United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93d CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Thursday, June 7, 1973*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In everything by prayer and supplication with thanksgiving let your requests be made known unto God.—Philippians 4: 6.

Eternal God, our Father, whose love never lets us go and beyond whose brooding care we cannot drift, with the vision of a new day and in the vigor of a new beginning we lift our hearts unto Thee ere we set our faces toward the tasks that confront us. Quiet our spirits in Thy presence and may Thy still, small voice transform our fears into faith, our ill will into good will, and our worries during the day into wisdom for the day.

Not only for ourselves do we pray but also for the common interests which bind us together as a nation. For our Republic and her leaders, for all our citizens in this time of trial and testing we seek the guidance of Thy wise and wonderful spirit. Grant that we may not miss the way to enduring justice, redeeming peace, and never-failing good will.

In the spirit of the Master we offer this, our morning prayer. 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 SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2246) entitled "An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period."

The message also announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

S. 1570. An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes.

HON. CARDISS COLLINS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the gentlewoman from Illinois, Mrs. CARDISS COLLINS, be permitted to take the oath of office today. Her certificate of election has not arrived, but there is no contest, and no question has been raised with regard to her election.

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

There was no objection.

Mrs. COLLINS appeared at the bar of the House and took the oath of office.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT

Mr. WHITTEN. 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 agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

Mr. ANDREWS of North Dakota reserved all points of order on the bill.

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

There was no objection.

CALL OF THE HOUSE

Mr. WYDLER. 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 call was taken by electronic device and the following Members failed to respond:

[Roll No. 193]

Andrews, N.C.	Gray	O'Brien
Badillo	Harrington	Patman
Blatnik	Harsha	Pepper
Bolling	Hébert	Peyser
Carter	Heinz	Podell
Chisholm	Howard	Powell, Ohio
Clark	Ichord	Reid
Cochran	Johnson, Colo.	Rooney, N.Y.
Davis, Ga.	Karth	Rostenkowski
Dennis	McDade	Saylor
Diggs	Macdonald	Skubitz
Dingell	Martin, N.C.	Stuckey
Erlenborn	Mathias, Calif.	Sullivan
Fish	Mathis, Ga.	Teague, Tex.
Fisher	Minshall, Ohio	Thompson, N.J.
Foley	Mosher	Towell, Nev.
Giaimo	Murphy, N.Y.	Widnall
Gibbons	Nedzi	

The SPEAKER. On this roll call 380 Members have recorded their presence by electronic device, a quorum.

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

OPPORTUNITY TO BE HEARD

(Ms. ABZUG asked and was given permission to address the House for 1 minute, to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, yesterday my distinguished colleague from California (Mr. MCCLOSKEY) and I each requested and were granted time to speak to the Members of this House on a matter of grave importance to our constitutional form of democracy. The subject of our proposed remarks was the crisis precipitated by the President and high administration officials acting on behalf of the President; and the consideration of the constitutional duty of the House of Representatives to assess the conduct of the President in executing the laws and obligations of his office.

Mr. MCCLOSKEY had barely begun his speech on the history, constitutional duty, and precedents for House investigation when he was interrupted by the gentleman from Indiana (Mr. LANDGREBE) demanding a quorum call and thus causing adjournment. Apparently Mr. LANDGREBE was not eager to hear what Mr. MCCLOSKEY and I had to say.

Whatever differences Members of the House may have, we must be prepared to listen to the views of our colleagues, especially where serious issues arise affecting the Nation, the Constitution, and the people of our country.

I object to the use of parliamentary procedure to deprive a Member of an opportunity to be heard as counterproductive. Indeed this is the time for us to

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discuss the issues so that we can be in a better position to assert the responsibilities of this body.

THE AMERICAN DOLLAR

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

Mr. GONZALEZ. Mr. Speaker, I take this opportunity to say that I am happy to see the dollar gaining strength in the world monetary market.

But I want also to say that it should not take private meetings and secret deals in foreign capitals to defend the value of our dollar. If there is need to change our policies, the place to do it is in Washington, and with the proper actions of this Congress—not in closed meetings with private bankers or with foreign officials.

Much as I respect Secretary Shultz and Dr. Burns and the others who are involved in managing our national economic affairs, I respectfully remind them that if the dollar is in trouble, Congress ought to know about it first, not last, and that Congress ought to be consulted about defensive actions and policy changes first—not last.

I expect in the future that Congress will have much closer communication with the Executive on monetary matters. Heretofore, Congress has been notified of policy changes only after they have been made in Brussels or Paris or Tokyo—and that is not what the Constitution contemplates or we expect. As a reminder of all this, I believe that the next time our money men travel abroad they should take with them a copy of the Constitution. It would be instructive to them and to foreign officials as well.

SHEEP DEATHS CAUSED BY HALOGETON POISONING

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

Mr. OWENS. Mr. Speaker, I introduced yesterday a bill concerning a claim against the Government to allow its referral to the Chief Commissioner of the Court of Claims.

On January 21, 1971, the Bureau of Land Management reported to the office of the Animal Health Division, USDA, the overnight loss of over 1,100 sheep in Millard County, Utah. The animals were on Federal land, and the owners had Federal grazing permits covering the area. Investigations by relevant agencies have concluded the deaths were caused by halogeton poisoning. Since the forage paid for by the owners to the Government became poisonous, the owners believe their unique loss should be compensated by for the Government, and are, I believe, entitled to their day in court on that issue.

The Court of Claims does not have jurisdiction over this particular type of claim. In order that the court may hear the case, a resolution referring a claims bill must be approved by the Congress, in accordance with sections 1492 and 2509 of title 28 of the United States Code. I am, therefore introducing H. Res. 429 so that Congress can ask the court to determine the merits of the case and decide what action is appropriate. Similar proposals, S. 1592 and Senate Resolution 97, have been introduced in the Senate.

I am hopeful that such action by the Congress will enable the issue to be resolved fairly to both citizens involved and the Government.

WEAPONS AND ORDNANCE DEVELOPMENT

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

Mr. HUBER. Mr. Speaker, I rise to associate myself with the remarks of the gentlemen from South Carolina. If we are indeed preparing to phase out some of these advanced weapons wherein we now possess a marked technological superiority over the Soviet Union, then our national security is in grave danger. As a former ordnance officer, I know something of the time and effort that goes into weapon development. To assemble teams of technical personnel to work on a weapons system is a very time consuming and expensive process, but in some cases it is even more expensive to disband this team. In this particular instance it could be tragic.

We need the further development of Minuteman III, Poseidon, and Trident, and their associated multiple warhead missile programs. While our armed services are shrinking, the Soviet Union is continuing to turn out new weapons on an assembly line basis, and this includes such large items as nuclear submarines. While we try to decide if the volunteer army is going to work, the Soviet Union continues to draft more than a million men a year for their armed forces. While we continue to study our needs for a new battle tank, the Soviet Union pours new T-64 tanks into their garrisons in Eastern Europe.

Mr. Speaker, the questions the gentlemen from South Carolina has asked deserve answers on an urgent basis. The future of many generations of Americans may depend upon the outcome of the second round of the SALT talks and we should not make any unilateral concessions such as have been suggested are in the offing.

STATEMENT ON QUORUM CALL ACTION TAKEN ON JUNE 6, 1973

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

Mr. LANDGREBE. Mr. Speaker, referring to my call for a quorum during the special order proceedings in the House Wednesday evening, let me first make it clear that my action was taken only in the interest of good government and fairness to the American people.

The House of Representatives has two very basic functions—the first is to control spending and the other is to deal with the impeachment process.

In my judgment, the discussion of impeachment of any President is of such great importance that in the interest of America, a majority of their elected representatives should be present to hear and participate in that discussion.

My action was certainly not an attempt to block an open discussion of possible impeachment proceedings, but, rather to make sure that if such a discussion is held as part of the official business of the Congress, that it should not be heard by only a handful of the Members.

What a Member of the House of Representatives may say about a given subject in his own district, in the press or elsewhere outside of these Chambers is his own personal business. But, when that Member chooses to discuss that subject as part of the official business of this House, then I believe it bccomes my business and the business of every Member of this body.

Aside from that, in my own judgment, there is no constitutional grounds upon which the House can consider impeachment of Richard Nixon.

SENATE CONFIRMATION OF CERTAIN EXECUTIVE OFFICES

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

Mr. ANDERSON of Illinois. Mr. Speaker, today I am introducing for appropriate reference a bill which would require Senate confirmation of future appointments to five offices in the Executive Office of the President: the Director and Deputy Director of the Office of Management and Budget, the Executive Directors of the Domestic and International Economic Policy Councils, and the Executive Secretary of the National Security Council.

As you will recall, the Congress recently sustained the President's veto of an OMB confirmation bill which would have applied to the existing Director and Deputy Director of that agency. When that bill was on the floor of the House, I voted for the amendment offered by the gentleman from Texas (Mr. STEELMAN) to make the confirmation requirement prospective only; and I have subsequently joined with him in cosponsoring that approach. My own bill simply combines that with confirmation requirements for the three other offices. These latter three are the subject of S. 590 as introduced by the senior senator from Illinois, Mr. PERCY, and passed by the Senate on May 9.

I think these three offices, while not as important as OMB, are of sufficient importance to merit Senate confirmation because of their significant operational and policymaking responsibilities in the executive branch. I would therefore like to see this body consider these as a package bill.

PARLIAMENTARY INQUIRY

Mr. DEVINE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DEVINE. Mr. Speaker, last night, after we got into special orders of the House, the gentleman from California (Mr. McCLOSKEY) took a special order and asked unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks, and so forth, and then proceeded to get into his special order. After five paragraphs he was interrupted by the gentleman from Indiana (Mr. LANDGREBE) who raised the question of the absence of a quorum, whereupon the Speaker ordered a quorum call, and less than a quorum was present.

Now, Mr. Speaker, my parliamentary inquiry is directed to today's RECORD.

The quorum that was requested by Mr. LANDGREBE appears at a remote section of the RECORD, on page 18402. It is out of order. It does not truly reflect what occurred on the floor of the House last night.

Mr. Speaker, I am wondering if the only way to correct this is to ask unanimous consent that the request for a quorum call appear at that point in the RECORD where it appeared last night.

The SPEAKER. Will the gentleman from Ohio (Mr. DEVINE) allow the Chair to take the matter under advisement with the CONGRESSIONAL RECORD authorities? It is the Chair's understanding that this is the gentlemanly way to handle it.

The Chair will take the matter under advisement with the CONGRESSIONAL RECORD authorities.

Mr. DEVINE. Mr. Speaker, I would certainly accede to the Chair's request, except that I think the permanent RECORD should truly reflect the proceedings as they occurred and in the order in which they occurred last night.

The SPEAKER. The Chair will inform the gentleman from Ohio (Mr. DEVINE) that he will take the matter under advisement.

MAJORITY LEADER THOMAS P. O'NEILL, JR., COMMENDS THE HOUSE FOR ITS ACTION ON MINIMUM WAGE

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

Mr. O'NEILL. Mr. Speaker, I think commendations are in order to the House membership for its fine work in passing the minimum wage bill yesterday.

The House took a very conscientious approach to this very important legislation. The bill was thoroughly debated, and the House acted upon the bill as a whole and upon various parts of the bill by means of 10 recorded votes, three yea-and-nay votes, and two quorum calls.

The result is a strong and equitable bill that reaffirms our commitment to economic justice for the working men and women of America. The bill increases the minimum wage for 45 million workers and more than half a million agricultural employees. It extends minimum-wage coverage for the first time to almost 1 million household domestics and to about 5 million Federal, State, and local employees.

Speaking for the majority leadership, I want to extend my thanks to all the members of the whip organization and to all the other Members of the House who voted for this bill and who worked so hard for it. Yesterday's action was an outstanding display of unity and single-minded purpose on the part of all the Members who support this legislation.

DISAPPROVING REORGANIZATION PLAN NUMBERED 2 OF 1973

Mr. BROOKS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 382) disapproving Reorganization Plan No. 2 of 1973, and pending that motion, Mr. Speaker, I ask unanimous consent that debate on the resolution may continue for not to exceed 2 hours, the time to be equally divided and controlled by the gentleman from New York (Mr. HORTON) and myself.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I will ask the gentleman from Texas (Mr. BROOKS) does not the rule provide for 10 hours of debate?

Mr. BROOKS. Mr. Speaker, at the time the Reorganization Plan Act was passed, the rule provided for the possibility of 10 hours of debate, up to 10 hours of debate. The Republican ranking minority member of the committee on Government Operations and the distinguished chairman of the committee, Mr. HOLIFIELD, agreed, and I agreed with them, that 1 hour on each side would be adequate.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

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

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 consideration of House Resolution 382, with Mr. BRADEMAS designated as Chairman, and Mr. CAREY of New York (Chairman pro tempore) in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Texas (Mr. BROOKS) will be recognized for 1 hour, and the gentleman from New York (Mr. HORTON) will be recognized for 1 hour.

The Chair now recognizes the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, I rise in support of House Resolution 382, a resolution to disapprove Reorganization Plan No. 2 of 1973.

In considering this disapproval resolution and its accompanying reorganization plan, we are confronted today with such diverse, but vastly important, issues as drug abuse control, the entry of illegal aliens into our country, and, ultimately, the integrity of the legislative process.

Reorganization Plan No. 2 deals basically with two areas of government operations. The first of these is drug abuse control. Very briefly, this reorganization plan would establish within the Department of Justice a Drug Enforcement Administration which would absorb the existing Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence, all presently located in the Justice Department. In addition, the Justice Department would be given the intelligence, investigative, and law enforcement functions relating to drugs presently residing in the Treasury Department. This would involve the transfer of approximately 500 special agents from the Customs Bureau to the Justice Department.

Second, this reorganization plan would transfer to the Secretary of the Treasury functions now vested in the Department of Justice regarding the inspection of persons and documents at ports of entry. In effect, a one-stop check would be established at ports of entry. This move would involve the transfer of approximately 900 agents from the Immigration and Naturalization Service in the Justice Department to the Customs Bureau.

The Committee on Government Operations, after careful consideration of this plan, determined that it presented too many questions and problems to warrant its acceptance by the Congress, since we had no opportunity to correct its deficiencies by amendment. As a result, the committee reported the disapproval resolution favorably by a vote of 23 to 17.

Mr. Chairman, no one questions the need for improved drug abuse prevention. We all recognize that drug abuse is a serious malady facing our Nation, and certainly we want to take steps to correct it. Heroin use has increased despite a substantial increase in programs and funds aimed at drug abuse control. Total Federal resources appropriated for drug control increased from $65.2 million in 1969, to over $600 million in fiscal year 1973. In a supplemental appropriation bill for fiscal year 1973, Congress added $45 million for the Special Action Office for Drug Abuse and Prevention, located in the Executive Office of the President. Congress is indeed aware of the drug problems in this country and has shown its willingness and its

desire to do something about them. The record just does not support claims that any Member failing to support this reorganization plan is not interested in controlling drug abuse.

During the committee consideration of Reorganization Plan No. 2, it became apparent that there were questions as to whether this reorganization would in fact enhance drug abuse prevention, or whether it could jeopardize drug control efforts. It was noted that the three offices within the Justice Department that would form the nucleus of the Drug Enforcement Administration were all created by reorganization plan or executive order, two of these within the last 18 months. In addition, it was noted that there would be no independent internal security division, there would be no increase in total manpower devoted to drug control efforts, and that there was confusion over the separation of investigatory and prosecutory functions within the Department. In short, it is too complex an issue to be dealt with by a reorganization plan, but should be the subject of substantive legislation.

Even greater objections were raised with regard to the changes proposed in the Immigration and Naturalization Service and the Customs Bureau. A number of witnesses voiced concern about the effect of the removal of INS inspections on the entry of illegal aliens into this country. In 1972, the INS deported 505,949 illegal aliens. This was an increase of 20 percent over the 420,000 illegal aliens deported in 1971. These people have a tremendous impact on our labor market, our welfare rolls, and often our law enforcement efforts. Proponents of the plan were unable to establish that combining immigration functions and customs functions would result in a level of immigration control equal to that we now have.

The administration recognized some of the problems with Reorganization Plan No. 2, and in a letter to the Speaker of the House, dated May 29, 1973, after the plan was disapproved by the committee on May 22, the Director of OMB said that he had concluded that the transfer envisioned by section 2 of the plan should not take place.

Events leading to Mr. Ash's communications with the Speaker are most unusual and disturbing to me as a Member of Congress. It seems that subsequent to the committee's acting on the disapproval resolution, the OMB continued to negotiate with outside parties concerning Reorganization Plan No. 2, and, on Tuesday, May 29, OMB entered into some kind of written agreement to seek the repeal of section 2 of the plan, or, if that failed, OMB agreed not to implement that part of the plan.

I am appalled that the OMB would enter into a written agreement not to implement an act of this Congress. This is not the first time that OMB has refused to carry out a congressional directive, but it is the first time of which I am aware that they have entered into a written public agreement to follow that course. It is also the first time in my experience in over 20 years in Congress that a bill to repeal an act of Congress was pending prior to the enactment of the provision by Congress.

The real problem lies at the very root of our legislative process. The Constitution of the United States provides in article I, section 4, that "each House may determine the rules of its proceedings." Pursuant to that authority, the Congress has enacted sections 909 through 913 of the Executive Reorganization Act as rules of the House and Senate. Those provisions spell out very clearly the procedure we must follow in considering reorganization plans. Those rules lay down a hard and fast principle that reorganization plans cannot be amended by either the administration or by the Congress. We had no opportunity in the Government Operations Committee to amend this plan to cure its defects. Nor do we have that opportunity today.

The maneuverings which I have just discussed amount to an attempt by the OMB to change the rules of this House or, at best, an arrogant attempt to prevail upon us to violate our own rules. I, for one, will not impugn the integrity of the legislative process in that manner. The question becomes very simply, are we going to write the rules of the House, or is the OMB going to write the rules of the House?

Ironically, 2 years ago, when an extension of the Executive Reorganization Act was being considered, I testified in favor of modifying that act to provide for an opportunity for Congress to amend reorganization plans. Unfortunately, I lost. Now, I am simply asking that we respect the provisions of that act and that we abide by the rules that were adopted at the time and under which we are bound to proceed today.

There is a legitimate way to achieve the results of the proposal that will be advocated by the proponents of this reorganization plan. A number of bills on drug abuse are pending in Congress, at least one of which is identical to section 1 of this reorganization plan.

We should approve this disapproval resolution and then proceed under our normal legislative procedures to take up these bills. In that way, Congress, the representatives of the people, can make an input into our drug laws.

Certainly, we should act, and act soon, to provide the best drug control program possible. But, we will gain nothing to enact a hastily conceived, badly designed, reorganization plan at the expense of the integrity of the legislative process.

Mr. Chairman, I respectfully urge my colleagues to join me in voting in favor of this resolution disapproving Reorganization Plan No. 2.

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

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from Texas (Mr. BROOKS).

Mr. Chairman, I rise in opposition to Reorganization Plan No. 2. When this plan was first submitted to the Congress, I was extremely concerned by the proposed transfer of 900 immigration inspectors to the Bureau of Customs, thereby placing the entire port of entry function within the Customs Bureau.

While I am not in disagreement with the idea of concentrating all drug enforcement efforts within the Department of Justice, I was opposed to the transfer of immigration inspectors out of the Department of Justice since this transfer would severely hamper the Immigration and Naturalization Service's efforts to control the illegal alien problem. For over 2 years my Subcommittee on Immigration and Nationality has been studying the illegal alien problem and just last month the House passed a bill designed to eliminate this serious problem. Therefore, I believe the original plan to be quite inconsistent in that the administration supports the so-called illegal alien bill, H.R. 982, and at the same time they proposed to drastically reduce the already depleted Immigration and Naturalization Service's work force, which is responsible for controlling this problem.

Our hearings clearly revealed that the Service is greatly understaffed and has been continuously plagued by a severe lack of funding as a result of the actions of both the Department of Justice and the Office of Management and Budget.

Yet we now see OMB at this late date—2 years after the commencement of our hearings—coming forward with promises to actively consider the budgetary problems confronting the Immigration and Naturalization Service.

Furthermore, the procedures which we are being asked to follow to prevent the transfer of INS personnel to Customs are unprecedented. We are today asked to support the reorganization plan based upon the contingency that subsequent legislation will be enacted to revoke section 2 of the plan. This 11th-hour move in itself is clear indication that this plan was hastily drafted and ill-conceived and it is an apparent admission as to the weaknesses and inadequacies of this plan. I would urge my colleagues to reject the administration's plan in order that Congress may take the initiative in drafting its own plan after detailed consideration is given to all the ramifications of concentrating all drug enforcement efforts in one division of the Department of Justice.

I wish to also state that I am extremely pleased by the extensive discussion which has been engendered by this reorganization plan with respect to stemming the illegal alien problem. I am hopeful that the discussion here today will convince OMB and the Department of Justice as to the need for greater funding and manpower for the INS.

Mr. HORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support this reorganization plan and I urge the defeat of the disapproval resolution. We will hear arguments this afternoon which will range from staunch defenses of existing bureaucratic structures to characteriza-

tions of this plan as an issue which involves the power of Congress and the Executive. I am prepared and I will answer to these and other points, but I want first to state loud and clear that this reorganization plan to consolidate drug law enforcement responsibility into a new agency in the Justice Department is really concerned with one issue and only one. That is whether or not the United States of America will create and create quickly a law enforcement structure to combat heroin and hard drug trafficking, which corrects the widely known and nearly universally recognized deficiencies resulting from the present organizational hodgepodge of drug enforcement agencies.

This reorganization plan is about heroin, hashish, drug trafficking, our young people and crime in America. If we separate fact from fiction and look objectively at this plan, it has only one important impact—it would very quickly take the simple step that is necessary to transform our present machinery for combating heroin trafficking into a sensible, well-coordinated structure.

What, you may ask, is wrong with our present structure? Is it not working? Is it not succeeding in seizing large quantities of drugs? Is it not better to have three agencies fighting heroin trafficking than a single agency? The answer is that while we are making slow progress against international heroin traffickers and domestic pushers and dealers, that progress is not sufficient. One reason it is not sufficient is that with Customs, the Bureau of Narcotics and Dangerous Drugs and ODALE—Office of Drug Abuse Law Enforcement—all in the act, their competition and lack of full coordination has actually impeded progress against heroin traffickers and other drug violators. At best, there is not full or timely coordination, cross-checking and collaboration between the enforcement agencies in sharing information and intelligence or in making cases. At worst, an unhealthy rivalry between Customs and BNDD here in the United States has contributed to lower morale and has resulted in too many instances where, in the zeal to beat the other agency to an arrest, our agents have tripped over each other and have let valuable enforcement opportunities slip away from them.

Many of you have seen the fact sheet which I distributed to all our colleagues yesterday citing some of the better known cases of bureaucratic jealousy and rivalry which have resulted in enforcement snafus. The cases I cited in the fact sheet, and the many more cases not cited do not throw all or even most of the blame for foulups on one agency or another. Both BNDD and Customs have tried to do a good and vigorous job of nabbing traffickers. Both BNDD and Customs have contributed to the progress that has been made. However, both BNDD and Customs have contributed their share of bureaucratic stupidity to a tug of war which has often resulted in no winner and a torn rope. Let me cite two well-known examples:

Customs learned of a large heroin shipment to be sent over the Mexican border and sold inland. They planned to keep the shipment under observation from the time it crossed the border, and to nab the purchaser as well at the rendezvous. Unfortunately, unknown to Customs, BNDD staff in Mexico also knew of the shipment and decided to give this case to the Mexican police. As a result, the shipment never got to the U.S. border—BNDD agents and the Mexican police stopped the shipment just south of the border.

In another example, it was Customs which was to blame for putting its agency pride and competitiveness in the way of effective law enforcement.

The Jaguar Case: BNDD learned overseas that a Jaguar automobile loaded with heroin was due in New York on the Queen Elizabeth II. They wanted to "convoy" the car—that is, to let it pass unmolested through the port of entry—and follow it until it led them to major heroin dealers in New York. Customs was told the car was coming and requested to let the car pass through untouched, so that Customs and BNDD could jointly convoy it. A major bureaucratic hassle ensued, with Customs insisting that it be permitted to seize the heroin on the pier and substitute worthless white powder. BNDD objected, saying the seizure was not only unnecessary at that point in the car's transit, but that it could jeopardize possibly important arrests. After days of haggling, at high bureaucratic levels, Customs leadership assented to let the Jaguar pass through. But local Customs agents boarded the ship before it docked, searched the car, and removed, marked, dated, and replaced one packet of heroin. Arrests were finally made and the car was searched and seized again. The earlier "sneak peek" by Customs of the car's contraband contents was raised by attorneys for the defense as an illegal double search of the car. The case was nearly thrown out of court on this point.

In instances like these, neither agency wins or loses. The only winners are the international heroin smuggling and trafficking organizers. The only losers are American drug addicts and the victims of the crimes they commit in order to support their dependency on hard drugs.

I have cited just two of the seven such cases contained in the fact sheet. Senator Ribicoff, earlier this year, entered material on countless other cases of poor coordination and bungling between these two agencies.

A recent report issued by the General Accounting Office concluded that:

> Cooperation and coordination between law enforcement agencies are vital in the government's battle against heroin trafficking. To the extent that cooperation is not fully realized, the government's effort is impeded. The mere existence of overlapping jurisdiction is always a threat to cooperative efforts. Sometimes, as has been the case with these two agencies (BNDD and Customs), the threat becomes actual.

GAO is not the only authoritative body which sees a need for urgent action to correct this problem. One area where the administration and the National Commission on Marihuana and Drug Abuse are in agreement is in this need for sensible and coordinated organizing of our drug enforcement effort. The Commission has testified in support of this plan. Also strongly supportive is the chairman of the department of government at Harvard, Prof. James Q. Wilson, who serves as chairman of the congressionally constituted National Advisory Council on Drug Abuse Prevention.

The Association of the Chiefs of Police, the head of the National Conference of Mayors, individual Mayors of drug-infested cities—all of these support the plan because they see the obvious need for a single Federal drug enforcement agency with which local and State law enforcement bodies can cooperate. In some ways even more important is the fact that we need a single drug enforcement agency to cooperate with foreign police forces in the apprehension of those foreigners who grow, process, package, and ship tons and tons of heroin into the United States each year—at handsome profit to themselves, and at horrifying social, human, and economic cost to our own society.

Perhaps this would be a good time to talk just briefly about heroin addiction and what it means in terms of human costs. I would like to share with you an experience I had just a few months ago when I was in South Asia as part of a trip to investigate the effectiveness of our drug enforcement efforts in that part of the world. While I was at our Embassy in New Delhi, I was told that a young American had just been released from a New Delhi jail where he had served a month or so on drug problems. I asked if I could talk with him. He agreed, and we spent about an hour and a half closeted in an embassy conference room talking about his life and his past. The lad, whom I shall call John, was 23 years old. He has been a heroin and morphine addict for about 8 years—since he was 15. John told me that a friend of his in high school outside Los Angeles had given him some LSD. He was caught with it and subsequently jailed in California. He said he became addicted to heroin in jail at that time, and that since then he had been in at least 13 jails in seven different countries around the globe.

Although he is from an upper-middle class American family, he has stayed abroad most of the past few years because of his fear of jail in America. The young man is physically horrifying to behold. Even allowing for the effects of the Indian jail he had just departed, he looked at least 10 to 15 years older than his actual age. He was gaunt and thin, as well as filthy. Most noticeable about his appearance was his extreme nervousness. It seemed that all four of his limbs were shaking or tapping all at once.

John told me he had hoped the jail in India would be good for him, so it would enable him to reduce his morphine habit. He said he could not get heroin in India, so he used morphine as a substitute. When he entered the jail, John said, he was taking 40, I repeat 40 intramuscular shots of morphine per day. He could not shoot intravenously since his

veins had long since collapsed due to needle punctures—a fact that was plainly evident by glancing at him. He was literally polka-dotted with needle scars.

John apologized to me for his dirty appearance. He said he normally dressed in the finest clothes, proudly stated that he and his wife, a French girl who specialized in forging passports, always flew first class and ate in the best restaurants. He freely admitted that his sole source of income was in moving hashish and some heroin into the United States—a profession from which he claimed an income of some $50 to $60,000 per year.

He said he was talking so freely to me because he wanted someone in authority to know about the horror of drug abuse. He said it had been years since he got any feeling of "high" from drugs, that they now simply took away the horrible feeling of pain which the absence of drugs produced. He said that his mind has wanted to kick the habit many times, and for many years, but as this pitiful specimen related to me, his body could not and would probably not ever permit him to withdraw from drugs.

He expressed a fatalistic philosophy of life, a hopeless detachment from reality, and freely admitted his own human tragedy. He said he frequently fell to tears when he thought of his own black future and that of his 3-year old son.

If you multiply this tragic sampling of the poison of drugs to include the approximately half-a-million heroin addicts in the United States today, you will sense why I am so committed to stamping out this sickness.

I believe that the simple reorganization proposed in this plan would yield results in combating international trafficking in these drugs.

WHAT THE PLAN DOES

Reorganization Plan No. 2 of 1973 would consolidate the drug law enforcement programs in a newly-created Drug Enforcement Administration in the Department of Justice. Transferred to the new Administration from agencies now operating in the Justice Department would be the functions, involving approximately 3,000 personnel, of the Bureau of Narcotics and Dangerous Drugs—which would be abolished as a statutory entity—the Office of Drug Abuse Law Enforcement, and the Office of National Narcotics Intelligence. Transferred to the new Administration from the Treasury Department would be Customs Bureau authority for domestic and foreign narcotic law enforcement, involving approximately 500 investigators. Thus, the Plan would end the duplication of narcotics investigative authority between BNDD and Customs, which has been the principal cause of fouled-up narcotics cases and inefficient operations.

Section 2 of the plan would transfer to the Bureau of Customs authority of the Immigration and Naturalization Service for primary document inspections at ports of entry.

Under the terms of the Executive Reorganization Authority (5 U.S.C. 901), this reorganization plan will take effect on July 1, 1973, unless either House of Congress adopts a resolution of disapproval before June 11, 1973. No disapproval resolution has been introduced in the Senate.

EXPLANATION OF THE AGREEMENTS ABOUT THE REORGANIZATION

During committee hearings, the American Federation of Government Employees, with the support of the AFL–CIO, informed the Government Operations Committee that they felt implementation of section 2 would probably result in a loss of control over incoming illegal aliens and that they had to, therefore, oppose the plan. At the insistence of committee members, organized labor and the Administration negotiated on this issue. In an attempt to carry out the major purpose of the plan, which is the consolidation of drug law enforcement programs, an agreement was reached to remove consideration of the INS transfer from debate over the plan.

I said at the outset that arguments would also be raised seeking to preserve the status quo in drug law enforcement organizations, and seeking to protect existing bureaucratic entities from any loss of function or personnel. As one who has served on the Government Operations Committee for 11 years, I can tell you that there has never been a reorganization proposed where there was not at least some disgruntled opposition. This case is no exception. But while I tell you that we cannot afford to endure any longer the senseless rivalry and duplication between Customs and BNDD, I will also tell you that this plan does not weaken the Customs Bureau. In fact, according to a preliminary draft of the determination order by OMB which, if the plan is approved must determine which men and what material are transferred from Customs to the new DEA, Customs will be left with more investigators, laboratories and equipment to carry out its non-narcotics investigative and enforcement responsibilities than it has ever before had available for these purposes. After this reorganization, Customs will be a strong agency capable to fully meet its broad range of responsibilities.

I think our decision today should not be based on a desire to avoid offending or disturbing existing bureaucracies. We cannot permit normal bureaucratic bickering and inertia to stand in the way of sensible and urgently needed reorganization of Government functions.

What should decide the fate of this plan is how strongly we feel about doing the best job we can, as soon as we can, about heroin addiction and drug trafficking in the cities, suburbs, and rural areas of our country.

Yesterday in Annapolis, I had the honor to attend the graduation and commissioning ceremony at which my younger son became a naval officer. The picture of American youth that one gets from the high-spirited, well-motivated and well-trained men at Annapolis and from men and women at other colleges throughout the Nation, is a far, far different picture than one gets in talking to a young American named John whose greatest goal and ambition and training is aimed at the procurement, abuse, and sale of heroin, hashish, and morphine.

That, Mr. Chairman, is part of the choice we are facing today. Do we or do we not act as quickly as possible to strengthen our efforts to apprehend and punish the bigtime dealers and pushers who profit from the poisoning and criminalizing of nearly half a million American heroin addicts—the majority of whom are young people?

Mr. Chairman, we have heard that legislation can solve this problem, but everybody in this House knows that it takes time to get legislation through. We can vote today to effectively take a very important step to stop this trafficking, and we can do it by voting "no" on this disapproval resolution; in other words, vote for the plan.

Mr. Chairman, it is highly important to stop this very damaging menace to our country.

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

Mr. HORTON. I will yield to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I would like to congratulate the gentleman from New York (Mr. HORTON) on his remarks and associate myself with those remarks.

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

Mr. HORTON. I will be glad to yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, has the gentleman seen a copy of the purported agreement between Mr. Malek of the Office of Management and Budget?

Mr. HORTON. Yes, sir. I have seen that.

Mr. GROSS. And certain officials of the American Federation of Government Employees Union.

Mr. HORTON. Yes. I have seen that.

Mr. GROSS. If it is valid, that agreement is in the nature of a sweetheart contract between the Government and Federal employees. It provides concessions to them in the absence of legislation on this subject. Would that be a correct summary of what took place?

Mr. HORTON. I am glad the gentleman brought that up, because what that involves is a transfer under section 2 of the plan, of some 900 people from INS. Those are the people at the initial inspection points at ports of entry.

Certain questions about this transfer were brought out during the course of our hearings. The chairman and I were very concerned about these issues, particularly about the problem of illegal aliens entering the United States.

The administration did work out with the representatives of organized labor an agreement that they would not implement section 2 pending action by the Congress to repeal section 2. Organized labor then felt they could withdraw their opposition to the plan.

The chairman and I introduced H.R. 4285 to repeal section 2 if this plan goes into effect. The important thing I would like to leave with the gentleman from Iowa and other Members of the House is

that the essential thrust of this plan is to put BNDD and Customs together. The agreement the gentleman was talking about involves section 2 of the plan, which is a very minor part of the overall reorganization plan.

Mr. GROSS. I would say to the gentleman that I happen to be a member of the House Post Office and Civil Service Committee which ought to have something to say about what takes place between the executive branch and the Federal employees.

Mr. HORTON. I agree with the gentleman.

Mr. GROSS. Under the terms of this agreement we are left completely out of the act and I do not like it.

Mr. HORTON. I certainly do not think the gentleman's committee should be ruled out of any action concerning Federal employees. The gentleman and others on that committee have done an excellent job in protecting the interests of employees in the Federal service, and I certainly agree with the gentleman that they should have a part in it.

Mr. GROSS. Under the terms of this agreement——

Mr. HORTON. As I indicated, this agreement would have to be augmented by the Congress; we would have to act on it. Because if we approve this plan today, section 2 would go into effect. But this particular bill, H.R. 4285, would not go into effect without action by the Congress.

Mr. HOLIFIELD. Will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. HOLIFIELD. I want to compliment the gentleman on his presentation.

We are faced with two problems in regard to this legislation. One is the transfer of 900 people over into the law-enforcement administration from the Immigration and Naturalization Service. We did not think that was wise. The unions that were involved did not think it was wise. They negotiated with the people downtown and the people downtown finally said it was not wise to do this and agreed not to do it. That is the reason why we have introduced a bill which we expect to bring to the floor of the House very shortly which would repeal that section.

We are faced with a problem in a reorganization plan that you cannot amend it on the floor, but many times in the past we have amended reorganization plans subsequent to their passage.

So this is not anything startlingly new or anything underhanded to get around Congress. In fact, it is bringing back to the Congress the effective power with regard to the original provisions in the plan which all of us agreed should not be there.

Mr. HORTON. I thank the gentleman.

Mr. KEATING. Will the gentleman yield?

Mr. HORTON. I am glad to yield to the gentleman from New York.

Mr. KEATING. I would like to be associated with the remarks of the gentleman from New York, and I strongly support his position. We should vote down the reorganization plan.

Mr. Chairman, I rise in opposition to the resolution of disapproval and in support of Reorganization Plan No. 2.

I congratulate the gentleman from New York (Mr. HORTON) on his support of the plan and wish to be associated with his remarks.

It is absolutely essential that all Federal drug law enforcement functions be in one department if this Nation is to be successful in its effort to curb the drug abuse in this country.

The General Accounting Office has been very clear in its criticism of the inefficient operation and the external bickering of the agencies involved. I join in that criticism.

It is a failure to recognize the full extent of the drug problem to vote against reorganization. It is the most certain way to combat the problem. As early as 1949 recommendations were made to organize into one unit the attack on drugs. To say that this body should wait for Congress to pass the legislation is to be responsible for further delay.

People of all ages are not willing to wait any longer for action to consolidate the fight against drug abuse.

The opportunity is now—vote "No" on the resolution of disapproval.

Mr. SCHERLE. Will the gentleman yield for a question?

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

Mr. SCHERLE. Will you explain to the House what you mean by illegal aliens and how they would benefit from the agreement between the executive branch and the unions?

Mr. HORTON. I have a limited amount of time, but I will be glad to try to explain it as best I can.

The thing we were concerned about was the removal of agents from INS who were skilled in detecting the entry of illegal aliens into this country.

It was important, we felt, that those personnel not be transferred.

Mr. SCHERLE. Does the gentleman mean that the administrative agencies were not doing their job?

Mr. HORTON. No, I did not say that. It is a very important job, and it is difficult to do this screening. Those people are skilled, and it was felt that that manpower had to be allocated to the ports of entry in order to try to continue to hold down the illegal immigration of aliens into the country.

Mr. SCHERLE. Under what authority did they agree upon this new agreement to subvert section 2?

Mr. HORTON. They had no authority, it is up to the Congress. I hope the gentleman will support the reorganization plan.

Mr. SCHERLE. There was an agreement made. I am wondering under what authority that agreement was made.

Mr. HORTON. They have no authority to make an agreement that binds the Congress. Congress must act if section 2 is to be repealed.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. ROSENTHAL).

Mr. ROSENTHAL. Mr. Chairman, I rise in support of the Waldie resolution.

Quite interestingly enough there is very little that I disagree with the gentleman from New York (Mr. HORTON) on the substance of what he said about the discouragement of drug use in the United States, and about the sad story he told about the young man he met overseas. Indeed, something must be done about this. My personal view is that this administration and previous administrations have failed to offer the depth of commitment to do something about the problem. It is not the issue here today whether anyone in the House wants to fulfill the Federal responsibility in meeting this problem.

The issue is whether we are going to maintain the dignity and the substance of the legislative process. It would be very terribly appealing to vote for this reorganization plan and salve our consciences and say, "Well, I did something about drugs." But what one would be doing by approving this plan is to destroy the integrity of the congressional process because that is exactly what this plan does.

We begin by understanding that reorganization plans must be handled very carefully, whether they are meritorious or not, because with a reorganization plan Congress gives away prerogatives that I think it ought to very jealously regard. For instance, we give up the right to amend. We give up the ability to change, at the committee level, the proposals. We give up the right to change on the floor level any of the proposals.

This reorganization plan, while it has some very good segments in it, does fall gravely short of other things that I would have wanted the opportunity to change, in the committee or on the floor.

The reorganization plan, I hesitate to say, in my judgment was rather speedily assembled, so it could be submitted before the cutoff date. It was done so that no amendments could be offered, and it was done after four and a half years of this administration's failure to show initiative in doing something about the drug problem.

What is specifically wrong with that plan? In an effort to make use of the word "coordination" the plan creates two new drug administrations. It puts in one body both the investigators and the prosecutors.

Now, is there anything wrong in that? We have established a precedent in the strike force against organized crime where both investigatorial and prosecutorial lawyers work together. That may be very good in ordinary criminal cases where the FBI conducts an investigation and brings the evidence to the U.S. Attorney in the District, and then the U.S. Attorney says to the FBI, "You have a good case, and, yes, we will prosecute it," or "You have a bad case, and we will not prosecute it," or "You have a fairly good case, go back and get some more evidence."

What we would be doing in this plan is building a high-level force independent of the U.S. attorney's department. By

doing that we present a situation of permitting this new administrator, who is responsible only to the Deputy U.S. Attorney General, and permitting this new administrator to have the whole say-so of making the decision as to whether these cases should be prosecuted or not.

To me this does violence to our system of jurisprudence; to me it centralizes power in an area where it should not be centralized; and to me this is an area of discussion in which we should have had the opportunity to offer amendments on the floor. That is one of my objections.

The second objection I have, and very strongly, is to section 8 of the plan—and I read it to you—it says:

Section 8 provides that the Director of the Office of Management and Budget shall determine the allocation of personnel, property, records, and unexpended balances of appropriations, allocations, and other funds used in connection with the transferred functions.

What we are doing here is giving legislative authority to the Office of Management and Budget to decide what funds shall be appropriated, what funds shall be used, or what funds shall be impounded, and what personnel shall be transferred.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOKS. Mr. Chairman, I yield 2 additional minutes to the gentleman from New York (Mr. ROSENTHAL).

The CHAIRMAN. The gentleman is recognized.

Mr. ROSENTHAL. I do not think anyone realized this when he voted even for the plan in committee, but we are delegating to them a basic congressional authority to handle balances of appropriations, allocations, other funds, and personnel.

If we take the legislative route, and there are bills pending—and I think someone on this side asked the question—this committee could report out a bill in 2 or 3 weeks if anybody really wanted to do that. We could solve some of the problems that some of the Members have, and we would not delegate to the Office of Management and Budget legislative authority to handle appropriations in the way that we have done here under the bill.

There is much good in this plan, but if it were handled 3 weeks from today in a legislative fashion, then the defects in the plan could be improved upon.

Please do not be misled by the cry that this plan is the only way to solve the drug problem in the United States. It is really not that at all. Everyone of us wants to do as much as this plan does, and, frankly, far more than this plan does. But let us maintain the dignity of the legislative process, even the majesty of these Chambers. Let us not further erode the power that we have by giving to the Office of Management and Budget absolutely clear and uncontrolled legislative power.

I urge the Members to vote for the Waldie resolution, and I guarantee the Members that the Committee on Government Operations will shortly report back to the Members a bill that does as well as this, and even goes further than this plan does, and yet still maintains the control Congress really ought to have.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I thank the gentleman from New York for this opportunity to address a problem which has been a very serious one for me for a very long time. It is even encouraging to see that now law enforcement is raising some serious constitutional questions in this body. I must say however that it has been a long time since I have seen this Congress get very excited about providing the type of leadership which I had hoped that they would have provided many years ago in the area of effective law enforcement, as it relates to narcotics.

I come to this body as someone who comes from a community that has almost been totally destroyed by the epidemic of drug addiction. I found myself, in discussing this very same bill, arguing with Members of this Congress as though it were a labor dispute. Now I find there is some question of how closely should a prosecutor's office work with investigative offices.

Yet, as a former Federal Prosecutor, I found that throughout the jurisdictions of this country that relationship has been very close, as I think that it should be. It seems to me that there were many arguments that came out of "Dear Colleague" letters that have not reached the floor of this House.

The only argument that I see, the only question that I have been asked, is whether the plan as brought forth by this administration would streamline and make more effective those line organizations that have the responsibility of prosecuting violations of the Federal narcotic law.

If we now want to decide whether it is going to be the legislative branch to do it or the administrative branch to do it, I have no track record as a Congressman to run on, but if we are going to just argue about a jurisdictional dispute I think we will lose sight of the battle we are facing in the metropolitan areas. We now find the Customs Department investigators are using informers who are now being used by the Bureau of Narcotics and Dangerous Drugs. We have in the U.S. attorney's office, in the southern district of New York, where I served as the assistant U.S. attorney, prosecutors being forced to make a decision as to which case they are going to prosecute based on rivalry between the BNDD and the Customs Department.

It seems to me everybody is for the concept, and it seems to me that this congressional body will have the opportunity to provide oversight and to legislate and to do those things which are necessary to make certain that we stop the influx of narcotics into this country and curtail and eventually stop the interstate trafficking in narcotics.

I am not prepared to get involved in any political argument. God knows that this should have happened in the legislative body. I do not like the idea of the White House suggesting to us what we should do, but I have not seen the exciting leadership coming from this august body in dealing with the problem which is tearing my community apart and in dealing with problems faced by the youth in my community.

We are talking about what has become a national issue, but to be honest it was not a national issue until drug addiction kind of seeped out of my community and looked like it might threaten somebody who does not live in the central Harlems throughout the country. But now it is a national problem and I as one Member of the House am not prepared to wait until some jurisdictional problems might be settled. It is my belief that the Federal law enforcement agencies of this country can do better in dealing with this problem by consolidating their efforts. I believe this plan will allow us to do the job, and besides it is the only plan before us.

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

Mr. RANGEL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I am deeply concerned about the problem. Is the gentleman aware that in the appropriate committee in this Congress there is legislation that will accomplish precisely what the gentleman seeks to do?

Mr. RANGEL. I am aware that within the House of Representatives there are so many wonderful people who are prepared to do all the things that I assure the people who reelect me will make this a better country. I see and I know what I have now, and I do not know that the legislation to which the gentleman refers will ever reach the floor of this House, much less become law.

Mr. CONYERS. Does the gentleman know about the work that has gone on in the Government Operations Committee and that this Reorganization Act, after careful study by that committee, was rejected?

Mr. RANGEL. That disturbed me more than anything else because the word I got from Government Operations was it appeared as though it was before the Education and Labor Committee rather than a consolidation. I got the clear impression that there was a labor dispute and not more effective law enforcement.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, in all the years I have been here, almost 25, I do not believe that there has ever been a time when I have made a talk to this House that I considered more important than the one I am making now.

I know I have been associated with a great many of the agencies involved in this issue here today, longer than anybody in the House, the Senate, or the administration, and while I may not be the most intelligent person around here I believe having associated with all the people I have on the matters concerned for so long that I have absorbed a little bit of knowledge about it, and I hope I can give my colleagues some information that might be useful to them.

Let me say that I believe that if this reorganization plan is allowed to take effect by the defeat of this resolution, that it will be the single worst mistake that the House of Representatives will have made in my whole 25 years here. If I knew any other way to stress how strongly I feel about this than that, I would say it. I think it is of the utmost danger, and I cannot believe that anyone who really understood what is at stake here could possibly want this plan to go into effect.

One thing the Members can bet on: If this goes into effect, we are going to wreck the U.S. Customs Service. I have chaired the subcommittee which handles their budget for the last 17 years. Time after time after time, I brought that bill to the floor, and some Members know that we fought over and over and over again to get the resources and the manpower they have to have in order to do the job they do for this country.

Here is what we will have if this plan goes into effect for the U.S. Customs Service: it will punch out their eyes. In the first place, 700 or 800 of their force of 1,100 special agents will be transferred out. About 150 or 200 clerical people will go. About 300 of their narcotics activated patrol officers will go. All their radio equipment will go. All their computer equipment will go, computer equipment that is used a large part of the time. All the clerical people from the administrative center, all aircraft and pilots and all their boats and boatcrews will go.

Mr. Chairman, we have fought year after year after year to get these materials and these resources for the Customs Service because there is a lot of other smuggling besides narcotics going on. They have a tremendous job to do manning the borders of this country, and they need this equipment. If they want this equipment over in some other agency of the Department of Justice, they should get it by the legal, legislative process, not by this grand theft proposed in this reorganization plan No. 2.

Let me tell all the members about all this hysteria about narcotics. My subcommittee provides the money that goes into the drug abuse program and the drug educational program and the Customs Service, and we did have the Bureau of Narcotics. I have helped participate and have chaired committees making more money available to fight the narcotic problem in this country than almost anyone here.

Throughout the Nixon administration, we gave them new agencies and increased the amount of money that goes into the battle on narcotics from about $150 million to $750 million per year. For anyone to say that we are not concerned about the narcotic problem shows they do not know the facts.

There was a conflict between the Bureau of Customs and the BNDD at the beginning, but I, knowing what the trouble was, went to the late Frank Bow, ranking Republican member of the Committee on Appropriations. We enlisted the aid of the present minority leader of the House, and we went to the administration. As a result of that, they called in the Attorney General and the Secretary of the Treasury in the presence of the President, and made them write guidelines, and since that date this friction has not existed.

They are telling us about case histories two or three years old. They do not tell us about what the record for the last year has been. I cannot understand why anybody in the Nixon administration would go to the fantastic and hysterical steps to which they have gone in the last three or four days trying to get support for this reorganization plan No. 2, when probably there is no program in the Nixon administration that is working any better than the narcotic program is right now.

They did not tell us about the big kill 2 weeks ago and the big kill a few days ago in Arizona.

Mr. Chairman, we have got a winning team. This will tear it up. I think at best that this plan is hysteria.

At worst, it is fraught with danger. I urge every member to vote for the Waldie resolution and let us get rid of this monstrosity.

Mr. HORTON. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, although some controversy exists with regard to the reorganization plan before us today, it has the overwhelming support of the law enforcement community, the support of organized labor, and it has my support.

As I understand it, opponents of this reorganization plan base their opposition on the fact that if we were to enact it, we would allow the Office of Management and Budget to write the rules of the House. They further go on to say that we would be giving up our prerogatives to legislate in the very same area. All of the speakers that I have heard in the well today say the plan has merit, and all of the literature I have received in connection with this plan states it has merit.

My friends, this dispute did not arise today. I have been getting mail on this reorganization plan for the last month or so, and I heard one speaker say that if we had 2 or 3 weeks, we could have our own plan, put forth by the appropriate legislative committee.

However, we do not have our own plan, and this is the only plan before us this afternoon.

Mr. Chairman, the issue before us is a very simple one: Whether or not it is preferable to have fragmentation with respect to the investigation, apprehension, and prosecution of individuals involved in narcotics traffic or to have one consolidated system. At the present time there are some 12 Federal agencies charged with the authority to apprehend and prosecute narcotics offenders. Coexisting as these agencies do, there is much jurisdictional dispute over the pursuit of suspects. Obviously when more than one team of investigators is working on a single case, each independent of the other, confusion is bound to result, and all too often it does.

Before I was elected to Congress, I was an assistant district attorney in Kings County and assistant chief of the Rackets Bureau, and in that capacity I have had the opportunity to direct raids where such confusion did exist. I have had the opportunity to send a team of investigators in the front door to apprehend suspects when the neighboring jurisdiction was coming in the back door at the same time, and we had investigators bumping into one another, each thinking they were on opposing sides of the fence. It led to danger, as well as confusion with respect to ultimate prosecution.

Mr. Chairman, I had another situation where I put an undercover man out around the high schools in Brooklyn posing as a junkie, attempting to get information about narcotics pushers.

We found out that he was being investigated by other agents. They were wasting time on our man who was out on the street, and he was almost arrested for doing his duty.

I have had the opportunity to see the kind of rivalry that produces lack of good judgment when one agency wants to get credit for an arrest over another agency and when there is this competition between agencies, sometimes cases are completely blown.

I have seen us go in too quickly because we had that kind of pressure; I have seen the insufficient gathering of evidence because of the rush to get there first. Further, I have seen all these things used in courtrooms, as parts of legal defenses, all to the detriment of effective prosecution.

Mr. Chairman, interestingly enough, in New York City we have five counties and there are five district attorneys elected by the people they represent in those counties. They do not have the opportunity to consolidate, as we do here under the Federal Government, with jurisdiction in the entire United States.

Today, I called an old friend of mine the district attorney of Kings County, Eugene Gold, to discuss some of these things with him and get his impression of the plan, and he said very simply that he thought it was an excellent plan, that he was for it, and that we should enact it. As a matter of fact, he said:

Do you know what we did, Frank? The five district attorneys got together with the district attorneys in Nassau, Suffolk, and Westchester counties to get a better coordinated effort with respect to the prosecution of cases.

He also said:

I wish we could have the consolidation that the Congress can enact today.

Mr. Chairman, he further said the spirit of cooperation has improved, and the number of cases prosecuted successfully has gone up. I suggest that is a good reason why we ought to go ahead with this plan.

In conclusion, let me point out to my friends what we are dealing with, as my good friend from New York, Representative RANGEL, has already indicated is this an epidemic whose appetite just cannot be satisfied. These appetites are being manipulated by a group of criminals who are squeezing the last dollar out of the misery of the American people.

Mr. Chairman, I am here because I

sincerely believe that we have a plan that is workable, a consolidation that will make our fight against drug traffic more effective, and I urge my colleagues to vote against the resolution.

Mr. CONYERS. Would the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, at the request of Mr. CONYERS, Mr. BRASCO was allowed to proceed for 1 additional minute.)

Mr. BRASCO. I yield to the gentleman.

Mr. CONYERS. I would like to ask the distinguished speaker in the well, did he say all of labor supports this plan?

Mr. BRASCO. I said organized labor supports the plan. Further, I called the director of the New York Immigration Service, and they said they supported it. The AFL–CIO indicated in correspondence and conversation that they did not oppose it. The American Federation of Government Employees said they do not oppose it. Being fair to them, they said, "We are staying neutral but do not oppose it."

Mr. CONYERS. That is very interesting. Then, the gentleman makes a distinction between not opposing and endorsing the reorganization plan, or is that minor?

Mr. BRASCO. If my friend thinks that all we are talking about is that minor kind of distinction, then we are not really in the same ball park.

Mr. CONYERS. Well, maybe we are not.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New York (Mr. ROBISON).

Mr. ROBISON of New York. Mr. Chairman, as have others in expressing their opposition to this reorganization plan, I suppose I should begin by saying my intended vote for the disapproval resolution is not to be taken as objection to a stronger and more effective Federal drug-control program than we have had up to now. No one here takes such a position.

To my friends on my left—especially to my distinguished colleague from New York (Mr. HORTON), whose work and judgment I value—let me say, also, I understand full well the personal interest the President has in this legislation. It is necessary, however, in a matter as important as the subject area we are dealing in—involving as it does the lives of many young Americans—for each of us to use our own judgment, and particularly to call upon such experience as we may have gained here in this field of concern.

My experience, like that of the gentleman from Oklahoma (Mr. STEED), comes from some 9 years of service on an appropriations subcommittee handling the budgetary affairs of the Bureau of Customs. In this function, we annually become involved in some oversight of such agency operations and, of late for the Bureau of Customs, this has tended to focus on their work in the overall Federal effort to keep illicit drugs off the streets of our Nation.

Customs can be considered, in this context, as being in the frontline of this effort since all so-called hard drugs come into this country from abroad. I have seen the Bureau's effectiveness in intercepting such illicit shipments—which is such a difficult task—improve, year by year, until it has reached a point with help, of course, from other participating agencies, where we are close to being able to claim that the war at least against heroin is being won. Essential to this improvement, in my judgment, has been Customs' own development of an investigative and intelligence capacity to broaden its ability to intercept the larger drug shipments, and to get at the murderers who are the bigtime traffickers.

Time does not permit me to go into detail, but key to recent successes by Customs—such as in the Aguste Ricord case, one of the biggest of them all—has been the rapport Customs can develop with the customs services of foreign nations, a specialized sort of rapport that I personally doubt agents of the proposed Drug Enforcement Administration could duplicate. The lead information thus obtained by the limited number of customs agents we now have abroad has been, and can continue to be, most valuable.

If I understand correctly the present proposal, however, all of Customs drug investigatory and intelligence authority and apparatus—both at home and abroad—would go to the proposed DEA, and I feel this is too valuable a resource to throw away, especially now that it has developed the momentum that it has.

The major argument for doing so is that our drug-enforcement activities must be brought under a unified, national—and international—agency, with clear lines of authority for direction, strategy, investigatory programs, and preparations for prosecution. Certainly there is, Mr. Chairman, good and sufficient reason now for ending the present fragmentation of effort within the Department of Justice in regards to the Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, and, even, certain aspects of the Law Enforcement Assistance Administration.

But I very much believe it would be a mistake to also include the Bureau of Customs enforcement authority—and its specialized investigatory and intelligence capacities—in that kind of a reorganization. I might have felt differently about this a year ago, or even 6 months ago, when there was solid evidence to the effect that a jurisdictional struggle was still going on as between Customs and BNDD.

That there used to be such jockeying for position and credit is an unfortunate fact—one that Mr. STEED and I have known about, fretted about, and sought every way we knew to eliminate ever since it became apparent. Without meaning to cast aspersions on anyone, to an uncertain degree this kind of conflict—and its resulting foulups—evidently reflected some personality clashes at higher levels. But under the present Commissioner of Customs, Vernon Acree, and Treasury Secretary Shultz the present situation as to this seems to be markedly improved. Let me quote you what Commissioner Acree told me, just a few days ago, in subcommittee session. In answer to my query about the relations as between Customs and BNDD he said:

> I can tell you flatly and positively that for at least the last 7, 8, or conceivably 9 months we have not had a difference, a flap, if you will, worthy of the name. We have continued the kind of relationship that I think really needs to be carried out between two professional law enforcement organizations.

A self-serving declaration, Mr. Chairman?

One could claim so, and dismiss it as only that, of course, even as one could claim my intended vote is dictated only by my interest, developed over the years, in what might be called a constituent agency.

But the latter is not the case, Mr. Chairman—my only concern being not to lose the momentum we have now built up in the overall fight against illicit drugs by cutting one key participant out of it, and then waiting months for the new organization to get rolling; and, as to the former possible claim, let me say you only need to get to know Vernon Acree to have confidence not only in what he says but in what he will do.

So, in short, Mr. Chairman, I think the situation that dictated, in large part, this reorganization has changed in the last few months; that, curtailed as it has also since been for other reasons, there are less reasons for approving it than before; and that, being unable to amend it here directly, so as to keep Customs in the drug fight, pure commonsense dictates that the plan should be rejected for further, and more careful, consideration.

Mr. HORTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I rise in strong support of the reorganization plan, and against the resolution in disagreement.

Mr. Chairman, in augmenting our fight against drug abuse it is essential that we provide the tools and authorize the techniques that can enable us to effectively wage that fight.

Mr. Chairman, the sophisticated system devised by those engaged in the trafficking of drugs cannot be destroyed as long as we continue a fragmented and uncoordinated program. It is apparent that a transfer of a substantial number of customs agents from the Treasury Department to the Department of Justice poses a tacit roadblock to this reorganization plan.

Mr. Chairman, in the course of reviewing the actions of the customs office in reducing discrimination at a recent meeting of my House Judiciary Committee, it was shown that there was no valid objection to the transfer of customs agents to Department of Justice jurisdiction. This is the attitude of all who have viewed this reorganization plan—objectively.

Mr. Chairman, this is no time to assert

the jealousies inherent in departmental prerogatives and traditions. The seriousness of drug addiction—and the complexity and extent of the illegal traffic in drugs demands action now. Departmental jealousies must be submerged in providing a workable and coordinated program which can enable us to win the battle against the scourge of drugs.

Mr. Chairman, I urge a "no" vote on the resolution of disagreement—which, in effect, is a vote in support of Reorganization Plan No. 2 of the 93d Congress.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I am pleased to note the bipartisan support for the pending Reorganization Plan No. 2, and particularly I want to congratulate the gentleman from New York (Mr. RANGEL) who I believe spoke very lucidly in the well a short time ago in explaining the very reasons that I would endorse, as to why we should support this plan.

Yes, there is legislation pending in various committees that might accomplish part or all of this reorganization plan. We all know, however, from the past performance of this Congress, that this is a common device when one is trying to defeat a reorganization plan to introduce legislation along the same lines, and say "There it is, we can do it." The fact is we have not done it. This is something that we have now that we can work with. It is available. Let us take this opportunity. And as the gentleman from New York has suggested, let us not get involved in a wrangle between unions or between organized labor and the administration.

Mr. Chairman, I would like to urge my colleagues to vote against House Resolution 382.

House Resolution 382 would defeat pending Reorganization Plan No. 2, which is the most significant step this country has proposed to take in the area of law enforcement in a long time. The plan would consolidate all Federal narcotics law jurisdiction under one single agency within the Department of Justice, thus giving a greater cohesiveness to the Federal effort against drugs.

Probably the most outstanding characteristic of the current approach to narcotics enforcement is fragmentation. This fragmentation came about quite naturally—due to the gradual nature of the realization that what was needed was to attack the narcotics network at all levels—but it has presented a severe impediment to the development of a cohesive and unified Federal enforcement effort.

Unfortunately, while the component parts of narcotics trafficking organizations were tight-knit, well-integrated, and well-coordinated, our enforcement endeavor consisted of a group of disparate agencies and divisions, characterized at times by jealousy and rivalry, and consequently, a form of interagency competition that sometimes centered more on who "won" than the effect on the total narcotics picture.

In the main, Reorganization Plan No. 2 is aimed at eliminating just these kinds of impediments to the success of our war on narcotics. In establishing the Drug Enforcement Administration, the plan merges the currently divergent jurisdictions in the narcotics field, maintains the multilevel, multifaceted nature of our attack on the drug problem, but eradicates the jealousies and rivalries that have thus far rendered what was a valid theoretical approach practically ineffective.

The concept of a unified Federal narcotics drive is not without support, both historical and contemporary—

In 1949, the Hoover Commission recommended a single Federal narcotics effort in the Department of Justice;

Consolidation, such as is contained in Reorganization Plan No. 2, was recommended by a committee established in 1963 by President Kennedy;

Last year, the Government Accounting Office studied reports of rivalry and disagreement between the two major Federal agencies with narcotics enforcement responsibility, the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs, and found not only that the existing jurisdictional competition between the two was not healthy for the total narcotics effort, but that any overlapping or competition between enforcement groups was likely to present overwhelming problems; and

The members of the Shaffer Commission have come out in support of both the single agency approach in general, and the specific provisions of the reorganization plan.

In conjunction with the establishment of the new Drug Enforcement Administration, the Attorney General has provided for a new Narcotics Division, which would function much like the Criminal and Tax Divisions do now. The Narcotics Division attorneys would assist the investigators by providing necessary advice and assistance in preparation of search and arrest warrants, and on the complex legal concepts involved in narcotics cases. Prosecution of those indicted through the efforts of the Drug Enforcement Administration would still be handled by the 92 U.S. attorneys offices as they always have been. This will not change.

The kind of effort envisioned here is much like that which has proven so successful in the prosecution of organized crime figures. Through close cooperation between attorneys and agents and the use of innovative investigative techniques, the organized crime strike forces of the Justice Department have been remarkably successful in prosecuting syndicate figures that had previously seemed to be above the law. In fact, many U.S. attorneys offices have now set up special squads to deal with more complex criminal matters in just this way. Virtually every major indictment and conviction in recent years has occurred when the U.S. attorneys offices has utilized these investigative teams.

It is this close coordination and cooperation that will bring us success in the war on narcotics, not the fragmentation and rivalry that we are experiencing now.

The time has come for the Federal Government to adopt a single unified approach to narcotics law enforcement, with the flexibility to stop the major importer as well as the street level pusher. The time has come for the Federal Government to have a single narcotics agency that can work overseas with foreign governments, that can bring intensive pressure on big time dealers in this country, and one that can work with State and local police in cracking down on the street pushers. The experts all agree that this is the right approach. The time to act is now. There are over one-half million addicts in this country. To delay this plan is only to sit back and permit their numbers to increase.

I believe that the vehicle for the reorganization—the proposed Drug Enforcement Administration—is the best possible one for the task.

The centralized policymaking and unitary direction embodied in the DEA, as well as the planned assistance that enforcement body will receive from the new narcotics division, give it the potential for being the most efficient, most effective enforcement effort we have seen to date.

I strongly urge you to consider the magniture of the problem with which we are dealing here—a problem that is sapping some of our Nation's most vital resources and will continue to do so unless we muster up the kind of retaliatory forces contemplated in Reorganization Plan No. 2.

I urge you to support this vital plan—I urge you to vote "no" on Resolution 382.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I want to make clear that the discussion, particularly from my colleagues from New York, is one with which I completely agree. We have a very serious problem. We have to have very serious drug enforcement. And that is all the gentlemen here are saying. As a matter of fact, that is all our colleagues who have spoken in favor of Reorganization Plan No. 2 are saying. I find it very interesting that we are prepared to have the Office of Management and Budget replace us as one of the three branches of Government, and that is one of the things the Members are voting for today. Of course, I object to that. I believe that in the efforts to attempt to create a Drug Enforcement Administration, which we all desperately want, we are just saying, this is a plan; let us take it.

What is this plan? Is it a plan? This subject matter requires authorizing legislation in which both the public and the Congress have input, and I am not willing to give up that input.

I have been sitting in hearings at the Special Studies Subcommittee on Government Operations, and I am very concerned. We are dealing with the issue of drugs, and with the necessity for developing a drug and enforcement plan.

But no one can tell me what is really being proposed under this reorganization

plan. All we know that is being proposed is that the prosecutive and investigative functions will be wedded together.

I think the question of due process of law is seriously endangered in this plan. I agree we have to go very strongly in pursuit of the major drug traffickers. But Reorganization Plan No. 2 attempts to create a Drug Enforcement Administration which is in reality a national police force without the guarantees of due process. We were recently treated to an awful display of just such an abuse of police powers in the drug enforcement area by agents of the Office of Drug Abuse Law Enforcement. These agents broke into the homes of two innocent families in Collinsville, Ill., without a warrant, and tormented the occupants.

Our mayor in the city of New York is under a misapprehension. Somehow or other he has been told that as a result of this plan we are going to get more money and more manpower in order to expand our existing city-Federal task force which seeks to find a way in which we can go after the large-scale drug dealers. There is no evidence of this in the plan.

I challenge the Members to show me anything in this reorganization plan that promises that. As a matter of fact—and the House should know this—the Reorganization Plan No. 2 is nothing more than a budgetary gimmick and is not a thoughtful piece of legislation. The administration has merely developed an outline of a plan for a "war on drugs," but feared that the costs of the enforcement plan might be too high in light of this fiscal year's budget requests.

Therefore, it decided to go on the reorganization route and has placed no detail into the plan. Interestingly enough, the budget for this plan is still being contemplated by the Office of Management and Budget. We do not know how many people will be transferred to this new administration. We do not know how many new positions may be created, nor do we know what the operating costs will be.

I believe that we have to recognize that we are dealing with generalities when we say, this is great; this is a plan; it is concrete; let us take it.

It is not concrete. It is merely a very improper way for this body to act, and it is not going to solve the tremendous problem we have in drugs, drug abuse prevention, and drug enforcement in this country.

I am supporting the Waldie resolution, and I oppose this plan.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the gentleman from Connecticut (Mr. STEELE).

Mr. STEELE. Mr. Chairman, I rise in support Reorganization Plan No. 2 and urge every Member on both sides of the aisle to support the plan by casting a negative vote on House Resolution 382. The plan is the result of long and numerous studies going back to the Hoover Commission in 1949, which recommended a single narcotics investigating unit in the Justice Department. A committee established by President Kennedy in 1963 recommended the consolidation proposed by the plan. The Government Accounting Office in 1972 conducted a lengthy study of the disputes between the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs and concluded that the jurisdictional competition between Customs and BNDD was detrimental to the total narcotics effort.

The current, revised plan also closely follows the one the distinguished gentleman from Illinois (Mr. MURPHY) and I proposed following our special fact-finding mission to Latin America for the Foreign Affairs Committee in January of this year.

Virtually every witness who testified at the committee hearings on the merits of the proposed Drug Enforcement Administration supported the plan, including the representative of the Shaffer Commission. The only adverse testimony on the plan came from representatives of organized labor, who, while agreeing that narcotics reorganization was vital and imperative, objected to section 2 of the plan which would have transferred approximately 900 immigration inspectors from the Immigration and Naturalization Service to the Bureau of Customs, and, thereby, in labor's view, weakened the Nation's capability to deal with the problem of illegal alien control. I believe this was a legitimate concern and deserved to be met by corrective action.

After consideration and discussion of this provision between the administration and the AFGE, it was agreed that this portion, section 2, would not be implemented. There has been submitted to Congress by the Office of Management and Budget proposed legislation which would repeal section 2 of the plan. You are all aware that under the Executive Reorganization Act of 1966, which authorizes the President to submit reorganization plans, this is the only method by which a reorganization plan can be amended, namely by the enactment of other legislation. As a result of this agreement and the proposed legislation, organized labor has now withdrawn its opposition to the plan.

