	McCloskey	Vigorito
Denholm	McClure	Waggonner
Derwinski	McCormack	Ware
Dow	McEwen	Wiggins
Dowdy	McKay	Wilson, Bob
Dwyer	Macdonald,	Wilson,
Eckhardt	Mass.	Charles H.
Edmondson	Mann	Winn
Erlenborn	Martin	Wright
Eshleman	Meeds	Wylie
Evins, Tenn.	Metcalfe	Young, Fla.
Fish	Miller, Calif.	
Flood	Mills, Ark.	

Messrs. LONG of Maryland and YATRON changed their votes from "aye" to "no."

So the amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. UDALL).

Mr. UDALL. Mr. Chairman, in order that my noble friend from Indiana may offer another one of his well-considered, well-conceived and meritorious amendments, I ask unanimous consent to yield my time to the gentleman from Indiana (Mr. JACOBS).

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MR. JACOBS

Mr. JACOBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JACOBS: On page 59, after line 21, add:

"SEC. 706. No part of the funds appropriated by this Act shall be used in violation of 31 U.S.C. 638 a."

Mr. JACOBS. Mr. Chairman, that act was passed in 1914. It prohibited any Federal employee from taking a car home at night for his own use, and there are certain exceptions noted there.

Mr. Chairman, I will take the rest of my time simply to thank the Committee from the bottom of my heart for their overwhelming support, and to tell you that I was disturbed that my time was cut so short, but maybe my mother was correct when she said that perhaps if I talked less I might get more done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. JACOBS).

The amendment was rejected.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia (Mr. SLACK).

Mr. SLACK. Mr. Chairman, I yield back my time.

Mr. ASHLEY. Mr. Chairman, I rise in support of the Derwinski amendment to delete the provision in H.R. 14989, the State, Justice, and Commerce Appropriations bill for fiscal 1973, prohibiting payments to international organizations above 25 percent of the total assessment and restoring funds to meet these legal commitments.

Unilaterally cutting our contribution to the U.N. from its present level of 31.5 percent to 25 percent would be shortsighted and irresponsible, as well as a violation of our international treaty obligations.

We must not let our pique over such recent actions as the expulsion of Nationalist China blind us to the vital and singular role that the U.N. as an institution plays in seeking world peace. That action, it must be remembered, was the result of individual sovereign governments expressing their individual judgments with respect to a question on which there were legitimate arguments on both sides. This is precisely what the U.N. is all about. Over the years the positions taken by the United States generally have been supported by a majority of the member nations of the U.N., but when our interests do not coincide with those of other countries, surely they

should be able to so indicate without retaliation from the Congress of the United States.

It can be argued that adopting the Appropriations Subcommittee's recommendations would "save" our taxpayers some $29.8 million, but this would be at the cost of seriously compromising our chances of achieving far more important objectives, such as greater U.S. influence in the U.N.'s budget and policymaking process and persuading the organization to improve its financial and management practices.

Also of basic importance is the fact that congressional action to cut our contribution would be a repudiation of our international treaty obligations. This country, with the approval of Congress, is bound by international law to abide by the allocation of U.N. regular expenses "as apportioned by the General Assembly in accordance with article 17 of the Charter." While I agree with many of my colleagues that our share of the U.N. regular budget should be reduced, this should be accomplished through the established procedures at the U.N. in the Committee on Contributions, where it is legally and politically appropriate to do so and not in the Appropriations Committees of the Congress.

As President Nixon said in his 1972 state of the world address:

> In view of the U.N.'s current financial difficulties, and of the requirements of international law, we must proceed in an orderly way in reaching this goal (reduction of the U.S. contribution to 25%). It is unrealistic to expect that it can be done immediately.

Indeed, the prospects for a reduction of the U.S. contribution in the near future are already excellent. Taking into account the probable entry of the two Germanys into the U.N. in 1973 and the increases already agreed to in the assessments of other members, the U.S. share of the budget will be reduced to between 28 and 29 percent for the period 1974–76.

Mr. Chairman, the U.N. is not perfect but it remains the best hope for world peace and if we are to act responsibly, we must do everything possible to strengthen it, not to weaken it. Therefore, I strongly urge this body to support the amendment to meet our full contribution to the U.N.

Mr. BELL. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from Illinois (Mr. RAILSBACK) to restore funds for salaries and expenses of the Federal prison system.

While I can appreciate the committee's desire to promote fiscal responsibility, cutting funds from this area would indeed be a false economy. We are all aware of the precarious situation of our correctional institutions and the justice system overall. Our Federal prisons have been relatively free of the strife and violence that have plagued some State prisons. Conditions are far from optimal, however. The increased overcrowding, further deterioration of physical plants, and the reduction of rehabilitative services and personnel that would result from this substantial budget cut would greatly endanger the tenuous balance that currently exists.

With crime costing the taxpayer an estimated $100 billion annually, full funding for the Federal prison system can only be considered a sound investment.

Equally important is the need for proper supervision of Federal probationers. This is a highly crucial stage in the life of an offender, and one that has received too little attention.

In 1967 the President's Commission on Law Enforcement recommended a caseload of 35 probationers per officer. Present caseloads now average 99 and increases are expected in fiscal year 1972.

Mr. MIKVA's amendment to increase the probation force by 348 officers is a modest proposal in light of the fact that caseloads will still average about 50 according to projections for fiscal year 1973.

Adequate and expert supervision for probationers would reduce the rate of recidivism, relieve some of the pressures on our prisons, help the offender back into the mainstream of society and, in the longrun—like Mr. RAILSBACK'S amendment—save the taxpayer money.

I therefore urge passage of this important amendment as well.

Mr. GALIFIANAKIS. Mr. Chairman, today the House is working on an important appropriations bill for the Departments of State, Justice, and Commerce, the judiciary, and related agencies. I am especially pleased to have the opportunity to rise in support of this bill because it includes a vitally necessary item for North Carolina. This is the appropriation of $50,000 for an improved Agricultural Weather Service in North Carolina as part of the National Weather Service's Special Weather Services Branch.

North Carolina is third in the Nation in total value of weather-sensitive crops and ranks fourth in per acre value of these crops. A recently completed survey in North Carolina by Agricultural Extension agents indicates an average yearly loss of $62,560,000 due to weather damage to agricultural commodities in the period 1966–70. According to the Director of Research at the Agricultural Experiment Station at North Carolina State University, J. C. Williamson, Jr., this amount could be greatly reduced if an improved agricultural weather services were to be established for North Carolina. He writes:

> We conducted a survey of the superintendents of our 15 outlying research stations in which we asked them to estimate from their records and experience the reduction in annual out-of-pocket expense in their operation if improved agricultural weather forecasting of the type available in certain other states were available to them. They estimated this saving would be $60,000 per year for their 15 farms.

This improved weather service would not serve agriculture exclusively, but it would have many more benefits. The improved regionalized detailed forecasting will be of great aid in our recreational and tourist industries. Produce and shipping interests will benefit. Consumers will ultimately benefit through lowered costs of production and higher quality foods. Environmental quality will be improved and pollution reduced because better knowledge of impending weather will reduce the number of pesticides applications and amounts applied.

I am pleased that the Appropriations Committee of which I am a member recognized the value of this service to North Carolina and included it in the budget for fiscal 1973. I appreciate the opportunity to share with my colleagues the need of this vital item for North Carolina and I urge you to join me in support of the appropriations bill we are considering today.

Mr. MIKVA. Mr. Chairman, I rise in support of the amendment deleting the continued funding of the Subversive Activities Control Board.

The SACB is an embarrassing throwback to a period in our national history which is best buried and forgotten. To the extent that the SACB has been active in trying to ferret out subversive activities in the past 20 years, it has tread on the constitutional rights of those in its path and has been repeatedly chastised by the courts for its efforts.

Fortunately it has been largely inactive and ineffective. But in the process it has wasted over $6 million tax dollars.

In 1971 President Nixon attempted to restore some semblance of function to the SACB by issuing Executive Order No. 11605, expanding the Board's jurisdiction. I share the opinion of the American Civil Liberties Union that Executive Order 11605 is patently unconstitutional, and I expect that the courts will agree.

Challenging the constitutionality of the Executive order, a suit was filed last September in U.S. District Court. The case, American Servicemen's Union, et al., against John N. Mitchell, and others, was assigned to Federal District Judge Gerhard A. Gesell, who dismissed it because it was filed prematurely. However, in his order, Judge Gesell indicated how he viewed both constitutional questions. After describing the new functions assigned to the Board, Judge Gesell stated:

> Numerous broad, imprecise definitions of terms within this general category expand and becloud meaning to a point where it is fairly obvious that the Attorney General can by petition initiate hearings into the activities of almost any group that has been an active protest group using techniques of mass demonstrations, sit-ins, or other so-called "non-violent" techniques such as those associated with many anti-war organizations . . . the Order contains definitions governing listing that appear on their face to raise constitutional problems by reason of their vagueness and overbreath and the resulting effect on the rights of many Government workers, present or future.

Judge Gesell was also troubled with the separation of powers problem:

> There is no precedent for a President delegating to an independent, quasi-judicial body far-reaching responsibilities different in form and effect from those specifically given that body when created by the Congress. Moreover, Congress has never authorized the delegation attempted in this instance. The argument is advanced that Congress subsequently ratified this unusual action by authorizing an appropriation. But there is a serious question whether congressional action taken under the procedurally complex and rushed atmosphere of a $4 billion omnibus appropriation bill constitutes ratification when the amount appropriated for this special program was very small and when the

House of Representatives initially voted on the bill ten days before the Executive Order was issued.

Losing in court has long since ceased to be a novelty for the SACB. And when it happens again, we will be left with the same useless boondoggle.

Yet the bill before us contains $450,000 for the SACB for fiscal 1973. At a time when the President is warning Congress against over-spending, at a time when funds are so desperately needed for a host of domestic programs, why fund an agency that has not made one single contribution to the welfare or safety of this country?

After 22 years of futility at a cost of over $6 million, it seems clear that the SACB and all it stands for has no place in our Government. When active, it infringes on constitutional freedoms; when moribund, it represents a shameful waste of the taxpayers money. I urge the adoption of the amendment deleting any further funding. It is time we abolished, once and for all, the SACB.

Mrs. ABZUG. Mr. Chairman, I support the amendment which would restore the $29 million for the United Nations and its affiliated agencies. Both reason and our treaty commitments require that we repudiate the action of the Appropriations Committee in deleting these funds, for the U.N. must be maintained and strengthened.

Arising like a phoenix out of the ashes of World War II, the United Nations has served a valuable purpose as a forum where the various nations and ideologies of our world can meet and exchange views and ideas. It has served as a pressure valve in times of crisis and has on a number of occasions supplied neutral peace-keeping forces to troubled areas of the globe. I hope that its good offices will play a part in securing early peace in Indochina and in the Middle East, and in keeping the peace all over the world.

In these times of great international tension, when we are escalating the war in Indochina rather than stopping the bombing, withdrawing our troops, and ending support for the Thieu regime, the United Nations stands out in bold relief as an institution that richly deserves our full support.

Mr. BELL. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague from Ohio to cut the entire budget of the Law Enforcement Assistance Administration.

The citizens of this country have witnessed over the past decade an alarming increase in the rate of crime and civil disorder. The established law enforcement agencies at all levels of government were unable to sufficiently control the outbreaks of violence that were occurring all over this Nation.

In 1969, President Nixon, recognizing the need for decisive action in this area, created the Law Enforcement Assistance Administration. It was the design of LEAA to provide desperately needed leadership at the national level for local and State law enforcement agencies. The President established this administrative body to insure the distribution of Federal funds to expedite the development of State criminal justice planning agencies. The function of these agencies was to devise new and sophisticate old methods of law enforcement.

Prior to the creation of LEAA there were no significant efforts to apply statistical research or systems analysis to the operation of criminal justice nor were there working blueprints whose focus and objective was to reduce crime in America. LEAA has filled this void, and has done so in a manner worthy high commendation.

I am deeply distressed by the effort of my colleague to terminate a program that has time and again demonstrated its ability to successfully deal with the problem of crime. LEAA has capably assumed the role of an innovator and initiator in the field of criminal justice administration, a role that has been vacant and neglected for too long.

I impress upon my colleagues the need for such a program and remind you that LEAA is but a child when viewed in terms of its existence. However, it is a child who has developed its maturity, wisdom, and abilities far beyond its years.

It is for these reasons that I urge you to soundly defeat Mr. STANTON's amendment to H.R. 14989.

Mrs. ABZUG. Mr. Chairman, is there a single Member of this House who thinks that the Subversive Activities Control Board is serving any useful function? It is a handy rest home for old right-wing political figures, and voting appropriations for it enables us to claim that we are fighting subversion in the United States, but the fact of the matter is that it has done next to nothing since its creation, and that what little it has done has been held unconstitutional by the courts.

I and my constituents cannot understand why we are giving nearly a half million dollars to an institution that is dedicated to violating the freedoms guaranteed by the first amendment. Even if no Americans were going hungry, which is not the case; even if no Americans were living in indecent houses, which is not the case; even if every American workingman were assured of a job and a salary for himself and his family, which is not the case, I could not imagine a justification for the refunding of the SACB. Considering the real priorities that cry out for adequate funding, it is a tragic statement of our condition as a nation. I urge that the funds for the SACB be stricken in their entirety, so that we may bury forever this shameful vestige of the cold war and McCarthyism.

Mr. FASCELL. Mr. Chairman, no domestic issue has so captivated public concern in the past decade as has the question of public safety and the adequacy of Government efforts to control crime. In response to the need for Federal assistance in this vital area the Congress passed the Omnibus Crime Control and Safe Streets Act in June 1968, establishing as the primary source of Federal criminal justice assistance the Law Enforcement Assistance Administration. At the time of its creation the Nation had just experienced riots and civil disorders in a number of cities in the country. Representing a concerted and unique Federal response to the needs of State and local law enforcement operations, LEAA has been given strong financial support by the Congress in the 4 years of its existence. Starting with a budget of $60 million in fiscal year 1969, LEAA's appropriations grew to $698.9 million in fiscal year 1972.

I believe it is extremely important for the Federal Government to exert every possible effort to bring its resources to bear on the problem of crime control at the State and local levels. It is equally important, for the sake of public confidence in Government, that the funds appropriated to LEAA be fully accounted for and be used in such a way as to assure achievement of the legislative purpose. Unfortunately, such is not currently the case with LEAA. The block grant programs have been underevaluated, underaudited, and undersuccessful.

I reach this conclusion on the basis of extensive hearing by the Legal and Monetary Affairs Subcommittee of the House Government Operations Committee, on which I sit. When the 1968 Safe Streets Act was passed, I was chairman of that subcommittee and I directed the staff to monitor closely the operations of LEAA because of its extremely important mission. Shortly after I relinquished the chairmanship of the subcommittee, under the new rules of the House, to my distinguished colleague from Connecticut (Mr. MONAGAN), disclosures of serious maladministration of the LEAA block grant programs in Alabama and Florida under previous State administrations came to the public's attention. Concerned about the extent of the problems that had been disclosed, my friend from Connecticut intensified the subcommittee's review of the block grant programs. An in-depth review of the programs was commenced, including 9 days of public hearings at which more than 30 witnesses testified, including the present and former administrators of LEAA.

The culmination of this investigation is a comprehensive and fully documented report which will be filed with the Clerk of the House. The report explores a number of the weaknesses in the administration of these programs and recommends a series of steps that must be taken if the programs are to realize their potential. I recommend that all read this document because it affects every area of the country.

Mr. Chairman, of particular importance to me and my constituents is the method used by LEAA to distribute the so-called discretionary grants. A few months ago LEAA announced an "impact program" under which eight cities with populations of between 250,000 and 1 million would each receive $20 million in the 3 years from 1972 through 1974. I took exception to the cities that were selected for the simple reason that on the basis of the selection criteria announced by LEAA probably no city in the country deserved to be included among the eight cities more than Miami.

In nearly every important category of street crime Miami's crime rate was higher than that of Atlanta, which was the selected city in the southeast region.

In fact, Miami had the dubious distinction of having the highest crime rate in the country on the basis of the 1970 Uniform Crime Reports of the FBI, which is the crime index used by LEAA. LEAA has indicated that Miami may be included in the next group of cities to be selected under the impact program. I hope that the additional amounts that will be appropriated for discretionary grants will enable LEAA to make that promise become a reality.

Mr. Chairman, echoing the words uttered yesterday by the distinguished gentleman from New York (Mr. ROONEY), I wish to commend my colleague from Connecticut (Mr. MONAGAN) for his efforts in bringing to our attention the state of affairs at LEAA. The investigation conducted by his Subcommittee on Legal and Monetary Affairs is the essence of what the Government Operations Committee is all about. Already the investigation has had significant results which will literally save millions by the reforms and tighter procedures that his inquiry has caused, and will also enhance the possibility that the block grant programs will attain the promise that we envisioned when the programs started in 1968.

Mrs. ABZUG. Mr. Chairman, I rise in opposition to the Gross amendment, which would reduce by $2 million the already thin EEOC appropriation.

Job discrimination against minority groups and women has been a prime cause of their disaffection with our society. These people are truly the economic castoffs of our society and have suffered blatant, pervasive, and unlawful discrimination. One reason for the continuance of this discrimination has been the lack of enforcement power vested in the EEOC. Now that this problem has been partially rectified by the new legislation, the EEOC must receive full funding.

There are three principal reasons why the EEOC should receive not only the $25 million contained in this bill, but the full $31.5 million originally requested: First, the Commission's new enabling legislation, signed into law only a few months ago, greatly expands its powers and responsibilities; second, the publicity attendant upon the enactment of this new legislation will make many more people aware of the EEOC's existence and functions, and will lead more victims of employment discrimination to come to it with their complaints; third, the EEOC already has a substantial backlog of pending cases due to inadequate funding in the past.

I urge the defeat of the Gross amendment and support full funding for the Equal Employment Opportunity Commission.

Mr. RANDALL. Mr. Chairman, I will vote against H.R. 14989, the appropriation bill for the Departments of State, Justice, Commerce, and judiciary in its present form. The combined appropriation amounts to over $4.5 billion. That is a lot of money. The committee cut the appropriation only 2 percent.

If we are going to try to achieve a balanced budget we must cut all appropriation bills this year by about 10 or 12 percent.

One of the interesting facts is that the committee decided to cut $11 million from the Justice Department under the budget request, $23 million from Commerce, and $12 million from the judiciary when, in my judgment, the State Department with over half a billion dollars should have been given much greater reductions.

Mr. Chairman, to oppose an appropriation bill involving the Justice Department, the Commerce Department, and the judiciary will subject one to being asked the question whether he is for law and order, or for a strong FBI, or for speedy trials in our courts. The answer should be quite apparent and obvious, that we are for all of these things. That is the reason why it is so unfortunate that all three of these Departments were tied up together in one appropriation bill.

I find no basis for complaint in the appropriations for Justice, Commerce, or judiciary. But I must cast a vote of protest against the State Department's appropriation because, if I read the report correctly, the Foreign Service appropriation is over $300 million and that represents an increase over fiscal year 1972 of almost $20 million.

Mr. Chairman, I oppose this appropriation for the Foreign Service because in the New York Times under date of April 30, 1972, Mr. John D. Hemenway, who is now a civilian employee with the Department of Defense, charged the State Department with deceiving the Congress by submitting for confirmation to key posts the names of officers it knew to be unqualified. It seems there was a hearing in the other body where Mr. Hemenway testified that the Bureau of Management in the State Department was promoting its own staff members to key assignments, tampering with personnel files, in violation of regulations. He went on to point out that the foreign language requirements for senior Foreign Service officers were repeatedly waived. He also charged there was illegal access to promotion panels.

As I read that story in the New York Times, applicants are now being admitted to the Foreign Service without passing examinations. Some had neither a college degree nor language qualifications. The worst part of it all is that one of the spokesmen of the State Department when questioned conceded there had been a violation of regulations by unauthorized access to personnel files and apparently admitted the foreign language requirement was no longer a minimal standard but only an objective the Department hoped to achieve.

Mr. Chairman, last year when this appropriation measure came up, I pointed out we had some very unfortunate experiences with officers of the Foreign Service during the previous year. Now that I have read the story in the New York Times, their conduct is understandable because if we let the present practices of appointment and promotion continue, things will get worse instead of better. I must oppose the appropriation for the State Department under these existing circumstances.

Mr. RARICK. Mr. Chairman, this is a genuine Christmas tree bill—a little gift for every agency in the Departments of State, Justice, and Commerce, the judiciary and related agencies, with a few choice bones left over to encourage all comers.

The total authorization in dollars is not given—perhaps because we lack the sophisticated machinery to total such astronomical figures.

The suggestion offered that this legislation proposes a "reduction" in American contributions to the U.N. at least has the welcome smell of fresh air blowing through a cemetery.

Some would have the American people believe that we are doing a great service by reducing American contributions to the international Communist debating society from one-third to a maximum of one-quarter of the U.N. budget.

The informed American will not buy this ploy; he realizes that the American people, with only one vote in this 131-member organization and approximately 5½ percent of the world population, will still be called on to provide one-quarter of the money for the United Nations, an organization that seems bent on the destruction of every American institution and our constitutional government.

Nor will the informed American swallow the argument that our share should be greater because we are wealthier people. Too many wealthy people and accumulations of wealth have found ways to dodge their fair share of the cost of running our own country through tax loopholes. Why should we apply one rule to our people and a separate theory to international organizations?

The U.N. is illegally apportioned. It could never stand the "one-man one-vote" test of any of our Federal judges.

The gift list for International Organizations and Movements from the report accompanying the bill is worth noting in its entirety, especially when Census Bureau reports indicate that of 872,772 families in the State of Louisiana, approximately 10.6 percent receive public assistance income to help meet their daily needs.

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

A total of $151,087,250 is included in the bill to meet the annual obligations of United States membership in international multilateral organizations pursuant to treaties, conventions or specific acts of Congress. The amount allowed is $29,812,750 below the amount of the budget estimate.

The committee has placed in the bill a proviso limiting the annual United States contribution to the United Nations and affiliated agencies to 25 per centum, except for the joint financing program of the International Civic Aviation Organization. As a result of this proviso, a reduction of $25,103,500 has been made.

Much has been said and written by officials of the Executive and the Legislative branches of the Government relative to the necessity for reductions in our contributions to these international organizations but to date little has been accomplished. This recommended reduction serves notice that the Congress means what it has been saying in this regard.

The committee has provided $4,000,000 for the International Labor Organization which together with the $7,692,580 contained in the Second Supplemental Appropriation Bill as passed by the House will provide a total of $11,692,580 to be made available for that organization. While this total is not the full amount requested, it represents a payment of dues for in excess of one and one-half years.

The following table sets forth the amount provided for each organization funded in the bill.

United Nations and Specialized Agencies:	
United Nations	$46,881,014
United Nations Educational, Scientific and Cultural Organization	10,067,101
International Civil Aviation Organization	4,163,000
World Health Organization	20,857,370
Food and Agriculture Organization	9,098,820
International Labor Organization	4,000,000
International Telecommunication Union	966,797
World Meteorological Organization	943,489
Intergovernmental Maritime Consultative Organization	151,538
International Atomic Energy Agency	3,849,190
Subtotal	100,978,319
Inter-American Organizations:	
Inter-American Indian Institute	61,561
Inter-American Institute of Agricultural Sciences	3,196,807
Pan American Institute of Geography and History	151,300
Pan American Railway Congress Association	15,000
Pan American Health Organization	11,313,412
Organization of American States	20,767,512
Subtotal	35,505,592
Regional Organizations:	
South Pacific Commission	247,605
North Atlantic Treaty Organization	6,414,955
North Atlantic Assembly	79,946
Southeast Asia Treaty Organization	452,750
Colombo Plan Council for Technical Cooperation	9,753
Organization for Economic Cooperation and Development	6,401,758
Subtotal	13,606,767
Other International Organizations:	
Interparliamentary Union	32,720
International Bureau of the Permanent Court of Arbitration	1,550
International Bureau of Intellectual Property	15,000
International Bureau for the Publication of Customs Tariffs	19,914
International Bureau of Weights and Measures	98,670
International Hydrographic Bureau	17,642
International Wheat Council	41,980
International Coffee Organization	290,000
International Institute for the Unification of Private International Law	$11,860
Hague Conference on Private International Law	12,456
Maintenance of Certain Lights in the Red Sea	3,910
International Bureau of Exhibitions	7,625
Customs Corporation Council	385,045
International Center for the Study of the Preservation and Restoration of Cultural Property	58,200
Subtotal	996,572
Total	151,087,250

MISSIONS TO INTERNATIONAL ORGANIZATIONS

These is included in the bill $5,097,000 to provide for the expenses of the United States missions to seven international organizations as well as the costs of the delegations to four international parliamentary groups. The request for $22,000 for a proposed increase in the rental of quarters at the Waldorf-Astoria is again specifically denied.

The following table sets forth the individual items and the amounts approved for each:

United States Mission to:	
United Nations	$2,109,500
International Organizations, Geneva	1,597,200
International Organizations, Vienna	595,500
International Civil Aviation Organization	156,000
Organization of American States	164,400
United Nations Educational, Scientific, and Cultural Organization	233,500
The Food and Agriculture Organization	86,000
Subtotal	4,942,100
United States Congressional Groups to:	
Interparliamentary Union	44,900
NATO Parliamentary Assembly	50,000
Canada-U.S. Interparliamentary Group	30,000
Mexico-U.S. Interparliamentary Group	30,000
Subtotal	154,900
Total	5,097,000

The $151,087,250 proposed to the United Nations and other international organizations would amount to almost $1,616 for every needy family in my State.

We hear often of the promises and the greatness of the U.N. and international togetherness, but no one has taken the time to explain what it has actually done in its 27 years of existence. What is the interest on the investment? Exactly what have the American people to show for their money?

Such inquiries, if answered at all, all receive the same repetitious reply—always a plea for more money and more power.

This is a tremendous sum for membership in a debating society. Even the President recognizes the ineptness of the U.N. as a viable organization. Why else would he risk so much through summit trips to Peking and Moscow, unless he realizes that this is the only way he can get anything done on the international level?

I am confident that my people are opposed to Christmas tree giveaways, especially when the interest for themselves and their country comes last.

I feel also that my people will be reminded of legislation like this on income tax day, especially if the taxes are again increased when the next administration takes office.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. ROONEY).

Mr. ROONEY of New York. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ABERNETHY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14989) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1973, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. ROONEY of New York. Mr. Speaker, I demand a separate vote on the so-called Railsback amendment at page 19 of the bill.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The Clerk will report the amendment upon which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 19, line 17, strike out "114,400,000:" and insert in lieu thereof "$115,417,000:".

The SPEAKER. The question is on the amendment.

Mr. ROONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HALL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that I may extend my own remarks and include certain tables, letters and miscellaneous matter.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I have missed three rollcall votes. Had I been present, I would have voted "nay" on rollcall No. 138. On rollcall Nos. 151 and 152, I would have voted "yea."

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority whip about the program for the remainder of the week, if any, and the schedule for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. O'NEILL. Mr. Speaker, we have completed the program for this week. The program for the House of Representatives for the week of May 22, 1972, is as follows:

Monday is District Day. There are no bills.

Then we have H.R. 6788—Mining and Mineral Research Centers under an open rule with 1 hour of debate.

H.R. 11627—Motor Vehicle Information and Cost Savings Act under an open rule with 1 hour of debate.

On Tuesday we have the bill for HUD-Space-Science-Veterans Appropriations for the fiscal year 1973, subject to a rule being granted. The Committee on Rules will meet on Monday as to the granting of the rule on that bill.

On Wednesday and Thursday, we have scheduled:

H.R. 14370—State and Local Fiscal Assistance Act of 1972 subject to a rule being granted. The Committee on Rules will meet on Tuesday on this bill, which is the so-called revenue sharing bill.

Then we have the bill on the Transportation Appropriations for the fiscal years 1973, subject to a rule being granted.

The Memorial Day recess will be from the conclusion of business on Thursday, May 25 until Tuesday, May 30.

Any further program will be announced later.

Conference reports may be brought up at any time.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEIL. Mr. Speaker, I ask unanimous consent that Calendar Wednesday Business in order on Wednesday next be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

ADJOURNMENT OVER TO MONDAY, MAY 22, 1972

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today that it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON HUD, SPACE, SCIENCE, VETERANS' APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes.

Mr. TALCOTT reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

TRADE RELATIONS BETWEEN UNITED STATES AND RUSSIA

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

Mr. MOORHEAD. Mr. Speaker, the time has come to begin normalizing trade relations between the United States and Russia. We are natural trading partners. We need their raw materials—and they need our manufactured goods and agricultural products. What I am proposing is that both countries lower their tariffs and treat each other as they treat practically all their other trading partners. At present, we are one of four nations on their high tariff list and, in turn, they are on our high tariff list—which, in my view, does not make much sense economically. The bill I am introducing today would authorize the President to change this on a reciprocal basis. I see no reason to penalize each other. The two greatest economies in the world simply should not remain aloof.

Right now, it means we are losing literally billions of dollars worth of foreign trade which could benefit American labor, industry, and Government tax revenues—Federal, State, and local. Last year Western Europe and Japan did $5 billion worth of trade with Russia. In comparison, we did $170 million worth—just a drop in the bucket.

To remedy this situation, I am today introducing a bill which would authorize the President to lower tariffs with Russia on a reciprocal basis if he determines such action is in the national interest.

As chairman of the Foreign Operations and Government Information Subcommittee, which has investigated the matter of delinquent debts owed to the United States by other countries, I am aware of the fact that the Soviet Union owes us untold amounts from our World War II lend-lease program and that for 12 years they have refused even to negotiate these debts with us.

Were that the situation today, I would not be introducing this bill today.

However, as I announced to the Congress on February 17, 1972, the Russians sent a delegation, which arrived in Washington soon afterward, to begin negotiations on these delinquent debts.

I am introducing this bill today because in just 4 days the President of the United States is expected to leave for Moscow for what may be a historic conference with leaders of the Soviet Union.

I am introducing this bill today because I believe that our President should have concrete evidence of essential congressional support, if the normalization of trade relations is to be part of the hoped-for package for peace.

I am introducing this bill today because the Russians have given assurances they are now ready to negotiate seriously the settlement of all delinquent and disputed international debts owed to the United States from the World War II lend-lease program. Such an understanding is essential if we are to move forward to the resolution of other problems between our two countries and also to the granting of credits for some purchases of goods and services from the United States. It is standard business practice, however, that debts must be paid before other credits are advanced. Frankly, I think normal—and indeed prosperous—trade relations would help to establish a more friendly climate for a meeting of minds on a number of issues.

Although there are still major problems between Russia and the United States, I believe the old cold war climate has thawed somewhat over the years. The SALT talks have shown real progress, for example. Late last year, former Commerce Secretary Stans made what I consider to be a most significant journey to Moscow to explore increased trade possibilities. The Russians also have made some large purchases of agricultural commodities from the United States. Their Minister of Agriculture said on a recent trip here that the Soviet Union is interested in purchasing American grain for years to come as well as U.S. farm machinery.

As a matter of fact, the Russians have stated they are interested in buying complete plants, consumer goods, and food

commodities. Of course, I would expect the Department of Commerce to make certain we are not exporting American jobs when we send complete packaged plants abroad. I think the necessary safeguards can be taken to insure our own future as we establish a new trade relationship with the Soviet Union. I might add, however, that America must expect to buy as well as sell to keep this proposed new economic cycle revolving as it should. Any small town merchant knows that.

Some experts predict that U.S. exports could jump to $2 billion in 2 years and rise to a staggering $5 billion the third year. One of the major purposes of this legislation is to insure American jobs and increase employment.

I am advised that the Russians are interested in buying consumer goods as well as developmental type items. The consumer list covers a wide range, including shoes and textiles. I visited the Soviet Union last summer and I know that the Soviet consumer is woefully undersupplied by the standards of most industrialized nations.

I also understand that the Soviet Union will pay hard currencies for U.S. exports when appropriate and that their projected trade with the United States is not limited solely to barter arrangements and return sales from the future production of any packaged plants we might send them.

American workers are on the losing end of the stick now. Currently, American companies tend to carry on business with Eastern Europe, including Russia, through their Western European affiliates because they can get government-backed credit from most Western European countries. I say that business should come from American factories employing American workers on American soil.

I agree with Mr. Stans when he says we put ourselves in a rather ridiculous position if we refuse to sell the Russians equipment which they can buy in Germany, France, Italy, Britain, or Japan. He believes U.S.-Russian trade can be increased by billions of dollars over the years. Now is the time to begin. Let us get started. The Russians say they are ready—we should be too.

Mr. Speaker, if we are ever going to see a peaceful world, nations must learn to live together and resolve their differences. I think mutually beneficial foreign trade contributes to the attainment of this goal.

Mr. FINDLEY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. I am glad to yield to the distinguished gentleman.

Mr. FINDLEY. Mr. Speaker, I commend the gentleman from Pennsylvania (Mr. MOORHEAD) for introducing a trade bill permitting MFN to the Soviet Union. I am the author of a bill permitting such to any nation with whom we have diplomatic relations.

In trade policy, I feel the time has come to normalize our trade policy, extending to the Soviet Union, and other nations the same general tariff levels and credit opportunities we give to most nations.

The Soviet Union is one of the few nations against whom we discriminate in trade policy, and I hope we will soon negotiate to end the discrimination.

Although the Soviet Union has relatively little to sell abroad, and therefore has limited foreign exchange, its foreign trade is growing. The United States should take every reasonable step to get some of the business.

Congress should authorize the President of the United States to negotiate a commercial agreement with the Soviet Union which would include most-favored-nation tariff treatment for Soviet products. The increased foreign exchange which this would enable Russia to secure would greatly enhance their ability to purchase U.S. goods.

In addition, other steps can be taken by the President without congressional approval which would allow the Soviets to buy more from the United States. They require tough negotiation between our two countries—negotiation which will redound to the benefit of both parties.

I commend the gentleman for introducing this bill.

GIVE US THIS DAY OUR DAILY DIRT

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

Mr. MELCHER. It is extremely difficult for me to understand why American consumers do not rebel against the inadequacy of food inspection and sanitation in the United States.

I have authored bills to require more careful inspection of meat imported into the United States, and to establish inspection of fish and seafood products which now come to our tables from some very unsanitary fish boats, dockside processing facilities, and other plants.

A report of the General Accounting Office recently confirmed many of my fears about the inadequacy of meat inspection in other countries, and the laxity of our own inspection of imported meat which even has allowed millions of pounds of the foreign products to come in even after the processing plant abroad has been delisted for unsatisfactory conditions.

The GAO also has given us reports on serious inadequacies in domestic poultry and meat plants.

Now comes a General Accounting Office report on 97 domestic food manufacturing plants which shows less than one-third, only 30, in Compliance with Federal standards. There were 23 with "significant" unsanitary conditions, 23 with "unsanitary conditions," and 28 with "minor" unsanitary conditions.

I include in the RECORD at the conclusion of these remarks an editorial from the Washington Post for Saturday, May 13.

I believe the public is entitled to the answers to the questions propounded in the editorial, and that this Congress has an obligation to get those answers. We have a responsibility both for oversight of the administrative agencies, and for remedial legislation and greater funding if it is needed.

The Washington Post this morning, May 18 carries an article on a Food and Drug Administration announcement that it intends to step up inspection of the domestic food establishment—depending on Congress providing 300 new inspectors to add to 210 now employed.

The article states that FDA estimated it would take 1,500 inspectors to inspect the plants annually.

I fail to understand that figure. There are an estimated 60,000 plants, which would mean that the 1,500 inspectors would have to get around to 40 plants each during the year, less than 1 a week.

Inspection 5 or 6 days a year is not too much; there should be more than one inspection a year, but I am unable to comprehend why a single inspection requires more than a week in the average plant.

Obviously, this whole situation needs to be explored thoroughly and answers provided, not only to the public, but to those of us in Congress who share the responsibility for clean food.

I am including in the RECORD the new article, by Elsie Carper, on FDA plans to step up their inspections.

NOW IT'S DIRTY FOOD

Had any clean food lately? Chances are you have, but that is exactly the problem—that it is often a matter of chances. Congressional investigators recently made a random survey that included 97 food manufacturing plants and found "significant unsanitary conditions" in 23, "unsanitary conditions" in 16, and "minor unsanitary conditions" in 28. Only 30 plants were in compliance with federal law that forbids filth or decomposition. The new report from the General Accounting Office runs its clean finger of investigation through the food plants and comes up dirtied by such findings as rodent dung and urine, cockroaches, improper use of pesticides, unsanitary equipment, poorly maintained areas over and around food-processing locations. The 97 plants manufacture or process much of what is on our tables everyday: cheese, fish, flour, bakery goods, candy, carbonated beverages, fruits, vegetables, sugar, jams and jellies, macaroni and other items. In all, the GAO estimated that two of every five American food manufacturing plants are unsanitary or worse.

As hard as this food news is to swallow, it is made even more choking when you consider the now-common disclosures about restaurants that flunk health inspections. To wash it all down, there were the recent Senate hearings revealing that half the American population quenches its thirst from purified water discharged only hours before from some industrial or municipal sewer. The irony is almost too much: the United States has the most productive food supply in the world, yet many of the operators that help bring the food to the consumers care little about cleanliness.

Little of this has "just happened." Unsanitary food plants get that way for a number of factual reasons. The most obvious one is that cleanliness costs money; why bother about rats and roaches when you can put a pretty wrapper on the product and the consumer will never know the difference. Or if he does know, he shouldn't get excited—as a bakery merchant in New York said when roaches were found near the flour and sugar piles in his warehouse, "Yes, but they are dead roaches." A second reason for food plant unsanitation is that the Food and

Drug Administration has neither the money or staff and sometimes not the interest, to inspect the 32,000 food plants covered by the Food, Drug and Cosmetics Act. According to recent testimony, the FDA can only get to each food facility an average of once every five to seven years; thus, while the FDA cat is away, the mice in some food plants do indeed play. The cockroaches, too.

Since there are rarely outbreaks of food poisoning that kill people—the vichyssoise soup case last summer—it is hard to create public pressure for action. But the potential for danger is still present, and so are the obvious questions. Why doesn't the food industry police itself? Why doesn't HEW aggressively seek more money so that inspections could be more regular? Why doesn't Congress authorize more funds? It shouldn't be too much to ask that the public's tax money be devoted to making sure that its food is clean. As Senator Ribicoff has noted, "If I want, for instance, to give one of my grandchildren a candy bar, I should be able to do it secure in the knowledge that the confection is free of rodent and insect hair. I don't think that's an unreasonable demand to make of the American industry."

FOOD PLANTS FACE NEW FDA CHECKS

(By Elsie Carper)

The Food and Drug Administration announced yesterday that it is stepping up inspections of food processing plants to end widespread unsanitary conditions disclosed in a recent congressional investigation report.

Prodded by the report and by pressure from the House Public Health and Environmental subcommittee, the FDA said it intends to take "prompt, vigorous action to assure good housekeeping operations" in the nation's 60,000 food plants.

The expanded program was announced by FDA Commissioner Charles C. Edwards, who said the agency would enforce standards of "cleanliness of personnel, equipment and premises and elimination of all conditions that attract vermin and rodents."

He said that sanitation practices apparently had declined while the FDA devoted most of its resources to preventing contamination of food by bacteria.

"While we must continue to give high priority attention to microbiological problems such as salmonella and botulism which can present a serious hazard to health, we cannot tolerate a decline in general sanitation practices," Dr. Edwards said.

The General Accounting Office report, issued last month, found rodent excretions and urine, cockroach and other insect infestation, and nonedible materials in and around raw materials, finished products and equipment as well as improper use of pesticides and dirty processing areas.

The report was based on a random survey of 97 plants. It said the inspectors found that only 30 were in compliance with FDA standards and that 23 of the 97 had "significant insanitary conditions" which could cause product adulteration.

Dr. Edwards said that the new program is dependent upon Congress approving funds for 300 additional food inspectors in the FDA budget for the fiscal year beginning July 1. The FDA now has 210 inspectors.

He told the House subcommittee last week that the FDA is now able to inspect each food plant about once every seven years. The additional inspectors would reduce the interval to four years.

Subcommittee Chairman Paul G. Rogers (D-Fla.) has been urging the agency to seek additional inspectors. During subcommittee hearings last year, the FDA estimated that it would need 1,500 inspectors if all plants were to be inspected annually.

In his statement yesterday, Dr. Edwards emphasized that the FDA will concentrate on establishments with poor records.

Violations uncovered by FDA inspectors will be brought to the attention of management, along with a request for a written response within 10 days detailing steps taken to correct the unsanitary conditions, Dr. Edwards explained.

This will be followed by a reinspection of the plant within 30 days.

The FDA said that it would take "appropriate regulatory action" against plants that failed to comply. Such action, it said, could include seizure of products, an injunction against the plant or civil or criminal prosecution.

A NEED FOR HANDGUN CONTROL HEARINGS

(Mr. MIKVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MIKVA. Mr. Speaker, the shooting of Governor Wallace earlier this week has made many people aware of the desperate need for strict handgun control in this country. Newspaper and radio and television editorials and the mail coming into my office all share the same tone. They all want to know why Congress has done nothing about the unconscionable traffic in handguns that threatens to destroy the big cities of this country. In the city of Chicago alone, 456 people were killed last year. The Chicago Police Department annually picks up 14,000 handguns, but with close to 2 million new handguns flooding the country every year it is a losing battle.