Reorganization Plan No. 2 has received the enthusiastic support of State and local law enforcement agencies throughout the country, as well as the International Association of Chiefs of Police, and local district attorneys' offices.

In fact, the New York City Police Department, the largest in the country, not only enthusiastically supported the plan in testimony before the Senate, but also has recommended that the entire New York City narcotics effort be combined under the DEA and be a joint Federal-local effort.

We have made important strides in the war on drugs in the past 24 months through a combination of stepped up enforcement, treatment and prevention programs. In particular, every indication is that we have begun to turn the corner in our new national offensive against heroin. But greater effort against heroin and other drugs, including particularly cocaine and barbiturates and barbiturate-type drugs is essential.

In the course of two special narcotics fact-finding missions for the Foreign Affairs Committee, in conjunction with Mr. MURPHY of Illinois and on the basis of extensive work with drug enforcement authorities here in Washington and in Connecticut, I have had occasion to observe firsthand the counterproductive results which stem from our divided Federal enforcement programs. Reorganization Plan No. 2 and the establishment of the Drug Enforcement Administration would end that division and go a long way toward helping rid this country of those dealers in death and misery who are feeding off our children. To reject this plan is to turn our backs on these children.

I caution you not to be beguiled by talk of substitute legislation. The fact is that there are only a very limited number of options for reorganization, and these have all been exhaustively considered, with each of them being rejected as less effective than the creation of the proposed Drug Enforcement Administration. Reorganization Plan No. 2 is the result of this lengthy consideration process and offers the only realistic opportunity for effective and urgently needed reorganization now.

Time is a luxury that the drug enforcement effort cannot afford.

I am deeply concerned that our choice this afternoon may well be Reorganization Plan No. 2 or no reorganization either now or at any time in this Congress.

I urge that every Member support the reorganization plan by casting a "no" vote on House Resolution 382.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, I served on the subcommittee that heard this legislation, and I want first of all to state that I join with I am sure every Member of this House in trying to fight as vigorous a fight against drugs as we can. That is not the issue we are fighting here. I think we all recognize we should have more effective programs to combat the drug problem we have in this country. We can hear all kinds of talk about having a more effective program and I think we are all speaking the same language.

This has come about through a rather strange device of the OMB and certain elements that were affected by this program trying to make an agreement about this reorganization plan. Sitting through the hearings we heard the OMB witnesses and others who were very adamant that this was a perfect plan. It was not until after the subcommittee met and the disapproval resolution was denied in the subcommittee and later, on a tie vote, in the committee, and then later the disapproval resolution was approved, and it was only then, when the cloud on the horizon came about, that OMB started to negotiate a compromise so they could save this reorganization plan.

There is legislation pending which I have introduced and others, which is in the Government Operations Committee. We can have thorough hearings and we can thoroughly review all of the programs, the good programs and the bad

programs, and have a consolidated effort so that we can more effectively fight drug traffic in this country. We can bring it to this floor and everybody can participate so that the House can work its will, rather than having it done in some office of OMB without the benefit of having the majority of the Members of this Congress having any opportunity to participate in this compromise.

I hope the Members of this House will not be taken in by the OMB and the other people making statements that, gentlemen, this is what we have agreed to and now take it hook, line, and sinker. I do not go that way and I hope the majority of the Members of this House will not. We have a proper procedure we can bring a bill before this Congress. It is in the committee now and I cannot speak for the chairman but he is a very responsible chairman and we can have hearings and we can report a bill to the House so the House can work its will and so we can do something about streamlining and coming up with an effective drug control program.

A vote against this is not a vote for more drug traffic, even though some people have tried to insinuate that, but we can by voting for the Waldie resolution provide a mechanism whereby we can bring forth a bill in which we can have all of the Congress work its will.

Mr. Chairman, if we pass this executive reorganization plan today we will be guilty of the grossest capitulation to the dictates of interests outside of Congress. It has been said many times today that the White House and labor have been able to accomplish something which we are precluded from doing—amend an executive reorganization plan. I want my colleagues to know that I am not prepared to accept the so-called deal which has been reached between and administration and organized labor any more than I would be willing to accept the legislative wheelings and dealings of any other special interest groups. It is this "dealism" mentality which has this administration in the trouble it is in already.

On May 10, 1973, I addressed this body and explained my position on the reorganization plan. I recognized then, as I do today, that the proliferation of narcotics and dangerous drugs is the Nation's No. 1 law enforcement problem, and the abuse of these drugs has been called the Nation's No. 1 health problem. It is, indeed, time that we face up to this serious threat and muster every resource available to us in dealing with the problem of dangerous drugs. The first necessary step is, as the President has recommended, the realinement of current Federal law enforcement functions. For this reason, I have introduced the Federal Drug Abuse Enforcement Reorganization Act of 1973. This measure is designed to promote more effective management of drug law enforcement efforts by reorganizing and consolidating these efforts in a new Office of Drug Abuse Investigation and Enforcement in the Department of Justice.

This measure is but one of many sound proposals which have been introduced and which would provide the necessary consolidation of our drug law enforcement effort. It appears to me, as it did to a majority of the members of the House Committee on Government Operations, that this task is of such importance and magnitude that an executive reorganization plan is hardly the vehicle for action. My 10-year-old son knows that the executive branch proposes and the legislative branch disposes. Mr. Ambrose and the other administration witnesses were unable or unwilling to give the committee any indication of the scope of the proposed reorganization plan or, for that matter, the reason why it was proposed.

Then, we find out that the administration is ready to completely revamp what was already a hastily prepared reorganization plan and promise not to implement section 2 transferring some 900 Immigration and Naturalization inspectors to the Customs Bureau. This same section was denoted as the very heart of the reorganization plan during the hearings and now the administration is ready to throw it by the wayside. What exactly is the administration's position? I am fed up with eleventh-hour tactics on this reorganization plan. The very morning of the executive session on the disapproval resolution, Director of OMB Ash sent the chairman a letter which appeared to give a commitment that the Immigration positions would be restored during the next budget cycle. When the disapproval resolution was approved by the full committee, negotiations began behind our backs. I have news for the administration and for labor—I have not been sent here to do the biddings of any individual, organization, or interest group. I recognized the shortcomings of the reorganization plan and took appropriate action. In the subcommittee, I was the only member to vote in favor of the disapproval resolution, and I did so because I do not believe this is a good plan.

The agreement itself is a thing to behold. Item No. 2 states that the administration agrees—

> To avoid discussion of . . . labor being "against better drug enforcement" in conjunction with organized labor's position on Reorganzation Plan No. 2 of 1973.

In other words, the administration is admitting that they were employing underhanded tactics of innuendo and dirty play to gain approval of the reorganization plan.

Again, I want my colleagues to understand that I share their desire to provide a strong and unified program of drug law enforcement. There is little question but that Federal law enforcement in the field of drug trafficking has suffered as a result of the duplcation of efforts and diffuse nature of the present drug law enforcement effort. The measure I have introduced provides for improved performance, coordination and evaluation of drug enforcement functions at the Federal level, more effective coordination between Federal, State, and local law enforcement agencies, and the development of innovative approaches to the problems of controlling international and interstate commerce in licit and illicit drugs.

Presently the Federal fight against drug trafficking has been fragmented and less effective than would otherwise be possible. The Bureau of Narcotics and Dangerous Drugs, the Office for Drug Abuse Law Enforecment, and the Office of National Narcotics Intelligence are involved in this fight within the Department of Justice alone. The Treasury Department, through the Bureau of Customs, is also involved in this effort. It is apparent then that greater coordination must be forthcoming.

While I feel that Congress has an obligation to design the appropriate mechanism for our efforts against drug trafficking, I also support legislation providing stiffer deterrents, including mandatory sentences for drug pushers.

The need for consolidation is apparent, therefore. How this consolidation will be effected is a question for the Congress and not a matter to be thrust upon us and the American people. This is especially true when you consider the manner in which it was drafted and the agreements reached between parties outside of this body. I remember another reorganization plan which was presented to this body without a full disclosure of its scope. It is interesting to note that a representative of the Office of Management and Budget, created by that reorganization plan, signed the so-called agreement. It is not bad enough that the Office of Management and Budget has taken away our power of the purse, now it is trying to relieve us of our authority to approve or disapprove reorganization plans.

I strongly urge my colleagues to support the disapproval resolution so that the appropriate congressional committees can provide their collective expertise and wisdom to attacking the menace of drug trafficking and abuse. Certainly, this is the proper course for a policy decision of such import.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, it seems to me that what we have been doing here today and in recent days is talking about a number of side issues on related aspects of this particular reorganization plan, and giving too little consideration to the merits of the plan and the reorganization itself.

For example's sake, we have been making a number of allegations. I have heard it said that the reorganization plan breaks up the Immigration and Naturalization Service and severely impacts their deportation function. Well, I suppose that it does to a point affect the Immigration and Naturalization Service, but they will still function effectively.

We have heard it said that the reorganization plan will allow a flood of illegal aliens to enter the United States because of the loss of inspectors with immigration experience at the ports of

entry. This is some sort of problem, but it certainly is one that can be handled at least as effectively as at the present.

We have heard it said that customs inspectors will not be able to effectively perform the immigration inspections function. I do not know what that argument is. I do not know what "effectiveness" is. Certainly there is no reason they cannot do the job.

We have heard it said that present immigration inspectors are not qualified to do customs cargo inspection. I cannot conceive of that. If they are qualified to be immigration inspectors involving personnel, it is beyond comprehension that they would not be able to inspect cargo.

We have heard it said that customs inspectors will not be able to handle complicated immigration problems. I am about to conclude that the customs inspectors we have now are unqualified to do their jobs to which they are assigned if they cannot do some of these things. I do not, however, consider them unqualified. I do believe they can do the job.

Then, we have heard it said that under the terms of the reorganization plan, that immigration officers not assigned regularly to inspection work will no longer be eligible for 1931 act premium pay. I just mention that to provide the point that we are really dealing with some very minor aspects of the problem.

Mr. Chairman, out of the clear blue this week, I had walk into my office a gentleman who put this in context for me. I am not prone to agree with Harvard professors, as most of the Members know, but in this instance I have to say that this gentleman informed me to a point. He was Dr. James Wilson, professor of government at Harvard University. He is chairman of the National Advisory Council for Drug Abuse Prevention.

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

Mr. HORTON. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, this is a Council which was created by the Congress. He sent a telegram to the members of the committee on May 18, which I have here and will include in the RECORD, but, because of the lack of time, I am not going to read all of it at this moment.

He concludes and strongly urges that we support the proposed reorganization of the drug enforcement agencies.

This gentleman has had a great deal of experience in this field. He was first appointed to this Council as its Chairman, by President Johnson, and we in the Congress created this Council.

His conclusion is that what we are doing is not working.

You may ask all the questions you want to ask, but the fundamental question is simple: Is what we are doing working? The answer has to be "No." No one here would say that what we are doing has maximum effectiveness.

Mr. Chairman, the telegram from Professor Wilson follows:

TELEGRAM

(Telegram sent to all Democratic members of the House Organization Committee, May 18, 1973.)

As Chairman of the National Advisory Council for Drug Abuse Prevention, a council created by Congress, I strongly urge you to support the proposed reorganization of the drug law enforcement program. As a scholar interested in narcotics and crime and as chairman of the council I have had occasion to observe the confusion and conflict that now results from our divided federal enforcement programs. On a recent trip to confer with French police authorities, I learned at first hand of their strong belief that our overseas enforcement program insofar as it involves collaboration with them would be greatly aided by consolidation of the American effort. Local police authorities in this country also are concerned about our divided federal programs. If defeated now, the reorganization plan may well languish for several years at great cost to our struggle against heroin. Whatever difficulties may exist in working out the details of this plan and its impact on other policies, I am sure that you believe as I do that the public interest requires giving highest priority to improving our ability to reduce trafficking in products that are now destroying thousands of lives.

JAMES O. WILSON,
Professor of Government, Harvard University, Chairman, NACDAP.

The second question is: Will reorganization be better or will it be better to continue as is? I think any reorganization that provides for centralized direction would be better, and the plan provides for that.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield me for 1 more minute?

Mr. HORTON. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. WAGGONNER. Mr. Chairman, with some the question is: Should we have a congressional plan to supersede this? That is a moot question.

The question before us today, and we are going to have to vote one way or the other on this issue, is whether this proposed reorganization plan is better than what we are presently doing. I think it is. If other Members think it is, then we should support this reorganization plan. A congressional plan is not before us.

Then if the Congress does not like what is being done, the Committee on Government Operations can bring to the floor a plan to improve upon what is proposed in this reorganization plan.

I sincerely believe we can help to fight the problem of narcotics by adopting this plan and coordinating our effort. God knows we need to do a better job.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Committee on Government Operations, the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. Mr. Chairman, what we are confronted with now is a reorganization plan which must be voted up or down today and which, by broad consensus, contains a section which should have been omitted in the first place.

We can vote to save the plan and remove the objectionable part of the legislation, or we can vote to kill the plan and try to salvage the drug enforcement part through separate legislation.

As Members know, the plan cannot be amended today on the floor.

I have made my decision with two overriding considerations in mind: To do everything I can and to support every reasonable measure to strengthen drug law enforcement, and to do everything I can and to support every reasonable measure to strengthen the Immigration and Naturalization Service, particularly in its work in suppressing illegal alien traffic.

In my considered judgment, the best way to accomplish these purposes at this stage is to let the plan go into effect, thereby creating a new Drug Enforcement Administration, which will bring together these separate groups and prevent the confusion and chaos which exists at this time.

Then I believe we should work separately to build up the Immigration and Naturalization Service. The number of illegal aliens in this country apprehended has increased from 80,000 per year 10 years ago to 506,000 people last year.

There has been much talk about improvements in the Immigration and Naturalization Service and Customs Bureau. There has been some improvement, yes; 25 percent improvement in personnel in 10 years and 600 percent improvement in the workload.

They tell us that they apprehended 506,000, and they believe more than 1 million are still here illegally. These millions that get in bring in contraband. Many of them bring drugs. They walk across the border at night. We have more than 2,000 miles of border. We do not have enough manpower to keep them out.

The committee concerned—the Appropriations Committee—has not given us the manpower to do this job and to do it right.

It is penny wise and pound foolish, because for every one of these aliens who comes in it costs all the way from $100 to $1,500 to get him out. If they go out voluntarily, that is cheaper. Then they come back 2 weeks later, and they have to go out again. We have some people on the books in Los Angeles who have entered illegally six times in 1 year. They have been deported five times, and they come back the sixth time and are arrested again. So we have a problem in this country. We have two problems:

Illegal aliens coming in, some of them with drugs; and the importation of illegal drugs. The great problem before us today is to prevent the flow of dangerous drugs into our country.

The second problem, as I said, is to prevent the flood of illegal aliens across our borders. Those two problems are related.

Mr. Chairman, dangerous drugs are frequently smuggled through our ports of entry by aliens carrying forged entrance papers. Dangerous drugs are also often brought across our borders between ports of entry by illegal aliens. Most illegal aliens and aliens transporting drugs slip across our borders at night.

The reorganization plan before us involves in part the transfer of 900 men from the Immigration and Naturalization Service into the Customs Bureau. I oppose that part. I oppose this 900-man transfer from the Immigration and Naturalization Service. It would strengthen our fight against drugs, it is true; but it would weaken our fight against illegal aliens crossing our borders.

Mr. Chairman, the American Federation of Government Employees, representing employees in the Immigration and Naturalization Service, opposes the transfer of these people for the same reason. They had a succession of conferences with the officials in OMB. The gentleman from New York (Mr. HORTON) and I agreed with their views and so informed the OMB. As a result of the OMB conference and our expression of objection to section 2 of the plan, the INS transfer section, an agreement was reached between all concerned that the 900-man transfer was unwise and should not be made. That is when organized labor said, "We will go along with the plan; we will not oppose it any longer."

Mr. Chairman, we were then faced with a legislative problem, based on the provisions of the basic Executive Reorganization Act. A President cannot withdraw a plan, as was suggested in the letter of the gentleman from California (Mr. WALDIE) which was circulated to his colleagues.

The CHAIRMAN. The time of the gentleman from California (Mr. HOLIFIELD) has expired.

Mr. BROOKS. Mr. Chairman, I yield 5 additional minutes to the gentleman from California (Mr. HOLIFIELD).

Mr. HOLIFIELD. At the present time, the President is not authorized to present any new plans, since the basic Reorganization Plan authority expired on March 31 of this year. Our only practical solution today is that the principles of the plan on dangerous drugs should be adopted, that we accept the plan and then subsequently repeal the part involving the transfer of the 900 men, that is, section 2 of the plan.

I know there is an attack and there will be further attacks on this procedure, but I believe the attack is an effort to becloud the issue by the implication that this procedure is somehow reprehensible or in violation of the precepts and rules of the House. I state categorically that this is and has been a procedure used many times.

The Members may look at the remarks of the gentleman from New York (Mr. HORTON) in the June 4 RECORD, which is underneath the Members' seats, and they will find a number of instances which he recounts in the RECORD. We have passed amendments to reorganization plans a number of times subsequent to the adoption of the plan. The method of negotiation and compromise is an honorable and normal process in achieving a legislative purpose.

Mr. Chairman, in this case, we have openly announced that part of the President's Reorganization Plan has been deemed to be unwise by the administration, by the employees affected, and by members of our committee.

Mr. Chairman, there is nothing subterranean about that procedure; it is all out in the open.

We are also openly stating our intent to repeal sectiont 2 of the plan, and I promise that I can bring that bill to the floor in a very few days if this plan is sustained. If not, I will have to go into long hearings over a number of different types of bills that are before the committee, and then I do not know what they will do in the other body. I had a bill passed in this House several years ago by 340 to 44, and it lay inactive in Congress for 12 to 13 months, because in the other body they never got it up for a vote.

Mr. Chairman, a bill has already been introduced by the gentleman from New York (Mr. HORTON) and myself to accomplish this purpose of repealing section 2 of the plan. In my opinion, this is a justifiable procedure. If we are to move expeditiously in our fight against the terrible scourge of illegal dangerous drugs, and if we are to try to save the hundreds of millions we are spending annually to stop this terrible scourge, we must proceed as rapidly as possible.

Now, the argument is made that the plan once passed is the law of the land and that the President must enforce it immediately. As a practical matter, I know it will take several months to institute organizational changes of this size, but what we have is an aspect of the willingness to modify the plan before complete implementation takes place if the Congress passes the bill which Congressman HORTON and I have introduced to repeal section 2 of the plan as submitted. Therefore, I ask you today to vote "no" on the Waldie resolution, with the pledge that we will proceed in the next few days to report a bill which will have broad bipartisan support to delete section 2 of the plan and achieve a strengthening of our capability to control and at least partially eliminate the traffic in dangerous drugs.

Now I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I thank the distinguished chairman for yielding to me.

It bothers me a little bit that allegations are being made that the proper legislative procedure is being circumvented by this resolution. I refer to a letter from the distinguished gentleman from Texas (Mr. BROOKS) of June 5, 1973, in which he says:

> Under the statutory authority for Executive reorganization (Title 5, Chapter 9, U.S.C.) reorganization plans once submitted cannot be amended by either the Congress or the Executive.

Then he goes on to say:

> Subsequent to the Committee's action, the Administration continued to negotiate with outside parties regarding the plan's deficiencies and ultimately entered into a written agreement to seek legislation to repeal part of the plan, and if that failed, to simply refuse to implement that part of the plan. In other words, the Administration is attempting to amend the plan while it is pending before Congress.

How do you answer that?

Mr. HOLIFIELD. I may say to the gentleman that is not true. They are not trying to amend the plan while it is here in the Congress. We are voting on the plan just as it was submitted by the administration and we are going to vote it either up or down. Subsequently we can come in and repeal any part of it or all of it if the Congress so desires, and the administration has said they are willing to go along with the repeal of section 2 of the plan, which is the transfer section.

Mr. HORTON. Mr. Chairman, I yield such time as he may use to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, the history of nations teaches us that the forces which have the greatest potential for destroying a society are not its foreign adversaries in openly hostile confrontation, but the corrosive elements within the society itself. A nation's will to resist aggression is a function of its vitality, of the sense of purpose and community felt by its individual citizens.

If an enemy were to set about deliberately to undermine the foundations of a nation's spirit, I am convinced that it could employ no more effective weapon than a plague of drug addiction. The experience of the United States in the last few years—of many thousands of human beings reduced to lives in which animal instinct has supplanted rational thought, of a huge increase in the violent crime rate, of junior high school students accepting widespread hard drug addiction as a fact of their environment, of newborn infants who have become addicts in the womb—is enough to justify treatment of the drug problem as vital to our national survival.

The administration has addressed itself most forcefully to the drug situation, with particular attention to cutting off major sources of heroin importation and distribution. There is evidence that these efforts have been to some extent successful. But it is important that we keep the pressure on, that we not allow the momentum of our antidrug offensive to diminish. To this end, the proposed reorganization plan would seem to be the obvious next step.

It makes no sense to approach a problem of this magnitude on a piecemeal, catch-as-catch-can basis. By combining the numerous Federal units which have been working on cutting off the drug supply into a single agency under the Department of Justice, we will eliminate a good deal of duplicated effort, and give this undertaking the coordination and the resources it deserves.

This single agency approach has the backing, not only of the Nixon administration, but of a great many experts of every partisan and philosophical inclination—including the chairman of the Government Operations Committee, Mr. HOLIFIELD, and the ranking minority member, Mr. HORTON; Prof. James O. Wilson of Harvard, chairman of the National Advisory Council for Drug Abuse Prevention, a Council created by the Congress; and the National Commission on Marihuana and Drug Abuse. The American Federation of Government Employees, AFL-CIO, has withdrawn its original objections to the plan as a result of a compromise reached with the administration; the willingness of both

the AFGE and the administration to modify their original positions on this proposal is evidence, along with the scope of support for the reorganization plan, of the nonpolitical nature of this matter.

I would suggest to my colleagues who still harbor objections to some aspects of the reorganization plan that we refrain from throwing the baby out with the bathwater. The scourge of drug addiction is not a matter of exclusive concern to Republicans or Democrats, to labor or management, to advocates of congressional or executive prerogatives; this is a deadly corrosive force which does not quibble or discriminate over where it will strike next, and I hope we can set aside our political disputes and work out our substantial objections to present a united front against this ghastly peril.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, opposing this reorganization plan because one wants to preserve the dignity of the legislative process seems a little hollow to me after last night.

The reorganization procedure is a sound one and it has been used to good purpose for several years, ever since the Hoover Commission. If we oppose the reorganization route, the legislation authorizing the reorganization procedure can be opposed when or if next it arises, but the chance for action on better drug enforcement is here and now. As Mr. RANGEL pointed out very eloquently, the need is now and it is pressing.

The reorganization plan addresses that need, and we should address ourselves to the purposes of the legislation. To suggest that the coordination of the attack on the traffic in drugs that this plan provides for should be further delayed because of committee jurisdiction or because it does not come to us in the pure legislative form we may think is perfect is not the way to serve our constituencies and to meet this serious need.

That jurisdictional dispute is exactly why this plan should be sustained now, because there are jurisdictional disputes in drug law enforcement, too, and the result in that field is about the same as it is in this body. Where such jurisdictional disputes arise the result is delay and inaction.

In recent months, when we were debating the situation in Vietnam and the draft, my sister used to say to me. "You know, you have no idea how dovish you become when you have a youngster approaching draft age."

Well, the same is true about the narcotics problem today, I venture, for most of us, if we have children of the age where drugs begin to become a danger, and a real danger to them, and a threat from pushers and those who profit from this cruel, criminal traffic, then one is justified, I think, in becoming a little hysterical, at least hysterical enough to want action, or better action, on investigation and enforcement, even if the legislative form is not just the way we think it ought to be, or because it hurts the jurisdictional feelings of a congressional committee.

Mr. Chairman and my colleagues, I urge a "no" vote on the resolution of disapproval of this Reorganization Plan No. 2.

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

Mr. BROWN of Ohio. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, when the gentleman from Ohio said that opposition to the Reorganization Plan No. 2 seems a little hollow after what happened last night, to what does the gentleman refer?

Mr. BROWN of Ohio. I refer to the precedent set last night by permitting——

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

Mr. CONYERS. Would the gentleman yield to the gentleman in the well an additional minute to respond?

The CHAIRMAN. The Chair will state that the time is controlled by the gentleman from New York (Mr. HORTON) and the gentleman from Texas (Mr. BROOKS).

Mr. HORTON. Mr. Chairman, I would like to yield to the gentleman from Ohio, but I have no additional time because I have allocated the balance of the time that I have.

Mr. BROOKS. Mr. Chairman, the same situation exists here, because we are overallocated.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. MOSS).

Mr. MOSS. Mr. Chairman, just a moment ago in response to a query directed to the distinguished chairman of the Committee on Government Operations regarding the language contained in the letter signed by the gentleman from Texas, and other Members of this House, including this Member, the statement was made by the chairman, the gentleman from California (Mr. HOLIFIELD) that this quotation is incorrect. In other words, the administration is attempting to amend the plan while it is pending before Congress.

In a technical sense, only, is the gentleman from California (Mr. HOLIFIELD) correct. Because the fact is that an agreement has been signed. The administration agrees to make section 2 of the plan inoperative. And then it says that we will introduce legislation and will work with the AFL–CIO and others to secure enactment,

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

Mr. MOSS. I would like to yield to the gentleman from California, but the gentleman had 10 minutes, and I have only 3 minutes allotted to me.

Mr. Chairman, the fact is that the Members really do not know what they are voting on, but the Members do know that they are confronted with a most extraordinary procedure: A plan has been submitted under the authority of the Congress, and then has been amended by no authority but the usurpation of authority by the Director of the Office of Management and Budget, and private outside parties in no way a part of the Government.

This is the most extraordinary legislative route. In my 21 years in the Congress I have never seen anything that even approached it, in the arrogance—and I use the term advisedly—the arrogance of the Office of Management and Budget which now undertakes a power greater than that conferred upon this House under the reorganization authority. Because we are confronted with the fact that we must take the plan without any chance to modify it in any way, shape, or form. We may not change a dot on an "i" or a cross on a "t." We take it. But the Office of Management and Budget can change it without our leave. The Office of Management and Budget and persons who are not even a part of Government can change it substantively but, even more surprising, they can, by edict, say that it is inoperative. Is that not amazing? Thus, the legislative body is being told that the Executive is going to make it inoperative.

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

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

Mr. GROSS. Mr. Chairman, this is one of the rawest deals that has been submitted to Congress in a long, long time. I concur with the gentleman's statement.

Mr. MOSS. I concur with the gentleman from Iowa.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, I rise to urge a "no" vote on House Resolution 382. Because of the wording of the resolution, to be in favor of the reorganization plan, a Member must vote "no." The RECORD will show that I opposed this resolution in committee. I did so reluctantly at that time. I opposed it in committee because I realized what this plan would do to the Immigration and Naturalization Service.

Mr. Chairman, there are features of the reorganization procedure which I dislike. One feature is that under the present reorganization authorization any plan which has been submitted is not subject to amendment. Another objection which I believe is valid is that there should be no effort to legislate in a reorganization plan but simply present the reorganization scheme with its framework and let it go at that.

However, it is my understanding that the old reorganization procedure has lapsed since April 1 and I strongly recommend to the members of the House Government Operations Committee, of which it is my privilege to be a part, that in any new reorganization procedure the details be spelled out carefully so as to permit amendment and to limit any legislative provisions being provided by the administration under the guise of reorganization.

As I related earlier, my objection to Reorganization Plan No. 2 when it came before the Government Operations Committee was because of its section 2 which called for the displacement of about 980 or 1,000 Immigration and Naturalization personnel. They were to be brought over into the Customs Service and primarily engaged in drug control. Regardless of the charges and counter-charges that have been passed back and forth as to

whether or not the happenings that have occurred since this resolution was before our committee. The facts are that there has been an agreement entered into which has been endorsed by the administration and certain organizations involved that deletes section 2.

Again, to repeat, my opposition to the proposal was the fact that as it was written in the beginning, it would weaken the Immigration Service. I do not claim to be an expert as to the efficiency of our immigration people but I do know that as the result of some hearings that I have been privileged to chair, the Immigration Service is undermanned both in the border patrol and in all the major cities in the United States.

Now that the threat to the Immigration Service has been relieved, my own opposition to the plan is accordingly withdrawn.

Mr. Chairman, the Nation's pressing need for an effective, unified drug enforcement agency is so great as to override any objections that might be raised to the collateral issues surrounding reorganization plan No. 2. By voting down House Resolution 382, the resolution to disapprove that plan, we take positive action to quickly create such an agency and mount a concentrated war against the ravages of illegal drugs. But if we allow ourselves to bog down in a debate over legislative purism then we resign this Nation to an indefinite postponement of a better chance to win the war against drugs.

I was one of the 23 members of the Government Operations Committee who voted to press for agreement to this disapproval resolution. My position was arrived at reluctantly and was based upon opposition to section 2. That section proposed to transfer 900 to 1,000 positions out of the Immigration and Naturalization Service. As chairman of the Legal and Monetary Affairs Subcommittee, which is conducting a study of operational and managerial problems in INS, I saw in that transfer a serious impairment of INS capacity to deal with the runaway problem of illegal aliens. There is substantial reason to believe that the proliferating illegal alien problem is inseparable from the traffic in illicit drugs. It was inconceivable to me that further crippling that already under-manned agency would result in greater effectiveness in controlling drugs. With section 2 out, I endorse that plan and will vote against the disapproval resolution.

While each of us may have our own theories as to the details that should be included in the creation of a strong central drug enforcement agency and its administration, there can be no disagreement that such an agency is urgently needed. Reorganization plan No. 2 will give the Nation such an agency.

That leaves us with two other issues, one of which can be resolved in the regular order of congressional procedure.

There is a glaring weakness in the statutory method under which reorganization plans are sent to the Congress. The authority under which the present plan was submitted permits no amendments by the Congress. That authority has now expired.

I have no doubt that it will be renewed because for a quarter of a century, under all of our Presidents, it has been recognized that there should be authority for the White House to make administrative changes in the operations of the executive branch of the Government. When that authority is renewed and extended the law should specify that Congress has the right to improve upon reorganization plans through the amendment process. I have been among those who oppose "gag rule" procedures in the House. We should not impose "gag rules" upon ourselves; we should not permit the Executive to deny the Congress the right to fully work its will. When we renew the President's authority to submit reorganization plans, we should reserve the right of Congress to modify those plans.

The second issue goes to the question of the irregularities surrounding reorganization plan No. 2 of 1973.

It must be acknowledged that there was great singularity in the method by which agreement was reached to eliminate from reorganization plan No. 2 an objectionable feature that threatened, or promised defeat of that plan. But instead of setting up those negotiations as a straw-man that will send that plan to defeat, I believe we should rejoice that an obstacle has been removed which leaves in that plan the single goal of a coordinated fight against use of and traffic in illegal drugs.

If reorganization plan No. 2 should go down to defeat, then no one among us can predict when legislation might be passed which will put more muscle into the effort against drugs. Will it be 3 months? A year? Perhaps longer. If we let just 1 more week go by without strengthening our drug-fighting capability, how many new addicts will come into being? How many more drug-related deaths will occur? How many more families will be touched by the tragedies that are inevitable in the presence of illegal drug use?

Some criticism against the administration is justified for its handling of this plan. Yet I remain confident that Chairman HOLIFIELD will see to it that OMB keeps its part of a rather unusual bargain.

All of us should rise above the resentment we might feel that there have been encroachments upon the customs and traditions of the Congress. We can survive the indignity that may come because of the most unusual contract offered by the OMB and accepted by those who oppose section 2 of Reorganization Plan No. 2. On the other hand it will be most difficult if not impossible to go back home and tell our concerned constituents that we voted against creation of a new and better weapon for fighting drugs merely because our principles of orderly parliamentary procedure were offended.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I oppose the reorganization plan because I cannot sanction murder among other vicious criminal acts in the guise of law enforcement and drug trafficking prevention.

To be more specific, as long as BNDD maintains and protects its "killer strike forces" I shall strongly fight against any legislation giving unchecked sanction to that agency.

My vote today is not one which should be seen as labeling me "soft" on drug abuse prevention. Any person who grows up in the ghetto and who represents a district with a large urban population is all too knowledgeable about the dangers and effects of drugs in our communities. But in our zeal to eradicate this menace, there can be no justification to utilizing equally brutal and murderous tactics.

As for the merits of Reorganization Plan No. 2, I realize that there are valid arguments for its passage. We obviously need better coordination of existing Federal antidrug programs. And I salute the efforts of my colleague from New York (Mr. RANGEL) to insure that minority recruiting and hiring would be increased—although I note that given existing equal opportunity laws such actions should have been made years ago and should never have to be the subject of any sort of informal discussion or agreement.

Nevertheless, despite these "good intentions" of the reorganization plan, nothing in my view can offset the blatant—even criminal—activities of BNDD and its friends in the Justice Department.

In northern California, BNDD and its allies in the State drug enforcement agencies have undertaken so-called antidrug campaigns that should be compared to Hitler's Storm Troopers and other gestapo activities. In these campaigns, any sense of "justice" and "constitutional" and "civil" rights have been more than just ignored; they have simply all been violated.

And who are the targets of these BNDD killer strike forces. Certainly, not organized criminal syndicates and mobs who control the huge inflow of drugs into this country. Instead, the targets—for the most part—have been those persons whose lifestyles happen to be different from the mainstream—that is, young persons with long hair, antiwar types, other activists, black, chicano, and white.

As such, BNDD and its friends seem more interested in warring on a particular lifestyle than in serving justice and in stopping the real flow of drugs. And BNDD is not alone in this absurd quest. The Customs Bureau also seems more keen on harassing long-haired individuals through its search procedures than in effectively preventing the entry of drugs into this country.

The point here should be simple. As long as drug traffickers realize that the obvious target for harassment and strike forces are those persons who prefer an alternative lifestyle, then it is very simple for them to get these drugs into the United States via so-called straight individuals.

In sum, while I realize that existing drug enforcement programs are not effective and while I know that something better must be enacted by Congress, I have no assurance whatsoever that the murder and other goon-squad tactics of BNDD and its friends will be controlled under the proposed new agency. There is no way that I can ever condone those actions and Congress should not condone them.

Finally, and without much comment—because these articles are so poignant and telling—I now want to insert as part of my position on this legislation, two articles on activities of BNDD and the Customs Bureau. The first article, "Death in the Wilderness: The Justice Department's Killer Nark Strike Force" by Joe Eszterhas from the May 24, 1973, issue of Rolling Stone magazine, describes a series of the most outrageous activities ever condoned by Government. I commend Mr. Eszterhas and Rolling Stone for this outstanding and courageous piece of journalism. The second article is "Customs Searches: Border of the Law" by Ms. Harriet Katz Berman and appeared in the April 1973 issue of Civil Liberties.

I hope we vote down this proposed reorganization plan.

The articles follow:

DEATH IN THE WILDERNESS—THE JUSTICE DEPARTMENT'S KILLER NARK STRIKE FORCE

(By Joe Eszterhas)

They were asleep in their cabin, at the edge of a woodline of sequoia and madrone, tucked safely into that vastitude of green darkness. Something woke her. He was staring at the ceiling, eyes large and unblinking. He was trembling.

"Tell me," she said.

. . . An execution squad was coming for him. Shotguns in their hands, hair as long as his own, wearing jeans, Army jackets, holstered .38s on their hips. They shouldered the cabin door, ripped it from its hinges, and kicked at the dogs with steel-toed combat boots. They saw him and stopped. He was on the back porch, frozen by panic, and couldn't move. They said nothing. Their faces were blank and waxy. They aimed and fired. He heard the gunshots and saw the glop of his own blood. He was dying. . . .

She held him and shushed him, and, together, they sought the familiar reassurances of their pitchblack nights: Susurrus of coastal wind, the languid woosh of redwoods, the thud and patter of their two St. Bernards, the moon's gentle white eye.

She thinks about his dream when she visits him these days. Judy Arnold looks at Dirk Dickenson's grave, on a plot of tacky suburban land far from his rugged proud mountains, and she remembers how she calmed him.

"You aren't going to die, babe, its just a dream, a lousy, rotten, silly dream."

Stretching along the fog-shrouded Mendocino coastline to the Oregon border, Humboldt County, California, is a wilderness of skyscraping trees, rich green and russet foliage, and rock strata stark and magnificent. Sheep graze the hills and, except for US 101, the roads are knife-thin, veinous and steep. Parenthesized by mountains, the countryside is velvet-like and soothing. It is easy to be charmed here, to observe that all this polychrome beauty exudes a serenity: a nimbus of peace which hovers protectively over the treetops.

But there is little harmony in Humboldt; its spendor is a cruel mirage. Acres of redwoods have fallen victim to conglomerate cash registers and their arsenals of chainsaws. So there are hillsides which form sad and gutted bleakscapes of stumps, profound testament to the unending savagement of the big trees. The sound of sawtoothed metal screaming into wood has been echoed by the screams of dying men and their killers' weapons.

On the evening of February 26th, 1860, a delegation of Humdoldt sourdoughs, white settlers, visited a tribal celebration of Mad River and Yurok Indians. A young newspaperman named Bret Harte recorded their visit in the Arcata Northern Californian: "A report was brought from Eureka during the night that nearly all the Indians were killed by persons unknown. A few loaded canoes bringing the dead bodies to Mad River confirmed the report. A more shocking and revolting spectacle never was exhibited to the eyes of a civilized people. Old women lay weltering in blood, infants scarce a span long with their faces cloven with hatchets and their bodies ghastly with wounds." Two hundred Indians died—massacred, a local historian wrote, because they were Indians.

Decades later, in 1885, another posse of sourdoughs collected 480 "Mongolian Highbinders" as guilty as the Indians—of being Chinese. Accused of practicing amoralism and smoking heathen opium, the Chinamen were herded into a warehouse on the Eureka waterfront and banished to the San Francisco Bay aboard two barely worthy steamers. In that year, the Eureka City Council passed a law which ordered: 1. Expelling all Chinamen from the city and that none be allowed to return. 2. Appointing a committee for one year whose duty it shall be to warn all Chinamen who may attempt to come to this place to live and to use all reasonable means to prevent their remaining. 3. Issuing a notice to all property owners through the daily papers asking them not to lease or rent property to Chinese."

In 1937, Eureka's Chamber of Commerce was still pointing with pride to the success of its program: Eureka is the only community in the country in which there are no Oriental colonies." No pigtail infected the city until 1945.

Says another newspaperman, Dan Walters, the managing-editor of the daily Eureka Times-Standard, a man with tublike shape, moony face and spontaneous warmth: "Until about ten years ago, when US 101 was built through here, Eureka and much of Humboldt was a very insular place. Understandably. Not many people ventured through. We had two-lane roads often blocked by mudslides. Lumber trucks would barrel and rocket up and down and some people would suddenly find themselves sandwiched in some tiny car between tons of wood and steel. The world stayed away from Humboldt. The ideas and, I suppose, the prejudices folks had suckled since the days of their grandpappies were allowed to stand unchallenged. Then they built the superhighway and the world rushed in full chisel. Tourists, money, crime, thousands of students to Humdoldt State University, and, worst of all, hippies."

The hippies came in the fall of 1969, refugees on the autobum up the Coastal Highway from Marin and Mendocino, ragged out and ——— elegant in surplus-store finery, some so thin and wasted the lumberjacks claimed they could smell the ——— right through them. They were, by and large, aging kids who'd left the ghettoized hippie hellholes they'd found in the cities and, seeking transcendence and salvation, carrying joints, snorebags and little else, they came to the high, deep parts of the wilderness, to towns like Garberville and Alderpoint and Whitethorn, places so tiny you could just about ——— from one end of town to the other. Adventurous freak pioneers, the survivors of other trips, they came to grub for survival. Seduced by the meretricious charms of the land, they came joyously to settle and discovered themselves despised and unwanted aliens . . . the Mongolian Highbinders incarnate . . . furry-faced *redniks* among redwoods rednecks . . . ——— brains no-accounts leaving their ——— all over the doright folks' tidy acres.

The new pioneers picked their shady spots and tumbledown cabins, paid their few city-earned dollars, and moved in, befouling the countryside with packs of unleashed dogs and birdlike women, the child-eyed nymphets they ruefully called old ladies. They made crowbait homes like the one inspected by Eureka architect William Van Fleet: "The place was a pleasant area carved out in the madrone trees, remotely situated on an old dirt road, with little more than a lean-to for inclement weather. Though they had to carry water a mile from the nearest river, their sanitation facilities seemed quite adequate. They had no electricity, but they were well-stocked with candles."

Many settled in Southern Humboldt, about 100 miles south of Eureka, around Garberville and Alderpoint, and the sourdoughs responded predictably. Storeowners claimed they were being "stolen blind" and filed insurance claims; Garberville Chamber of Commerce members said they were "scared to death"; a real-estate agent said: "The county would be better off if they'd never started coming here. A couple of hard winters ought to be enough to phase them out." But the new pioneers had an old-fashioned settler's sticktoitiveness which wouldn't countenance "phasing out." More and more of them arrived, some of them apostatized dopers who craved the sanctum of the woods; others banded together in free-flowing communes where, the sourdoughs were sure, the dope addicts humped like rattlesnakes, fed their women at both ends, and ceremonially group ——— on the American flag.

While a lonely county official defended the "invaders"—"They are young, college-educated and pessimistic. They are trying to live their own lives. They feel misunderstood"—other residents saw whorls and splotches of blood: Sheep were being cannibalized, packs of wild starved hippie dogs stalked their ranches like mountain cats, feasting on their livestock.

On February 26th, 1971, a ramshackle farmhouse in Whitmore Valley burned to the ground. It was the home of a Christ-bitten freak commune. On March 18th, near Maple Hill, down the road from Alderpoint, another house burned. Occupants: a long-haired family. March 19th, a farmhouse between Briceland and Ettersburg; occupants: a black man and three white women. March 22nd, two fires in Briceland: a garage occupied by a bearded poet and a house which the Division of Forestry defined as "a hippie domicile." There were more fires: on April 5th, April 12th, April 19th, April 20th. On May 24th, three houses burned at the same time. All the fires were the result of "suspected arson." No one was arrested. A Division of Forestry spokesman said: "No, we never discovered who set the fires. The woods are very dry that time of year." The freak pioneers were systematically being burned out.

On June 22nd, near Garberville, three freaks hitchhiking at dusk along a hinterland road were met by a pickup truck. The truck carried six men, several of them wearing black cowboy hats, all of them armed and drunk. The longhairs were pistolwhipped and left semi-conscious in the middle of the road, easy targets for cars barreling around the blind curves.

But the new settlers found one unlikely friend, the Garberville Justice of the Peace, William Thomas, a former sawmill operator who watched the influx and said: "In the past, when I was working in the woods here, this area was filled with drunks, parole violators and pranksters. I think these longhairs

have upgraded the place." A recall drive was initiated against Thomas in the fall of 1971, spearheaded by a rancher named Archie Brunkel, who was also a Humboldt County Sheriff's deputy. Thomas, now called The Just-Ass of the Peace, was accused of not knowing his ——— from teabags, of letting hippiedogs ravage the hillsides, of "constantly rendering decisions that in the opinion of the large segment of the community tend to favor the lawbreakers." Archie Brunkel, as florid as his television almost-namesake, put it more bluntly. "The judge is soft on hippies," he said. The recall failed, but emotions grew more fevered. Loaded shotguns were racked into pickup trucks; longhairs stockpiled their cabins with ammunition.

Into this landscape of soaring beauty, arson-charred houses, and the pastime of shed blood, came one more settler in the fall of 1971. He sought anonymity and quietude like all the others, yet in another year his name would be a woods-legend.

Dirk Dickenson was 24 years old. Auburn-red hair poured down his back; his face was long and drooping; his eyes were hooded and simmered like charcoals. He was six feet tall and weighed 165 pounds. He grew up around Sacramento, a child of suburbia, and was married and divorced by the time he was 21. "I don't want to be just another patsy working 40 hours a week with a house and two cars and not much to live for," he told his friends. He decided he "had to learn how to live."

He came to the wilderness with his girlfriend, Judy Arnold, whom he often called his wife. She was 23 years old, a nurse's daughter who met him soon after she graduated from high school. Her blonde hair was as soft as gossamer; she was lithe and sloe-eyed and lovely and she spoke to him in hushed half-sentences. "We don't need to talk," she'd say to him, "we don't need words."

They came to Humboldt to get away from the gaseous shrouds of the city, from the hassles and scams and fears of making it in the urban streets. They wanted their own back porch at sunset, where they could sip Jack Daniel's and live happily ever after.

PATRICK BERTI—1948–1970

We drink Hippie Blood, the sign said at the Ivanhoe Bar in Ferndale, a few miles south of Eureka. Backpacking caravans of barefooted freaks trudged through the weatherworn town in the summer of 1970 and the louse-infested hordes were obviously spreading their crotchrot and inner decay.

During commencement ceremonies at the local high school, the senior class had the brazenness to castigate its own administration. . . . At College of the Redwoods, Ferndale's new business school, four students showed up at graduation carrying a coffin with a placard that read: College of the Redwoods, Business as Usual. An enraged off-duty Ferndale policeman hastily performed a citizen's arrest and took the pallbearers to the pokey. The local paper urged readers to defend themselves: "For years we have been warning children not to accept rides from strangers. In today's world we must also tell them not to accept anything from strangers. Dispensers of drugs seem to not only frequent the big cities or some place miles from here, but have been known to recently approach local students with the idea of selling to them."

On Sunday, October 4th, 1970, an ambitious and hardworking Humboldt County sheriff's deputy sat on a dope stakeout in the deadfall on the banks of the Eel River near Ferndale. Two four-foot high marijuana plants were in full bloom, in clear violation of the State of California's Criminal Code. Watching the plants that week was sheriff's inspector Mel Ames, a hardnosed 15-year veteran of the department. Ames asked deputy Larry Lema, new to the force and eager, to watch the plants while he rested his eyes and took the weekend off.

On Sunday afternoon two young men came to the riverbank and began examining the plants in obvious merriment. One of them was Pat Berti, 22 years old, born and raised in nearby Ferndale, a member of Tau Gamma Theta fraternity, a graduate of Chico State College, and about to enter San Diego Law School.

Deputy Sheriff Larry Lema knew Pat Berti (they were lifelong acquaintances) and saw him holding a twig of marijuana.

Lema thought the twig was a gun, a deadly weapon in the hands of a dope-grower. The deputy drew his gun and fired once from the bushes. Pat Berti, blood oozing from his chest, saw Lema as he bent over him. "Christ, Larry," he gasped, "you've shot me," and died.

Humboldt County District Attorney William Ferroggiaro, a former public defender elected to office in 1967, took the case to the Humboldt County Grand Jury. The shooting was ruled "justifiable homicide."

Deputy Sheriff Lema was transferred off patrol to guard-duty at the crumbling Humboldt County Jail; a griefstruck young man confessed responsibility for cultivating the two plants; Pat Berti, who'd visited the riverbank because he couldn't imagine marijuana growing beanstalk-high, paid the price of his curiosity . . . and was buried.

Dirk Dickenson and Judy Arnold found the cabin at the very heart of the area scorched by the house-burnings. It was perched on the eastern slope of Pratt Mountain, 80 miles south of Eureka in the Humboldt hinterland, 13 miles from Garberville on the road to Alderpoint. They chose it for its view: Their back porch commanded a panoramic expanse of valley, woodline and mountain. They had no electricity, used a woodstove for heat, and piped the water from a hilltop a thousand feet away.

They faced immediate problems when they moved in. To get to their 40 acres from the road, they had to drive a snaking gravel path through the property of the rancher who had supplied water and electricity to their cabin's previous tenants. The rancher disliked longhairs and welcomed his new neighbors by shutting the water and electricity off. They answered him by making do. They built their own pipeline and didn't really need electricity. "After that," Judy Arnold says, "he let us alone."

They furnished their place as best they could. They lugged in a seven-foot redwood table and built a crude addition they called a living room. A bathroom was their next project. They already had a tub, but it was still out on the back porch. Until the new bathroom was ready, the living room would serve as their Saturday night bathing spa.

They missed the plastic comforts of their apartment in Hayward, a place of billboards and hamburger stands southeast of San Francisco, but it was an easy sacrifice. They were happy. Dirk was learning the woodworking craft and, most important, he had cleaned up his private life. He knew his way around drugs and, for a while in Hayward, he was next to people who were stuffing pillow covers with dope-deal money. But he was tired. He decided to strike out as a backwoodsman. He badly wanted to live in the mountains, and thanks to the growing redwood burl industry, he could make solid money and still open his eyes each morning to a lofty view.

The redwood burl business was booming in Humboldt. Demand for the burl tables in the city increased rapidly and some tourist-galleries on Ghirardelli Square and Union Street in San Francisco sold the tables for as much as $800. Crafting burls was a relatively simple process. You picked out a good burl tree, cut it up, smoothed the wood, and stood to make as much as $10,000 on that single tree. Or you could buy dry burls for $20 apiece, take them home, polish and smooth them up for two or three days, and sell each burl for a minimum $200. Dirk Dickenson figured he'd even have an additional income from the hundreds of Christmas trees crowded onto his 40 acres. You didn't need a potful of money to survive in the wilderness.

While Dickenson happily scouted his burls, the San Francisco office of the United States Department of Justice's Bureau of Narcotics and Dangerous Drugs was feverishly trying to locate what it believed to be the largest manufacturing plant of PCP in California. Phencyclidine hydrochloride is a hallucinogen, an animal tranquilizer which provides an acidlike high and, doctors say, gradually damages the brain.

An informer providing "hard intelligence" told the BNDD the "million dollar" PCP-operation was rigidly organized and lethally dangerous; that members of this organization were armed and "would not hesitate to use guns." The ring's "master chemist," according to this informer, was Dirk Dickenson. His 40 acre site was allegedly the location of a "giant lab," supposedly guarded by Dickenson's St. Bernards, Boogie and Vernon, both "trained to go for the throat."

BNDD agents got in touch with the Humboldt County Sheriff's Department, specifically with Undersheriff Bob Bollman, 58 years old, hulking and plainspoken, the number two badge in the department, a hardline law and order man who made no secret of his belief that hippie-dopers were turning Humboldt County into a nightmarish scumpit.

Bollman assigned one of his most trusted men, Inspector Mel Ames, to liaison with the Feds. Mel Ames was his "dope expert," the cop who'd kept himself concealed in the bushes, eyes trained on the two marijuana plants, for a full week—before Deputy Sheriff Larry Lema shot and killed Pat Berti.

In February and March of 1972, Mel Ames scouted Dirk Dickenson's property three times, seeking a single glimpse of the "giant lab." He saw nothing but treetops and foliage. For reasons known only to Mel Ames, all the reconnaissance was done from an airplane; no traditional surreptitious visits were paid to the property itself, though Dickenson was away for days at a time visiting his parents.

It was Mel Ames who devised the ploy of an "inside man" to help the future bust on the Dickenson property. The "inside man" was tailor-made for the job. He was the county dogcatcher, squarefaced Bill Bushnell, who held office hours at the Garberville Sheriff's Substation, headquarters of the sourdoughs recall campaign against Just-Ass of the Peace William Thomas.

Dogcatcher Bushnell knew of traps and secrets of the rugged terrain and often hiked miles to some isolated laid-back leanto. He'd arrived sweating like a bull, armed with a gun in one hand and a complaint about an unleashed/untagged hippie dog in the other. He'd finagle his way inside the house, with radar-eyes zooming in on ashtrays to spot a few suspicious cigarette butts. He'd come back hours later with Jeepsful of sheriff's deputies.

Fate provided Bill Bushnell the final qualification for being the inside man on the Dickenson raid. The BNDD informer said Dickenson kept those two go-for-the-jugular St. Bernards. Bushnell was expert at "incapacitating" dangerous dogs.

Undersheriff Bollman added another gothic wrinkle to the case. He neglected to tell the District Attorney about it. In the undersheriff's opinion. William Ferroggiaro was a liberal soft on law and order, a Hightalian egghead who talked like he'd swallowed a dictionary and more often than not acted like a pure-grade horse's ass. He could somehow botch the whole investigation and what the EDA didn't know wouldn't hurt any-

goddam body . . . neither the Sheriff's Department nor the United States government.

Undersheriff Bollman saw no need, either, to concern the sheriff much with the Dickenson case. For all practical purposes, Humboldt County was without a sheriff. Oh sure, there was a man sitting in a courthouse office, behind the fancy door that said "Sheriff" on it, but Sheriff Gene Cox looked eroded and sallow and had all-consuming problems of his own. Sheriff Gene Cox drank too much and spent a few weeks in Napa now and then under clinical supervision—as even the Eureka Times-Standard was forced to report—drying out.

BUNKY FERRIS—1950–1971

On December 4th, 1971, in a ———kicker Willow Creek bar near Hoopa in Northern Humboldt, site of the largest Indian reservation in the State of California, a fistfight broke out between Indians and local sourdoughs.

One participant was Bunky Ferris, a 21-year-old Indian, a UCLA student back at the reservation during semester break. Ferris was militant, longhaired and tough.

Robert Marmon, the jowly bartender, tried to "break up" the fight. Ferris and some of his friends disliked and distrusted Marmon who they said liked to taunt them with racial slurs.

Marmon tried to "break up" the fight with a gun. The gun "went off" and Bunky Ferris was dead.

Indian activists demanded District Attorney William Ferroggiaro seek a murder indictment against Robert Marmon. Ferroggiaro took the case to the Humboldt County Grand Jury.

One of the witnesses on the bartender's behalf, Indian militants claimed, was so drunk she fell off a chair. The District Attorney let the pratfallen lady's testimony stand, and, an Indian leader alleged, "He played to the majority around here who still feel the only good Indian is a dead Indian."

Ferroggiaro said he did the best he could. The death of Bunky Ferris, the grand jury ruled, was "accidental."

"If it wouldn't have been for Undersheriff Bollman's ego," says portly Dan Walters, managing editor of the Eureka Times-Standard, "chances are the world never would have found out about Dirk Dickenson. Chances are things might have been, you might say, *tidied up*."

On Friday, the 24th of March, 1972, in McKinleyville, a tanktown 20 miles outside Eureka, a crewcutted 20-year-old named Allen Thornhill became despondent, went berserk, barricaded himself in his house, and started shooting target-practice at passersby with two pelletguns and a rifle.

All available sheriff's deputies surrounded the house and were pinned down by Thornhill's gunfire. It was a moment of high frontier drama, a carnival-like siege just like the ones produced periodically in Brooklyn, Detroit City and Chicago. The whole town buzzed about the shootout and reporters and photographers from the Times-Standard flitted grimly around the scene.

After several melodramatic hours, Thornhill, as a deputy said, "came crawling out." Times-Standard photographers recorded his capture and next day's front page was plastered with three- and four-column pictures of guntoting deputies leading the sniveling owly-eyed sniper off to jail.

"Bollman loved the publicity," says Dan Walters, "I mean, he thought it was the greatest thing to ever happen to the sheriff's department to get splashed like that all over the paper."

"Of course," adds Dan Walters sardonically, "I thought they looked like a bunch of ——."

The reason Dan Walters, who likes policemen and types himself a political conservative, thought the deputies looked like ——— was directly because of Undersheriff Bollman.

The undersheriff, more than anxious to command his forces in battle, never made it to the shootout. He didn't make it because, speeding to McKinleyville, he crashed a red light at 5th and V Streets in Eureka.

His patrol car glanced off one car, careened into another, then flipped like a jumping bean and tumbled 50 feet. Three Eurekans were rushed screaming to the emergency room, casualties in the war against crime. The Times-Standard ran a picture of Bollman's belly-up sheriffmobile with a headline that said: The Undersheriff Didn't Make It."

On the night of April 3rd, Undersheriff Bollman called Dan Walters and said he was giving him a good story, a story even better than the McKinleyville shootout. Undersheriff Bollman was officially in charge of the department, Sheriff Cox had temporarily exiled himself to a rehabilitation center called Duffy's in Calistoga.

Bollman dramatically told the managing editor to assign a reporter to him the next day and make sure the man brought his camera. He couldn't say why, but it was *big*.

Walters pressed for details. All right, Bollman said, I'll tell you: The Sheriff's Department was going to be involved in the biggest narcotics bust in the history of Humboldt County! Maybe the biggest bust in the history of the State of California!

The undersheriff didn't tell Dan Walters anything else, except that the bust would take place "up in the boonies."

On the morning of April 4th, 1972, a bright and sunny day, Dirk Dickenson and Judy Arnold got up at nine o'clock and decided to visit their tree. It was a splendrous majestic burl stretching high into the cloudless sky . . . perfect, Dirk thought, for eight to ten tables.

"It was so big we couldn't believe it," Judy Arnold says. "We stood there and looked up at it. Dirk was really jazzed, he was so excited."

They decided to buy it and inquired at a nearby ranch after the burl's owner. It belonged to Bill Bushnell, the dogcatcher.

They drove to Garberville looking for Bushnell and found him at the sheriff's substation. Bill Bushnell had time to talk to them; he was killing time. He was waiting to hook up with the Fed/sheriff posse which would raid Dirk Dickenson's property with a warrant for his arrest in less than three hours.

But the cagey dogcatcher said nothing to Dirk Dickenson about that and when Dickenson asked if the tree was for sale, Bushell said sure—"No problem, you wanna buy it, it's yours."

They agreed to finalize their deal "tomorrow."

They shook hands on it; the dogcatcher smiled.

Dirk Dickenson and Judy Arnold climbed back into their blue Scout and drove down the street to a craft shop, listening studiously to the owner's advice about smoothing their burls.

"Then we went home," Judy Arnold says. "We stopped at the liquor store and Dirk bought me a real big bottle of Jack Daniel's. We were going home to celebrate our tree."

When Kenny Krusco, the pint-sized boss of the federal narcotics team, heard that the undersheriff of Humboldt County has invited three newsmen to accompany and film the mountain raiders, he was furious. The bust would be a high-tension commando-like operation; they were going after criminals their intelligence said were armed and dangerous; they would be exposing their throats to the fury of homicidal St. Bernards. The newsmen would foul everything up; the witnesses would have to stay behind.

But Undersheriff Bollman, his eyes trained on Sheriff Cox' wobbly job, insisted the reporters go. There were some harsh words and Krusco, perhaps not wanting to offend a cooperating agency, backed off. No sweat, Bollman assured him, the reporters would take orders: They had promised to ask questions of no one except the two of them. There would be three reporters: two Eureka television news-photographers, Ron Rose and Carol Oslon, and Richard Harris, the sour ace of the Eureka Times-Standard staff, a former Vietnam Public Information Officer, so straight he didn't even drink, a young man with an old man's love of the golf course.

Krusco would honcho the bust. The raid would be composed of two assault teams, a total of 19 men: five Bureau of Narcotics and Dangerous Drugs narks, two federal chemists, nine sheriff's deputies and an IRS agent one of the reporters would describe as "a grayhaired Dustin Hoffman." Plus Bushnell, the dogcatcher. They would all be armed with shotguns, revolvers and rifles; fed narks would be camouflaged in longhair, Levis and tie-dyed T-shirts.

Two platoons were needed because of the logistical importance of the element of surprise. No one knew how many bigtime dopers would be holed up in the cabin. Gunplay, their intelligence said, was a probability since the members of the "Dickenson Ring" were thought to be armed. One nark team would drive to the cabin, lurk in the trees, and strike as grunts from the road. The other would be airlifted in a Huey helicopter borrowed from the US Army. When the chopper touched down in a clearing near the cabin, both teams would run for the cabin door. The St. Bernards, it was clear, might have to be shot. The killing of the dogs was the dog-catcher's special responsibility. The agents were certain the raid would uncover the "million dollar . . . giant lab." The three reporters would stay the hell out of the way and would under no circumstances take pictures which showed any of the agents' faces.

If there were any problems, Kenny Krusco would bark all the signals. Krusco was an experienced federal narcotics agent, the little big man of the BNDD's San Francisco office, a legend among his colleagues: the man who had put the cuffs on the Acid King himself, Owsley Stanley. He had also participated in the Kafkaesque 1970 arrest of Bay Area attorney Michael Metzger, the former assistant US District Attorney who had waged a one-man war against narcotics agents' tactics, a war directed primarily against Kenny Krusco and his drinking buddy, state narcotics agent Gerritt Van Raam. Metzger had called Krusco a liar several times in court (on one of those occasions the government couldn't even deny the allegations) and when the posse came for Michael Metzger, Kenny Krusco was there.

On this sunflecked day in the mountain town of Alderpoint, as the three reporters waited for the land/air assault to be launched, they kept hearing federal agents refer to the suspects they'd find in Dirk Dickenson's cabin. The agents kept describing these suspects with a hissed single word: "Creeps."

Richard Harris, the golf-loving reporter, had an unnerving flash of deja vu. It was Vietnam all over again. They were going to take a remote hooch with a kind of helicopter strike; this time, instead of gooks, they were hunting creeps.

DIRK DICKENSON—1948–72

When they got back to their cabin, Jack Daniel's No. 7 Tennessee Sourmash in hand, Dirk Dickenson and Judy Arnold stretched out on the back porch, cracked the seal on

the new bottle, and toasted the burl tree that would make them rich. The bathtub was sitting out there too, incongruous and absurd in the noonday sun, and they decided to devote a lazy afternoon to building a room for it.

But the gunmen were coming for them. While Undersheriff Bollman, Inspector Mel Ames, and seven federal agents were airborne in the Huey, cameraman Ron Rose was near the rear of an elaborate nark caravan. "A blue Ford pickup with Bushnell, the animal control officer, leading us," says Ron Rose, "the bed of the pickup had regular facilities for carrying animals. Then there were two sheriff's cars and a green Ford van plastered with tourist stickers that had two federal agents in it, followed by a Scientific Ident man's station wagon. Then us—Carol Olson, Rich Harris and I.

"We stopped twice, once a half a mile from the cabin. The deputies were trying to make radio contact with the chopper. The chopper was about ten minutes out. We sat there for two or three minutes and then the caravan moved on to another clearing. There was a house on the right, people were out mowing their front lawn. This clearing came back to a point. At the end of that, a dirt road went on through the trees. We stopped the cars there. We still couldn't see the house. We got out of the cars and started walking. This was a heavily wooded area. We went from the roadway onto a hillside and we kept concealed in the trees waiting for the helicopter."

Judy Arnold says: "We were clearing the bathtub out and we were going to bring it inside, trying to figure out where to put it, and that's when we heard the helicopter."

Aboard the Huey, federal narcotics agent William Filben, gangling and carotene, looked down and saw armed longhairs hanging like apes out of the trees surrounding the cabin. Krusco's briefing had been less than complete and Filben got nervous. He thought the longhairs were creeps. "I really didn't think the whole time in the air we'd find anybody in the place at all," he'd say later. "But when I saw the bunch in the trees, I thought—'Oh. boy, we really walked into it.' It wasn't until we got down and I saw the TV cameras that I realized they weren't hostile."

"We heard the helicopter," Judy Arnold says, "and we'd just come inside. So we went out on the back porch again. We had our two dogs, Boogie and Vernon, with us. We weren't afraid. Dirk wanted to show the dogs; they'd never seen a helicopter before. He said —'Come on, you guys, wanna see a helicopter?'

"The copter was coming toward the house. It was a long green unmarked copter. The door opened. It got right over the cabin and they looked down and smiled and waved at us. We smiled and waved back. They didn't look like police people at all. They all had fairly long hair and most of them had moustaches and they looked happy. They looked like they were having fun.

"Dirk said—'It looks like it's gonna land.' It was over the house and it was really low. We left the back door open and came back inside the cabin. Boogie and Vernon weren't barking. They were calm. Our front door was open and the copter was starting to land. Dust and dirt were coming into the cabin. Dirk walked over and closed the front door. Most of the door was glass. We stood at the corner of the big redwood table in the kitchen facing out the front door. We could see out the door. The copter set down and the men jumped off."

Landing the big Huey in the clearing next to the cabin wasn't easy; Mel Ames' sky-bound surveillance had miscalculated the length of their chaparral landing zone. When the chopper finally touched ground, the grunt assault team raced from the trees toward the cabin. Nine gunmen scrambled out of the Huey. It was a distance of 60–90 feet; a five second dash. The noise was deafening; agents couldn't hear each other from the shrill kuh-chook-chook-chook whirring of the blades. At the crest of the hill overlooking the cabin, a logger named Ronnie Robertson looked at the figures scurrying below and thought: "It's like some stupid rabbit hunt, all those people running around like crazymen this way and that." Times-Standard reporter Richard Harris watched the attack and jotted a nervous scribbled sentence into his notebook: "Looks like an assault on an enemy prison camp in Vietnam."

Both film photographers, Ron Rose and Carol Olson, saw the Huey land and the men running but both failed to catch the full sequence of the action with their cameras. The gust from the force of the chopper-blades knocked Carol Olson to the ground. Her pictures blurred. "Just as the helicopter touched down," Ron Rose says, "something happened. It was the wind. It blew a large branch off a tree and it started showering down on me, so I turned my back and shut my camera off momentarily. And then I turned back around and started filming."

Judy Arnold says: "I didn't have anything to be afraid of until I saw the guns and I got petrified then. The guns were drawn, shotguns and rifles and everything. I thought it was some kind of ripoff."

As the commandos vaulted from the Huey toward the cabin door, agent William Filben allegedly stumbled and fell. "I did a belly-flop," he'd say later, "I just outran my feet."

Three men allegedly saw Filben fall—agents Krusco and Lloyd Clifton, a beefy 30-year-old former Berkeley policeman with a drooping moustache and long hair stickily layered with hairspray, and Undersheriff Bollman. No one else saw Filben's fall; neither camera recorded it.

Bollman, who said he had to step over Filben, said he didn't think Filben was hurt.

But Lloyd Clifton, as he was to testify, thought Filben had been shot by a sniper in the cabin.

Krusco backed him up and said he, too, thought Filben had been hit.

Judy Arnold says: "I saw a foot come through the door, the foot and then the door was pushed open. It was busted open. And at that time Dirk turned and ran and told me to run."

The man who busted the door down, shattering its plywood paneling and cracking the jamb, was Lloyd Clifton. Right behind him were Krusco, Bollman and federal agent Ed McReedy, 37 years old, a former Arizona highway patrolman, bearded, frizzy-haired, and looking a dozen years younger.

"Before I could do anything," Judy Arnold says, "they had me. Dirk jumped off the back porch and ran. There's a terrace back there and a slope toward the woodline. They told me to freeze. There were at least ten of them inside by now. The one who broke the door down, Clifton, ran through the house after Dirk. He wore a pair of Levis, a T-shirt, corduroy jacket and hair down to his chin. His size struck me. He was big, really big.

"It was terrifying. I was shaking. It was like some terrible storm had crashed down out of the sky at us. They held me. The dogs got excited and they were barking. There was mad confusion in the place."

Lloyd Clifton was standing on the back porch.

He saw Dickenson running for the tree-line.

He raised his snubnosed .38 revolver.

He aimed it at Dickenson's back.

He yelled, "Stop or I'll fire!"

He fired one shot.

Kenny Krusco, standing next to Clifton on the porch, had his shotgun trained on Dickenson's back but didn't pull the trigger.

The roaring kuh-chook-chook-chook of the helicopter had muffled the gunshot and, some said later, Clifton's order to stop. "I heard a crack," says Carol Olson, "which at the time in the rush I interpreted as a tree breaking. Agents were running around. Then I saw somebody down on the ground. It didn't occur to me that it could have been the sound of a shot until I actually saw somebody down on the ground."

"I heard somebody say—'He's been hit!'," Judy Arnold says, "I didn't hear the shot. The copter was taking off again and making this insane noise and the dogs were really barking. It was chaos."