There is a direct relationship between the number of handguns and their easy availability and the steadily climbing rate of crime in urban America. The mayor's of our big cities—like Mayor Daley of Chicago and Mayor Lindsey of New York—have recognized that, and so have the police chiefs. According to national opinion polls, most of the people in this country want strict handgun control too. But somehow, the message has not gotten through to the Members of this Congress. All we seem to hear is the anguished complaints of a few who think they will be "inconvenienced" because handgun control will complicate their lives as target shooters. As a result there has been little support for hearings on handgun control.

Yesterday, under the leadership of Senator BAYH of Indiana and Senator KENNEDY of Massachusetts, the Senate took some courageous action. Senator BAYH's Subcommittee on Juvenile Delinquency passed a bill without dissent that would stop the sale and manufacture of "Saturday Night Specials." That legislation faces a difficult fight in the Senate, but at least that body has made a start.

This vital issue deserves a hearing in the House of Representatives, too. The need for such hearings is one thing that both the proponents and the opponents of handgun control legislation should be able to agree upon.

There are several comprehensive, progressive handgun control bills now before the House. I have proposed one (H.R. 915) and so has the distinguished chairman of the House Judiciary Committee, Congressman EMANUEL CELLER of New York (H.R. 8828). Given the magnitude of the problem and the public's concern, they should have a hearing. As a member of the Judiciary Committee, I hope we can give these proposals and others the attention that the problem deserves.

PRESIDENT'S TRIP TO RUSSIA

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

Mr. SIKES. Mr. Speaker, the President's trip to Russia comes at an opportune time. I had misgivings about his trip to Communist China. I felt that we were making too many concessions too soon and receiving little if anything in return. However, it is possible that the trip may have helped to avoid a confrontation on the U.S. bombing policy in Hanoi and Haiphong. Regardless of this, I am convinced that the trip to Russia is sound; that Russia is interested in a better understanding with the U.S. and in a degree of control on armaments. They are now enjoying an excellent military posture. They are as strong in most respects as we are, stronger in some. It is to their advantage to hold things as they are while they make domestic and economic gains at home and bolster their world trade picture. This means we may reach some understanding with Russia during the President's trip which will lessen world tension. It certainly is to be hoped that this is the case. I can foresee additional competition in diplomatic and trade channels instead of military competition. But if this occurs America should welcome the change. It is doubtful that the President's trip will have any appreciable effect on the war in Vietnam, at least in the immediate future, but at least the Russians are talking instead of reacting in force. This is a very important difference. I applaud the President for his efforts.

CUBAN INDEPENDENCE DAY 1972

The SPEAKER pro tempore. (Mr. SEIBERLING). Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 60 minutes.

Mr. FASCELL. Mr. Speaker, this Saturday, May 20, will mark the 70th anniversary of the Republic of Cuba's independence. On that date in 1902 there came into being in Cuba a new government dedicated to the same principles of political freedom and individual liberty which underlay the establishment of our own Nation.

Cuba's gaining of independence from Spain was the culmination of a decades long struggle for freedom led by such patriots as Maximo Gomez, Antonio Maceo, and Jose Marti. It marked the beginning of a new era in Cuban history. During the next 60 years the Cuban people continued their hard work to build a better and more prosperous way of life for themselves and their children. There were many disappointments, both economic and political, but throughout the years, whether under constitutional rule or dictatorship, the spirit of liberty and the legacy of Marti and the other true

Cuban revolutionary leaders persisted.

In the late 1950's, many Cubans, still inspired by their devotion to democratic principles, thought they had found a new leader who could yet fully realize the hopes and expectations of 1902. We all now know the sad history of how that leader, Fidel Castro, betrayed the trust of the Cuban nation and the democratic traditions of Jose Marti.

Despite that betrayal, Mr. Speaker, we still have cause to celebrate today the anniversary of Cuban independence for the cause of freedom still burns bright in the minds and hearts of millions in Cuba and hundreds of thousands more who have fled their homeland.

Mr. Speaker, when Fidel Castro overthrew the Batista dictatorship almost all of his supporters believed that there would be a new birth of political freedom in Cuba. Many more hoped that a new economic revolution would be added to a renewed commitment to the political goals of 1902. The way in which all these noble expectatious have been cruelly frustrated is surely one of the most tragic tales of hemisphere life in this century. Instead of free elections Castro has established an authoritarian regime without parallel in hemisphere history. His regime has killed hundreds of well meaning citizens while driving hundreds of thousands more—almost 10 percent of the country's entire population—into exile. He has substituted the iron fist for the ballot; replaced a sense of community and cooperation with a system of neighborhood spies; and crushed a growing community of talented authors and artists with an insistence on adherence to rigid dogma.

Besides shattering the dreams of those who believed he represented a return to the democratic principles of Marti, Fidel Castro and his regime have managed to accomplish one of the most fantastic reverse economic miracles of all time. Inheriting a basically sound economy which combined a talented work force with adequate capital and thus offered hope for steadily improving economic conditions, Castro has managed to create perhaps the only economy in the entire world with a rapidly declining rate of growth. According to the World Bank, from 1960 to 1969, Cuba's economy declined at an average annual rate of 3.2 percent, and this at a time when the population was growing at 2.5 percent per year. For anyone who knew Cuba and its energetic and imaginative people, it is difficult to imagine how anyone could manage to do this deliberately, but Castro has done it through his disastrously incompetent policies.

From being a relatively prosperous nation in 1959, the World Bank now estimates the average per capita income in Cuba to be only $280. A balance in foreign trade has been replaced by an annual deficit which this year will exceed $600 million—a staggering amount for a nation the size of Cuba. Almost $500 million of this deficit is with the Soviet Union but that is not the only indication of Cuba's growing indebtednes to other nations. In recent years, Cuba's debt to free world countries, excluding $1.7 billion owed the United States has reached $500 million. Three hundred million dollars of that increase in debt, mostly to European countries, has been since 1969.

Perhaps the greatest indicator of the massive failure of Castro's economic policies has been the steady decline of Cuba's all important agriculture sector. The once prosperous tobacco and coffee industries now contribute almost nothing. The island's all important sugar crop is in serious difficulty—so serious this year that no production target was announced and no figures have yet been released even though the harvest has almost been completed. Last year, Castro set a sugar production goal of 7 million tons. Only 5.9 million tons were harvested. This year, reliable estimates are that only 4 to 4.5 million tons will be produced—the lowest tonnage since 1963's disastrous 3.8 million ton crop.

Mr. Speaker, all of these dire statistics are not a source of encouragement for me. They cannot be for they represent deprivation for millions of hard-working Cubans for whom I cherish a deep and lasting affection. Moreover, these figures are indicative of a potentially serious threat to our own Nation because of Cuba's growing dependency on the Soviet Union. We all saw what that could mean during the 1962 Cuban missile crises. While we are hopeful that negotiations will soon lead to a lessening of international rivalry and world tensions we must continue to bear in mind that enemies of this Nation may still be tempted to use Cuba as a base against us. Within the last several weeks, we were reminded of this possible danger when for the first time the Soviets sent a long-range missile submarine to Cuba in apparent violation of their alleged understanding with the United States over use of Cuba as a base for such submarines.

It must also be realized that Castro's willingness to be used by the Soviets for their own ends is not the only threat which the current Cuban Government poses to the United States. Castro, through his continuing export of subversion and his training in Cuba of guerrilla leaders, is still a threat—though a decreasing one—to the peace and stability of the hemisphere. While it is apparently true that the level of his support for revolutionary movements has declined this is more likely due to his failure at home and the notable lack of previous adventures abroad than to any real change in his devotion to violent revolution. Of even more direct importance to the United States is Castro's blustering threat, less than 3 weeks ago, to take action against our base at Guantanamo.

Mr. Speaker, having briefly reviewed the present unhappy state of affairs in Cuba and between our two countries, I want to talk for a moment, in concluding my remarks, about the past and future. While I am hopeful, as is everyone here, that freedom will be restored in Cuba in the near future, I am not overly optimistic. Despite strong internal opposition, Castro's grip on Cuba remains strong. Perhaps the continuing failure of his policies will yet lead to his overthrow from within, but we must remember, whether we like it or not, that he has a powerful ally willing to do a great deal to keep him in power. But as long as communism remains in control in Cuba, the United States must continue its efforts to keep alive in Cuba the spark of freedom and to promote by the most effective and appropriate means the eventual return of Cuba to the councils of the free world.

Over the long run, Mr. Speaker, I am certain that freedom and the dignity of man will again triumph in Cuba just as they did in 1902. I base that judgment on my belief in the Cuban people and on past history. On this 70th anniversary of Cuban independence, it is well to recall that 33 years before its eventual achievement, this body, the U.S. House of Representatives, in 1869 first lent its support to Cuban liberty when we adopted this resolution by a vote of 98 to 25:

Resolved by the House of Representatives, That the people of the United States sympathize with the people of Cuba in their patriotic efforts to secure their independence and establish a republican form of government, guarantying the personal liberty and the equal political rights of all the people; and the House of Representatives will give its constitutional support to the President of the United States whenever, in his opinion, a republican government shall have been in fact established, and he may deem it expedient to recognize the independenec and sovereignty of such republican government.

Liberty triumphed eventually then and I have every confidence it will do so again.

Mr. BUCHANAN. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to my distinguished colleague from Alabama.

Mr. BUCHANAN. Mr. Speaker, I join the distinguished gentleman from Florida in commemorating this Cuban Independence Day.

Mr. Speaker, May 20 marks the 70th anniversary of the liberation of the Republic of Cuba, but it also, unfortunately, marks another year during which the residents of Cuba have not been permitted to know freedom.

We can join with the many thousands of Cubans who have fled to this country and who can truly celebrate Cuban Independence Day in freedom, but we must also share their sorrow at being unable to celebrate with their 8½ million fellow countrymen and relatives who are virtually held captive in their native country. It is our mutual and prayerful hope that they will all be united in liberty one day.

Notwithstanding the struggle which is going on today within Cuba in the quest for true freedom, the United States and those Cubans who now live within our borders can commemorate that day when Cubans threw off the yoke of Spanish rule—ending nearly 400 years of domination.

As Americans we can be proud of the small role we played during those last crucial years in the fight for independence. We can also continue to recognize the heroism and courage which kept alive the drive to attain independence in past years and which are still alive today in the hearts of Cubans who yearn to be free.

This great desire for freedom and the spirit which burned in those earlier Cuban citizens has not dimmed and it offers hope for those who are today ruled by the despotic government of Fidel Castro.

The people within Cuba today have known freedom. For 50 years, from 1902 until 1952, they were free to determine their own destinies and free to help build for the future of their country and for the hemisphere. They created a land where human dignity and rights were recognized.

Since that time, however, they have suffered under the tyranny first of Batista and now of Fidel Castro.

But I believe, Mr. Speaker, that this thrust for freedom will prevail and will result one day in a true and lasting liberation of all the people of the Republic of Cuba.

Mr. FASCELL. I thank my distinguished colleague.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. FASCELL. I am delighted to yield to my distinguished colleague from Texas.

Mr. GONZALEZ. I know the hour is late, but I think it is never too late to compliment a distinguished Member of this body who has been so active in behalf of the cause of Cuban refugees and in behalf of the cause of sustaining the climate of American public opinion with respect to the tremendous stake our Nation has in the development in this unhappy island known as Cuba.

I share the gentleman's sentiments, in taking time to mark the cause of freedom that has such a long and hallowed and heroic tradition in the Cuban island.

We all know that in the last century there was a long struggle for freedom from colonialism. We know the part that our country played at the turn of the century in helping to gain this freedom. It seems both tragic and ironic that in the 20th century, right at our front door, freedom should be so completely lost to the point that an agent of another tremendous power, expansive since World War II and militantly anti-American, should, as this agent does, pose a real, a present and a serious threat to the stability of the Western Hemisphere in general and to the safety and well-being of the United States in particular.

I therefore salute the gentleman from Florida for his interest in this very important matter.

Mr. FASCELL. I thank my distinguished colleague from Texas for making those remarks. They are indeed appropriate, particularly for us to take the time to keep the spark and the hope of liberty alive.

There is not any question about what has happened in Cuba.

The gentleman is absolutely correct. Cuba today is a subjugated nation and a client state of the Russian empire, totally dependent on them. Despite all of the pronouncements and promises that were made, the fact is that economically, politically, and otherwise, it is really a closed shop. To that extent the great flow of hope and freedom that really lies in the hearts and bodies of the Cuban people equally as it does in ours has been betrayed.

Therefore, on this day we could take a little time to commemorate the great struggle of the Cuban people in an earlier day to achieve their independence and freedom and to hope that they will have the opportunity, with the hopes and the prayers of many people around the world, to do it once again.

FROM RUSSIA TO AMERICA: PLEAS WHICH CALL FOR OUR SUPPORT

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

Mr. KEMP. Mr. Speaker, as the hour of the President's departure for the Soviet Union draws nearer, the pleas of the oppressed Jews in that nation grow more urgent.

Four Israeli citizens, who have first-hand knowledge of Soviet oppression, have requested that I convey to my colleagues in the Congress and to the American people their firm belief that those Jews who are detained in Russia see the efforts of Americans and their leaders in Washington as the only answer to their hopes and prayers for emancipation.

Two of the four who came to my office are, at this moment, on a hunger strike outside the Soviet Embassy here in our Capital.

They are Miss Katia Palatnik, 23, who is protesting the imprisonment of her 36-year-old sister, Raiza; and Michael S. Epelman, 30, who is seeking to be reunited with his wife, Polina, and their 8-year-old daughter. He reports:

> Both have repeatedly been denied emigration permits.

Raiza Palatnik has been imprisoned by the Soviet Government since December 1, 1970, following her request for permission to go to Israel. She is suffering from a serious heart ailment and her left hand is paralyzed as a result of that condition.

Even so, her sister learned, Raiza was ordered by her jailers to work on a labor day, in honor of Lenin. When she was unable to carry out the order, she was moved to a special, damp detention cell and placed on a severely restricted diet. Four days ago, Raiza courageously concluded a 5-day hunger strike in protest of the oppression of her people.

Katia, who finally won an exit permit in late January this year, told me through an interpreter that her sister, in her last letter, "wrote that she is not sure she can survive the remainder of her prison term."

That sentence is scheduled to be completed in 8 more months but, Katia explained, "they could extend her sentence for bad behavior."

Mr. Speaker, Michael Epelman left the Soviet Union in February of 1971 in order to, as he described it:

> Escape living in a society where it was not possible for me to live my life as a Jew.

He said:

> I felt that the Soviet policy toward Israel and the Middle East conflict was totally unacceptable to me since, as a Jew, I could not live and work in a country whose government blindly supported regimes seeking to destroy my people.
>
> I found it intolerable to continue to render allegiance to a country which supplied bullets for the purpose of killing my brothers—the citizens of Israel.

Mr. Epelman, a mathematician at an Israeli university, told me:

> I can no longer work at my profession. I am a fighter for the freedom of my wife and daughter. They are all I live for.

I also was visited by Vitali Svechinski and Joseph Yankelevich, as they delivered a message from 46 Soviet Jews who are seeking to emigrate.

In an unsuccessful attempt to send the same message to President Nixon on Monday, May 15, the 46 detainees delivered the cable to the Central Telegraph Office in Moscow. Not surprisingly, Soviet authorities intervened and refused to permit transmission of the message.

The cable's contents were relayed by telephone from Moscow and presented to me by Mr. Svechinski and Mr. Yankelevich. It stated:

> President RICHARD M. NIXON,
> *The White House,*
> *Washington, D.C.:*
>
> We respectfully request that you receive in the White House Vitali Svechinski and Joseph Yankelevich who will speak in our behalf.

Mr. Speaker, the plea was signed by the following last names:

> Polsky, Prestin, Slepak, Abramovich, Lerner, Rutman, Orlov, Novikov, Halperin, Mandelzweig, Lvovsky, Raginsky, Eindinder, Hurvich, Babel, Yoffe, Korenfeld, Yachot, Tzipin, Kliachkin, Begun, Shapiro, Koshchevoy, Michailova, Beilin, Orkhina, Smielansky, Lobov, Slepian, Kogan, Svechinsky, Goldberg, Gershovicz, Feingold, Ratner, Margolin, Markish, Nudel, Zaichik, Levin, Karasin, Belfor, Pisarevsky, Gendin, Rutinskaya and Kosharovsky.

At the request of Mr. Svechinski and Mr. Yankelevich, I contacted the White House, and the President's very able special consultant, Len Garment, met with them Tuesday night.

Mr. Svechinski, who is 41, tried in 1949 to escape the Soviet Union, during a wave of antisemitism instigated by Josef Stalin. He was arrested and sentenced in 1950 to 10 years in the infamous Kalyma camp, where he joined many other "anti-Soviet" Jewish activists.

In January 1955, nearly 2 years after Stalin's death, his sentence was reduced and he was released. He and his family emigrated to Israel last February.

Mr. Yankelevich, 52, spent 10 years in prison and 5 more years in exile in Siberia before obtaining an exit permit in May of 1969.

Mr. Speaker, last Monday, in New York City, I was privileged to participate in a national assembly in behalf of Soviet Jewry. At that time, 1.4 million petitions, gathered by concerned Americans from all over our country, urged freedom for Soviet Jews and a halt to Soviet repression. At the same event, I presented to the National Conference on Soviet Jewry petitions from 143 of my colleagues in the House of Representatives, urging the

President to express his concern during his meeting with Soviet leaders. I also presented 20,000 petitions which were gathered by people of varying faiths in Erie County and other portions of Western New York State.

Mr. Speaker, the ground swell of concern in this great Nation of ours in behalf of this oppressed people is growing from day to day. We in Congress have a duty and moral obligation to add to our own persistent efforts until the long-suffering Soviet Jews are free at last. The principles for which we stand should illustrate that our efforts are not only in behalf of Jewish rights, but address themselves to the entire spectrum of human rights and dignity. I implore my colleagues in the Congress and people all over America to speak out and stand up for freedom.

Mr. Speaker, we will be watching with great interest the fate of these valiant people and I expect to be hearing from them in the near future. I shall speak again and again in their behalf until Soviet Russia starts to live up to its responsibility to treat people in a humanitarian way.

THE LORTON PROJECT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

Mr. WILLIAMS. Mr. Speaker, because of the great importance of a program currently underway, and because of the innumerable benefits derived in behalf of society and handicapped children, I am most pleased with the accomplished results of the "Lorton Project" administered by the Information Center for Handicapped Children, Inc. Mrs. Yetta W. Galiber, director of the Information Center, furnished me with the following information: The Lorton project is involved in utilizing selected inmates of Lorton Reformatory, Va., to man rehabilitative and educational programs for the training of handicapped children. I feel the efforts made by the Information Center are important and the following should be inserted in the RECORD in its entirety.

The organization known as the Information Center for Handicapped Children was established in 1969, and funded by the Office of Education, Bureau of Education for the Handicapped. The Center was instituted in response to an increasingly disturbing situation: There are now an estimated 300 or more rehabilitative and educational programs dealing with the District of Columbia—Metropolitan Area's handicapped children. Many of these programs have overlapping concerns, criteria, and methodologies. Even with this confusing array of services—and possibly because of it—most parents of handicapped children—particularly poor parents—had no idea where to find the agency that might help their child. Often, luck and persistence played a larger part in the final decision than did rational choice. The Information Center was founded as a means of coordinating this information and directing the parents to several possible sources of aid.

During the first 2 years of the center's existence, the main thrust of the program was the establishment of a linkage between the parents of handicapped children and the bewildering proliferation of agencies catering to their needs. However, since that time, the center has gradually moved into the areas of child advocacy and program implementation.

Our commitment—the commitment of all of us here—is the welfare of handicapped children—regardless of age, gender, or ethnic background—just children. However, I would like to dwell on the subject of a particular type of child: the emotionally disturbed child.

"Emotional disturbance" becomes a curiously imprecise term when applied in a practical situation. Like most societal labels which attempt to define behavior or social interaction, it is usually most appropriate to the society which invents it, than to any other. There is a respected and growing body of opinion which questions the applicability of that particular term to those who are socially and economically isolated from the societal mainstream.

However, I do not propose to examine the validity of that term this afternoon. Instead, what I propose is that, for the moment, we accept its validity; and that we examine some of the problems that are typical of those so labeled; and that we then look at possible ways of correcting those problems.

In this Nation, there are two primary educational tracks: In the first, the child is sent off to school, progresses through the elementary and secondary grades, and then, ideally, through college and beyond. The key, child-perceived elements in this track are primary motivation, official reinforcement, supportive peer pressure, and the demonstrated successes of predecessors.

In the second track, however, the sequence and pressures are tragically altered. The child goes to school, encounters increasingly less subtle obstacles, balks at them, and is then routed through a series of official and semi-official agencies leading, finally, to institutionalization, or incarceration in a penal facility—the university of the second track. The key elements here are a weak primary motivation, an often rule-of-thumb decision as to the child's potential, and a negatively reinforcing peer pressure.

Thus, within the second track, we now have two extremes: The children, whom we have called emotionally disturbed; criminals. The newly mandated purpose of the information center has been to explore possible methods of reconnecting one end of this cycle to assist the child. But such an effort requires the expenditure of large numbers of man hours—by persons who are compassionate, committed, intelligent—where were we to find such people? It seemed to me that such people could be found at the Lorton Reformatory.

Lorton Reformatory is a correctional institution located in nearby Virginia. And, as it is to be expected, the 2,000 or so men in residence there range from below to above normal in intelligence. And it is a fact that a large number of these men were able to exert a tremendous amount of control over their own environment. Furthermore, it became clear that a large facet of the frustration of incarceration was the lack of opportunity to use this innate talent.

In short, from the beginning, it appeared that society possessed simultaneously a great need, and the means to fill that need. Thus, the information center, as a further development of its original mandate, determined to link the need with the resource.

Working closely with the administration at Lorton, we identified 14 men ranging in age from 19 to 54 years, and possessing uncompleted sentences of from 3 to 24 years. Although certain categories of offenses—such as rape, or personal histories involving homosexuality, were excluded from eligibility, the most important fact was that Lorton officials had previously formulated minimum-security criteria which would allow certain men to work within their communities, should such an opportunity arise, and that these men met those criteria.

In September of 1971, as a result of a highly successful pilot program utilizing Lorton residents as counselor aides for handicapped children, 10 residents began a work-study program at the Washington Technical Institute. Bused daily between the city and the correctional facility, they spent their mornings working toward an associated degree in educational technology, and their afternoons working with the students at boys' junior/senior high school. Their curriculum included courses in child development, social problems, communications media and strategy, folk-action programs, and organizational strategy and planning. Those men are now in their second quarter, and the number of participants has grown to 15. In addition, I am happy to report that all the participants have passed their courses, that 40 percent of the grades have been "A's", and that the men have received what amounts to rave notices from the instructors and administrators at the Institute.

The work component of the program involves a great deal of counseling and guidance. Boys' junior/senior is a "holding situation," for boys whose behavioral problems have caused them to be expelled from all the other schools. If the training they receive at boys' is successful in changing their behavior, the students are returned to the regular school system. The primary emphasis in this program is placed on activities which allow the Lorton resident to use and reinforce the skills he has acquired at the technical institute. As his involvement in both the academic curricula and the practical program becomes more intense, his duties and insights become more complex. The process begins with observational duties—keeping progress checks on each student in work and play situations, and the maintenance of behavioral records. The second step is a more active role, and includes the investigation of truancy, and the delivery of performance reports to teachers and

parents. With the successful performance of those duties, the men engage in a more formalized counseling activity, involving close work with, and tutoring of the students. A 1-to-1 format is employed as a means of building the boys' confidence and self-image. A feedback loop is accomplished through weekly staff meetings, where successes, failures, and the necessity for programmatic alterations are discussed.

In October of 1971, the Information Center and the District of Columbia's Department of Special Education initiated a program for the profoundly mentally retarded at the Sharpe Health School. Sharpe is a facility for the orthopedically handicapped, and its excellent health center and supportive services make it an ideal location for such a program. The program began with three Lorton residents, one teacher, and three profoundly handicapped children. The residents worked full time as educational aides, and received training in Gesell's four fields of behavior—motor, adaptive, language, and personal/social. In addition, their duties include the performance of therapeutic activities, the teaching of self-care skills, program planning, parent training, and recordkeeping and evaluation of progress. The impact of combining children who need special tenderness, and men who feel a special need to be tender is overwhelming. The children are responding remarkably well, and, of course, their parents are delighted. Lorton resident participation in this program has now increased to six men assisting 11 children.

In addition, the 21 men also participate in a Saturday tutorial program of the information center involving 1-to-1 relationships with educable retarded children at four centers in the District. And the future holds even more promise. We foresee the time when resident-inmate houses will become national fixtures—not half-way houses, but academic-professional communities, committed to rendering service to the handicapped, and comprised of ex-offenders engaged in that work; where the work that is to be done is central to the existence of those communities. Moreover, there is ample reason to believe that society will not let the efforts of those men go unnoticed or unrewarded.

As a result of their effort, four of the present program participants are being considered for reduction in minimum sentence. It is anticipated that this precedent will become an increasing possibility for those who render such a high degree of service to society.

And, besides the obvious benefits to the children, there is the very real possibility that the close relationships established between these men and their charges will result in the discovery of "hidden intelligence" in many of the handicapped.

The benefit to society of such programs as I have described are potentially enormous: The emotionally disturbed children, many of whom come from broken homes, receive the attention of surrogate fathers and brothers in the persons of the Lorton residents; this is particularly important in the case of black, male children, who lack sufficient contact with constructive black male images in their home and school situations. The profoundly retarded children receive love and care from the residents. These men are given a chance to positively utilize their untapped talents. They easily relate to isolated children; they are, in a sense, using their handicaps to help others who are handicapped. And, best of all, they have come to feel that education and effort are relevant and rewarding. In short, our society receives a second chance to help those it "lost" a generation ago.

And, by far, the largest beneficiary of these efforts is society itself. As overburdened with priorities, as lacking in resources, and as laced with apathy as our society may be, it is moving toward a future when multifaceted problems are met with multifaceted responses toward a time when emotionally handicapped children need not be automatically destined to become emotionally handicapped adults.

PERSONAL ANNOUNCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. VEYSEY) is recognized for 5 minutes.

Mr. VEYSEY. Mr. Speaker, on May 11 due to official business in my district I was unable to be present for six rollcall votes. I would like to state how I would have voted had I been present.

On rollcall No. 144, to instruct the House conferees to insist on the House antibuisng amendments to S. 659, Omnibus Education Amendments of 1972, I am recorded as "not voting." Had I been present I would have voted "yea."

On rollcall No. 148, agreeing to the Erlenborn amendment, which contained the provisions of H.R. 14104, in the nature of a substitute to the committee amendment, H.R. 7130 the Fair Labor Standards, I am recorded as "not voting." Had I been present I would have voted "yea." On rollcall No. 145, on an amendment to the Erlenborn amendment offered by Mr. ANDERSON that would provide a minimum wage for nonagricultural employees covered prior to the 1966 amendments of $1.80 an hour for the first year and $2 an hour thereafter, and would provide a minimum wage for employees first covered by the 1966 amendments of $1.70 an hour the first year, $1.80 an hour the second year, and $2 an hour thereafter, I am recorded as "not voting." Had I been present I would have voted "yea." On rollcall No. 146, on an amendment to the Erlenborn amendment that sought to provide overtime pay for transit employees who work over 44 hours a week and on January 1, 1974, overtime pay for all over 40 hours a week, I am recorded as "not voting." Had I been present I would have voted "no." On rollcall No. 147, an amendment to the Erlenborn amendment that sought to strike language which establishes youth subminimum wage rates, I am recorded as "not voting." Had I been present I would have voted "no." On an amendment that sought to retain the present exemption for overtime for nursing home employees, rejected by a division vote, I would have voted "yea." On rollcall No. 149, on H.R. 7130 the Fair Labor Standards Amendments as amended, I am recorded as "not voting." Had I been present I would have voted "yea."

THE REPUBLIC OF CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 5 minutes.

Mr. BUCHANAN. Mr. Speaker, this Saturday, May 20, President Chiang Kai-shek will be inaugurated for his fifth consecutive 1-year term as chief of state of the Republic of China. He is the remarkable leader of a remarkable nation.

It was said following the admission of Communist China to the United Nations last October that the Republic of China was destined to fade away. It was said in the wake of the President's trip to Peking that the Republic of China would henceforth be given short shrift by the United States and the international community.

Nothing could be farther from the truth. The Republic of China has not faded away. In fact, two-way trade in Free China showed a 41.6-percent increase in the first quarter of 1972 over the first 3 months of 1971.

Henry Kearns, President of the U.S. Export-Import Bank, declared earlier this year that long-term credits will be provided the Republic of China on an "unlimited" basis, because Free China is "here to stay, offers a good market and has the ability to pay."

The New York Times recently reported that the annual per capita income of the Republic of China is now running at $418, second only to Japan in Asia, and 4 to 5 times higher than the per capita income of Communist China.

A campaign has been launched by Nationalist China to attract Western European capital, and there is already strong evidence that industrialists there, particularly in West Germany, are strongly interested.

The growth in foreign trade suggests that by the end of 1972 the Republic of China may well report a $5 billion volume, far above the amount now projected by Communist China, which has remained at the $4 billion level for several years.

There is a similarly bright picture in the field of agriculture. Since 1952, rice production—the principal cash crop—has grown 60 percent on the same amount of acreage. Most of this increase can be attributed to the introduction in the early 1950's of a land reform program which has made most of Taiwan's farmers independent, prosperous operators.

Meanwhile, the number of farmers is declining as more and more opportunities for industrial jobs open up. The farm population presently amounts to about 36 percent of the total while the farm population in Communist China is about 80 percent.

Illiteracy has almost been wiped out under the administration of President Chiang Kai-shek and his government. There are some 85 universities, independ-

ent colleges, and junior colleges available.

Most public officeholders were born and raised on Taiwan as opposed to the misconception that so-called mainland Chinese are always given preference. Most of the 600,000-man military forces of the Republic of China were native born on Taiwan.

But whether they were born on Taiwan or the mainland, the 15 million people who live on Taiwan are Chinese. They have elected Chiang Kai-shek to an unprecedented fifth consecutive 6-year term as President of the Republic of China. It is obvious that the Republic of China, free China, is here to stay as a prosperous, viable, law-abiding member of the community of nations—and a stanch friend of the United States. I congratulate President Chiang Kai-shek on his inauguration, and I salute the Republic of China, and her people, whose courage, dignity, and industriousness are an example for us all.

SOUTHEAST ASIA—OUR INVOLVEMENT MUST END

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

Mr. RODINO. Mr. Speaker, today the presidents of several colleges and universities in New Jersey, led by Dr. Edward Bloustein, of Rutgers, together with hundreds of faculty, administration, and student representatives from our 52 institutions of higher learning, journeyed to Washington. They sought, in a completely rational and nonviolent effort, to present to the members of the New Jersey delegation in Congress a substantial petition urging an end to our involvement in Indochina. They conveyed, in our gathering, their deep concern about the destructive effects of our participation in Southeast Asia and their conviction that it must be brought to an end.

I was privileged to be able to arrange this meeting and to address it, and I ask that my statement be printed in the RECORD at this point, together with a resolution adopted by the New Jersey State Assembly on May 15 urging a termination to the conflict.

STATEMENT OF HON. PETER W. RODINO

When one raises the subject of Vietnam these days, it is with a sense of sorrow and weariness. Regardless of whether one originally favored our military involvement in Southeast Asia or opposed it, there is a universal feeling among Americans that the war has gone on too long, that it has cost too much in lives, in money, in national disunity, and that our involvement should end at the earliest possible time.

But the war continues. And while it does, we must deal with it—particularly those of us who serve in Congress and are entrusted with responsibility for guiding national policy. Until the last American comes home we cannot rest or turn away from that responsibility. Congress has an obligation to evaluate national policy and participate in the decision-making process. In the past, there has been too great a tendency to allow the executive branch an open hand with respect to the Vietnam war and other overseas commitments.

The people of our nation are demanding an end to the war. Monday, the New Jersey state assembly, representing seven million Americans, approved a resolution urging a speedy conclusion to our involvement in Vietnam. The New Jersey assembly expressed the view that we have done enough. Tens of thousands of American men have died. A half million Americans have been wounded in action. Hundreds of billions of dollars in tax money have gone to support our war effort and supply the armies of South Vietnam, Laos, Cambodia, and Thailand.

There may be argument over our responsibility to help South Vietnam in the first place. There can be little argument that whatever that responsibility, it has been more than adequately honored. It is time to leave this conflict to the Vietnamese. It is time to withdraw our remaining forces, including naval and air support.

We all feel the responsibility for the safety and return of those Americans held prisoner by the Communists. But the hard truth taken from the history of warfare is that prisoners are returned only after the war has ended. There is no reason to believe that this war would be any different or that our prisoners would not be returned after our involvement ends and hostilities cease.

In his recent decision to mine the harbors and inland waterways of North Vietnam and by vastly escalating the bombing, the President has served to widen and deepen the war. He has placed more Americans in jeopardy and has insured that more American prisoners will be taken. While the Russians and Chinese have not immediately reacted with threat of arms, our actions increase the possibility that Russian and Chinese lives will be lost, which may in turn force those nations to take strong military action against our initiatives.

In a world where hydrogen tipped missiles by the thousands are pointed at most of the major population centers of Russia and America, and many nations in between, and any action that contributes to tension or miscalculation must be avoided, I cannot believe that the vital interests of the United States now or in the future are so imperiled by the war in Vietnam as to make a military provocation necessary.

Certainly we must have an adequate national defense. Certainly we must never lower our guard and risk an erosion of our power or domination of free and friendly nations by blatant aggressors. But our commitment of manpower, weapons and national wealth provides us with that kind of protection. There is no question that we can adequately defend ourselves and our interests. That ability will not be weakened no matter what the outcome in Southeast Asia.

On the other hand, there has been an obvious weakening at home. Our Armed Forces have been drained by the war. Morale is low. The military unfairly has become a target for popular abuse. Our economy is struggling with the consequences of war. The dollar has been devalued. Inflation still remains high. Precious tax dollars have been diverted to buy the instruments of war rather than being used to improve the lives of people here at home. Perhaps worst of all, we have become an uncertain nation: uncertain of our leadership; uncertain of our ability to cope with very real and immediate domestic problems; uncertain of our role in the world—which should be that of guardian of liberty and example for all people everywhere to improve their lives through dedication to their own freedom and individual enterprise.

The way to help America, the way to preserve the peace, the way to renew our national strength and purpose, and to restore our confidence in ourselves, is to end the war. We must bring our men home. We must work toward ending the killing and destruction in Southeast Asia. And we must do it immediately.

I pledge myself to do everything possible to contribute to that kind of an American policy, and a stronger, more certain America.

RESOLUTION BY NEW JERSEY ASSEMBLY

Be it resolved that the President and Congress of the United States are hereby notified of the earnest desire of the people of the State of New Jersey that American participation in the present war in southeast Asia be terminated immediately, allowing only for the time actually required to repatriate American troops and prisoners of war;

The President is urged to renew negotiations with North Vietnamese representatives to effect a total American withdrawal and the release of American prisoners;

The President and Congress are memorialized to redouble their efforts to end the war and make federal tax funds available to the states for urgently required needs of the state and its people.

This resolution shall be transmitted upon passage to the President of the United States, the president of the United States Senate, the Speaker of the House of Representatives and every United States Senator and United States Representative from the State of New Jersey.

RESETTLEMENT OF JEWISH REFUGEES IN ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO), is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, in one appropriation bill the House of Representatives is taking a great step forward in aid to humanity—foreign and domestic.

It appropriated $85 million foreign aid for the resettlement of Soviet Jewish refugees in Israel. There had been much talk, resolutions and meetings on this most serious humane problem and finally material help has been given. We provide aid to Israel because we believe in its goals and respect the viability of its Government and its role as one of the last homes of freedom in that part of the world. We give aid to Israel for it is in our own national interest to have a secure, free Israel, our only real friend on the southern coast of the Mediterranean.

The domestic aid to humanity and safer streets was the full appropriation of funds for the Law Enforcement Assistance Administration and to the Bureau of Narcotics and Dangerous Drugs. The first would aid our local enforcement units and the latter to try to stamp out the national menace of drugs which is the basic cause of many of our problems.

I commend the local efforts of drug abuse programs which are so important. Education in our schools and at community meetings is important and should be encouraged on a far greater basis. There are many other facets to the problem which I believe can be brought about with congressional action. For example, I have introduced legislation to regulate the sale of needles and syringes. I have sponsored legislation to provide federal funds to research nonaddicting substitutes for heroin. I have sponsored legislation to stimulate international and United Nations action to buy the poppy crops in Turkey and Southeast Asia in order to stop the flow of heroin at its

source. I have sponsored legislation to increase the number of customs agents who check for the illegal importation of drugs.

I believe we must develop a broad program which will try to attack the crisis from many angles—a program which will be a partnership of government at all levels with local community groups.

As a Member of the House Appropriations Committee, I had the opportunity to participate in the committee debate and final draft of these two important measures. I had previously cosponsored legislation to provide financial assistance for the resettlement of Soviet Jews to Israel so the favorable committee action and House vote was especially gratifying to me. In addition, I was able to vote in committee for full funding of the law enforcement programs. These two measures—one international and the other domestic—illustrate the importance of the Appropriation Committee's work in our legislative process.

CHANGED CONDITIONS WARRANT TERMINATION OF IMF-SOUTH AFRICAN GOLD AGREEMENT

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

Mr. REUSS. Mr. Speaker, yesterday the price of gold sold in the private London market closed at $57.75 per ounce, up $3.15 from the previous day's closing price. This rise topped off a series of increases that has pushed the private price of gold to more than 50 percent above the official price of $38 per ounce. The press cites a number of factors responsible for the recent increase in gold prices, including Secretary Connally's resignation from his Treasury post, continuing U.S. payments deficits, rising industrial demand for gold, and rumors of a United States-Russian deal apparently generated by self-serving goldbugs. However, one important factor contributing to the price increase—on which I shall focus today—has been the reduction in gold supplied to the market by South Africa, the world's largest producer.

Governor Theunis De Jongh of the South African Reserve Bank announced earlier this week that his country would not sell its full current output on the private market because South Africa expects a balance-of-payments surplus during the first half of this year. Being the principal supplier of a sought-after commodity, the South Africans have avoided selling more gold on the private market than necessary to meet their international payments obligations. This is obviously an intelligent strategy for any commodity producer large enough to influence the going market price. However, the international monetary crisis which remains fundamentally unresolved, and the rising trend in the private market price for gold means that South Africa no longer warrants the protection granted that country under its December 30, 1969, agreement with the International Monetary Fund—IMF.

The agreement stipulates that South Africa may sell gold to the Fund up to the amount needed to meet that country's foreign exchange needs during the current 6-month period whenever: First, the free market price of gold is $35 per ounce or less or, second, South Africa will have a payments deficit after the sale of all of its current gold output on the private market. The agreement also stipulates that it shall be subject to review whenever this is requested because of a major change in circumstances and, in any event, after 5 years.

Under this agreement, the IMF in 1970 purchased $640 million of gold from South Africa. About a third of these 1970 purchases occurred because the free market price was at $35 per ounce and below, but the majority of the IMF purchases were made because of an anticipated South African payments deficit. In 1971 the International Monetary Fund bought $138 million worth of gold, valued at $35 per ounce, from South Africa. All of these purchases were made under the balance-of-payments criterion. Since the President announced his new economic policy last August 15, the IMF has purchased no gold from South Africa.

The IMF-South African gold agreement has proven to be a one-sided affair. It has guaranteed South Africa an outlet for its gold when the free market price was down or when that country was experiencing a cyclical payments deficit. But it has left South Africa free to ration its sales on the free market in a manner that fosters speculation and so lever the market price of gold upwards.

I, individually, and the Joint Economic Subcommittee on International Exchange and Payments, opposed the IMF-South African deal before it was concluded. I have continued to oppose it ever since. This agreement was reached only with the explicit approval of the U.S. Treasury, and Treasury spokesmen have persistently defended it.

On December 12, 1969, more than 2 weeks before the agreement was announced, the Subcommittee on International Exchange and Payments issued the following recommendation:

> The March 1968 two-tier gold marketing agreement has succeeded beyond initial expectations and should be maintained in its present form. The United States could gain nothing from any "compromise" with South Africa producing a resumption of official gold purchased from that country. Consequently, the United States Treasury should under no foreseeable circumstances agree to support—either directly, through the IMF, or by sanctioning the purchases of other industrial countries—the free market price of gold.

On December 24, 1969, I, as chairman of the Subcommittee on International Finance of the House Banking and Currency Committee, wrote the Managing Director of the IMF, Pierre-Paul Schweitzer.

My letter said in part:

> Our Subcommittee contemplates action on International Monetary Fund matters in early 1970. We should, I believe, be prepared to take legislative action to instruct the U.S. Executive Director of the International Monetary Fund to do all in his power to prevent the Fund, or any member, from violating the spirit of the two-tier gold agreement by purchasing new gold outside the international monetary system.

The Treasury ignored the warnings of these subcommittees under the Joint Economic Committee and the House Banking and Currency Committee, and permitted the IMF to enter into an agreement biased in the favor of South Africa and gold speculators throughout the world.