Dickenson was shot in the back at a distance of 40 yards from a position 40 feet higher in elevation. He dropped 25 yards short of a steel and wire fence at the woodline, face down, and crawled forward a few inches. He wore a pair of Levis, work boots and a brown T-shirt. The bullet entered his back three inches above the waist next to the spinal cord, sliced down at a 60 degree angle, and exited through a small bloodless hole in the lower groin.

Undersheriff Bollman, gun in hand, ran toward the body "sure I'd find some sort of weapon." He found nothing. Incredulous, he scrambled down on his hands and knees and searched the entire area. Still nothing. Bollman, a newsman noted, was ashen.

Dirk Dickenson was still writhing on the ground, barely alive. "I was shooting film at close range," Ron Rose says, "Rich Harris and I were both asked to help hold his head. I heard Dickenson say—'I can't breathe, it's hard to breathe.' A deputy said—'He's already urinated his pants, he's in bad shape.' The deputy said—'Get the ——— first-aid kit and stretcher down here fast.' He was yelling. Another deputy said—'There's a stretcher in my car,' threw the key to someone else, and this guy started running up the embankment to where the cars were parked." Dickenson needed a doctor immediately. He couldn't be rushed to a hospital; the Huey had taken off again and had to be summoned back by radio.

Inside the cabin, Judy Arnold couldn't comprehend what was happening. "I heard he was out there and he'd been hit and I asked if I could go out there and see him." They said no. I said—"Well, can I at least go out on the back porch and see how he is? So they held me and took me to the back porch. I looked off and I could see him. I saw him move his leg. It was spasmodic, like a twitch. They said—'Oh, it's OK, he's gonna be all right,' Clifton was leaning over him, saying something. I don't know what, he was too far away.

"They took me back to the cabin, they still hadn't identified themselves. I finally saw a badge on the inside of this guy McReedy's coat, but they still hadn't said who they were. So McReedy goes—'I'm gonna take you outside, ask you a few questions.' There were a couple more of them leaning in the door and they asked me if I was the only one there. As they were taking me out, I asked—'How's Dirk?' They wouldn't tell me how he was, wouldn't say anything. So they took me outside. There was an orange truck out there, Dirk's, with a busted motor. They put me in the orange truck and I said again—'Well, who are you?' That's the first time they officially told me who they were."

The three reporters, critically important eyewitnesses at the scene of a killing, were behaving less than authoritatively. They asked no questions. "I didn't ask anyone about the shot," Ron Rose says. "I didn't know who was who. I didn't know whether I'd be talking to an agent or a suspect. And we were told not to question anyone except Under-sheriff Bollman and agent Krusco."

"The narks were treating me all right," Judy Arnold says. "They said—'If you promise not to run, we won't handcuff you.' So I told them OK, I wouldn't run. The guy said—'We're federal narcotics agents looking for a PCP lab.' And I just laughed. I just laughed in his face and I said—'Well, you blew it this time, there's no lab here.' And he

goes—'Well, we know there is.' And I said—'There isn't, there's no lab.' So they took me out of the truck to the other side of the cabin."

Ron Rose says: "I started working myself down the hillside and onto the flat portion where there were some rabbit hutches and a chicken coop. They were going into the chicken coop and around it and into the woods. I presumed they were looking for something other than eggs."

"Then this agent, McReedy," says Judy Arnold, "starts talking to me about the land, how much he liked the land, wasn't this beautiful country, how much he'd like to live here. He was trying to act super-nice. He started telling me where he was from, his experiences in Arizona and all this. It was a big sick game. He was supposed to charm me into giving them information while they took my old man's body away. I kept asking how Dirk was and they wouldn't tell me. The copter was back and they were taking Dirk away and I said—'Can I go with him in the copter?' They said, 'No, you'd just be in the way.' One of the dogs, Boogie, was out there running around Dirk's body. They were carrying Dirk onto the copter and Boogie was crying. I guess he wanted to go along. The copter took off and Boogie stood underneath it, looking up—the roar wasn't scaring him at all now and he was howling."

As the agents continued interrogating Judy Arnold, Dirk Dickenson—who had to wait 20 minutes before the Huey came back—was dying. The bullet did not strike any bones or vital organs but had punctured major blood vessels in the abdomen, causing massive internal bleeding. When the chopper touched down in Eureka, Dickenson was dead. ("There was absolutely no chance of saving him," the coroner, Ed Nielson would say. "He would have died if he'd been shot in downtown Eureka.")

Kenny Krusco, meanwhile, ordered the three reporters off the property. "The cameras bothered the Feds," reporter Richard Harris would write, "and a half hour after we got there, we were told to leave the cabin area." Says Ron Rose: "We were asked by Krusco, through Bollman, to leave the area so that 'they could go about their work.' We went back to the Feds' van. We got into it because it was cold. The wind had come up and there was some cloud cover. We waited there quite a length of time."

"The copter took off," says Judy Arnold, "and they took me back to the other side of the cabin and took me back in the truck and a guy said—'I wanna ask you a few more questions.' Vernon, the other dog, was super-protective of me and he wanted to get in the truck with me. So they let Vernon in with me and the agent had the door open and he was talking to me about the dogs and everything. At one point, I got really mad, I don't remember about what the dog could feel my vibes and he tried to bite him. And so the agent slammed the door of the truck and he goes—'If you don't take care of the dog, I will. I'll have to shoot him.' "

"So McReedy goes—'Well, we better take you out of the truck. I can't talk to you with your dog snapping at me in there. They locked Vernon in the truck and took me back to the cabin again. Then they left me by a tree while they searched the cabin. I was standing by that big tree looking up into the sun and starting to cry. I just kept thinking about Dirk, you know, wondering how he was, being scared, trying to feel myself together with him."

Ron Rose says: "We were sitting in the Feds' van and then Undersheriff Bollman came out and he gave us a very minor briefing. Then Kenny Krusco came out and at that time we were allowed to ask any questions we had. We asked what the weapon was. We wanted to make sure of our own hearing. We ask how many shots were fired. We did not ask who did the shooting. I think we all had enough common sense about us to know we would not get an answer. We were more interested, at this point, whether they'd found the lab or not." Adds Carol Olson: "I don't think we asked who did the shooting or why. Maybe we should have."

"We were asked at the scene," Rose says, "to have our film processed and before it was shown take it over to the sheriff's office so that Krusco and Bollman could look at it—and more or less—not censor it, but point out where we might have inadvertently gotten an agent's face into the picture. We agreed to this request."

"They packed me in a squad car and took me to the county jail in Eureka," says Judy Arnold, "and after a while, I'm not sure how long because I lost track of the time, they called me out and told me he was dead. Just like that. No beating around the bush. No softening it. He's dead. Almost like—'By the way, you know that guy you were with, well, he's dead.' I never felt that bad before in my life. The hurt was so bad I wouldn't believe it. I got sick. I was in a trance. I was a puppet and they had to guide me everywhere."

The fed/county raiders had a serious public relations problem. They had one dead body and they had no PCP lab. Their "master chemist" had been shot in the back as he ran unarmed. An extensive search of the area netted only a penny-ante stash. The contents of the "master chemist's" stash were neatly cataloged and listed in a summary some of Dirk Dickenson's friends would view as a grotesque requiem.

No. 1—One hand-rolled cigarette suspected marijuana.

No. 2—Excedrin bottle containing one partially smoked cigarette suspected marijuana.

No. 3—Plastic bag containing suspected marijuana.

No. 4—Plastic bag containing suspected marijuana.

No. 5—Bottle containing suspected marijuana.

No. 6—Bottle containing suspected peyote buttons.

No. 7—Bottle containing two suspected LSD tablets.

No. 8—Tin can containing five suspected peyote buttons.

No. 9—Brown jacket containing plastic bag suspected marijuana.

No. 10—Bottle containing partially-smoked cigarette suspected marijuana.

That day in Lincoln, California, 25 miles north of Sacramento, Mrs. Mittie Dickenson, the wife of a Chrysler Motors manufacturer's representative, got a phone call from a friend. Her friend was listening to the radio and humming along with the music and, as was her custom, she listened only half-mindedly when the news came on. That's how she found out, between jingles and commercials, that Mittie's son was dead. She called only to tell Mittie how sorry she was. Mittie Dickenson gasped. No one had bothered to notify her.

Her husband, Chester, was on a business trip in Nevada. She dialed the phone and told him. Chester Dickenson heard his son was dead and said nothing for a very long time.

"Chester?" his wife finally said.

"I heard you," he said, "I heard you."

While they had a bullet-holed corpse and no PCP lab, the Feds made much of $1500 cash found in Dickenson's wallet, as well as what they called a "small arsenal"—three rifles, a crossbow and a shotgun—stockpiled in the cabin. Their emphasis of these discoveries implied this was enough to circumstantially prove Dickenson was indeed involved in a nefarious dope ring. The implication carried a sneak; bottom line: *Think about it, pal, if the guy was a dope merchant in the business of corrupting your children, his corpse wasn't worth shrieking about.*

The shooting catalyzed Humboldt and, in the weeks afterward, as investigations were demanded and proclaimed, civil libertarians (mostly at Humboldt State College in Arcata and in the Bay Area), replied to the Fed innuendos by pointing out that in the primordial part of the wilderness where Dirk Dickenson lived, everyone was well-armed, especially those longhairs who survived the vigilante terrorism and the house burnings. Besides, as one attorney later said, "I don't care if the ——— hippie was a Mafia kingpin second only to Lucky Luciano's heirs, I still worry about that bullet in his back."

Civil libertarians were troubled by unanswered and nagging questions:

Since he knew a raid on the Dickenson property was imminent, knew there was a warrant for Dickenson's arrest, why didn't dogcatcher Bushnell arrest Dickenson? At least turn him over to a sheriff's deputy when Dickenson sauntered into the Garaberville substation wanting to buy the burl tree?

What happened to the infallible "hard intelligence" which was the basis for the search warrant, which said the property housed a million-dollar lab? Why didn't the agents conduct a land survey before 19 men hit the cabin with their trigger-fingers ready?

Why didn't agents identify themselves when they came hurtling out of the sky to the cabin door? Why didn't they state their warrant and demand entry instead of savaging the door from its hinges?

Why did the reporters permit agents to view their films before those agents made their statements about the shooting (a question made critical by the fact Filben claimed he fell at the exact moment the two films blurred)?

Why did it take three days after the shooting . . . and after the agents had viewed the films . . . for Filben to reveal his fall and for Bollman, Krusco and Clifton to say they saw it happen?

Why did only three men out of a 19-man party—the killer, his superior and a raid organizer—see Filben's fall?

Why, if Filben did indeed fall, didn't Krusco and Clifton check him? Make sure he had been hit? Lean down and check the wound before one of them shot an unarmed man in the back?

Why, if the gunplay was thought probable, was no provision made for the aid and evacuation of wounded men?

Why were the three reporters and their cameras suddenly ordered off the property after the raid? After it was clear there would be no more shooting and the reporters' lives wouldn't be endangered? Was there something to hide?

And those three lily-livered reporters? What about their sense of professionalism? How could they have agreed to an arrangement not to ask questions of anyone but Bollman and Krusco. How could they honor that agreement once they realized they had witnessed a killing? How could they, as Ron Rose admitted, still be concerned with the lab after two of them helped hold a dying man's head? Why didn't they even ask Krusco who had done the shooting or why shooting was necessary?

Local police officials quickly tried to explain the shooting by blathering on about the "Uptight Society." By this convoluted rationale, Dirk Dickenson was killed because of the policemen who'd been killed in America in the past. "You can't blame officers for being uptight," said Undersheriff Bollman. "They're aware of the situation today. Officers don't go out on duty thinking they're going to shoot someone, but many times they may wonder if they're going to return home that night. 'Is today my day?' they ask themselves."

Agents who participated in the raid said very little, except for Ed McReedy's comment

that "the idea of shooting to wound is bush league. You just get more people killed that way." Lloyd Clifton, who had pulled the trigger, became very unavailable and was transferred from door-stomping duty to anonymous safety of the BNDD chemical lab.

His fate rested with two agencies: the United States Department of Justice and the Humboldt County District Attorney's Office. Both announced high-priced investigations; no taxpayer dollars would be spared in the pursuit of "the facts." The Feds could technically indict Clifton on charges of violating Dirk Dickenson's constitutional rights, of "summarily executing" him. District Attorney Ferroggiaro could seek charges ranging from involuntary manslaughter to first degree murder. Or both agencies could do nothing, find the shooting regrettable and tragic, shed public crocodile tears, and conclude Lloyd Clifton's muted gunshot was "justifiable homicide."

Thirty-seven-year-old Bill Ferrogiaro, looking paler each day, his horn-rimmed glasses sliding in sweat off his spoon-shaped nose, was on the hot grill again. He was a man whose once grandiose political ambitions . . . the United States Congress, the Senate . . . were being sandbagged by twists of violent circumstance. He announced, with a fine sense of politic, that he would do nothing . . . until the Feds concluded their own investigation. Clifton, after all, was a federal agent and the Humboldt County DA said: "We're waiting for the Department of Justice to act and then we'll make our decisions."

In San Francisco, United States Attorney James K. Browning Jr. flashily told the press the government investigation would be far-reaching and fair. The fact that no federal narcotics agent anywhere in America had ever been charged by the government with violating a suspect's constitutional rights was coincidental and irrelevant. Browning admitted a rather brain-scalding conflict of interest: As the US Attorney, he was responsible for determining whether Dickenson's constitutional rights had been violated; and as the US Attorney, he was dutybound to act as defense counsel for all governmental personnel—including Lloyd Clifton.

A few weeks after the shooting, as the federal investigation got under way, US Attorney Browning said: "We are attempting to be as impartial as possible. We've got an open mind."

In the next sentence, long before the government's probe was even halfway complete, he demonstrated his impartiality. "Nevertheless, on the basis of incomplete reports received by this office, I suspect it will fall into the category of justifiable homicide."

It didn't look like either Lloyd Clifton, who pulled the trigger, or Kenny Krusco, his boss and chief corroborative witness, had much to worry about.

The sourdoughs of Humboldt were sharing their feelings about the dead hippie who'd kept marijuana in his home and lived in belly-to-belly sin with his sweetfaced girlfriend. The Times-Standard, which called vehemently for an investigation, was getting fat sacksful of letters to the editor.

"Why all the sympathy for a dope pusher escaping arrest? It's because of bleeding hearts like you that our valued lawmen are hampered by over-lenient courts and laws . . . It's about time that we started thanking the federal agencies instead of criticizing them. *So hang in there, guys, you're all doing a great job.*"

Meanwhile, not long after the shooting, five lonely longhairs stood in bereavement outside the Eureka courthouse with a sign that said: "Oh no, Dickenson goodbye."

WILLIAM SMITH—1934–1972

Three weeks after Dirk Dickenson's death . . .

On the evening of April 25th, 1972, 18 miles north of Eureka, in Arcata, the home of Humboldt State University, an adrenalized SRO crowd jammed into a college auditorium to hear America's most renowned Marxist. Herbert Marcuse, the grand old ideologist of the American Left, mentor to Angela Davis and hero to millions of Third World peoples, drove a lot of sourdoughs raving ga-ga with his visit. A celebrated Red was in their hometown, brainwashing their kids with sin and sedition. Police cruised the campus in teams, ready for action.

At 8:30 that night, while Marcuse stood at a speaker's stand less than 500 yards away, a 43-year-old California Highway Patrolman named Robert Hahn, with 13 years' service on the force, noticed a scruffy motorcyclist driving south on Highway 101 near the University gates.

The patrolman watched the cyclist ditch his machine on the side of the road and run through the brush. He thought the cyclist's actions suspicious and gave chase, gun in hand. The patrolman caught up with him on the embankment of the highway and yelled to the man to stop. The cyclist stopped and turned.

When he turned, Patrolman Robert Hahn shot him between the eyes with his Colt Officer's Model Match .38 Special revolver.

Patrolman Hahn walked back to his squad car and drove away; the cyclist's body was found later that night by a passing motorist. The motorist called the Highway Patrol. The dead man was identified as William Smith, 38 years old, a Win-Ton Indian, the father of five, an employee of the Simpson Lumber Company.

The first patrolman on the scene, Edward Radelich, listed the death as a hit and run accident until the coroner washed the corpse's face and found the bullet hole in middle of the forehead. Radelich called another Highway Patrolman to help him with the investigation. He was Robert Hahn.

For three days, Patrolman Hahn investigated the killing with his colleagues. On the morning of the fourth day, he confessed to killing the Indian because, he said, "I couldn't sleep." He confessed, too, to falsifying his log, placing himself 20 miles away in McKinleyville at the time of the shooting. Why did he kill the Indian? "I don't know why I shot him," he said in a statement "whether it was the heat of the chase or what."

District Attorney Ferroggiaro had a unique case: The cop who killed an innocent man, walked away from the bleeding body, made up an alibi, and then began investigating his victim's murder.

Yet the District Attorney only referred to the killing as an "accident" and called Hahn "negligent." In light of those statements, some thought it not very surprising that Hahn was charged only with involuntary manslaughter—a legal slap on the wrist when it comes to dealing with a homicide.

American Indian activists said: "The indictment is a joke. Hahn killed Bill Smith in cold blood. Smith's body actually landed at Hahn's feet. It was a senseless murder."

Hahn was dismissed from the Highway Patrol and there was a trial. His counsel was James McKittrick, in his mid-30s, an icepick-thin, vitriolic man who like to run the table at George's Pool Hall on Third Street, drove a Lincoln Continental, wore suspenders like a Roaring Twenties gambler, and kept a private eye on his staff.

Hahn testified that when he asked Smith to stop and Smith turned, he felt an "object" strike his leg. The object, a stone, caused his gun to "discharge." He admitted the Colt was cocked and his finger was on the trigger when Smith turned. He did not say why he was chasing a man who had violated no law with a cocked gun . . . if he didn't intend to fire. (A Highway Patrol official testified: "It is extremely dangerous for an officer to cock a pistol unless he intends to fire it.")

The gun discharged, the hatchet-faced McKittrick maintained, because of a "faulty trigger mechanism." More exactly, the gun had been honed so that it could be fired "with less than standard trigger pressure." It had, in short, been hair triggered . . . souped-up the way Billy the Kid and Wyatt Earp and their gunslinging Wild West sidekicks doctored their Colts . . . and a Eureka gunsmith testified that honing guns was "a common practice among law enforcement personnel." No one knew, it turned out, who had hair triggered Hahn's gun, though it developed the patrolman had failed to turn in his weapon for its annual Highway Patrol inspection.

And Hahn?—the District Attorney questioned—Was he asked during his confession whether he shot Smith intentionally or whether the gun accidentally discharged? Both witnesses to the confession, another highway patrolman and an Arcata policeman, said they "couldn't remember" whether Hahn had ben asked that seemingly routine and all-important question.

In his summation, defense attorney McKittrick dwelled on "the hundreds of policemen slain in America in the line of duty." He did not, understandably, tell the jury there had never been a cop killing in the history of Humboldt County.

He concluded: "The fact that people have been killed by officers is too bad, but I would say by and large they have brought their unhappy fates upon themselves."

The jury deadlocked 10–2 for acquittal.

District Attorney Ferroggiaro announced he would not ask for a new trial; Robert Hahn filed suit to regain his job with the Highway Patrol; Bill Smith's widow wondered how she'd feed her five children.

Pool-playing Jim McKittrick scored the biggest victory of his distinguished courtroom career, a victory which would take him a long way . . . to the Justice Department in Washington and the bullethole in Dirk Dickenson's back.

Bay Area attorney Phil Ryan was representing Judy Arnold, who had been charged after the raid with possession of marijuana and LSD, but the way he saw it, his real client was the dead man, Dirk Dickenson. Phil Ryan swore to himself he would not let a man get shot in the back without making every effort to bring his killer to justice.

He knew that two federal narcotics agents slept in Dirk Dickenson's cabin the night he was killed. They stayed on his land the next day, searching (with what must have been some desperation) for the million-dollar PCP lab their intelligence promised. They found nothing. A few days later, Undersheriff Bollman announced the property had been sealed off.

But nearly a full month after the shooting, District Attorney Ferroggiaro made his own inspection outing to the cabin site. He wanted to diagram the shooting. As the DA wandered around making his precise drawings, he stumbled onto a long black hose 200 feet from the cabin. He wondered where it would lead and—sweet creeping Christ!—it led to the million-dollar lab . . . at least part of it. The DA tracked the wondrous hose 200 yards into the woods and found a tent platform, two cans of a chemical component of PCP, a shattered measuring flask, and jagged bits and pieces of laboratory bottles.

Now this miraculous development was very strange. The entire 19-man nark posse had somehow overlooked the hose the day of the shooting, as did the two agents who scoured the ground the next day—even though the hose was right at their toes, 200 feet from the cabin! Unless, of course, the hose, the tent platform, and the whole suspicious jimbang hadn't been there that day. Unless someone

had sneaked back onto the property to leave these incriminating little items . . . ready and waiting for the DA to come out to make his drawings.

According to courthouse insiders, District Attorney Ferroggiaro was apoplectic he had blundered onto the ruins of that alleged lab. He felt he'd been set up, suckered into making a highly dubious discovery. Publicly, the DA said: "There's a certain taint to the discovery" and "the possibility must be considered that the materials were planted on the Dickenson property subsequent to the initial search."

When Phil Ryan heard the DA had found the lab, he laughed. He had no doubts the evidence was planted; no doubts the United States government would "obviously try every dirty sleazoid trick" to get one of its hired guns off the hook.

Ryan is a crusty Black Irishman who sees, in the attempted enforcement of drug laws, "the massive corruption of law enforcement." He likens agents to an "armed clergy" who have "a macabre lust for the death forces." He believes agents have a single rule of conduct: "You tell a lie often enough, everyone will believe it," and once told a judge while court was in session: "I don't want any agents in this room. thev're all liars."

When he heard once that narcotics agents were investigating him for his oft-expressed views, Ryan confronted the agent in charge, ambled genially close to him, and said: "Now let me give you some advice. If you bust me, you better have that search warrant pinned to your lapel. Because if I don't know who you are and you come crashing through my door, I'm liable to blow your ——— head off."

Ryan had examined the details of the Dickenson case, guessed at the extent to which the government would go to defend one of its own, and decided he needed some help. He asked attorney Michael Metzger, victim of one of the most tainted busts in BNDD history, a raid led by BNDD agent Kenny Krusco . . . who led the raid on Dick Dickenson's cabin and was now agent Lloyd Clifton's superior and chief witness.

The two men made their own investigation of the case and reached very personal conclusions. They alleged that the raid on the Dickenson cabin was a twisted Keystone Kops affair: Krusco had been a miserable quarterback and no one knew exactly what was going on; that Lloyd Clifton shot Dickenson because he got carried away by the thrill and expectation of battle.

That neither Clifton nor Krusco believed agent Filben had been shot and that they had worked out their alibis afterwards; that Clifton was lying to save his skin and Krusco was lying to save one of his men and his own reputation; and that the "PCP lab" had been planted for District Attorney Ferrogiaro because the government itself didn't want to "find" a lab a month late and badly wanted to soften the impact of the killing by sullying Dickenson's reputation at all costs.

(Metzger, who had worked with Krusco while a United States Attorney in San Francisco, had long alleged Krusco was a liar—"he never looked you in the eyes"—and had weakened Krusco's clout by forcing the government into a position where it could not defend some statements made by the agent in an affidavit. As a result, Krusco had been summoned to the office of the United States Attorney and questioned about his tactics and inconsistencies.)

Ryan went into high gear. He discovered a few words that seemed to weigh heavily against Lloyd Clifton, words contained in the BNDD's own manual to its agents. A paragraph of the manual (Subsection 42-23) said: "The agent should not shoot at any persons except to protect his own life or that of some other person. The agent will not fire at fleeing automobiles, suspects or defendants."

Lloyd Clifton had killed Dirk Dickenson, Phil Ryan underlined, in violation of his own agency's regulations. He had fired at a "fleeing suspect."

Defending Judy Arnold, Ryan and Metzger were able to prove that Clifton smashed the cabin door down without identifying himself or stating his warrant. The charges against Judy Arnold were dismissed by Federal District Court Judge William T. Sweigert, who reprimanded Clifton for his tactics.

In addition, Ryan filed a $2 million wrongful death suit against the federal government on behalf of Dickenson's family.

But the case seemed a bottomless pit and needed a herculean investigative job, and Ryan turned for further help to another man who'd had dealings with narcotics agents in the past. He was Michael Murphy, 27 years old, retired private detective, graduate of the Haight-Ashbury, a rail-thin longhair who had once convinced one of the California Bureau of Narcotics Enforcement's star informers to testify against her own superiors.

The informer was once asked by a reporter how many times she'd heard Murphy's name mentioned in the narcotics squad.

"At least 20," she said, "maybe 30."

"How many times were threats leveled against him?"

"Every time," she said.

A field supervisor for that agency had turned to the informer and said—"I want Murphy done." Murphy became such a thorn in the bureau's side he was shadowed everywhere and one top nark bragged: "We know every time Murphy takes a ———."

Murphy's constant companions were Terror and Paranoia. The job devoured him and his personal life was in ruins. His wife, who complained she hardly saw him anymore, walked out. So, in the spring of 1972, Michael Murphy dropped out of the gumshoe business, stopped investigating narks, stopped investigating anything, and laid back doing odd jobs.

When Phil Ryan asked him to help with the Dickenson investigation, Murphy refused.

Ryan outlined the case to him, described the gruesome way the bullet ripped into Dickenson's back and exploded his insides, and Murphy changed his mind.

On a muggy summer day in 1972, he sat with a reporter who was also a friend—the two had helped derail one particularly sinister narcotics agent's high-speed career—and Murphy said he was happy to be investigating again. He had gotten himself together; he had patched fences with his wife; he believed in what he was doing.

The reporter asked to buy him a drink and Murphy refused. He was on the wagon, he said, no booze. Besides, he was busy, he had to run, no time to ——— off. He wanted to devote as many hours as he could to this particular job.

He was investigating BNDD agent Lloyd Clifton.

For five long months, working 12 hours a day, Michael Murphy delved into Lloyd Clifton's police background. When he began his digging, Clifton's image was snow-white: the hardworking Brigham Young sociology grad who had devoted his life to upholding the law. But as Murphy turned his reports in to Phil Ryan, agent Clifton didn't look immaculate anymore.

This is what Murphy found:

In the winter of 1968, while a Berkeley policeman, Lloyd Clifton stopped a man named James Baird for a traffic violation. He found a bottle of gas in Baird's car.

On February 21st, 1969, Clifton was questioned about the arrest by Baird's attorney, James Giller, in the Superior Court of the State of California. A court transcript revealed this dialogue:

"Giller. Did you ask him [Baird] a question?

Clifton. Yes.

Giller. And what question did you ask him?

Clifton. I asked him what was in the bottle.

Giller. Did he reply?

Clifton. Yes.

Giller. What did he say?

Clifton. He said 'Gas.'

Giller. Did you call him a name at that point?

Clifton. I referred to him as a 'murderer.'

Giller. After you referred to him as a murderer, what did you do?

Clifton. He smirked at me and I hit him.

Giller. Where did you hit him?

Clifton. In the stomach.

Giller. What with?

Clifton. My baton.

Giller. Prior to beating him in the stomach with your baton, at any time did you choke him with your baton?

Clifton. No.

Giller. When you hit him in the stomach, he had made no gestures or any attempt to do anything to you, did he?

Clifton. No.

Giller. You just did that on your own?

Clifton. Yes.

Giller. You had never seen the man before?

Clifton. No.

Giller. Yet you called him a murderer?

Clifton. Yes.

Giller. What else did you do to him? How many times did you hit him after that? You hit him more than that one time, didn't you?

Clifton. Not that I recall.

Giller. You don't recall that, huh?"

A few months later, a young black named Steven Wilson was arrested by the California Highway Patrol for ignoring some traffic warrants.

Wilson was taken to the Berkeley police station. He told the patrolmen the car in question wasn't his anymore and asked their permission to make a phone call. He said he could establish the identity of the new owner. The arresting officers said fine, he could make the call.

He used the phone at the booking desk. He was going back to the patrolmen when policeman Lloyd Clifton walked into the room.

Steven Wilson alleged that Lloyd Clifton . . .

Grabbed him by the shirt and said: "What the ——— are you walking around here for?" Threw him into an open elevator and smashed his head against the side of it. Took him upstairs and continued beating and slapping him on the way up.

When they got off the elevator, Steven Wilson said several Berkeley policemen saw Clifton beating him. They grabbed Clifton and told him to "let the guy go."

The policemen told Lloyd Clifton to let him go because his victim was the son of Superior Court Judge Lionel J. Wilson.

(Judge Lionel Wilson, ironically, had been sitting on the bench when Clifton admitted hitting James Baird because "he smirked at me.")

Steven Wilson filed a formal complaint with the Berkeley Police Department; Lloyd Clifton was officially reprimanded for his conduct.

On March 24th, 1970, another young black man named Jemeral Young was being released on bond at the Berkeley City Jail. Present were Mrs. Edna Young, his mother, a bailbondsman and Lloyd Clifton.

Mrs. Young alleged that as they were getting ready to leave, Lloyd Clifton began beating her son with his fists. When she tried to

stop him and screamed she'd bring charges. Clifton said her son was under arrest. The bailbondsman, streetwise and shrewd, talked him out of it.

Questioned by his superiors, Clifton did not deny the beating. He said he beat Young "because he called me a ———."

As he read Murphy's reports, Phil Ryan was sickened. The bullet in the back was not an isolated incident. Ryan saw a "pattern of conduct." Dirk Dickenson's killer was a man who had assaulted one suspect for a smirk, another for an obscenity, and a third for no discernible reason at all.

The Department of Justice, meanwhile, seemed in no hurry to conclude its investigation of Dirk Dickenson's death. A flurry of press releases in the spring and summer of 1972 announced the Feds were coordinating a task force of bigwigs to sift facts: A Department attorney from San Diego was assigned exclusively to the case; a BNDD Division of Inspection agent flew from Los Angeles to Garberville; all government investigators, the Department said, were "fully cooperating" with District Attorney Ferroggiaro.

In June, an assistant US Attorney in San Francisco said a decision whether Clifton would be indicted would be reached within three weeks. At the end of September, there was still no decision and a public relations assistant to Attorney General Richard Kleindienst in Washington hinted at an even lengthier delay: "We've had recent cases in which indictments have been obtained on one-year old cases."

At the same time, also in Washington, BNDD chief counsel William Lench said the Bureau had made no formal decision whether Clifton had violated its internal regulations "but on the basis of reports we've reached a preliminary conclusion Clifton was justified in shooting." The chief counsel obviously did not attach much significance to BNDD manual Subsection 42-23 which forbid agents to shoot "fleeing suspects."

On the 15th of November, Attorneys Phil Ryan and Michael Metzger wrote Attorney General Kleindienst demanding the government conclude its investigation "without further delay."

The letter also detailed the fruits of hard-working Michael Murphy's labors. "Our investigation," concluded the letter to Kleindienst, "has established that the violence which agent Clifton perpetrated on April 4th was part of a pattern of behavior in which he has engaged for some time and about which his superiors at the Bureau of Narcotics and Dangerous Drugs should be familiar."

Ten days later, in San Francisco, the bespectacled US Attorney for Northern California, Nixon-appointee James L. Browning, made the announcement which Ryan and Metzger feared and expected: In the government's eyes, Lloyd Clifton had done nothing wrong. He was cleared. The fatal bullet in the back had not violated Dirk Dickenson's constitutional rights.

While federal civil rights statutes prohibited an officer from acting "with the specific intent of depriving another of a federal constitutional right," Browning explained, Lloyd Clifton did not act with an intent to purposely inflict "punishment without trial."

Browning went to great pains to describe the scope of the Justice Department probe (if they put so much effort into it, they couldn't have been wrong): "Extensive independent investigation" by his office and the BNDD over a six-month period; interviews with more than 25 witnesses and the collection of scores of exhibits; the results of all this digging reviewed by Browning's office as well as by the Department of Justice in Washington.

Lloyd Clifton was off scot-free, unless the shellshocked Humboldt County DA, Bill Ferroggiaro . . . who was at that moment losing ingloriously to Jim McKittrick in the involuntary manslaughter trial of Highway Patrolman Robert Hahn . . . took some action. But Ferroggiaro said not surprisingly again that he would do nothing . . . for the time being, until he concluded the Hahn case.

Ryan and Metzger watched this legal tapdance with some alarm; they were being kept directly out of the case by their real client's fate (dead men don't testify) and they were thus powerless to go after Clifton in a criminal courtroom. That, if he chose, would be the task of the rather vague and muddling Mr. Ferroggiaro, who could seemingly do nothing right: branded a gutless voteseeker by those decrying the premature deaths of Pat Berti, Bunky Ferris and Bill Smith . . . and damned as soft on law and order by Undersheriff Bollman and most of the sheriff's department.

As the District Attorney weighed his decision—sure to cause him further grief from either sourdoughs or creep lovers—the routine of life in the Humboldt wilderness continued:

Another Highway Patrolman stopped a Wyot Indian for drunk driving. This Indian, flashing on the bullet in the forehead the other Indian got, asked the patrolman if "I'm going to get shot too." The drunken Wyot was not shot, but was allegedly beaten to the ground.

In the Eureka jail, a policeman was questioning an Indian named Merrifield. Merrifield wasn't very cooperative. The policeman kicked the Indian black and blue and was charged with assault.

And then there was the newest caper pulled by sheriff's investigator Mel Ames . . . who had staked out that marijuana plant for a whole week . . . who had been Undersheriff Bollman's liaison with Kenny Krusco and Lloyd Clifton . . . who had conducted the airborne surveillance of the "million dollar lab."

One night Mel Ames and another sheriff's detective named George Gatto collared a kid they heard was dealing grass. They asked him to score for them. The kid was no dummy. "You kidding?" he said, "you guys smell like cops."

At which point Mel Ames and his partner threw the kid up against the car, put guns to his head, and said they were "Mafia gunrunners from Portland." Unless the kid scored, they said, "we'll blow your brains out."

The kid scored and, naturally, they arrested him. They offered him a deal. If he turned informer, they'd let him off. The kid turned informer, served them well in a dozen cases, so well that Mel Ames lent him out to other agencies.

When the kid was burned out and everyone in Humboldt County knew he was a nark (of no further use to any agency), Mel Ames arrested him again. The kid was charged with dealing grass.

An incredulous judge listened to these surreal details in court with eyes popping out of his skull, heard how Mel Ames had identified himself as a "Mafia gunrunner from Portland," shook his head, and threw the case out of court.

MICHAEL MURPHY—1945–1972

Michael Murphy, the gangleshanked private eye, relentlessly continued his investigation of Lloyd Clifton. He was sure the narks were aware he was mining Clifton's past, and he warned his wife, Pam, to remember all the old safeguards: Never let anyone into the house, always assume the phone is tapped, keep a close eye on schleppy salamander-like door-to-door salesmen. It was the same tired energy-draining game, but, remembering the threats agents had leveled against him in the past, he knew the game was high-staked. He knew, too, that the allegations he had unearthed impugning Lloyd Clifton's professional competence, allegations which Phil Ryan publicized in a press conference, had given the BNDD a black eye at a time they were most interested in sanctifying their public image.

Murphy believed in his job and was content. Doing investigative work for a cause he felt righteous gave him a deep sense of satisfaction; his work on the Clifton case even convinced him to apply for a California detective's license, the kind Lew Archer carried, to enable him to work as a full-fledged private investigator. He enjoyed Christmas with his wife and two-year-old son, told friends he spent too much but, what the ———, playing Santa Claus was a small way of making up for a stormy year.

He took his state investigator's exam four days after Christmas, on the 29th of December. He didn't study hard because he assumed the test, mostly designed for Popeye-biceped yoyos, would be a mickey mouse exercise. He'd put in over 4000 man hours of grueling investigative work and he figured if he didn't know the basics after all that sweat and worry, he never would. He got up a few minutes after 7 AM on the 29th, a ridiculous hour for Irishmen, and left his home in Berkeley just after eight.

The test began at nine o'clock. He had two and a half hours to finish it. The bozos sat at the desks around him and fidgeted. Murphy was through in an hour. He called Phil Ryan and suggested they meet for lunch to celebrate. "The test was a crock of ———," he said.

They met at Perry's, a flashy and celeb-gathering restaurant on Union Street, a block from Ryan's office, and Ryan was more than an hour late. Murphy was sitting at the bar, sipping a beer. The bartender, a professional Irishman named Shamus, leaned over to Phil Ryan and cracked: "What the ——— kind of Irishman is this guy? He's been here two hours and he drinks two beers."

Perry's was filled with junior execs and hustling salesmen so they walked a block to a less-popular place, Thomas Lord's. Murphy drank a glass of mountain red burgundy wine with lunch and a single Irish coffee. They talked about the Dickenson case.

Murphy was chagrined Clifton had been cleared by the government and, cynical and bitter, he said: "No one really cares. That's the trouble with nark cases. People say, 'Yeah, yeah, yeah, it's terrible,' but there's no movement against their excesses. People shake their heads but don't get involved and the narks move on to slap up the next guy."

Ryan complimented him for his painstaking research. Murphy said he "hoped it would help."

Around 2:30, Phil Ryan went back to his office and Murphy said he was headed for a music store to price guitars. "I can't work 24 hours a day," he laughed. "When he left," Phil Ryan was to remember, "he was stone sober."

Around 6:30, Pam, out visiting a girlfriend, called him at home. They spoke for a few minutes and Murphy told her he'd take her to a movie.

Then he said: "Listen, something came up. I've got to go out for a little while to meet a guy, I'll be back by 7:30 and we can go to the show."

Pam didn't ask who the "guy" was and didn't ask what "came up." She remembered his fears about the phone being tapped and assumed from his tone it was "business."

"Watch yourself," she said.

"I always do," Murphy laughed.

At 8:25, 19 miles from home, Michael Murphy drove his Volvo station wagon onto the MacArthur Freeway in San Leandro. He drove it onto an exit ramp—the wrong way. He raced it at speeds up to 75 mph—the wrong way—for two and a half miles. Cars swerved out of his way. Horns blared; tires screeched. Murphy drove on.

Two and a half miles down the freeway, he hit a Toyota head-on. He was killed instantly; so were two people in the other car.

An autopsy by the Alameda County Coroner's Office showed he had a blood decibel count of .29 when he died. A blood alcohol count of .10 is enough for a drunk-driving arrest. At .20 the function of the motor area of the brain is depressed and the individual staggers. At .30 the more primitive perceptive areas of the brain are dulled and the person is stuporous.

Phil Ryan, notified that Michael Murphy was dead, was in shock. It was, he thought, a most suspicious accident. The guy had taken his test that morning, he had gotten his loose-jointed life together, he was hardly drinking, he was cold sober when he left lunch that afternoon . . . and now Phil Ryan was told Murphy died because he got stuporously drunk.

He didn't buy it. He thought Murphy could have been lured from home by a suckering phone call and drugged. He knew Murphy had made powerful enemies.

Ryan hired a nationally respected toxicologist to examine the body. Dr. Charles Hines' tests showed no traceable drugs in the blood or internal organs—except the booze. Pam Murphy went to the newspapers and asked the "guy" who met her husband that night to come forward. She got no response.

Michael Murphy's death was ruled "accidental."

Michael Murphy was buried in the first week of 1973. That same week, the Humboldt County Grand jury indicted Lloyd Clifton for the murder of Dirk Dickenson. The charge was second-degree murder—an involuntary manslaughter charge was tacked on later—and Clifton became the first agent in the five-year history of the government's Bureau of Narcotics and Dangerous Drugs to face homicide charges.

District Attorney Ferroggiaro also charged that the Department of Justice had very definitely *not* cooperated with his investigation; that the Department "sat on its hands for a day and a half" after the shooting; that the BNDD purposely withheld its internal regulations manual from him; that "there was a delay" before the Department allowed him to interview federal agents who had participated in the raid.

The government expressed surprise: "It's a classical case of justifiable homicide under state law," said James Browning, the federal attorney for Northern California. "I've seen almost the same exact facts considered by almost every other district attorney in the state and it's been held to be justifiable homicide."

"That," said Ferroggiaro, "is ———."

The District Attorney told Phil Ryan he sought the murder charge on the basis of Michael Murphy's research. Clifton's record of past brutality, he thought, was most relevant to the single shot on Pratt Mountain.

The District Attorney, courthouse observers noted, was not in good humor. He felt he'd been tricked into finding the lab; he felt the government was treating him like a smalltown briar. He felt he'd done his best in the trial of Highway Patrolman Hahn; yet he had been made to look foolish. The high-pitched Jim McKittrick, rocking back and forth on his heels like legendary San Fransisco cop-lawyer Jake Ehrlich, had run dizzying legal circles around him. According to some courthouse analysts, the DA would not have pushed on the Clifton case if he had won a conviction on Hahn.

On January 16th, agent Lloyd Clifton, looking paunchier, with a new haircut but the same overdose of hairspray, was arraigned at the Humboldt County Courthouse. He was released on bond on his own recognizance and was never even booked at the county jail. The courtesies he received had been afforded no other indicted murderer in the history of Humboldt County.

At Clifton's side were a nondescript government attorney and the man who would be in charge of his defense. He was James McKittrick, who had concluded his summation in the Hahn case by saying: "The fact that people have been killed by officers is too bad, but I would say by and large they have brought their unhappy fates upon themselves."

Why was Humboldt County's hot-shot mouthpiece defending Lloyd Clifton if the government was responsible for the agent's defense? The US Attorney quickly answered that intriguing question. Jim McKittrick was now a part of the government: He had been deputized as a special United States Attorney. He had been whisked to Washington, where he had taken the oath and met with Attorney General Richard Kleindienst. The federal government was paying all the costs.

The People vs. Lloyd Clifton was based on these arguments:

Lloyd Clifton had violated his own department's regulations—first by breaking down the Dickenson cabin door, then by firing at the fleeing Dirk Dickenson even though BNDD regulations specifically warned against "firing at a fleeing suspect."

In shooting Dirk Dickenson, Lloyd Clifton demonstrated an "abandoned and malignant heart," as the District Attorney later explained, "that he had a coldness or cast of heart by which he didn't exhibit care." This coldness was the basis of the second-degree murder charge. The other charge, involuntary manslaughter, was based on viewing Clifton's action as "without due caution and circumspection, a criminal negligence-type situation."

The government answered. Jim McKittrick, now a special United States Attorney, wrote a letter to the editor of the Times-Standard: "I should like to point out . . . that all of our institutions in this country are under fire today and that the police perhaps more than any other are called in question by *radical elements* in our society, who for reasons of their own desire *to bring our country down*. I do not include Mr. Ferroggiaro in this category, but I must say that his efforts during the past year must have been viewed with satisfaction by such persons."

The government argued that the District Attorney had not presented *all the facts* to the grand jury. He had not asked Lloyd Clifton to testify. Replied the DA: "It is poor practice to request or require prospective defendants to be subject to grand jury questions because they cannot be represented by an attorney at the hearing."

At the same time, the government argued the DA had given the grand jury *too many facts*—specifically the BNDD internal regulations manual forbidding the shooting of "fleeing suspects." To support this argument, McKittrick presented two letters. The first was from Attorney General Richard Kleindienst, which said BNDD regulations were "internal guidelines . . . not intended to negate any common-law rights or defenses." (The regulations make nice reading, Kleindienst seemed to be saying, but should not be taken too seriously.)

The other letter was even more remarkable. It was from Andrew Tartaglino, the acting director of the BNDD. Notwithstanding subsection 42–23, wrote Tartaglino, Clifton "properly and necessarily discharged his weapon . . . in accordance with BNDD regulations."

The usually low-key District Attorney seemed a bit riled by all of that and said "the statements are beyond belief, a brazen attempt to bootstrap an employee out of a situation created by that agency and that employee." The letters were "self-serving," the DA said, because Dickenson's family had sued the BNDD for $2 million. Ferroggiaro shook his head and said: "I expect next we'll have a letter from Nixon himself explaining how this whole thing falls under the jurisdiction of his heroin hotline."

The government argued that the prosecution of Lloyd Clifton was interfering with the process of Justice. To wit: Lloyd Clifton's reputation was being impeached in other cases involving other busts he had participated in. Attorneys representing those clients were moving to impeach Clifton's testimony by revealing that the man who had busted their client was an alleged murderer. The government expressed fear that if the murder/manslaughter charges weren't dismissed, then they'd lose a whole year's worth of narcotics cases.

But the government's main argument was a black humorist's dream: The charges against Lloyd Clifton had to be dismissed because of the . . . Civil Rights Movement!

It worked this way: Lloyd Clifton was acting as a federal agent, a man in the employ of the United States government, when he fired his revolver. The United States government's investigation absolved him of any wrongdoing. The County of Humboldt and the State of California had no right to institute proceedings . . . because Lloyd Clifton was a federal employee.

What would have happened, McKittrick asked, if civil rights registrars and federal marshals in the Deep South would have been arrested for "spitting on sidewalks" by redneck deputies and badge-wearing Klansmen in Selma, Montgomery, and Neshoba County, Mississippi? As McKittrick put it: "The Department of Justice is extremely concerned with Mr. Clifton's case. The Attorney General feels he has as great an obligation to protect Lloyd Clifton from prosecution here in Humboldt as he does in protecting federal voting rights officials. . . ."

McKittrick added: "If we are not to permit the Southern states to prosecute such federal officers, are we in a position to say—'Well, our motives are more pure than theirs and therefore we can do it while they can't?'"

In reply to that, a member of the DA's staff posed this question: Say, just as illustration, that a government agency, like the FBI for instance, is taken over by evil and corrupt men who form its agents into execution squads. Say that these FBI assassins spread out around the country and kill ten men in ten different states. The FBI director announces an extensive impartial investigation which finds the agents innocent of wrongdoing.

Assume now that the government's argument in the Clifton case has been upheld: States cannot prosecute federal employees for alleged crimes committed in the performance of duty. What happens then? According to the government's argument, nothing. The murderous FBI men go on to their next hit.

Almost as afterthought, in reply to McKittrick's Civil Rights analogy, District Attorney Ferroggiaro pointed out the charges against Lloyd Clifton were not charges of "spitting on the sidewalk."

At the same time, the government reiterated Federal Attorney Browning's claim that the shooting of Dirk Dickenson was not in violation of state law and should have been ruled justifiable homicide. At issue were State Penal Codes 196 and 197 which said:

"Justifiable homicide by public officers is . . .

". . . when necessarily committed in arresting persons charged with felony, and who are fleeing from justice or resisting such arrest . . . when necessarily committed in attempting, by lawful ways and means, to apprehend any person for a felony committed . . . or in lawfully keeping and preserving the peace."

The District Attorney said the key word was "necessarily" and asked: How did Lloyd Clifton know the man fleeing toward

the woodline was Dirk Dickenson, accused felon? How did he know the running man 50 yards from him wasn't a visitor to the cabin terrified by the roaring helicopter and the gunmen who never identified themselves?

Ferroggiaro referred, too, to the regulations of other police agencies. The Highway Patrol Enforcement Tactics Manual said to justify shooting, "There must be actual fear for one's own life or serious bodily injury. . . ." The Humboldt County Sheriff's Firearm Regulations said: "Members must exhaust every other means of apprehension before resorting to the use of firearms . . . Firearms may be discharged in the defense of one's own life when all other reasonable means have failed." Was Lloyd Clifton's life threatened, the DA asked. Why didn't agents use a bullhorn to order Dickenson to stop when they admitted the helicopter was so loud they "couldn't hear each other"? Why wasn't Dickenson chased by the 19-man posse instead of shot in the back?

The District Attorney argued that his interest was to pose these questions to a jury and let them decide. Why did the government want to quash the charges before the case ever got to a jury?

The government's first formal step in trying to get the charges dismissed was to ask on January 22nd for the disqualification of a Superior Court Judge "for prejudice." He was William Watson, the man who had tossed Mel Ames' "Mafia gunrunner" drug case far out of court, who raised goats and was sometimes seen at a place called The Keg in Arcata, eating spaghetti and listening to a rock band. Watson didn't want the hassle and agreed to a disqualification.

That put the case before Superior Court Judge Thomas Montgomery, who had just returned from a New Zealand vacation and who said, the first time he heard the DA and McKittrick hammer away at each other, "I hope I don't have a Pentagon Papers trial on my hands." In mid-March, Montgomery denied the government's motion to dismiss the charges, which was not unexpected. The denial made it possible for the government to appeal and seek dismissal in more friendly territory—in federal court. In mid-February, Federal Attorney Browning had said: "We don't want to give the appearance of being heavy handed by asking a federal judge to take the play away from the state courts, but we don't want to rule that possibility out."

At the same time, Phil Ryan was informed that the government's file contained the transcript of a taped conversation between Judy Arnold and Dirk Dickenson's parents. Their dialogue was taped at Undersheriff Bollman's direction three days after the shooting, as Chester and Mittie Dickenson waited to post bond for Judy at the Humboldt County Jail. It was the first time they had seen each other since Dirk's death. They spoke over a telephone, separated by a pane of glass.

Judy. Hello [sobbing].

Mittie. Hi, honey. We're going to take you home . . . Cry, I know.

Judy. I have to get out of here, I'm going crazy.

Mittie. What, dear?

Judy. I said, I have to get out of here. I'm going crazy.

Mittie. I know you are.

Judy. All I can think about is Dirk.

Mittie. It's a nightmare. I'm so sorry, Judy, so terribly sorry. [crying] Let daddy talk.

Chester. Hi, hon. We'll have you out of here in a little bit. We're going home as soon as we can get the papers taken care of.

Judy. How long will it be?

Mittie. It shouldn't take very long. I'm going to check.

Chester. Just a little while, sweetheart.

Judy. It wouldn't be so bad if they just. . . . They have the radio on and it seems like the news about it comes on every 30 minutes.

Mittie. I don't know why they had to kill him.

Judy. There was no reason.

Mittie. [crying] No.

Judy. No reason, no reason.

Mittie. Have you eaten?

Judy. No, I haven't eaten in three days. I can't.

Mittie. You've got to have something to eat, honey. We haven't eaten either. Drank coffee and that's about it.

Judy. I don't think I even want to go to the funeral. I can't.

Mittie. I'm thinking of having a closed casket. I don't think I want it open.

Judy. I don't think I want to see him [softly]. I feel terrible saying that but I just don't.

Mittie. No, honey, I know what you mean. I understand. I understand, darling.

Judy. We had everything worked out. It was all going to be all right. And then it had to happen. It's horrible.

Chester. Ask her about his dogs and everything.

Judy. Uh, we have a friend taking care of the dogs.

Mittie. Oh, God, I'm so shocked, Judy.

Judy. Yeah. It was quite a shock. It happened so fast. And they wouldn't even tell me. I didn't know he was dead 'til about seven o'clock. And they knew when they brought me here that he was. And they wouldn't even tell me.

Mittie. Did you have to identify him?

Judy. [crying]. No.

Mittie. Well. . . .

Judy. But there were so many of them; I couldn't believe it.

Mittie. Senseless, it was just a senseless killing.

Judy. I know. That's what I told them. That's what they kept asking me—why did he run? I go—What would you do if 20 men come bursting in your front door with shot guns? What would you do? And they go—Well, just what would you do if you were in his place? It was horrible. It was just no need for it to happen at all.

Mittie. What will we do?

Judy. I didn't get to make a phone call until yesterday. Last night was the first one I got to make. My lawyer just really flew apart at that. He raised a big stink about that and told them they had no right not letting me call. Because I asked as soon as I got here if I could make a phone call and they wouldn't let me.

Mittie. God.

Judy. It's been awful in this place. People were taking pictures and stuff. It was like a bunch of vultures. They acted like I committed murder or something.

Mittie. Are you warm enough?

Judy. Yeah, I have one blanket. It stays pretty warm in there. It's just an Army blanket.

Mittie. What clothes do you have?

Judy. Just what I had on me. I couldn't even—they wouldn't let met bring my purse or nothing.

Mittie. Would you like a Coke or something? My mouth tastes like, I've smoked so many cigarettes my mouth tastes like a. . . .

Judy. I've had sips of coffee and that was it. The coffee tastes so bad. . . . We just didn't know what was happening. I couldn't believe it. You know, Dirk didn't run until they were inside the house, 'til they busted the door in and then, you know, he jumped off the back porch. Then they were trying to do me, you know, like—Oh, did Dirk have a gun with him? They were just trying to get me all confused and everything.

Mittie. Dirk never carried any gun.

Judy. No, he never had no gun with him. We were getting the house fixed up. We were going to put the bathroom in. It was awful.

Mittie. Oh, God.

Judy. I wonder if they are going to do anything about what happened to Dirk?

Mittie. Somebody else told us too that it was just out and out murder.

Judy. Yeah, that's it.

Mittie. Cold-blooded murder. Some gung-ho jerk.

Judy. I can hardly talk about it?

Mittie. Where's Dirk's clothes?

Judy. A lot of his clothes are in Garberville.

Mittie. Well, he's got quite a few clothes at home, too. I've cried when I didn't think I could. I'm just numb.

Judy. [crying] Just think of how happy we were.

Mittie. I know it. Daddy and I were talking about that. You were just so happy.

Judy. It's going to be so hard.

Mittie. Yes, Judy, it's going to be awfully hard on you, honey.

Judy. I just can't make it without him.

Mittie. What?

Judy. I just can't make it without him [crying].

Mittie. I'll be so glad when you get out of here so I can just love you.

Now, in May of 1973, more than a year after the shooting, the United States government's motion to dismiss the case of *The People* v. *Lloyd Clifton* is pending in federal district court. All sides agree it could take as long as two years for a final decision.

Asked whether he is optimistic, the weary District Attorney Ferroggiaro, his political ambitions a memory, answers with a wry, "No comment."

"I'm optimistic," McKittrick bubbles, "we'll win."

Says Phil Ryan: "The real victory of the people in this case was actually the indictment itself. To expect that Clifton is really going to be put on trial is to entertain illusions about how the system operates. I am saddened but hardly surprised."

The sun shines on Humboldt in the spring; rivulets of spunkwater dot the meadows; herds of deer lope through the sequoias searching for lily ponds; sheep wander the bleakscapes of stumps; canyons echo the chain saws' screams.

In the spring of 1973, at a meeting of the county planning commission, a logger named Pete Johnson gets up to speak his piece. "Sometimes I get in trouble because of talking too much," the logger says, "but I call it like I see it. It is those hippies against us straights, and the rednecks around here better wise up. Those hippies don't contribute one thing to the area except dope."

In Whitethorn, Ms. Elaine Lester, a veteran of New York and Berkeley, a grade-school teacher at an alternative school, is asked about life in the wilderness. She doesn't want to talk about it. "Things are hard enough for people just to survive," she says, "without media intervention—even the hip media."

On the nearby Samoa Peninsula, the coroner recovers another body. The body had a broken nose, broken hands, battered ears, startlingly blue eyes and Indian features. The body waits for an identification. Weeks pass and it is assumed the dead Indian will never be identified, just like the murdered Indian found near Kneeland four years ago.

A militant Indian named Russ Redner says: "We don't want to tear the whole damn thing apart, we aren't revolutionaries, but we will if that's the only way we can reach our goals. I wouldn't feel bad at all if we marched on the Humboldt Courthouse again and this time burned down the damn thing to the ground."

In early March, 1973, Mrs. Mittie Dickenson writes Phil Ryan a letter. Attached to it is a newsclip, a letter to the editor of the Times-Standard from a Eureka housewife.

"Lloyd Clifton has been charged by our DA Ferroggiaro with the unnecessary killing of Dirk Dickenson. . . . I have been under

the impression that we elect a DA for our protection and the grand jury is chosen to make our decisions. . . . From my point of view, Clifton was justified and did the public a big favor. . . . The past few years' record proves that it takes a lot of guts to enforce the law. So let's back 'em up and now mow 'em down."

Mittie Dickenson writes:

"I want so much to answer that letter. Lord, it's almost a year and it all still seems like a nightmare. Dirk had a right to a trial by jury, not death. I wonder if I'll ever accept his passing. The tears seem to flow more often instead of less."

In a cemetery in Lincoln, Calif., Judy Arnold stands in front of a gravestone, looking at the ground. She has lost weight; her eyes are sunken and hollow. She lives in Berkeley, taking the days "one by one, slowly." She is thinking about Dirk's dream . . . *They were coming for him. It was an execution squad. They shouldered the cabin door. Their faces were blank and waxy. He heard the gunshots and saw the glop of his own blood* . . . Judy Arnold stands by his grave and remembers how she comforted him: *You aren't going to die, babe, it's just a dream, a lousy, rotten, silly dream.*

In mid-March, a helicopter hovers over the eastern slope of Pratt Mountain between Garberville and Alderpoint. It is headed for a cabin. It is a long green Huey borrowed from the Presidio of San Francisco. The chopper touches down in a clearing and armed men leap from it and run for the cabin door. Leading the charge is BNDD agent Lloyd Clifton. Behind him are Undersheriff Bollman and agent Kenny Krusco. Suddenly Lloyd Clifton is on the back porch, and there is a shot.

It is a carefully orchestrated replay of the shooting. Watching everything is attorney James McKittrick. It ends when the Huey takes off again. There is a man inside playacting Dirk Dickenson's death. The government wants no loose ends.

CUSTOMS SEARCHES: BORDER OF THE LAW

(By Harriet Kat Berman)

"Patience Please," reads the sign in the U.S. Customs Office on the Canadian-American border at Blaine, Wash., "A Drug Free America Comes First."

There are other signs, with much smaller print, one warning that it is an offense to interfere with or resist an officer, another citing statutory authority for customs searches. They are undecipherable from more than two or three feet away, but the drug sign can be easily read from anywhere in the room.

There is a counter, on which the contents of many a pocket had been emptied, and a wooden bench for waiting. Two young women and a baby were waiting while a strip search was being performed in a basement room on the young man they were traveling with; a customs inspector had noticed old needle tracks on his arm.

"Interdiction of narcotics is a big mission," according to Masao Watanabe, port director for the Blaine office, "but the bread and butter here is the commercial traffic. We're not experts in drugs."

MARIJUANA

Blaine is not considered a focal point for major drug smuggling. There is apparently no heroin manufacturing to speak of in Canada, according to Edward Gilmore, regional counsel for the Bureau of Customs in San Francisco, and "it would first have to be smuggled into Canada, then across to the U.S." The greater problem is at the Mexican border. "A very large amount of heroin is produced in Mexico and brought across." Drug seizures on the Canadian border are "mostly marijuana," and, again, come nowhere near the scale found at the Mexican border.

Nevertheless, Blaine is part of the nationwide effort by the Bureau of Customs and the Nixon Administration to crack down on drug traffic. In Blaine, as in the customs posts throughout the country, the number of customs inspectors has "increased tremendously," Gilmore noted, with "most of our energy and manpower on interdiction of narcotics."

The Blaine office today employs 65 customs inspectors. Located on Interstate 5, the Blaine port collects $27 million a year in revenue, mostly on commercial shipments of steel sheets and lumber. Commercial trucks are routed to an entry about a mile away from the crossing point for passenger vehicles.

QUESTIONING

Enter the traveler, driving up to a customs inspection booth. Initially, the inspector asks questions to determine the traveler's citizenship status. (People who are not U.S. citizens are referred to the immigration authorities stationed at the border.)

After U.S. citizenship is determined at Blaine—the person's word will usually suffice—a second line of questioning is pursued for standard customs purposes: "How long were you in Canada?" "Did you purchase anything in Canada that you're bringing back with you?" (Customs inspectors also administer the regulations of dozens of federal agencies concerning importation, such as animal quarantines.)

Many travelers are then simply waved through. But many are not. Customs inspectors may ask more questions, check identification, and search, with any degree of thoroughness, the vehicle and luggage.

Under statutes dating from Prohibition, which the courts have upheld, customs inspectors have the authority to search the vehicle and luggage of every person crossing a border into the United States. At the border, everybody is a "suspect," who may be trying to avoid paying a duty on undeclared merchandise or who may be sneaking in contraband. The only standard for customs inspectors to search cars and luggage is "mere suspicion," and you are suspicious merely by your presence at the border.

DISCRETION

But the customs inspectors obviously pick and choose which cars and which people they are going to subject to further screening.

"We're very limited in time," Watanabe points out, "and a lot depends on the volume of traffic."

Built into their broad powers to search are equally broad powers of discretion. Who gets searched? On what basis do the customs inspectors decide?

Custom officials insist there are no general guidelines, that each interrogation and search depends on particular circumstances. Further, the approaches and procedures vary from one inspector to another, with "different modes of operations," according to the port director, "different lines of questioning—you're not talking to 65 robots."

While declining to generalize, officials indicate that the inspectors pay attention to personal demeanor, such as "nervousness"; such signs of narcotics use as "fresh needle marks, the appearance of the eyes"; and incongruities like "a clean license plate on a dirty car" or "a fat man who doesn't have a double chin." Watanabe sums up: "So much of it is feel and experience."

LOCAL EXPERIENCE

Many members of the counter-culture population in Bellingham, Wash., a college and paper mill town 30 miles south of Blaine, disagree. To Kenneth Fox, a 28-year-old "retired graduate student," there is "almost an unwritten law that says, 'If you have a VW bus, you get stopped.'" He says his van is searched nearly every time he crosses the border, and he often has to empty his pockets. "One night they went through our VW bus for 45 minutes, while we watched other people pass right through."

One evening Gerry Booth and his friends were in a long line at the customs booth during rush hour. "We had plenty of time to observe. The straights were waved on; we were stopped, and the others we saw stopped were also freaks." He adds, "It seems like people are always talking about being hassled at the border."

Ron Sorenson, 25, staff worker for the ACLU chapter in Bellingham, thinks that a lot of counter-culture people are hassled at the border because they "have apprehensions about authority and law enforcement, and don't come off well during the inspector's questioning." Other people have similar explanations for who gets stopped, such as, "It's a matter of self-confidence," or, "You don't get stopped if you have good vibes in your attitude towards them."

Dr. Robert Marx, 30, a bearded, long-haired assistant professor of psychology at Bellingham's Western Washington State College, drives a Ford camper. He likes to visit Vancouver, 40 miles north of Blaine, and estimates that he is stopped in at least half of his frequent border crossings back from Canada. "I have to get out of my car, empty my pockets, give them my wallet. Once they opened a personal letter I had in my wallet and read it—I could see his eyes moving. The whole process usually takes half an hour. Once an inspector told me he was searching me because I was wearing patchouli oil. He said it is likely to be covering up other odors, like marijuana. Another time, they asked me why I used patchouli oil; I said I liked the way it smells."

Customs officials categorically deny that long-hairs are singled out for closer scrutiny than straight-looking people. "We're pretty much human beings with kids ourselves," the port director stresses. "Long hair is not a big thing these days."

EXPERIMENT

Donning hippie garb, I joined a group of long-hairs for a drive to the border in Bob Marx's van. In Canada, the seven of us bought some sparkling cider. When we crossed back to the U.S., we had two bottles left (a non-dutiable amount). In addition to asking if we were all U.S. citizens, the inspector asked the driver for identification. When he asked about purchases, we told him about the two bottles of cider, which he wanted to see. Coming into the back part of the van, he asked each of us our names, beaming a flashlight on our faces, and looked through my purse. He didn't examine it very thoroughly; he seemed to be searching it just because it was there. We were then allowed to pass through.

I returned the next day dressed in straight clothes, driving a standard compact car. The inspector simply asked the routine questions as to citizenship, purchases and length of visit in Canada, inquired whether the briefcase on the front seat was mine; and then waved me on.

When I described the difference in treatment to customs officials, they repeated that they could not generalize; that any of a myriad of particular details could have accounted for the difference.

The ACLU of Washington did a preliminary survey of border searches at Blaine last Veteran's Day. "The data are of course crude," notes Lauren Selden, the affiliate's executive director, "but still suggestive of a discriminatory pattern." Out of a total number of 125 cars entering the U.S. during a two-hour period, 99 had straight-looking occupants, 26 hippies. Of the 125 cars, 28 were given trunk searches—appproximately one out of five. Trunk searches were performed on 18 of the 99 straight cars—slightly less than one out of five. On the 26 hippie cars, 10 trunk searches were performed—about two out of five.

STRIP SEARCHES

Border searches are by no means limited to vehicles and belongings. "Mere suspicion" is sufficient for a pat-down or frisk for weapons, inspection of shoes and outer clothing. Then there is the strip search, where the traveler has to take off all his clothes and bend over so that the inspector can observe his rectum. As strip searches can obviously yield little in the way of illicit booze, they were not a subject of much litigation during Prohibition. In recent years, courts have upheld strip searches in countless narcotics cases. The governing standard is "reasonableness," and a "reasonable search" is one based on "*real* suspicion." "Real suspicion" means that the inspector can recite "articulable, objective facts" in support of the strip search. The facts must refer specifically to the particular individual. The "recitable facts" can be simply what the person answered to the inspector's questions; "nervousness" can be considered an objective fact justifying a strip search.

To perform a legal search of the scope of a strip search, a police officer on American soil would need probable cause—objective facts that would arouse the suspicions of an ordinary, prudent person. A customs officer just needs reasons that would arouse the suspicions of a customs officer.

A few summers ago, several thousand young people were returning across the border between Washington and British Columbia from Strawberry Mountain Rock Festival, held just outside Vancouver. Elizabeth Daugert, now a freshman at Western Washington State, was 15 at the time. "It seemed like everybody coming back was stopped. We had to go inside and wait, and then we were brought to another room in groups of three or four girls and a matron asked us to take our clothes off. They could have been more thorough; it just seemed like kind of a gesture. We all thought it was ridiculous, kind of a joke, yet scary—we didn't know they could do that. It was a kind of authority I hadn't encountered. It was strange seeing that they have so much control over you. Afterwards, I was outraged by the idea, by the thought that they could do that, though at the time it seemed so ridiculous that I didn't take it seriously."

The same thing happened coming back from that rock festival to Linda Cash, now a legal worker in the ACLU office in Seattle. "We were waiting in line in the car for a full hour. As soon as we got to the inspection booth, we were pulled out of the car and taken into the building. Then they took me off alone, told me to take all my clothing off, made be bend over and looked up my butt."

The regional counsel for the Bureau of Customs recalls no discussions or evaluations within the bureau after this set of wholesale strip searches. "I assume whatever happened was appropriate."

CAVITY SEARCHES

Strip searches pale in comparison to the "intrusive body cavity search." Customs officers can take border crossers to a local physician for rectal and vaginal examinations, and for stomach pumpings. The governing standard for body cavity searches is a "clear indication" that contraband will be found. In many court cases, the "clear indication" has been "a greasy substance on the buttocks." Body cavity searches must conform to acceptable medical practice, and are not supposed to entail "unnecessary force." (A court upheld a vaginal search performed by a doctor as six people, including two men, held the woman down.)

The "clear indication" test apparently leaves a lot to be desired. A federal appeals judge in a recent dissenting opinion noted that contraband is actually found in only 15 to 20 percent of body cavity searches.

The U.S. Supreme Court has never decided a customs body cavity case.

At no point in any level of search by customs officials is a warrant necessary.

Customs officials refused to discuss whether there are many body cavity searches initiated at Blaine, nor would they discuss the frequency of strip searches.

YIELD

According to Rod Hawkes, a third-year law student at the University of Washington and a legal intern researching border law for the ACLU, what little published data there are on border searches indicate that the yield on all personal searches is about as low as on body cavity searches—80 to 85 per cent negative. "That percentage is probably not much better than you'd find from a random search of people on any college campus," Hawkes commented.

Of the narcotics seizures made at Blaine, customs officials readily acknowledge that most are of marijuana for personal use, rather than hard drugs or commercial amounts of marijuana.

If a commercial cache is found, or if any amount of heroin is found, customs personnel call in the U.S. attorney's office. If a small amount of marijuana or hashish is found, the question of prosecution "may vary from jurisdiction to jurisdiction," according to their regional counsel. "Customs may have an arrangement with the local U.S. attorney, with guidelines indicating the circumstances under which the office wants to be notified. The customs inspector may decide to make an administrative disposition."

At Blaine, "administrative disposition" frequently means confiscating the car. Under the basic customs statute, any vehicle in which contraband is brought to the border is subject to seizure. Technically, it is a forfeiture. An apparently common practice is to "remit the forfeiture"—return the car—upon payment of $100.

One Bellingham resident told of being held for about five hours when customs inspectors found "a joint of grass, a few tabs of acid," then being "fined" $100 and released.

When four marijuana seeds were found on the floor of one young woman's car, she was told it would cost her "$25 a seed" to get her car back.

A young man walked into the ACLU office in Seattle; his car had been seized at the border because some marijuana was found on his car, and he didn't have the $100 he was told he would have to pay to get it back. He hadn't even been to Canada; he had been turned away at the Canadian border because he had no money with him, but he had to go through U.S. customs to turn around.

NO STANDARD

The $100 is not a fixed rate, according to Gilmore. The customs inspectors do receive "general guidelines," but they are "not published, not available"; they are "internal memoranda strictly for customs."

Cars can be seized when a small amount of marijuana is found on the person of a passenger. John Wiren's 1970 Volkswagen was seized last February when a strip search at Blaine revealed that one passenger had an ounce of hashish concealed in his crotch. Wiren didn't know that the passenger was carrying contraband. He was never charged for anything, and charges against the passenger were later dropped. The Bureau of Customs still has Wiren's car.

When administrative appeals on Wiren's behalf were unsuccessful, the Washington ACLU in November filed suit in Federal court, charging that Wiren was deprived of his property without due process of law.

The affiliate is preparing another suit against the customs bureau, with Hawkes as a plaintiff, to compel the agency to make reliable data on border searches available to the public under the Freedom of Information Act.

Meanwhile, Ann Nugent from the Billingham, ACLU chapter, is preparing a pamphlet on border rights. Or, rather, the lack of them.

Mr. HORTON. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Chairman, I would like to compliment both sides on this debate. I do not think there is a question on anybody's part about the deep concern and the sincerity of everybody who is taking part in this issue on the question of drug abuse. I think probably there are a few facts which should be emphasized in considering this issue.

We have about 560,000 Americans mostly young people who are involved with heroin. It has been a problem in the ghettos for years which has been ignored by the rest of America until recently. As the gentleman from New York (Mr. RANGLE) has said, the problem is now spreading across the country and we have finally become excited about it. I suppose we are paying for our sins for not doing something about this before.

We have about 170,000 tons of illegal poppies being grown in the world today and we need only about 60,000 tons to supply this country.

The gentlemen from New York (Mr. HASTINGS) and Maine (Mr. KYROS) and I have traveled to places where poppies are grown to study the problem. We desperately need to strengthen and make more effective our efforts to control the narcotics problem. In our report to the Congress we stated:

> It is our firm conclusion that unless drastic changes are made we will continue to be plagued by the supplies of illegal drugs in the United States for some time to come.

We learned in Thailand that poppy could be purchased for $250 which could be brought into the United States and sold for between $250,000 and $1,000,000.

The problem we have had between BNDD and Customs personnel still exists. The individual agents in the field are all working hard but the friction increases in intensity the closer one gets to Washington, D.C. This must cease. Any time an effort lost is too much.

We have had a great deal of talk concerning how this bill arrived on the floor. Frankly if the Members want to know, I really do not care. This is not a problem that should have been taken care of a day ago or a week ago or a month ago or a year ago. It should have been taken care of years and years ago. This problem has been around and nothing has been done about it.

My feeling is there is a tremendous urgency to the drug problem. If I am wrong and the Members feel differently, then we can afford to wait, but if I am right, if the facts I have highlighted are significant, I think the time to act is now. If there are legislative problems, certainly we can correct them as we go along.

As I said in the beginning, I know there are Members who feel differently than I do—but honestly I believe we need action—action now. I urge a vote for the reorganization—and against the Waldie resolution.

Mr. MURPHY of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of Illinois. Mr. Chairman, during the past 2 years, I have familiarized myself with the workings of agencies responsible for drug enforcement. Beginning in 1971, I watched the U.S. Government initiate a worldwide program to stop the illegal international trafficking in narcotics, particularly heroin.

U.S. Bureau of Narcotics and Dangerous Drugs (BNDD) and customs agents were sent to the far corners of the globe to work with law enforcement officials in those areas in a mutual effort to eradicade the scourge of heroin from the world.

This effort, although commendable, has been only partially successful. Although there are several factors limiting the effectiveness of the U.S. international narcotics control effort, the most serious problems involve the differences which developed within the U.S. Cabinet Committee of International Narcotics Control, particularly between BNDD and U.S. Customs.

There has been evidence of petty jealousies as well as vying for positions of leadership and authority. Rather than concentrating energies on eliminating drugs, men are expending their energies on bureaucratic rivalries. Grappling with the drug problem becomes secondary in importance. Taking credit for dramatic drug seizures or significant breakthroughs is of utmost importance. Rather than coordinate efforts to eliminate the problem of drugs, agents contribute to already deep divisions between agencies, thus precluding effective antidrug activities.

Bureaucratic tensions are nowhere more evident than in certain countries of Latin America. Congressman ROBERT STEELE accompanied me to Latin America this past January to investigate steps being taken there to control the production of and trafficking in heroin and cocaine.

Jurisdictional disputes and strained relations between BNDD and Customs agents were common. The first recommendation of our study mission was that President Nixon reorganize the U.S. antinarcotics effort in order to end "overlapping responsibilities, eliminate bureaucratic friction, and increase the efficiency of the Federal Government's war against illicit drugs." Our specific suggestion was that a new Office of Drug Abuse Investigation and Enforcement be established in the Department of Justice.

It became apparent to many that such a reorganization was needed to integrate the activities of these two Bureaus. This was one of the most significant features of Reorganization Plan No. 2.

Unfortunately, there were those in the executive branch who objected to the loss of personnel resulting from the transfer of 500 customs personnel to the Department of Justice. To eliminate these objections, it was decided to transfer between 900 and 1,000 individuals from the Immigration and Naturalization Service to the Treasury Department.

As we all know, this led to serious reservations in Congress and several labor unions regarding the illegal alien problems facing the United States—reservations which threatened the approval of Reorganization Plan No. 2.

To alleviate congressional and union concerns, the administration agreed to make section 2 of the reorganization plan "inoperative" after passage of the bill. In essence, this means that there will be no transfer of Immigration and Naturalization Service inspectors to the Bureau of Customs.

Certain Congressmen objected to executive behavior in neutralizing labor opposition to Reorganization Plan No. 2. There was much talk about the Executive's contempt for Congress and the legislative process. I believe such objections should be heard but I would caution my fellow colleagues not to permit the central issue of the reorganization plan to be forgotten in the midst of hot debate.

The momentum that is developing in the antinarcotics struggle must be maintained and accelerated. Consolidation of drug enforcement activities into one strong central drug law enforcement agency is crucial to the success of this process.

Congress led the battle for immediate and effective legislation to coordinate and strengthen the Federal drug law enforcement effort. The controversial section 2 of the Reorganizational Plan was hastily and, I might add, poorly conceived. Such difficulties are to be expected when gearing up forces to combat a crisis situation.

While this development was regrettable, it must not jeopardize passage of Reorganization Plan No. 2. The Congress, and I emphasize the Congress, must approve the Reorganization Plan with the understanding that section 2, which is not critical to the success of the antidrug effort, will not be implemented.

Drugs have never been a partisan issue. At a time when real progress is being made on all fronts in the fight against drug abuse, we have a responsibility to keep the issue nonpartisan.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. RONCALLO).

Mr. RONCALLO of New York. Mr. Chairman, I call on my colleagues to support a much-needed reorganization of the Federal Government's drug enforcement programs by voting "no" on Resolution 382, before you this morning.

Reorganization Plan No. 2 is not only a major step in streamlining our Nation's drug enforcement capability, it is vital if we are to continue moving forward in our war on drugs.

I do not think anyone in this Chamber will disagree as to the severity of the drug problem in our country today, nor will they disagree as to the absolutely critical need to marshal the most coordinated and effective attack possible on this complex problem. Moreover, our present line of attack is fragmented and, in some respects, loosely alined. Some half dozen different Federal agencies have overlapping responsibilities for various aspects of the drug problem.

As the newspaper, Newsday, pointed out repeatedly in an excellent series of articles recently which traced the drug problem from the poppy fields of Turkey to the sidewalks of New York, such division in our enforcement effort has of necessity led at times to duplication of effort, jealousy over roles and functions and, at times, less than maximum efficiency. Without favorable action for Reorganization Plan No. 2, these jurisdictional problems will remain.

The plan before us today provides us with a solution, logical and workable, to these problems. It calls for the creation of the Drug Enforcement Administration, which by the way does not have prosecutor authority which will operate as a single unified command post within the Department of Justice to direct all Federal drug enforcement. Such a consolidation is consistent with recommendations going back as far as the first Hoover Commission in 1949, to President Kennedy's National Advisory Commission in 1963, and much more recently, to the recommendations of the Shafer Commission in March of this year.

Mr. Chairman, it is deeply significant that Reorganization Plan No. 2 has received the enthusiastic support of State and local law enforcement agencies throughout the country, as well as the International Association of Chiefs of Police, and local district attorneys offices. In my own State, in fact, the New York City Police Department, the largest in the country, not only is enthusiastically supporting the plan, but has also recommended that the entire New York City antinarcotics effort by combined under the proposed Drug Enforcement Administration and be a joint Federal-local effort.

In summary, I submit that there have been great strides in the war on drugs in the last few years, but greater efforts are needed. Establishment of the Drug Enforcement Administration will go a long way toward helping to rid this country of a menace that we can ill afford.

I urge my colleagues to support the organization by voting "no" on resolution 382.

Mr. WYDLER. Mr. Chairman, I rise in opposition to the resolution of disapproval and in support of the plan.

There is no good justification to delay action on a reorganization that everyone agrees is needed. The men in the field, who live with the problem, the men who have the responsibility to protect the public are for the reorganization. Some of them are as follows:

SUPPORT FOR THE REORGANIZATION PLAN

The following is a partial list of those who urge that Reorganization Plan No. 2 of 1973 be allowed to take effect:

The National Commission on Marihuana and Drug Abuse.

Professor James Q. Wilson, Chairman of the Department of Government, Harvard University, and Chairman of the National Advisory Council for Drug Abuse Prevention.

Mr. Don Derning, Chief of Police of Winnetka, Illinois, and President of the International Association of Chiefs of Police.

Mr. Quinn Tamm, Executive Director of the International Association of Chiefs of Police.

Mr. E. M. Davis, Chief of Police of Los Angeles, California.

Mayor Louis Welch of Houston, Texas, who also serves as Chairman of the National Conference of Mayors.

Mayor Richard Hatcher of Gary, Indiana.
Mr. John Belizzi, Director, International Narcotics Enforcement Officers Association.
New York State Narcotics Board.
Frank Rogers, Chief Prosecutor, New York Criminal Courts.
Cook County, Illinois, States Attorney.
Executive Director of Chicago Crime Commission.
The Chicago Police Department.
The Illinois Bureau of Investigation.
The New York City Police Department.
The Atlanta Police Department.
Director of Public Safety, Dade County, Florida.
Director of Public Safety, Broward County, Florida.
Miami Beach Police Department.
Florida Department of Law Enforcement.
DeKalb County, Georgia, Police Department.
Mayor John V. Lindsay, New York City.
Executive Director, Atlanta Crime Commission.
District Attorney, Fulton County (includes Atlanta).
President, Georgia District Attorneys' Association.
Illinois Law Enforcement Commission.
Kansas City Police Department.
Mayor Stephen May, Rochester, New York.
Mayor Frank Rizzo, Philadelphia, Pa.

We should heed their advice.

Mr. HORTON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MINISH).

Mr. MINISH. Mr. Chairman, in 1968 President Johnson proposed Reorganization Plan No. 1, that transferred the Bureau of Narcotics to Justice and established a Bureau of Narcotics and Dangerous Drugs. I recognize that some of the Members on the other side may not want to talk about this, because I recall vividly that when the plan was proposed, they said that it was creating another bureaucracy.

Let me say this: It was urgent then, and it is more urgent now.

However, this is legislation which we need now, not tomorrow. This is the No. 1 killer in the United States, drugs, and we ought to do something about it here and now.

Mr. HORTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MCCLOSKEY).

Mr. MCCLOSKEY. Mr. Chairman, I am pleased to note what I trust is the presence of a quorum.

Mr. Chairman, in committee I voted against this plan, and today I will vote for the plan. I want to say that when the Waldie resolution of disapproval was first presented, I felt it proper in view of section 2 of the bill, which took away from the Immigration and Naturalization Service some 900 inspectors at a time when they desperately needed far more than they have today. On the merits of this bill, however, approximately 95 percent of the effect of the bill, to consolidate the drug abuse enforcement section under Justice, is highly appropriate. The proposed transfer of Immigration Service personnel was not.

The reorganization plan will become effective on July 1 if we enact it into law today. We are assured by the chairman of the subcommittee that a bill to repeal the defective section 2 will be reported out by his subcommittee, hopefully next week, and will be on the floor of the House before the date the law becomes effective, July 1.

Therefore, we have the legislative power and the ability, to remedy this defect legislatively before the bill itself goes into effect.

If I believed that the administration meant what it said in this agreement that they were not going to faithfully execute section 2 of the bill, I would vote against it regardless, believing such an agreement to be an outrageous violation of proper governmental process. There is a provision of law that we ourselves have given the administration, however, section 686, title 31 of the United States Code, where services of one department can be performed by employees of another.

In talking with the Office of Management and Budget, and the Justice Department, I am informed that it was this law they were relying on when they agreed to make section 2 "inoperative." The administration guarantees that they will faithfully execute this law as we enact it until such time as we pass a bill, or until it is clear we do not pass a bill, and they will perform lawfully under this section by using other personnel to perform the tasks assigned by section 2.

Under those circumstances I believe we should vote against this resolution of disapproval.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, we are presented with what is agreed by all parties as being a badly flawed plan of reorganization. The plan of reorganization should be voted down and the disapproving resolution should be supported by this body.

If drug abuse is a major problem, and I agree that it is one of the great single problems in our Nation, then it is a matter which should be legislated upon by this body.

I would challenge anybody on the committee which has considered this matter, or in this body, to point out a failure by this Congress to give this administration, or anything else, that which they have sought in terms of legislative authority or in terms of money or personnel to combat the problem.

There will be no inaction if Congress legislates on this matter, yet we are presented with a very clearly and admittedly flawed device. Indeed, the committee says:

> If the plan is not approved by the Congress, the committee is prepared to consider legislative proposals within its jurisdiction upon the matters in question.

The chairman of the committee, who speaks in favor of the reorganization plan, clearly points out the defects.

Lest it be the impression of my colleagues that there are not others who agree the plan is badly flawed, I have here a copy of an agreement between a representative of the administration, the Deputy Head of the Bureau of the Budget, Fred Malek, and a number of representatives of labor organizations, wherein the administration agrees, and I now quote—

> to make section 2 of the Plan inoperative.

"Inoperative" happens to be a very new and a very good word in the Washington lexicon.

Nevertheless, it should be known that we can legislate. We can legislate well, and we can legislate on a plan which will do what the Congress believes should be done in the public interest.

The reorganization plan device is fundamentally a defective device. We vote "yes" or we vote "no." As my colleague from California pointed out, we can neither cross a "T" nor dot an "I," yet here the Bureau of the Budget makes "inoperative" a major section of the bill.

The proposal is defective. It guts the Bureau of Customs. It guts the Immigration and Naturalization Service.

It says, "We will consider the problem of drugs," and I agree it is important, "but we will disregard the problems of illegal immigration and other smuggling into this country in defiance of our customs laws and other laws of the United States."

Let us come forward with a balanced plan. Let us legislate. Let us carry out the function of the Congress by doing that with which we are charged with doing under the Constitution. Let us come forward with a program which will strike at the heart of drugs and which will also protect the other agencies which are involved here.

Mr. Chairman, I support and I urge the Members of the House of Representatives to support House Resolution 382, Disapproving Reorganization Plan No. 2. The White House has declared Plan No. 2, "inoperative" in part.

I believe that the efficiency and the expertise of the Immigration and Naturalization Service would be greatly reduced or totally eliminated if Reorganization Plan No. 2, section 2, were to be allowed to go into effect on June 11, 1973.

I support the efforts by the administration, the Congress and State and local drug law enforcement officials to combat the flow of dangerous drugs into and through the United States, but I cannot support what I believe would be the dismantlement of the INS under the Administration's Reorganization Plan. Section 2 of the plan would remove the front line security for the United States against entry into this country by illegal aliens.

The whole plan, as I understand it now, has been riddled with what I would term, "questionable deals" purposely circumventing the legislative prerogatives of the Congress and deals made by the Office of Management and Budget which simply wants to avoid political embarrassment by the possible, and I would hope, actual defeat of the Reorganization Plan No. 2 with the House approval today of House Resolution 382, which disapproves the entire Reorganization Plan.

I urge the Members of the House to move to the introduction of positive legislation to strengthen the law enforcement arm of the Federal Government in halting the flow of dangerous drugs into the United States. Certain legislation along these lines has already been intro-

duced in the House and deserves the respective legislative committee action and cooperation from the administration anti-drug forces in the formulating of a solid piece of legislation.

First, however, Mr. Chairman, the House must adopt House Resolution 382.

We must stop this ill-conceived move by the administration, under section 2 of the Reorganization Plan, to transfer the almost 1,000 INS forces from their necessary duty of inspection of persons and their documents to prevent the entry of illegal aliens into the United States.

As we know, the duties of the INS officers includes the apprehension of aliens who have entered the United States illegally. In 1972, according to figures I obtained Tuesday of this week from the INS office in the Department of Justice, the Service apprehended approximately 506,000 such aliens who have been deported or are subject to deportation.

As a comparison, in 1957 the INS apprehended 59,000 such aliens. Eight years later in 1965, 110,000 aliens were apprehended. Then, 506,000 aliens were apprehended in 1972. The growth of the illegal alien problem is obvious.

The number of illegal aliens entering the United States since 1957 has increased while the INS has continuously suffered a shortage of manpower to seek out these undesirables who would and who do cause, in many cases, the serious problems the United States faces with increased welfare roles, poor working wages, crime problems and the unemployment of American citizens.

I wish to point out in one area of the United States during calendar year 1972 that the Detroit district of the INS was responsible for the rejection of approximately 20,000 aliens who were attempting to come to this country for one or more reasons contrary to the immigration laws and, therefore, against the best interests of the United States.

Instead of transferring the INS officials to other cumbersome duties under the Reorganization Plan No. 2, I urge Congress to strengthen the Service and increase the tools needed to halt the illegal alien problems.

Today, the INS reports there is no set figure on the number of illegal aliens residing in the United States although some estimates years earlier were set at from 2 to 5 million. I am told by INS in Washington that the figure is actually closer to 1,014,000 illegal aliens based on percentages of foreign visitors and foreign students who have stayed illegally, along with other factors. These figures are based on the INS comparison with the total U.S. population.

I urge that the whole Reorganization Plan No. 2 be thrown out and Congress and the administration work hand in hand with drug law enforcement officials toward a strong drug law enforcement program without curtailing the necessary work of the INS.

The legislative process of the Congress must be included in such a massive reformation and merging of U.S. drug law enforcement planning.

Pursuant to permission granted I insert into the records of this session, relevant papers and correspondence on this matter:

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., June 1, 1973.

Mr. FREDERIC V. MALEK,
Deputy Director,
Office of Management and Budget,
Washington, D.C.

DEAR MR. MALEK: In accordance with our discussions, the Office of Legal Counsel has been requested to rule on the legality of deferring the physical transfer provided for in Section 2 of Reorganization Plan No. 2 of 1973.

The opinion in response to my inquiry is attached.

Sincerely,

GLEN E. POMMERENING,
Acting Assistant Attorney General for Administration.

Attachment.

JUNE 1, 1973.

REORGANIZATION PLAN NO. 2 OF 1973

GLEN E. POMMERENING,
Acting Assistant Attorney General for Administration.

ROBERT G. DIXON, JR.,
Assistant Attorney General,
Office of Legal Counsel.

In response to your memorandum of May 30, 1973 raising certain questions covering the implementation of Reorganization Plan No. 2 of 1973, we have the following comments:

Under the terms of Reorganization Plan No. 2 of 1973, certain functions now performed by the Immigration and Naturalization Service will transfer automatically on July 1, 1973, from the Department of Justice to the Department of the Treasury, unless a repealing statute has been enacted prior to that date. It is anticipated that even if a statute is not enacted by July 1, 1973, one will be enacted soon thereafter. Therefore, it is the apparent desire of all concerned that although the function would transfer automatically by operation of law on July 1, 1973, absent timely repealer, the resources and personnel associated with that function should remain in the Department of Justice pending enactment of a repealer statute. You have raised the question of how this desire can be accomplished.

A similar problem arose under Reorganization Plan No. 1 of 1968 concerning the transfer into the Department of Justice from the Departments of Treasury and Health, Education, and Welfare of certain drug functions and related administrative components to become the new Bureau of Narcotics and Dangerous Drugs in the Department of Justice. In that instance, the matter was worked out satisfactorily by a Memorandum of Understanding between the Department of the Treasury and the Department of Justice. We feel that the present problem, should it actually arise because of congressional inaction prior to July 1, 1973, can be resolved in similar fashion.

Specifically, we would propose the following language as appropriate for inclusion in the new memorandum of understanding:

"Until such time as the Director of Office of Management and Budget issues his final Order of Determination specifying what positions, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds are transferred to the Department of the Treasury, the Attorney General agrees to provide continuing support for such personnel of the Immigration and Naturalization Service as are affected by the transfer provisions of the Plan, at the levels previously programmed, including but not limited to the designation of specific officers within the Department of Justice to certify the payroll and vouchers of such personnel."

Any memorandum of understanding between the two departments regarding Reorganization Plan No. 2 of 1973 should be coordinated with the authority of the Director of the Office of Management and Budget under section 8 of the Plan to fix the times and nature of transfer of personnel and resources.

We assume that the Secretary of the Treasury will take appropriate administrative action to clothe the Immigration personnel involved with necessary authority. The Attorney General would issue any needful implementing orders to carry out the cooperative effort during the interim period.

EXAMPLES OF NEGOTIATING CONGRESSIONAL CONCERNS WITH REORGANIZATION PLANS

1. ACTION—PLAN NO. 1 OF 1971

Concerns were expressed notably by Senators Javits and Ribicoff as to whether or not the existing volunteer programs would disappear following approval of this plan.

To allay this fear, the Administration agreed that the implementation of ACTION, if approved, would retain VISTA, PEACE CORPS, SCORE and ACE. It was also agreed that there would be two Associate Director positions established—one for International Operations and one for Domestic and Anti-Poverty Operations.

These concessions were able to be effected administratively, but they were not intended by the Administration prior to the expression of Congressional concern.

2. OFFICE OF DEFENSE AND CIVIL MOBILIZATION—PLAN NO. 1 OF 1958

Plan No. 1 of 1958 combined the Federal Civil Defense Administration and the Office of Defense Mobilization into a single Office of Defense and Civilian Mobilization. During the Congressional consideration of this Plan, some dissatisfaction was expressed in Congress to the effect that the civil functions should be primary and that this should be reflected in the title. Consequently, it was agreed that the name should be changed to Office of Civil and Defense Mobilization. Legislation to make this adjustment was enacted immediately following the approval of the Plan.

3. OMB/DOMESTIC COUNCIL—PLAN NO. 2 OF 1970

Congressmen Holifield and Brown, as well as others, had serious concerns about this Plan. Among these was their concern that the Bureau of the Budget—now to be converted to the Office of Management and Budget, as well as the Council of Economic Advisers would not continue to have a significant role in policy formulation due to the creation of the Domestic Council. BOB and CEA were familiar institutions with a statutory existence and usually available to Congressional inquiry.

Mr. Ash (as head of President's Advisory Commission on Executive Organization) and other Administration witnesses assured Congress that OMB, as well as CEA, would continue to have a vital role in policy formulation and that they would have direct access to the President and not be channelled through the Domestic Council. Subsequently, it was agreed that both OMB and CEA would be represented as members of the Domestic Council and thus be included in any policy deliberations of that body as well as having a role in their own right.

MAY 29, 1973.

AGREEMENT RE REORGANIZATION PLAN NO. 2 OF 1973

The Administration Agrees:

I. To make Section 2 of the plan inoperative.

A. We will have introduced and will work with the AFL-CIO to secure passage of a separate bill prospectively repealing Section 2.

B. If this approach does not yield results by July 1, 1973, we will postpone implementation of the transfers mandated by the

plan by having Customs contract immigration primary inspection to INS until such time as Section 2 is repealed by statute.

II. To avoid public discussion of "featherbedding" or labor being "against better drug enforcement" in conjunction with organized labor's position on Reorganization Plan No. 2 of 1973.

III. To honor OMB Director Ashe's commitment of May 17, 1973 to Chairman Holifield with respect to strengthening the country's illegal alien control capability.

IV. To give careful study to those other problems and suggestions for more effective illegal alien control and for better labor/management relations in INS which have been advanced by the labor representatives in the course of discussions to date.

V. To review seriously and sympathetically any other proposals for more effective illegal alien control.

VI. To continue to support H.R. 982 (Rodino bill) restricting employment of illegal aliens within the United States.

The AFL–CIO and AFGE Agree:

I. To cease all lobbying and other activities designed to defeat Reorganization Plan No. 2 in the Congress.

II. Accompanied by an Administration representative to visit personally before Thursday with the Speaker of the House, and key supporters of the Waldie Resolution in the House informing them that the AFL–CIO and AFGE have withdrawn their opposition to the reorganization plan. Similar steps will be taken in the Senate.

III. To inform member unions and affected membership immediately of the withdrawal of labor opposition to the plan.

IV. To assist actively and publicly in securing passage of legislation prospectively repealing Section 2 of the plan.

Mr. HORTON. Mr. Chairman, I yield 4 minutes to the distinguished minority leader (Mr. GERALD R. FORD) which I believe is all my remaining time.

Mr. GERALD R. FORD. Mr. Chairman, if we vote for Reorganization Plan No. 2 by voting "no" we in effect provide for the consolidation and the unification of our Government-wide effort against drug abuse and for drug control. On the other hand, if we vote "yes" on the resolution we in effect are agreeing to a continuation of a proliferated effort to do something about drug control and drug abuse.

Mr. Chairman, this controversy within several Federal departments came to my attention about a year and a half ago when two very high ranking officials in two departments of the Government came to my office in the Capitol and asked if I would help to mediate this dispute. I could not believe that such a condition existed in the Federal Government, and I could not believe that somebody in the legislative branch was being asked to try to find an answer to this internal conflict.

These were fine administrative people. They conscientiously wanted to solve their problem, but because of vested interests there was no way at that point that they could get together. Considering the seriousness of the problem, it was an indensible condition in the Federal Government. Reorganization Plan No. 2 is the only solution.

Mr. Chairman, there has been some indication that there was not full support within the Government for this reorganization plan. I finished talking with the Secretary of the Treasury personally a few moments ago, and George Shultz reported to me that I could say on his behalf that he supported the President's affirmative action on Reorganization Plan. No. 2.

In the past, when the drug problem was not nearly as serious as it is today, we could justify the luxury of having part of the antidrug effort in one department, the luxury of having part of the effort in another department, and the luxury of having another part of the total effort in some other department.

But as the drug problem has accelerated nationwide, as the difficulties have gotten far more serious everywhere, we cannot afford that luxury of a proliferated, divided attack against the problem.

Therefore, I think if we want to achieve some results, we will have to unify, we will have to consolidate, and Reorganization Plan No. 2 seeks to achieve that result.

Mr. Chairman, earlier in the discussion today, the allegation was made that the better procedure would be to defeat Reorganization Plan No. 2 and go through the regular legislative process. Let me tell the Members what one of the problems will be if we follow that procedure.

In the first place, we have no assurance that we are going to get the job done following that course of action.

Second, I am told that Mr. Myles Ambrose, the Commissioner of the Bureau of Customs in the Department of the Treasury, has submitted his resignation and is planning to leave the Government. He has been an outstanding person in that job. Can we suppose that the President can get another man to fill that job while Congress debates whether we are going to have a new agency or not?

Of course, no person would take a job that may have only a life of 2 months, 4 months, or 6 months. In the interm the agency will be without any leadership or any direction.

Mr. Chairman, it just seems to me that the alternative approach, if it is successful, will take too much time, and in the meantime there will be nobody directing that vital part of the Federal effort against the drug problem.

Mr. Chairman, I urge a "no" vote on the resolution.

Mr. BROOKS. Mr. Chairman, I yield 5 minutes to the author of the resolution, the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman and Members of the Committee, I confess to a certain amount of procedural confusion. I understand that a reorganization plan must be voted up or voted down, that it cannot be amended, and yet I understand there is an amendment that is in the works here.

The administration says it will not enforce section 2, no matter what happens, and if they do not, as our chairman says, we can probably pass a bill to repeal it but the administration says it still will not enforce section 2 even if we refuse to repeal section 2.

The real question I am asking is this: No one has spoken up on behalf of section 2. But suppose there are members in this House who sincerely think the way to fight the drug problem is to enact the reorganization plan that the administration submitted in its entirety, one that was not emasculated by a labor organization; suppose they think the entire plan is the only real way to fight the drug problem and to give up on any portion of the fight against that drug problem is a compromise that is unworthy and, therefore, they will vote for the reorganization plan, because that entire plan is before them, not with section 2 omitted.

Mr. Chairman, they will not get their wishes fulfilled because the administration says, "We do not care what you want in the House. We agree with the labor union involved, and we will not enforce section 2."

And then if the bill to repeal section 2 is unsuccessful, they will go one step further in this incredible agreement and have said they will still not enforce section 2.

So do not be misled by this hypocrisy I have been hearing on the floor that this drug issue is so critical that we must have action without conformance to the rules. We will be acting without conformance to the rules.

The administration has given up to a labor union a major portion of that which they said was absolutely essential to meet the problem. If they can compromise with a labor union because of the threat of a loss of jobs to them, then this House can insist on compliance with its rules. If they cannot come in with a reorganization plan which is acceptable to the House in its entirety, it ought to be voted down.

The distinguished chairman, of the Government Operation Committee, for whom I have a great deal of respect and, in fact, for whom I have as much respect as for anyone in this House, on this issue has been enormously cooperative and responsible in terms of my presentations and approaches to him.

The chairman suggested that the thing to do if we do not like a portion of this plan is to vote it in anyway and we can come back and repeal portions of it; but he says we cannot, if we do not like a portion of the plan, defeat it and come back and enact those portions we do like.

The inconsistency is why can we repeal those things we do not like in subsequent actions but we cannot enact those things we do like and reject the plan now?

The majority leader and the distinguished chairman said it was because the House would not enact the consolidation proposed in this Reorganization Act They said it is doubtful that we can get the House to go along with that.

If that is really true—and I do not believe it is true—that the House will not in fact enact this consolidation, then we darned well ought not to be enacting a reorganization plan that the House under normal processes and procedures would not enact.

Yet that is what I have heard here today. We must pass this reorganization plan because, if it was presented as a legislative issue to the House of Representatives, it would not be enacted. I do not believe that to be so, but, if it is so, then it is proof that the reorganization

process is not the process that ought to be undertaken.

The reorganization process is an extraordinary process. It is really a refutation of the legislative process. It should only be taken when the legislative process is deemed by a majority of the House not to be necessary because the subject matter that is undertaken by reorganization is not that important or not that controversial. Yet I am told today that the reason why we cannot turn it down, despite the amazing flaw created by this wild agreement, is because the House will not in fact enact a consolidation of the narcotics and enforcement activities.

Well, maybe if the House will not, then we should not permit the administration to do it by the reorganization process. And if the House will do it, then we ought to insist on a compliance by the administration with a strict reorganization process.

Why did the administration give up to the labor union involved here? If the fight against drug addiction and against heroin transport in this country is so incredibly important, as everyone in this House has said today, then why did the administration succumb? They succumbed because they did not have the courage to stand up against a labor union, and we are succumbing if we do not have the courage to stand up against the administration.

Mr. Chairman, I ask for an aye vote on the resolution.

Mr. BROOKS. Mr. Chairman, this is a pretty bad reorganization plan, horribly altered, and it has not been handled properly. The integrity of this House, be it Republican or Democrat, demands that we defeat this reorganization plan by supporting the Waldie resolution.

There has been a massive lobbying effort by the administration, not just from the Treasury Department but from the Department of Justice and the Department of Agriculture; do not ask me what their interest is but apparently they are interested, they have been hustling the Members. We've also been lobbied by the HEW, and of course the OMB, and Mr. Malek. There are several Members who have met Mr. Malek this week though they never heard of him before.

I hope we will understand that this reorganization can be accomplished by the legislative method. I am not opposed to trying to accomplish the results, but I want it done under the rules.

Mr. CAREY of New York. Mr. Chairman, Reorganization Plan No. 2 before us today is not only a major step in streamlining our Nation's drug enforcement capability, it is of vital importance if we are to continue moving forward in our war on drugs.

The menace of drug abuse, and the heartbreak it breeds, are problems which affect the entire Nation. One needs look no further than my own State of New York to gage the proportions of drug abuse in America. Federal drug abuse agencies estimate the number of heroin users to be some 550,000 nationally, with roughly half of the total in the New York City area. Estimates of heroin consumption range from 4 to 6 tons a year.

New York City, Mr. Chairman, counted upward of 1,250 deaths in 1971 directly attributed to narcotics. While that number failed to grow materially in 1972 for the first time in years, drugs still were the city's largest single cause of death among citizens aged 15 to 35. Moreover, a national survey conducted by the Response Analysis Corp. of Princeton, N.J., showed that 6 out of every 100 youths of high school age have used heroin at least once.

Federal drug enforcement officials estimate that heroin users probably spend from $3 to $50 a day to support their habit, with the average addiction cost set at about $30 a day. Addicts must "feed" their habit every day of the year. So the annual amount spent on narcotics tops some $6 billion. Another Government estimate is that 60 percent of heroin users are physically or mentally unable to work and must steal to buy drugs. Normally, "fences" pay one-fifth or one-sixth the actual worth of stolen goods. Therefore, the total annual crime cost to the country, largely crime on the streets, is roughly $18 billion directly traceable to the drug problem.

Creation of the Drug Enforcement Administration within the Department of Justice will consolidate under a unified command all Federal drug enforcement efforts, thus assuring maximum efficiency and eliminating duplication and overlapping. That is why it is so important to vote "no" on the resolution of disapproval on the floor today. A vote in favor of that resolution is a vote against the drug reorganization plan.

The Drug Enforcement Administration as proposed by the plan is overwhelmingly supported by the law enforcement community across the country. The reorganization is consistent with recommendations going back as far as the first Hoover Commission in 1949, President Kennedy's National Advisory Commission in 1963, and more recently, the Shafer Commission in March of this year.

We have had a fragmented approach to the narcotics problem for some years, a point on which most of the experts agree. We can go a long way toward obtaining a solution to the problem through a cohesive, well-managed effort; and the reorganization plan will do just that. One of the key concepts behind the Drug Enforcement Administration has been a "coordinated" Federal-State-local approach to the drug abuse problem. I urge you to give this approach an opportunity to be implemented by supporting the plan.

It is imperative that we defeat Resolution 382 and allow that plan to take effect. I strongly urge my colleagues support of the plan with a "no" vote on Resolution 382.

Thank you.

Mr. PRICE of Illinois. Mr. Chairman, the plan to reorganize the Federal drug enforcement apparatus is worthy of our support as an important step in stopping the flow of illegal drugs which cripple and criminalize an ever-growing segment of American society. But whatever the organizational scheme, it is essential that enforcement be carried out with due regard for basic constitutional safeguards against unreasonable searches and seizures.

The gravity and insidious nature of a crime must never become an excuse for flagrant violations of the citizens' right to the security of their homes and property. As many will recall, it was less than 2 months ago that officers of Drug Abuse Law Enforcement, an agency which will be absorbed into the proposed Drug Enforcement Administration, violently raided the homes of innocent citizens in Collinsville, Ill. The public indignation at this abuse of police authority was more than justified. While the great majority of citizens are resolute in their support of strict enforcement of drug laws, they are equally unwavering in their abhorrence of the injustice which results when the fourth amendment is so ruthlessly disregarded.

After the Collinsville incidents I requested that the Judiciary Committee investigate their circumstances and also look into the administrative controls, guidelines, training procedures, and operating directives established by the Office of Drug Abuse Law Enforcement. I would strongly suggest that this inquiry be extended, if necessary, to any new drug enforcement agency. By locating the source of possible further drug enforcement excesses, we may prevent a recurrence of the Collinsville incidents. If training procedures, administrative controls, and operational guidelines are now insufficient to screen out those who would willfully flout the Constitution and dishonor the sincere efforts of most drug enforcement officers, they must be revised to reassure citizens of the safety of their homes.

Mr. BRADEMAS. Mr. Chairman, this morning my legislative assistant received a telephone call from Mr. George Hooper, special assistant to the Assistant Secretary for Legislation of the Department of Health, Education, and Welfare.

Mr. Hooper asked that I be informed that the administration had agreed to withdraw—or not implement—section 2 of Reorganization Plan No. 2, dealing, among other things, with the transfer of Customs Bureau agents to the Department of the Treasury. Mr. Hooper indicated that the distinguished chairman of the Committee on Government Operations, Mr. HOLIFIELD, had favorably received this change in administration plans, and Mr. Hooper urged that I reconsider my intention to vote in favor of House Resolution 382.

Mr. Chairman, I do not know what the interest is of the Department of Health, Education, and Welfare in this matter, for to my knowledge neither Reorganization Plan No. 2 nor House Resolution 382 would affect the operation of that Department in any way. I do think it is, to say the least, rather strange that the Department of Health, Education, and Welfare should be injecting itself into this matter, and at this point think it might be appropriate to share with my colleagues—and the appropriate officials of the Department of Health, Education, and Welfare—the following language from section 1913 of title 18 of the United States Code:

§ 1913. Lobbying with appropriated moneys.

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever, being an officer or employee of the United States or of any department or agency thereof, violates or attempts to violate this section, shall be fined not more than $500 or imprisoned not more than one year, or both; and after notice and hearing by superior officer vested with the power of removing him, shall be removed from office or employment. (June 25, 1948, ch. 645, 62 Stat. 792.)

This kind of lobbying by non-interested Departments is clearly a violation of the Code, and in view of recent events bringing into question the understanding of the present administration of the laws of this land, I would hope that the Secretary of Health, Education, and Welfare would inform himself as to the activities of his legislative staff and take steps to see that events such as this one do not reoccur.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to this resolution which would disapprove the administration's Reorganization Plan No. 2, a proposal to consolidate our anti-drug abuse enforcement efforts in a single new agency.

Some of the arguments in favor of opposing the plan are valid, particularly with respect to the way in which the President handled the presentation of his proposals to Congress. It is true that a new reorganization plan could be submitted for a vote in another few months. However, I cannot vote against the plan in light of the urgent need for implementing the President's proposal as soon as possible. Even 2 months would be an unnecessary delay.

A Joint Narcotics Enforcement Task Force has been operating in New York for some time. It has been highly successful in the fight against the sale and distribution of illegal drugs and narcotics. Through its efforts numerous drug pushers have been rounded up. This reorganization plan would, in effect, apply this program on a national basis, pulling together the multitude of enforcement units now operating independently of one another.

Despite the fact that the press has chosen to contribute most of its news space to the Watergate issue, drug abuse continues to be a serious problem in our country. It is particularly serious in our grade and high schools and our colleges and universities. Increasing numbers of young people are getting involved with illegal drugs and narcotics. Heroin continues to be a major killer among the young—particularly in poverty areas.

Voting for adoption of this reorganization plan would help get the Federal enforcement machinery moving against the kingpins of the illegal narcotics business. Combined with tough enforcement of the laws in the courts, we can hope for an end to this menace to our society.

I hope that in carrying out the provisions of this reorganization plan, the President will be cautious not to drain too many people away from the enforcement of laws against the entry of illegal aliens into this country. This, too, is a serious problem that cannot be ignored. If more personnel are needed in the fight against drug abuse, I am certain that Congress will respond with sufficient funds to staff the new agency.

Mr. Chairman, I urge rejection of this resolution so the reorganization plan can be implemented with all due haste. Drug abuse is an epidemic in our land and it will take massive efforts at all levels of government if it is to be eradicated from our midst.

Mr. RANGEL. Mr. Chairman, I rise in support of the President's reorganization plan to consolidate existing Federal drug abuse law enforcement agencies into a single Drug Enforcement Administration. I was born, grew up, live in and now have the honor to represent in the Congress, Harlem. Long before the national recognition that drug abuse had reached crisis proportions, we in Harlem knew about the crisis. We were living it; it had devastated, and almost destroyed our community. Heroin, or "horse" was a reality in my community when I was a young man, I have seen it transform Harlem.

According to an extensive survey of Harlem conducted by the Small Business Chamber of Commerce in 1971, 51.2 percent of those interviewed said they had been victims of criminal assault in 1970 and 69 percent named the narcotics addict as a prime offender. In 1971 the National Institute of Mental Health estimated that there were 18,000 narcotics addicts living in a 40-block area in central Harlem. Of these, approximately 6,000 were estimated to be between the ages of 16 and 21 and 2,000 to be between 7 and 15 years of age. In 1972 the New York City Addiction Services Agency estimated that there were 40,000 narcotics addicts in all of Harlem. That is about one out of every six people.

The statistics, however, do not tell the full story. You need to walk the streets of my community to see the human cost of narcotics addiction. Walk along nearly any street from 110th Street to 155th Street in central Harlem and you will see them—curled up in doorways, nodding in front of bars, standing in the cold without enough clothes or stumbling along in a trance.

This is Harlem's great addict army. And you will probably see other, all too familiar Harlem scenes—a 15-year-old addict pursued by a woman yelling "Stop, thief"—the dope pusher who sets up shop on the corner and deals like he has a license—the junkies who have established residence in the abandoned buildings which are the legacy of urban renewal in my community—the junkie who has overdosed and is lying unconscious in an alleyway—the kid just out of his teens who is wearing $200 alligator boots with his complete "Super Fly" outfit as he steps out of his Eldorado, admired, envied, and hereto, to every kid who sees him—the once beautiful, and now zombie like soul sister who is soliciting to support her habit—the mysterious Cadillac that pulls up to a street corner at the same time every day and is immediately surrounded by a horde of desperate men, a scene that attracts the notice of everyone in the community except the local police. This is my community, Harlem, today as a result of narcotics addiction. It is also, gentlemen, your own communities, for the phenomenon of heroin addiction has not been contained in Harlem—it has spread throughout the Nation.

I give you this picture of Harlem not to educate you, because I know that you are familiar with the societal and human tragedy of narcotics addiction. I remind you of what drugs have done to Harlem and to other urban communities throughout the country to give you a picture of the size of the stake we in the black community have in finding a successful approach to effective law enforcement against the illegal heroin traffic.

I have long been concerned about the ineffectiveness of the Federal Government's drug abuse law enforcement effort. I have been aware that a large cause of this ineffectiveness has been rivalry between the Federal agencies with responsibility for drug law enforcement that has gotten in the way of effective law enforcement. The Bureau of Narcotics and Dangerous Drugs has generally been responsible for narcotics traffic investigation within the borders of the United States while the Bureau of Customs has been responsible for international investigations. This is how it was supposed to work in theory. In actual practice, however, the jurisdictional lines are not so easily placed and this, along with the very human as well as organizational proclivity toward turf rivalry, has led to intense jurisdictional disputes and rivalries which has led to ineffective law enforcement.

Jurisdictional fights have caused delays which have resulted in lost cases. There have been instances where BNDD has had some information on a narcotics traffic investigation and Customs has had some on the same case, but because agents from the two agencies were in competition to get credit for breaking it and were not talking to each other, the information was not pooled and the traffickers were not apprehended.

Both personally, as a life-long resident of the Harlem community, and professionally, as an assistant U.S. attorney, I have worked to increase the effectiveness of this effort but have been frustrated by the petty rivalries, bureaucratic jealousies and corruption which have helped permit the scourge of heroin to infect the lifeblood of my community.

In 1971, I asked the Comptroller General of the United States to investigate the problem of successful smuggling of

heroin into New York City. In its report, issued in December of 1972, the General Accounting Office identified ineffective law-enforcement activity by Federal agencies as one of the basic causes for the successful flow of heroin into New York City. It further pointed to the existing jurisdictional rivalry between the Bureau of Narcotics and Dangerous Drugs and the Bureau of Customs as the primary reason for ineffective Federal law enforcement against the heroin traffic in New York.

Consolidation of Federal agencies with law enforcement responsibility over narcotics trafficking is not a new idea, or one which originated with this administration. As early as 1949 the Hoover Commission recommended the creation of a single narcotics investigating unit in the Justice Department. In 1963 the National Advisory Commission, established by President Kennedy, made a similar recommendation. By statute the Congress has consolidated in a single agency, the Special Action Office for Drug Abuse Prevention, total responsibility for the coordination of drug abuse rehabilitation and treatment programs. Reorganization Plan No. 2 proposes the same unified approach to the enforcement side of the narcotics problem.

Every law-enforcement witness who testified before the Government Operations Committees of the House and Senate on Reorganization Plan No. 2 supported the plan. The professional law-enforcement community, including the New York City Police Department, the International Association of Chiefs of Police and other law-enforcement organizations support the plan and urge its adoption. I am unaware of any opposition by professional law-enforcement people to this plan.

I am convinced from my personal experience that the present fragmentation of Federal drug law-enforcement activities in a half-dozen offices in two different departments must be replaced by an integrated, consolidated Federal approach to investigation, intelligence, strategy, and enforcement against the sophisticated international traffic in narcotics. This must be done now. We cannot wait for congressional legislation to do this for we have already waited too long. Every day of delay means continued ineffectiveness and more heroin in our communities.

I am afraid that objections to the plan based on the now resolved labor and immigration aspects and resentment arising from the way its submission has been handled by the administration have clouded and prevented discussion on the major issue—the need to create a single Federal narcotics agency to replace the present ineffective fragmented efforts.

I believe the new drug-enforcement agency is needed to increase our effectiveness in the fight against the illegal narcotics traffic. I urge you to support its creation by opposing and defeating House Resolution 382.

Ms. HOLTZMAN. Mr. Chairman, I am deeply concerned about drug addiction and the crime associated with it.

I am compelled, however, to oppose the administration's Reorganization Plan No. 2. Clearly there is a strong need to unify and coordinate our Federal anti-drug effort. The reorganization plan, however, will not achieve this. The actual control over the implementation of the plan lies not with the Justice Department and Customs officials but with the Office of Management and Budget—an agency that is not related to the fight against crime and drugs. As a result, under this reorganization proposal we do not have any way of knowing if such coordination of our anti-drug effort will be achieved. In fact, I understand legislation has already been submitted that will clean up many of the problems in the administration's scheme and will permit us to deal with our serious and crucial anti-drug effort in a manner consistent with our legislative responsibilities.

In addition, the administration's plan was developed in a great haste and by people who have since resigned from the administration under the cloud of Watergate. It is not surprising, therefore, that the plan has provisions that may affect principles of due process. We must carefully deliberate before we give the Department of Justice—which has performed so badly under this administration—such hastily thought-out new powers.

Finally, this plan permits the OMB to impound funds for the anti-drug effort—a policy I strongly oppose.

I have listened to the debate very carefully and have given this matter much thought. My concern about crime is so great that I successfully persuaded the House Judiciary Committee to adopt an amendment to the Safe Streets Act that would get Federal crime fighting funds much more quickly to localities that need it. I therefore would have been delighted to vote for a plan that would have provided for real coordination among our drug enforcement agencies and permitted us at the same time to exercise control of unbridled powers in the Justice Department. This plan would not accomplish this result, and I regrettably must oppose it.

Mr. GILMAN. Mr. Chairman, drug abuse and addiction, with all their attendant evils, scar the lives of every American.

An estimated half million heroin addicts prowl our cities and schools in seach of means to satisfy their habit. The number of drug abusers who jeopardize our lives every day remain uncounted. The need for the Federal Government to mount an effective attack is plain. That attack requires a unified effort.

The magnitude of our drug problems makes a systematic and orderly approach imperative. Therefore, I wholeheartedly support the President's efforts to consolidate our existing enforcement programs in calling for passage of Reorganization Plan No. 2.

We presently have five agencies to enforce the laws against drug abuse: The Bureau of Narcotics and Dangerous Drugs, the Office of Drug Abuse Law Enforcement, the Office of National Narcotics Intelligence, the Law Enforcement Assistance Administration, and the Bureau of Customs. Each one acts independently; each conducts its own operations.

The five agencies are almost like five fingers acting without the control of the brain. It is impossible for them to accomplish much. However, if they are coordinated and act together to achieve a common purpose, the results will be far more satisfying. The five agencies must, likewise, be controlled by a single source in order to eliminate the rampant abuse of drugs.

The new Drug Enforcement Administration will be that source of control and coordination. However, we cannot allow it to become simply another layer of bureaucracy. The DEA has an awesome responsibility to free our citizens from the bondage of drugs. It must be able to effectively perform that task.

Having created the Drug Enforcement Administration, let us now use it effectively. The time has come for an all-out war on drug abuse and addiction. We must mobilize all of our resources and manpower in this important battle.

The Drug Enforcement Administration can and should be a command post in this war, using the five agencies as spearheads in the attack against drugs. We must prevent drug abuse from becoming our national albatross.

The CHAIRMAN. All time has expired.

The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 382

Resolved, That the House of Representatives does not favor the Reorganization Plan Numbered 2 transmitted to Congress by the President on March 28, 1973.

Mr. BROOKS. Mr. Chairman, I move that the Committee do now rise and report the resolution back to the House with the recommendation that the resolution be agreed to.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. BRADEMAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 382, expressing the disapproval of the House of Representatives of Reorganization Plan No. 2, had directed him to report the resolution back to the House with a recommendation that the resolution be agreed to.

The Clerk reported the resolution.

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Speaker, for the information of the Members of the House, is it true that a vote "aye" on the resolution is a vote against Reorganization Plan No. 2, and that a vote of "no" is a vote to approve the President's reorganization plan?

The SPEAKER. In response to the parliamentary inquiry of the gentleman from Michigan (Mr. GERALD R. FORD) the Chair will state that the gentleman is correct; that a vote of "aye" on the pending resolution is a vote against Reorganization Plan No. 2, and a vote of "no" is a vote for the reorganization plan.

The question is on the resolution.

The question was taken; and the

Speaker announced that the ayes appeared to have it.

Mr. HOLIFIELD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 130, nays 281, not voting 22, as follows:

[Roll No. 194]

YEAS—130

Abzug	Fraser	Rarick
Adams	Fulton	Rees
Addabbo	Fuqua	Reuss
Anderson, Calif.	Gonzalez	Riegle
Andrews, N.C.	Griffiths	Roberts
Aspin	Gross	Robison, N.Y.
Boggs	Gude	Rodino
Bolling	Haley	Roncalio, Wyo.
Brademas	Hansen, Wash.	Rose
Bray	Harrington	Rosenthal
Breckinridge	Hechler, W. Va.	Roybal
Brooks	Helstoski	Ryan
Brown, Calif.	Holtzman	St Germain
Broyhill, Va.	Howard	Sarbanes
Burke, Calif.	Johnson, Calif.	Scherle
Burke, Mass.	Jones, Okla.	Schroeder
Burlison, Mo.	Jordan	Seiberling
Burton	Kastenmeier	Stanton, James V.
Casey, Tex.	Kazen	Stark
Chappell	Kyros	Steed
Clawson, Del	Leggett	Stokes
Clay	Lehman	Studds
Conte	Long, Md.	Sullivan
Conyers	McCormack	Thompson, N.J.
Corman	McFall	Tiernan
Cronin	McSpadden	Udall
Culver	Macdonald	Ullman
Davis, S.C.	Mahon	Van Deerlin
de la Garza	Matsunaga	Vanik
Dellums	Meeds	Waldie
Denholm	Melcher	White
Dent	Mezvinsky	Whitehurst
Derwinski	Miller	Wilson,
Dingell	Mink	Charles H.,
Donohue	Mitchell, Md.	Calif.
Drinan	Moakley	Wilson,
Dulski	Mollohan	Charles, Tex.
Eckhardt	Moorhead, Pa.	Wright
Edwards, Calif.	Moss	Wylie
Eilberg	Myers	Yates
Evans, Colo.	Nedzi	Yatron
Fish	Obey	Young, Ga.
Ford, William D.	O'Neill	Young, Tex.
Fountain	Owens	
	Patten	
	Poage	

NAYS—281

Abdnor	Cederberg	Foley
Alexander	Chamberlain	Ford, Gerald R.
Anderson, Ill.	Chisholm	Forsythe
Andrews, N. Dak.	Clancy	Frelinghuysen
Annunzio	Clark	Frenzel
Archer	Clausen, Don H.	Frey
Arends	Cleveland	Froehlich
Armstrong	Cohen	Gaydos
Ashley	Collier	Gettys
Bafalis	Collins, Ill.	Giaimo
Baker	Collins, Tex.	Gibbons
Barrett	Conable	Gilman
Beard	Conlan	Ginn
Bell	Cotter	Goldwater
Bennett	Coughlin	Goodling
Bergland	Daniel, Dan	Grasso
Bevill	Daniel, Robert W., Jr.	Gray
Biaggi	Daniels, Dominick V.	Green, Oreg.
Biester	Danielson	Green, Pa.
Bingham	Davis, Wis.	Grover
Blackburn	Delaney	Gubser
Blatnik	Dellenback	Gunter
Boland	Devine	Guyer
Bowen	Dickinson	Hamilton
Brasco	Diggs	Hammer-schmidt
Breaux	Dorn	Hanley
Brinkley	Downing	Hanna
Broomfield	Duncan	Hanrahan
Brotzman	du Pont	Hansen, Idaho
Brown, Mich.	Edwards, Ala.	Harsha
Brown, Ohio	Erlenborn	Harvey
Broyhill, N.C.	Esch	Hastings
Buchanan	Eshleman	Hawkins
Burgener	Evins, Tenn.	Hays
Burke, Fla.	Fascell	Heckler, Mass.
Burleson, Tex.	Findley	Heinz
Butler	Flood	Henderson
Byron	Flowers	Hicks
Camp	Flynt	Hillis
Carey, N.Y.	Foley	Hinshaw
Carney, Ohio	Ford, Gerald R.	Hogan
Holifield	Moorhead, Calif.	Skubitz
Holt	Morgan	Slack
Horton	Murphy, Ill.	Smith, Iowa
Hosmer	Murphy, N.Y.	Smith, N.Y.
Huber	Natcher	Snyder
Hudnut	Nelsen	Spence
Hungate	Nichols	Staggers
Hunt	Nix	Stanton, J. William
Hutchinson	O'Hara	Steele
Jarman	Parris	Steelman
Johnson, Pa.	Passman	Steiger, Ariz.
Jones, Ala.	Pepper	Steiger, Wis.
Jones, Tenn.	Perkins	Stephens
Karth	Pettis	Stratton
Keating	Pickle	Stubblefield
Kemp	Pike	Stuckey
Ketchum	Podell	Symington
King	Powell, Ohio	Symms
Kluczynski	Preyer	Talcott
Koch	Price, Ill.	Taylor, Mo.
Kuykendall	Price, Tex.	Taylor, N.C.
Landgrebe	Pritchard	Teague, Calif.
Landrum	Quie	Teague, Tex.
Latta	Quillen	Thomson, Wis.
Lent	Railsback	Thone
Litton	Randall	Thornton
Long, La.	Rangel	Towell, Nev.
Lott	Regula	Treen
Lujan	Reid	Vander Jagt
McClory	Rhodes	Veysey
McCloskey	Rinaldo	Vigorito
McCollister	Robinson, Va.	Waggonner
McDade	Roe	Walsh
McKay	Rogers	Wampler
McKinney	Roncallo, N.Y.	Ware
Madden	Rooney, Pa.	Whalen
Madigan	Roush	Whitten
Mailliard	Rousselot	Widnall
Mallary	Roy	Wiggins
Mann	Runnels	Williams
Maraziti	Ruppe	Wilson, Bob
Martin, Nebr.	Ruth	Winn
Martin, N.C.	Sandman	Wolff
Mathias, Calif.	Sarasin	Wyatt
Mayne	Satterfield	Wydler
Mazzoli	Schneebeli	Wyman
Metcalfe	Sebelius	Young, Alaska
Michel	Shipley	Young, Fla.
Milford	Shoup	Young, Ill.
Mills, Ark.	Shriver	Young, S.C.
Minish	Shuster	Zablocki
Mitchell, N.Y.	Sikes	Zion
Mizell	Sisk	Zwach
Montgomery		

NOT VOTING—22

Ashbrook	Hébert	O'Brien
Badillo	Ichord	Patman
Carter	Johnson, Colo.	Peyser
Cochran	Jones, N.C.	Rooney, N.Y.
Crane	McEwen	Rostenkowski
Davis, Ga.	Mathis, Ga.	Saylor
Dennis	Minshall, Ohio	
Fisher	Mosher	

So the resolution was rejected.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Ashbrook.
Mr. Rooney of New York with Mr. Peyser.
Mr. Rostenkowski with Mr. Crane.
Mr. Davis of Georgia with Mr. O'Brien.
Mr. Fisher with Mr. Carter.
Mr. Mathis of Georgia with Mr. Saylor.
Mr. Ichord with Mr. Mosher.
Mr. Badillo with Mr. Dennis.
Mr. Jones of North Carolina with Mr. Minshall of Ohio.
Mr. Patman with Mr. McEwen.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of the resolution just considered.

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

There was no objection.

CONFERENCE REPORT ON H.R. 5610, FOREIGN SERVICE BUILDINGS

Mr. HAYS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H.R. 5610) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, I assume the gentleman from Ohio intends to take some time to explain what transpired in the conference on the bill?

Mr. HAYS. I will.

Mr. GROSS. Mr. Speaker, I withdraw my reservation.

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

There was no objection.

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1973.)

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that the statement of the managers, which was printed in yesterday's CONGRESSIONAL RECORD, be considered as read.

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

There was no objection.

Mr. HAYS. Mr. Speaker, the Senate amended this bill in 16 instances. We had a conference, and the Senate receded on all 16 amendments. The bill is identically the same as the bill that passed the House a few weeks ago. As I recall, there were few, if any, votes against it. It authorizes the appropriation of money for the next two years for the foreign buildings Programs.

The SPEAKER. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7645, DEPARTMENT OF STATE AUTHORIZATION ACT OF 1973

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 425 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 425

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other pur-

poses, and all points of order against section 103 of said bill for failure to comply with the provisions of clause 4, rule XXI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 425 provides for an open rule with 1 hour of general debate on H.R. 7645, to authorize appropriations to the Department of State. All points of order against section 103 of the bill are waived for failure of the bill to comply with the provisions of clause 4, rule XXI of the Rules of the House, which prohibits appropriation language in an authorization bill.

I will say to my able friend from Iowa, Mr. GROSS, who is often interested in why we bring out rules with waivers of points of order, this is due entirely to the fact that on account of the devaluation of the dollar, in order to pay the share of contributions we have committed our country to pay for the support of the Interparliamentary Union Office in Geneva. We have to provide $18,000 more than we have previously made available. That is the reason for the waiver of points of order in this case because we provide those additional funds in this authorization bill.

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

Mr. PEPPER. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, may I ask the gentleman, what does this waiver deal with?

What does section 103——

Mr. PEPPER. This waiver of points of order deals only with the provision in the bill providing $18,000 additional funds on account of the dollar devaluation for our contribution to the Interparliamentary Union.

Mr. GROSS. Section 103 deals with what?

Mr. PEPPER. Yes, Mr. Speaker, I will yield to the gentleman from Ohio (Mr. HAYS) for a written answer to that question.

Mr. HAYS. Mr. Speaker, section 103 deals with the American contribution to the Interparliamentary Union. The contribution is paid in Swiss francs, and because of the dollar devaluation, which Mr. Shultz keeps saying is not going to cost anybody anything, we have to have $18,000 more to buy the appropriate number of Swiss francs, compared to what we had to have before the dollar was devalued. This simply, in contravention of the rules, appropriates an additional $18,000. That is why we are asking for a waiver of a point of order in section 103.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, this is one of the leading junketing organizations, is it not?

Mr. HAYS. I would refer the answer to that question to my dear colleague from Chicago, the gentleman in the green jacket, the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, the gentleman from Florida knows that the gentleman from Ohio deals with legislation of this type, and the gentleman and I also appreciate the fact that the gentleman from Illinois always looks after the best interests of the Treasury and of the taxpayers, and he certainly would not be supporting this item unless he thought it was in the national interest.

Mr. GROSS. Well, Mr. Speaker, if the gentleman will yield, I am not too sure about that.

Mr. Speaker, will the gentleman yield further?

Mr. PEPPER. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, if I remember correctly, when I first came to Congress, the appropriation for this junketing organization was about $30,000 a year, and now the amount representing the adjustment in the devaluation of the dollar is many times that amount. That is evidenced by the bill.

Mr. PEPPER. Mr. Speaker, I will reply to my able friend, the gentleman from Iowa (Mr. GROSS) that my understanding is that this is not to pay the traveling expenses of Members of Congress who go to the meetings of the Interparliamentary Union in other parts of the world at different times. This is our share of the agreed contributions to the Interparliamentary Organization located in Switzerland.

Mr. GROSS. But, if the gentleman will yield, if there was no headquarters of the outfit some place, there would not be so much junketing, would there?

Mr. PEPPER. I believe that is logical. If there were no such organization, there would not be anything to which to go.

Mr. DERWINSKI. Mr. Speaker, will the gentleman from Florida (Mr. PEPPER) yield for a comment so that I will not have to take the time to state it in general debate?

Mr. PEPPER. I yield to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I will just advise the gentleman from Florida (Mr. PEPPER) and the gentleman from Iowa (Mr. GROSS) that unlike our participation in the U.N. where we have a contribution of what is now 25 percent, which was previously much higher, our contribution to the Interparliamentary Union is only 15 percent, and by anybody's calculation that becomes a bargain.

Mr. GROSS. Mr. Speaker, will the gentleman from Florida (Mr. PEPPER) yield?

Mr. PEPPER. I will be glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I do not know of any greater authority on the U.N. than the former Ambassador, our colleague, the gentleman from Illinois (Mr. DERWINSKI).

Mr. PEPPER. Mr. Speaker, I will finish my statement. House Resolution 7645 authorizes a total appropriation in the amount of $687,432,000. That is the total cost of the bill. Some of the highlights of the authorizations are as follows:

A total appropriation of $282 million for the administration of foreign affairs, including salary and expense payments of the officers of the Department of State; $59,800,000 for the Education Exchange program; $50 million for security provisions to provide greater protection for personnel abroad; $12,307,000 to offset increased costs abroad resulting from the devaluation of the U.S. dollar; and $1,165,000 for the establishment of a liaison office in the People's Republic of China.

Mr. LATTA. Mr. Speaker, I think the gentleman from Florida has adequately covered the provisions of this rule and has outlined very accurately the amount of money that is authorized, $687,432,000. It makes it a little noncontroversial that we have waived all points of order, and that has already been explained.

Mr. Speaker, House Resolution 425 provides for the consideration of H.R. 7645, the Department of State Appropriations Authorization Act of 1973, which is scheduled to be considered today. House Resolution 425 is an open rule with 1 hour of general debate. In addition, the rule waives points of order against section 103 for failure to comply with clause 4, rule XXI, dealing with appropriations in a legislative bill.

The primary purpose of H.R. 7645 is to authorize appropriations for the Department of State, for fiscal year 1974.

The total recommended authorization in this bill is $687,432,000. Major categories include:

Administration of foreign affairs, $282,565,000. This figure covers funds for the salaries, expenses, and allowances of the officers and employees of the Department, both in the United States and abroad.

$211,279,000 to defray the assessments of the United States in international organizations and to pay the costs of U.S. participation in international conferences—includes United Nations, SEATO, NATO, et cetera. During hearings last year the subcommittee stated they expected a reduction from 31.52 to 25 percent in the U.S. assessment for the U.N. The Assistant Secretary of State stated this year in testimony that the Administration expects to meet that request.

$15,568,000 is authorized for international commissions that deal with U.S. boundaries with Mexico and Canada. These funds will permit the United States to fulfill its treaty and other international obligations.

$59,800,000 is authorized appropriations for "educational exchange." This includes educational and cultural exchange programs, grants, fellowships, and scholarships.

There is also an authorization for $8,800,000 to provide assistance to migrants and refugees, both on a multilateral basis through contributions to organizations, and on a unilateral basis through assistance to refugees designated by the President. This amount also includes a contribution to the International Committee of the Red Cross.

$9,328,000 is authorized to cover salaries and related costs resulting from the pay increase effective January 1, 1973.

To offset increased costs abroad resulting from the dollar devaluation, there is an authorization of $12,307,000.

There is also an authorization of $1,165,000 for the establishment of a liaison office in the People's Republic of China.

For security, there is a $50,000,000 amount to permit the Department to strengthen its facilities to combat acts of terrorism and provide protection for personnel abroad. This is needed because of recent kidnapings et cetera.

$36,500,000 is provided to furnish assistance for the resettlement of Soviet-Jewish refugees in Israel.

$120,000 is authorized for the U.S. participation in the Interparliamentary Union.

The bill also includes a section that requires a nominee for an ambassadorship who is not a career officer of the Foreign Service or who is given the rank of ambassador for a temporary mission to file a verified report of his campaign contributions as well as those of his immediate family covering 4 calendar years preceding his nomination.

Mr. Speaker, I urge the adoption of the rule.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 7446, ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules and on behalf of the distinguished gentleman from New York, Mr. DELANEY, I call up House Resolution 424 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 424

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, and all points of order against section 12 of said bill for failure to comply with the provisions of clause 4, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Florida is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Ohio (Mr. LATTA) and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 424 provides for an open rule with 1 hour of general debate on H.R. 7446, a bill to establish the American Revolution Bicentennial Administration.

All points of order against section 12 of the bill for failure to comply with the provisions of clause 4, rule XXI, of the Rules of the House of Representatives, which prohibits appropriations language in an authorization bill, are waived.

The American Revolution Bicentennial Administration will be a temporary, independent agency and will be headed by a fulltime, paid administrator. It will assume the functions of the present American Revolution Bicentennial Commission.

H.R. 7446 also provides for an 11 member policymaking American Revolution Bicentennial Board, and a 25 member Advisory Council.

The cost of the bill is estimated at $7,100,000 for fiscal year 1974. Costs projections may be found on page 8 of the report.

Mr. Speaker, I urge adoption of House Resolution 424 in order that we may discuss and debate H.R. 7446.

Mr. Speaker, I will say to my distinguished friend from Iowa, who is always interested in the proposed waiver of points of order, that the reason for the waiver in this case is that on page 15, section 12, of the bill it is provided:

Except for members of the Commission, the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed.

In other words, previously made available to the existing Revolution Commission are to be made available to this new administration, and since that is dealing with unexpended appropriation balances, that would be technically a breach of the rules without a waiver of points of order.

Mr. GROSS. Will the gentleman yield?

Mr. PEPPER. I am glad to yield.

Mr. GROSS. Did the Committee on Rules in its consideration of the bill and in justification of a rule ascertain how much has already been expended on the bicentennial promotion and the balance left in the fund that makes the waiver of points of order necessary?

Mr. PEPPER. Mr. Speaker, if the gentleman from Iowa will permit me to yield to the gentleman from Massachusetts (Mr. DONOHUE) I believe that the gentleman can give us those figures. It is a small amount.

Mr. DONOHUE. Mr. Speaker, if the gentleman will yield, through 1973 $11,541,000 was spent. Of that amount, $4,800,000 was granted to the 50 States for planning purposes.

Mr. GROSS. $11 million has already been spent—$11 million plus?

Mr. DONOHUE. Through fiscal year 1973.

Mr. GROSS. I thank the gentleman.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 424, which we will consider today, is the rule on H.R. 7446, establishing the American Revolution Bicentennial Administration. The rule is an open rule with 1 hour of general debate. It also contains a provision which waives points of order against section 12 for failure to comply with clause 4, rule XXI, which deals with transfer of funds.