In the light of events during the past year, the United States should demand rigorous adherence to the spirit of the March 1968 two-tier gold agreement. This agreement terminated intervention—both purchases and sales—by individual central banks in private gold markets, and divorced the official price of gold from the private price. It segregated monetary gold and gave it an official pedigree. The spirit of the agreement was breached when the U.S. Treasury conceded to South African and European interests in permitting the IMF to purchase South African gold under various circumstances. This spirit will only be fully honored if private and official gold markets are totally divorced, if South Africa is prohibited from rationing its gold sales between the private and official market so as to maximize the private price, and if no new gold is allowed to enter the international monetary system.

Conditions have changed since December 30, 1969. The private market price of gold has skyrocketed and the world has been forced to learn to live with continuing international monetary uncertainty. The Treasury has contributed to this uncertainty by its reluctance to enter into prompt negotiations to resolve a lengthy list of unsettled international monetary issues and to institute fundamental reforms. It can now eliminate some uncertainty by insisting that private and official gold stocks be permanently and irrevocably segregated, by rendering permanent the condition existing since last August 15 that the IMF purchase no more gold from South Africa, and by exercising its right to request the immediate termination of the IMF-South African gold agreement.

MR. PATMAN PRAISES JAMES W. KNOWLES ON RETIREMENT

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

Mr. PATMAN. Mr. Speaker, last night the Joint Economic Committee held a farewell party for James W. Knowles who has served as a staff economist on that committee for 22 years.

At that affair, which was sponsored by Jim's many friends and associates both on Capitol Hill and in the economic profession, Senator WILLIAM PROXMIRE, chairman of the Joint Economic Committee, praised Jim for his many years of productive work on the committee and expressed the regret that the invaluable experience of people like Jim Knowles could not somehow be made continuously available to the committee.

Congressman RICHARD BOLLING, who has been a member of the Joint Economic Committee for over 20 years, likewise praised Jim's outstanding contri-

bution to the committee's work and commended him particularly for his skill in presenting members of the committee with policy alternatives. Mr. BOLLING stressed the importance to all of us in having an objective view of the problems with which we deal and the ways of solving them.

It was also my privilege as a committee member who has known Jim for all of the 22 years that he served on the committee to say a few words in appreciation and farewell to Jim Knowles.

I insert my remarks in the RECORD:

REMARKS OF MR. PATMAN AT RETIREMENT PARTY FOR JIM KNOWLES

Ladies and gentlemen, it is a privilege tonight to say a few words at this retirement party for Jim Knowles. I have been associated with him for 22 years.

I do not think this is a sad occasion although we will all miss Jim very much. True, he has served many productive years on the Committee, but he leaves at a young age and I look forward to many more deeds in the future. Certainly, we shall be hearing from him.

We will miss you here, Jim. You have always been dedicated; you have always spoken the truth as you saw it; and you have always been able to bring knowledge and wisdom to the many issues that we have had to deal with over the years.

I recall that you were appointed on January 16, 1950, over 22 years ago! In looking back, I was impressed by the fact that issues have not changed as much as we might expect. In the Committee's Report that was issued in 1950, we called for the following policies, among others:

1. A revision of the tax structure to reduce present inequities, stimulate business activity and yield a moderate amount of additional revenue. We specifically called for the closing of loopholes and somewhat more favorable treatment of small business.

2. Protection for farm incomes and encouragement of necessary shifts in farm production.

3. Increased Federal aid to elementary, secondary, and higher education, and more financial aid to States.

4. Liberalization of Social Security.

But even though some of the problems sound similar, we have faced many, many issues in the 22 years of our mutual association and we have seen impressive economic growth over those years in spite of inevitable ups and downs. Moreover, I think that the Committee and the Congress deserve credit for reducing the size of the ups and downs over the years. I believe that we have stabilized public economic policy to a considerably greater degree than was possible before the Employment Act.

Just consider in 1950, GNP was $250 billion. At the present time, it is over $1.1 (trillion). This is a gain of almost 290 percent.

However, inflation in that 22 year period was 81 percent. In other words, prices now are 81 percent higher than they were then. Even so, our real growth has more than doubled. But, impressive as that is, I would be happier if it had grown more because our unemployment has also grown. In 1950, we had 3.3 million unemployed people but in 1972 that figure has jumped to 5.1 million so there is plenty of work to do.

In leaving the Committee, I know that Jim will continue to make contributions to economic knowledge and a solution of economic problems, particularly unemployment. In retiring, Jim, you should have great satisfaction of a staff man who has contributed as much as anyone I know to the solution of economic problems over the last 22 years. We have much better knowledge of fiscal policy now than we did before, and I think that this Committee and the members and the staff deserve credit for that. It is true that the Congress does not always act on our recommendations, as I have had occasion to point out more than once, but our impact is greater than it used to be.

We have learned a great deal more about monetary policy in the last 25 years. Again, I think the Committee has taken the lead, time and time again, in bringing light into the shadowy regions where monetary policy used to operate. They are still a little too shadowy for me and I intend to maintain my efforts to give the public more information and insight into monetary policy, and to correct some of the present weaknesses in our monetary policies that still hamper our full growth and development.

Time won't allow me to go into detail on the many other areas where the Committee has made an impact, such as the effect of the budget on the economy, or the improvement of our basic economic information. The point I want to make is that you, Jim, have made a large contribution to all of this and I think you have every right to feel highly satisfied for a productive career with the Committee.

And, in the years ahead, I hope you will not forget your happy association with us and to help remind you, my colleagues on the Committee and I have acted jointly to convey our appreciation in documentary form.

Let me read from a copy of a Committee Resolution of May 15, 1972.

JOINT ECONOMIC COMMITTEE RESOLUTION

The Members of the Joint Economic Committee, Congress of the United States, extend their sincere appreciation to James Wiley Knowles for his valued contributions to the work of the Joint Economic Committee and his able counsel over the past twenty-two years.

Mr. Knowles was appointed to the staff of the Joint Economic Committee on January 16, 1950, and has served as economist, senior economist, executive director, and director of research. His professional services as an expert economist and his many creative studies have represented an outstanding contribution to achieving the objectives of the Employment Act and have served to enhance public knowledge and understanding of economic policy.

WILLIAM PROXMIRE, Wisconsin, *Chairman;* JOHN SPARKMAN, Alabama; J. W. FULBRIGHT, Arkansas; ABRAHAM RIBICOFF, Connecticut; HUBERT H. HUMPHREY, Minnesota; LLOYD M. BENTSEN, Jr., Texas; JACOB K. JAVITS, New York; JACK MILLER, Iowa; CHARLES H. PERCY, Illinois; JAMES B. PEARSON, Kansas.

WRIGHT PATMAN, Texas, *Chairman;* RICHARD BOLLING, Missouri; HALE BOGGS, Louisiana; HENRY S. REUSS, Wisconsin; MARTHA W. GRIFFITHS, Michigan; WILLIAM S. MOORHEAD, Pennsylvania; WILLIAM B. WIDNALL, New Jersey; BARBER B. CONABLE, Jr., New York; CLARENCE J. BROWN, Ohio; BEN B. BLACKBURN, Georgia.

According to an action taken by the Joint Economic Committee on May 15, 1972, and duly recorded in the minutes of the Committee.

WHAT ABOUT THE DEFICIT?

(Mr. MONAGAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, the schedule for next week indicates that the State and Local Fiscal Assistance Act of 1972, the so-called revenue-sharing bill, may be the subject of consideration by the House if a rule is granted in the meantime.

Some Members have expressed concern about various aspects of this legislation and I want to put forth some of the points which make my support extremely doubtful.

To begin with, this bill purports to be a sharing of revenues, but the fact is that with a deficit last year of $23 billion and one projected for the 1972 fiscal year of $38.8 billion, it is quite clear that any provisions of revenues in excess of current appropriations will cause a further deficit or require new sources of revenue.

In addition to this proposed deficit financing, I am concerned that the legislation makes funds available to local units of government without proper control. Naturally, the local administrators favor any measure which purports to give them more money but this eagerness for revenue is no guarantee that the purpose for which it will be spent will be sound.

The experiences of the Law Enforcement Assistance Administration, a prototype of revenue sharing, has amply and disastrously demonstrated the waste, inefficiency and illegality which can come from funding without adequate control.

It is about time in my judgment that the local administrators whose expenditures have skyrocketed in recent years should begin to look toward putting a ceiling upon expenditures rather than urging measures which will lead to a greater tax burden. The budget of my own city is seven times what it was when I was mayor and it is clear that this type of increase cannot continue without financial collapse. Perhaps the current bill will provide a good time to bring all these questions to the surface.

CAPITAL TRANSFER TAX SYSTEM

(Mr. BROYHILL of Virginia asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROYHILL of Virginia. Mr. Speaker, we have entered an era in which there seems to be no limit to the need for more capital in homebuilding and other areas of great public interest. This naturally moves into the mainstream of tax policy discussions—the whole question of how taxes affect the supply of capital. One question raised is whether pure capital gains actually belong in the income tax base. The best way to open up a subject is to present a model for discussion, and this is the purpose of a bill which I am introducing today. It has been prepared through the collaboration of some outstanding tax people. This bill would—

Establish a system, associated with the estate and gift taxes, to tax as transfers of capital the pure capital gains of individuals;

Moderate the rates of tax on such gains;

Provide a reasonable exemption from the tax;

Provide a credit of these taxes paid during life against estate taxes due at death; and

End the levy of a Federal tax on gains realized from the sales of homes.

It should be noted that the proposed credit of lifetime taxes on capital trans-

fers against the estate tax due at death will solve a problem which is scheduled for consideration in the review of estate and gift taxes to which the Ways and Means Committee is committed. In the past, the problem of equalizing at death the tax treatment of gains has been considered in connection with income tax revisions. When our committee reached the subject during our 1969 reform hearings, however, we decided to hold it over for consideration during our review of the estate and gift taxes. The proposal for a credit—instead of an additional tax—is an option which has not been previously explored during official studies of the problem.

In completely severing the connection with the income tax base, the bill would take the affected gains of individuals out of subtitle A of the Internal Revenue Code, which relates to income taxes, and place them under subtitle B, which now relates only to estate and gift taxes. The new provisions would appear as "Chapter 13—Taxes on capital transfers by individuals" under the subtitle reentitled to read "Subtitle B—Estate, gift and capital transfer taxes." The term "chapter 13 net capital gain" is used to describe gains which would be taxable under these provisions.

REASONS FOR NEW SYSTEM

If it is concluded that pure capital gains do not belong in the income tax base, there are alternative courses. One would be to propose that tax on such gains be eliminated. This is a course which has been recommended by a number of students of taxation. It is not without precedent in that capital gains go untaxed in a number of countries. There would seem to be an excellent case for exempting pure capital gains from tax especially in view of the heavy estate taxes which will be paid at death on any substantial amount of capital left by a deceased person. Exemption, however, would mean avoidance of any tax on capital gains when the person involved did not leave a taxable estate.

Another course would be a new system of capital transfer taxes, as provided in the bill, linked with the estate and gift tax system instead of with the income tax system. An important reason for going this route instead of eliminating tax on pure gains during life would be the revenue effect of the latter in the early years. Moreover, a tax on gains during life would assure some tax when a person does not end up with enough property to be subject to estate tax at death. There seems quite a strong case, however, that gains from the sale of homes should be completely exempted from the capital transfer tax, and also that there should be a reasonable yearly exemption from the tax. After some experience under a new system, if it is established, it might well be decided that the areas of exemption should be expanded or that the tax itself should be phased out over a period of time.

THE PROPOSED EXEMPTION

The bill would provide an exemption of $500 for single persons and $1,000 for married couples. The benefit would be most significant for people of modest means whose capital gains are seldom if ever large. Many taxpayers who now have to fill out the special schedule for capital gains under the income tax system would be excused from making any return.

RATES OF TAX

The rate schedule included in the bill requires only eight brackets as compared with 25 under the income tax system. Rates would begin with 4 percent on the first $5,000 of taxable gains—$10,000 in the case of a joint return—and increase 3 percentage points a bracket to a top rate of 25 percent on gains over $50,000—$100,000 in the case of a joint return. Tables I and II below show the rates separately for single and joint returns:

TABLE I.—*Rate Scale for Taxable Long-Term Capital Gains of Individuals*

[Single Returns]

Taxable Gains and Tax:
Not over $5,000: 4%.
$5,000–$10,000: $200 plus 7% of excess over $5,000.
$10,000–$15,000: $550 plus 10% of excess over $10,000.
$15,000–$20,000: $1,050 plus 13% of excess over $15,000.
$20,000–$30,000: $1,700 plus 16% of excess over $20,000.
$30,000–$40,000: $3,300 plus 19% of excess over $30,000.
$40,000–$50,000: $5,200 plus 22% of excess over $40,000.
$50,000 and over: $7,400 plus 25% of excess over $50,000.

TABLE II.—*Rate Scale for Taxable Long-Term Capital Gains of Individuals*

[Joint Returns]

Taxable Gain and Tax:
Not over $10,000: 4%.
$10,000–$20,000: $400 plus 7% of excess over $10,000.
$20,000–$30,000: $1,100 plus 10% of excess over $20,000.
$30,000–$40,000: $2,100 plus 13% of excess over $30,000.
$40,000–$60,000: $3,400 plus 16% of excess over $40,000.
$60,000–$80,000: $6,600 plus 19% of excess over $60,000.
$80,000–$100,000: $10,400 plus 22% of excess over $80,000.
$100,000 and over: $14,800 plus 25% of excess over $100,000.

These rates would substantially reduce the taxes paid on the affected gains up to the very large gains where the reductions would still be quite significant. Under the income tax system, the tax on gains is related to the rates paid on income so that a small amount of gains may be subjected to a high rate of tax. Conversely, a person with little or no income but significant gains is most lightly taxed at present, and hence would benefit the least under the new system. As a general matter, the middle bracket taxpayer whose gains are smaller than his income, would benefit the most from breaking the link with the income tax. For example, under the present system a married taxpayer with $8,000 in gains will pay 18 percent on the gains if his taxable income is $24,000 but only 12.5 percent if his income is only $12,000. Under the bill the same tax rate would be paid on any given amount of gains regardless of the amount of taxable income. In this instance the rate would be 4 percent.

Students of the bill will want a general picture of how people in different income and capital gains situations will fare under it. To provide a broadly informative picture in one table, there must be a stable relation between the amount of capital gains and the amount of taxable income. Table III below puts the relationship on a dollar for dollar basis, that is, a taxpayer with a given amount of taxable income is assumed to have the same amount of capital gains:

TABLE III.—REDUCTION IN TOP RATE OF TAX ON CAPITAL GAINS FOR TAXPAYERS WITH EQUAL AMOUNTS OF TAXABLE INCOME AND OF CAPITAL GAINS

[Joint returns]

Amounts of taxable income and of capital gains	Top rate payable on capital gains: Present law (percent)	Top rate payable on capital gains: Proposed law [1] (percent)	Percentage reduction
$1,000	7.5	0	100.0
$6,000	11.0	4	63.7
$12,000	14.0	7	50.0
$24,000	21.0	10	52.4
$48,000	25.0	16	36.0
$96,000	35.0	22	37.1
$192,000	35.0	25	28.6

[1] After 2 exemptions of $500.

This table shows that people with small amounts of taxable income and equal amounts of capital gains would find their taxes on the latter fully to be substantially eliminated by the bill, while those with higher incomes and gains would still pay substantial rates of tax on their gains. In fact, the top rate of 25 percent for pure capital gains under the bill is the same as the basic alternative—top—rate which was in effect for all long-term gains for 28 years before 1970. Of course, people with small incomes but large gains also will be subject to the higher rates under the bill.

ENDING TAX ON THE SALE OF HOMES

For 50 years we have taxed a person when he sells his home for a gain even though we would not give him a deduction if he lost money. This would seem to be reason enough to stop taxing the gain on sale of homes, and also on other properties treated the same way. But there are other reasons as regards homes which may justify ending the tax even if it were feasible to provide for loss deductions.

The first is that the average man selling his home really does not know, and cannot be expected to know, what his true gain is—and neither does the tax collector. To know his true gain, he would have had to keep meticulous records over all the years he had owned the home of what he had spent on it clearly distinguishing those for capital improvements from those for maintenance. Even tax accountants and lawyers will argue where a particular expenditure falls. Homeowners with no plans at all to ever sell certainly are unlikely to set up records in which they make an allocation every time they spend a little money to spruce up the place. Many, if not most, taxpayers who sell their homes, therefore, have no option but to guess at what their capital expenditures have been. Even then, it seems probable that the majority

underestimate what they have spent, so that they pay more tax than is legally due overlooking the fiction about recordkeeping.

Another reason for arguing that the tax on the sale of homes should be ended is that a gain may be little more than a mirage when inflation is taken into account. Whether the seller plans to buy another home or to rent, he will pay in the same inflated dollars. When a person in declining years, or who is disabled, has to sell his home to move to more modest quarters in order to have more money to live on, it does seem quite unfair to tax any part of the proceeds.

If it is decided to end the tax on the sale of homes, we automatically would strike out of the tax law two arbitary and complex provisions, one providing for postponement of tax—called rollover—when the proceeds are put into another home within a specified time, and the other providing some relief from tax when the seller is over 65. Operation of both of these provisions is dependent on the recordkeeping rule which is such a fiction in practice. It may be noted that repeal of these provisions would take more language out of the tax code than the new bill would put in it.

And a quite human reason for not taxing a man when he sells his home is that a home is in truth his castle, and in most cases it is bad enough to have to give it up without facing the tax collector as he goes out of the door. Most of us do not buy homes to sell them, and it may be argued that the money in a home is an investment in living and not capital in the normal sense of the word.

A CREDIT AGAINST ESTATE TAX

When a capital gains tax is paid on the transfer of property during life, and the new property is then taxed at death, the capital involved has been taxed twice. Because the capital gains tax can be avoided by not selling property, there is a tendency among older investors to avoid double taxation by simply staying put until death. Thus, the value of the property passed on to heirs is greater than it would have been if it had first been reduced by capital gains taxation. When investments are held to avoid tax before death they are referred to in tax circles as "locked-in." To eliminate the incentive to lock in investments, a perennial proposal is that unrealized gains on property held at death be subjected to an additional—double—tax equal to what would have been paid if sold just before death. To the present, the Congress has refused to adopt this proposal, but already notice has been served it will be vigorously advocated in the upcoming review of estate and gift taxes.

It does seem that the "lock-in" situation is undesirable from the economic standpoint. There also is a question of fairness as compared with the situation where property is sold and the capital gains tax paid shortly before death. However, it does not necessarily follow that it would be fair to legislate a new double tax, or that such a tax would be desirable from the economic standpoint in an era of scarce capital and high interest rates. Thus, it seems to me the case would have to be overwhelming to justify a new tax on any capital transaction in this period.

By contrast with a new tax, a credit of capital transfer taxes against estate taxes due at death would free investors to sell property before death without incurring a tax penalty. A credit would not provide an incentive to sell; it would simply eliminate the present incentive not to sell. The result would be to loosen up capital markets and make capital more mobile than it is at present. This would mean more capital for new housing and other new investments. As a matter of economics, whatever loosens up the flow of capital also means better employment opportunities for the unemployed and underemployed.

RELATION TO OTHER CAPITAL GAINS

Since the beginning of the income tax, there has been controversy over the economic nature of a pure capital gain. Some consider a gain to be the same as income and others take the view that a gain cannot be distinguished from the capital of which it is a part. If enacted the bill would settle this controversy insofar as tax law is concerned. It would in effect state that a person's capital is the same thing during life as after death and that no part of it is the same thing as income. The capital which a person accumlates over a lifetime would be taxed only once as capital.

Taxing pure capital gains as capital transfers, moreover, would permit more objective evaluation of the tax treatment of transactions which have characteristics of both income and of capital transfer. The bill would not disturb the taxation of such transactions at the rates established in the 1969 reform law. However, the case of their continued preferential treatment under the income tax law would be strengthened. With the precedent of taxing pure capital gains as transfers of capital, it would be more evident that no transaction with a substantial capital component should be taxed at anything like full income tax rates.

The bill contemplates no change in the use of a 6-month holding period test to determine which gains are to be taxed like ordinary income under the income tax system, and those which would be taxed as long-term gains—transfers of capital—under the new system.

However, the bill does contemplate that long-term losses of individuals on the sale of assets taxable under the new system would be allowed only as offsets against long-term gains with unlimited carryover and use of excess losses.

ACROSS THE BORDER

It is noteworthy that the Dominion of Canada, in its 1971 tax reform legislation, wiped the slate clean as regards any tax liability on capital accumulated to the end of 1971, and provided a moderate, single tax on future appreciations in the value of capital assets. Specifically, while the legislation imposed a tax on capital gains realized during life or unrealized at death which accrue after 1971, it avoided double taxation of capital by bringing to an end the existing Dominion tax on estates and gifts. The top rate of the new tax on future gains will be 23.5 percent whereas the top estate tax rate in Canada is now 50 percent. As compared with a top tax of $235 on a $1,000 unit of future wealth appreciation in Canada, under the bill here introduced the tax on the same unit of wealth taxed at top rates first as a capital gain and then as part of an estate would be $770—as compared with $855 under present law.

The Canadian legislation also exempts homes from the capital gains tax, as would the bill here.

RELATION TO 1969 TAX REFORM ACT

A natural question is whether provisions of the bill harmonize with the reform intent of related provisions of the 1969 Tax Reform Act, and the broad answer is that they do. Four major provisions of the 1969 act are involved.

The first replaces the alternative rate of 25 percent on capital gains above $50,000—$25,000 in the case of a married person filing a separate return—with rates of 29.5 percent in 1970; 32.5 percent in 1971; and 35 percent in 1972. The rationale for the higher rates was that the 25 percent alternative was at variance with the intent of progression as reflected in the income tax scale. The variance occurred because the alternative rate was in fact a ceiling rate which became effective well below the top bracket of taxable income. While the bill does not use income as a factor in determining tax rates on the affected gains, the result is in harmony with the 1969 revisions because the new scale of rates on the gains proceeds is a consistent progression to the top bracket of taxable gains.

The second provision of the 1969 act of concern is the one which classifies 50 percent of a noncorporate taxpayer's capital gains as a tax preference item subject to the 10-percent minimum income tax. Of course, the pure capital gains which would be taken out of the income tax base under the new bill would be excluded from the minimum tax. But the mixed transactions, involving both income and gains, which would still be taxed at preferential rates under the income tax system, would remain under the minimum tax.

Other provisions of the 1969 act taxed in 1970 and 1971 what was termed "excess investment interest" as a tax preference item under the minimum tax, and then beginning in 1972 set up a system for limiting the deduction of investment interest to the total of several items including long-term capital gains with a carryover of disallowed interest in subsequent years. The bill provides for the deduction of investment interest in computing chapter 13 net capital gain which within the limitation has not been deducted in determining taxable income under chapter 1.

ADMINISTRATION

The bill provides for a separate return—from income taxes—for reporting taxes under the new system, and contemplates that taxes paid will be cumulatively recorded for offseting against estate taxes at death.

SUMMARY

There follows a brief summary of the provisions of the bill:

Sec. 1—

Amends Subtitle B of the Internal Revenue Code of 1954 (relating to estate and gift taxes) to read "Subtitle B—Estate, gift and capital transfer taxes", and creates there-

under a new chapter entitled "Chapter 13—Taxes on Capital Transfers by Individuals."

Places under Chapter 13 long-term gains of individuals, excluding gains under section 1231 and some other code provisions, and defines the included gains as "chapter 13 net capital gain."

Provides a schedule of rates on chapter 13 net capital gains ranging from 4% on the first $5,000 to 25% on all over $50,000 for single returns, and 4% on the first $10,000 to 25% on all over $100,000 for joint returns.

Provides an annual exemption from tax of $500 of long-term gains ($1,000 in case of a joint return of a married couple).

Provides for deduction in computing chapter 13 net taxable gain of investment interest which (under the provisions of the 1969 tax reform legislation) has not been deducted in determining taxable income under chapter 1 of the code.

Provides for a carryover to succeeding years of net long-term capital losses.

Provides for filing returns under chapter 13 separately from returns of income taxes, and for joint returns of husband and wife.

Sec. 2. Income tax amendments.

Amends Section 163(d), which under the 1969 legislation limit the deduction of investment interest, to coordinate the deduction and the carryover of disallowed investment interest under chapters 1 and 13.

Amends Section 121, which now relates to gain from sale of residences by individuals over 65, to relate to gains from sale of property used for personal purposes, and excludes all such gains from tax (replacing special provisions relating to people over 65).

Repeals Section 1034 (providing for rollover in the sale or exchange of residences).

Amends Part IV of subchapter P of chapter 1 (relating to special rules for determining capital gains and losses) to add a section (1254) excluding chapter 13 net capital gains from taxation under chapter 1.

If the chapter 13 net capital gain is:	The tax is:
Not over $5,000	4% of such gain.
Over $5,000 but not over $10,000	$200 plus 7% of excess over $5,000.
Over $10,000 but not over $15,000	$550 plus 10% of excess over $10,000.
Over $15,000 but not over $20,000	$1,050 plus 13% of excess over $15,000.
Over $20,000 but not over $30,000	$1,700 plus 16% of excess over $20,000.
Over $30,000 but not over $40,000	$3,300 plus 19% of excess over $30,000.
Over $40,000 but not over $50,000	$5,200 plus 22% of excess over $40,000.
Over $50,000	$7,400 plus 25% of excess over $50,000.

"(b) Joint Return in Case of Husband and Wife.—In the case of a joint return of husband and wife, the tax imposed by subsection (a) shall be twice the tax which would be imposed if the chapter 13 net capital gain were cut in half.

"(c) Estates and Trusts.—The tax imposed by this section shall not apply in the case of an estate or trust.

"SEC. 2702. COMPUTATION OF CHAPTER 13 NET CAPITAL GAIN

"(a) Chapter 13 Net Capital Gain.—For purposes of this title, the term "chapter 13 net capital gain" means the amount of the net long-term capital gain (as defined in section 1222) for the taxable year, computed with the modifications set forth in subsection (b), in excess of the sum of—

"(1) $500 ($1,000, in the case of a joint return of husband and wife), and

"(2) the deduction for interest allowable under subsection (c).

"(b) Computation of Net Long-Term Capital Gain.—For purposes of subsection (a), the net long-term capital gain for the taxable year shall be computed in accordance with the provisions of chapter 1 (other than section 1254) but with the following modifications:

"(1) There shall be excluded any gain or loss which is taken into account under section 1231 in computing gains and losses for purposes of that section.

Amends Section 57 (relating to items of tax preference subject to the minimum tax under the 1969 legislation) to exclude therefrom gains and losses taken into account in computing chapter 13 net capital gains.

Sec. 3. Credit against estate tax.

Provides credit for capital transfer taxes under chapter 13 against estate taxes at death.

Grosses up the estate subject to tax by adding thereto capital transfer taxes paid by the decedent so that transfer taxes are not allowed as an exclusion as well as a credit.

Sec. 4. Effective dates.

Makes legislation effective for taxable years beginning after December 31, 1972, except amendments made by section 3 would apply to estates of decedents dying after such date.

The text of the bill follows:

H.R. 15061

A bill to establish a system of capital transfer taxes for individuals, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the heading of Subtitle B of the Internal Revenue Code of 1954 (relating to estate and gift taxes) is amended to read as follows:

"Subtitle B—Estate, Gift and Capital Transfer Taxes"

(b) Subtitle B of such code is amended by adding at the end thereof the following new chapter:

"Chapter 13—Taxes on Capital Transfers by Individuals

"SEC. 2701. TAX ON CERTAIN LONG-TERM CAPITAL GAINS

"(a) IMPOSITION OF TAX.—In the case of an individual, there is hereby imposed on the chapter 13 net capital gain (as defined in section 2702) for the taxable year a tax determined in accordance with the following table:

"(2) There shall be excluded any gain or loss subject to the provisions of section 402 (relating to taxation of beneficiaries of employees' trusts), section 403 (relating to taxation of employee annuities), section 1235 (relating to sale or exchange of patents), or section 1240 (relating to taxability to employee of termination payments).

"(3) The provisions of section 1212(b) shall not apply for purposes of this chapter with respect to a net long-term capital loss for a taxable year beginning after December 31, 1972, but a net long-term capital loss, computed under chapter 1 with the modifications set forth in paragraphs (1) and (2), for any taxable year beginning after December 31, 1972, shall be treated for purposes of this chapter as a long-term capital loss in the succeeding taxable year.

"(c) Deduction for Interest.—The excess of investment interest (as defined in section 163(d)(3)(D) over the amount allowed in subparagraphs (A), (B), and (C) of section 163(d) (1) shall be a deduction under subsection (a) of this section in computing chapter 13 net capital gain, but only to the extent of such net capital gain (computed without such deduction). Such amount shall not be allowable as a deduction in computing taxable income for purposes of chapter 1.

"SEC. 2703. RULES FOR APPLICATION OF CHAPTER.

"(a) Meaning of Terms.—All terms used in this chapter (including the terms 'taxable year' and 'paid or incurred') shall have the same meaning for purposes of this chapter as they have when used in chapter 1.

"(b) Returns.—A return of the tax imposed by this chapter for any taxable year shall be filed separately from the return for the same taxable year of the income taxes imposed by chapter 1. If a husband and wife are entitled under section 6013 to file a joint return for the taxable year of the taxes imposed by chapter 1, they may elect to file a joint return of the tax imposed by this chapter for such taxable year.

"(c) Collection of Tax.—All provisions of law with respect to the assessment, collection, and refund of taxes imposed by chapter 1 (including all periods of limitations, and the right of the taxpayer to petition the Tax Court for a redetermination of any proposed deficiency) shall be applicable to the tax imposed by this chapter."

SEC. 2. INCOME TAX AMENDMENTS.

(a) Section 163(d)(1)(D) of such code is amended to read as follows:

"(D) One-half of the amount by which the investment interest exceeds the sum of:

(i) the amounts described in subparagraphs (A), (B), and (C), and

(ii) the amount deducted in computing chapter 13 net capital gain under section 2702(a)."

(b) Section 163(d)(2)(B)(ii) of such code is amended to read as follows:

"(ii) the taxpayer is entitled to a deduction under section 1202 for such taxable year (whether or not the taxpayer claims such deduction), the amount of such disallowed investment interest shall be reduced by an amount equal to the amount of the deduction allowable under section 1202 plus one-half the chapter 13 net capital gain (as defined in section 2702).

(c) Section 121 of such code is amended to read as follows:

"SEC. 121. GAIN FROM SALE OF PROPERTY USED FOR PERSONAL PURPOSES.

"Gross income does not include gain and loss from the sale or exchange of property to the extent such property was held and used by the taxpayer for personal purposes.

(d) Section 1034 of such code (relating to sale or exchange of residence) is repealed.

(e) Part IV of subchapter P of chapter 1 of such code (relating to special rules for determining capital gains and losses) is amended by adding at the end thereof the following new section.

"SEC. 1254. TREATMENT OF GAINS AND LOSS COMPRISING CHAPTER 13 NET CAPITAL GAIN.

"Notwithstanding any other provisions of this subtitle, gross income, adjusted gross income, and taxable income of any individual shall be computed for purposes of this chapter by excluding any long-term capital gain and any long-term capital loss which is taken into account under section 2702 in computing chapter 13 net capital gain.

(f) Section 57 of such code is amended by adding to subsection (a)(9)(A) the words "excluding any long-term capital gains and any long-term capital loss which is taken into account under section 2702 in computing chapter 13 net capital gains".

SEC. 3. CREDIT AGAINST ESTATE TAX.

(a) Part II of subchapter A of chapter 11 of such code (relating to credits against the estate tax) is amended by adding at the end thereof the following new section:

"SEC. 2017. CREDIT FOR TAXES PAID ON CHAPTER 13 NET CAPITAL GAINS.

"The tax imposed by section 2001 shall be credited with the aggregate amount of the taxes paid by the decedent which were imposed upon him under section 2701 (relating to the tax on chapter 13 net capital gains). Such credit shall not exceed the tax imposed by section 2001 after the application of all other credits provided in this part. If the decedent filed a joint return with his spouse for any taxable year under the provisions of

section 2701, the credit for the taxes imposed with respect to such joint return shall be allowed to the extent it is established that the decedent, rather than the spouse, paid such taxes; and if it cannot be established whether the decedent or the spouse paid taxes, then one-half of the payment shall be attributed to each of them. In case the tax was paid with community property, the decedent shall be deemed to have paid one-half of the tax."

(b) Section 2051 of such Code (relating to the definition of taxable estate) is hereby amended to read as follows:

"For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate the exemption and deductions provided for in this part, and after such deduction, adding the chapter 13 capital transfer taxes paid by the decedent during his lifetime."

SEC. 4. EFFECTIVE DATES.

The amendments made by this Act, shall be applicable with respect to taxable years beginning after December 31, 1972, except that the amendment made by section 3 shall be applicable with respect to estates of decedents dying after such date.

CHIANG KAI-SHEK TO BE INAUGURATED AS PRESIDENT FOR FIFTH TERM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, on Saturday, May 20, a good friend of the United States and of free world nations everywhere will be inaugurated to serve his fifth consecutive 6-year term as President of his nation.

Chiang Kai-shek, a man who has become a legend in his own time and one who has proven through the years, his friendship for the United States, stands tall today as he did a quarter century ago when he led the free Chinese away from the yoke of communism to form an island bastion of freedom in the China Sea.

Recently, events have proven hard for the Republic of China at Taiwan.

In the United Nations the United States was abandoned by many of its friends and roughly voted down on the question of membership for Taiwan. The Republic of China was summarily ousted and Red China admitted. There have been disturbing rumors that America may even abandon Taiwan to its fate with the Communist mainland. I know this is not the will or desire of the American people. I cannot conceive that any U.S. Government would ever adopt such a policy yet the fact remains that some nations have turned their backs on Taiwan in a scramble to gain favor and trade with Peking.

Through all of this, President Chiang Kai-shek has maintained the indomitable courage and continued to display the strong leadership that has inspired his people to great accomplishments. They continue to drive forward, strengthen their economy, improve their export position, bolster their agricultural markets and significantly, they are maintaining an effective military organization which the power hungry Communists do not overlook. The Republic of China is one of the few nations in the world which offered to send troops to fight beside American and South Vietnamese forces in South Vietnam. This is true friendship.

Evidence of the economic strength of the Free Chinese is the fact that U.S. investments as well as capital from other nations, continues to flow to the nation. A total of $800 million has been invested on the ROC private sector, and most of it has come from American business. In recent years there is increasing interest in Free China by such other industrial giants as Germany and Japan.

All of this has come about largely because of the personal leadership of President Chiang, assisted by his wife, an able and lovely lady who was American educated.

All Americans should join in a salute to this gallant leader as he embarks on another milestone in his illustrious career.

As one who has been honored to have had personal associations with him, I join with many millions in wishing President Chiang success in his continuing role as the leader of a great people.

REMARKS BY REPRESENTATIVE O. CLARK FISHER TO RESERVE OFFICERS ASSOCIATION

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, on May 6, our colleague, the Honorable O. CLARK FISHER of Texas delivered an inspiring address to the Texas Department of the Reserve Officers Association. It contained not only valuable information on current policies but inspiring and prophetic passages about the current crises facing our Nation.

Mr. FISHER speaks from a broad background of knowledge on the Nation's defense posture, having served on the Armed Services Committee for a number of years and currently being chairman of that committee's subcommittee dealing with Reserve matters.

I am requesting publication of his address in the CONGRESSIONAL RECORD for its specific worth to the members of this body.

REMARKS BY REP. O. CLARK FISHER, RESERVE OFFICERS ASSOCIATION, SAN ANTONIO, TEX., SATURDAY, MAY 6, 1972

I am indeed honored to have this privilege, which I very highly esteem, of speaking briefly to the Reserve Officers Association on this occasion.

Membership in your great organization serves to identify each of you as one who is experienced and knowledge in the field of military affairs and in the broad area of national defense.

As you know, our Committee on Armed Services welcomes and respects the judgment of the ROA, and we often find the expertise of Colonel Carlton, Colonel Brackett, and their able associates to be most useful in resolving many complex issues and policies that arise.

That assistance was particularly productive last year when we were able to obtain passage of a Survivors Benefits bill, and I can inform you that, although somewhat belatedly, the Senate Armed Services Committee has indicated that measure will soon be considered and acted upon.

While I know the Survivors Benefit bill does not cover your survivors until one is entitled to retired pay, there has been a measure recently reported by the Veterans Affairs Committee which would entitle a veteran to be covered by SGLI during the interim period between the time you complete your years of service for retirement and the time you become eligible to receive retired pay. This came about largely through the efforts of your national organization.

As you know, the Administration has recommended a one-time recomputation of retired pay. I support this principle and I introduced a bill on the subject. Being realistic, I think we must recognize the difficulties we face, with much of the objection we are facing being directed at the cost aspect.

Another Administration proposal is a bill which would provide for an enlistment and reenlistment bonus for Reserves. Unfortunately, this was included in a kind of omnibus bill which provided for many additional incentives for the active duty personnel. I thought it better, and I urged, that the Reserve incentives be placed in a separate package. This could result in lengthy hearings, but I am hopeful that time will permit a resolution of the problem during this session of the Congress.

Among other pending problems, we share your great concern over the disappearance of the waiting lines to get into the Reserve components, and the shortage of approximately 55,000 from the strengths mandated by the Congress.

I share this concern primarily for two principal reasons: First, the reduction in strength dilutes the ability of the unit to perform its assigned military mission, and as we reduce the size of the active forces we must be building and not diminishing the effectiveness of the Reserves. Secondly, when we consider that we will be supporting 29 percent of the total force for approximately 4.9 percent of the Defense budget, we can recognize the cost savings as a result of Secretary Laird's decision to make the Reserve Forces the primary augmentation in time of national need, and our only alternative to increasing the size of the active forces must be a way to attract and retain people in those Reserve Forces.

I thought it appropriate to give you a progress report on a few of the proposals which we are striving to resolve during the current session—proposals in which the ROA has expressed a particular interest.

Now, let me refer for a moment to the situation in Vietnam, a subject about which you are, of course, well informed. As you know, the illegal invasion across the DMZ was an act of such raw aggression that it caused even Senator Fulbright to quit calling it a civil war over there.

It would seem important that the public understand that the problems caused by the Communist invasion has nothing to do with whether we should or should not send people to Vietnam. The one and only issue we are now dealing with is whether our bombers and naval craft—which are there—should or should not interfere with the enemy supply lines and provide protection in that way for American lives, and also by such means to help prevent a Communist takeover of South Vietnam. Some think we should protect American lives and American interests; others do not.

War protests have recently taken on a new dimension. Recent outbursts have not been directed at the draft. Nor are they directed against being required to do military service in Vietnam. While a bit hazy, their chief complaint seems to be against the presence of our Air Force and naval units in Southeast Asia, and their use against enemy supply lines—without which lines the invasion could not succeed.

While some protests may be in good faith, one becomes very suspicious about motives

when we see demonstrators proudly waving enemy flags.

These people I have described appear totally unconcerned about the safety of many thousands of Americans who are in the process of being withdrawn. Just why they are opposed to protecting them is difficult for me to understand.

This line of denouncement of interference with Communist supply lines has been voiced by certain Presidential candidates, by a few befuddled Senators; by some House members; by Jane Fonda and Dr. Spock. In addition, I should add Gus Hall and Mme. Minh—who has acted as Hanoi's chief non-negotiator at the Negotiation table in Paris. The Madam, incidentally, by telephone hooked from Paris 2 weeks ago spoke to 30,000 of her loyal minions who assembled under an enemy flag in Kezar Stadium in San Francisco.

She told her faithful California followers to demand that President Nixon stop interfering with their precious supply lines, to set a day-certain, and install a Communist as President of South Vietnam. That was the effect of the orders of Hanoi's butcher woman whose invading legions are now on a wild rampage of wholesale slaughter and destruction in South Vietnam.

Let all Americans understand what these protests amount to. They say "Stop the bombing." When they say that they protest any U.S. interference with the supply lines which support the invasion and which obviously endanger the lives of 65,000 Americans. When they say "Stop the Bombing" they are, wittingly or unwittingly, echoing the orders of Madam Minh.

This protest is not a protest against the war or against our presence in Vietnam. Our presence is already there, and it is being rapidly reduced. Therefore, the only possible validity that can be attributed to these demands must be a revulsion against any interference with enemy supply lines—because that is what it is all about. It is one thing to protest the war. But it is quite a different thing to protest interference with a brutal invasion and the protection of American lives which are endangered.

It is one thing to oppose the war, which is anyone's privilege, but quite another thing to denounce opposition to an invasion which, should it succeed, would involve several million human lives in South Vietnam, large numbers of whom would undoubtedly be slaughtered—should the Communist invaders overrun the South.

Let us examine that awful prospect for a moment, Clark Clifford, when he was Secretary of Defense, said that should South Vietnam fall to the enemy, the worst bloodbath in the history of the human race would ensue.

Many have not forgotten that after Hue was occupied by the Communist invaders briefly a few years ago 5700 bodies—men, women and little children—were dug up from shallow graves, all brutally murdered by the North Vietnamese.

Colonel Tran Van Doc, a North Vietnamese officer who defected after 24 years in the Communist movement, estimated a slaughter of 3 million if the Communists take over.