The primary purpose of H.R. 7446 is to establish the American Revolution Bicentennial Administration, which would be a temporary, independent, Government agency headed by a full-time, paid Administrator.

The American Revolution Bicentennial Administration provided for in this bill would assume the functions and responsibilities of the present American Revolution Bicentennial Commission. This is being done on the theory that a unified organizational entity can better meet the pressing demands of accelerated decisionmaking which will be necessary in the next 3 years. The Chairman and the Vice Chairman of the Commission support this recommendation.

This bill also provides for the creation of an 11 member American Revolution Bicentennial Board to make policy for the Administration. The Board is to consist of the Administrator, two House Members, two Senate Members, Chairman and Vice Chairman of the Council, the Secretary of the Interior, and three people appointed by the President from officers or staff of State bicentennial commissions. A 25-member American Revolution Bicentennial Advisory Council would also be created. The council members would be appointed by the President from private life.

The cost of this bill is estimated at $7,100,000 for fiscal year 1974, the amount which the Commission had expected to spend.

Mr. Speaker, I urge the adoption of this rule.

Mr. PEPPER. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF STATE AUTHORIZATION ACT OF 1973

Mr. HAYS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7645) to authorize appropriations for the Department of State, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Ohio (Mr. HAYS).

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 consideration of the bill H.R. 7645, with Mr. ECKHARDT in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Ohio (Mr. HAYS) will be recognized for 30 minutes, and the gentleman from Wisconsin (Mr. THOMSON), will be recognized for 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 7645 authorizes appropriations for the Department of State for fiscal year 1974. As presented to the Congress in an executive communication, the draft legislation would have provided an open-ended authorization for fiscal year 1975. The subcommittee rejected the request for an unspecified amount for a second year. What we have recommended is a specific sum for 1 year.

In the hearings before the subcommittee we took testimony from a principal officer from each of the several geographic and functional bureaus in the Department. Our concern was not only on the sums requested by each of these bureaus but also upon aspects of our foreign policy for which they are primarily responsible.

Each of the witnesses submitted for the record a breakdown of the costs of operation of his bureau and the reasons for any increase that may have been presented. We have incorporated these in the hearings so that Members of the House will have a better idea of the use of the funds requested.

For the usual range of departmental functions, we recommended an authorization of $578,012,000, an increase of about $48,000,000 over last year's appropriation for these same activities.

Members will recall that last year, when I presented this bill, I reported that the committee, by a very narrow vote, had defeated my proposal to reduce the United States share for the support of the United Nations. Although I lost that round, I think the record will show that the subcommittee drove home the point that we were going to get tough on this one. This year we pursued the matter again. I am happy to report it is expected that in 1974 our share will fall from 31.25 percent to 25 percent. This percentage, incidentally, is in line with the recommendations of the Lodge Commission that studied the subject in great detail. Further, we were told that our share of the costs of the various specialized agencies would be reduced in the next few years. It was estimated that if the United States is successful in its purpose, there would be a saving of about $26 million, based upon current assessments.

Perhaps I should make one further point about our payments for participation in international organizations. The sum of $211,279,000 recommended by the committee is just about half of our total contributions to these organizations. The reason is that many of them are funded under other authorizations, principally the Foreign Assistance Act. I am not certain that all these international organizations are necessary. Perhaps at the time of their establishment they could be justified. Like so much in the bureaucratic world, they have their own life cycle that assures not only their survival but their growth. I think it is about time for Congress to give closer attention to them.

The basic budget for Government agencies is prepared in the fall of each year. In the interval between that preparation and consideration by the Congress contingencies do arise. That is what happened with the State Department request. The Department sought to meet this situation by requesting an open-ended authorization. We turned them down on that and made the Department come in with specific sums. Four items are included in this bill to meet these contingencies.

The first, section 101(b)(1), will cover salary increases that became effective on January 1 of this year. The second, section 101(b)(2), is to meet increased costs abroad resulting from the devaluation of the dollar early this year. The third, section 101(b)(3), is to finance the cost of establishing a liaison office in China. The fourth, section 101(c), is for the cost of additional security measures abroad to minimize the danger of violence to our personnel and facilities. The total authorization recommended for these four contingency items is $72,800,000.

The gentleman from New York (Mr. BINGHAM) appeared before my subcommittee to ask for the inclusion of $36,500,000 to continue the program of assisting Soviet Jewish refugees in Israel. Last year Congress appropriated $50,000,000, of which $45,000,000 went for this program.

Over the last decade or more there has been a notable tendency to award contributors to political candidates with an ambassadorship. This demeans that office. Foreign governments have a right to wonder about the importance we attach to our representation. As the committee report notes, there have been and are individuals drawn from private life to serve as ambassadors who have done so with distinction to themselves and to the country. But there have been and are others whose qualifications are open to serious question.

Section 106 is an attempt to deal with this problem. We discussed several different approaches before agreeing on the language in that section. Let me say that it is not a penal provision in that it carries a fine or other penalty for having given to political candidates. It is intended to be simply a complete and accurate reporting requirement. It is drafted so that it will always include contributions to a Presidential campaign. The verified report that it requires be submitted to the House and the Senate should bring together in one document the contributions made by the appointee and his immediate family as defined in this bill from the date of his nomination through the four preceding calendar years. We use the term "contribution" as it is used in the Federal Election Campaign Act of 1971 and which is reprinted in our report.

I do not want to exaggerate the effect of this provision should it find its way into law. It will not bar heavy contributors from an ambassadorship, but it should be possible to relate better their contribution with their ability. Hopefully, the Senate which must pass on these nominations would have a more complete body of information before it to make a judgment on the nominee.

Mr. Chairman. I ask the Members to support H.R. 7645.

I yield to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support passage of H.R. 7645.

This legislation would authorize appropriations for the operation of the U.S. Department of State for the fiscal year 1974.

An authorization of $687,432,000 is recommended for the agency. The money would be spent for the direction and conduct of the Department's operations, including the conduct of diplomatic relations with other countries.

As noted in the committee report, the authorization would provide funds for U.S. assessments in international organizations and U.S. participation in international commissions that deal with U.S. boundaries with Mexico and with Canada.

In addition, the legislation authorizes an appropriation of $50 million to enable the Department of State to strengthen its facilities to combat terrorism and provide greater protection for personnel abroad. In view of various tragedies—most recently in the Sudan—these additional funds are obviously needed.

The subcommittee under the leadership of Chairman HAYS has carefully scrutinized this authorization request as has the full committee, and I urge its approval.

Mr. Chairman, I have no further request for time.

Mr. HAYS. Mr. Chairman, I have no further request for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of State Appropriations Authorization Act of 1973".

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1974, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $282,565,000;

(2) for "International Organizations and Conferences", $211,279,000;

(3) for "International Commissions", $15,568,000;

(4) for "Educational Exchange", $59,800,000;

(5) for "Migration and Refugee Assistance", $8,800,000.

(b) In addition to amounts authorized by subsection (a) of this section, there are authorized to be appropriated for the Department of State for the fiscal year 1974 the

following additional or supplemental amounts:

(1) not to exceed $9,328,000 for increases in salary, pay, retirement, or other employee benefits authorized by law;

(2) not to exceed $12,307,000 for additional overseas costs resulting from the devaluation of the dollar; and

(3) not to exceed $1,165,000 for the establishment of a liaison office in the People's Republic of China.

(c) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Department of State $50,000,000 for protection of personnel and facilities from threats or acts of terrorism.

(d) In addition to amounts otherwise authorized, there are authorized to be appropriated to the Secretary of State for the fiscal year 1974 not to exceed $36,500,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, relating to Russian refugee assistance.

(e) Appropriations made under subsections (a), (b), and (c) of this section are authorized to remain available until expended.

TRANSFER OF APPROPRIATION AUTHORIZATION

SEC. 102. Any unappropriated portion of the amount authorized to be appropriated for the fiscal year 1974 under any of the paragraphs (1) through (5) of section 101(a) of this Act may be appropriated, in addition to the amount otherwise authorized for such fiscal year, under any of the other paragraphs in that section; except that the aggregate of amounts appropriated under any such paragraph shall not exceed by more than 10 per centum the amount authorized by such paragraph for such fiscal year.

USE OF FOREIGN CURRENCY

SEC. 103. Subsection (b) of section 502 of the Mutual Security Act of 1954 (22 U.S.C. 1954) is amended—

(1) by striking out "$50" in the first sentence of such subsection and inserting in lieu thereof "$75"; and

(2) by striking out "published in the Congressional Record" in the last sentence of such subsection and inserting in lieu thereof "available for public inspection".

AMBASSADORS AND MINISTERS

SEC. 104. From and after the date of enactment of this Act, each person appointed by the President as ambassador or minister shall, at the time of his nomination, file with the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives a report of contributions made by such person and by members of his immediate family during the period beginning on the first day of the fourth calendar year preceding the calendar year of his nomination and ending on the date of his nomination, which report shall be verified by the oath or affirmation of such person, taken before any officer authorized to administer oaths. The preceding sentence shall not apply with respect to any person who, during the three-year period ending on the date of his nomination, has performed continuous and satisfactory service as an officer or employee in the Foreign Service of the United States under the provisions of the Foreign Service Act of 1946, or in any case in which the personal rank of ambassador or minister is conferred by the President in connection with special missions for the President of a limited and temporary nature of not exceeding six months. As used in this section, the term "contribution" has the same meaning given such term by section 301(e) of the Federal Election Campaign Act of 1971, and the term "immediate family" means a person's spouse, and any child, parent, grandparent, brother, or sister of such person and the spouses of any of them.

Mr. HAYS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

POINT OF ORDER

Mr. GROSS. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. Mr. Chairman, I make a point of order against the language to be found on page 2, paragraph 2, lines 16 and 17, as being in violation of the law and therefore not authorized.

Mr. Chairman, section 286(c), title 22, United States Code, which is derived from section 5 of the Bretton Woods Agreement Act, provides as follows:

Unless Congress by law authorizes such action neither the President nor any person or agency shall on behalf of the United States propose or agree to any change in the par value of the United States dollar.

Mr. Chairman, I repeat "propose or agree to any change." Mr. Chairman, reading from the report accompanying this bill on page 6:

Paragraph (2) authorizes an appropriation not to exceed $12,307,000 to offset increased costs abroad resulting from the dollar devaluation . . .

Mr. Chairman, I ask that my point of order be sustained on the ground that the purpose of this specific authorization is the result of a change in the par value of the dollar which has not been validated.

The CHAIRMAN. Does the gentleman from Ohio wish to be heard on the point of order?

Mr. HAYS. I do.

Mr. Chairman, I recall a previous ruling in which the Chair at one time ruled that the question of the constitutionality did not have any bearing on the point of order if the language were properly included in the bill and were not on an amendment subject to a point of order.

This is an amount of money put in at the request of the State Department. It has nothing to do with any possible action by the Banking and Currency Committee one way or the other.

Whether we like it or not, whether there has been any congressional action or not, in order to carry on the normal operations at the present time, it is going to require $12 million more to purchase the foreign currency necessary than it would have.

This is not a devaluation by an act of Congress. This is a pragmatic recognition of the loss of value of the dollar. And when the State Department buys foreign currency with which to pay its bills, it has to pay this much additional. By the time this becomes enacted into law, if the present policies continue, it may cost a great deal more than this.

So, it has nothing to do with any action of Congress or any law.

Mr. GROSS. Mr. Chairman, may I be heard further, briefly?

I point out to the Chair that no legislation has been approved by Congress and signed by the President changing the par value of the dollar.

Mr. HAYS. Mr. Chairman, may I be heard further?

The action of the Congerss and the President has nothing to do with the purchase of foreign currency. When we go to buy it, we do not set the rate of exchange. The President of the United States and the Secretary of the Treasury have allowed the dollar to float, and it did not float; it sunk.

Therefore, this is a pragmatic situation. We have to pay what the market price is. Under a float, there is no fixed currency exchange rate. This has nothing to do in any way with any action of Congress.

The CHAIRMAN (Mr. ECKHARDT). The Chair is ready to rule.

The bill provides an authorization for an appropriation for expenses of the Department of State overseas. The expenditures are merely referred to as resulting from the devaluation of the dollar and do not bring about that devaluation. The language in the bill simply authorizes expenses of the Department of State, and is in order in a bill of this type.

All the Chair can do is interpret the rules of the House. There is no rule of the House called in controversy here.

The Chair overrules the point of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio that the bill be considered as read, printed in the RECORD, and open to amendment at any point?

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 3, immediately after line 21, insert the following:

INTERPARLIAMENTARY UNION

SEC. 103. The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union," approved June 28, 1935 (22 U.S.C. 276), is amended—

(1) by striking out "$102,000" and inserting in lieu thereof "$120,000";

(2) by striking out "$57,000" and inserting in lieu thereof "$75,000".

STUDY COMMISSION RELATING TO FOREIGN POLICY

SEC. 104. Section 603(b) of the Foreign Relations Authorization Act of 1972, relating to the reporting date for the Commission on the Organization of the Government for the Conduct of Foreign Policy, is amended by striking out "June 30, 1974" and inserting in lieu thereof "June 30, 1975".

Page 4, line 15, strike out "SEC. 103." and insert in lieu thereof "SEC. 105.".

Page 4, line 16, strike out "1954" and insert in lieu thereof "1754".

Page 4, line 24, strike out "SEC. 104." and insert in lieu thereof "SEC. 106.".

The committee amendments were agreed to.

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 2, line 4, strike out "$211,279,000" and substitute "$199,787,000".

Mr. GROSS. Mr. Chairman, this is one of several amendments I will offer. I am sure they will all be defeated, but I am going to offer them and if anyone

wants to do something about them by way of support I will be appreciative. I would be less than faithful to myself if I did not offer amendments to this bill because it is, while not the worst bill that has come before the House, bad enough.

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

Mr. GROSS. I am glad to yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I thought perhaps I could make some kind of friendly little deal with the gentleman.

Someone asked me a short time ago how we got the Senate to recede on its 16 amendments on the pending bill. I just took a page out of George Allen's book and traded them two future draft choices on some other bill for these.

I thought maybe I could trade the gentleman a draft choice or two for this amendment.

Mr. GROSS. I am afraid I am not as easily influenced as some of the Members of the other body may be, especially on a subject of this kind.

This authorization is for $211,279,000 for the United Nations. There may be some other organizations financed from these funds. It is hard to tell in these lump-sum appropriations just who gets what, but the United Nations will get the bulk of it, I believe.

Incidentally, it is my understanding that Russia is $105 million in arrears in its obligations to the United Nations, the largest debtor to the total of $170 million.

Red China already owes $480,000. They have only gotten their chairs warm in the United Nations but they already owe $480,000.

My amendment would simply bring this bill down to the administration request that I understand was made to the Appropriations Committee for $199,787,000. The amendment would thereby save about $11.5 million.

That is the sum and substance of what the amendment will do. I believe the international organizations, and particularly the Tower of Babel otherwise known as the United Nations, can take a cut of $11.5 million. So far as I am concerned, we could end our contribution to it altogether, and urge it to move out of the country.

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

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

Mr. HAYS. I do not quite understand the gentleman's statement that they only asked the Appropriations Committee for $199 million.

Mr. GROSS. I said that was my understanding.

Mr. HAYS. I know what they asked of this committee, and I know they detailed it.

Of course, the whole $211 million is not for the United Nations. There are many other international organizations involved.

Mr. GROSS. Yes.

Mr. HAYS. I find myself in a rather anomalous position, trying to defend the gentleman's administration from the gentleman, but that is the way we heard the explanation and that is what we are trying to do, to give them an amount of money which they say they can operate on.

Whatever justifications they make to the Appropriations Committee, or whatever amounts they ask, and it may well be they asked for $199 million for certain categories, there is more money in this than for the U.N. There are some sums for international conferences and contingencies.

As the gentleman knows, all sorts of conferences come up all the time, like the one last week in Reykjavik, Iceland. We cannot flatly cut those out and say, "You cannot have them." It might be very important to have them.

That is why the amount is what it is. I would oppose the gentleman's amendment.

Mr. GROSS. First let me say in response to the gentleman I am sure the gentleman from Ohio shares some concern for what he calls my administration.

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

(By unanimous consent, Mr. GROSS was allowed to proceed for 2 additional minutes.)

Mr. GROSS. I wish these lump-sum appropriations were spelled out, so that we in the House could get at them and know specifically who is getting what. I thought I said when I started that there might be other international organizations that got something out of this, but I am sure the United Nations gets the lion's share.

Mr. THOMSON of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would not want this debate to show that the United Nations gets most of this money. As a matter of fact, in this item in this authorization, the United Nations gets less than 24 percent of it.

Much of it goes for such things as the World Health Organization. The World Health Organization, the Food and Agriculture Organization, the International Atomic Energy Agency, the Pan American Health Organization, the Organization of American States, and the North Atlantic Treaty Organization are among those that are participating in this item in this particular bill.

Mr. Chairman, it is all detailed in the presentation that was made to the subcommittee. It is available to all the members of the Committee and to the Congress, and although it is a lump sum appropriation, it is all accompanied by a line item and spelled out in line items in the presentation that was made to this Committee.

Now, this House and the subcommittee of the Committee on Foreign Affairs have been very concerned about the contribution that this country has been making to the United Nations, and as the chairman of the committee, the gentleman from Ohio (Mr. HAYS) has pointed out, we were assured that the contribution from America, from this country, to the United Nations would be reduced next year from the 31 percent we are now paying to 25 percent. So we are making some progress even in the contributions to the United Nations, and I believe these authorizations are well justified. They have been established before our committee, and I would hope that this amendment to cut a small part out of it would be defeated.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman from Wisconsin (Mr. THOMSON) yield?

Mr. THOMSON of Wisconsin. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. I thank the gentleman for yielding. Mr. Chairman, since this is roughly a mere cut of 5 percent I rise in support of the amendment of the gentleman from Iowa. Since we are cutting many of our domestic programs at present—and I assume the gentleman from Wisconsin supports most of the President's efforts to economize, and since the gentleman from Iowa is suggesting a responsible cut and since we have asked the American people to tighten their belts in other programs, is it really going to do great damage to all these international institutions if we only effect a cut of 5 percent?

Mr. THOMSON of Wisconsin. Mr. Chairman, I think the amount that is requested here has all been justified and is in the President's budget, with the exception of $50 million for protection against terrorism and the $30 million that was added later, to assist in resettlement of Jewish emigrants from Russia.

Mr. FRELINGHUYSEN. Mr. Chairman, will the gentleman yield to me?

Mr. THOMSON of Wisconsin. I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, is it not true that the lion's share of this dollar figure is for assessments to international organizations? As I understand it, there is no way by which assessments that a country has agreed to can be unilaterally reduced without very disastrous consequences. This is not simply a question of the level of spending we wish to maintain and one that we may, therefore, cut, even if we want to cut it back as much as that.

Mr. THOMSON of Wisconsin. That is correct.

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

Mr. THOMSON of Wisconsin. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I appreciate the gentleman yielding to me.

Is it not true there are many of the other participating nations that do not always come through with their assessments, and that the United States has ended in the past to be the major supporter of most of the programs. We really are not asking for a huge cut; this is only a small cut.

The gentleman from Iowa (Mr. GROSS) is on the Committee on Foreign Affairs and has listened very intently and carefully, to all of the deliberations of the committee on this subject, it really is not too unreasonable to ask for a 5-percent cut like this. The amendment deserves support.

Is it unreasonable, I will ask my col-

league, the gentleman from Wisconsin (Mr. THOMSON)?

Mr. THOMSON of Wisconsin. Well, I am opposing it. I think it is unreasonable.

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

Mr. THOMSON of Wisconsin. I yield to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I agree with the gentleman. It seems to me also that the fact that there are some nations which are delinquent in their assessments to the United Nations should not constitute a precedent that we should desire to emulate, which is basically what the gentleman from California and the gentleman from Iowa seem to be suggesting.

If there is an organization like the World Health Organization and we agreed to support it at a certain level, I think we would have a very chaotic situation if we should unilaterally be obliged to reduce our assistance by 5, 10, or 15 percent, whatever the amount would be. The situation does not lend itself to that procedure, and the fact that there may be some delinquency with respect to some of these organizations should not be a precedent.

Mr. HAYS. Mr. Chairman, will the gentleman yield to me?

Mr. THOMSON of Wisconsin. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Chairman, I would like to make two points.

I do not always follow everything the President has said, but in his attempted explanation on April 30, he said, "Two wrongs do not make a right." So I think that disposes of the argument.

More seriously, let me say to this House that if the Members are really interested in some cuts, do not attack these items where we have fixed contributions, but look at the foreign aid bill; and I will have an amendment to every section of that, not a little cut, but a big cut.

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

Just let me give you one example. We had a $10-billion plus deficit in foreign trade last year, which affected our balance of payments and affected the dollar's value on foreign markets. But at the same time we had a $10 billion plus. We made a cash contribution to Ghana to help them with their foreign trade deficit. Now, if you really want to get into an area where you can save some substantial money, just let us give the State Department some money to operate with.

I have some confidence in Bill Rogers and told him the other day at the hearing:

> You know, you stand head and shoulders above everybody in that Cabinet down there.

I said:

> Of course, that may be faint praise, really, when you look at the others.

He said:

> Well, at this point I am willing to take any praise I can get.

And I want to give him a little bit. I think he is doing a good job under the circumstances; I have confidence in him. I do not think he asks for any more money than he needs. I cannot say the same about all the Cabinet officers, but I can say that about this one.

Mr. ROUSSELOT. I do not believe there are many. But I would be more than happy to assist the gentleman in his efforts to cut the entire foreign aid program.

Mr. HAYS. I will say to the gentleman if he has any influence among his colleagues, he should use it, because I think we can really cut that one good.

You did not let me finish about Ghana. We have had considerable testimony about foreign aid. Yesterday we had a fellow telling us about what a great country Ghana was and how much it needed the money. I asked him if he knew how much they had in the till when the British cut loose. He did not have the information, so I supplied it. It was 500 million pounds, about $1¼ billion. They got rid of all of it, and now we are helping them with their balance of payments deficit.

Mr. ROUSSELOT. Will the gentleman yield further?

Mr. HAYS. I yield to the gentleman.

Mr. ROUSSELOT. All I was trying to inject a little further here is that I really do not believe the gentleman from Iowa's suggestion for a cut here is a great deal. It would be in compliance, I feel, with the follow-up of what the gentleman from Ohio's feelings are on the foreign aid program. This is another form of foreign aid on this type of thing.

Mr. HAYS. I cannot let the statement stand that this is another type of foreign aid. We make a contribution to these organizations. If we do not want to make a contribution, then we ought not to belong to them. By treaty or legislation we become members of these organizations. Every one of these organizations has Americans on the staff. If we do not want to belong to these organizations, we ought to get out. But that is a different subject. If we do belong, we ought to pay our dues. It is just that simple.

Mr. SEIBERLING. Will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. SEIBERLING. Is it not also correct some of these organizations do work which in the absence of the organization the United States would have to do itself and not be able to do as effectively? I am thinking, for example, of the International Atomic Energy Agency, which, as I understand it, has among its responsibilities helping to assist the surreptitious diversion of fissionable materials around the world which others used to create a real threat to this country. Is that not correct?

Mr. HAYS. The gentleman is eminently correct.

I do not want to go over this whole list laid out here, but let me pick out just one—the International Bureau for the Protection of Intellectual Property.

You might think it does not amount to anything, but that is the bureau that finally got the Russians to recognize American literary copyrights, and they have been working a long time on them. We only pay $23,000 a year to that, but it is doing valuable work and far out of proportion, in my judgment, to the amount of money we put into it.

These are the kinds of things you are saying we should cut. Every other country that belongs to it puts money in, and in many cases—and I think especially in the case of the United Nations—you can make an argument our share is too high, but in many others we are cutting it down.

For example, in NATO, which is only a 15-nation organization, in the infrastructure, the running of it, we only put in 24.1 percent, and that is only 15 members. That is a lot less than we put in the U.N. In fact, it is 7 percent less, and it has 132 members. So it is up to the people who serve in these to cut our percentage down.

Mr. GROSS. If the gentleman will yield further, I am awaiting with great anticipation consideration on the House floor of the foreign aid authorization bill.

Mr. HAYS. That is what I am trying to trade you for; to trade a couple of future draft choices so the gentleman will let me get this one past, and I will join forces with the gentleman from Iowa.

Mr. GROSS. I want to support the gentleman in that effort, and I may well add to the cuts he is promising in the foreign handout bill. But I see no reason why some of these other bills cannot take a cut here and there.

Mr. HAYS. When the gentleman sees how much I want to cut from the foreign aid bill the gentleman may be ashamed of this proposed cut.

Mr. SIKES. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment offered by the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, I support the amendment, I welcome the statement of the distinguished gentleman from Ohio that he will seek to give us cuts in the foreign aid bill. And I applaud the gentleman's commendation for Secretary of State Rogers. I, too, feel that Secretary of State Rogers is one of the better Secretaries of State. I know that he is a very conscientious, and hard-working gentleman. My disappointment is that there have not been cuts in this bill in the area of international organizations and U.N. payments. I think the time to start is now.

Mr. Chairman, for years the United States has made a topheavy contribution to the operating costs of the U.N. and world organizations. We have paid much more than anybody else. We agreed to pay 31 percent. No other nation has come close to this amount. Many failed to pay the modest amounts they had agreed to assume. Our 31 percent direct contribution was not the end of our payments to the U.N. Through additional loans and grants we sometimes paid as much as 40 percent. Two years ago the Congress insisted that our share of the cost of the U.N. be reduced to 25 percent in direct payments. Last year after extended discussions, the U.N. very reluctantly agreed.

I want to call attention to the fact we still are paying 31 percent and there will be loans and grants in addition. Actually the amount of our payment has

gone steadily upward. Not until next year do we benefit from the 25 percent payment rate. At that time the U.N. budget committee meets to draw new assessment figures. Unfortunately, if history repeats itself, 25 percent in fiscal year 1975 will be about as high as 31 percent in fiscal year 1974 in actual dollars. The U.N. is a free-spending organization.

There is no rhyme nor reason to continue the topheavy payments which the United States makes to the U.N. and to world organizations. Except in the very rare instances when we have exercised the veto power, we have in recent years had little influence in the decisions of the U.N. It has been but a short time since our friend, the Republic of China, was kicked out of that organization and Red China, a nation which had been very hostile to us, was seated instead, despite our objections. This is only one instance. At 25 percent we will be paying about three times as much as our share on a per capita basis.

I hope this amendment will carry. It will serve to demonstrate our intention to achieve reductions in our payments to world organizations.

In addition, it is time now to make plans for further reduction in the contributions of the United States to the U.N. The new 25-percent figure becomes effective next year. We should serve notice not later than next year that we will insist on a further cut to 20 percent. We do not have the money to hand out in the generous manner which characterized our former actions. We are broke, in debt, overtaxed. Our dollar is skidding all over the world. Let us begin to use a little more commonsense and keep more dollars at home.

I urge the Committee on Foreign Affairs to take the lead in demanding a further reduction in our payments to the U.N. It is properly within their jurisdiction to do so. I would hope there will be positive leadership from the administration on this matter. Let us not wait and waste U.S. dollars unnecessarily.

Fiscal restraints have resulted in the impoundment of funds for farmers, cities, schools, roads, health care, and a wide range of activities the people of our own country depend upon. But even as these funds lie fallow in the fiscal deep freeze, we continue to pour unjustified amounts into the U.N., a moribund organization where enemies flail us on our own shores. It will be hard even for the most determined supporters of the U.N. to justify this situation to the American taxpayer. Let us try to correct it.

So, Mr. Chairman, I respectfully suggest that if we want to make reductions, this is a good place to begin.

Now, Mr. Chairman, I yield to the gentleman from Ohio (Mr. HAYS) whom I respect very much.

Mr. HAYS. I thank the gentleman from Florida for yielding to me, and I, too, respect the gentleman from Florida. But I think that when the gentleman says that we do not have any money to throw around that the gentleman must have forgotten about the Lockheed bailout.

Mr. SIKES. I did not know that Lockheed was involved in this bill. However I voted against it.

Mr. HAYS. That is correct, but we threw the money around.

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

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Iowa (Mr. GROSS).

Mr. Chairman, I too am impressed by the statement made by the gentleman from Florida that we do not have a lot of money to throw around. I hope that when the defense appropriation bill hits the gentleman's committee the gentleman will apply that same philosophy to the overbloated, overextended, overrun defense budget, which is the single biggest item and the most wasteful item in our entire Federal budget.

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 29, noes 41.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. GROSS

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

The Clerk read as follows:

Amendment offered by Mr. GROSS: Page 2, strike all of lines 16 and 17.

Mr. GROSS. Mr. Chairman, I offer this amendment because, first of all, there is no lawful authority for the authorization for an appropriation of $12,307,000 for this purpose. As stated in the bill, this is for the purpose of taking care of the shortfall due to the devaluation of the dollar. I know of no legislation pending and, I know of no effort on the part of any committee in Congress, to provide that the citizens of this country, whose dollars have been equally devalued, are going to get any kind of an adjustment in any way, shape, form, or manner. We are in the trouble that we are in—and this expenditure is here proposed—because this Government has stupidly and foolishly spent far beyond its means through this process and others. That is the reason for wild inflation and why we have had devaluations of the dollar. Charity, as far as I am concerned, begins here at home. And the sad part of it is that this is but a small part of the money this Government is going to ship abroad to take care of the devaluation of the dollar.

I say to the Members that adoption of the amendment is the least we can do as far as the taxpayers of this country are concerned, that is, to chop out this $12,307,000 and give them a break. Just once in awhile let us give them a break instead of funneling more money overseas to further devalue the dollar. That is what this kind of business means.

Mr. HAYS. Mr. Chairman, I rise to oppose the gentleman's amendment. I hate to defend this administration when he says they are stupid. I feel that maybe he is right about that, but, nevertheless, he said the stupid actions of this administration; did he not?

Mr. GROSS. No, I did not say the administration. Congress can take its share of the blame.

Mr. HAYS. All right. I do not take much share for the devaluation of the dollar, but it is not as simple as the gentleman says. It is not going to save anybody here anything. We are sending these people overseas to work for the State Department. I have been as big a critic of them, probably, as anybody in this House from time to time, and I think they need criticism. But what we are asking them to do is to go over there and take a pay cut in a rising, inflated market, where they have to buy groceries, and other necessities. This is one of the fruits of devaluation.

The gentleman is exactly right, but I do not think we ought to take it out on the employees of the State Department.

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

Mr. HAYS. I yield to the gentleman from Michigan.

Mr. CEDERBERG. I just want to say that I agree with the gentleman completely. In the supplemental bill we took care of some of the devaluation. That is pending now in Congress. The gentleman states it exactly correct. We have a large number of fine citizens who are representing us overseas. The gentleman has met as many of them as I have. They have their families there; they move every 2 or 3 years, whatever it might be. They are, I think, rendering a great service, and to put them to an additional hardship because of this, and not recognize this devaluation that has taken place, and to make them take a pay cut, as the gentleman has stated, I think, is absolutely unreasonable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

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

Mr. Chairman, I take this time to propound a question to the chairman of the committee, the gentleman from Ohio (Mr. HAYS). I would ask if there are any funds contained in this authorization for the aid or reconstruction of the Democratic Republic of Vietnam—North Vietnam?

Mr. HAYS. I make the gentleman the categorical answer: There are none.

Mr. RARICK. Mr. Chairman, I thank the gentleman very much.

AMENDMENT OFFERED BY MR. RARICK

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

The Clerk read as follows:

Amendment offered by Mr. RARICK: Page 5, after line 20, add:

SEC. 107. No funds authorized by this Act shall be expended to aid or assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam).

Mr. RARICK. Mr. Chairman, I believe this amendment is self-explanatory. The chairman has indicated there are no funds in the bill for the aid or reconstruction of North Vietnam, and I feel the intention of the committee and the intention of this Congress would be emphasized by the adoption of the amendment.

I urge the adoption of the amendment.

Mr. HAYS. Mr. Chairman, as I ex-

plained to the gentleman, there is absolutely no way on this earth they can get any money out of here for North Vietnam. I think his amendment is unnecessary, but I have no strong feelings about it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. RARICK).

The question was taken; and the Chairman being in doubt, the committee divided, and there were—ayes 44, noes 18.

So the amendment was agreed to.

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 2, strike line 25 and on page 3 strike all of lines 1 through 5.

Mr. GROSS. Mr. Chairman, this amendment would strike $36,500,000 which has been put in this bill allegedly for the purpose of relief for Jewish emigrees from Russia and going to Israel.

Last year, the request was for $85 million. As I recall it, the Committee on Appropriations provided $50 million, and of that amount some $11½ million was unexpended. The language in the bill would make the balance from this year available for next year.

Mr. Chairman, the Russians have, as I understand it, modified the conditions of their exit visas very substantially. To now give Israel $36,500,000 in addition to the unexpended balance from the funds of last year would provide, if my figures are correct, approximately $48 million.

My amendment would cut them back to $11½ million, or approximately that amount, and that amount, in all conscience, ought to be sufficient.

I urge the adoption of my amendment in the interest of economy and responsible handling of the taxpayers' money in this country, Mr. Chairman.

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

Let me say to the committee, this amendment authorizes an amount of money. I do not know what the Committee on Appropriations will appropriate. It did not recommend the full amount last year.

This figure is based on the best estimate we have of the amount of money needed. This is a one-shot operation. It is to help Israel get these people settled and started.

As the Members know, we have been spending various amounts; this year I think they are asking for about $14 million, and I am not going to oppose it, for Arab refugees. It has been an ongoing program since 1948 in various amounts, seldom less than $15 million, I believe.

We do not continue to support these people once they get there. It is merely to get them there and help pay a fraction of the cost of getting them assimilated into the population.

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

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

Mr. GROSS. Mr. Chairman, is it not true that this bill contains $8,800,000 for all of other refugee relief around the world?

Mr. HAYS. Yes, that is right, but there will be some more in the foreign aid bill, as the gentleman knows.

Mr. GROSS. No, I do not know it.

Mr. HAYS. Well, I am sure there will be.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The amendment was rejected.

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 4, strike out lines 14 and 15, and on line 16, strike the (2) and substitute (1).

Mr. GROSS. Mr. Chairman, this bill provides, and again allegedly because of the devaluation of the dollar, that the per diem expenses for overseas junketeers from Congress be increased from $50 to $75 a day.

This provision will set a pattern for junketeers throughout the Federal Government. Of course, the argument will be made that the striped pants crowd from Foggy Bottom, the State Department, have no compunctions about spending all kinds of money and that we should take care of the House and Senate junketeers by increasing the per diem $25 a day.

I do not believe that simply because those in one area of government do something that ought to be stopped, that Congress should try to keep up with the Joneses over in Foggy Bottom or wherever they may be in Government. That is one of the reasons why I have offered the amendment.

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

This amendment, as the gentleman says, raises the per diem to $75 which is to cover all expenses of a Member of Congress traveling outside the country.

When the bill was originally passed $50 a day was adequate. One could get along on that.

The last time I was in London at a meeting of the North Atlantic Assembly the same hotel room I used to rent for $17 a day was $51. So on a $50 per diem I lost a dollar on the hotel room, and all the rest of my expenses, including local transportation and meals.

There was considerable pressure, may I say, on the part of some Members to raise this to more than $75, but I believe we can get by on $75.

The gentleman himself made reference to executive branch travel. I want him to know he is exactly right. I agree with him.

Last year when we published the travel expenses of Congress in the CONGRESSIONAL RECORD, I made available to the press the amount of travel of the AID Agency. The press did not use it. One paper said I put it in in an effort to obscure the amount of money Congress used.

The amount of money we used was a mere fraction of the amount that one agency used.

We are awfully good to the people downtown. I guess most of them get their actual expenses when they travel. But when it comes to ourselves we have to really demean ourselves a little bit.

I just do not buy that. I will stand on this. I believe it is a good amendment. I believe it is long overdue. The Senate put it in its bill, and I believe we ought to vote to sustain it. Nobody will get rich on it.

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

Mr. HAYS. I yield to the gentleman from Alabama.

Mr. BUCHANAN. Will the chairman tell me if it is not correct that this merely authorizes up to $75 a day, and Members do not automatically get $75 a day.

Mr. HAYS. The gentleman is wrong. A Member automatically gets $75 a day unless he prefers to take a lesser amount. Realistically, I do not believe many do.

Mr. BUCHANAN. If a Member signs and says he has expenses of $75 a day he would get it.

Mr. HAYS. I will say that unless the gentleman is on a very strict diet he will not have any to turn back.

Mr. BUCHANAN. I would agree with the chairman that one can go in the hole in many places.

If my friend from Iowa would travel more it would broaden his outlook.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa.

Members of Congress should set an example as far as spending is concerned. We should reassert our control over Federal spending and keep it within our revenues. While this amount is small in comparison to the amount requested in the bill, one of our first priorities should be for Congress to set an example on spending. To increase the per diem allowance for foreign travel by 50 percent is not setting a good example. The gentleman from Iowa (Mr. GROSS) has a good amendment and I support him.

Mr. MAYNE. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Iowa (Mr. GROSS).

While there may be a few countries in which $50 a day, the currently authorized per diem rate for congressional travel abroad, sometimes proves inadequate, there are many more countries in which the current per diem rate of $50 is quite ample and overly generous. The $50 per diem rate in fact may frequently permit a far more luxurious style of living than the Member of Congress would enjoy while traveling in the United States or than the Member would require were he traveling for pleasure abroad at his own pocket expense. On the overall balance, Members of Congress can travel on the present $50 per diem rate without any hardship whatsoever.

It is true that devaluation of the American dollar and the rapidly increasing cost of accommodations and other costs of the traveler in many countries abroad may have cut into the purchasing power of the $50 per diem rate, However, this certainly does not justify a 50 percent increase in the per diem, to the pro-

posed $75 rate. Furthermore, the grave stresses upon the American dollar in the international exchange markets and the need to improve our balance-of-payments picture make it increasingly urgent for each and every Member of the Congress as well as any other Federal official traveling abroad at the taxpayers' expense to make every effort to hold down his expenditures abroad. Congress should be setting the example by exercising fiscal restraint not only in its legislation affecting other agencies but also in its own housekeeping. The proposed increase in the congressional travel per diem rate is utterly inconsistent with the need to limit Federal spending.

I commend my colleague from Iowa (Mr. GROSS) on his amendment to delete this unwise increase in per diem, and I strongly urge all Members of the House to support the adoption of this amendment.

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

I should like to ask the gentlemen supporting the amendment, who want to cut the money for Members of Congress traveling abroad on official business, if they would also be prepared to cut the funds for Air Force One and the staff the President takes along with him when he goes to these trips to Iceland and other places, and for the Vice President and his staff, when they go to Africa and take tours around the world? Are the gentlemen prepared to make similar cuts there?

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

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

Mr. GROSS. In the first place, this does not cut anything. This is an increase yet to be provided.

If the gentleman from Ohio will offer an amendment or legislation, I will join him in shortening the trips of the Presidential airplanes and a lot of other airplanes, including those congressional junketeers use on their trips abroad.

Mr. SEIBERLING. Well, Mr. Chairman, I am one Member who has never taken a trip abroad on official business, although I have traveled in the United States.

I believe that the President is entitled to get whatever he needs to do his job and to pay the expenses of doing that job, and I think the Members of Congress should do likewise.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS).

The question was taken; and on a division (demanded by Mr. GROSS) there were—ayes 23, noes 54.

Mr. GROSS. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

Mr. O'HARA. Mr. Chairman, while we all recognize that the devaluation of the dollar has made travel outside the United States more expensive, I do not believe that it should be necessary to raise the per diem for Members of Congress travelling on official business. It would be no great hardship on anyone if the $50 a day per diem were to be retained, and the amendment which will be offered to eliminate the increase ought to be agreed to.

Mr. PODELL. Mr. Chairman, in the bill we are considering today, there is a provision, added by the House Foreign Affairs Committee, that would give $36.5 million in aid to Israel for assistance in the resettlement of Soviet Jewish refugees.

Last year, $50 million in aid was appropriated by the Congress for this purpose. Of that amount, only $31 million has been spent to date. The remaining $19 million is scheduled to be transferred to the Israeli Government during fiscal 1974.

This may seem like a lot of money. However, we should recall that the original amount requested for refugee resettlement was $85 million. A majority of the Members of the House and Senate voted for this $85 million authorization. However, it was reduced by the administration to $50 million, and, as we can see, this greatly reduced amount is being doled out to the Israeli Government in dribs and drabs. The amount proposed by the Committee would restore the resettlement aid to its original level.

An overwhelming majorty of us have joined in cosponsorship of the Freedom of Emigration Act. It is sufficient to say that we are all deeply committed to the principles that no one should be harrassed or intimidated because he seeks to express his religious identity, particularly when that means leaving the country of one's birth to emigrate to one's spiritual homeland. This is what the struggle for Soviet Jewry is all about: Simply a fight to enjoy basic human rights.

But we should be aware that the problem does not end when the visas are granted. Almost every Jewish emigrant from the Soviet Union leaves that country with hardly more than the clothes on their backs and the few possessions they can cram into a valise. I met a number of these men, women and children at Schonau, the Austrian half-way station where the emigrants are housed for a few days on their way to Israel. Many of them are undergoing a profound "culture shock." They all know that they want to be in Israel, and that Israel means a kind of freedom that they have never before known. They have literally sacrificed their past, their fortunes, in the name of freedom.

Yet for so many of them, the future is uncertain. Will they be properly housed? Will there be schools for their children and jobs for them? For those who cannot be employed in the fields in which they were trained, will there be retraining programs? How long will it take them to learn a new language, a new way of life? Where are the teachers to come from? Who will help them readjust? What kind of counseling services will be provided for those who cannot readjust easily?

The Israel Government has done a job that is nothing short of miraculous in accommodating the new immigrants. The financial strain put on that country is staggering to the imagination, and yet Israel is anxiously awaiting ever-greater numbers of Soviet Jewish immigrants.

Israel's burden was created in part by the noble actions of this body in continually working on behalf of Soviet Jewry. Indeed, if it were not for our actions, in combination with the skillful negotiations of the administration and the activism of many Jewish groups around this Nation, it is doubtful that we would ever have seen so many Jews being permitted to leave the Soviet Union.

Since this Congress has played a material role in winning the freedom of the Soviet Jews, it is only logical that we should now lend assistance to Israel in providing for their resettlement. True, the Israel economy is growing by leaps and bounds. True, we are already giving Israel substantial sums in military and economic assistance. However, what other assistance we give that nation is already earmarked for other purposes. This is a unique form of assistance, one which we should willingly provide. It is an indication of our faith in the strength of a people to overcome incredible adversity and build a new life for themselves out of the ashes of their past.

There is an old proverb in the Talmud, which says that the greatest charity that one can give is to help a man so that he can help himself. This $36.5 million appropriation would do exactly that, and I hope that my colleagues will join me in supporting it.

Mr. VANIK. Mr. Chairman, I rise in support of the continuation of the authorization of funds for the resettlement of Soviet Jewish citizens in Israel.

As has been eloquently indicated by my colleague (Mr. BINGHAM) these funds have been prudently utilized to help resettle over 35,000 immigrants sorely in need of such assistance. Israel had an enormous task before it in that it has had to create from ground up new facilities for absorption centers, educational and housing facilities, training and retraining programs, and many related items too numerous to recount.

It is indeed a tribute to Israel and its people, that this enormous task has gone so smoothly and with such a high degree of success. For those of us who strongly support the right of emigration, this program and America's commitment to it are all the more important. Without such a well-organized, properly funded effort, it is doubtful, in my judgment, that the meaning of the "right to emigrate" could so easily be translated into reality.

Through this vital effort, the Congress is providing the means by which Soviet Jewish emigrants can find new life. This amount of support serves in very tangible ways to express our Nation's strong desire to nurture freedom and liberty for a people who express their wish to live in Israel rather than the Soviet Union. It is the least our country can do to further their goals which are our own as well.

It is also my fervent hope that the Soviet Union will see the positive import which is derived from the continual reunion of families, long separated, and from the exercise under their own constitution, of the right to emigrate freely, by opening up the gates even further.

Israel can and will accept greater numbers of Soviet Jewish immigrants if only the Soviets will allow them to leave. If significant progress can be made, the Soviet Government and the United States can begin to enjoy a relationship free from suspicion and mistrust, based upon more humanitarian grounds rather than a relationship grounded solely upon crass economic considerations.

I strongly urge my colleagues to support this important section of the H.R. 7645 to allow further resettlement of Soviet Jews in Israel.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. ECKHARDT, 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. 7645) to authorize appropriations for the Department of State, and for other purposes, pursuant to House Resolution 425, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were 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.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 331, nays 57, not voting 45, as follows:

[Roll No. 195]

YEAS—331

Abdnor	Bray	Clausen,
Abzug	Breaux	Don H.
Adams	Breckinridge	Clawson, Del
Alexander	Brinkley	Clay
Anderson,	Broomfield	Cleveland
Calif.	Brotzman	Cohen
Andrews, N.C.	Brown, Calif.	Collier
Andrews,	Brown, Mich.	Collins, Ill.
N. Dak.	Broyhill, N.C.	Conable
Annunzio	Broyhill, Va.	Conlan
Archer	Buchanan	Conte
Arends	Burgener	Cotter
Armstrong	Burke, Calif.	Coughlin
Ashley	Burke, Fla.	Cronin
Barrett	Burke, Mass.	Culver
Bell	Burleson, Tex.	Daniel, Robert
Bennett	Burton	W., Jr.
Bergland	Butler	Daniels,
Biaggi	Byron	Dominick V.
Biester	Carey, N.Y.	Danielson
Bingham	Carney, Ohio	Davis, S.C.
Blatnik	Casey, Tex.	Davis, Wis.
Boggs	Cederberg	de la Garza
Boland	Chamberlain	Delaney
Brademas	Chappell	Dellums
Brasco	Clark	Denholm
Dent	Keating	Roe
Derwinski	Kemp	Rogers
Diggs	Kluczynski	Roncalio, Wyo.
Dingell	Koch	Rooney, Pa.
Donohue	Kuykendall	Rose
Dorn	Kyros	Rosenthal
Downing	Landrum	Roy
Drinan	Latta	Roybal
Dulski	Leggett	Ruppe
du Pont	Lehman	Ryan
Eckhardt	Lent	St Germain
Edwards, Calif.	Litton	Sandman
Eilberg	Long, La.	Sarasin
Erlenborn	Long, Md.	Sarbanes
Esch	McClory	Schneebeli
Eshleman	McCloskey	Schroeder
Evins, Tenn.	McCollister	Sebelius
Fascell	McCormack	Selberling
Findley	McDade	Shipley
Fish	McFall	Shriver
Flood	McKay	Sisk
Flowers	McKinney	Skubitz
Flynt	McSpadden	Slack
Foley	Madden	Smith, Iowa
Ford, Gerald R.	Madigan	Smith, N.Y.
Ford,	Mahon	Staggers
William D.	Mailliard	Stanton,
Forsythe	Mann	J. William
Fountain	Maraziti	Stanton,
Fraser	Martin, Nebr.	James V.
Frelinghuysen	Martin, N.C.	Stark
Frenzel	Mathias, Calif.	Steed
Frey	Matsunaga	Steele
Fulton	Mayne	Steelman
Fuqua	Mazzoli	Steiger, Wis.
Gaydos	Meeds	Stokes
Giaimo	Melcher	Stratton
Gibbons	Metcalfe	Stubblefield
Gilman	Mezvinsky	Studds
Ginn	Michel	Sullivan
Goldwater	Milford	Symington
Gonzalez	Mills, Ark.	Talcott
Grasso	Minish	Taylor, N.C.
Gray	Mink	Teague, Calif.
Green, Oreg.	Mitchell, Md.	Teague, Tex.
Green, Pa.	Mitchell, N.Y.	Thompson, N.J.
Griffiths	Moakley	Thomson, Wis.
Grover	Mollohan	Thone
Gubser	Moorhead,	Thornton
Gude	Calif.	Tiernan
Gunter	Moorhead, Pa.	Udall
Guyer	Morgan	Ullman
Haley	Moss	Van Deerlin
Hamilton	Murphy, Ill.	Vander Jagt
Hammer-	Murphy, N.Y.	Vanik
schmidt	Myers	Veysey
Hanley	Natcher	Vigorito
Hanna	Nedzi	Waggonner
Hansen, Idaho	Nelsen	Walsh
Hansen, Wash.	Nix	Wampler
Harrington	Obey	Ware
Harvey	O'Hara	Whalen
Hastings	O'Neill	White
Hays	Owens	Whitehurst
Hechler, W. Va.	Parris	Widnall
Heckler, Mass.	Passman	Wiggins
Heinz	Patten	Williams
Helstoski	Pepper	Wilson, Bob
Henderson	Perkins	Wilson,
Hicks	Pettis	Charles H.,
Hinshaw	Pickle	Calif.
Hogan	Pike	Wilson,
Holifield	Poage	Charles, Tex.
Holt	Podell	Winn
Holtzman	Preyer	Wolff
Horton	Price, Ill.	Wright
Hosmer	Quie	Wyatt
Howard	Railsback	Wydler
Hudnut	Randall	Wyman
Hungate	Rangel	Yates
Jarman	Rees	Yatron
Johnson, Calif.	Reuss	Young, Alaska
Johnson, Pa.	Rhodes	Young, Ga.
Jones, Ala.	Riegle	Young, Ill.
Jones, Okla.	Rinaldo	Young, S.C.
Jones, Tenn.	Roberts	Zablocki
Jordan	Robinson, Va.	Zion
Kastenmeier	Robison, N.Y.	Zwach
Kazen	Rodino	

NAYS—57

Ashbrook	Devine	Lott
Bafalis	Dickinson	Lujan
Baker	Duncan	Mallary
Beard	Froehlich	Miller
Bevill	Goodling	Mizell
Blackburn	Gross	Montgomery
Bowen	Hanrahan	Nichols
Burlison, Mo.	Harsha	Powell, Ohio
Camp	Huber	Price, Tex.
Clancy	Hunt	Pritchard
Collins, Tex.	Hutchinson	Quillen
Daniel, Dan	Ketchum	Rarick
Dellenback	Landgrebe	Regula
Roncalio, N.Y.	Shuster	Taylor, Mo.
Rousselot	Sikes	Towell, Nev.
Ruth	Snyder	Treen
Satterfield	Spence	Whitten
Scherle	Steiger, Ariz.	Wylie
Shoup	Symms	Young, Fla.

NOT VOTING—45

Addabbo	Edwards, Ala.	Minshall, Ohio
Anderson, Ill.	Evans, Colo.	Mosher
Aspin	Fisher	O'Brien
Badillo	Gettys	Patman
Bolling	Hawkins	Peyser
Brooks	Hébert	Reid
Brown, Ohio	Hillis	Rooney, N.Y.
Carter	Ichord	Rostenkowski
Chisholm	Johnson, Colo.	Roush
Cochran	Jones, N.C.	Runnels
Conyers	Karth	Saylor
Corman	King	Stephens
Crane	McEwen	Stuckey
Davis, Ga.	Macdonald	Waldie
Dennis	Mathis, Ga.	Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Mathis of Georgia.

Mr. Rostenkowski with Mr. Anderson of Illinois.

Mr. Addabbo with Mr. Runnels.

Mr. Brooks with Mr. McEwen.

Mrs. Chisholm with Mr. Waldie.

Mr. Hébert with Mr. Carter.

Mr. Gettys with Mr. Brown of Ohio.

Mr. Reid with Mr. King.

Mr. Hawkins with Mr. Karth.

Mr. Stephens with Mr. Edwards of Alabama.

Mr. Evans of Colorado with Mr. Crane.

Mr. Stuckey with Mr. Dennis.

Mr. Badillo with Mr. Conyers.

Mr. Corman with Mr. Peyser.

Mr. Davis of Georgia with Mr. Aspin.

Mr. Fisher with Mr. Minshall of Ohio.

Mr. Ichord with Mr. Hillis.

Mr. Macdonald with Mr. Saylor.

Mr. Roush with Mr. Mosher.

Mr. Young of Texas with Mr. Patman.

Mr. Jones of North Carolina with Mr. O'Brien.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

Mr. DONOHUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes.

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

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 consideration of the bill H.R. 7446, with Mr. GONZALEZ in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Massachusetts (Mr. DONOHUE) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. BUTLER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusettts.

Mr. DONOHUE. Mr. Chairman, the bill (H.R. 7446) would establish the American Revolution Bicentennial Administration, a new agency for the observance of the Bicentennial. The Committee will recall the purposes of this legislation. They are the same as they were when the bill was originally passed in 1966, for the purpose of planning, encouraging, developing, and coordinating observances and activities commemorating the historic events that preceded and are associated with the American Revolution. It would assume the functions and the responsibilities of the present American Revolution Bicentennial Commission.

The new American Revolution Bicentennial Administration would be temporary in nature, an independent agency however, and would be headed by a full-time Administrator who would be nominated by the President along with the Deputy Administrator, and both would have to be confirmed by the Senate.

The policies of the Administration would be defined by an 11-member American Revolution Bicentennial Board, and that Board would also set the policy and guidelines which the Administrator would follow in the operation of the new agency.

Also a 25-member Advisory Council would be created by this Board and that Council would have the function of advising the Board and the Administrator on all matters provided for in the bill.

The creation of the policymaking Board as provided in section 10 is a distinguishing feature of the bill as reported by the Judiciary Committee. The 11-member Board is intended to be broadly representative so that the people of our Nation may contribute to the formulation of policy having to do with the Bicentennial observance.

There will be two House Members on the Board selected by the Speaker, and two Members from the Senate selected by the President pro tempore of the Senate. The Administrator is to be a member of the Board so that his expertise and his knowledge of the day-to-day operation of the agency will be most directly available to the Board.

The elected Chairman and Vice Chairman of the 25-member Advisory Council will also be members of the Board. The Secretary of the Interior will be a member so as to provide a spokesman of Cabinet rank to present the views of the various departments and agencies of the Federal Government.

Finally, in order to give the statewide centennial organizations a voice, three members are to be appointed by the President from among those persons who are officers or staff members of the State bicentennial commissions.

The bill defines the functions of the new agency. Section 2 of the bill states its basic purposes when it states that the new Administration is to coordinate, facilitate, and aid in the scheduling of events and projects of local, State, National or international significance. One of its primary functions is stated to be the maintenance of a master calendar of events during the period from March 1975 to December 31, 1976.

Section 4 outlines these functions, and in subsection (C) of that section, the bill provides that the Administrator is not to operate any program unless specifically authorized by law.

In line with the stated purpose of coordinating bicentennial activities, the bill in section 5 provides that the Administrator will consult and cooperate with appropriate groups and agencies. He is to consult, cooperate with and seek the advice and assistance from the American Revolution Bicentennial Advisory Council and the American Revolution Bicentennial Board.

He is also to establish similar relationships with Federal departments and agencies, State and local bodies, including State bicentennial committees, and of private organizations and groups.

The bill authorizes annual appropriations. This, of course, is only until the termination of the agency, which section 7 provides that this will come about on June 30, 1977.

Section 9 of the bill provides authority to use nonappropriated funds to carry out programs of grant-in-aid to nonprofit entities, including States and territories or their subdivision, for bicentennial programs or projects.

Section 12 provides for the transfer of personnel, property and unexpended balances of the present Bicentennial Commission.

Section 13 provides for the appointment of a temporary or Acting Administrator.

Section 14 abolishes the present Commission.

Finally, section 15 makes the name changes in the law, authorizing the striking of Bicentennial medals by making appropriate references to the "American Revolution Bicentennial Administration", and limits the period of the medal's program to that ending June 30, 1977.

Mr. Chairman, the committee has worked long and hard on this bill. It commends it to the Committee of the Whole. It is hoped that this Committee will decide to act favorably upon it.

Mr. HENDERSON. Mr. Chairman, will the distinguished gentleman from Massachusetts yield?

Mr. DONOHUE. I am pleased to yield to the gentleman from North Carolina.

Mr. HENDERSON. I should like to pose a question to the gentleman, but first I commend him and his committee for the fine work that has been done on this legislation. It was before us last year.

With respect to the language in section 2(d) of the bill, relating to the five appointments that may be made at grades GS–16, GS–17, and GS–18 of the general schedule, I construe such language as being merely a limitation on the total number of supervisory appointments that may be made by the Administrator. In other words, this language is not intended to authorize five additional supergrade positions for the Bicentennial Administration; rather, the Administration will have to compete with other agencies for supergrade positions from the general supergrade pool authorized and established under the United States Code, title 5, section 51. Is my construction of this language correct?

Mr. DONOHUE. My answer to the gentleman is "Yes."

Mr. HENDERSON. I thank the gentleman. He was most cooperative last year and I appreciate his assistance this year.

Mr. COTTER. Mr. Chairman, will the distinguished gentleman yield?

Mr. DONOHUE. I yield to the gentleman from Connecticut.

Mr. COTTER. The gentleman in his statement made reference to medals being struck Are these struck by the U.S. Mint?

Mr. DONOHUE. Would the gentleman mind repeating the question?

Mr. COTTER. The gentleman made a statement about commemorative bicentennial medals being struck. Are these manufactured by the mint or through a concessionnaire?

Mr. DONOHUE. The U.S. Mint.

Mr COTTER What about the revenues from sales?

Mr DONOHUE. They will go into the Treasury of the Administration.

Mr. COTTER. I thank the gentleman very much.

Mr. BUTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 7446. The basic policy decision as to whether or not the Federal Government would undertake to participate in the celebration of the 200th anniversary of the American Revolution was made by the Congress in 1966 by the creation of the American Revolutionary Bicentennial Commission, a 50-man commission broadly representative of all interests involved and indeed including Members of the Congress.

The Commission has accomplished much during its existence. It has distributed grants pursuant to appropriation of some $90,000 of seed money to each of the 50 States with which each State was to proceed to develop their own bicentennial plans. Each of the States presently has its own bicentennial plan underway and has undertaken to coordinate and encourage all efforts nationwide.

The Commission has proven extremely unwieldy; and it has been subject to much criticism often justified. The principle internal problem of the Commission has been a determination of exactly what is the Commission's responsibility in the overall picture of the celebration of the American Revolution. Many proposals were explored and many rejected.

The size of the Commission, the limitation of authority in its executive committee, its chairman and its directors, its lack a clear policy directives created many administrative problems.

Several studies have been made including the staff report by a Judiciary Committee as to the effectiveness of the Commission. There is almost universal agreement that the Commisson as presently structured is not equipped to do that phase of the work toward which we must now point ourselves. Specific execution of the bicentennial plans.

There were two legislative solutions suggested: The administration approach—veto of the Rodino bill—provided for the designation of an Administrator with virtually unlimited discretion to make such decisions as may be appropriate to complete the work of the Bicentennial Administration.

And the bill, sponsored principally by Congressman WILLIAMS, was directed also to the creation of an Administrator but with a large number of safeguards to the end that the democratic procedures might be preserved.

The subcommittee held 2 days of hearings. There were extensive discussions within the subcommittee. There was no disagreement about the need for a strong Administrator. There was a clear preference for the Williams approach placing limitations on the action of the Administrator. This was resolved by the creation of a board of directors, making the policy decisions its name implies. This has been outlined very ably by the gentleman from Massachusetts (Mr. DONOHUE).

In summary, this legislation, passed unanimously by the subcommittee and the committee, represents a consensus, after careful examination, as to the best approach to this problem.

In fact, it does create a strong Administrator, but limitations have been placed on him to allay the fears of those who are concerned about excesses in that office.

The Administrator must be confirmed by the Senate; he serves at the pleasure of the President; his deputy must be confirmed by the Senate; there are limitations on the number of supergrade employees he may have; he cannot purchase real estate; he must consider the advice of the advisory council which meets bimonthly; he is expressly prohibited from operating any programs not specifically authorized by law; he must make an annual report; all basic policy and guidelines including the annual budget are subject to review by the Board of Directors; and the Board of Directors must report at least semiannually to the Judiciary Committees and the Congress.

While I personally have reservations about whether the sum total of these restrictions has placed such limitation on the discretion of the Administrator that we will find ourselves in a position where we cannot attract to the job the quality person necessary to administer the job. This was a matter, however, which was explored thoroughly by the Judiciary Committee and I accept its judgment.

We have effectively created an Administration which can assume the responsibilities under this act to proceed to a proper celebration of the American Revolutionary Bicentennial.

The basic responsibility of the Administration will now be to coordinate, facilitate, and aid in the scheduling of events and projects throughout the country dealing with the American Revolutionary Bicentennial.

As indicated by the gentleman from Massachusetts the effective period of the bicentennial celebration begins in March 1975 which is less than 2 years from now.

Under the circumstances if we are to get on with this business of participation in the American Revolutionary Bicentennial then we have got to take prompt action on this legislation.

The occasion of the 200th anniversary of the birth of the American Nation imposes a responsibility on the Congress of the United States to make certain that we do not pass by this tremendous opportunity to remind ourselves and the American people of our great heritage, of those things which made our Nation great and, indeed, to articulate for the whole world the principles of American democracy which have served us so well.

I urge the prompt enactment of this legislation.

Mr. DONOHUE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. DONOHUE) the chairman of the committee, for yielding this time to me.

I rise in support of this bill and associate myself with the remarks both of my chairman, Mr. DONOHUE, and of my distinguished colleague, the gentleman from Virginia (Mr. BUTLER).

Both of these gentlemen have described the purposes and the functions of this bill very well and very accurately.

Mr. Chairman, I wish to emphasize that the big problem with the existing commission has been that it has been so large and unwieldy that it simply could not cope with the problems of discharging its responsibility effectively.

As a result, after a start in 1966 we are now in 1973, less than 2 years from the date on which this celebration should commence, and we do not have an effective organization to direct and bring it into being.

We feel in our committee that the solution provided by H.R. 7446 is as close to ideal as we can come. The important change to be brought about by this bill is that we have done away with the unwieldy 50-man Commission, which was made up almost entirely of a highly dedicated and motivated and outstanding group of citizens from all over the United States, but people whose responsibilities in their private lives and in their primary endeavors were such that they did not have the time to devote to the responsibilities of the Commission. As a result, it was seldom possible to get a quorum, people could not attend regularly. You never had the same group present on any two occasions, and the Commission floundered.

Under the format provided in this bill, we attempted to resolve the problem as follows: We created the 11-member American Revolution Bicentennial Board. It is largely composed of people who are located near the Nation's Capital, so that it is physically possible for the members to get together frequently. It will consist of the Administrator himself, four Members of Congress, two from the House and two from the Senate, the Chairman and the Vice Chairman of the Council to which I will allude, the Secretary of the Interior, and three members appointed by the President from the staffs of the State bicentennial commissions. This board will be able to meet in Washington most of the time and will be able to be responsive to the needs of the Administration in passing on day-by-day decisions that have to be made.

At the same time we have preserved the feature of broad citizen participation through a 25-member Council. These are people from throughout the United States who will form an Advisory Council. They will not be needed for consultation on the regular decisions of administration, but they do serve as a conduit through which people from throughout the Nation can provide advice, assistance, and consultation to the Administration.

Mr. Chairman, I think we have come up with a good solution to this problem. I am acutely aware that this is the 7th day of June and June 30 is upon us. We have to get on with the work of the bicentennial, and I urge the support of all the Members of the House for this legislation.

Mr. BUTLER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. HUTCHINSON) the ranking member of the committee.

Mr. HUTCHINSON. Mr. Chairman, I am in agreement with the bill as reported by the Committee on the Judiciary.

I feel it is essential that new legislation be enacted at this time if there is to be Federal coordination of events within the several States within the American Revolution bicentennial period.

As both Mr. BUTLER and Mr. DANIELSON have already pointed out, there is not very much time left before the beginning of that period—only 21 months remain before the 19th of April, 1975, marking the bicentennial and the Battles of Concord and Lexington.

When President Johnson signed the original Bicentennial Commission into law on July 4, 1966, there were then 10 years in which to prepare for the 200th anniversary of the Declaration of Independence.

Now, only 3 years remain.

The chief difficulty with the Commission law that has been on the books has been the difficulty in decisionmaking. The bill now before us will correct that fault. The power of day-to-day decisions will vest in a single Administrator. A Board of Directors will define basic policies. A Council from the country will provide an input of ideas. The Administrator will be a member of both the Council and the Board.

This bill was unanimously reported by both the subcommittee and the full committee, and has the support of the Administration downtown.

Mr. Chairman, I urge the adoption of the bill in its present form.

Mr. DONOHUE. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Texas (Miss JORDAN).

Miss JORDAN. Mr. Chairman, I thank the gentleman from Massachusetts for yielding to me. I rise in support of the bill we now consider, the American Revolution Bicentennial Administration.

We have heard a lot about what this bill does, but I think it is important to

know what it is that this bill does not do, and that is good, also.

I have been concerned about the unnecessary proliferation of bureaucracy in Washington, but we can see by this bill with a definite termination date of the 31st of December 1976, that the administration will go out of existence, and its functions will be turned over to the Department of the Interior. In that sense we will not be appropriating money for a bureaucracy or an agency which is going to continue ad infinitum into the future, and that will be a continuing drain on our Treasury.

Now, the Members might think that certainly this kind of a measure would make sense, but the subcommittee had to resist all kinds of efforts to prevent a bill from being created and drafted which would continue to celebrate the American Revolution Bicentennial for the next several years, specifically to 1985. It was my view then, and it is my view now that this country does have something to celebrate in 1976, and that it is not necessary for us to try to reconstruct the ride of Paul Revere or anybody else's ride for days and years to come. If we are going to have some celebrations, then we ought to have them, and be done with it. This is a country that has a lot to be proud of, and this celebration should be in the true spirit of the revolution, of what it meant in the terms of the establishment of a new nation.

This is a bill which is not designed to create and to develop social programs that last forever. We were confronted by many witnesses who wanted to use this Administration to create a model cities program, and to create all kinds of socially oriented and socially utilized programs.

This bill is for the observance in a very dignified manner of the birth date of our Nation. Hopefully we will be able to do that with all of the dignity this country can command.

We are not trying to appropriate enough money to wrap this country in silver and gold tinsel so that everybody can see how they look in that atmosphere, but we hope that this observance will be of a return to that which many of us have so long sought, a return to the principles of truth and honesty and dignity which the Founding Fathers of America did assert in the Declaration of Independence, and in all of the other documents which relate to the independence of this country and its birth.

I do hope that the Members will support the bill as the committee has presented it.

Mr. BUTLER. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise to support H.R. 7446, which establishes an American Bicentenial Administration. Our committee has worked many weeks in trying to work out the best possible bill that we could, meeting all of the objections that people on both sides of the aisle had to the arrangements that had been originally proposed. It became evident to us that the Bicentennial Commission that is now operating inefficiently could not put on the kind of celebration that Americans desired. That Commission was inefficient because there was a lack of quorums at various meetings and because there was not a strong administrative head.

The bill that was first proposed to us lacked the protections that many people on our committee felt were necessary to make sure that we were not running a dictatorship in this particular area, so we formed a Board that will have strong powers to decide how much money is necessary and what programs we are going to have to go forward.

An Advisory Council has been formed to also give advice to the Administrator of the program, but the Administrator that we have created will have an opportunity to do a job, because he sits on the Council; he sits on the Board; and he will have great discretion for himself in controlling this very important celebration that we hope to have here in the United States in less than 3 years.

The Board that we create will have the power to review, approve, disapprove, or ratify from time to time all basic policy and guidelines that the Administrator forms, but he will be the one who is presenting these ideas to the Board and to the Nation.

We believe that through H.R. 7446 the tools are provided to accomplish the purpose that all Americans have in celebrating our bicentennial celebration here in America, so that we all can be proud of that celebration.

In the end the success or failure of this bicentennial celebration will rest upon the interest and activities of patriotic-minded groups in each of the 50 States of the Union. The Bicentennial Administration will stimulate and assist in these activities.

I ask for the adoption of H.R. 7446.

Mr. BUTLER. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, nearly 200 years ago a small band of brave men led their friends and neighbors into a rebellion against the British Crown. Throughout the Thirteen Colonies those men ignited a spark which has never been extinguished.

That spark became the light which has guided men for 200 years. It has led men such as Lafayette to leave their native lands and to come to our shores to offer their very lives to see that it would never be snuffed out.

That flame, Mr. Chairman, is freedom itself.

If we Americans were asked to name our most valuable export throughout the years I think we must say that it has been freedom. We can be proud that for two centuries we have served as an example to men who love liberty everywhere.

In only 22 months we will reach the 200th anniversary of the dash of Paul Revere to give alarm that the British were moving to seize the arms of our forebearers. As all of the world knows, that valiant band of minutemen on April 19, 1775, stood fast before the might of the British lion.

Just as those brave men met the challenge on their day, we in the Congress must meet the challenge facing us today.

In 1966 the Congress established the American Revolution Bicentennial Commission to plan a proper commemoration of our revolution across this Nation.

Now, 7 years later, we find that nothing has happened. The only thing that the ARBC has truly accomplished is the establishment of a State Bicentennial Commission in each of the States.

For this single acccmplishment we should be thankful. Since the national commission has failed to adopt a national program there remains no alternative, but to rely totally on the programs that each of the State commissions has developed.

Today, let us not rehash the many problems that the ARBC has suffered over the past 7 years. Rather, let us do the best we can to make sure that the bill before this House is the strongest possible legislative vehicle we can construct.

I commend the Committee on the Judiciary, and particularly the members of subcommittee No. 2 for their work on this bill. They took a very poor piece of legislation and have modified it to a point where it is far, far better.

For almost 2 years now I have served as one of the four members of this body appointed by the Speaker to serve on the current ARBC. I have served actively and thus have become familiar with both the strengths and the weaknesses of our bicentennial effort.

Last March 15 I appeared before the Donohue subcommittee to share my views on the proposed legislation which Chairman RODINO had introduced by request. I am pleased to say that many of the recommendations I made that day have been incorporated within the bill before us today.

We carefully sought out the comments and ideas of the representatives of the State bicentennial commissions across the Nation. When added to the comments of the other congressional commissioners, the public members of the Commission and my frequent communications with many of the representatives of the Federal agencies who have served on the ARBC, they have shown me several ways which we could strengthen this bill.

First, and foremost, let me say that I support the idea of an administration and a full time administrator for the bicentennial. Sadly enough, there has been more than enough negative notice of the ARBC here in the Congress, in the media and by various interest groups to necessitate a change.

One of the most important aspects of this entire bicentennial effort should be to get the people of this Nation involved in the commemoration. I believe that by the establishment of the new Bicentennial Administration we will do much to increase public confidence and participation in the entire bicentennial.

At the same time, we have reached a point where the Congress must act to make sure that the bicentennial will actually be something that can be reached by all Americans. This is a celebration of more than a military struggle or a single

political event such as the Declaration of Independence. It is the commemoration of a spirit of accomplishment.

For 200 years the world has known the United States as a nation of doers. We have won our current position because of our accomplishments, not because we were willing to sit back and observe the world pass us by.

But today we stand in danger of letting the bicentennial pass us by. Unless we act today we will be guilty of leaving this Nation without any meaningful bicentennial observance.

Without a positive action from the House today we will leave our country with a bicentennial that will be about as exciting as a wet firecracker. Can we go back to our constituents and tell them that the entire national observance will consist of everyone lighting a sparkler and singing the "Star Spangled Banner" at high noon on July 4, 1976?

In a few minutes I will offer an amendment to this bill to fund the necessary programs. I urge all of my colleagues to support me at that time.

I will also offer amendments to strengthen the Board of Directors established in this bill. I support the concept of the Board, in fact, I recommended that it be added to the original bill.

But the Board in the current bill troubles me. It does not seem to utilize the great strength available for an effort as important as the bicenennial through the various Federal agencies. I also fear that the representatives of the State bicentennial commissions may not be representative.

Before coming to the Congress I served on a number of regional boards and commissions. Because I was able to meet regularly with the people I was representing I was able to articulate their views and needs. But there is no provision for such meetings in the current legislation.

The fact of the matter is that there is no provision detailing how the representatives of the State bicentennial commissions shall be selected. Who shall serve and how they shall be selected is left entirely to the discretion of the President.

I will offer amendments to correct both of these problems. One will establish a special bicentennial Federal Agency Organization. This will not cost a single thing, but it will return great value. As we all know, among the bureaucrats in the various agencies there is constant competition for attention and money. We will leave the bicentennial to founder on the shoals of routine priorities in the Federal triangle if we do not act now to show the executive branch that we are interested in the total bicentennial effort.

By regularizing what has been an effective working group for several years we will reap huge dividends.

I am troubled that this bill would commemorate the revolution to establish democratic government by setting a quorum at well under half. This seems a most undemocratic move and has no place in this bill. I will offer an amendment to correct this matter, and will also suggest that we allow the members of the Board to designate an alternate to represent them in any necessary absence.

Since any Board must have reasonable control of the purse, I am glad to see that the committee has given this Board the final approval of budgets and all grants. However, I believe that they missed the matter of final approval of transfers from the proposed Bicentennial Administration to other agencies in the executive branch. Since this could be a major portion of the Federal effort, I will give the House the opportunity to add final approval for all transfers of funds to the other financial duties of the Board.

My final amendment will deal with the Presidential waiver authority contained in section 11 of this bill. The House has already stated its feeling on this matter when it has come before us in the past. This House has always been against such broad powers for any President.

When I asked the ARBC staff and the White House why this provision was included in the draft legislation I was told that the main reason it was sought was to allow the bicentennial logo to be printed in the Government Printing Office. The problem, I was told, is that there is a restriction at the GPO against any print job having more than two colors. Since the logo, which is a very patriotic symbol, is red, white, blue and black printing, it cannot be produced at GPO.

This has made it necessary to either send the job out to a private printer, a very expensive proposition, or to consider it as two separate jobs at the GPO. Neither procedure makes sense.

But, why should we give a blank check to any agency to correct such a minor problem? It is somewhat like issuing 500 pound bombs to kill flies.

I will offer an amendment to strike all of section 11 and add at the proper place sufficient language to give the Public Printer the authority to print the logo of the bicentennial.

In conclusion, Mr. Speaker, let me remind all of our colleagues that this bill will do much to mold the National effort for our bicentennial. We must make it as strong as possible since time is now too short to keep patching up the effort. We have only 22 months to the start of the commemoration. We cannot delay time. If we do not do it right the first time, there will be no second time. If we fail at our efforts we will have to wait another hundred years for the tricentennial.

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

Mr. WILLIAMS. I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, I wish to commend the gentleman for his statement.

Mr. Chairman, I rise in support of a completely meaningful bicentennial, one which would carry a meaningful story about the realization of our independence almost 200 years ago.

I realize as well as anyone that our national effort has been plagued almost from the beginning. There have been substantial changes in the membership of our national commission. We have had three Chairmen, and I do not know how many administrative heads.

I am most interested in establishing a group of workable size which will plan and direct the national part of the celebration.

If the bicentennial years are to be meaningful to the citizens, however, I feel it is essential that the progarm get close to the people. A number of our States have been doing remarkable jobs for years. Our own commission in Virginia has been active since 1967 with a continuing membership under one chairman. They are embarked on a sizable publications program and are underway with plans for the construction of three major visitor centers. And Virginia certainly is not alone in this regard.

Since there is to be no national exposition and no national focal point for the celebration, I feel it is altogether appropriate and necessary that Federal funds be used to assist the States which seem to be carrying by far the major share of the burden to date. It is my conviction that reasonable Federal initiative stimulates rather than replaces local effort. This is why I favor appropriated grants to the States which would be used as matching funds for their bicentennial capital improvements. For these reasons I introduced legislation which would provide for appropriated grants to the States in the amount of $275 million. This would by no means cover even 50 percent of the construction costs of badly needed structures in the States, but it will, in my estimation, provide the reasonable Federal initiative. This seems to me to be the least that we should do.

Mr. DONOHUE. Mr. Chairman, I yield one minute to the gentleman from West Virginia (Mr. HECHLER).

Mr. HECHLER of West Virginia. Mr. Chairman, I want to explain briefly why I plan to vote against this legislation. As a former teacher of history, as a student of history, and as a writer, I am deeply interested in the preservation of historical materials and commemorating great and inspiring events which contribute to the heritage of the United States of America.

I do not believe the American Revolution Bicentennial Commission has brought us any closer to a meaningful celebration of the great events of 1776. In many ways, the early politicizing of the commission and its clumsy efforts to pump up somewhat extravagant projects has cheapened the very principles we seek to honor.

The most inspiring, patriotic celebrations that I have seen and in which I have participated have been planned and carried out within local communities. At the grass roots, we find the clearest understanding and most meaningful commemoration of the great principles of life, liberty and the pursuit of happiness embodied in the Declaration of Independence.

I believe that it is a waste of money to expend millions of Federal dollars on

this bicentennial celebration. I believe, that a much more meaningful series of celebrations in keeping with the spirit of the Declaration of Independence and the Spirit of 1776 may be obtained without bureaucratizing and nationalizing these celebrations, which should spring from the hearts of the people in every local community throughout the land.

Mr. Chairman, I plan to vote against this legislation.

Mr. DONOHUE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I think there is a definite need for a national board or commission. I can appreciate the point which the gentleman from West Virginia made, that in the final analysis the real celebration will come in our communities and in our cities but we must have some kind of national commission or national board to give direction and coordinate these various functions.

I have been active with the Texas Bicentennial Commission. We have, I think, more projects planned on a State basis than perhaps any other State in the Union. These projects are coming from the local communities, but the local people still look to the national board and national commission for direction.

If we do not have that direction on the national level, I am afraid that the local communities are going to flounder in carrying out celebration projects. There must be some way to bring this problem of national leadership to a head. We can all deplore the time we have lost during the last 6 months. Even so, we have learned a lot.

I think this new approach, this new national board, gives us the direction we need. For that reason, I think it is mandatory that we pass this legislation. My State commission strongly supports the legislation before us here today. I am glad to join in that support, and I am hoping that some of the amendments we have been talking about also might be added to give this legislation more force.

I therefore rise in support of this legislation. I hope the House will join in passage of H.R. 7446 for I want to start work immediately in all these communities having bicentennial projects so that their efforts can be coordinated.

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

Mr. PICKLE. I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I think the gentleman from Texas might be interested in the fact that Gene Jones Riddle, executive director of the American Revolution Bicentennial Commission of Texas, testified March 14 before our committee. She said just what the gentleman was saying. She went on to say:

> We have encouraged our citizens to celebrate our cultural diversity. In Texas we have 26 separate ethnic and national cultures which go to make up the fabric of our state. In honor of this diversity, plays are being written, pageants are being created, scholarly works are being produced, local histories are being compiled and our architectural heritage is being preserved.

Mr. PICKLE. Mr. Chairman, I am glad the gentleman mentioned that. She did testify, and she is, I believe, one of the ablest commissioners in America.

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

Mr. DONOHUE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I thank the gentleman from Massachusetts.

I am also glad to mention the fact that we have some 26 ethnic groups within our own State. Every State perhaps has a similar number, perhaps not as many. To mark the State's ethnic diversity, the Texas Legislature has endorsed the idea of a folkloric ballet troupe such as the famous troupe in Mexico. We in Texas are going to attempt to have such troupe, but we need funds.

But we do have this kind of productive cooperation within our State. Mrs. Riddle has also said a national commission is needed very much to work with the Texas State agency, so I believe it is mandatory that we go forward and pass this legislation creating a National Bicentennial commission.

Mr. BUTLER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. I thank the gentleman.

Mr. Chairman, I rise in support of this legislation. I can only reiterate the comments of my colleague from Pennsylvania (Mr. WILLIAMS), with whom I have served on the American Revolution Bicentennial Commission. There is a sense of direction that is badly needed.

I know the people in my own district of Tidewater Virginia and the surrounding area, an area that was the cradle of the American Revolution. Those people now cry out to us and ask us what is going to happen and what we are going to do. We need to give them better direction.

Mr. Chairman, I appreciate this opportunity to comment on H.R. 7446, the bill to reorganize the national bicentennial planning body. As a member of the American Revolution Bicentennial Commission I appreciate the effort the Donohue subcommittee and the full Judiciary Committee have given to this bill.

I support the effort to reorganize the bicentennial national planning body. However, my experience in working with the present Commission supports my belief that the bill before us today is in need of some modification.

The bill is silent in three important areas, and two other changes should be made to tighten the bill. With the cancellation of the exposition in Philadelphia and the bicentennial parks program, we no longer have a program for nationwide celebration that is a product of the national bicentennial planning body. In my view we still have one alternative, and it is a bicentennial programs of the 50 States and territories.

The State programs are reflective of the priorities and goals of the various peoples of the State. The programs have been created under a minimum of Washington interference, and are programs the State people will support.

This is the nucleus of the nationwide celebration that is truly reflective of this Nation, a union of different States, each celebrating in its own way that union. I think it proper for the Federal Government to help the States observe the commemoration and I believe a provision for such help should be included in this bill. I support a program of bicentennial grants to the States given under guidelines of the Bicentennial Board of Directors and the Administrator of the Bicentennial Administration.

Three other amendments, whose function is tied closely together, will be offered by Congressman WILLIAMS. Their function is to provide for important sectors of those organizations heading the bicentennial observance to have an input to the Administrator and the Board of Directors.

The bill before us provides for three members of State bicentennial organizations to be placed on the Board. The Board is charged with fulfilling a role of policy and guidance. It is possible the three State members might find themselves in a position of approving policy that could have great benefit to their States. It is possible they would face accusations of conflict of interest. I believe we can amend H.R. 7446 to provide a mechanism for a more meaningful input from the State bicentennial organizations. I support the Williams amendment to form a State council to advise the Administrator. The Chairman and Vice Chairman would be elected by the members, and these two would serve on the Board.

As elected representatives of the States they would serve the interests of all the States, and be answerable to them. The Council would be made up of one member from each State bicentennial commission. They would meet in Washington periodically.

In my view, a second organization is also needed, an organization of the Federal departments and agencies presently serving on the Bicentennial Commission. These departments represent the expertise and assistance available in the Federal Government. Those bicentennial programs that are moving well are those of the departments. As members of the Commission they have a means of communications between themselves to prevent duplicating programs, and in addition allow greater access to resources of the departments in carrying out the bicentennial projects. Their presence at the present Commission meetings is invaluable in the form of guidance and assistance to the Commission. In my view the bicentennial commemoration will fall far short of its possibilities if the departments do not have a direct input to the Board and Administrator. Therefore I support the formation of a Federal representatives organization, as will be offered by Congressman WILLIAMS.

The third of the three closely related amendments is to change the membership of the Board to reflect the addition of the Chairman and Vice Chairman of the State Council, and the Chairman and Vice Chairman of the Federal Rep-

resentatives organization, and the deletion of the three members from the Board who would be representing only their three States.

The fifth amendment which will be offered by Congressman WILLIAMS to strengthen the bicentennial administration bill is to strike section 11 and substitute language allowing the Public Printer to reproduce the bicentennial logo and other printing in four colors. It is my understanding after talking with Bicentennial Commission staff members that the original purpose of this section was to allow the waiving of regulations which prevent the Printer from printing in more than two colors. However, this section is so strong as to allow the President to waive the enforcement of so many other regulations and laws in such a broad coverage of all government that I find it not in the best interest. As written, it is, in my view, much too broad. The language of the fifth Williams amendment will accomplish what the Bicentennial Commission says it wants without opening a Pandora's box. The House has not looked with favor on similar attempts by the Commission in past bills.

I urge my colleagues to support these amendments. As a member of the American Revolution Bicentennial Commission I believe it will strengthen the bill before us, adding to the important work that went into this bill, and will provide for a nationwide observance of a commemoration worthy of the 200th anniversary of this Nation.

Mr. DRINAN. Mr. Chairman, I rise on the occasion of our consideration of H.R. 7446, a bill to establish the American Bicentennial Administration. I wish to speak in favor of this bill, and in support of an important amendment to it which has been offered.

Nearly 200 years ago the great struggle for freedom that marked the American Revolution began. I am proud to say that my home State of Massachusetts played a vital role in the events of 1776. It was in Boston that rebellious colonists staged the Tea Party. It was in Lexington and Concord where American blood was shed in the first major battle of the Revolution.

While my State served as the cradle of the Revolution, it is true that the spirit of the Revolution extends nationwide, for there is no part of America that does not share in the American experience that started with the sound of muskets in Lexington and Concord.

Recognizing the need to commemorate the bicentennial of the Revolution, Congress enacted legislation in 1966 to begin preparations for the ceremony of our heritage in 1976. Public Law 89-461 established the American Revolution Bicentennial Commission.

The activities of the Bicentennial Commission have been less than what might be desired. Despite a host of vague dreams and promises, confusion has been the predominant motif of the Commission. There has been ample evidence that the basic structure of the Commission is inadequate, and the greater coordination of Bicentennial activities as well as greater independence of operation are necessary for a successful Bicentennial celebration.

Subsequently, Congress took on the responsibility to reorganize the Bicentennial Commission, a task which was handled by the House Judiciary Committee, of which I am a member. The result of the considerations of the Judiciary Committee, led by the subcommittee chaired by my Massachusetts colleague, HAROLD DONOHUE, is the legislation that is before us today.

H.R. 7446 would establish an independent American Revolution Bicentennial Administration, to be headed by a full-time and independent Administrator, who would be appointed by the President with the advice and consent of the Senate. An American Revolution Bicentennial Advisory Council, to be composed of 25 members, would be created. The primary task of the American Revolution Bicentennial Administration would be to "coordinate implementation" of the nationwide activities commemorating the events of 1776.

The Bicentennial Administration would operate only with respect to activities specifically authorized by Congress. Most of the activities of the bicentennial will be performed by the appropriate State and local private and public agencies. Thus, a major function of the Bicentennial Administration will be to provide overall policy and program direction. The inability to carry out this function has been one of the major criticisms levelled against the American Revolution Bicentennial Commission—ARBC—since subsequent to the ARBC's cancellation of the Philadelphia Expo and the Bicentennial Parks program, no national bicentennial program has existed. Under the provisions of this bill, policy recommendations to the Administrator would be forthcoming from an 11-member American Revolution Bicentennial board, constituted so as to represent a broader scope of interest than did the ARBC.

While I support the proposal to reorganize the ARBC into the American Revolution Bicentennial Administration, nonetheless I wish to point out what I view to be substantial weaknesses in this bill. My primary concern deals with financing. Many States expect to receive thousands of tourists during the bicentennial celebrations. For example, in Massachusetts, two towns, Lexington and Concord—suburban communities—expect to be visited by millions of people. Yet the funding mechanisms of H.R. 7446 are inadequate to assist States in planning for the many needs that must be met. The bill allows Federal financing only from receipts from the expected sales of medals and other officially sanctioned mementos. Thus State and local planning, which should begin, if it has not already, immediately, would be predicated on the many uncertainties of how much revenue will be brought in through these sales. I believe it is necessary, in order to give the States a sufficient opportunity to prepare for the celebrations, that the Congress appropriate funds for grants for the Bicentennial Administration.

I hope that my colleagues will pass this bill, along with those amendments that would make the Bicentennial Administration more representative and more productive. Our States have much to do to prepare for the bicentennial. Without this bill, and without adequate funding, these tasks will not be done, and the quality or our 200th anniversary celebration will suffer.

Mr. RODINO. Mr. Chairman, today the House will consider the bill H.R. 7446, a bill to establish an American Revolution Bicentennial Administration. This bill embodies the provisions approved by the Committee on the Judiciary after extended consideration of the bill recommended in executive communication and companion measures. The bill is intended to provide a logical and practical organization for the observance of the Bicentennial. This is its principal purpose. At the same time I think it is relevant to note that the purpose defined in this bill reflect the aims stated in 1966 when legislation was recommended in an executive communication to provide for the observance of the American Revolution Bicentennial. In the communication sent to the Congress on March 10, 1966, it was stated that it was only fitting that we plan for the 200th Anniversary of the American Revolution. It is noted that in the rich diversity that is America, each community will celebrate in its own way and will draw its own inspiration from the Revolution. The President's message in 1966 also stated that the Federal Government must be prepared to act in concert with the States, local communities, historical societies and others across the Nation. The communication visualized the bicentennial celebration as a truly national effort. In its conclusion the executive communication contained this assessment of the significance of the events which led to the founding of our Nation:

> From 1776 on, whenever human beings have dreamed of a better society, wherever they have determined to bring reality to their dreams, they have been moved by the eloquence of the Declaration of Independence. They have found guidance and sustenance in the actions of the men who saw our Nation through the crisis of its birth.

The need for an improved organization in connection with the performance of functions relating to the Bicentennial was emphasized in a staff study made by the staff of the House Committee on the Judiciary. A report of that study was issued December 21, 1972, which made suggestions for a reorganization of the structure of the American Revolution Bicentennial Commission. The staff suggested that there should be a clear definition of the role of the organization and that further there be an unambiguous mechanism for executive direction in the revised structure.

The American Revolution Bicentennial Administration would assume the task of coordinating, scheduling and facilitating activities related to the observance of the Bicentennial and for planning and implementation in connection with the observance.

The American Revolution Bicentennial Administration would take the place of

the American Revolution Bicentennial Commission and assume its functions and responsibilities in the manner provided for in this bill. The basic purpose of the bill is to provide for an improved and more appropriately organized Federal agency to perform the functions and duties related to the bicentennial observance. I feel that is fair to say that in the past the diffused authority and responsibility of the present commission has served to inhibit the work of that body in attempting to plan and prepare for the bicentennial observance. The American Revolution Bicentennial Administration, as provided for in the bill now under consideration, will have an improved structure and organization which can successfully prepare for the Bicentennial in the short time now remaining for the accomplishment of that vital work. This aim was summarized in the executive communication proposing the legislation early this year, when it stated that the new agency is intended to be a unified organization which will be better suited to meet the demands for accelerated decisionmaking in the less than 3 years remaining to accomplish that work.

The bill provides for the organization of this new and temporary agency. The American Revolution Bicentennial Administration would be headed by a full time Administrator who would be appointed by the President with the advice and consent of the Senate, and there would be a deputy appointed in the same manner. Basic policy for the Administration would be set by an 11-member American Revolution Bicentennial Board, and it would also set guidelines for the Administrator. A 25-member Advisory Council would be created which is intended to be broadly representative of our Nation's people. It would advise the Administrator on matters coming within the responsibility of the Administration, and its elected Chairman and Vice Chairman would be members of the Board.

In order to clarify the role of the new Administration, section 4 of the bill provides that the Administrator is not to operate any programs unless specifically authorized by law. It is further provided that he is to limit his functions to stimulating and encouraging appropriate public and private authorities and organizations to assume the operational responsibility for particular programs. Other provisions of the bill define the functions and responsibilities of the new Administration.

I urge the approval of the bill with the committee amendments. This legislation is needed so that we can proceed with the observance of the Bicentennial. The importance of this observance was emphasized in the original Executive communication in 1966, and the statement made at that time bears repeating here today. The communication stated:

Nothing in our proud heritage surpasses the significance of that great struggle for freedom nearly 200 years ago. The Colonies at that time contained hardly more than 3 million people. Yet they also contained the greatest group of leaders ever assembled on the stage of history: men like Washington, Jefferson, Adams, Paine, Franklin, and Mason. These were men of vision. They were men of courage. They were men of ideas.

These great leaders, warmed by the love of liberty, gave to their fellow Americans a driving force which inspired them to move from a colony of limited horizons to a powerful and mighty nation of free men and abundant opportunity.

Mr. PRICE of Illinois. Mr. Chairman, the American Revolution Bicentennial will be perhaps the most extensive nationwide celebration in U.S. history. In establishing a bicentennial administration we must take care that it remains unencumbered by partisan prejudice and that the bicentennial machinery does not become a self-serving vehicle for the dissemination of propaganda by any political party. In appointing the Administrator, the Deputy Administrator, and the members of the Advisory Council, the President should be encouraged to select men of principle who will view their duty as one to the Nation rather than to a particular party or administration.

1976 will mark the 200th birthday of a political system characterized by partisanship and advocacy of opposing viewpoints, but distinguished by its disposition to concerted effort in times of crisis, willing cooperation for mutual welfare, and unselfish good cheer on occasions of national celebration. It would be a sad irony indeed if we allowed the very observance of the birth of this tradition to be the occasion of its violation.

It is, of course, entirely fitting that the Bicentennial be a time for reflection upon and thanksgiving for the strong heritage fashioned by Americans and American leadership during two centuries of national life. But it would be inappropriate to emphasize the accomplishments or supposed accomplishments of any specific party or administration. In order to coordinate the numerous and diverse activities of the Bicentennial, a centralized administration is desirable and necessary. If conscientiously conducted, the Bicentennial administration will be an effective organizing agent which can give impetus and unity to the national celebration. The Bicentennial will fulfill all of its promise so long as we insure that this 200th anniversary of the American Revolution remains as free of partisan politics as was the revolution itself.

Mr. BUTLER. Mr. Chairman, we have no further requests for time.

Mr. DONOHUE. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as this Nation approaches the bicentennial of its birth and the historic events preceding and associated with the American Revolution which are of such major significance in the development of our national heritage of individual liberty, representative government, and the attainment of equal and inalienable rights and which also had so profound an influence throughout the world, it is appropriate and desirable to provide for the observance and commemoration of this anniversary and for those activities of local, State, National, and international significance to be coordinated, scheduled, and facilitated by a governmental unit, drawing on the resources of public, private, civic, and other organizations for planning and implementation, to insure that the appropriate observances take place.

SEC. 2. (a) There is hereby established an independent establishment to be known as the American Revolution Bicentennial Administration (hereinafter referred to as the "Administration") to coordinate, to facilitate, and to aid in the scheduling of events, activities, and projects of local, State, National, and international significance sponsored by both governmental and nongovernmental entities in commemoration of the American Revolution Bicentennial.

(b) The Administration shall be headed by an Administrator (hereinafter referred to as the "Administrator") who shall be appointed by the President within sixty days after the effective date of this Act by and with advice and consent of the Senate. The Administrator shall serve at the pleasure of the President and shall be compensated at the rate now or hereafter prescribed for offices or positions at level III of the Executive Schedule.

(c) The President shall appoint a Deputy Administrator by and with the advice and consent of the Senate who shall be compensated at the rate now or hereafter prescribed for offices or positions at level IV of the Executive Schedule. The Deputy Administrator shall perform such duties as the Administrator may prescribe. The Deputy Administrator shall act for and perform the functions of the Administrator during any absence or disability of the Administrator or during a vacancy in the office of the Administrator.

(d) The Administrator shall have power to appoint and fix the compensation of such personnel as he deems advisable, however, not more than five such appointments may be placed in grades GS–16, GS–17, and GS–18, to carry out the functions of the Administration. The authority with reference to appointments in grades GS–16, GS–17, GS–18 will be subject to the procedures prescribed under section 5108 of title 5 of the United States Code, and shall continue only for the duration of the exercise of functions of the Administration. The Administrator shall have power to appoint such advisory committees as he deems necessary.

(e) The Administrator may procure services as authorized by section 3109, of title 5, United States Code.

(f) The Administrator, to such extent as he deems necessary, may procure supplies, services, and personal property; make contracts; expend funds appropriated, donated, or received in pursuance of contracts hereunder in furtherance of the purposes of this Act; and exercise those powers that are necessary to enable him to carry out efficiently and in the public interest the purposes of this Act.

(g) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel, and procurement) shall be provided the Administration by the Department of the Interior, for which payment shall be made in advance, or by reimbursement, from funds of the Administration in such amounts as may be agreed upon by the Administrator and the Secretary of the Interior: *Provided*, That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments made to or on behalf of an Administration employee and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665(g)) shall apply to appropriations of the Administration: *And provided further*, That the Administrator shall not be required to prescribe such regulations.

(h) Any property acquired by the Administration and which remains upon its termination shall be transferred to the Secretary of the Interior for use by him under section 7(b) of this Act, or shall be disposed of by the Secretary as excess or surplus property as otherwise provided by law.

(i) Whoever, except as authorized under rules and regulations issued by the Administrator, knowingly manufactures, repro-

duces, or uses any logos, symbols, or marks originated under authority of and certified by the Administrator for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or holds out to the public objects in such a manner as to suggest any such logos, symbols, or marks not officially authorized by the Administrator, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided*, That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Administrator with respect to each such logo, symbol, or mark.

SEC. 3. (a) There is hereby established an American Revolution Bicentennial Advisory Council (hereinafter referred to as the "Council") to be composed of twenty-five members appointed by the President, no more than fifteen of whom shall be appointed from the same political party. The members shall serve at the pleasure of the President, and their terms of office shall not extend beyond the termination date of the Administration. Members of the Council shall be chosen from private life and shall be broadly representative of the Nation's people. In appointing persons to the Council, the President shall give due consideration to the contributions, among others, of the Nation's youth, women, elders, racial and ethnic minorities, artists and craftsmen, and learned professions. The Administrator shall serve as an ex official member of the Council. The Council shall meet at least once every two months and shall hold other meetings at the call of the Chairman, the Administrator, or a majority of its members, and shall render advice to the Administrator on all matters relating to the purposes of this Act.

(b) Vacancies on the Council shall be filled in the same manner in which original appointments were made.

(c) The Members of the Council shall receive no compensation for their services as such, but shall be allowed such necessary travel expenses and per diem as are authorized for individuals serving without pay under section 5703, of title 5, United States Code.

(d) The chairman and vice chairman and other appropriate officers of the Council shall be elected by and from members of the Council other than the Administrator.

SEC. 4. (a) In order to assure a balanced program for the bicentennial commemoration, encompassing the themes of "Heritage '76", "Festival USA", and "Horizons '76", and in furtherance of the purposes outlined in section 2(a) of this Act, the Administration as a primary function shall prepare the master calendar of events of local, State, National, and international significance which will take place between March 1975 and December 31, 1976. In carrying out the purposes of this subsection, the Administrator shall—

(1) provide for the bicentennial master calendar or register of programs and projects, and in other ways provide a central clearinghouse for information and coordination regarding dates, events, places, documents, artifacts, and personalities of bicentennial historical and commemorative significance;

(2) coordinate, facilitate, and aid in the scheduling of events, programs, and projects of States and private citizens, and national and international programs, which commemorate the bicentennial; and

(3) develop standards for, and evaluate the feasibility, relevance, status, and desirability of various programs and projects associated with the bicentennial commemoration, acting in conjunction with the Office of Management and Budget in cases where Federal department or agency activities are involved.

(b) In addition the Administrator shall—

(1) provide for the coordination of non-Federal bicentennial programs and projects with appropriate Federal programs and projects;

(2) provide recognition as deemed appropriate in connection with bicentennial related programs or projects;

(3) provide for competitions and similar projects relating to the bicentennial;

(4) provide for the preparation, distribution, dissemination, exhibition, and sale of commemorative medals and other historical, commemorative, and informational materials and objects which will contribute to public information, awareness, and interest in the bicentennial.

In performing the duties set forth in subsections (a) and (b) of this section, the Administrator shall not operate any programs unless specifically authorized by law, but shall limit his functions to stimulating and encouraging appropriate public and private authorities and organizations to assume operational responsibility for particular programs.

(d) In the Administration's planning activities, the Administrator shall give special emphasis to the ideas associated with the Revolution which have been so important in the development of the United States in world affairs and in mankind's quest for freedom.

SEC. 5. (a) In fulfilling his responsibilities, the Administrator is authorized to consult, cooperate with, and seek advice and assistance from (1) the American Revolution Bicentennial Council and the American Revolution Bicentennial Board, (2) appropriate Federal departments and agencies, State and local public bodies, learned societies, and historical, patriotic, philanthropic, civic, professional, and related organizations, and (3) bicentennial commissions of the several States, the District of Columbia, the Commonwealth of Puerto Rico and the territories, either collectively or individually. The Administrator may authorize travel as he deems appropriate for representatives and staff of such bicentennial commissions and may pay travel expenses and per diem therefor as authorized for individuals serving without pay under section 5703 of title 5 of the United States Code. Federal departments and agencies are authorized and requested to cooperate with the Administrator in carrying out his duties under this Act.

(b) The Chairman of the Federal Council on the Arts and the Humanities, the Chairman of the National Endowment for the Arts, and the Chairman of the National Endowment for the Humanities are authorized and requested to cooperate with the Administrator, especially in the encouragement and coordination of scholarly works and presentations focusing on the history, culture, and political thought of the Revolutionary War period.

(c) The Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States are authorized and requested to cooperate with the Administrator, especially in development and display of exhibits and collections and in the development of bibliographies, catalogs, and other material relevant to the period of the Revolutionary War.

SEC. 6. (a) The Administrator is authorized to accept donations of money, property, or personal services.

(b) Any books, manuscripts, miscellaneous printed matter, memorabilia, relics, and other materials donated to the Administration may be deposited for preservation in National, State, or local libraries, archives, museums, or other public or nonprofit institutions or be otherwise disposed of by the Administrator in consultation with the Librarian of Congress, the Secretary of the Smithsonian Institution, the Archivist of the United States, and the Administrator of General Services.

SEC. 7. (a) There are hereby authorized to be appropriated annually such sums as the Congress may deem necessary to carry out the purposes of this Act.

(b) An annual report of the activities of the Administration, including an accounting of funds received and expended, shall be furnished by the Administrator to the Congress and a final report shall be made to the Congress no later than June 30, 1977. The Administration and the Board shall terminate on June 30, 1977, or on the date of the filing of the final report, whichever is sooner. In order to effect an orderly transfer, the President is authorized to transfer to the Secretary of the Interior on or after January 1, 1977, such powers and functions as he shall deem necessary for a continuation of appropriate commemoration of events relating to the American Revolution until December 31, 1983. All personnel, records, property, and appropriations of the Administration as relate to the transferred functions shall be transferred to the Secretary of the Interior and shall be available for carrying out such transferred functions.

SEC. 8. Appropriations or other funds available to the Administration for carrying out the purposes related to or in furtherance of the bicentennial commemoration may be transferred to another Federal department or agency as may be mutually agreed upon between the Administration and the Federal department or agency concerned. Funds so transferred may be used for direct expenditure or as a working fund, and any such expenditures may be made under the authorities governing the activities of the transferee department or agency or under the authorities of this Act, providing that the activities so funded come within the purposes of this Act.

SEC. 9. The Administrator is authorized to use non-appropriated funds to carry out a program of grants-in-aid in furtherance of the purposes of this Act. Subject to such regulations as he may prescribe, the Administrator may—

(a) make grants to nonprofit entities, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivisions thereof), to assist in developing or supporting bicentennial programs or projects. Such grants may be up to 50 per centum of the total cost of the program or project to be assisted;

(b) in any case where money or property is donated, bequeathed, or devised to the Administration, and accepted by it for the purpose of assisting a non-profit entity, including States, territories, the District of Columbia, and the Commonwealth of Puerto Rico (or subdivision thereof), for a specific bicentennial program or project, make a grant of the money or property for the purpose specified, plus an amount from otherwise available nonappropriated funds not to exceed the value of the donation, bequest, or devise: *Provided*, That the recipient agrees to match the total value of the grant for such bicentennial program or project.

SEC. 10. (a) There is hereby established the American Revolution Bicentennial Board (hereinafter referred to as the "Board"). The Board shall be composed of eleven members as follows:

(1) the Administrator;

(2) two Members of the House of Representatives appointed by the Speaker of the House of Representatives. Members appointed under this paragraph shall not be of the same political party;

(3) two Members of the Senate appointed by the President of the Senate. Members appointed under this paragraph shall not be of the same political party;

(4) the Chairman and the Vice Chairman of the Council;

(5) the Secretary of the Interior; and

(6) three members appointed by the President from officers or staff of State bicen-

tennial commissions or comparable State bodies.

(b) The members of the Board shall serve for the length of time the Board is in existence.

(c) Any person appointed to fill a vacancy on the Board shall be appointed in the same manner as the member whose vacancy he is filling.

(d) Members of the Board shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Board, but not exceeding the maximum amounts authoried under section 5703(b) of title 5, United States Code, and, in addition thereto, each member of the Board shall receive $100 per day for each day he is engaged in the performance of duties vested in the Board, including traveltime; however, members of the Board who are officers or employees of the United States shall receive no additional compensation for their services.

(e) Four members of the Board shall constitute a quorum.

(f) The Chairman and Vice Chairman of the Board shall be elected by members of the Board from members of the Board other than the Administrator.

(g) The Board shall meet at least once each month and shall hold other meetings at the call of the Chairman, the Administrator, or a majority of its members.

(h) The Board shall be empowered to—

(1) receive advice and information from the Council and the Administrator with respect to the development of policy and guidelines to carry out the purposes of this Act; and

(2) give final approval to grants to be made under the authority of section 9 of this Act;

(3) review, approve, disapprove, or ratify from time to time, all basic policy and guidelines, including the proposed annual budget, to be presented by the Administrator in carrying out the purposes of this Act.

(i) It shall be a duty of the Board to make a continuing study of the activities of the American Revolution Bicentennial Administration. The Board shall, from time to time, but not less than every six months, report to the Committees on the Judiciary of the Senate and the House of Representatives, and to the Senate and the House of Representatives concerning the results of its studies, together with such recommendations as it may deem desirable. It shall make a final report thereon by June 30, 1977.

SEC. 11. At the request of the Board, the President may, when he determines it to be in furtherance of the purposes of this Act, direct that the functions authorized under this Act may be performed without regard to such provisions of law or limitations of authority regulating or relating to the making, performance, amendment, or modification of contracts, and the expenditure of Government funds as he may specify.

SEC. 12. Except for members of the Commission, the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held available or to be made available to the American Revolution Bicentennial Commission, established by Public Law 89-491, approved July 4, 1966, and the amendments thereto, shall be transferred to the Administration upon the effective date of this Act to be used for the purposes of this Act and to liquidate any outstanding obligations of the American Revolution Bicentennial Commission.

SEC. 13. (a) The President may authorize any person, including any person who immediately prior to the effective date of this Act held a position in the executive branch of the Government, to act as Administrator during the sixty-day period referred to in subsection (b) of section 2 of this Act, or until the office of Administrator is for the first time filled pursuant to the provisions of this Act.

(b) The President may authorize any person who previously held a position in the executive branch of the Government who serves in an acting capacity under the provisions of subsection (a) of this section to receive the compensation attached to the office in respect of which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 14. The joint resolution entitled "Joint resolution to establish the American Revolution Bicentennial Commission, and for other purposes", Public Law 89-491, approved July 4, 1966, as amended, is hereby repealed, and the American Revolution Bicentennial Commission is hereby abolished.

SEC. 15. The Act entitled "An Act to provide for the striking of medals in commemoration of the bicentennial of the American Revolution", Public Law 92-228, approved February 15, 1972, is amended as follows:

(a) Section 1 of such Act is amended by striking out "American Revolution Bicentennial Commission (hereinafter referred to as the 'Commission')" and inserting in lieu thereof "American Revolution Bicentennial Administration (hereinafter referred to as the 'Administration')".

(b) Section 3 of such Act is amended—

(1) by striking out, in the first and second sentences, "Commission" and inserting in lieu thereof "Administration", and

(2) by striking out, in the second sentence, "December 31, 1983" and inserting in lieu thereof "June 30, 1977".

SEC. 16. The provisions of this Act shall become effective thirty days following the date of enactment.

Mr. DONOHUE (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments. The Clerk read as follows:

Committee amendments:

Page 2, line 17, strike "appointed" and insert "nominated".

Page 2, line 18, after "Act" insert "and appointed".

Page 8, line 20, after "Bicentennial" insert "Advisory".

Page 10, line 1, after "accept" insert "on behalf of the Administration".

Page 11, line 13, strike "fund." and insert "fund,".

Page 14, line 18, strike "budget," and insert "budget".

Page 14, line 19, strike "ministrator" and insert "ministrator,".

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. WILLIAMS

Mr. WILLIAMS. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. WILLIAMS: On page 10, line 15, add:

"There are further authorized to be appropriated four hundred and ninety million dollars, ($490,000,000) for the purpose of making matching grants under the provisions of Section 9 of this Act, such funds to remain available until expended, but not later than the end of fiscal year 1976, (June 30, 1976.)"

In page 11, line 19, following, "The Administrator is authorized to use" add: appropriated and

On page 12, line 13 following, "otherwise available" add: appropriated or

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the three amendments I am offering be considered en bloc inasmuch as they all have to do with the same subject.

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

There was no objection.

Mr. WILLIAMS. Mr. Chairman, for the last 2 years, since September of 1971, I have represented this House on the current American Revolution Bicentennial Commission. The task has been difficult and time consuming. Like other Members of this body who have served on this particular Commission, I have at times been blamed for the actions of the rest of the Commissioners.

Today we are considering H.R. 7446, a bill to establish the American Revolution Bicentennial Administration. I wish to commend the members of the Donohue subcommittee for their efforts in producing this bill. They have taken what I considered to be a very poor proposal from downtown and made it workable. Many of the provisions the subcommittee adopted were ones our colleague, BILL WHITEHURST, and I suggested when we appeared before the subcommittee while it was holding hearings.

I am particularly glad to see that the subcommittee agreed with us that we should not commemorate the bicentennial of the revolution to overthrow kings by establishing a new "Bicentennial King."

There are, however, three areas in which this bill must be strengthened, Mr. Chairman. They are all crucial to a meaningful commemoration of our bicentennial.

The first, and by far the most important, is the failure to provide for any meaningful assistance to the many imaginative and exciting programs that the States have developed. This, Mr. Chairman, is a tragic error.

The Bicentennial Commission has failed to provide this Nation with any program that is national in scope. In fact, the Commission has killed two major programs within the past 13 months.

My native Pennsylvania was deeply committed to hosting an International Exposition in Philadelphia in 1976. The Bicentennial Commission voted against the Philadelphia Exposition just a year ago last month.

Last month the same Commission voted that the proposal to construct "Bicentennial Parks" in each State was not feasible. These two negative votes killed the two major federally supported projects just as surely as the people of Colorado killed the 1976 Winter Olympic Games for Denver in a vote last November.

It is now far too late to reopen discussion on these proposals. In only 22 months we will reach the Bicentennial of the date on which that embattled farmer stood and fired "the shot heard round the world." Realistically we must face the fact that the Federal Govern-

ment has no program to commemorate the Bicentennial, and even worse, we do not have enough time to plan anything with even faint hopes for success.

That, Mr. Chairman, leaves the burden entirely on the States. We must count on the individual State American Revolution Bicentennial Commissions to adequately celebrate and commemorate the anniversary of the National Bicentennial. This is our last chance to have a National Bicentennial commemoration and to accomplish this, we must offer financial assistance to each State.

I am glad to report that it can be done. Each State has set up its own Bicentennial Commission, or has placed the function in an existing office, and these State organizations have developed programs that will make all Americans proud. From the State of Maine to the far reaches of Alaska these State Commissions have worked out exciting plans.

Every State in our Union, from the First State, Delaware, to the most recent addition, Hawaii, has planned its own program.

At a time when we are moving toward a "new federalism" this is fitting. Each State has its own history and its own heritage to celebrate and commemorate. We are, after all, the United States, not the uniform States.

I have seen the current plans for many of these State commemorative programs and they are excellent. They will provide lasting value to the people of this country. There are historic preservation programs, programs to explain our diverse pasts and a hundred others.

They all suffer from the same drawback: lack of funding. On the Federal level we have failed to provide any meaningful plan for the bicentennial, and thus, left the burden on the States. And then, we failed the States again by not including any appropriated funds to help finance State programs.

The Bicentennial Parks would have cost us at least $1.3 to $1.5 billion, and probably more. The ARBC staff and the staff at OMB estimated costs of the Philadelphia Expo to run between $1.52 and $1.74 billion. The parks would have forced the States to accept a uniform design dreamed up in Washington, and the Philadelphia Expo would have tended to have focused the bicentennial in a single city.

On the other hand, by falling back on the State programs, we have a bicentennial program in each of the States, and that program is being planned and implemented by the citizens of the individual State. This will indeed make it a bicentennial "of the people, by the people, and for the people."

There is little left for the Congress to do to insure that the commemoration takes place, with one exception. Without funding assistance the States will not be able to carry out their plans. Without funding assistance the Federal Government will have abandoned the bicentennial entirely. Gentlemen, without funding assistance, there will probably be no bicentennial.

The critical first step is to commit the Federal Government to its rightful job of assistance to the States in financing the Federal bicentennial. We must take it here today.

Until only a few days ago, we had to rely on guesswork to estimate the cost of the State programs. At my request, the ARBC staff has contacted the Bicentennial Commissions of the individual States and requested information on the cost of their programs, their need for Federal assistance, and the purpose of the programs.

The cost, Mr. Chairman, is really quite low. As I said earlier, the cost of the International Exposition would have been somewhere between $1.52 and $1.74 billion; the cost of the Bicentennial Parks would have been at least $1.3 to $1.5 billion, and probably much more. The total estimated Federal Share of the State bicentennial programs would be $490 million, well under one-third of the cost of the other programs.

This expenditure would provide jobs for people in constructing, making or restoring the bicentennial programs of the various States. Since these would be permanent installations, people would be employed to conduct and maintain the State bicentennial commemorations, from nominal admission fees and concessions, the States would regain their investment and increase employment.

If anyone is of the opinion that $490 million paid out to the States in a period of three fiscal years is too much money, please keep in mind that the administration has assured Philadelphia over $100 million, and this money has been included in the 1974 budget of the various branches of the executive departments and Philadelphia must apply to these departments for grants.

While I favor Philadelphia and its historic tradition, how can we possibly say that Philadelphia should get $100 million and yet deny the various States an average of less than $10 million, paid over a period of 3 years, to assist them in staging their own Bicentennial commemoration.

Every State commission has assured the ARBC that with assistance, they will carry out their programs, but that without it, it is doubtful that they will be able to accomplish much, if anything.

The ARBC adopted a resolution at its last meeting which endorses a program of grants to the States from appropriated funds for the operation of State programs.

The National Governors Conference held its annual meeting this week and called for matching grants from appropriated funds for the operation of the State programs. The National Association of Mayors is expected to pass the same resolution next week.

Congress must now act to meet our responsibility to the people of this Nation. We must accept the fact that it is a national bicentennial and it demands national participation in the funding.

Mr. WYLIE. Mr. Chairman, I would like to ask the gentleman a question. Will the gentleman from Pennsylvania (Mr. WILLIAMS) yield?

Mr. WILLIAMS. I yield to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, in the resolution which we passed today providing for the rule in connection with this bill, we waived points of order which prohibit the appropriation of money in an authorization bill.

We were told the reason for the necessity of the waivers is so that a certain amount of money now on hand can be spent by the Bicentennial Commission during fiscal year 1974. Do you know what I am talking about?

Mr. WILLIAMS. I know this: There are regional offices that have frequent contact with the representatives of many State American Revolution bicentennial commissions. We know the projects they have planned and what those projects are going to cost, and the money we have in this bill here, $490,000, is 50 percent or one-half of the cost of their projects in all 50 States, Puerto Rico, and Guam.

Mr. WYLIE. What I am trying to find out is how much money is presently in the fund maintained by the American Revolution Bicentennial Commission? I understand about $11 million has been spent already by the ARBC. Do you know how much is in the fund at the present time?

Mr. WILLIAMS. At the present time there is very little money in the fund to operate the Federal ARBC.

Mr. WYLIE. I still have not found out how much.

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

I wonder if the gentleman from Pennsylvania would answer a question or two for me.

Mr. WILLIAMS. I will be happy to.

Mr. STUDDS. I have the list to which you presumably referred, labeled State and Territorial Commissions with estimates of funds. Could you tell us the source of these figures?

Mr. WILLIAMS. The source is the State Bicentennial Commissions themselves. In other words, right now the Federal ARBC has five regional offices, and they are setting up a sixth regional office. We will eventually have 10. The man here in Washington in charge of the State contacts is Mr. Charles Goodspeed. Contacts have been made with every one of the State ARBC's, and the amount of money in the list you have is the same as the list I have. The money is the amount furnished by the State.

Mr. STUDDS. So these requests State by State are the only criteria used for the actual figures for each individual State?

Mr. WILLIAMS. That is right.

Mr. STUDDS. So there was no overall national attempt to set the priorities as to where the funds should go, but simply passive acceptance of these figures of the States?

Mr. WILLIAMS. Not exactly passive, because there have been some guidelines set up that the celebration by the States for the commemoration must be directly connected with the American Revolution if it was one of the original 13 Colonies or with something important to the history of the State that joined the Union later and permitted or caused it to become a State. These various commemorations should be permanent in nature. So a lot of these funds will be the amount that a State itself wanted to spend. For

example, Virginia estimates that to restore Yorktown, which is their project, will cost $10 million. The Federal Government will provide $5 million of that under this proposal.

Mr. STUDDS. The reason I asked the gentleman the question, among other things, is it seems to me, in skimming the list, to be an interesting and not easily comprehensible diversity of figures State by State. There seems to be almost $44 million for Minnesota, which was not one of the 13 Colonies, and $23 million for Massachusetts, $23 million for Kansas, $27 million for Kentucky, $6 million for Hawaii, whose role in the Revolution I am not sure I understand.

Mr. WILLIAMS. Keep in mind that we have taken the State's figures and if the State wanted to spend more money with us picking up half of it, fine; that was their privilege. It has been the general understanding that these States will receive some Federal funding but no action has ever been taken to appropriate any money for the States beyond the $90,000 for planning.

So, there is a discrepancy, and if one State wants to spend more than another State then that is the desire of that State.

Mr. STUDDS. I thank the gentleman from Pennsylvania. I would like to state that it does seem to me not to be a particularly rational approach simply to base the allocation of these funds on the requests of individual States without an attempt to look at the comprehensive national picture.

I thank the gentleman for responding to my questions. I would like to associate myself with the remarks made earlier by the gentlewoman from Texas (Miss JORDAN).

Mrs. HANSEN of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to commend the Committee on the Judiciary for coming in with a very excellent bill.

I want to point out that there has been a reference regarding the expenditures of money. I want to read from the hearings before the Committee on Appropriations held just about 6 weeks ago. I stated:

> The question arose in the Committee a moment ago about your appropriations. In the 1968 second supplemental, $150,000 was appropriated. In 1970—and bear this in mind this is 1 to 2 years that the regular bill carried the item—there was $175,000 appropriated. In 1971, $373,000. In the 1971 second supplemental, $267,000 was appropriated which means that this was added in the last of the year, long after the fiscal year began.
>
> In the 1972 supplemental $1.4 million, again long after the year began.
>
> The second 1972 supplemental, again long after the year began, $2.4 million was appropriated. If I recall correctly the $1.4 million was for operations and the $2.4 million was the grants.
>
> Mr. HALL. That is correct.
>
> Mrs. HANSEN. The 1973 supplemental was $3,356,000. Again this was, as I recall, at the very end of the year.

You will find the financial story right there.

Interestingly enough, the sale of the medals by the Bicentennial Committee has raised more money than the money which was brought in through the appropriations process.

I would just say to the gentleman from Pennsylvania that in the Park Service budget of the Committee on the Interior, which will be before the House very shortly, the Members will find item after item in all the 13 original States with funds for the restoration, repair, and renovation of all the bicentennial facilities that are known in our American history. This goes the length of the Nation.

The Members will find that the humanities program does carry money this year for a program that the gentleman from West Virginia (Mr. HECHLER) mentioned. The Members will find that other agencies are very busy trying to implement this money.

But I certainly cannot imagine being chairman of the subcommittee of the Committee on Appropriations which would handle $490 million and just casually dish it out to anybody that came in, with whatever Pennsylvania wanted, with whatever Washington wanted, and with whatever Oregon wanted, and so forth. I think that one of the problems the Bicentennial Commission has had from the beginning is that some people in the country think that there is nothing involved in this bicentennial but bricks and mortar, covered with gold dust. I do not know where they are going to get the gold dust.

So again I want to say to the Committee on the Judiciary that I think they did an excellent job and a sensible job. But please do not think that in this critical budgetary year where budgets have been sliced that $490 million is going to appear like magic, particularly when the authorization bill was so late.

I yield back the balance of my time.

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

Mr. Chairman, for a number of years I stood as an average citizen wondering about the priorities set by Congress. Through the goodness of the people in the Eighth Congressional District of Wisconsin, I joined the Members on January 3. But to stand here today and see an amendment before this House for $490 million that anticipates equal funding of another $490 million by the various States, with $45 million anticipated for administrative expenses from this day to the end of this Administration, means that we are talking about a billion dollar birthday party. What are our priorities? One billion dollars to celebrate the 200th anniversary of this Nation? When we are cutting back in all areas, when we are trying to stop inflation, we address ourselves to amendments like this.

Mr. Chairman, this amendment should be defeated.

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

Mr. Chairman, I will try not to trespass on the Members' time too long, but I do think it important that we recognize exactly what is asked of us. There are two operative figures in the mind of the gentleman from Pennsylvania. One was in the bill which he introduced originally on March 21 asking for grants-in-aid of $275 million. Now, today he asks $490 million. In a short period of 2 months the ante has been raised that much. What happened? What happened?

I will tell the Members what happened. The people on the commission, at his request, made these phone calls to the State commissions and said, "Have you got any requests for money? How much would you want?"

They scratched their heads and came back with a total of $490 million, and that is how fast it grew. They did not expect that money; they are not counting on it; and there is no reason to think that they are going to get it.

The people in Virginia know what is going to happen. I should like to read a letter to the House from the chairman of the Virginia Independence Bicentennial Commission. It reads as follows:

> Actually, we of the 13 original states are determined to be prepared to be the hosts for the Bicentennial regardless of whether Congess appropriates any money or not, but if money is appropriated, we can use it in Virginia by reducing the necessity of additional State appropriations.
>
> I do believe that the Bicentennial is a national event, and something that Congress should fund to the extent they feel they can afford to.

Of course, if you give it to us, we will take it, and who will not? But we have not any business in giving it. It is not in the budget; it is not in anybody's budget. This was one phone call to 50 States, but there are 40,000 governmental units in the United States who expect to have a bicentennial or be invited to have a bicentennial of their own. Now they are all going to try to get into the act, and there will be no end to this. There is no index in this for distribution as to who gets how much. We in the 13 States originally expected the lion's share, but that may not be. The Federal money is not there. It is not in anybody's budget. The celebration begins in 1975. That is less than 2 years away. We just cannot give away money that fast in this day and age. The Federal Government just cannot give it away that fast. There is no way to do it.

All this would be a magnificent giveaway.

Another problem in the creation of this Federal program of the indeterminate amount is that it whets the appetites of the States. The grants men will have their field day parading to Washington to try to get in the act. Every State program will stand still now with the thought that because here may be bigger Federal money, we had better get a bigger program.

The States have never been led to expect these Federal grants, and they are making their plans without them. Now to give this $500 million to the States would be a magnificent waste of Fed-

eral funds. I will agree that this may not be an inappropriate way to characterize much of American history, but we do not have to do it that way. The States are not expecting it, and we cannot afford it.

I hope the Members will give a big "no" to this amendment.

Mr. MANN. Mr. Chairman, I rise in opposition to the amendment. I hope I correctly sense the feeling of those present for a quick negative vote on this amendment. However, I wanted to rise to express for the RECORD the opposition of the majority members of the committee who worked on this bill. We think it is a good bill.

Instead of associating myself with the remarks of the Congresswoman from Texas (Mrs. JORDAN), I think I will just say amen to her remarks and ask for a vote.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I lost out temporarily on what was going on with respect to this bill while I was in the rear of the Chamber recovering from the shock of my amendments to the State Department bill being adopted, but I am entranced by the display of forensics just put on by my two freshmen colleagues on the Republican side of the aisle. I welcome them with open arms to the ranks of those who would like to save the taxpayers from the beating they are taking.

Now what is the situation? What does the committee bill call for? What does the committee advocate? Is it $9 million a year?

Mr. DONOHUE. The estimated figure for the fiscal year 1974 would be $7.1 million. They anticipate that the average for 1974, 1975, and 1976 will be approximately $9 million a year.

Mr. GROSS. What is that total?

Mr. DONOHUE. It is $27 million.

Mr. GROSS. It is $27 million?

Mr. DONOHUE. For the 3-year period.

Mr. GROSS. And what does the gentleman from Pennsylvania want to do here?

Mr. DONOHUE. I defer to the gentleman for a reply on that.

Mr. WILLIAMS. Mr. Chairman, I welcome the opportunity to reply for this reason. On page 10, section 7, it says:

SEC. 7. (a) There are hereby authorized to be appropriated annually such sums as the Congress may deem necessary to carry out the purposes of this Act.

Mr. GROSS. What are the gentleman's figures for spending on this badly managed enterprise?

Mr. WILLIAMS. The figures the gentleman has just heard are the figures to keep our Federal ARBC operating. The figures the gentleman has heard from me are the $490 million over a 3-year period, for less than $10 million per State. It goes for an entirely different purpose. These figures were not gotten by a number of phone calls. The figures were gotten from the ARBC itself, which had them available because of the close cooperation with the State ARBC's.

Mr. GROSS. I thought the States were already tuned in on a $5 to $6 billion a year in revenue sharing.

Mr. WILLIAMS. We are not talking about revenue sharing. The gentleman is talking about revenue sharing. We are talking about funds through which a State can put on its commemoration of our bicentennial.

Mr. GROSS. Does the gentleman believe with $490 million there could be erected in each State a monument to inflation and the devalued dollar; a monument to the financial catastrophe that this country is facing? Does the gentleman believe we ought to take some cognizance of what we would be doing if we coughed up $490 million more to the States?

Mr. WILLIAMS. Let me say this, if the gentleman will yield. Most of the projects planned by the States are permanent in nature. They will be producing revenue for many years and the States will recover their money and we will have something of a permanent nature to point to in commemoration of our 200th birthday.

Mr. GROSS. In the name of a bicentennial celebration or any other guise I am not ready to vote another $500 million to the States for a glorified WPA.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Pennsylvania (Mr. WILLIAMS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WILLIAMS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. A recorded vote has been demanded.

Mr. WILLIAMS. Mr. Chairman, I withdraw that. I make the point of order that a quorum is not present, and I object to the vote on that basis.

The CHAIRMAN. The Chair advises the gentleman from Pennsylvania that that procedure is not in order in the Committee of the Whole.

Mr. WILLIAMS. Mr. Chairman, I make a point of order. I object to the vote on the ground that a quorum is not present, and I request a rollcall vote.

I can object to the vote on the grounds that a quorum is not present, and insist on my point of order.

The CHAIRMAN. Not in the Committee of the Whole, the Chair wishes to advise.

The gentleman may be advised that he may wish to raise a point of order that a quorum is not present.

Mr. WILLIAMS. That is exactly what I have done.

The CHAIRMAN. But the gentleman must be advised that during proceedings of the Committee of the Whole, an automatic vote is not a proper request.

Mr. WILLIAMS. Mr. Chairman, I make a point of order against the vote previously taken on the basis that a quorum is not present.

The CHAIRMAN. The gentleman from Pennsylvania raises the point of order that a quorum is not present. Is that what the gentleman wishes?

Mr. WILLIAMS. No. I demand a recorded vote.

The CHAIRMAN. The Chair will remind the gentleman from Pennsylvania that that demand has been withdrawn.

Mr. WILLIAMS. I did withdraw it before. I am now requesting a recorded vote.

The CHAIRMAN. The gentleman from Pennsylvania now demands a recorded vote on his amendments.

A recorded vote was refused.

So the amendments were rejected.

AMENDMENT OFFERED BY MR. MANN

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

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 11, line 19, after "use", insert "appropriated and."

And on page 12, line 13, after "available", insert "appropriated or".

POINT OF ORDER

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

The CHAIRMAN. The gentleman will state it.

Mr. BUTLER. Mr. Chairman, I believe this amendment was disposed of in the last amendment considered, addressed to the same point.

The CHAIRMAN (Mr. GONZALEZ). The amendments presented by the gentleman from Pennsylvania were presented, three in number, en bloc. This amendment is one which may be presented separately.

The Chair overrules the point of order.

Mr. MANN. Mr. Chairman, first let me assure the House that I am not in collusion with the gentleman from Pennsylvania in this matter, and I hope that the debate just concluded will not unduly confuse the issue here.

This amendment appropriates no money.

This is an authorization bill. When the Bicentennial Advisory Commission and the Administrator and the Board get a handle on the problem they may find it appropriate to come to the House through the appropriations process and ask for funds for the purpose of matching grants for nonprofit entities, States or subdivisions, grants-in-aid to carry on programs that they consider appropriate and vital for the celebration of the bicentennial of this Nation.

This House by passing this authorization bill without this amendment will find it necessary to go back and amend the authorization bill to make such a step possible. I am suggesting by this amendment making it possible that the House have the option and the Congress have the option in the future of appropriating funds for the purpose of grants-in-aid so that the Commission, the administration, may use those funds for matching grant programs.

That is what this amendment does. That is all it does. It unties our hands. It gives us the additional option of appropriating funds for grant-in-aid programs in the future should they become necessary or desirable.

I must state that although this matter was discussed in the subcommittee it was not thoroughly discussed. I am in a posi-

tion to report that the majority are accepting this amendment.

I should be pleased to answer any questions concerning it.

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

Mr. Chairman, I shall not take a full 5 minutes.

I do not think we have any different problem from the one we had before. It is simply the same raccoon with another ring on his tail.

Basically the problem is very simple. Instead of having the integrity of a fixed authorization limitaton of $490 million we would have a blanket authorization. This would mean in the appropriations process we could appropriate money for grants-in-aid, revenue sharing to the States, without coming back here and going through the traditional authorization process.

I believe it would be the same mistake, for the same reasons I offered a moment ago in opposition to the amendment offered by the gentleman from Pennsylvania (Mr. WILLIAMS). I believe it is the same problem.

Instead of telling the States how big the amount is, we would just be saying, "There it is; you can expect it." We would create an expectation.

As I judge from the remarks of the gentleman from South Carolina, we would create an expectation he does not really think we are going to carry through on. That is too cruel, and I do not want to be a part of it.

I urge a "no" vote on the amendment.

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

Mr. Chairman, all of us are aware of the enormous significance not only to this country but also the world of the United States of America celebrating its bicentennial.

A new kind of force for liberty and for freedom of men came into existence when men of unparalleled genius brought forth this United States of America. Today liberty prevails in many parts of the world which would not exist had not this country been willing to make the sacrifice of its sons and of its treasury in order to make that liberty possible and to preserve the freedom that had been attained.

I believe this amendment wisely approaches the problem of how to provide additional help to those States which do come up with meritorious plans in the national as well as the State interest.

Mr. Chairman, it was the United States of America that was formed 200 years prior to 1976. Why should we expect the States to be able to put on all of the celebrations except from such funds as can be provided by the provision in this bill, which amounts to about a million dollars, that is, from the sale of various plaques and coins and that sort of thing?

That is correct, if I am not in error. I will ask the able gentleman from Massachusetts (Mr. DONOHUE) who is on the Committee on Rules, about how much he anticipated the funds will be, the voluntary funds derived from these various things that are considered as revenue from sales in this celebration. If I am not in error, I believe the able gentleman gave me an estimate of about a million dollars.

Mr. DONOHUE. Fifteen million dollars.

Mr. PEPPER. Fifteen million dollars. Again I was in error.

Mr. Chairman, $15 million would be the total amount of the bill for the Federal Government to provide matching the efforts of the various States to try in an appropriate way to celebrate the bicentennial of the United States of America.

Now, this amendment, as the able gentleman from South Carolina (Mr. MANN) has said, does not specify any particular amount. I imagine that the States will come up with their proposals. They will submit them to the administrator, to his advisory council, and probably they will make recommendations. Then the Committee on Appropriations in the House and Senate will determine, no doubt, upon the recommendation of the administrator and his advisory council, how much it is in the national interest through the Congress to provide along with the States for the glorification of America.

Mr. Chairman, that seems to me to be a worthwhile objective to be incorporated in the bill, and I support the amendment offered by the gentleman from South Carolina (Mr. MANN).

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

Mr. PEPPER. I yield to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, is the gentleman from Florida (Mr. PEPPER) aware that the State of Florida has a land acquisition program at various sites throughout the State amounting to approximately $14 million, according to estimates that are provided to the ARBC, and is the gentleman aware also that the State of Florida, in undertaking this land acquisition program——

Mr. PEPPER. Land acquisition program. What is the significance of that?

Mr. BUTLER. Mr. Chairman, it was my understanding the residents of Florida were hoping they would pick up some money from this, and I am suggesting to him that this is improper.

Mr. PEPPER. Mr. Chairman, under this amendment, if the gentleman will allow me to reply, the Congress would decide how much the Federal Government would put up.

If Florida is putting up $14 million or if they want to spend $100 million—as a matter of fact, Florida will spend a million, two hundred thousand dollars for this purpose, but under this amendment, the Congress will decide what the Federal contribution will be.

Mr. BUTLER. Mr. Chairman, the Congress has decided in the passage of this legislation that no Federal money can be used for the acquisition of real estate. So I suggest that the gentleman is about to be taken in by this thing, and I submit to the gentleman that it is improper.

Mr. PEPPER. Mr. Chairman, I am not aware that the amendment offered by the gentleman from South Carolina (Mr. MANN) provides for the acquisition of real estate. The Committees on Appropriations in the House and the Senate would determine for what purpose the Federal money was appropriated.

Mr. PICKLE. 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 South Carolina (Mr. MANN).

As far as appropriated or nonappropriated funds are concerned, he did not set a sum specific. But unless we make this authorization, it seems to me that we will either operate totally from non-Federal funds, or we will not have much of an operation at all.

Mr. Chairman, I think this is an amendment that contains safeguards as far as appropriating funds, and at least it gives the Congress the right to do something about it later.

This seems to me to be a fair approach, and I think it would be desirable in each State.

The various statements that have been made about the sums that the States are going to receive for the Bicentennial is something the Bicentennial authorities have been talking about and hoping to have resolved. If we pass Mr. MANN's amendment, the Committee on Appropriations can review the amount to be spent and decide the proper level of spending. But unless we pass the authorization amendment offered by Mr. MANN, we will limp along in a manner that will not be a credit to this country.

Mr. Chairman, I therefore think the amendment offered by the gentleman from South Carolina (Mr. MANN) is a good amendment, and I am going to support it.

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

If I understand the argument of the gentleman from Florida, he indicated an estimated $15 million may be raised through the sale of various medals and so forth, and the purpose of this amendment would be to allow that money to be disbursed for grants-in-aid to States for special projects.

If I understand the bill, that can already be done. Under section 9, these types of funds raised by the commission can be used for grants-in-aid. This amendment is not necessary for that purpose. This amendment is only necessary if this Congress intends to appropriate additional funds for the grants-in-aid. I think that is wrong.

In this bill, if we accept it today and pass it, approximately $11 million has already been spent, and an appropriation of $7.1 million requested for fiscal year 1974 with the anticipation of $9 million for the next 3 years, 1975, 1976, and 1977. We are talking about a $45 million appropriation by this Congress for the 200th birthday party right now. This is an open-ended amendment to create unlimited spending of additional amounts

of grants-in-aid. I think it should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. MANN).

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 31, noes 51.