Another defector from the North, Col. Le Xuan Chuyen, who had been in the Communist movement 21 years and who should know whereof he speaks, disclosed that 5 million South Vietnamese are on the Communists' "blood debt" list. He said the plan is to kill 10 to 15 percent of them, imprison about 50 percent, and subject the balance to "thought reform."

Many other very knowledgeable people confirm this gruesome prospect of mass butchery. Now, I know some Americans insist it is none of our business. They insist that even though the lives of 65,000 Americans are endangered, and even though timely interference with the enemy's supply lines helps protect those lives and at the same time helps to prevent the big takeover they still demand that our bombers be completely grounded and our naval guns be silenced.

Another aspect of this tragic development is the plight of prisoners of war. Those who criticize the U.S. for interfering with the invasion of the South don't like to talk about POWs. When pressed on the subject they brush it off by saying once we surrender or totally withdraw all manpower and any future military supplies, the Communists will knock themselves out rushing all prisoners home. Who do they think they are kidding? How stupid can people be, anyhow? Don't they know that last year President Nixon, in secret talks by Dr. Kissinger, offered the enemy total withdrawal, a day-certain, resignation of President Thieu, a free election in the South, and massive economic aid, for a cease-fire and a peaceful settlement. But this overly-generous offer—probably the most generous peace offer in history—was spurned and repudiated.

The simple fact is that the only language the enemy understands is force. Once those Communist warmongers are made to know they are in for severe punishment and that they are not going to be allowed to win that war in Washington, only then can we hope for meaningful negotiations, and some relief for prisoners. As the matter now stands, the devastation that can be wrought by B–52's and other bombers and by sea power, constitute the only meaningful advantage and bargaining power we have left in the process to bring the war to an end and expedite the release of POWs.

The enemy is risking everything on this one last big drive. Twelve of their 13 divisions are now south of the DMZ. All their eggs are in one basket. If they are thrown back, experts believe they will never again be able to recoup, reorganize, and again pose a major threat.

The military situation in Vietnam is obviously serious indeed. The President has said too many lives, including Americans, are involved to allow the invaders to succeed in this major thrust. He has said appropriate steps will be taken to prevent it. We can only speculate on what he has in mind, what force he will apply, should necessity require it. We do know that Haiphong, where 80% of all war supplies are received, is extremely vulnerable—either from aerial attack, harbor blockade or floating mines. We do know that the irrigation dikes of the Red River Delta are extremely crucial and very vulnerable. And we know there are other vital targets that have heretofore hardly been touched. Whatever is done deserves solid, united American support.

I have belabored this subject, but I think it is something that should be talked about and the public enabled to better understand the implications. The enemy does not disguise the fact that major reliance is placed on disunity among Americans, to assist them in their infamous plans to slaughter civilians and achieve a military victory.

It is time for all thoughtful Americans to assess the situation realistically. And it is high time for presidential candidates, whose pronouncements are heard loud and clear in Hanoi, to wake up to their responsibilities as Americans and as candidates for that high office.

It follows that in this time of grave peril, when we are playing for keeps—with so much involved on the outcome of this one invasion, that all Americans close ranks, lay aside their own views about the war, whatever they may be, and give solid support to our Commander-in-Chief. He is the only one we have, and he operates under the majesty of the American flag—your flag and my flag.

RABBI IRVING LEHRMAN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on February 6 the Honorable Charles H. Silver delivered an address of appreciation in honor of Rabbi Irving Lehrman, spiritual leader of Temple Emanu-El and national president of the Synagogue Council of America.

Most fitting was this eloquent tribute by Mr. Silver to Rabbi Lehrman, who is of a long line of rabbis, a great scholar, a man of rare eloquence and of deep dedication, not only to the cause of Israel but to the cause of humanity. Rabbi Lehrman is a man who stands tall above most men. He has long held up a great light of spiritual leadership, not only for those of his faith but of all faiths, and the glow of the light he has cast has not only warmed but illuminated innumerable minds and hearts. I deem it a great honor, therefore, Mr. Speaker, to be able to offer to my colleagues and to my fellow countrymen this deserved tribute to Rabbi Lehrman:

RABBI LEHRMAN

(Remarks by the Honorable Charles H. Silver at a dinner held at Temple Emanu-El, Miami Beach on February 6, 1972)

Most honored guests . . . and all of you—dear friends and neighbors—who have gathered to honor this great man of God.

In these days, so full of turmoil, so empty of trust, we seek—more and more—for the eternal truth—returning to the Torah—searching for God.

The synagogue is the force which has held us together as a people. It is the magic ingredient which preserved our Fathers through all the fearful horror of endless wandering, anguish and rejection.

The synagogue has been the cornerstone of our ethical and moral way of life through a long tormented history. From its altar flows the rich stream of our ancient tradition, our ethics, our philosophy, the words of fire that make ours a religion of law and of literature—and of love.

In this House of God burns the eternal light of Israel. Within its walls can be heard the thundering voice of wisdom. At this altar, we seek to guard the conscience of humanity.

And the keeper of the flame is a noble, warm and genuine human being, one truly inspired in his devoted service to God and man.

In all of my experience—in education, religion and social welfare—I have never encountered anyone who walked more firmly in the flame of his faith than the towering spiritual leader and dynamic guiding force of Temple Emanu-El.

For Rabbi Irving Lehrman is not only a scholar and teacher, but truly a practical visionary . . . devoted to the tradition and destiny of Israel, but dedicated to the wider service of all mankind.

In his duties as minister for more than a quarter of a century—he is never too busy to bring comfort and understanding to those who falter . . . to those who mourned . . . to those who needed the help he could give.

And he always gives generously of his own personality, strength and perception. He always has a solution. He always has time.

Through the darkest hours of Jewish suffering, during the tragic plight of our people, in the outrage and nightmare of Hitler, his voice was the voice of hope, his leader-

ship was a beacon breaking through the blackest clouds.

And when the skies became brighter, he hailed a star of promise in the promised land and worked for the birth of the Republic of Israel as a member of the family of nations.

With a pure conscience and a proud but humble heart, he has been the warm and shining lesson of brotherhood for every being of every race and creed—rejecting and rebuking bigotry in any form.

The years go by and we often neglect those to whom we owe the most. We are all fortunate that this great spirit—who is a legend of his lifetime—can be recognized and honored during the vigorous days of his life while many of his most vital years lie ahead.

Rabbi Lehrman has taught us the meaning of religion in its most positive and active sense—the real meaning—the message and mission of the faith we follow.

He has taught us that we have a permanent obligation to concern ourselves with the welfare of others. Otherwise, the pages of our Holy Book are meaningless—our House of God becomes an empty shell—for He will not live in it.

Religion may begin in the church or temple, but it does not end there. It flourishes in the hearts of men of good will. It crosses the borders that separate us in small things. It brings us together to grapple with the larger goals of humanity—to rise nearer—to reach closer—to the Mind of God.

The faith reflected in the synagogues gives us the strength, the unity and courage to survive anguish and oppression—to endure all things, to resist all things, to overcome all things.

It spurs us to split again the sea of slavery and cross the seven oceans, settling on alien soil, making the barren desert bloom, mingling in many lands to enrich the culture, advance the science and increase the learning of all mankind for all time.

This is the eternal secret of the Jew's eternity—and it is the message that Rabbi Lehrman preaches so wisely—so movingly and so magnificently—from this pulpit.

Such wisdom—and such eloquence—are not gotten easily or in a single day. They must be harvested through a lifetime, fed by a mind passionately devoted to the quest for truth—by a heart ripe in the understanding of his fellow man.

Such a man respects himself as being made in the image of God. He carries a spark of that Divine Spirit deep within. He tackles his appointed task with skill and understanding, with loyalty and devotion to duty.

Such a man is Rabbi Irving Lehrman.

He has held high the sanctity of his calling with a dignity and dedicated responsibility that brings new greatness to the name of Rabbi.

Fearless and foremost in the fight for human rights, he is firm in his conviction that men who were created equal by God deserve equal treatment from other men.

He has done as much as any man to stir the conscience of the world on behalf of the homeless, the hopeless and the oppressed.

There is a magic about his very presence. It rises from the depths of his being . . . a hidden place where you know that truth and honor dwell.

Combining warmth and humanity with sincerity and strength, his words burn into the hearts of his hearers. They echo in many corners of the world, far beyond the walls of Temple Emanu-El.

There is no branch of community service, no broadening of opportunities for youth, no contribution to the social progress of our times and our people that have not known the benefit . . . yes, the blessing . . . of his energies, his wisdom and his spirit.

My dear friend and Rabbi, as I join your uncounted thousands of friends and admirers in this outpouring of friendship and appreciation. I fondly hope and firmly believe that you stand on the threshold of an even more brilliant career as a Jewish leader and Statesman.

TO ALL FREE MEN

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, on April 6, the board of the Cuban Revolutionary Party headed by former President Carlos prio Socarras, issued a declaration of protest and denunciation of current U.S. policy aimed at closer relations with the Communist powers.

Whether or not one may agree with the thesis of the statement, I believe it is one which should be available for everyone to read. The people of Cuba have known the hand of tyranny throughout much of their history, from the colonial period to the present. Their homeland is now in the hands of the overwhelmingly repressive Communist political and military apparatus of Fidel Castro, and they have a right to make known "To All Free Men," as the Cuban Revolutionary Party statement is titled, their concern over the direction of current U.S. policy with respect to Communist dictatorships.

I submit, therefore, the text of this statement:

TO ALL FREE MAN

NATIONAL IDENTITY

The Cuban nation is a product of struggles that go back to many decades, a process in which all the tactics available to a people seeking to forge their own destiny were employed: passive resistance, rebellion, war. On the way fell thousands of Cubans, men who gave up their lives, their freedom, their personal property, who suffered all the impositions of colonial despotism.

Some believe that our movement toward independence began with the revolt of the tobacco planters, others, that it started in 1812, when José Aponte launched a protest of well-defined outlines. His thrust was not only laborite but nationalistic.

In the course of time, through conspiracies, insurrections, invasions, martyrdom, deportation, and imprisonment, our national identity began to take shape. Its forerunners were enlightened men who created an autoctonous culture, and struggles of all types that engendered a native conscience and a feeling of nationhood. It was guided by Céspedes' proclamation, the Guáimaro Constitutional Assembly, and the Protest of Baraguá, formulated in the resounding voice of General Maceo.

The rural patriciate was its main propelling agent in the War of 1868 and during the so-called "Little War". But it was José Martí who, in the period extending from Baraguá to Baire, interpreted the longings of the Cuban populace and lent organization and clear purpose to our war. Under the sign of national unity, with an Americanist thrust, a populist ferment, and a broad humanist and progressive sense, he traced our destiny in the Statutes of the Cuba Revolutionary Party and in the Montecristi Manifesto.

We achieved independence in the face of a Spanish Army of 200,000 war-seasoned men, of fanatic "Volunteers", and under the impact of barbaric measures, such as the execution of the medical students and Weyler's concentration camps. Then, as now, our sister nations, except Peru under Leoncio Prado, and a very few others, remained oblivious to our plight and did not even recognize the government of the Republic-at-Arms.

After the U.S. intervention, came the struggle against an American imperialism which forgot the Joint Resolution, ignored the leadership of the revolutionary organization, and blocked the entrance of the Mambises into Santiago de Cuba. We were not represented at the Treaty of Paris, a treaty which constituted a humiliation and truncated the Revolution by divesting it of all economic meaning. As a corollary we got the Platt Amendment: forcibly imposed, limitative of our sovereignty, and soundly denounced by the Cuban people in the voices of Juan Gualberto Gómez, the Marquis of St. Lucía, and other illustrious compatriots.

THE REVOLUCIÓN AUTÉNTICA

In all, it was the "revolución auténtica" (the authentic or true revolution—an expression coined by the Cuban people and later appendixed to the name of the Cuban Revolutionary Party) which realized the dreams of the independentist generation by achieving the integral sovereignty of our Republic. At his inauguration, President Grau refused to swear loyalty to the 1901 Constitution, which contained the imposed amendment. Following its revolutionary path, the "Auténtico" movement transforms words into deeds. Its advanced social legislation shapes an autoctonous doctrine: nationalist, anti-imperialist, and championing distributive social justice. It follows the course that Cuba demands in order to achieve a true socio-economic development that will allow natives living space in their own land, a fuller enjoyment of national resources, and a better distribution of national income to the benefit of the majority. In brief, the Revolución Auténtica generated a process that culminated in the Constitution of 1940 and continued to evolve, ever increasing the people's access to political power, education, culture, social security, property, wealth, health, and well-being.

All of this was carried out within a true democratic framework, respecting human liberties in both the domestic and international planes, as well as the right to elect and replace public officials through free, untampered suffrage. We had no political prisoners or exiles and lived under the reign of law, a reign that reached its fullest institutionalization under the Prio government. We guaranteed legal equality to blacks and women long before the U.S. government did. That is why the Cuban Revolutionary Party (Auténtico) is the continuator of the doctrines of José Martí, adapting them to the developments of a new age: the technological era.

U.S. POLICY TOWARD CUBA

We begin by saying that we are not here as visitors, but as political exiles who seek the independence of Cuba. We have been the victims of our own mistakes, but also of those of the United States, who not only granted immediate diplomatic recognition to the military usurpers of 1952, but supported them steadily until it turned about and aided the adventurer Fidel Castro. The Republican administration of President Eisenhower, during which Richard Nixon was Vice-President, as well as the Democratic administrations that followed it and the present Nixon government, have all, we repeat, committed serious errors in their policy with regard to Cuba. They have not realized that Cuba is only a trench in the Communist war, that it exports subversion throughout the Americas and that this island bastion, standing in the midst of the security area of the U.S. and Latin America, is occupied by Soviet imperialism and used in the total political war that the U.S.S.R. wages against the U.S. and the free world.

Who is responsible for the Bay of Pigs fiasco, if not the United States? They forgot

their commitment to history, to geopolitical realities, to treaties.

What happened at the October confrontation? A true Pyrrhic victory, the surrender of a national community into the hands of Soviet colonialism.

Who gave President Kennedy power of attorney to negotiate for Cuba? That power can only be granted by the free self-determination of the Cuban people.

Cuba's "negotiated" status has been maintained as a permanent policy of the U.S. by all the successive administrations. This policy does not derive from a treaty, compact, or gentleman's agreement, but is simply a "moral" commitment, according to one U.S. Senator, who understood that it bound all subsequent Presidents. Noble doctrine indeed! It seems a sarcasm, that the independence of a nation and the freedom of its people be subject to the "moral" interpretations of a high public official, even if he belong to a powerful nation. This would constitute a denial of the juridical equality of nations, a break with the North American tradition of respect for the human rights and values that should prevail in all countries.

The norms of the Congressional Resolution No. 230 of 1962 (a Resolution which modified the neutrality laws of the U.S. in relation to Cuba when it prescribed aid to the OAS and to Cubans for the purpose of achieving Cuban independence) have not been followed. On the contrary, exiled Cubans are persecuted, indicted, arrested, even in international waters, because of their actions on behalf of Cuban liberation. That Resolution, enacted under the aegis of the Monroe Doctrine, as the document itself states, looked to the security of a hemisphere troubled by activities issuing from the Tricontinental Conference, the OLAS, and the Cultural Congress, all held in Havana. The purpose of the Resolution could have been fulfilled with a law similar to No. 11 of 1941, known as the Lend-Lease Act, by which the U.S., without undertaking belligerent activities, became the arsenal of democracy during World War II. At this time, Israel, Vietnam, Cambodia, Laos, and other countries, are receiving loans and aid in their efforts to halt the aggressive advance of Communism. Free Cubans have not been lent similar assistance.

Since the dissolution of the Cuban Revolutionary Council, a virtually static policy toward Cuba has prevailed. It has been restricted to a series of condemnations by the OAS and to a so-called blockade, which has none of the characteristics of one and which has been totally ineffective in contributing to the overthrow of Castro's Communist tyranny.

THE NEW U.S. FOREIGN POLICY

From the beginning of his term, President Nixon declared that he would take to the conference table all conflicts in which the U.S. was involved. It is not within the scope of this document to analyze whether the internal conflicts that plague this nation have been responsible for forcing President Nixon to seek peace by any pragmatic means. Under Professor Kissinger's advice, the President's policy took a bold step: he visited China seeking the "Asiatization" of Asia, just as he has sought the "Vietnamization" of Vietnam. The Pacific Ocean is no longer under American military hegemony, which has been unable to establish peace in Indochina, but has been successful in provoking uneasiness in Japan. By the wayside fell Formosa, not properly Chinese territory, but a country that has always struggled for its autonomy.

Professor Kissinger, perhaps under the influence of his cultural upbringing, has a perspective on world problems reminiscent of Bismarck's *Realpolitik* and Hausoffer's classical geopolitics, in which Third Reich hierarchs found justification through his concept of *lebensraum*. Kissinger pointed out the road to Peking as the way of achieving a world balance of power. A new Yalta may emerge from President Nixon's visit to Moscow in May, a strategic apportionment of territory similiar to that which took place 27 years ago on the Crimean peninsula. Because of its failure, Yalta should remind the free world of Lenin's dictum: "Treaties are like cakes; you break them with your hand".

The adviser's thought, laid down in his book *American Foreign Policy*, accepts Bismarck's postulate that "in war, retreat is only a tactical measure, often an indispensable one". "Living space" seems a requisite of all nations, not the privilege of the two polarized military powers in a world of political multipolarity. Kissinger makes some surprising assertions in his book, as when he states that one nation should not be better armed than another because that places the former in an indefensible position. In his mind, decisions made amidst great doubts become practically sacred once they have been put into practice. The object, he states, is the survival of the Administration so that it may achieve its planned objectives. It does not matter whether the objectives are desirable or not. The time required for administrative success is much shorter than that required for historical achievements.

The ethical principles that President Wilson introduced into foreign policy have been totally eliminated. What matters is peace, and the re-election of the President under the attractive mantle of world understanding. The U.S. has already suffered from one error of judgment in the recent Indo-Pakistani war, where India achieved the preeminence that the U.S. had denied it, through the help of the U.S.S.R. The German-Soviet-Polish pacts provide another example, as does the Franco-German agreement to create a common currency, a blow in the face of the dollar crisis. Thus, U.S. policy leans toward peaceful coexistence, one of the tactics of Communism's total political war. The Soviet seeks time; the Chinese seeks space. The two seek to bury us. They have never denied it.

OUR PROTEST

The recent events taking place between the U.S. and the Communist block for the purpose of reaching an entente to head off atomic conflict, erradicate war as a solution to international disputes, and establish peace, are part of an old Communist tactic. The truth is that it has never involved bury ing the war hatchet. Communists evade the issue in their slogans and machines for agitation and subversion: "wars of national liberation" have their support, but they must always take place in the free world because they are then struggles against imperialism, that is, the United States. Within their own territory, we see the Iron Curtain, the Berlin Wall, "limited sovereignty", the Soviet tanks in Hungary, Czechoslovakia, etc.; in short, Soviet colonialism that exploits the riches of other nations and assigns them tasks within an economic development plan that is useful only to Moscow. Their system is totalitarianism under the Party-State, despotic centralization, state capitalism, a subjection of all to their coercive apparatus, with no room for civil liberties or human rights.

Coexistence with the tyrannical regime of Fidel Castro, a possible outcome of the Moscow talks, where the voice of the Cuban nation in diaspora is ignored, is a mockery, unadmissible under any circumstances. Before this event can come about and after the sad experiences of the Bay of Pigs and the October missile crisis, occasions in which the U.S. betrayed the trust put in them by the Cuban people, the Cuban Revolutionary Party (Auténtico), translating the feelings of all Cubans, raises its voice in protest and places before the American people the following declaration:

"We do not accept that the destiny of the Cuban nation be negotiated in Moscow by the two military world powers. The U.S. lacks plenipotence to neogtiate a new retreat and the confirmation of the surrender of Cuba, a step that goes beyond the present status and may signify the permanent loss of liberty of José Martí's country. The political leaders of the U.S. should be fully conscious of this fact, as should the American people, who, by way of the vote, invest them with power.

"If the U.S. should act thus, it must answer to history, to the people of Cuba, to the unaligned nations, to its own allies. Only the sovereign Cuban people can decide their own destiny. The Cuban nation in exile, which represents all Cubans, does not accept any type of coexistence with the Castro regime. We do not want a second Treaty of Paris. We do not wish to meddle in the foreign policy of this nation; even less do we strive to dictate it. But when it involves an attack upon our nation, we have the right to repudiate it, in legitimate defense of her independence. If we are turned over to the enemy, we will not surrender. If you give in, we will resist to the end, and employ in the process all necessary tactics."