So the amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GONZALEZ, 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. 7446) to establish the American Revolution Bicentennial Administration, and for other purposes, pursuant to House Resolution 424, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were 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. DONOHUE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 14, not voting 75, as follows:

[Roll No. 196]

YEAS—344

Abdnor	Burlison, Mo.	Drinan
Abzug	Burton	Dulski
Adams	Butler	Duncan
Alexander	Byron	du Pont
Andrews, N.C.	Carey, N.Y.	Eckhardt
Andrews, N. Dak.	Carney, Ohio	Edwards, Calif.
Annunzio	Casey, Tex.	Eilberg
Archer	Cederberg	Erlenborn
Arends	Chamberlain	Esch
Armstrong	Chappell	Eshleman
Ashley	Clancy	Fascell
Bafalis	Clark	Findley
Baker	Clausen, Don H.	Fish
Barrett	Clawson, Del	Flowers
Bell	Cleveland	Flynt
Bennett	Cohen	Foley
Bergland	Collier	Ford, Gerald R.
Bevill	Collins, Ill.	Ford, William D.
Biester	Collins, Tex.	Forsythe
Bingham	Conable	Fountain
Blatnik	Conlan	Frelinghuysen
Boggs	Conte	Frenzel
Boland	Cotter	Frey
Bolling	Culver	Fulton
Bowen	Daniel, Dan	Gaydos
Brademas	Daniels, Dominick V.	Gettys
Brasco	Danielson	Giaimo
Bray	Davis, S.C.	Gibbons
Breaux	Davis, Wis.	Gilman
Breckinridge	de la Garza	Ginn
Brinkley	Dellenback	Goldwater
Broomfield	Dellums	Gonzalez
Brotzman	Denholm	Goodling
Brown, Mich.	Dent	Grasso
Broyhill, N.C.	Derwinski	Gray
Broyhill, Va.	Devine	Green, Oreg.
Buchanan	Dickinson	Green, Pa.
Burgener	Dingell	Grover
Burke, Calif.	Donohue	Gubser
Burke, Fla.	Dorn	Gunter
Burke, Mass.	Downing	Guyer
Burleson, Tex.	Hamilton	Haley
	Hammer-schmidt	Melcher
	Hanley	Mezvinsky
	Hanna	Michel
	Hanrahan	Milford
	Hansen, Idaho	Mills, Ark.
	Hansen, Wash.	Minish
	Harsha	Mink
	Harvey	Mitchell, Md.
	Hastings	Mitchell, N.Y.
	Hays	Mizell
	Heckler, Mass.	Moakley
	Heinz	Mollohan
	Helstoski	Montgomery
	Henderson	Moorhead, Calif.
	Hicks	Moorhead, Pa.
	Hinshaw	Morgan
	Hogan	Moss
	Holifield	Murphy, Ill.
	Holt	Murphy, N.Y.
	Holtzman	Myers
	Horton	Natcher
	Hosmer	Nedzi
	Howard	Nelsen
	Huber	Nichols
	Hudnut	Nix
	Hungate	Obey
	Hunt	O'Neill
	Hutchinson	Owens
	Jarman	Passman
	Johnson, Calif.	Patten
	Johnson, Pa.	Pepper
	Jones, Ala.	Perkins
	Jones, Okla.	Pettis
	Jones, Tenn.	Pickle
	Jordan	Pike
	Karth	Poage
	Kastenmeier	Podell
	Kazen	Powell, Ohio
	Keating	Preyer
	Kemp	Price, Ill.
	Ketchum	Price, Tex.
	Kuykendall	Pritchard
	Kyros	Quie
	Landgrebe	Quillen
	Latta	Railsback
	Lehman	Randall
	Lent	Rarick
	Long, La.	Rees
	Lott	Regula
	Lujan	Reuss
	McClory	Rhodes
	McCloskey	Rinaldo
	McCollister	Roberts
	McCormack	Robinson, Va.
	McDade	Robison, N.Y.
	McFall	Rodino
	McKay	Roe
	McKinney	Roncalio, Wyo.
	McSpadden	Roncallo, N.Y.
	Macdonald	Rose
	Madden	Rosenthal
	Madigan	Rousselot
	Mahon	Roy
	Mailliard	Roybal
	Mallary	Runnels
	Mann	Ruth
	Maraziti	Ryan
	Martin, N.C.	St Germain
	Mathias, Calif.	Sandman
	Matsunaga	Sarasin
	Mayne	Sarbanes
	Mazzoli	Satterfield
	Meeds	Scherle
		Schneebeli
		Schroeder
		Sebelius
		Seiberling
		Shipley
		Shoup
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Iowa
		Smith, N.Y.
		Snyder
		Spence
		Staggers
		Stanton, J. William
		Stanton, James V.
		Stark
		Steed
		Steele
		Steelman
		Steiger, Wis.
		Stephens
		Stokes
		Stratton
		Stubblefield
		Studds
		Sullivan
		Symms
		Talcott
		Taylor, Mo.
		Taylor, N.C.
		Teague, Tex.
		Thomson, Wis.
		Thone
		Thornton
		Tiernan
		Towell, Nev.
		Treen
		Udall
		Ullman
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Waggonner
		Walsh
		Ware
		Whalen
		White
		Whitehurst
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles, Tex.
		Winn
		Wolff
		Wright
		Wydler
		Wylie
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Ga.
		Young, Ill.
		Young, S.C.
		Zablocki
		Zion
		Zwach

NAYS—14

Anderson, Calif.	Gross	O'Hara
Beard	Hechler, W. Va.	Rangel
Camp	Leggett	Shuster
Froehlich	Long, Md.	Steiger, Ariz.
	Miller	Van Deerlin

NOT VOTING—75

Addabbo	Daniel, Robert W., Jr.	Ichord
Anderson, Ill.	Davis, Ga.	Johnson, Colo.
Ashbrook	Delaney	Jones, N.C.
Aspin	Dennis	King
Badillo	Diggs	Kluczynski
Biaggi	Edwards, Ala.	Koch
Blackburn	Evans, Colo.	Landrum
Brooks	Evins, Tenn.	Litton
Brown, Calif.	Fisher	McEwen
Brown, Ohio	Flood	Martin, Nebr.
Carter	Fraser	Mathis, Ga.
Chisholm	Fuqua	Metcalfe
Clay	Griffiths	Minshall, Ohio
Cochran	Gude	Mosher
Conyers	Harrington	O'Brien
Corman	Hawkins	Parris
Coughlin	Hébert	Patman
Crane	Hillis	Peyser
Cronin	Riegle	Reid
	Rogers	Saylor
	Rooney, N.Y.	Stuckey
	Rooney, Pa.	Symington
	Rostenkowski	Thompson, N.J.
	Roush	Waldie
	Ruppe	Wampler
		Whitten
		Wilson, Charles H., Calif.
		Wyatt
		Wyman
		Young, Tex.

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson.
Mr. Thompson of New Jersey with Mr. Wyman.
Mr. Hébert with Mr. Ashbrook.
Mr. Addabbo with Mr. King.
Mrs. Chisholm with Mr. Fraser.
Mr. Delaney with Mr. Gude.
Mr. Evins of Tennessee with Mr. Martin of Nebraska.
Mr. Fuqua with Mr. Carter.
Mr. Kluczynski with Mr. O'Brien.
Mr. Mathis of Georgia with Mr. Blackburn.
Mr. Reid with Mr. Peyser.
Mr. Rooney of Pennsylvania with Mr. Coughlin.
Mr. Rostenkowski with Mr. Crane.
Mr. Diggs with Mr. Riegle.
Mr. Charles H. Wilson of California with Mr. Mosher.
Mr. Young of Texas with Mr. Teague of California.
Mr. Metcalfe with Mr. Badillo.
Mr. Flood with Mr. Saylor.
Mr. Evans of Colorado with Mr. Brown of Ohio.
Mrs. Griffiths with Mr. Dennis.
Mr. Harrington with Mr. Cronin.
Mr. Hawkins with Mr. Biaggi.
Mr. Conyers with Mr. Waldie.
Mr. Davis of Georgia with Mr. Parris.
Mr. Corman with Mr. Wampler.
Mr. Clay with Mr. Aspin.
Mr. Ichord with Mr. Ruppe.
Mr. Whitten with Mr. Edwards of Alabama.
Mr. Symington with Mr. Hillis.
Mr. Stuckey with Mr. Robert W. Daniel, Jr.
Mr. Roush with Mr. McEwen.
Mr. Brooks with Mr. Minshall of Ohio.
Mr. Brown of California with Mr. Wyatt.
Mr. Jones of North Carolina with Mr. Fisher.
Mr. Koch with Mr. Landrum.
Mr. Litton with Mr. Rogers.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DONOHUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

CLEANEST INDUSTRIAL PORT IN AMERICA

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

Mr. YOUNG of Texas. Mr. Speaker, there is nobody on Earth, no group on Earth which is more interested in ecology and the environment than is the House of Representatives of the United States. Yet, there is no group, I think, that is more conscious of the need of continuing industrial progress and a wholesome

economy that goes with the development of deep ports along our seacoast.

Mr. Speaker, the Port of Corpus Christi, Tex., is recognized by Exxon, the largest shipper in the world of petroleum products, to be the cleanest industrial port in America.

Mr. Speaker, I have entered in the RECORD an article in Exxon USA, first quarter 1973, which follows:

CLEANEST INDUSTRIAL PORT IN AMERICA

A lot of oil moves into and out of American ports every day, right? Right!

And where you've got oil, you've got pollution, right? No! Not necessarily.

Oil shipments and pollution don't go hand in hand, as nearly 100 American ports are proving. How? By forming cooperatives which serve, much like volunteer fire departments, to combat oil spills and prevent pollution of port waters.

Do they really work?

Well, take Corpus Christi for example. This Texas city of 204,000 is a major port, ninth largest in the U.S. in volume. And the petroleum industry is the ports heaviest user. The chamber of commerce reckons that of Corpus Christi's manufacturing gross ($280 million annually) and shipping tonnage (30 million tons) 80 per cent is oil-related. Each year, some 300 million barrels of crude oil and oil products traverse the port's waters.

Furthermore, Corpus Christi's city limits enclose several oil and gas fields, with 200 wells in the bay and 400 on land. Gas reserves in the bay are estimated at 3 trillion cubic feet and valued at $912 million. Which, as Mayor Ronnie Sizemore has observed, "is no small increment in our economy."

And what has this done to the marine environment of this Texas city?

Says Commander M. H. "Mike" Eaton, "Corpus Christi is probably the cleanest industrial port in America." The captain of the port and the Coast Guard's chief pollution control officer for the Coastal Bend of Texas, Commander Eaton points to a spirit of community cooperation and concern in Corpus Christi as the key to the port's cleanliness. "My counterparts in other ports are frankly envious when I describe the broad-based pollution control programs that are in action down here," he says.

His views are seconded by Jerry Thornhill, chief of the Emergency Response Branch, Region II, Environmental Protection Agency. "The Corpus Christi experience proves dramatically that industry, government, and a concerned public can work together harmoniously to achieve a clean environment," he says. "Wherever ecologists deliberate, the Corpus Christi story should be told," Thornhill adds.

Perhaps it's the location which inspires those who live and work in Corpus Christi to be especially concerned with the quality of the city's environment.

A split-level, high-rise downtown rises on the shores of Corpus Christi bay which was first discovered by Spanish explorer Alonzo Alvarez de Pineda in 1519. Handsome resort hotels look down on palm-shaded beaches and marinas filled with pleasure craft. Miles of stately dwellings line Ocean Drive, termed by one travel writer as "America's loveliest residential drive."

Across a causeway is Padre Island, a mile-wide sliver of beaches and sand dunes stretching virtually untrammeled for 110 miles along the South Texas coast. Within it is the 80-mile long Padre Island National Seashore, which hosts more than a million visitors a year. They come to swim, surf, fish, sunbathe, birdwatch, shellhunt, and sightsee, and in the process, help to make tourism Corpus Christi's second largest industry. Last year, tourists pumped $161 million into Corprus Christi's economy.

Occasionally a Padre Island beachcomber will find a golden Spanish doubloon surfacing from the wrecks of 16th century treasure ships. And if he looks sharp, for they are hard to see, he may see evidence of a modern treasure—the control valves of gas wells producing from beneath the dunes.

James M. McLaughlin, Padre Island National Seashore superintendent, observes that a number of recreation areas within the National Park System support mineral activities. This is in concert with the National Park Service's commitment to conservation. "We have working agreements with nine oil companies and four oil and gas transmission companies, and have had excellent cooperation from all of them. The 43 gas wells operating within the National Seashore testify to the fact that their mission is not in conflict with ours. You simply can't see the wells unless you search for them," McLaughlin says.

On the northern shore of Corpus Christi Bay sprawls the fishing village of Aransas Pass, home of one of the world's largest shrimping fleets, and the town of Port Aransas, a sportsman's haven. Between the two communities a vistor may see a number of major oil storage and shipping terminal installations. One of the largest is operated by Exxon Pipeline Company. Every two weeks an Exxon USA tanker takes on a half-million barrel load of crude oil. The cargo only partially depletes the 1,600,000-barrel storage capacity of Exxon Pipeline's Harbor Island tank farm. The equipment and technology of oil is everywhere. Yet, on almost any sunny day (of which there were 241 last year) a giant tanker may share dockside space with numbers of small sports fishing boats which cluster at a productive fishing hole close by. And in the waters of the nearby channel, porpoises frolic.

In the Gulf of Mexico east of Padre Island, sports fishermen often anchor alongside drilling platforms where fish congregate. And on Laguna Madre, the lagoon between the island and the mainland, anglers drive to the water's edge on private roads built by Exxon USA for servicing wells in its Flour Bluff field. The company even provides litter barrels.

All this, then, is the scene of operations for what Commander Eaton believes to be the nation's best example of cooperative oil spill readiness. It is called the Corpus Christi Area Oil Spill Control Association.

No other group has brought together such a broad representation to combat oil spills, Commander Eaton says. "All levels of government are involved, and so is the oil industry, both financially and philosophically," he reports. "No other oil spill cooperative can make that statement," he adds with a grin.

The association's five-man board represents the interests of the Coast Guard, the U.S. Army Corps of Engineers, and the Environmental Protection Agency, at the federal level; the Texas Parks and Wildlife Department, Texas Water Quality Board, Texas Railroad Commission, and the General Land Office, at the state level; two navigation districts; the seaside counties of Aransas, Nueces, and San Patricio; the cities of Corpus Christi, Rockport, Aransas Pass, and Portland; and 12 oil producing companies, four refineries, and three pipeline firms.

Getting these numerous entities together was the idea and the challenge of Harry Franklin, a retired petroleum engineer. Soft-spoken and friendly, Franklin draws upon a lifetime of experience in oilfield jobs ranging from roustabout to advisor to the President of Brazil on oil producing problems. His petroleum engineering know-how is helping Corpus Christi to recover its oil and gas wealth while preserving the quality of its environmental assets.

Franklin went to work on the problem in 1967. As the city's first petroleum superintendent, he had the job of implementing a new ordinance hammered out by the Bay Drilling Committee, a group of prominent local citizens appointed by the mayor. "It was a realistic ordinance that both community and industry could live with," he recalls. The rule prohibited drilling within a mile of shore, limited the number of production platforms within a certain area of the bay, required a low-profile design with minimum visual effect, established lighting and safety standards, and required the clustering of well locations within each state tract. "All this meant more expense for the oil producers," Franklin says, "but they were happy to go along with it. This spirit of togetherness set the stage for the oil spill cooperative later on."

What really brought the cooperative into focus, however, was a widely publicized blowout in 1969 of an oilwell being drilled in California's Santa Barbara Channel. The city sent Harry Franklin to Santa Barbara to study the mishap and to learn from its consequences. "It isn't likely that such a thing could happen in Corpus Christi," he thought, "but we ought to be ready just in case."

Franklin points out that he wasn't concerned about spills from bay wells. Vast differences in both geology and circumstances make a repetition of the Santa Barbara blowout virtually impossible in Corpus Christi Bay. And wells producing in Corpus Christi waters all have automatic shutoff devices to prevent uncontrolled flow of oil. But the high volume of barge and tanker traffic and the large numbers of oil and gas pipelines, he felt, were a more likely source of oil spills.

Returning to Corpus Christi, Franklin reported his concern to Ed Harte, publisher and editor in chief of the Corpus Christi *Caller-Times*, and chairman of the Bay Drilling Committee. The two men recommended that the city take the initiative in setting up a meeting of representatives from federal, state, county, and local governments, and the oil industry. "Every oil company and every refinery had a man there," Franklin recalls.

"It was mostly industry," he recollects, that put up an initial $20,000 to "finance a study to see where to begin." Exxon USA and Exxon Pipeline each chipped in $1,000, plus the services of an Exxon USA manager, Jeff Barrett. He became a member of a five-man committee drawn from all segments of the community. The men visited every port in the country that had experienced a sizable oil spill. They talked with commercial fishermen, marine scientists, and petroleum chemists. They visited manufacturers of oil spill cleanup equipment. They interviewed port authorities, oceanographers, and maritime experts. They learned at first hand what could be done and what should be done to cope with spilled oil.

The CCAOSCA was the result. Franklin deplores the name. "We tried to get an acronym out of it," he smiles, "but it kept coming out CHAOS. That seemed counter to our purpose."

Because its members had done their homework, CCAOSCA was able to obtain federal grants to help defray the cost of acquiring suitable equipment. Sustaining memberships purchased by oil companies and local government bodies help pay administrative, training, and maintenance costs, Franklin explains.

Two metal warehouses, one at the Port of Corpus Christi and the other at Rockport, house a formidable arsenal: 8,000 feet of container boom, 5,000 bales of straw, a portable skimmer designed to operate in the bay's choppy waters, a straw blower, and assorted mixers, sprayers, anchors, cables, hand tools, radio equipment, and a 38-foot crew boat.

And were he to need them, Franklin could

call upon other resources available in the area. For example, at its Laguna Madre field headquarters, Exxon USA maintains a special warehouse for its oil spill recovery and containment equipment. Along with 50 bales of straw for an unlikely but conceivable shore cleanup, the warehouse holds 1,000 feet of boom to "fence in" spilled oil and a quantity of manufactured absorbents.

Recently, fishermen plying the clear waters of the lagoon paused to stare at an odd sight. Exxon USA employee Irwin Glasser was casting puffed rice upon the waters.

A new way to chum fish?

No. He was testing a skimmer that Exxon USA would rush into service in the event of an oil spill in the lagoon. Mounted on a modified houseboat, the skimmer can get into shallow waters where heavier vessels would run aground, in order to retrieve lost oil. Glasser is Exxon USA's fulltime environmental specialist for the Corpus Christi area.

"Our men are trained to get the skimmer and container booms into action in minutes," he explains. Because oil spills are rare, however, the men seldom have a chance to practice on the real article. "In training sessions, we used puffed rice," says Glasser. "It makes a good substitute for oil, for it acts in the same way as a slick does."

Except for continuing practice sessions, the equipment has been called into service only once. In October, 1972, Exxon USA received word that a small diameter pipeline was leaking into bay waters near the resort community of Fulton Beach. As Exxon USA wells were nearby, employees hastened to the scene and shut down the wells. They captured the slick and recovered the oil with a skimmer. In the meantime, others were attempting to learn who owned the pipeline. They found that it belonged to another company, but completed the cleanup regardless. "What was needed at the time was quick response," says Glasser. "With possible Exxon USA involvement and with our equipment available we felt a responsibility to act."

In the spirit of "We're all in this together," Exxon USA led a drive in 1972 to organize the Baffin-Laguna Oil Control Cooperative, known more simply as BLOC. Its seven members are companies with oil and gas interests along the Laguna Madre and further south in Baffin Bay. This is an area of sparse development and population where no one company has much exposure or any major facility. But acting in concert, the group can provide adequate spill response.

"BLOC constitutes a pool of equipment and trained manpower standing ready to control any oil spill that might occur in our area," explains Jim Flatt, Exxon USA operations manager, who points out that waters in the Laguna-Baffin area are so shallow that special equipment and expertise are needed. "Of course we would help elsewhere in the event of an emergency," he says. "And we in turn would look to our 'neighbor,' the CCAOSCA, for any support we might need."

For its part, CCAOSCA, can cope with anything short of a spill of the greatest magnitude, "a *Torrey Canyon* sort of thing," Franklin feels. "And were that to occur, we could combine our equipment and personnel with Exxon USA's and BLOC's and hold the effects of such a massive spill to a minimum."

Franklin has the authority to call his forces into action the moment an emergency occurs. He does not have to clear his decision through governmental agencies. "Responsibility for a spill can always be fixed after it has been contained," he points out.

Operation of the association's standby equipment rests with crews of two marine engineering firms. In a series of "fire drills" during the past year, the crews have learned to deploy equipment and begin skimming within 45 minutes of their arrival at the scene of a "spill." "That's good," Franklin grumbles, "but not good enough. We'll keep practicing until we get the time down to 30 minutes."

If a massive spill should occur in the bay, Franklin reports that more than 500 volunteers would be called to the scene immediately. They would be supplied by Navy and Coast Guard units, police and fire departments, and civic groups. Among the latter are groups of students who have been taught how to clean oil-soaked birds by Dr. Henry Hildebrand, of the University of Corpus Christi, and Dr. John White, of Del Mar College. "We've even assembled a supply of bird cages," Franklin says.

All of which delights Coast Guard Commander Eaton. "These efforts make our job easier," he says. "If industry doesn't take care of these things, we'll have to do it. We're pleased that industry here is proving itself responsible by getting ready for emergencies before they happen. And then, of course, we work to make sure they don't happen."

Exxon USA's South Texas Division manager, W. D. Stevens, underscores Franklin's and Eaton's enthusiasm for CCAOSCA. "The association represents a level of preparedness far beyond that which any one industry or individual governmental body acting independently could reasonably attain in one locality," Stevens says. He points out that CCAOSCA, BLOC, and Exxon USA's facility at Flour Bluff complement each other geographically and technically. He believes that each individual company, such as Exxon USA, should be prepared to deal with its own infrequent minor problems in areas where its operations are concentrated, and no other interests are involved. "This is why we have equipment at Flour Bluff," he says. And where no single company has extensive operations, then an industry group, such as BLOC, may be the best approach. Lastly, where companies are numerous and operations intensive, and both industry and public interests are involved. Stevens suggests that working together through a comprehensive organization such as CCAOSCA leads to the optimum level of preparedness.

For an emergency which it expects never to occur, Corpus Christi is ready. "It is the best example of environmental preparedness I have seen," Commander Eaton says. "And it took government and industry, working together, to accomplish it."—KEITH ELLIOTT.

A LIGHT AT THE END OF THE CULEBRAN TUNNEL

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

Mr. LEGGETT. Mr. Speaker, in acting to halt the shelling of Culebra, outgoing Secretary of Defense Elliot Richardson has ended his brief tenure in the Pentagon on a very sound note.

For the past 37 years this small island off the coast of Puerto Rico has been subjected to an intense naval and aerial bombardment by the U.S. Navy as part of the Navy's Atlantic Fleet Weapons Range. Secretary Richardson's courageous decision ends this needless shelling that threatened the lives of 1,000 Puerto Rican citizens and mars one of the prettiest beaches in the Caribbean.

To many mainlanders, the issue of Culebra seems inconsequential. It is, after all, only a very small island. To the 1,000 inhabitants of Culebra and the entire Puerto Rican population, however, the issue is anything but minor. From the viewpoint of many Latin Americans, the shelling of Culebra was another example of American insensitivity to the rights of the Latin American people. This feeling was only exacerbated last December when the Pentagon reneged on an earlier pledge to close the Culebra range in 1975. Instead, it was decided that the firing would go on until 1985.

This is all behind us now. Secretary Richardson has wisely realized that the short-term advantages associated with continued shelling of Culebra are clearly outweighed by the long-term disservice that shelling will do to the U.S. position in Latin America. As, JAMIE BENITEZ, Puerto Rico's Resident Commissioner has asserted, The Culebra decision "reinforces our faith in the basic integrity of the American system with its profound commitment to the fulfillment of understandings reached in good faith and in the pursuit of human values."

The Pentagon has done their part in this issue: Now it is up to the Congress to do theirs. Secretary Richardson decided it would be in the long range interest of the various parties to move the current Navy training activities by July 1, 1975 from the Culebra complex east of Puerto Rico to the uninhabited islands of Desecheo and Monito off the western coast of Puerto Rico, provided that the Congress authorizes and appropriates the funds required.

The move to Desecheo and Monito is going to cost us about $10 million, but this is a small price to pay for the improved relations between United States and Puerto Rico that will clearly result from this decision. I am convinced that the Congress will want to move swiftly on this appropriation request, and I am sure that Defense Secretary-designate James Schlesinger will be a forceful advocate for the move.

We have passed a watershed in the Culebra issue. The end of the shelling, however, will only come when the money for the move has been funded, and when a satisfactory overall arrangement can be worked out with the government of Puerto Rico for carrying out the proposed move and for ensuring the long-term continuation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area and this proposed agreement has many mutual advantages.

The Defense Department has seen the light on this issue. They should be commended for it. A quick solution to the loose ends that still remain will end whatever lingering doubts the Puerto Rican people have about U.S. sincerity in this area, and will close the book on 37 years of hostility between these two countries.

Secretary Richardson spelled out his decision in a letter to Senator STENNIS dated last week as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., May 24, 1973.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During the course of my confirmation hearings before the Senate last January, I promised that I would carefully study the necessity of continuing to conduct Navy weapons training operations on and near the Island of Culebra. My commitment was subsequently reaffirmed to other members of the Congress who requested my views on legislation proposed in both the

House and the Senate which would require the Navy to terminate its Culebra operations by July 1, 1975.

I have completed my review. In the process, I have given careful consideration to the conclusions of the studies of the problem completed in the Department of Defense at the direction of the Congress. I have discussed the matter with Navy officials and members of my office. I have also consulted various members of the Congress and met with Puerto Rican officials.

Culebra cannot be considered in isolation from other Navy interests in the area. Its target complex and supporting facilities are important parts of the Atlantic Fleet Weapons Range and are closely related to the Fleet Marine Force training areas on the nearby island of Vieques. These vital Navy and Marine Corps facilities provide the training required to maintain the Atlantic Fleet in a high state of operational readiness. Their continued operation in the years ahead is essential. This operational readiness goal, which has been the primary consideration in my review, involves many factors.

Consequently any move of Naval activities from Culebra must be to a location in the area of Puerto Rico which would satisfy the foregoing military operational requirements. The most recent study forwarded to the Secretary of Defense by the Navy in December 1972 concluded that although there were some operational and cost advantages to remaining on Culebra, several alternative sites using other islands off Puerto Rico were also suitable from an operational viewpoint and would meet military requirements.

But once military requirements are met, other considerations must be addressed. The Senate Committee on Interior and Insular Affairs has directed that the Department of the Interior and the Commonwealth of Puerto Rico conduct a joint study to determine the optimum land use for Culebra. I understand that study will consider the opportunities available on the island for plant and wild life conservation and public recreation.

Finally, there is the common aim of Puerto Rican and Defense officials, as well as members of the Congress, to reduce as much as possible the impact of Navy training activities on local inhabitants. All four governors of Puerto Rico, past and present, regardless of party, have joined in support of the proposed legislation that the Navy move its activities from Culebra. This legislation has attracted substantial support in the Senate and the House.

A solution to the problem which should reconcile all the relevant factors involved would also, in my judgment, facilitate the continued long-term operation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

Accordingly, I have decided it would be in the long-range interest of the various parties to move the current Navy training activities by July 1, 1975 from the Culebra complex east of Puerto Rico to the uninhabited islands or Desecheo and Monito off the western coast of Puerto Rico, provided:

1. That the Congress authorizes and appropriates the funds required, and

2. That a satisfactory overall arrangement can be worked out with the Government of Puerto Rico for carrying out the proposed move and for ensuring the long term continuation of the Atlantic Fleet Weapons Range and the Fleet Marine Force training area.

Until these provisions are met and the requirements of section 1022c of the National Environmental Policy Act of 1969 are satisfied, current Navy readiness training in the Culebra complex must continue.

I have informed Secretary of Defense-designate, James R. Schlesinger, of this decision.

With best regards,

Sincerely,

ELLIOT RICHARDSON.

THE BIG OEO PUSH—OR SAVE OUR JOBS, PLEASE!

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

Mr. BAKER. Mr. Speaker, in the event they are not already aware, I want to alert my colleagues to the fact that they are going to be subjected to an intensive lobbying effort over the next few weeks in order to save OEO, or more appropriately, to save the jobs of the OEO staff.

The national council of OEO locals and State CAA directors' associations have formed a Coalition for the War on Poverty and have hired a lobbyist to assist in the fight to save OEO.

The coalition's long-range goal is to obtain an OEO appropriation as close to the present one as possible. For the short term, the coalition will be seeking a continuing resolution by the end of this month to keep intact the OEO organization.

The coalition has hired our former colleague, the Honorable William "Bill" Anderson of Tennessee, to organize, stimulate and coordinate the lobby efforts on the Hill. I understand he has already arranged for witnesses before the Appropriations Subcommittee and has provided them with backup information. It remains to be seen how successful these efforts will be. The coalition contract with Mr. Anderson is for 90 days, starting on May 1 of this year. It has escape clauses for either party at 30 and 60 days. Thirty days have already passed so that clause is inoperative. Depending on what happens by June 30, we will know whether or not the 60-day clause will be used.

The maximum amount of the contract is $27,669. In addition to Mr. Anderson, it calls for nine staff people, most of whom have been hired. It should be noted, however, that 15 percent of the personnel costs are being donated by Mr. Anderson because "of his dedication to the concept of the war on poverty."

According to the contract, monthly installments of $6,800 are due the ninth of each month. Then there are variable costs up to about $2,000 per month. By May 10, the coalition had collected $6,400 and had turned $6,000 of this over to Mr. Anderson. He has another payment due on June 9, It is scheduled to be $7,600, plus up to about $4,000 in variable costs.

The question immediately arises, "from what source is Mr. Anderson paid?" Any of the OEO locals and the State CAA director's associations belonging to the coalition and supporting the objectives in the effort to save OEO can become a voting member by contributing $2,000 to the "OEO Defense Fund." It is not known how many of these have done this, or where they got the money.

In addition a call has gone out to all OEO employees to "put a little more into the effort." A national goal has been set which calls for each employee to contribute $3 per grade, spread over three pay periods, or $1 per grade per pay period. As those pleading for funds state:

This is not much to ask, considering that you will be the beneficiaries and that every pay check you get from OEO from now on is due only to the lawsuit filed by your union and supported financially by some of you.

They go on to say:

If you are willing to reap the rewards, you should be willing to pay the price. We are working now to ensure that you have a job for next year. Three dollars per grade is a small price to pay for that assurance.

So, what we have here, Mr. Speaker, is a little in-house lobbying to perpetuate a program, not so much for the beneficiaries as for the employees. Jobs are apparently more important than delivery of services and assistance to the disadvantaged. This verifies the common complaint against programs of this kind. So much is spent on personnel and administration that precious little is left for those who need the help.

Instead of the "OEO Defense Fund" this effort should be called "save our jobs fund." That is where all the emphasis is. That is why Mr. Anderson has been hired for 90 days with 30-day and 60-day escape clauses in a contract which pays pretty well regardless of when it is terminated and regardless of a 15 percent kickback for "faith in the concept" reasons.

POSITION OF THE UNITED STATES IN THE SALT TALKS

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

Mr. SPENCE. Mr. Speaker, as a member of the Subcommittee on Research and Development of the Committee on Armed Services, the appropriateness of our defense posture to the threat we face has been a matter of constant concern to me.

There has been no more important recent diplomatic influence on the defense posture of the United States than the strategic arms limitation accords which President Nixon concluded with the Soviet Union in May of 1972. These agreements were subsequently ratified by both Houses of the Congress. One of the accords banned the antiballistic missile except for small numbers permitted to each side, and the other limited certain types of offensive strategic nuclear weapons.

At the time ratification was requested, these agreements were presented with very clear evidence that the United States was bargaining from a position of weakness. Since 1966, the United States had not deployed a single additional missile. During that same time, we had watched a truly extraordinary momentum develop in Soviet strategic nuclear force deployments. At the beginning of 1966, the Soviets had only 270 intercontinental ballistic missiles. By June of 1972, they

had 1,618, while the United States did not increase the number of its ICBM's beyond the 1,054 we had in 1963.

In addition, at the beginning of 1966, the Soviets had fewer than 125 submarine launched ballistic missiles; by the time the Strategic Arms Limitation Accords were signed in Moscow in the Spring of 1972, the Soviets had over 450 submarine launched missiles on perhaps 25 missile-firing submarines. At the time, the United States had 41 submarines carrying 656 missiles. The Strategic Arms Limitation Accords, however, provided that the Soviet Union could continue to build its missile-firing submarine force up to a total of 62 "modern" Polaris-type submarines, while the United States would be limited to only 41. Further, the accords permitted the Soviets to dismantle 200 of their obsolete land-based ICBM's and include 200 additional missiles in their submarine force. The result is that the accords would leave the Soviets with 1400 ICBM's against the 1054 we possess; the Soviets could have 62 modern submarines and retain an additional 22 older diesel submarines carrying a total of 1,016 submarine-launched ballistic missiles, while the United States could only have 41 submarines with a maximum of 656 missiles.

A further manifestation of our weak negotiating position is clear from the fact that the much larger payload capacity of the individual Soviet missiles permits their force to retain a payload capacity which is at least four times our own. It was widely understood at the time that, given sufficient Soviet scientific effort, it would be possible for the Soviets to convert their 4-to-1 payload capacity advantage into a 4-to-1 advantage in the number of deployed multiple warheads—MIRV—on board these missiles.

Although the United States maintained a lead in the number of deployed multiple warheads—MIRV's—the likelihood that the Soviets could, in time, close the gap in the number of MIRV's was given as the compelling reason for negotiating a 5-year executive agreement on strategic nuclear weapons instead of a treaty. The Congress was told that the only reason we, as a nation, could accept the manifest one-sideness of the Strategic Arms Limitation Accords which emerged from the first round was our technological superiority in warhead miniaturization, ballistic missile guidance and control, and rocket propellant technology. These, it was argued would permit us to maintain an unambiguous qualitative advantage over our numerically superior Soviet adversary.

It was the one-sided nature of the accords that led the Congress to adopt by a wide margin, the so-called Jackson amendment. That amendment expressed the sense of the Congress that the second round of the strategic arms limitation negotiations, which have been underway in Geneva since last fall, should reflect an agreement of a permanent nature only if that agreement was based upon equality, with no disadvantage explicit or implied, in its terms to either side.

In the past 2 days, Mr. Speaker, it has come to my attention that procedures have been set in motion which could result in further arms limitation agreements with the Soviet Union of such a nature as will dissipate the qualitative advantage the President insisted, only last year, we must maintain in order to insure our security. It is my understanding that the United States has advanced proposals at the second round of the strategic arms limitation talks in Geneva which would have the effect of disastrously limiting the U.S. multiple warhead missile programs—including the Minuteman III missile, the Air Force land-based ICBM, and the Navy's submarine-based Poseidon, and the yet-to-be deployed Trident submarine-launched ballistic missile. Efforts appear underway to reach an accord on the limitation of at least some portion of our multiple independently targeted reentry vehicles—MIRV's—the very heart of our technological superiority over our Soviet adversaries—in conjunction with the forthcoming Brezhnev visit. Preparations have been so far advanced toward the limitation of multiple warhead missiles, that the armed services are reportedly investigating the means whereby existing production contracts can be canceled on the Minuteman III program. It is, in fact, rumored that such contract cancellation efforts may be extended to the Poseidon and Trident programs as well. It is time for the Congress to get some straight answers about what is going on in Geneva.

In testimony before the House Defense Appropriations Committee last year following President Nixon's signing of the Strategic Arms Limitation Accords, Adm. Thomas Moorer, chairman of the Joint Chiefs of Staff, stated that the Strategic Arms Limitation Accords were a viable instrument of U.S. policy only if the United States "moved ahead" with our Minuteman III, Poseidon, Trident, and other modernization programs for our strategic nuclear forces, to insure that our technological superiority would continue to offset overwhelming Soviet numerical superiority.

Mr. Speaker, I believe it is vital that the Congress get some straight answers to some of the following questions:

First. To what extent are we proposing limitations on our deployments of multiple warhead missiles including Minuteman III, Poseidon, and Trident at the second round of the Strategic Arms Limitation talks?

Second. Are the alleged U.S. proposals on multiple warhead missile limitations consistent with the congressionally endorsed "Jackson amendment"?

Third. What effect would the proposed limitations, if agreed to, have on the United States-Soviet strategic nuclear balance?

Fourth. How would such a change in the composition of U.S. strategic nuclear forces which might emerge from such an agreement affect our ability to fulfill our nuclear "guarantee" to our NATO allies?

Fifth. To what extent will we receive offsetting concessions from the Soviets, or to what extent are our proposals unilateral?

Sixth. If my understanding is correct, what effect will the early termination of the U.S. multiple warhead missile programs including the Minuteman III, the Poseidon, and the Trident missiles have on the adequacy of our forces to meet the Soviet threat in the late 1970's and 1980's?

In an effort to get some answers, I am writing to the chairman of the committee responsible for congressional oversight on the Strategic Arms Limitation Talks, the Senate Armed Services Subcommittee on SALT chaired by Senator HENRY M. JACKSON, to urge that he convene hearings at the earliest possible opportunity. I would urge the committee to call those responsible within the National Security and Arms Control bureaucracy to account for the nature of the accords they seek. It is high time we make certain that the secrecy which justifiably surrounds international diplomacy does not become a means of concealing a negotiating position that would not stand the light of day within the Congress. I feel this is both reasonable and prudent inasmuch as the Congress will be called upon to support any such accords.

SOMETHING MUST BE DONE—IMMEDIATELY

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

Mr. PODELL. Mr. Speaker, yesterday this body voted to increase the minimum wage and to extend the coverage of the minimum wage law to millions more American workers, including household workers. This increase was long past due, as we agreed yesterday.

One of the pressures that militated in favor of increasing the minimum is the outrageously high cost of living particularly in large cities such as New York. In the month of May, the average cost of feeding a family of four in New York City rose by 3.3 percent. During the week of May 3–9, the cost of the weekly market basket of food staples was put at $50.68. By the week of May 24–30, the cost of this same market basket had risen to $52.35.

This inflation has become unconscionable. The minimum wage increase we have just approved will be meaningless unless there is immediate action to control inflation. A worker earning the current minmum wage has less buying power that did his counterpart 7 years ago when the minimum wage was much lower.

I fail to understand the gladhanding statements issued from the White House, the Council of Economic Advisors and the Department of Agriculture. They fly in the face of reality. We are told time and again that things will be getting letter soon. How long can we wait for the flood of inflation to reach its crest? We are all drowning now.

Not only is the domestic economy in sad shape, but the dollar is taking the

worst beating in its history in the European money markets. Foreign investors are losing confidence in the American Government and its currency, apparently because of the administration's unwillingness or inability to come to grips with the problem of inflation.

Unless something is done, and done soon, the dollar will be devalued again, leading to another level in the inflationary spiral as the cost of imports rises. This fiscal irresponsibility must come to an end for the good of this Nation.

It would be missing the point entirely to blame this Presidential paralysis on the current Watergate investigations. Congress cannot merely affix blame for failure to act. We must take up the burden if the administration will not. Unless we address ourselves to the problem of controlling inflation, the blame we place on the administration can and should be placed on us as well. Let us not forget that the Congress of the United States is a coequal branch of the Government. We need not wait for the Executive to initiate a proposal. If, as in this case, it is obvious that they will not or cannot, it then becomes incumbent upon the Congress to fill the void.

The Senate Democratic Caucus has unanimously adopted a resolution calling for a 90-day freeze on wages, prices, profits, rents, and consumer interest rates. This proposal is long overdue. Legislation putting this resolution into effect will be attached as a rider to a bill in the Senate in the near future. I urge my colleagues here in the House to support this new 90-day freeze wholeheartedly. It is not a radical proposal. We have gone through one already, with no ill effects on the Nation.

Each day makes it more and more apparent that we are in desperate need of another such freeze. With every increase of food prices or interest rates, with each new onslaught on the dollar overseas, delay increases the possibility that the American economy will soon be reduced to a shamble. We cannot afford to wait longer. We need immediate action to control inflation.

CBS CAVES IN

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

Mr. VAN DEERLIN. Mr. Speaker, as a vigorous champion of the rights of free speech, the Columbia Broadcasting System has been virtually without peer in American broadcasting.

It was, therefore, especially distressing to learn that CBS apparently has become the first of our three major networks to surrender to the Nixon administration, in the latter's continuous campaign against a free and untrammeled press.

In what can only be regarded as a copout—to borrow one of Mr. Nixon's expressions—CBS announced that it will no longer provide "instant analyses" following televised Presidential addresses. These often illuminating discussions by seasoned network correspondents have been especially bothersome to the White House, perhaps because they add perspective and additional viewpoints to what otherwise would be strictly a one-man show by and for the President.

CBS says that to replace the post-speech commentary by its own reporters, it will offer time to the President's critics "as soon as practicable, but generally no later than 1 week after the President speaks."

A fine idea in theory—but who will be watching this inherently dull fare days after the Presidential remarks around which the controversy is focused? Stale news is no news, especially in retrospect.

And by what logic should viewers be denied the views of men such as Eric Severeid and Dan Rather, who as veteran "President watchers" for a great network, are surely as competent as anyone to interpret a Presidential address, in a fashion that is both stimulating and informative? If you do not like Mr. Rather's views, then take them with a grain of salt, just as you would the thoughts of a newspaper columnist or other news commentator with whom you disagree.

But it is both illogical and downright dangerous, if you are a vast operation like CBS, to deny these seasoned professionals their usual forum, if—as I suspect—the purpose is simply to appease Mr. Nixon, Mr. AGNEW, Mr. Buchanan, and their allies in the administration.

Since Mr. AGNEW's initial forays against the networks nearly 4 years ago, those sessions offered by the networks for analyzing Presidential addresses have lost a great deal of their incisiveness. Only public television seems still to have the heart for dissecting these addresses, but that is certainly no excuse for CBS to muzzle its own correspondents.

I hope this network, which in the recent past so staunchly upheld its right to broadcast, free of governmental intimidation, controversial programs like "Selling of the Pentagon," will both regain its courage and reaffirm the principles it once so eloquently championed.

A pertinent article from this morning's Washington Post follows:

CBS DROPS INSTANT ANALYSES, WILL OFFER FREE EQUAL TIME

(By Peter Milius)

The Columbia Broadcasting System yesterday announced a new system for giving the President and his critics equal time on the air.

In the future, CBS said, after every presidential radio or television speech "on matters of major policy concerning which there is significant national disagreement," it will give free time to holders of opposing views.

At the same time, the network said it will no longer broadcast the familiar instant analyses "immediately after presidential appearances." It will offer such analyses instead during its normal news programs, it said.

The ability of presidents almost to commandeer free television and radio time has been a touchy and increasing problem for the networks for years. The problem has been how to give the opposition equal access to the public. CBS said its new policy was a step in that direction.

The network, in a statement by its chairman, William S. Paley, said it will decide which presidential broadcasts are significant and controversial enough to merit free time for reply. It will also determine the length and format of replies, it said, and choose the person or persons to make them.

Those chosen to reply, said Richard W. Jencks, CBS' vice president here, will not necessarily be members of the opposing political party. Paley said replies will be scheduled "as soon as practicable, but generally no later than one week after the President speaks."

Jencks said the new policy would be suspended during presidential election years, when the Federal Communications Commission's "equal time" regulations apply.

The custom of providing instant analysis immediately after presidential speeches was one of the things Vice President Agnew criticized the networks for during his attacks on the media in President Nixon's first term.

In a speech in Des Moines in November, 1969, the Vice President lashed out at what he called "a small and unelected elite" of television commentators; he complained of their "querulous criticism" of a presidential speech on Vietnam.

Jencks said the new policy of free time for opposing views goes farther than the old one of simply providing comment. He added that, if the network continued to provide immediate analysis of the President's speeches, it would have to do the same for the replies. Now it will do neither.

NBC and ABC said late yesterday, in response to queries, that they had no plans to change the way they handle presidential speeches. NBC said through a spokesman that it would "continue to evaluate each presidential speech on its own, and what response is required."

William Sheehan, senior vice president of ABC news, said much the same, adding that "we do not believe in setting a blanket policy."

Jencks said CBS' new policy was not that great a change from its past policy. He noted that the network announced in 1970 a plan to give members of the opposition party time to reply to the President on "controversial issues." The first such bloc of free time that it gave away was to Democratic National Chairman Lawrence O'Brien. The Republicans complained to the FCC that the plan was unfair, and the FCC agreed, Jencks said.

CBS then took the case to court and finally won, but by then, the 1972 campaign was about to begin, Jencks said. More recently, he noted, various members of Congress have demanded free time to reply to the President on issues. The networks have for some years given the opposing party time to reply to the President's State of the Union address, and Jencks said CBS would probably continue that.

ANTI-IMPOUNDMENT LEGISLATION AND SPENDING CEILING

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

Mr. MADDEN. Mr. Speaker, today the Democratic members of the House Rules Committee introduced new anti-impoundment legislation which also imposes a spending ceiling of $267.1 billion for fiscal 1974.

The spending limit is $1.6 billion lower than the administration's request and $900 million less than the Senate has enacted.

The clean bill, successor to H.R. 5193, was worked out by the Democratic members of the Rules Committee after it had concluded extensive hearings on the original bill. Altogether, the committee heard numerous witnesses, including Members

of the House, administration spokesmen, and outside constitutional experts.

We have produced a stronger, more workable procedure which can command wide support among Members of all political and economic philosophies. This bill demonstrates congressional commitment to fiscal responsibility and its concern for the separate and equal status of the executive and legislative branches. A great number of Members and other witnesses deserve our thanks for the constructive suggestions and commentary which helped the committee frame a balanced and fairer bill.

Other new provisions of the clean bill would:

Require the President to impound appropriated 1974 funds, within specified limits, if necessary to keep fiscal 1974 spending within the ceiling.

Direct the Comptroller General to assist with the enforcement of this legislation and authorize him to bring lawsuits if necessary to force compliance.

Disclaim any intent to deal one way or the other with the constitutional powers of either the President or the Congress, or to ratify past executive impoundments, or to affect any pending claims against impoundment, including those now undergoing litigation.

Three revisions in procedures would—

Make the congressional veto of an impoundment contingent upon action by only one House instead of both Houses, as provided in the earlier bill.

Require Congress to consider each impoundment message as a whole and prohibit Congress from disapproving only part of an impoundment.

Require the Appropriations Committees of either House to act on a disapproving resolution within 30 days or surrender it to a discharge motion supported by one-fifth of the Members of the affected House.

Impoundment of fiscal 1974 funds is restricted as follows: The President is directed to impound such sums as necessary to keep spending within the $267.1 billion ceiling; however, the President must make his cuts proportionally in budget categories across the board, except that he must exempt from impoundment funds for interest, veterans' benefits, social insurance payments, public assistance maintenance grants under title IV of the Social Security Act, food stamps, military retirement pay, medicaid, and judicial salaries.

Further, the President may cut no individual program or activity by an amount which would be 10 percentage points greater than the total impoundment percentage. Thus, if the President must cut spending by an overall 3 percent to stay within the budget ceiling, he could cut no single account by more than 13 percent.

Fiscal year 1974 impoundments, made in accord with this law, would be exempt from impoundment review by the Congress. However, 1974 impoundments in violation of the law and impoundments occurring in future years would be subject to congressional review, as follows.

Within 10 days of an executive impoundment, the President would be required to transmit to both Houses of Congress and the Comptroller General a notice giving detailed information on the impoundment. If the President later decides to revise the impoundment message, he would have to submit within 10 days a supplementary message explaining the changes.

Upon receipt of an impoundment notice, the Congress would have 60 days to consider a resolution of disapproval. Such resolutions may originate in either House and must be referred to the Appropriations Committee which would have 30 days in which to act, failing which a discharge motion supported by one-fifth of the Members of the affected House would free the resolution for floor consideration. The resolution is highly privileged and debate would be strictly limited. A resolution passed by majority vote of either House would require the President to cease the impoundment.

The Comptroller General would be assigned two major functions by the new law: He would submit to Congress an analysis of each executive impoundment message, including his opinion as to whether the impoundment is in accordance with law. Second, the Comptroller General is empowered to inform Congress of any impoundment not reported by the executive branch, and such action would trigger the review procedures outlined in this law. The Comptroller General is authorized to choose his own attorney and to sue any agent of the executive branch to force compliance with this impoundment law.

COMMUNICATION WITH ILLINOIS 20TH DISTRICT

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

Mr. FINDLEY. Mr. Speaker, each year since I first came to Congress I have presented to my constituents a questionnaire in which I place questions dealing with the major issues before Congress.

The response is always substantial and helpful. It shows reaction to issues by my constituents, and this is vital to anyone sincerely trying to be a representative of the people.

It causes citizens to ponder these issues to try to decide how they would vote if they were in Congress, and that is all to the good.

Finally, it stimulates constructive suggestions. At least one-third of those responding go beyond the printed questions. They add comments and suggestions, many of them original and worthwhile.

My 13th annual survey is now underway. Here is the information printed on the questionnaire:

SPRING 1973.

DISTRICT OPINION—13TH ANNUAL SURVEY

DEAR FRIEND: Each year since first coming to Congress I have asked everyone from Illinois' 20th Congressional District to answer a number of important questions which may come before the Congress. On the opposite side of this letter you will find nine questions upon which I would like your opinion. You may find that a simple "yes" or "no" answer is difficult to give, but I must so vote when they are before the House of Representatives.

Your response will be kept completely confidential. When all the responses are in, I will total them up and send you the results.

This questionnaire is designed for your ease in replying. You do not need an envelope (although you may use one if you desire). Simply refold the sheet, affix a stamp, and mail.

(NOTE.—Answers provide for yes, no, undecided in "his" and "hers" categories.)

1. To reduce federal spending and help control inflation, President Nixon has cut subsidies for REAP, REA, housing, Model Cities, urban renewal, welfare, Medicare, new hospitals, Job Corps, OEO, and certain special education programs. Do you agree with his decision?

2. The peace agreement our government signed includes a commitment to help repair war damage in Indochina, including North Vietnam. President Nixon describes it as an "investment in peace." Should Congress support this commitment?

3. The Supreme Court has stated that during the first three months of pregnancy, a woman and her doctor should have the right to decide whether she will have an abortion. Only in the last three months can states prohibit all abortions. Do you feel this decision is right?

4. Do you favor using some money from the Highway Trust Fund to construct mass transit in major cities?

5. The Mideast experienced a shortage of natural gas, fuel oil, and propane this winter. If the shortage occurs next winter, should air quality standards be delayed to permit the burning of more coal for electric generation?

6. Should the death penalty be permitted for certain crimes (sky-jacking, kidnapping, and treason)?

7. Economists agree that one reason for rising food prices, particularly meat and poultry, is the strong demand, both foreign and domestic, for a limited supply of wheat and feed grains. To reduce the pressure on feed and food prices, farmers are being encouraged to plant 40 million additional acres this year. Is that wise policy?

(NOTE.—The following questions contained "his" and "hers" categories.)

8. In agricultural policy, which do you favor:

a. Phasing out in 4 years all direct income-supplement payments to farmers; after that, pay farmers only a fair rental for cropland actually idled under government contract.

b. Extension of the present program with little or no change.

9. Many young men evaded the draft rather than serve in Vietnam. What should be done about them?

a. Let them face criminal penalties now in law.

b. Let them clear their record by three years' military (or other compulsory government) service.

c. Grant them amnesty.

These surveys are, of course, an important part of my official work. Together with taped and filmed reports for radio and television use, and the distribution of newsletters, they help me to communicate with my constituents.

These surveys and reports cost money. The allowance of funds for such purposes provided by the government is limited. In fact, the National Republican Congressional Committee regularly supplements such funds by establishing a special public relations account in my name. I am notified of deposits in the account, and bills approved by me are paid directly by the committee.

While disclosure of this type receipt and expenditure is not required. I feel it is in the public interest. Today I am summarizing the account for 1972 and will continue this practice each year:

Summary

Receipts from the National Republican Congressional Committee:	
Annual allocation	$2,000.00
Agricultural and dairy, educational, and political trust	900.00
American Tobacco Institute	500.00
Donor unknown	500.00
Total	3,900.00
Expenditures during 1972:	
Paper and envelopes	1,343.20
Ward Printing Co.	1,000.00
House of Representatives recording studio	500.00
Video tapes	156.80
Total	3,000.00

Balance December 31, 1972—$900.

NO PHANTOM JETS TO SAUDI ARABIA AND KUWAIT

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

Mr. KOCH. Mr. Speaker, the administration's statement that it will sell Phantom jets to Saudi Arabia and Kuwait should be rejected by Members of the Congress. Yesterday, Assistant Secretary of State Joseph J. Sisco appeared before the House Near East Subcommittee defending the proposed sale. His defense gives me even greater alarm. He conceded—

> There is no guarantee, and there is no one who can guarantee, that they (the F-4s) will not go to third parties.

He knows as does every Member of this Congress, that when the French Government provided Mirages to the Libyan Government, it too assured those who objected, that the agreement between the French and Libyan Governments provided that the planes could not be given to parties directly involved in the Arab-Israeli dispute. Today everyone concedes, except the French Government, that as many as 38 Mirages have been shifted by Libya to Egyptian bases.

To describe Saudi Arabia as a country not deeply involved in the Arab-Israeli dispute, as State Department spokesmen have done, is ridiculous. Saudi-Arabian moneys fund the Palestinian terrorist organizations such as Al-Fatah and the Saud Arabian Government has been vociferous in its denunciations of Israel.

Our own experience with the Kingdom of Jordan, to which we have given and are giving arms, shows that these promises that the arms will not be used against Israel are of no value. The American tanks furnished to Jordan with the express promise that they could not be used on the Israeli side of the Jordan River, were in fact, captured by Israel on the Israeli side of the Jordan River when Jordan entered the war against Israel in 1967.

Mr. Speaker, the administration may be sending up trial balloons to see what the climate would be here in the Congress if there were a change in our current policy of maintaining Israel's military superiority in the area. This Congress should make certain through its leadership and the individual statements of its Members that any such change will be resisted.

I urge the administration to review its decision and to announce that it will not sell Phantom jets to the Arab States.

THE TRUMAN MASONIC SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 30 minutes.

Mr. RANDALL. Mr. Speaker, within the past few days, the House has passed a resolution which authorizes the printing of President Truman's memorial volume. Hopefully, the other body of Congress will also concur in our action to enable the work to be started to assemble all of the contents which should appropriately be included within that volume.

One most important entry to be included in the volume is the content of the Masonic service at the final rites on December 28, 1972, as presented by Grand Master W. Hugh McLaughlin of the Grand Lodge of Missouri. While there have been several different reprints of this service, it has been noted that in some of these there were errors of content, and for that reason I have personally requested M. W. Brother McLaughlin to indicate to me which is the true and accurate wording of the Masonic service. He has advised me that the words of the service as he delivered them appear in the spring 1973 issue of the Freemason which is the official publication of the Grand Lodge A.F. and A.M. of Missouri, at page 51 and concluded on page 52.

I was one of those seated in the small auditorium of the Truman Library in Independence who heard delivered from the stage of that auditorium the words of our Grand Master, W. Hugh McLaughlin. It is my high privilege and great honor to read into the RECORD at this point the words of the Masonic service as I heard them delivered on Thursday, December 28, 1972:

THE MASONIC SERVICE

(By W. Hugh McLaughlin)

The Grand Lodge of Ancient, Free and Accepted Masons of the state of Missouri shares the grief and sorrow of Mrs. Truman, Mrs. Daniel and her family, Miss Mary Jane Truman and other family members in the loss of our beloved and cherished native son. This expression comes from the Grand Lodge officers and from more than 108,000 of his Masonic brothers in Missouri.

We express our gratitude to the family, to Father Lembcke, and to all other participants for the privilege of sharing in this service. We join, humbly and reverently, in paying lasting tribute to a great American and a renowned world statesman.

Masons are taught never to engage in any solemn, great or important undertaking without first invoking the aid and blessing of Diety. Shall we pray?

We hail you, Supreme Architect of the Universe. We come to you with spirits bowed low and ask the bounty of Thy Grace and mercy in our bereavement. May our deeds be such as to prepare us for entry into Your spiritual kingdom, that house not made with hands, eternal in the heavens. Amen!

President Truman distinguished himself in many Masonic services, the most laudable of which was that of Grand Master of Masons of this state in 1940 and 1941. At that time he was also a member of the United States Senate. We express our gratitude to Mrs. Truman and Mrs. Daniel for sharing a portion of his exciting, magnificent life with us. He was our brother by adoption. He was our companion by choice.

The tenets of a Mason's profession are Brotherly Love, Relief and Truth. There abide with us Faith, Hope and Charity. The greatest of these is Charity for it extends through the boundless realms of eternity. Our notable brother exemplified Charity in a universal way when he directed relief to be administered, on an unprecedented scale, to alleviate human degradation in the aftermath of World War II.

The lambskin or white leathern apron is the badge of a Mason, more ancient than the Golden Fleece or Roman Eagle. It is white to admonish us to keep our personal lives pure. Our exalted brother wore it proudly and worthily.

The evergreen symbolizes a Mason's belief in immortality of the soul. It represents that vital spark of our spiritual life which shall never be quenched. President Truman expressed that belief.

The Beehive is an emblem of a Mason's industry. By it we are taught to be workers in the great hive of nature. Even in his later years our distinguished and beloved citizen practiced that teaching. No more striking example than this great edifice, named for him, in which he performed his last labors, could conceivably be demonstrated to us today.

It is, therefore, fitting that we should assemble here to pay this deserved tribute. We, as Masons, extol his many virtues, not the least of which was his recognition of the high level of individual dignity. May we emulate him in his simple, sincere, sturdy and forthright conduct. May all our good intention be crowned with success. May Brotherly Love prevail in all the earth and every moral and social virtue cement us.

TRIBUTE TO HARRY E. OLSON, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota (Mr. ANDREWS) is recognized for 5 minutes.

Mr. ANDREWS of North Dakota. Mr. Speaker, a very good friend of mine, Harry E. Olson, Jr., senior pastor of Messiah Lutheran Church in Fargo, N. Dak., some time ago wrote "Beatitudes for Businessmen." With the present day tension and atmosphere of distrust, I felt that I would like to share these thoughts with my colleagues and friends so I am including them at the conclusion of my remarks.

Harry Olson, incidentally, is the first clergyman from North Dakota to have been invited as guest Chaplain for a session of the House of Representatives. We are very proud of him and I am sure that his words will continue to have a profound effect on people everywhere:

BEATITUDES FOR BUSINESSMEN

(By Harry E. Olson, Jr.)

Blessed will be the man who will trust other men.

Blessed will be the man who is determined to control himself.

Blessed will be the man who not only counts his blessings but makes his blessings count.

Blessed will be the man who can turn his barricades into bridges.
Blessed will be the man who works hard but does not press.
Blessed will be the man who does not demand achievement but deserves it.
Blessed will be the man who is willing not only to improve his circumstances but more willing to improve himself.

SALE OR ABANDONMENT OF CERTAIN RAILROAD LINES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Speaker, I am today introducing a concurrent resolution, in which I am joined by many of my colleagues. It declares that it is the sense of Congress that no petition for the sale or abandonment of all or any portion of any railroad be allowed by the courts or Interstate Commerce Commission until Congress has acted on legislation dealing with the current railroad crisis in the northeastern United States.

Two pending events have made this resolution vital. The first is the hearing on Thursday, June 7, before Judge John P. Fullam of the eastern district court in Philadelphia, to decide the fate of the Lehigh Valley Railroad. The trustees of the railroad have petitioned the court for liquidation of the entire system after ceasing all operations on October 1.

The second event is scheduled to occur July 2, when the Penn Central Railroad will appear in the same court before the same judge for pretty much the same reason—to present a plan of liquidation.

Mr. Speaker, we are all aware that committees of the House and Senate are now in the process of holding hearings on the entire northeast railroad situation. I feel it would be premature to permit the liquidation of any major rail service in this area until the Congress has completed its deliberations on the matter.

I totally disagree with the mistaken notion that liquidation will solve the basic problem of the Northeastern railroad dilemma, of which the Lehigh Valley and Penn Central are inseparable parts. The situation would, in fact, worsen rather than improve.

To cite an example, I use the Lehigh Valley's pending petition. The type and location of future rail service in the Northeast would be dependent upon chance if this railroad is plowed under before essential services in the area are identified and incorporated into a survival plan.

The Lehigh Valley is providing competitive and necessary service in the three States it serves—New York, New Jersey, and Pennsylvania—and in contrast to some other lines, is showing traffic growth rather than decline.

Last year the Lehigh Valley was responsible for origination, and termination of about 49,000 carloads of material in New York State alone, nearly half of which was consigned by the more than 200 firms within the State which have no other possible rail source for shipment or receipt of goods.

Additional crises would be created with respect to the environment and the energy shortage if the Valley were to shut down. Just consider one customer, the Milliken Generating Station of the New York Electric and Gas Corp. located on Cayuga Lake. Officials of the utility predict that over 870,000 tons of coal—all delivered by the Lehigh Valley—will be burned there this year to generate electricity.

If rail service ends, and the utility is forced to use trucks, more than 60,000 truckloads of coal would be required to transfer the requisite amount. Exhaust pollution would climb dramatically and the amount of gasoline burned would skyrocket. And, in addition, the residents of the surrounding small towns would hear the incessant rumble of trucks on roads not built to handle that type of traffic.

Mr. Speaker, it seems to me that only Congress has the broad authority to act to alleviate the rail crisis in the Northeast. We have not yet arrived at a final determination and a decision to liquidate any major rail service would preempt our right to make this decision.

In addition, until we come up with an overall plan, every effort must be made to prevent the damaging impact on shippers and employment in these areas that liquidation would entail.

Mr. Speaker, I urge the House of Representatives to take the lead in this matter and call on my colleagues to pass this resolution with the utmost haste. Failure to act may mean the death knell of essential rail service, the loss of jobs, the irreparable damage to vital business and industry.

AID CHARTS NEW STEPS TO CONSERVE U.S. FERTILIZER SUPPLIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. NELSEN) is recognized for 15 minutes.

Mr. NELSEN. Mr. Speaker, this past April 18, I wrote Dr. John Hannah, Administrator of the Agency for International Development, to request an immediate suspension in U.S.-financed fertilizer exports because of developing domestic fertilizer shortages.

I pointed out that shortages in our supplies of boxcars and natural gas—the latter used in the production of nitrogen fertilizers—were producing a related fertilizer shortage for U.S. farmers at a critical planting time. Domestic fertilizer prices had jumped between 3 to 10 percent, and it appeared possible that some farmers might not obtain all the fertilizer they needed for spring planting no matter what the price.

At that time, at least one fertilizer dealer in my congressional district had already reported a critically tight fertilizer supply, and others had indicated they had none to spare even though much expanded acreage this year made their estimates rougher and more uncertain.

Also at that time, it was my understanding that approximately 462,000 tons of fertilizer valued at approximately $58 million had already been authorized by AID for shipment to several foreign nations by the end of July. It was my further understanding that AID anticipated financing around 430,000 more tons of fertilizer exports by the end of this year.

All this explains why I felt that future AID-financed fertilizer exports should be halted at least until our domestic needs were met.

In the reply I received from Dr. Hannah on May 2, he indicated his Agency shared my concern over domestic shortages, but the problem was primarily attributable to the boxcar shortage.

He stated further:

Fertilizer for spring shipment under AID financing has been contracted for by AID-recipient countries, and there is no legal way to break these contracts. Other than this contracted material, no further fertilizer shipments are expected this spring. Other shipments later in this year will be made in the off-season when the American fertilizer factories need the business. You will find it of interest to know that fertilizer purchases financed by AID during FY 1972 were approximately 1.9 percent of total U.S. domestic consumption.

He also stated:

In guiding cooperating countries abroad, AID consistently endeavors to encourage procurement on time-tables which will meet their varying planting seasons, but which will not further tighten the U.S. availabilities of fertilizer—and the means of moving the products to port. We shall continue this guidance for the benefit of all.

Subsequently, I wrote Dr. Hannah again on May 11 to express my view that his explanation had missed the point. The Agriculture Department in my State of Minnesota had already reported that an even tighter fertilizer supply situation is expected this fall as our farmers start the normal fall applications beginning in September. There has been some indication that the shortage could last as long as 18 months.

Since the first concern of our Government must be to meet the needs of our own people, I again urged Dr. Hannah to halt these tax-supported fertilizer exports in order to preserve supplies for domestic use.

I also asked Dr. Hanna for additional information on the operations of the AID-financed fertilizer export program.

On May 31, I received a second letter from Dr. Hannah assuring that AID is making every effort to avoid aggravating the situation in any way. More significantly, however, Dr. Hannah reported his Agency is taking two new steps. In his words:

1. We are directing our overseas Missions to review host country fertilizer requirements, limiting all new procurements to material needed for the coming planting season. Supplies beyond normal inventories will not be authorized.

2. Effective immediately, and continuing as long as the tight U.S. supply situation exists, AID will authorize all procurements from certain less developed countries with surplus production capacity available for export and from the U.S. We estimate that one half of such procurements will be from offshore sources.

Dr. Hannah also reported that the Fertilizer Institute estimates:

That 75% of this season's fertilizer needs have been met in Minnesota and that barges and rail cars have been loaded and are en-

route to deliver the balance as soon as weather permits.

He promised:

We will continue to observe this situation and, if necessary, take such additional steps as are required to protect the U.S. farmer.

Certainly, AID's new moves are a welcome step in the right direction and may help ease pressures a bit for farmers here at home, even though the Agency has avoided action of the kind it has been my feeling is required.

I insert the full text of Dr. Hannah's most recent letter in the CONGRESSIONAL RECORD at this point, along with accompanying data on the AID fertilizer program:

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., May 30, 1973.

Hon. ANCHER NELSEN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN NELSEN: I share the concern expressed in your letter of May 11, 1973, over domestic shortages of fertilizer and wish to assure you that A.I.D. is making every effort to avoid aggravating the situation in any way. In determining A.I.D.'s impact on the U.S. fertilizer situation it is important that we review total U.S. exports and A.I.D.'s participation in such exports. In Fiscal Year (FY) 1973 the Department of Agriculture "Fertilizer Supply Report" of April 1973 estimates that total U.S. exports of fertilizer will be 19% of net domestic supply. Less than 2% of the total U.S. net domestic supply will be exported with A.I.D. financing. While A.I.D.'s role in U.S. fertilizer exports is relatively small, we have, nonetheless, taken action to minimize any adverse effect A.I.D. exports could on total U.S. supply availability.

In late 1972, realizing the critical domestic and international supply situation for fertilizer, we met with The Fertilizer Institute who represent 80% of U.S. fertilizer producers. Our meeting resulted in adjustments in our authorized procurement sources for fertilizer, permitting increased competition from designated offshore fertilizer producers. As a result of this action approximately 25% of the total fertilizer tonnage financed by A.I.D. in FY 1973 is being procured from offshore sources.

With regard to our near term requirements (next 6–9 months) the U.S. fertilizer industry has requested A.I.D. not to eliminate U.S. competition in A.I.D.-financed fertilizer procurement. Their rationale is that economic considerations compel certain U.S. fertilizer producers, particularly in Alaska, the West Coast and the U.S. Gulf, to market a portion of their production offshore. Logistics costs do not permit them to compete domestically with plants in the heartland of the U.S.; and, we understand, that in some cases these logistic considerations together with present economic controls actually preclude profitable domestic sales even in unlimited demand situations. Not only did the industry request appear to be reasonable, therefore, but in view of A.I.D.'s mandate from Congress to maximize U.S. exports when practical and our traditional emphasis on financing U.S. source commodities, we were not in a position to limit new A.I.D.-financed procurement to offshore.

To further ensure that our current and longer term planning reduces the pressure on U.S. fertilizer supplies, we are taking the following steps:

1. We are directing our overseas Missions to review host country fertilizer requirements, limiting all new procurements to material needed for the coming planting season. Supplies beyond normal inventories will not be authorized.

2. Effective immediately, and continuing as long as the tight U.S. supply situation exists, A.I.D. will authorize all procurements from certain less developed countries with surplus production capacity available for export and from the U.S. We estimate that one half of such procurements will be from offshore sources.

In line with long standing A.I.D. regulations, fertilizer is procured under formal public bidding with contract awards made on the basis of the lowest landed cost per nutrient ton. There is no element whatsoever of U.S. subsidy included in the cost of fertilizer financed by A.I.D.

All proposed fertilizer awards are reviewed by the A.I.D. Fertilizer Committee who scrutinize all bids to ensure that contracts are awarded in accordance with A.I.D. regulations. This same committee also remains abreast of the U.S. and worldwide fertilizer supply situation and recommends changes in the authorized sources of procurement, U.S. and offshore, as dictated by the supply situation.