Board of Cuban Revolutionary Party (Auténticos): Dr. Carlos Prío Socarrás; Dr. Eduardo Suárez Rivas; Dr. Manuel Antonio de Varona; Dr. José Alvarez Diaz; Dr. Mario del Cañal; Daniel San Román; César Lancís; Angel Cofiño; Dr. Luis Fernández Caubí; Julio Alvarez; Dr. Sergio Mejías; Dr. Enrique C. Enríquez; Conchita Castanedo; Dr. Luis Raúl Fleitas; Teodoro Tejeda Setién; Ing. José Adán; Alfredo Rubio; Arnaldo Aguilera; Luis Gustavo Fernández; Dr. Guillermo Ara; José A. Rodriguez; Carlos M. Varona; Dr. Rafael Rubio Padilla; Pedro Leiva; Coronel Rafael Izquierdo; Eduardo Palomo; Aida Serra; René A. Leiva; Eddy Suárez Rivas; Adolfo Redolta; Eduardo Paz; Luis Casero Guilléns.

MIAMI, April 6, 1972

ABUSE OF THE "SPEECH AND DEBATE" CLAUSE OF OUR CONSTITUTION

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HALL. Mr. Speaker, today I am compelled to speak out on the abuse of the "speech and debate" clause of our Constitution, and primarily the lack of responsibility as well as disrespect for Federal law which was created to protect vital defense information from reaching our enemies.

On May 15, 1972, the CONGRESSIONAL RECORD contained an article by a Member of this body ostensibly to prove that our Government is spending twice as much money to hide information as it spends to inform.

The comparison made is misleading. Over half of the $126 million supposedly spent for security classification was, in fact, spent for personnel security investigations. This money was not spent to hide or conceal information, but to insure the loyalty of these personnel to our U.S. Government.

This body should not be divided, or demeaned, under the false guise of patriotic responsibility, "freedoom of speech," and the "right to know."

We have a responsibility as representatives of the people to respect the laws we enact, and to insure that national defense information, which if given to

our enemies, would injure these United States, is adequately protected.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. PETTIS (at the request of Mr. GERALD R. FORD), for today, on account of official business.

Mrs. HANSEN of Washington, for May 22, 1972, through May 25, 1972, on account of official business.

Mr. RANDALL, for Monday, May 22, and Tuesday, May 23, 1972, on account of official business—commencement address and annual meeting of Chamber of Commerce.

Mr. RONCALIO, for 5 days, May 22 to May 27, for committee business, hearings of Interior Committee in Utah and Arizona.

Mr. HEINZ (at the request of Mr. GERALD R. FORD), from 4 p.m. today, on account of official business.

Mr. KEE (at the request of Mr. O'NEILL), from 6:15 p.m. today, until adjournment, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MILLS of Maryland), to revise and extend their remarks, and to include extraneous matter to:)

Mr. KEMP, today, for 10 minutes.

Mr. WILLIAMS, today, for 15 minutes.

Mr. VEYSEY, today, for 5 minutes.

Mr. BUCHANAN, today, for 5 minutes.

(The following Members (at the request of Mr. PATTEN), to revise and extend their remarks and to include extraneous matter to:)

Mr. GONZALEZ, today, for 10 minutes.

Mr. RODINO, today, for 10 minutes.

Mr. ADDABBO, today, for 15 minutes.

Mr. REUSS, today, for 10 minutes.

Mr. PATMAN, today, for 10 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GRAY in three instances and to include extraneous matter.

Mr. ASPINALL in two instances and to include extraneous matter.

Mr. POFF, following the vote on the Derwinski amendment in the Committee of the Whole today.

(The following Members (at the request of Mr. MILLS of Maryland) and to include extraneous matter:)

Mr. MCCLOSKEY.

Mr. WYDLER.

Mr. HUNT.

Mr. SCHMITZ in two instances.

Mr. KEMP in three instances.

Mr. WYMAN in two instances.

Mr. ZWACH.

Mr. SPRINGER in five instances.

Mr. MCCLURE.

Mr. PRICE of Texas.

Mr. WHITEHURST in three instances.

Mr. SCHWENGEL.

Mr. BRAY in four instances.

Mr. SMITH of New York.

Mr. EDWARDS of Alabama.

Mr. HARVEY.

Mr. SPENCE.

Mr. CHAMBERLAIN.

Mr. MCCULLOCH.

Mr. HOSMER in two instances.

(The following Members (at the request of Mr. PATTEN) and to include extraneous matter:)

Mr. ALBERT.

Mr. GONZALEZ in three instances.

Mr. ROGERS in five instances.

Mr. HAGAN in three instances.

Mr. RARICK in three instances.

Mr. DINGELL in two instances.

Mr. RODINO in two instances.

Mr. ROSENTHAL in five instances.

Mr. WOLFF.

Mr. DONOHUE.

Mr. JOHNSON of California.

Mr. REUSS in six instances.

Mr. DOWNING.

Mr. YATRON.

Mr. BEGICH in five instances.

Mr. ROONEY of Pennsylvania in five instances.

Mr. BRASCO.

Mr. HARRINGTON in five instances.

Mr. PATTEN.

Mr. RYAN in three instances.

Mr. BRINKLEY.

Mr. FAUNTROY in five instances.

Mrs. HICKS of Massachusetts.

Mr. CAREY of New York in two instances.

Mr. CARNEY.

Mr. GRIFFIN in two instances.

Mr. JARMAN.

Mr. LEGGETT in five instances.

Mr. FRASER in five instances.

Mr. DORN in two instances.

Mrs. SULLIVAN in two instances.

Mr. BINGHAM in three instances.

Mr. VANIK in five instances.

Mrs. MINK.

Mr. SEIBERLING in two instances.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14655. An act to amend Atomic Energy Act of 1954, as amended, to authorize the Commission to issue temporary operating licenses for nuclear power reactors under certain circumstances, and for other purposes.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, May 22, 1972, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2001. A communication from the President of the United States, transmitting a report of the transfer of certain minor statutory functions by the Secretary of Defense as part of the consolidation of the mapping, charting, and geodetic operations of the Department of Defense within a Defense Mapping Agency, pursuant to 10 U.S.C. 125; to the Committee on Armed Services.

2002. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period May 15–August 15, 1972, pursuant to section 506 of Public Law 92–156; to the Committee on Armed Services.

2003. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 1306(a) of the Federal Aviation Act of 1958, as amended, to authorize the investment of the war risk insurance fund in securities of, or guaranteed by, the United States; to the Committee on Interstate and Foreign Commerce.

2004. A letter from the Acting Attorney General, transmitting a report for calendar year 1971 on the administration of the Foreign Agents Registration Act; to the Committee on the Judiciary.

2005. A letter from the Director, National Legislative Commission, The American Legion, transmitting statements of the financial condition of the American Legion as of December 31, 1971; to the Committee on Veterans' Affairs.

2006. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to encourage and assist States and localities to coordinate their various programs and resources available to provide human services in order to facilitate the improved provision and utilization of those services and increase their effectiveness in achieving the objectives of personal independence, economic self-sufficiency, and the maximum enjoyment of life, with dignity, and for other purposes; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WALDIE: Committee on the Judiciary. H.R. 13366. A bill to provide for the payment of losses incurred by domestic growers, manufacturers, packers, and distributors as a result of the barring of the use of cyclamates in food after extensive inventories of foods containing such substances had been prepared or packed or packaging, labeling, and other materials had been prepared in good faith reliance on the confirmed official listing of cyclamates as generally recognized as safe for use in food under the Federal Food, Drug, and Cosmetic Act, and for other purposes; with amendment (Rept. No. 92–1070). Referred to the Committee of the Whole House on the state of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 15093. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes. (Rept. No. 92–1071). Referred to the Committee of the Whole House on the state of the Union.

Mr. HOLIFIELD: Committee on Government Operations. Report on bloc grant programs of the Law Enforcement Administration (Rept. No. 92–1072). Referred to the

Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. ANDREWS of Alabama:

H.R. 15060. A bill to prevent a decrease in the dependency and indemnity compensation of any dependent parent of a deceased veteran or in the pension of any veteran or widow of a veteran as the result of any increase in social security benefits or railroad retirement benefits provided by law enacted on or after January 1, 1971; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of Virginia:

H.R. 15061. A bill to establish a system of capital transfer taxes for individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 15062. A bill to amend chapter 15 of title 38, United States Code, to provide for the payment of pensions to World War I veterans and their widows, subject to $3,000 and $4,200 annual income limitations; to provide for such veterans a certain priority in entitlement to hospitalization and medical care; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CLEVELAND:

H.R. 15063. A bill to amend the Internal Revenue Code of 1954 to encourage the use of recycled oil; to the Committee on Ways and Means.

By Mr. DERWINSKI:

H.R. 15064. A bill to amend title 38 of the United States Code in order to provide cost-of-instruction payments to institutions of higher education with increasing enrollments of veterans; to the Committee on Veterans' Affairs.

By Mr. DULSKI:

H.R. 15065. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. DULSKI (by request):

H.R. 15066. A bill to amend subchapter III of chapter 83 of title 5, United States Code, to provide for mandatory retirement of employees upon attainment of 70 years of age and completion of 5 years of service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. GOLDWATER (for himself and Mr. BELL):

H.R. 15067. A bill to require contractors of departments and agencies of the United States engaged in the production of motion picture films to pay prevailing wages; to the Committee on Education and Labor.

By Mrs. GRASSO:

H.R. 15068. A bill to amend the Public Health Service Act to assist research and development projects for the effective utilization of advances in science and technology in the delivery of health care; to the Committee on Interstate and Foreign Commerce.

H.R. 15069. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. HANSEN of Idaho:

H.R. 15070. A bill to amend the Internal Revenue Code of 1954 to provide that certain homeowner mortgage interest paid by the Secretary of Housing and Urban Development on behalf of a low-income mortgagor shall not be deductible by such mortgagor; to the Committee on Ways and Means.

By Mr. JONES of Tennessee:

H.R. 15071. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. KUYKENDALL:

H.R. 15072. A bill to amend the Public Health Service Act to provide for the prevention of Cooley's anemia; to the Committee on Interstate and Foreign Commerce.

By Mr. LLOYD:

H.R. 15073. A bill to establish the Glen Canyon National Recreation Area in the States of Utah and Arizona and the Canyon Country National Conservation Area in the State of Utah; to the Committee on Interior and Insular Affairs.

By Mr. MOLLOHAN:

H.R. 15074. A bill to amend the Urban Mass Transportation Act of 1964 to authorize grants and loans to private nonprofit organizations to assist them in providing transportation service meeting the special needs of elderly and handicapped persons; to the Committee on Banking and Currency.

By Mr. MOORHEAD:

H.R. 15075. A bill to amend section 231 of the Trade Expansion Act of 1962 to permit the extension of most favorable nation treatment to products of the Union of Soviet Socialist Republics; to the Committee on Ways and Means.

By Mr. ROONEY of Pennsylvania:

H.R. 15076. A bill to amend the Gun Control Act of 1968 to require each State to grant reciprocity to the police officers of other States with respect to the carrying of concealed weapons; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 15077. A bill to establish a commission to investigate and study the practice of clearcutting of timber resources of the United States on Federal lands; to the Committee on Agriculture.

By Mr. SAYLOR:

H.R. 15078. A bill to amend the Internal Revenue Code of 1954 to allow a credit against the individual income tax for tuition paid for the elementary or secondary education of dependents; to the Committee on Ways and Means.

By Mr. SCOTT:

H.R. 15079. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. SMITH of New York:

H.R. 15080. A bill to strengthen and improve the protections and interests of participants and beneficiaries of employee pension and welfare benefit plans; to the Committee on Education and Labor.

By Mr. STAGGERS (for himself, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER of North Carolina, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, and Mr. HASTINGS):

H.R. 15081. A bill to amend the Public Health Service Act to enlarge the authority of the National Heart and Lung Institute in order to advance the national attack against heart, blood vessel, lung, and blood diseases; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEIGER of Wisconsin (for himself, Mr. BENNETT, Mr. BOB WILSON, Mr. MATSUNAGA, Mr. BEGICH, Mr. EILBERG, and Mr. STOKES):

H.R. 15082. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay structure relating to members of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. TEAGUE of Texas:

H.R. 15083. A bill to amend title 38, United States Code, to provide increased rates of pension for certain widows of veterans of the Spanish-American war; to the Committee on Veteran's Affairs.

By Mrs. DWYER:

H.R. 15084. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. FULTON:

H.R. 15085. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. McKEVITT:

H.R. 15086. A bill to designate the Eagles Nest Wilderness, within the Arapaho and White River National Forests, in the State of Colorado; to the Committee on Interior and Insular Affairs.

By Mr. MILLS of Arkansas:

H.R. 15087. A bill to provide for the striking of national medals to honor the late J. Edgar Hoover; to the Committee on Banking and Currency.

By Mr. PRICE of Texas:

H.R. 15088. A bill to amend the Agricultural Adjustment Act of 1938, as amended, so as to protect the cotton farm yield of farms on which any crop of cotton is destroyed in any year prior to harvest through no fault of the producer; to the Committee on Agriculture.

By Mr. STEELE:

H.R. 15089. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

By Mr. STRATTON (for himself, Mr. COUGHLIN, Mr. DRINAN, Mrs. HANSEN of Washington, Mr. KING, Mr. MIKVA, Mr. MITCHELL, Mr. PRICE of Illinois, Mr. RUNNELS, Mr. J. WILLIAM STANTON, Mr. STEELE, Mr. YATES, Mr. DANIELS of New Jersey, and Mr. BEGICH):

H.R. 15090. A bill to amend the Social Security Act to increase benefits and improve eligibility and computation methods under the OASDI program, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis on improvements in their operating effectiveness, and for other purposes; to the Committee on Ways and Means.

By Mr. TALCOTT.

H.R. 15091. A bill to repeal section 3108 of title 5, United States Code, which prohibits the employment by the Federal and District of Columbia Governments of individuals employed by detective agencies; to the Committee on Post Office and Civil Service.

By Mr. WYMAN (of himself, Mr. McKEVITT, Mr. ROBINSON of Virginia, and Mr. VEYSEY):

H.R. 15092. A bill to amend the Federal Trade Commission Act (15 U.S.C. 41) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. BOLAND:

H.R. 15093. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, corporations, and offices for the fiscal year ending June 30, 1973, and for other purposes.

By Mr. FULTON:

H.J. Res. 1205. Joint resolution proposing an amendment to the Constitution of the United States with respect to tenure of office for judges of the Supreme Court and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. RIEGLE:

H.J. Res. 1206. Joint resolution authorizing the President to designate the calendar month of September 1972 as "National Voter Registration Month"; to the Committee on the Judiciary.

By Mr. PELLY:

H. Con. Res. 618. Concurrent resolution to amend the act of December 27, 1950 (64 Stat. 1120), authorizing the waver of the navigation and vessel inspection laws; to the Committee on Merchant Marine and Fisheries.

By Mr. ANDERSON of Tennessee (for himself, Mr. COUGHLIN, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. LUJAN, Mr. MCDADE, Mr. MEEDS, Mr. SEIBERLING, and Mr. YATRON):

H. Res. 988. Resolution expressing the sense of the House of Representatives that the full amount appropriated for the rural electrification program for fiscal 1972 should be made available by the administration to carry out that program; to the Committee on Appropriations.

By Mr. CONYERS (for himself, Mrs. ABZUG, Mr. RYAN, Mr. DELLUMS, Mrs. CHISHOLM, Mr. RANGEL, Mr. STOKES, Mr. MITCHELL and Mr. FAUNTROY):

H. Res. 989. Resolution impeaching Richard M. Nixon, President of the United States, for abuse of the Office of President and of his powers as Commander in Chief of the Armed Forces by ordering the mining of all North Vietnamese ports and the massive aerial bombardment without discrimination as to the lives of civilians in Indochina, and for other high crimes and misdemeanors within the meaning of article II, section 4, of the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MURPHY of New York:

H.R. 15094. A bill for the relief of Rosa Alfonzetti; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 15095. A bill for the relief of Leonard Diamond; to the Committee on the Judiciary.

By Mr. ZABLOCKI:

H.R. 15096. A bill for the relief of Mrs. Patricia Bukowski and John Juras; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

RECEPTION OF FORMER MEMBERS OF CONGRESS

HON. WILLIAM M. McCULLOCH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, April 28, 1972

Mr. McCULLOCH. Mr. Speaker, I include a rerun of the "Former Members Day":

The SPEAKER of the House presided.

The SPEAKER. On behalf of the Chair and of the Chamber, I consider it a high honor and a distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all pause to welcome them. This is a bipartisan affair, and in that spirit the Chair is going to recognize the floor leaders of both parties.

The Chair now recognizes the distinguished gentleman from Louisiana (Mr. BOGGS).

Mr. BOGGS. Mr. Speaker, I join with the Speaker and with the distinguished minority leader in welcoming back so many of our former colleagues.

As I look about and see the faces of so many old friends, I feel as if we have never really been separated, and in many ways that is quite true, Mr. Speaker. Only one who has served in this body or in the other body shares the fraternity that we share. Together we have sought to serve our country and together we have sought, as best we could, to resolve the problems of our times.

So in truth and in fact, all of you are still a part of us—and soon all of us here will join you.

The Honorable Sam Rayburn, one of the great Speakers of this House, liked to say, and I have heard him say it so many times, that "to serve here just for one term was the greatest honor that the people could confer on a citizen of this country."

All of you have had that great honor and that great distinction. I am pleased to see that you have joined together in an association and a group that has a permanent secretary in order to give continuity to that service even after you have ceased to be a Member.

I am informed that the members of your association now number almost 500 which, of course, indicates the great bipartisan interest that exists in this endeavor. I am told that one of your founding members has gotten so enthusiastic that he had had to withdraw as the cochairman here today because he wants to come back, not as an alumnus, but as an active Member of this body. Of course, I wish him well.

So again let me join with the Speaker of the House and with the minority leader in saying—this is your day and you take over and we will enjoy meeting with you and listening to you.

The SPEAKER. The Chair recognizes the distinguished minority leader, Hon. GERALD R. FORD, of Michigan.

Mr. GERALD R. FORD. Mr. Speaker, I am honored, as you are and the distinguished majority leader to welcome all of the former Members back on their second anniversary as an organization at a function of this kind.

Mr. Speaker, the distinguished majority leader and I, along with all of our contemporary Members, have the opportunity to make speeches and express our views on the floor of the House almost daily when the House of Representatives is in session. Too, we want to hear from you.

Therefore, it might be wise for me to follow a practice that we still have, and which you had, and that is to ask unanimous consent to revise and extend my remarks.

But, I would feel remiss if I asked that permission without making one or two personal observations.

We still have, as we have had in the past, differences that are expressed on the floor of the House, some partisan and some within each party. But those things happened when you were here, and I suspect that they will probably happen after we will have left.

But the thing that impresses me today, as it impressed all of you, is that the friendships you make here both within your own party and with others across the aisle are the best friendships—at least that I have ever made in my lifetime.

There is a certain depth in those friendships that go on and on and on, and for good reason: They are made after long association in struggling with problems that are of great import to the country. Those friendships, in my opinion, are a significant factor in making the House the greatest legislative body in the history of the world.

I often say, and I think you would understand it better than most groups that listens, this body is the people's House. All of you, as all of us still here, were elected. Nobody is appointed. The fact that we have to go back to put our record on the line once every 2 years and seek the support of our people makes us far more responsive to the legitimate demands and viewpoints of a certain portion of the Nation's population.

All of you were proud at the time you served here. We are proud to have you back, because your contributions over the years were substantial and significant. But we think the fact that you are back as alumni indicates your continuing interest in the problems of our country, problems that you worked on that still need your help.

Let me say again, Mr. Speaker, I welcome all of you, and we look forward to seeing you in 1973 on your third anniversary visit to the House of Representatives.

The SPEAKER. The Clerk will now call the roll of former Members of the House of Representatives.

The Clerk called the roll of former Members of the Congress and the following former Members answered to their names:

O. K. Armstrong, Missouri.
Laurie Battle, Alabama.
Marion T. Bennett, Missouri.
John W. Boehne, Jr., Indiana.
Frances P. Bolton, Ohio.
J. Floyd Breeding, Kansas.
Charles B. Brownson, Indiana.
D. Emmert Brumbaugh, Pennsylvania.
Joseph Carrigg, Pennsylvania.
Joseph Casey, Massachusetts.
J. Edgar Chenoweth, Colorado.
Victor Christgau, Minnesota.
Jeffrey Cohelan, California.
Albert M. Cole, Kansas.
Harold D. Cooley, North Carolina.
Williard S. Curtin, Pennsylvania.
Laurence Curtis, Massachusetts.
Vincent J. Dellay, New Jersey.
Leonard Farbstein, New York.
Ivor D. Fenton, Pennsylvania.
Homer Ferguson, Michigan.
Phil Ferguson, Oklahoma.