While we do not have a firm budget figure for fertilizer in FY 73, total A.I.D.-financed fertilizer for this period is estimated at $89 million or some 910,000 metric product tons. We estimate the same or higher level of requests for A.I.D.-financed fertilizer in FY 1974. Actual procurements will be subject to the availability of A.I.D. funds and worldwide fertilizer supplies. For your information, I am enclosing additional statistics containing A.I.D. purchases for the period 1966–1972.

In conversations with Mr. Ed Wheeler, President of The Fertilizer Institute, we are pleased to hear that they estimate that 75% of this season's fertilizer needs have been met in Minnesota and that barges and rail cars have been loaded and are enroute to deliver the balance as soon as weather permits.

It is our belief that the measures discussed above will keep any possible A.I.D. impact on domestic fertilizer supplies at an absolute minimum. We will continue to observe this situation and, if necessary, take such additional steps as are required to protect the U.S. farmer.

I will be pleased to furnish any additional information desired on this subject.

Sincerely yours,

JOHN A. HANNAH.

AID FINANCED FERTILIZER SHIPMENTS (AWARDS) TO ALL COUNTRIES, 1966-72 (FISCAL YEARS)

Fiscal year and product	Metric tons: Bulk	Metric tons: In bags	Metric tons: Total	Total value
1966:				
Ammonium sulfate	884,000		884,000	$31,303,610
Urea		68,783	68,783	7,914,840
DAP 18-46-0		110,270	110,270	10,517,011
AP 20-20-0; 25-25-0; 16-20-0	86,340	162,500	248,840	21,168,068
Triple superphosphate	393,290		393,290	23,207,909
Phosphate rock		20,000	20,000	378,600
Potassium chloride	164,475	8,000	172,475	5,732,687
Potassium sulfate	65,000	500	65,500	3,031,060
Mixed fertilizer		20,000	20,000	1,868,600
Total	1,553,105	390,053	1,943,158	105,122,385
1967:				
Ammonium sulfate	315,000	265,000	580,000	24,816,440
Urea		313,643	313,643	28,223,675
DAP 18-46-0	5,000	283,970	288,970	23,719,990
AP 20-20-0; 25-25-0	5,000	133,000	138,000	11,523,570
Triple superphosphate	307,000	50	307,050	15,297,950
Phosphate rock		59,760	59,760	1,110,369
Potassium chloride	112,000	9,230	121,230	3,393,695
Potassium sulfate		1,200	1,200	64,344
Mixed fertilizer		195,600	195,600	15,834,648
Total	744,000	1,261,453	2,005,453	123,534,681
1968:				
Ammonium sulfate	1,179,700	13,510	1,193,210	35,252,044
Urea		717,510	717,510	56,811,940
DAP 18-46-0; 16-48-0	85,000	590,670	675,670	49,454,722
AP 20-20-0; 25-25-0; 16-20-0; 30-10-0		171,460	171,460	12,047,625
Triple superphosphate	226,200	204,000	420,200	19,922,119
Potassium chloride		113,010	113,010	4,545,510
Potassium sulfate		10	10	662
Mixed fertilizer		122,180	122,180	8,761,931
Total	1,490,900	1,932,350	3,423,250	186,796,553
1969:				
Ammonium sulfate	824,200	23,000	847,200	$18,657,421
Urea		780,060	780,060	62,357,710
Ammonium nitrate		8,940	8,940	356,885
DAP 18-46-0; 16-48-0		20,100	20,100	2,011,558
Triple superphosphate	67,500	66,500	134,000	5,386,445
Phosphate rock		49,000	49,000	871,600
Potassium sulfate		6,600	6,600	503,470
Mixed fertilizer		303,638	303,638	20,445,719
Total	891,700	1,257,838	2,149,538	110,590,808
1970:				
Ammonium sulfate	30,000	44,400	74,400	1,607,480
Urea		400,300	400,300	29,802,464
DAP 18-46-0	100,000	85,500	185,500	10,619,570
AP 16-20-0		950	950	53,837
Triple superphosphate	6,000	56,600	62,600	3,153,292
Potassium chloride	13,200	1,000	14,200	378,708
Potassium sulfate		6,500	6,500	471,925
Mixed fertilizer	31,965	263,733	295,698	16,516,712
Total	181,165	858,983	1,040,148	62,603,988
1971:				
Ammonium sulfate	60,000	4,022	64,022	468,782
Urea		268,000	268,000	15,508,070
Anhydrous ammonia	13,500		13,500	363,825
DAP 18-46-0	90,000	15,000	105,000	5,955,545
AP 20-20-0; 16-20-0		631	631	37,117
Triple superphosphate		33,760	33,760	1,770,148
Potassium chloride	7,300	1,200	8,500	264,080
Potassium sulfate		8,622	8,622	589,264
Sulfate of potash-magnesia		700	700	33,355
Magnesia sulfate		44	44	3,239
Mixed fertilizer	97,500	40,600	138,100	8,096,766
Total	268,300	372,579	640,879	33,090,091

Fiscal year and product	Metric tons: Bulk	Metric tons: In bags	Metric tons: Total	Total value
1972:				
Ammonium sulfate		7,800	7,800	$395,266
Urea		217,100	217,100	14,829,350
Anhydrous ammonia	13,500		13,500	430,650
DAP 18-46-0	295,000	48,775	243,775	16,943,507
AP 16-20-0		270	270	20,118
Triple superphosphate		31,000	31,000	$3,117,420
Potassium chloride		4,400	4,400	240,988
Potassium sulfate	4,500	3,700	8,200	546,265
Mixed fertilizer	125,000	57,450	182,450	12,343,594
Total	338,000	370,495	708,495	48,867,158

AN ANNIVERSARY SALUTE TO SISTER MARY ANGELA CANAVAN AND ROSARY HILL COLLEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 15 minutes.

Mr. KEMP. Mr. Speaker, of the many fine institutions of higher learning which are in or near my 38th District of New York, I am especially proud of Rosary Hill College and its great and dedicated president, Sister Mary Angela Canavan, OSF.

Now celebrating its 25th anniversary, Rosary Hill is an outstanding example of the contribution which the private college can make to the community. Private schools, such as Rosary Hill, are an educational whetstone serving to hone the educational process, helping to improve the public tax supported system and keeping it competitive in the drive for excellence. By their very competition, these private schools help preserve the public institutions from political interference, guaranteeing a measure of academic freedom that the public system could never attain by itself.

Institutions like Rosary Hill are essential to America. They provide leadership out of all proportion to their size and America will be needing them more and more in the days ahead. As a new member of the Rosary Hill board of trustees and as a member of the House Education and Labor Committee, I plan to help assure the success of not only Rosary Hill, but also of other institutions of private education, including such outstanding western New York colleges and universities as Canisius, D'Youville, Houghton, Hilbert, Medaille, Trocaire, Niagara, Villa Maria, and St. Bonaventure and others like them across our country.

It is for this reason that I have cosponsored legislation that would allow tax credits for a portion of the tuition fees and other expenses of higher education that are paid by parents sending their sons and daughters to college.

During Sister Angela's 20 years of committed leadership, Rosary Hill's buildings have expanded, the faculty has increased, academic selections have multiplied and the school has grown from a women's college of slightly more than 200 students to a coeducational college with a student body of 1,400.

Sister Angela, a native of nearby Niagara Falls, received her Bachelor of Arts Degree from Ohio Dominican College, her Master of Arts Degree from St. Bonaventure University, and was awarded the honorary degree of Doctor of laws by St. John's University, Brooklyn. She also attended Catholic University, University of Michigan and Syracuse University for further studies.

An ardent advocate of woman's right to play an effective role in every area of human endeavor, Sister Angela has been a catalyst for change in the woman's role within her international religious community. In 1966, as an elected delegate to the international meeting in Rome, she was a leader in urging the implementation of the decisions of Vatican II regarding the role of religious women in society and in the church.

Sister Angela's boundless enthusiasm for improving educational facilities, opportunities and administrations has not been limited to her own campus. Her activities have included the conducting of administration workshops for officers from other colleges in New York, Pennsylvania, and New Jersey at the request of the Middle States Association. She has also served on the Middle States Evaluation Committee for many colleges in the Eastern area, and the board of directors of the Association of Independent Colleges and Universities of the State of New York. Sister Angela has also traveled extensively both in the United States, Europe, and Africa.

Her community activities include membership on the board of trustees of the Western New York Educational TV Association, Inc., the Suburban Millard Fillmore Hospital Board, membership in the Buffalo Philharmonic Orchestra Society, Inc., the Amherst Symphony Orchestra Association, and Zonta of Amherst.

Sister's many honors for her selfless work in the community include the Susan B. Anthony Award of the Interclub Council of Western New York, the national award of the Buffalo-Niagara Frontier Business Federation, the "Service Above Self" award from the Rotary Club of Amherst, the University of Buffalo 125th anniversary award in Recognition of Distinguished Services and the Amherst Citizen of the Year Award in 1972. She is also listed in "Who's Who of American Women," "Who's Who in the East," and "Who's Who in American College and University Administration."

Now Sister Angela is retiring. But the things she has stood for—her personal commitment of love, understanding, and skill as an educator, will go on. Rosary Hill and the contributions to our community of its many graduates are living monuments to her dedicated and imaginative leadership.

Although I greatly regret Sister Angela's relinquishment of the presidency of Rosary Hill, I was pleased to hear that she has accepted the appointment of President Emeritus of the College. Knowing Sister Angela's sense of personal dedication, I feel sure that her indispensable contributions to Rosary Hill College and to education in Western New York will continue.

I salute Sister Angela and Rosary Hill on the occasion of their anniversaries.

VETERANS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, we have recently celebrated Memorial Day, a time when the Nation honors the more than 1 million Americans who have fallen in the service of their country. They have made the supreme sacrifice.

There are 28 million living veterans of our Armed Forces who have also made a sacrifice and who also deserve to be honored, in this case by the enactment of veterans legislation now pending before the Congress.

We must never permit the passing of time to obscure or minimize the extent of our gratitude to all of our veterans. Our country exists today, proud, free, and unafraid because of their sacrifices. We have an obligation to them, an obligation recognized by Teddy Roosevelt when he said that:

> No other citizen deserves so well of the Republic as the veteran. They did the one deed which, if left undone, would have meant all else in our history went for nothing. But for their steadfast promise, all of our annals would be meaningless, and our great experience in popular freedom and self-government would be a gloomy failure.

We should also be well aware that the contribution of our veterans to the national welfare is not limited only to wartime. The evidence of their leadership is all about us, in business, in public life, and in the professions. Our last five Presidents have been veterans. Many Congressmen, Governors, and judges are veterans. Today, veterans are contributing to a stronger and better America through their efforts in every form of human endeavor.

Despite their record of service, veterans are faced with Presidential vetoes of their legislation, a $1 billion reduction for the Veterans' Administration in the President's fiscal 1974 budget, and the impounding of $54 million for veterans medical care at a time when 45 percent of the veterans applying for ad-

mission to VA hospitals are being rejected.

The 93d Congress has already taken several helpful steps to meet its obligation to the Nation's veterans, all of which I support.

First, both the House and the Senate have passed and sent to the President a bill to provide a $150 burial plot allowance for veterans buried in private cemeteries. The bill also instructs the VA to recommend to the Congress a program to meet burial site needs.

Second, the House has passed a bill to extend full-time GI life insurance coverage to members of the Reserves.

Third, passed by the Senate and awaiting action in the House is a bill to increase the availability of drug treatment and rehabilitation programs for veterans.

Fourth, the Senate has also passed a bill expanding and improving medical care benefits for veterans and dependents, including a doubling of VA-authorized nursing care beds from 4,000 to 8,000 beds.

The prospects for final congressional passage of all of these measures are good, but their future with the President is uncertain. Bills similar to this year's cemetery and medical care legislation were vetoed by the President last year, and the White House has expressed disapproval of the drug rehabilitation bill.

In additional congressional action, both the House and the Senate Veterans' Affairs Committees will hold hearings this month on legislation to exempt veterans pensions from reductions brought about by increased social security benefits, and to increase the income limitation by at least $400.

Pending before the Senate Veterans' Committee is a bill to raise non-service-connected disability pensions of World War I veterans, their widows and children by 10 percent.

Pending before both Veterans' Committees is the Veterans Accountability Act of 1973, which would make the Executive Office of Management and Budget accountable to the Congress when major changes affecting veterans rights or programs are under consideration in the executive branch.

I believe the legislation passed during the 93d Congress, and the bills we hope to pass, will help insure that this country is living up to the responsibility it owes to the fighting men on whom we have all depended.

Let us live up to this responsibility and obligation by taking prompt and affirmative action on these pieces of veterans legislation.

FUEL AND ENERGY CRISES: A CALL FOR ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, the energy crisis which grips this country now is one of the most serious problems this Nation faces. For too long we have ignored the signals which should have foretold our need to take positive action to avert the crisis we are now in. Although those signals have been somewhat vague, the beginning of this session of Congress saw many responsible Members of Congress attempting to draw attention to the need to act. Senator FRANK E. MOSS, from my State, in a statement on January 29, 1973, entitled "Environmental Blackmail" cited the administration's failure to act, as a contributing factor to pressure placed by major oil companies on five New England States for a relaxation of air pollution control standards. At that time, it was apparent that the fuel shortages of last winter would be followed by gasoline shortages in the spring and summer months.

We are now suffering the consequences of inaction on the part of the administration as well as an oil and gas shortage which is alleged by some to be created by major oil companies in this country. The Senator from South Dakota, Mr. ABOUREZK, charged last Monday that major oil companies have "artificially contrived" the oil and gas shortage by deliberately withholding crude oil supplies from independent refineries in the Midwest. In a letter to President Nixon, he called for immediate investigation by the Justice Department for antitrust violations. Although apparently unrelated, I noted that the Washington Post carried an article this morning which reported the Justice Department's action in suing nine major oil firms to prove that claims of natural gas shortages are valid.

The Senator from Washington, Mr. JACKSON, also on Monday called for the Federal Power Commission to prepare a report within 30 days regarding the relationship between the structure of the petroleum industry and related industries and the current and prospective shortages of petroleum products. Although stopping short of accusing the major oil companies of a calculated conspiracy, he indicated that the so-called conspiracy theory is supported by circumstantial evidence and that it does have credibility among knowledgeable observers of the industry.

The situation we now find ourselves in is part of a much larger energy resources issue which must be addressed soon. Although the pressure for finding solutions to the immediate problem of gas shortages is great and must be addressed, we must, I believe, move forward along parallel courses to assure that the long-range needs for energy in this country are not pre-empted by short-term solutions. I have joined with Congressman LES ASPIN in a petition which will be forwarded to President Nixon in the next day or two. That petition urges the President to exercise authority contained in the Economic Stabilization Act of 1973 to immediately impose a system of mandatory allocations of gasoline. But the lack of action by President Nixon to avert the problem does not offer encouragement to the theory that he will now act to solve it.

I applaud the action taken by the Senate yesterday in passing S. 1570 which would increase the President's power to deal with the emergency shortages of petroleum products. This measure, which requires to the degree practicable that equitable distribution of available supplies among independent refiners and dealers be accomplished, passed the Senate overwhelmingly. I would hope that the House can take up action on this bill soon.

At the same time, however, I believe that additional measures must be taken to meet our responsibility. I think there are three things which need to be done:

First. I favor an immediate investigation by the appropriate Senate and House committees to determine in fact if the shortage of gas has been contrived by the major oil companies. My own chairman of the Judiciary Committee, the gentleman from New Jersey (Mr. RODINO) has assured me today that the Antitrust Subcommittee of the Judiciary Committee will begin such an investigation by the first week of July.

Second. I favor legislation which will require that the majors share with the independent oil companies such gas reserves as are available and call for early action on the just-passed Senate bill S. 1570.

Third. I support legislation which will constitute a major effort to solve the energy crisis by developing the commercial use of five new energy sources. The Environment Subcommittee of the House Interior Committee, of which I am a member, is presently considering H.R. 6602 introduced by the gentleman from Washington (Mr. FOLEY) as a companion bill to Senator JACKSON's S. 1283. That bill would establish a national program for research and development of five new potential sources of energy, consistent with environmentally sound principles: First, shale oil; second, coal gasification; third, advanced power cycle; fourth, geothermal steam, and fifth, coal liquefaction. I hope that early action can be taken on this very important legislation.

The crisis we face is real; in Utah, gas rationing is a reality which will produce acute problems if we do not move quickly. The benefits to Utah and the Nation are quite obvious; Utah can have a great role in helping to meet the energy needs of the Nation, consistent with protection of environmental values. But we must act quickly. The time for action is now.

THE GAS BUBBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the Coastal States Gas Co. was one of the truly remarkable stock market performers of recent years. Coastal is a young company, formed only in 1955. Its growth has been enormous. Its stock has been a high flier. But today the Coastal gas bubble seems to have burst.

Where formerly Coastal stock traded at prices of more than $50 a share, this year it opened in the mid-1930's. Today it was last traded at $8.50 a share, and halfway through the day, the Securities and Exchange Commission ordered suspended for the next 10 days. Where once

Coastal had all of south Texas in its domain, today it may have nothing at all. Whole cities and great companies depending on Costal for fuel now find that they are receiving little or nothing, despite long-term contracts for fuel supply. Where once there was a scramble to buy Coastal stock there is now a scramble to unload it.

How did all this happen?

The founder and chairman of Coastal is Oscar Wyatt, an engineer and former salesman of oil-well drilling bits. He started the company in 1955, based on the idea of tapping gas from a large number of gas wells that were inaccessible. Wyatt proposed to build a vast number of small pipelines to these wells—creating a gas gathering company. Once the gas was thus "gathered" it would be sold to big users—cities, industries and utilities. Wyatt would contract to sell gas at a fixed price over long terms—often as much as 20 years—and use the contracts in turn to attract purducers.

The early days of Coastal were probably not easy. In 1959 the company had sales of only about $2.5 million, but 2 years later annual sales reached $5 million. Then came Coastal's big break—a chance to supply gas to the San Antonio City Public Service Board. This was to be a 20-year contract and the successful bidder could expect it to be worth more than a half billion dollars.

The City Public Service Board of San Antonio operates that city's gas and electric utilities. Since the electricity used by the utility is generated by gas-fired generators, the gas supply contract is very substantial.

The City Public Service Board contracted in 1947 with United Gas Pipeline Co. for a 15-year gas supply. Actually, United had been the city's supplier since 1922. For reasons that are still unclear, in 1960 the Public Service Board decided to ignore a 1953 consultant's recommendation that the United contract be extended for 20 years and elected to seek new bids. This was the *big break* that Coastal needed.

As it happened, the Public Service Board seemed much more concerned about the price of gas than it did about the supplier's ability to deliver. At the time it apparently seemed that if a supplier did not have the necessary reserves to deliver on his contract or needed financing, he could get it. This attitude did not take into account the growing demand for gas which would 10 years later show up as part of a growing national energy crisis.

The San Antonio City Public Service Board received six bids on its gas supply invitation—five from actual companies and one from two persons who were forming a company. The bids ranged from $482,200,000 from the two individuals up to $603,100,000 from Intra-Tex. Coastal's bid was fourth. On January 14, 1961, the Public Service Board announced it would award the gas supply contract to "a group of San Antonians who will supply gas to the city through a corporation to be known as the Alamo Gas Supply Co." At this point, Alamo had only its good wishes and intentions to back up its contract. The award was conditioned upon the bidder meeting a number of conditions—among them adequate financing and proved reserves of 1.2 trillion cubic feet of gas.

As it developed, Alamo was unable to obtain its financing; Coastal then stepped in, acquiring 25 percent of the Alamo stock in exchange for entering into a joint venture to construct the gas lines needed to fulfill the San Antonio contract. The joint venture meant that Coastal was undertaking to make good the Alamo contract—at a price of 14 percent less than Coastal had originally bid. In June, 1961 a contract was signed, binding Coastal to make good the commitment of Alamo Gas. Two years later Alamo's entire stock was bought up by Coastal.

Thus, in this strange way, Coastal entered the first step toward the big leagues.

As it developed, the San Antonio contract was not an unusual coup for Coastal.

In Corpus Christi, a similar set of events occurred: the local utility sought bids, let a contract to an unknown newcomer, which was then acquired by Coastal, which then agreed to take up the responsibilities of the fledgling bidder. In retrospect, one can only wonder if there was some kind of collusion involved. Some observers believe that the successful initial bidders in both San Antonio and Corpus Christi were mere fronts, set up by Coastal as a means of ousting long-established incumbents.

Whatever the case may be, Coastal had revenues by 1969 amounting to $250 million. The company's stock was a high flier, and a great many institutional investors bought the stock. At that time about one share out of every five was held by an institutional investor. But cautious observers felt that Coastal might not have all the gas reserves it needed to support its long term, fixed-price contracts. If the company had the reserves, it would be all right. If it did not, Coastal would be forced to bid for gas in the growing atmosphere of shortage—and would surely lose money if it could not find gas at prices that would allow a profit on sales.

There was good reason to worry.

In the winter of 1968 a cold wave hit South Texas. For a 27-hour period the San Antonio City Public Service Board found its gas supply for electrical generation cut off. Few people noticed, because the generators were switched to an emergency fuel oil reserve.

I was one of those who took notice. In fact, had done so since 1963.

Early in 1969 I wrote the utility manager, asking about the gas supply. "No problem" came the reply. Coastal claimed that the sudden curtailment had been due to technical difficulties. The Coastal chairman, by then worth roughly $100 million, predicted a rising profitability for his company.

But I still kept asking questions, and finally suggested that the City Public Service Board should not trust the claims of Coastal at all—that it should go out and buy its own gas reserves.

In 1971 it became clear that Coastal might not be able to deliver the gas it had contracted to sell to San Antonio.

That year, Coastal's friends in the Texas legislature introduced a bill that would have enabled the company to break all its long-term contracts. The City Public Service Board, which had contracted in good faith, opposed the bill, along with other affected utilities. No action was taken.

At that time Coastal began curtailing San Antonio's gas supply more frequently, all along suggesting things would be better if the city would only raise its prices. San Antonio was not about to do this, unless Coastal could show that it needed more money to buy gas with. San Antonio asked Coastal for an independent audit of the company's gas reserves—which Coastal refused to allow. Suspecting that Coastal was merely trying to bludgeon the city into paying higher prices, the Public Service Board continued to refuse to renegotiate their contract. The board even demanded that Coastal compensate it for the out-of-pocket expenses involved in adjusting to Coastal's curtailments of gas deliveries.

By last year, Coastal had annual sales close to half a billion dollars. By last year too, Coastal was pressing harder for San Antonio to renegotiate its contract for gas. Service continued to deteriorate. In its annual report, Coastal made it clear that it expected to renegotiate its long term contracts, and that this would remove the company from bumpy weather that was pressing its earnings—and stock—down. Early this year, the company's bill to permit cancellation of contracts again came to light in the Texas legislature. At the same time the company pressed the State railroad commission for an increase in rates—and for the utilities, the company promised continued curtailments.

Then a few weeks ago, Coastal virtually cut off supplies of gas to San Antonio. No one yet knows why—but it appeared that the company was saying that if it got the money demanded and a modified contract that would allow it to switch off gas supplies at will—everything would be all right.

But I am not willing to see San Antonio throw away a long-term contract that is only halfway through its term. Nor am I willing to believe the claims that Coastal has been making.

If Coastal does not have the reserves it has been claiming, or claims not to have reserves to meet its contracts, it is guilty of filing fraudulent documents with Federal regulatory agencies. This is because the company claims in filings with the Securities and Exchange Commission to have enormous reserves—but in filings with the Federal Power Commission claims to have hardly any reserves. Apparently the company has been hoping to look very healthy in matters relating to selling its securities—but at the same time look distinctly frail when in comes to asking for higher rates. Unless the company has been hiring imbeciles for engineers, it cannot claim to be rich and poor at the same time without lying to one agency or the other.

It is possible that Coastal does have the gas reserves needed to meet its obligations, but is simply holding its gas off the market in order to force consumers to pay higher prices. That would be simple blackmail in the classic sense of the robber barons of days gone by.

It is also possible that Coastal at one time had reserves, but sold them in the spot market in order to boost earnings—thus making things look better than they really were. This would make sense for a company that is a high flier, trying to stay that way. It also involves the company in selling twice what can be sold only once—a situation that eventually will destroy any company sooner or later.

It is possible that Coastal never had the gas reserves it claimed to have, which would if true go a long way toward explaining all those technical difficulties Coastal has been having in delivering gas. It could also explain why the company has been so anxious to break its contracts.

It is possible that Coastal merely wants to sell a lot of fuel oil to its big gas customers, and is using gas curtailments to force them to buy—in the case of San Antonio, this would be a neat way of selling up to 20,000 barrels of fuel a day.

Nobody really knows which of these possibilities is true. All we really know is that hundreds of thousands of people are facing absolute disaster as a result of Coastal's inability or unwillingness to deliver fuel to San Antonio and other customers.

The cloud of uncertainty has burst the Coastal bubble.

I think that the people of San Antonio have a right to know the truth—is Coastal guilty of fraud, or blackmail or both? In either case, they have a right to expect responsible public officials to protect them.

I think that Coastal has an obligation to live up to its contracts, unless it can prove this to be impossible—in which case it seems only logical that the company should be placed in receivership.

I think that the whole Nation should be watching this crisis—because it may be the prototype of others to come.

Over the years I have warned of the possible default of Coastal. I am sorry to say that my worst fears have been realized. I can only hope that from this tragic mess San Antonio can emerge healthy and a little wiser about the predators who take advantage of—or create—situations which may be to their temporary advantage, but can mean catastrophe for whole communities.

Mr. Speaker, in these remarks I have outlined some of the background of the San Antonio power crises, and why the Coastal bubble has burst. In the future I will detail how it all happened, and what I have had to say about it.

PROTECTION OF POLAR BEARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRASER) is recognized for 5 minutes.

Mr. FRASER. Mr. Speaker, widespread public interest in new measures to protect the polar bear has come to my attention recently. The communications I have received from the public urge passage of House Joint Resolution 118 calling for a moratorium on the killing of polar bears in both the circumpolar pack ice area and landed territory.

The House Foreign Affairs Subcommittee on International Organizations and Movements, which I chair, held hearings last July on a resolution similar to House Joint Resolution 118, calling for an international moratorium on killing of polar bears. This resolution was passed by the House on September 19, 1972, and, in a slightly different version, by the Senate in October. We believe that these two resolutions had some effect toward moving the State Department to take more vigorous action on the subject. With active U.S. support, considerable progress was made toward an agreement to protect these animals at the November 1972 meeting of the International Union for Conservation of Nature and Natural Resources, IUCN.

Our Government was hopeful that the circumpolar nations—U.S.S.R., Canada, Denmark, Norway, and the United States—might announce their approval of the IUCN draft agreement at the International Endangered Species Conference held in Washington this February. This did not occur, however, nor was the polar bear included in the endangered species listed in appendix I to the Convention on Trade in Endangered Species agreed to by the Conference. We have been told by the State Department that negotiations are continuing on an interim agreement to bar the killing of polar bears in the circumpolar pack ice area, and that if these negotiations are successful it is intended that a special meeting of the circumpolar nations will be held in November of this year in Oslo at which time the interim agreement would be signed.

We also understand that the Governments of the United States and other nations are collaborating informally with the International Union for the Conservation of Nature and Natural Resources, IUCN, in developing a working document for that meeting.

The difference between House Joint Resolution 118 and the resolution passed last September by the House is that House Joint Resolution 118 calls for a moratorium on killing in landed territories and in the circumpolar pack ice area whereas last year's resolution covered only the pack ice area on the high seas. Although some 90 percent of the sport killing of polar bears takes place in the pack ice area, I believe that all sport killing of these animals should stop whether on sea or on land. But before we in Congress consider taking further action on this subject, it seems to me wise to wait until present negotiations for an interim agreement have been concluded. At that time we will be in a much better position to determine whether additional protective measures for these animals are necessary and what would be the best way to go about taking such measures. For example, if the interim agreement does not cover killing on landed territory, then Congress might consider domestic legislation which would ban killing on our own national territory, whether land or sea. After last year's approval by Congress of the resolution calling for an international agreement to stop killing polar bears in the pack ice area, our Government has been committed to an agreement of that nature. While international negotiations pursuant to that resolution are in progress additional legislative action does not seem to me to be in order.

I am asking the State Department to report to me periodically on the progress of the negotiations. In taking an interest in this subject, effective protection for the polar bear against extinction is and always has been my objective. Accordingly, I intend to watch all developments in this field very closely and seek the best means for assuring effective action.

INCREASE IN GAS AT THE WELLHEAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. TIERNAN) is recognized for 5 minutes.

Mr. TIERNAN. Mr. Speaker, the Federal Power Commission's decision on Thursday, May 1, to allow a 73 percent increase in gas at the wellhead for three natural gas producers was an outrageous misjudgment of what is in the Nation's best interest by this "regulatory agency."

The Nixon administration has proposed the idea of deregulating the natural gas industry, thus allowing the price of natural gas to be decided by the forces of the market. The resulting price increases would hopefully serve as a stimulus for increased exploration and development of new energy sources.

However, in 1972 the FPC initiated the "optional-price" ruling—which allows producers and pipelines to negotiate prices regardles of production costs. The ruling has been attacked as an agency through appropriate legislation. This price increase was made pursuant to the attempt to achieve the deregulation that only the Congress has the power to do "optional-price" procedure and, as Chairman Nassikas noted in his partial dissent, amounts to de facto deregulation.

The increase also violates the voluntary phase III guidelines which the President established in January 1973. A 73 percent increase in just about any commodity or raw material is virtually criminal in these inflationary times; yet this decision is being tolerated by a President who claims to be solidly committed to stemming the tide of inflation.

On May 30, Chairman WILBUR MILLS of the House Ways and Means Committee, in a speech on the House floor analyzed our current economic woes. His assessment demonstrated that the phase 3 policy is in fact no policy at all. Prices have risen unchecked and the administration cannot decide how to handle the crisis. Whether this indecision is a result of the Watergate scandal or an internal White House power struggle remains a mystery to the public. However, the results are obvious to every American consumer.

Chairman MILLS then called upon the Congress to reinstate economic controls to give the economy time to stabilize itself. Government controls are not the ultimate answer but they will buy us the time we need to cool the economy down to a smooth and gradual growth rate. Surely a 73-percent increase in the price of natural gas made through a highly suspect procedure is not the way to achieve these goals.

I would therefore urge the Congress to reinstate a phase I-type wage-price freeze and especially a freeze on the prices of all federally regulated industries. This move will "buy us the time" to have a full congressional hearing on the question of price increases in the energy industry; insist upon a full inquiry by the Cost of Living Council; and establish a coordinated economic program which will provide effective guidelines for all facets of the economy. The power to initiate these programs also rests with the President. He sought the power to manage the economy through the Economic Stabilization Act and Congress assented. But the administration has refused to act and I therefore urge the Congress to heed Chairman MILLS' call to firm economic action, and to observe carefully what abuses of the public interest can occur when our regulatory agencies are allowed to drift without a clear national economic policy guiding their efforts.

COTTER PREDICTS SOYBEAN SHORTAGE IN SEPTEMBER—RENEWS CALL FOR TEMPORARY EXPORT CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, unless steps are taken now to break the soybean price spiral the United States is going to face a protein food crisis of major proportions within a very short time. Soybean meal, of course, is the leading protein component of animal and poultry feed.

The results of higher soybean prices are already apparent.

Egg and broiler producers are cutting back their flocks because they can no longer afford soybean meal mix. What eggs are produced will be selling for $1 a dozen in September.

Hog farmers who had been expected to expand production 6 to 8 percent this year are now selling breeding stock for slaughter. The same situation prevails in the cattle industry.

And even more ominous is the possibility that this September there will be no soybeans to crush into meal for those few farmers still producing. If present projections of carryover stocks are correct, we will have less than a 1 week supply of soybeans available during the crucial weeks in September before the harvest of the new 1973 crop—which was planted late to begin with.

Any delay in the harvest or transportation of the soybean crops will have a dramatic effect on farmers and ranchers who will further be forced to cutback their herds and flocks. The ultimate result is that the American housewife will have to pay much more for meat, pork, eggs, and poultry or be faced with empty meat cases this fall.

Mr. Speaker, while soybean prices reach ever new and absurd heights and while cattle, hog, and poultry producers trim back their plans for expansion, the administration is doing absolutely nothing. They are waiting for more information from the marketplace, for the hog and pig report later this month, for the July 6 report of forward grain and soybean export sales and for the corn planting report in mid-July.

I submit, Mr. Speaker, that we know enough now about the effects of soybean prices to warrant strong, swift action. We know that farmers will not raise protein products at a loss. We know that the Agriculture Department has revised upwards from 6.5 to 10 percent its estimate of the aggregate food price rise this year. Sources in the Agriculture Department tell me unofficially they are looking for a 13- to 15-percent rise and a former high Department of Agriculture official is predicting a 20-percent increase.

My constituents were angry this spring and that is why I vigorously supported the meat boycott and the price rollback amendments to the Economic Stabilization Act. They are going to be hopping mad this fall.

Last Friday I wrote to the Secretaries of Agriculture and Commerce urging immediate implementation of the provisions of the Export Administration Act with respect to soybeans and soybean meal. A licensing and temporary export control system for export of soybeans—even if it would cover only a few million bushels of the 1972 crop not yet committed—must be imposed immediately. To delay, I predict, is courting disaster.

I urge my colleagues to join me in calling upon the administration to impose temporary export controls on soybeans until we can assure the American farmer and rancher and the American homemaker that our supply of this crucial product is adequate for domestic demand.

For the long term, I believe the Congress should pass the 48-hour export commitment notification bill introduced by my distinguished colleague from Iowa, NEAL SMITH.

THE UNITED STATES, GREAT BRITAIN, AND NATO: ARE WE CARRYING SOMEONE ELSE'S BURDEN?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 5 minutes.

Mr. WOLFF. Mr. Speaker, I wish to bring to your attention, and to the attention of my colleagues, a matter relating to our troop commitment to NATO.

In recent discussions with Gen. Andrew J. Goodpaster, Supreme Allied Commander, Europe, in the North Atlantic Treaty Organization, I was told that Great Britain still regularly rotates 3,000 NATO troops on the Rhine River to active duty in Northern Ireland.

I do not intend to comment on the difficulties in Northern Ireland. That is a problem which is the concern of the British and the Irish.

However, it would seem these troops are unnecessary in Germany, or somebody would have raised questions about their rotation. If these British troops are not needed, Mr. Speaker, the United States should be able to reduce its own troop levels.

As a member of the Foreign Affairs Committee, I have been involved in discussions and legislation which includes NATO and I have consistenly supported strengthening of our ties to Western Europe. I have recently returned from meeting with the European Parliament and I believe we have concluded some very worthwhile discussions with them.

What irks me is that we keep sending money overseas, we keep sending our men overseas, we keep our Army at artificially high levels. We have always been cooperative in carrying our NATO burden. I am concerned now that the United States is being forced to take up the slack for these troops going to Northern Ireland. It seems like the same old story of Americans carrying someone else's burdens as well as our own.

I believe the administration should reconsider our present commitment to NATO. The British reduction along with our balance of payments, the decrease in the size of our Armed Forces now that our involvement in Southeast Asia is drawing to a close, and changes which have taken place in Europe since NATO was organized in 1949, warrant that reconsideration.

I have written the Acting Secretary of Defense, William Clements, and Secretary of State Rogers about this matter. I shall include these letters be included at the conclusion of my remarks.

I am sure my colleagues share my concern about this matter. It is not something to be overlooked.

The letters follow:

WASHINGTON, D.C.,
June 6, 1973.

Hon. WILLIAM P. CLEMENTS, Jr.,
Acting Secretary of Defense, the Pentagon, Washington, D.C.

DEAR MR. SECRETARY: I want to indicate my concern about the number of American troops assigned to NATO and how that number is affected by British participation.

I recently returned from a study mission to Europe where I met with General Andrew J. Goodpaster, Supreme Allied Commander of the NATO forces. General Goodpaster indicated that the British government is regularly rotating three thousand of their troops committed to NATO back to Northern Ireland for duty relating to the civil strife in that country.

This information raises a number of questions. First, how long has this policy been followed by the British? Second, has the United States registered any formal comment or complaint with NATO? Third, has the United States been forced to raise its own troop levels in Europe, particularly along the Rhine, to fill any gap created by the British rotations? Finally, what adjustments other than troop levels, have been made—and by whom—in the American role in NATO?

As you know recent disclosures have revealed that funds which the Congress has appropriated for NATO have been used to train British troops at Camp Lejune. It was further revealed that these troops then served in Northern Ireland. I have joined with a

number of colleagues in cosponsoring legislation to prohibit any further activities like this.

I am concerned that the United States is becoming further involved in Britain's domestic difficulties by, in effect, subsidizing a decreased British role in NATO to free their troops for duty in Northern Ireland. This involvement is not desirable.

I would appreciate your reply to my questions at your earliest convenience.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

WASHINGTON, D.C., *June 6, 1973.*

HON. WILLIAM P. ROGERS,
Secretary of State, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing a copy of a letter I have sent to William P. Clements, Jr., Acting Secretary of Defense, regarding a reduced NATO role for Great Britain.

This British action has, I believe, injected the United States further into Britain's difficulties with Northern Ireland.

I would appreciate your comments on the present American position vis-a-vis Britain and Northern Ireland, as well as an interpretation of how this NATO policy coincides with that position.

Sincerely,

LESTER L. WOLFF,
Member of Congress.

VETERANS LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Louisiana (Mr. BREAUX) is recognized for 5 minutes.

Mr. BREAUX. Mr. Speaker, on June 4, 1973, I reintroduced legislation which, if accepted by Congress, would have a direct effect on a number of veterans in our Nation. I was especially pleased to reintroduce my two bills with over 30 cosponsors on each piece of legislation.

The first is a bill which I introduced on January 18, H.R. 2254. This legislation would amend title 38 of the United States Code to remove the time limitation within which programs of education for veterans must be completed. My bill would allow that educational assistance afforded to eligible veterans remain available until used. Many veterans are not able to begin their education immediately upon discharge for various reasons. Later on, when they would like to enroll for improvement of skills, or change their career field, the benefits are no longer available. In order to encourage veterans to continue upgrading their skills throughout their lifetime, thereby increasing the effectiveness of their contribution to the Nation, I believe there should be no time limitation on the veterans' use of the educational benefits of the GI bill. If this allowance were instituted, veterans would use the benefits to suit their individual requirement, rather than merely to use those benefits before the time limitation is over.

The second bill which I introduced, H.R. 8071, would bring relief to a number of veterans with service-connected disabilities. Presently, a veteran who resides a lengthy distance from a VA hospital is left helpless should an emergency arise. Speaking now only of those veterans with 100-percent service-connected disabilities, this man would receive no compensation should emergency arise resulting in hospital care in a hospital other than VA-operated. This type of person in question is one who receives no reasonable income as his disability left him jobless, he cannot purchase insurance, and has no means of reaching a VA hospital in case of emergency.

My bill would provide reimbursement to any 100 percent disabled veteran who through threat of loss of life must be admitted to a private hospital for immediate care. This bill would affect only a very small number of individuals. For example, I have only received comment on two cases of this nature at one hospital since 1969. Agreed, this is a small number of people affected, but there should be assistance to these individuals when threat of life occurs.

Our veterans have served their country with great dedication and service, and I think it is now time that we in government pay more attention to their particular problems and needs as they return to civilian life.

I am pleased to release the names of those colleagues who joined in cosponsorship of this legislation and look forward to even more Members being included when I again reintroduce these two bills in the near future.

COSPONSORS OF H.R. 2254

Rep. Abzug, Rep. Alexander, Rep. Boggs, Rep. Bowen, Rep. Brown, Rep. Chisholm, Rep. Cleveland.

Rep. Cochran, Rep. Davis, Rep. deLugo, Rep. Denholm, Rep. Drinan, Rep. Fauntroy, Rep. Froehlich, Rep. Grasso, Rep. Harrington.

Rep. Harvey, Rep. Horton, Rep. Ketchum, Rep. Lehman, Rep. Long, Rep. Moakley, Rep. Moss.

Rep. Pepper, Rep. Podell, Rep. Rarick, Rep. Studds, Rep. Thone, Rep. Tiernan, Rep. Whitehurst, Rep. Won Pat, Rep. Wyatt.

H.R. 8071

Rep. Abzug, Rep. Alexander, Rep. Boggs, Rep. Bowen, Rep. Brown, Rep. Chisholm, Rep. Cleveland, Rep. Cochran, Rep. Davis.

Rep. deLugo, Rep. Denholm, Rep. Derwinski, Rep. Drinan, Rep. Fish, Rep. Froehlich, Rep. Grasso, Rep. Harrington, Rep. Harvey.

Rep. Horton, Rep. Kemp, Rep. Ketchum, Rep. Lehman, Rep. Long, Rep. Moakley, Rep. Moss, Rep. Pepper, Rep. Podell.

Rep. Rarick, Rep. Reuss, Rep. Studds, Rep. Thone, Rep. Tiernan, Rep. Treen, Rep. Whitehurst, Rep. Won Pat.

NIXON BUDGET CUTS HIT COLUMBIA MEDICAL SERVICES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 5 minutes.

Ms. ABZUG. Mr. Speaker, the House has wisely authorized the continuation of several medical programs that were slated by the administration for drastic cuts or outright abolition. The attached statement prepared by the office of the vice president in charge of medical affairs at Columbia University shows how essential it is that the authorized funds be appropriated immediately:

NIXON'S BUDGET CUTS HIT COLUMBIA MEDICAL SERVICES

Of the sudden and massive reductions in funding proposed in President Nixon's amended DHEW budget, the most severe and serious in their import for the College of Physicians and Surgeons are those affecting training programs and scholarships for education in the health sciences.

Training programs have been a major focus of activity of the College of Physicians and Surgeons, as is appropriate for a faculty with a tradition of excellence in medical education and leadership in many areas of biomedical research. The productivity and significance of the many individual programs have been substantial. In addition, these programs, which have been supported at the level of $6.3 million in fiscal year 72-73, are crucial to the effective pursuit of programs designed to produce the necessary manpower for medical research and research in health care, which are vital to the maintenance of high-quality patient service, students, and house staff education.

In toto, the College expects to lose $10,140,000 in support which had been anticipated and used as a basis for committed staffing and operations until quite recently. The funds which are to be curtailed are very substantial in relation to the College's need and solutions to the suddenly acute problems of maintaining financial solvency have yet to be achieved. Indeed, because of the abruptness of the decision to terminate these programs, the College is suddenly confronted with a most serious, almost critical, fiscal situation. The pertinent time constraints permit neither exploration and possible development of alternative sources of funding, nor rational program phase-out and termination.

Yet these considerations reflect only some of the dimensions of the probable consequences of the proposed rebudgeting. Extremely important, in relation to the College's ongoing programs, long-term goals, and mandated functions, will be the complete disruption of what up to now have been effective teams of researchers and teachers.

In particular, several consequences can be projected:

1. A substantial number of key faculty members will be obliged to redirect their activities, or to leave the College, voluntarily or otherwise.

2. The College's ability to train individuals for academic positions in medical education will weaken, and qualified candidates will no longer seek such training.

3. The pool of future researchers crucial to implementation of existing and forthcoming technology for the improvement of health delivery systems and health care will be significantly diminished.

4. The effectiveness of mission- or target-oriented research programs will be severely compromised, since the most efficient mechanism for disseminating new or improved techniques, i.e., the activities of individuals specially *trained* in these areas, will become less and less applicable.

5. The short-run and long-run effects of the above developments will be such as to make it extremely difficult for the College to accomplish the objective of increasing the production of physicians, an objective mandated by both the Executive and the Congress.

The impact of the budgetary cutbacks can also be examined in relation to discrete program areas within the College.

UNDERGRADUATE MEDICAL EDUCATION

In these times of increasing costs to the student it is imperative that Congress increase funding of the Health Professions Scholarship Program, as well as support the National Health Program as *parallel* methods for providing financial assistance to medical students. Otherwise, student aid programs at institutions like the College of Physicians and Surgeons will be affected immediately and for the worse. Perhaps more important in the long run, there may be deleterious changes in the performance of the American medical education system.

Because of the substantial and immediate reduction in scholarship funds, students who are needy will have to choose between borrowing and therefore incurring heavy debts, or opting for either the National Health Service Corps or the Armed Forces Programs and the several-year period of "involuntary servitude" these agencies will require. The latter choice will probably be inescapable for most *needy* students, who tend to be members of minority groups. Although there are no hard data from which to predict the effect of scholarship reduction on enrollment patterns, it can be ventured that fewer minority students will find it acceptable to attend high-cost institutions, particularly those like P&S, which would attract primarily the well-to-do. Although low-income students in principle could borrow in order to attend private schools which are higher in cost to the student, it has been abundantly documented in recent years that they are reluctant to do so. In addition, because of the comparatively high tuition costs at private institutions, *middle-income* students will be driven to attend lower-cost schools, since they will have to rely preponderantly on loans to pay for their medical education. The College of Physicians and Surgeons will consequently find it increasingly difficult to continue its momentum toward providing equal educational opportunity to *all*, regardless of socioeconomic background. If these changes were to be carried further, private medical schools might be transformed into citadels for the well-to-do and a token few of the poor.

GRADUATE EDUCATION PROGRAMS

Implementation of the proposed budget cuts would have extremely serious consequences for the College's Graduate Education Programs. Among 15 programs in basic sciences and human nutrition which were surveyed, 5 would probably have to be discontinued entirely; 4 would have to be discontinued or greatly reduced in scope; and 6 would be moderately to severly curtailed. Of 29 clinically oriented programs surveyed, 13 would probably have to be abandoned; 4 would be discontinued or sharply curtailed; and 12 could be moderately to severely curtailed. The impending changes in these programs would cause a serious decline in the level and quality of education, patient care, and research at this and affiliated institutions.

OTHER EDUCATION PROGRAMS

Several other programs will feel the impact of budgetary retrenchment very keenly.

Perhaps the impact on the School of Nursing will be most dramatic. Its undergraduate Psychiatric Program will have to be discontinued as of July, 1973. At the same time, capitation and scholarship funds will no longer be available. The status of previously approved funds for the reorganization and extension of the undergraduate nursing curriculum is now uncertain; this program would have permitted a significant reduction in teaching costs per student while it would also have allowed offering nursing education to a large number of economically disadvantaged and minority students. Also to be discontinued are the funds for RN Professional and Undergraduate Public Health Traineeships. The status of funding for the Graduate Program in Maternity Nursing and Midwifery is uncertain. Loss of these funds would probably compel the immediate cessation of all graduate education in the School of Nursing. The aggregate impact of these cutbacks is such as to make inescapable consideration of the possibility that the entire School of Nursing may have to close its doors.

The programs of the *School of Public Health* would also be markedly reduced. Of 15 programs surveyed, 4 would probably have to be dropped entirely, and the remaining 11 would be markedly to drastically curtailed. Although difficult to quantify, these reductions are likely to have an adverse impact on all areas of Public Health, but particularly in relation to environmental problems, planning health care systems, and training much-needed professional managers with problem-solving orientations.

The *Rehabilitation Medicine* program would be significantly reduced in scope.

The *Allied Health Traineeship* in Dental Hygiene could be continued, but on a very limited basis.

The *Clinical Cancer Training—Dental* program would also probably have to be curtailed.

Research programs

As noted above, the effect of the revised budgets on research programs will be profound and immediate. No funds will be available to support "start-up" or pilot studies in promising new avenues of research, nor the work of younger investigators. Because funds for training will no longer be provided, physicians who can be prepared to take on independent biomedical investigation may have to be drawn from the ranks of the economically advantaged. At the same time, the College's ability to offer high-quality training in research will weaken as faculty members who lose salary support reduce their activities or leave. It is not feasible to forecast in precise terms how many faculty members will be obliged to leave, but it is evident that the number will be substantial. More than 90 faculty members will be obliged to leave within the next 2 years, unless new sources of funding can be *rapidly* developed. The outlook for this is extremely poor.

It is also difficult to quantitate the effects of the budgetary changes on research momentum. It is apparent that a number of programs will be crippled immediately, as investigators depart and the replacement pool declines precipitously. One must in addition note that intangible effects of the abrupt cutbacks will probably also operate. Even if the reductions were restored immediately, it is doubtful that young investigators and students would have sufficient confidence in the stability of the nation's commitment to biomedical research to entrust their professional lives to these fields. Thus decades might be needed to make up for the cumulative loss in research momentum which the amended budget will probably cause.

HEALTH SERVICES AND COMMUNITY PROGRAMS

A number of important research and service programs based at our affiliated hospitals will be affected immediately. Exemplary programs such as: the Harlem Region Stroke Program, which has proved to be a model for the country in early case detection and treatment of hypertension and comprehensive stroke management; the neighborhood health centers program, which provides medical services to the medically indigent in four boroughs of New York City (Eligible recipients have no other means of support for medical care.); communicable disease control other than venereal diseases is being cut back, which will affect inner city centers where the incidence of communicable diseases (e.g., tuberculosis) is far higher than in more affluent populations; and social services extending the reach of medical care—all these will be curtailed. Additionally, such programs as Model Cities, community action programs (such as HAR–YOU and its subsidiaries) are affected by the new federal budget.

PHYSICAL FACILITIES

The College's physical facilities were designed in the 1920's. At that time there were 400 medical and 160 dental students. The ensuing four decades have witnessed an almost 50 percent increase in the student populations, major advances in educational technology with consequent changes in the characteristics of teaching areas, and greatly increased utilization of space for research activities. The College's facilities are now on the verge of obsolescence and without extensive renovation can accommodate no further increment in student load. In addition, the lack of the facilities for utilization of contemporary educational technology seriously limits the College's ability to increase its teaching productivity.

The urgency of improving and expanding teaching facilities is reinforced by current governmental policies which emphasize expanded education of health professionals and redirection of training and research activities. A careful renovation, expansion, and upgrading of its teaching facilities is imperative if the College is to implement these policies in a manner consistent with improved teaching productivity and favorable cost-effectiveness ratios. Such renovation presupposes relocating ongoing mission- or target-oriented research programs which currently occupy overcroweded or otherwise inadequate facilities in order to free needed space. However, because of the deletion of construction from research program grant funding, such relocation is impossible. In turn, the required renovation cannot be performed. Consequently, the College's ability to carry out the mandated increases in health science education and to redirect its training and research activities is critically constrained.

ALTERNATIVE SOURCES OF SUPPORT

The College has no non-federal sources of funds that would begin to offset the federal funding reductions. Indeed, the pattern of funding has required full commitment of University funds as well as external funds. Thus, there are no residual sources to draw upon.

FOOTWEAR ARTICLES RELIEF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. FULTON) is recognized for 5 minutes.

Mr. FULTON. Mr. Speaker, despite the growing adverse impact of imports on the domestic nonrubber footwear industry over the last many years, this industry has received no relief from disruptive imports. As such it is unique among major industries which have been accorded relief by the Nixon administration and its predecessors.

Over 2 years ago the Tariff Commission handed down a split decision in the escape clause case on nonrubber footwear initiated by President Nixon, the only such case ever initiated by a President of the United States. No action has been taken on that case by the President since the Tariff Commission submitted its report to him on January 15, 1971, although the split decision would permit the President to provide import relief for the nonrubber footwear industry.

The situation facing the companies and their workers in this industry has continued to deteriorate significantly over the last 2 years since the Tariff Commission's split decision.

Net imports of nonrubber footwear in 1972 reached almost 300 million pairs, valued at $825 million. In 1970, net imports totaled 240 million pairs, valued at $550 million. Five years ago, in 1968, net imports totaled 180 million pairs, valued at $325 million.

The import penetration of the U.S. market reached 36 percent in 1972; it was

30 percent in 1970. In 1968 it was 22 percent.

Domestic production fell to 527 million pairs in 1972, the lowest since 1954. Production in 1970 was 559 million pairs. In 1968 it was 642 million pairs.

Imports have continued to rise and production has continued to fall in 1973. In the first quarter of 1973, nonrubber footwear imports increased 8 percent. Production fell in the first 2 months of this year—latest data available—by 5 percent compared to the same period of 1972.

About 200,000 workers were employed in 1972; there were 219,000 in 1970. In 1968 there were 233,000 workers. An additional 100,000 workers are employed in allied supporting industries for a total of 300,000 workers dependent on the domestic footwear industry for their jobs.

The net number of nonrubber footwear plants which closed in 1972 came to 37. Over the last 5 years the net closings in this industry totaled 181 plants.

Over the last 5 years, the industry has lost enough capacity to produce 100 million pairs of shoes annually.

President Nixon is asking Congress for new authority to deal with problems of disruptive import competition. He asked Congress on April 10, 1973 for new legislation to "deal effectively with rapid increases in imports that disrupt domestic markets and displace American workers." He said that—

> Damaging import surges, whatever their cause, should be a matter of great concern to our people and our government. I believe we should have effective instruments readily available to help avoid serious injury from imports and give American industries and workers time to adjust to increased imports in an orderly way.

But the instruments exist now for dealing with the disruptive imports which have captured over a third of the domestic nonrubber footwear market. The pending Tariff Commission case under existing trade legislation is one means of providing this relief.

Another instrument exists in the action taken by the U.S. Government at the end of 1972 to reserve its rights under GATT—General Agreement on Tariffs and Trade—to modify its tariff schedules. The domestic legislative authority to do this presently exists in section 255 of the Trade Expansion Act of 1962, one of the authorities used by the President on August 15, 1971, to establish an import surcharge.

Nevertheless, the administration has not seen fit to provide this industry with relief. In the light of these circumstances the nonrubber footwear industry cannot accept the proposition that the administration's new legislative proposals, if enacted, will provide it with import relief denied to it over the last several years in the face of existing legislative authority to provide such relief.

The experience of the nonrubber footwear industry should be a matter of concern to other industries facing import problems in considering the intentions of the administration to meet these problems under the administration's proposed trade bill (H.R. 6767).

Accordingly I am introducing this bill to provide a remedy in the form of legislation that would provide for the orderly marketing of nonrubber footwear imports in a manner fair to producers, workers, and consumers.

GUARDING OUR LAST CONSTITUTIONAL PREROGATIVE

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I have today written to Chairman Dixy Lee Ray of the Atomic Energy Commission, and I think the letter has severe significance for every Member of Congress. It is my feeling that an indemnity provision in the proposed agreements now planned by the AEC for the construction of an LMFBR would abrogate the Antideficiency Act and leave the United States liable by means of indemnification for cost overruns, expenses of additional construction, and all contractual obligations included by the operating partners in this project. This would, in effect, be destroying the last vestige of justification for the existence of this House of Representatives, and I think the letter, as I said, is of severe interest, and I hope that Members will read it. It follows my remarks in the RECORD today:

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 7, 1973.

Hon. DIXY LEE RAY,
Chairman, U.S. Atomic Energy Commission, Washington, D.C.

DEAR CHAIRMAN RAY: As you are well aware the Joint Committee on Atomic Energy is most concerned about the success of the construction and eventual operation of the Liquid Metal Fast Breeder Reactor (LMFBR) Demonstration Plant. The proposed agreement between the A.E.C. and Commonwealth Edison Company (CE), the Tennessee Valley Authority (TVA) regarding the Project Management Corporation (PMC) is almost a reality. However, as the Chairman of the Committee, Mr. Price, informed you in his letter of May 24, one of the major obstacles, (in my mind the primary obstacle) which blocks the way to a fruition of these negotiations is TVA, CE and PMC's position on indemnity.

The indemnity to which I refer is not that covered by the Price-Anderson Act which encompasses public liability in the event of a nuclear incident. It is rather an indemnity agreement which would leave the United States liable for cost overruns, expenses of additional construction, and contractual obligations incurred by parties whom the government would not control.

I draw your attention to Section 9 of the proposed agreement, AT (49-18)-12. Paragraph 9.1, Page 18, stipulates that indemnity will not be inconsistent with 31 USC 665, the Anti-Deficiency Act. Paragraph 9.2, Page 19, draws out the contingencies under which indemnity is extended to January 13, 1972. Paragraph 9.3 allows an extension by PMC of indemnity to third parties when authorized by its Board and the Project Steering Committee.

These indemnification clauses, I am sure you will agree, are quite favorable to the industry interests expressed throughout AT (49-18)-12. But the proposed indemnity agreement goes too far. The revised Justification Data Arrangement, No. 72-106 illustrates the problem. Section 4(e) of the arrangement states:

"(e) The *additional legislative authorization* which AEC will endeavor to obtain prior to the start of construction of the demonstration plant will include authorization for AEC to agree to indemnify and hold harmless PMC against claims, expenses, and liabilities arising out of project activities, including liabilities, claims or expenses incurred by PMC under indemnities similarly extended to CE and TVA; and AEC will also so indemnify CE and TVA."

What PMC, TVA, CE, and perhaps AEC desire is legislative exemption from the Anti-Deficiency Act. It is only through congressional fiat that the industries can accomplish token compliance with Paragraph 9.1 of the proposed contract. Subsection (a) of 31 USC 665 provides that no officer or employee of the United States shall make or authorize expenditures or obligations in excess of any appropriation or in advance of any appropriation. Subsection (c)(1) of the same act specifically prohibits the creation of a deficiency in an appropriation established for a definite period of time. Subsection (c)(2) does allow for apportionment of appropriations but such an undertaking must comply with the strict notice requirements spelled out in Subsection (d)(2).

Apportionment of appropriations is safeguarded from abuse by legislative standards. Deficiency expenditures are disallowed on grounds of public policy. For years the munitions industry and airplane manufacturers have attempted to avoid the Anti-Deficiency Act and only rarely have they achieved their goals. The Boeing SST project two years ago and government subsidization of Lockheed last year are examples of the circuitous routes which these industries are prone to take in order to obtain direct grants in aid from the Congress and thus circumvent the Anti-Deficiency Act. The indemnity agreement now sought would raise the specter of deficiency expenditures and open this Pandora's Box to innumerable government contractors, many of whom would take advantage of the situation. The shortcoming of such a system in the financing of government sponsored projects can readily be appreciated by noting the recent revelation of Department of Defense overruns and DOD's failure to report the manner in which they were financed in the past two fiscal quarters.

The proposed indemnity agreement is contrary to AEC and general government cost principles. This is not to say that "open-ended" financing is undesireable in itself. Only when the allocation of risk becomes arbitrary and unreasonable does such budgetary conduct become inherently dangerous. An unappropriated indemnity agreement, however, is clearly in the realm of arbitrary and unreasonable.

Mr. Price has spoken for the Joint Committee and I reaffirm our position: An indemnity agreement of the nature now requested is not acceptable until Congress appropriates funds which will satisfy liabilities incurred by the AEC through indemnification. If this is not agreeable to TVA, CE, and PMC then it is my firm belief that the LMFBR contract can be renegotiated with any number of utility companies which will take a reasonable stance on this matter.

Our governmental scheme of checks and balances necessitates strict budgetary control by means of authorization and appropriation. The power of the purse is the last significant constitutional power retained by the legislative branch. To permit deficiency expenditures would dilute this authority and set a precedent which would be difficult if not impossible to overcome. The Congress of the United States must not give a blank check to any individual or body, public or private.

Respectfully,

TENO RONCALIO,
Congressman for Wyoming.

A HOMESTEAD PATENT FOR RUSSELL G. WELLS

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, today I am introducing legislation which would authorize the Secretary of the Interior to convey certain lands in Wyoming. This proposal is in behalf of Mr. Russell G. Wells, of Converse County, Wyo., who has spent the past decade trying to reinstate, establish, and prove up his homesteads north of Douglas.

Russell G. Wells commenced his homesteads in 1934 near Bill, Wyo. Because of the depression and drought he was unable to make a living off the homesteads so he went into the Civilian Conservation Corps camp and later joined the U.S. Navy in the late 1930's. Mr. Wells served on active duty in the combat areas of the South Pacific during World War II and in Korean waters during that conflict. In 1957 he was retired and transferred to the Naval Reserve where he remains today.

In 1951 the Bureau of Land Management canceled Mr. Wells' homestead entries claiming that he failed to keep them notified of his whereabouts. It later turned out that Russell Wells was on secret duty in Korean waters and was unable to even advise his own family of his whereabouts. When the entries were canceled in 1951 the lands in question were taken up for leasing under section 15 of the Taylor Act and have continued—even to this date—to be leased to a third party to the exclusion of the homesteader. Due to leasing, some of the fence improvements of the homesteader were moved or torn down, and grazing livestock did some damage to the homesteader's cabin.

This leasing, naturally, caused Mr. Wells some difficulty in his proof. Yet, in spite of these difficulties, he has been successful in meeting the residence requirements and the cost of valuable improvements required by the Homestead law. After 1965 hearings, the BLM Director in Washington reversed the earlier cancellation decision of the Cheyenne Land Office, and admitted error in canceling his entries.

There are two issues remaining: First, whether or not the homesteader's cabin was "habitable" on July 8, 1966—the date of submitting final proof; and second, whether or not the homesteader's cabin is located exactly on the entry lands, and if not, the significance thereof.

It is a fact that Russell Wells' cabin is not luxurious; it was put there in 1934 as a homesteader's shack and has naturally deteriorated over the years. However, in the hearing record Mr. Wells and three witnesses stated that the cabin is habitable.

As to whether or not the cabin is on the entry lands, the controlling question should be the good faith of the homesteader in placing the cabin where it is, believing it to be on the entry lands. The Government has never questioned Mr. Wells' good faith in locating the cabin where he did. It may be that the cabin is not on the entry lands by possibly as far as 1,600 feet, for the custom in 1934 in the area was to establish locations as nearly as possible using existing fences and other markers, some of which were incorrect. However, Mr. Wells placed his cabin in good faith, believing it to be on his lands.

In view of the establishment by Mr. Russell G. Wells of all the other requirements of the Homestead Law and his excellent record of service to 'his Nation, I feel the Secretary of the Interior should convey these lands to Mr. Wells. The land involved is plain, old Wyoming dry grazing land—no water—except the wells and dikes placed on it by the homesteader. The lands are situated 65 miles from the nearest town. and contain no known mineral value. The value of the 639.52 acres involved would total approximately $6,400.

I am hopeful Congress will see fit to act on this matter, and that it can be dispensed with equitably and promptly.

WYOMING'S SCENIC AND WILD CLARK'S FORK RIVER

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, today I am introducing legislation which would designate a portion of the Clark's Fork River in my State of Wyoming for potential addition to the National Wild and Scenic River System.

The Clark's Fork River flows through the Shoshone National Forest in northwest Wyoming, the first national forest in the United States, created by President Benjamin Harrison on March 30, 1891.

Outstanding recreational opportunities abound along the river. The river itself boasts superb fishing; the canyon serves as the habitat for several species of both large and small game and wildlife. And because the Shoshone National Forest borders on Yellowstone National Park, there is a high rate of visitor usage in the Clark's Fork River area.

Clark's Fork River is unique in its outstanding scenic beauty, and it surely qualifies for inclusion in the National Wild and Scenic Rivers System.

WYOMING'S SCENIC AND WILD GREEN RIVER

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, when the Wild and Scenic Rivers Act was established in 1968 the Department of the Interior and the Department of Agriculture embarked upon a nationwide search for potential rivers that might be suitable for wild and scenic classification.

In September 1970, the Secretary of the Interior and the Secretary of Agriculture announced the joint identification of all or portions of 47 rivers in 24 States as potential additions. One of these was the Green River in my State of Wyoming.

This initial identification simply says that the Green River may have some characteristics which might make it worthy for inclusion in the National Wild and Scenic Rivers System, and is, in effect, a holding category. My bill seeks to move the Green River from this holding category to an "active" category so that a detailed and specific study can get underway.

THE NEED FOR FAIRNESS IN SBA LOAN POLICY

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, Tuesday, June 5, Thomas Kleppe, Administrator of the Small Business Administration, appeared before the House Small Business Subcommittee, of which I am a member. At that time I raised with him a problem that has long concerned me: The SBA's allocations of direct loan funds under the economic opportunity loan and section 7(a) programs that discriminate against some persons because of their race or national origin.

Presently, funds are allocated in these programs in two categories: 0–2, the minority category; and 0–1 and 0–3, the nonminority category. Some administrative flexibility is given to the regional offices in that 0–1 and 0–3 funds can be moved to the 0–2 category; but funds cannot be moved from the 0–2 into the 0–1 and 0–3 category. In recent years a far greater percentage of the funds has been allocated to the 0–2 category. For instance, in the third quarter of this fiscal year, $275,000 was allocated to the New York region for direct loan assistance for the nonminority category; $2,425,000 was allocated for the minority category.

The effect of such a rigid separation between so-called minorities and nonminorities is that there is a large backlog of applications and tentatively approved requests for assistance in the nonminority category and no backlog in the minority category. In fact there have been instances when regional offices have had to turn back to the Treasury funds that had been allocated to the 0–2 category because they could not be used; there was no demand for them.

The intent of Congress in passing the direct loan program was to provide incentives for investment in small business concerns owned by persons who are socially or economically disadvantaged. The SBA's concern should be with persons who are held back from the economic mainstream because they are socially or economically disadvantaged, not simply that they are members of a minority group. The effect of drawing distinctions and limiting the definition of minority brings you to the absurd situation in which an Eskimo living in the city of New York could receive a loan under 0–2 while an Italo-American in much greater financial need could not. Indeed, there was the case of Lou Brock who received a direct loan in 1969 under the 0–2 category while his own financial

situation was enviable. Mr. Brock was a St. Louis Cardinal with an annual salary of approximately $125,000.

Let me tell you when I first became aware of this problem. It was when some people who are Hasidic Jews came to me because they were unable to qualify as minority members and because of the funding situation were unable to get needed assistance from the SBA. Hasidic Jews are a small group of highly orthodox Jews with special customs. Many have suffered economic hardships because of their minority status and distinct attire.

At first I requested that they be added to the list of minorities. But as I examined the matter, I came to the conclusion that this was the wrong approach because in almost every place in this country some group constitutes a minority even when it may be a majority elsewhere. So, for example, there are towns across this country where Catholics and Jews are still discriminated against—where those of Irish, Italian, and Slavic backgrounds are not held in the highest regard and suffer economic and social ostracism. That is not to say that the blacks, Spanish surnamed and other minority groups have not and are not being discriminated against at the present time. On examination I came to the conclusion that just as I am opposed to quotas at the university level for either students or teachers or in any job or profession, I am opposed to quotas in the Small Business Administration too. We have a responsibility to every American who is economically or socially disadvantaged whether or not he happens to fit into a defined minority group.

Indeed, it seems to me that to make distinctions between individuals otherwise eligible and in need of financial assistance on the basis of their race, color, creed, or national origin, is unconstitutional in that it would be a denial of equal protection of our laws. An individual socially or economically deprived who files his application for Federal assistance must have it treated on the merits. Let me indicate what happens when it is not so treated.

I have been told of the following which, if true, is surely bizarre. An Hasidic Jew in the city of New York not eligible under 0–2 because he was an Hasidic Jew, later became eligible and received assistance under 0–2 when he established that he had been born in Uruguay and thus fit in the Spanish-surname category.

Therefore, in committee Tuesday, June 5, I introduced an amendment to the bill extending the SBA's authorization, to prohibit the SBA from making special distinctions between persons, otherwise eligible for assistance under these programs, who are members of a so-called minority group and those who are not members of a minority group. The amendment was accepted.

I want to reiterate, as I have on many occasions that while I oppose rigid quotas, I am for reaching out and taking affirmative action to encourage and assist minorities, and make them aware of programs that are available and help them apply for assistance. But it is only fair to those competing for funds that what limited financial aid is available, goes to those individuals who are the most economically or socially disadvantaged.

NEW YORK CITY MASS TRANSIT CRISIS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, New York City is confronted by a serious mass transit financing crisis which threatens to push the fare price way over its presently too-high level of 35 cents.

What New York's bus and subway system needs is an infusion of funds from the Federal Highway Trust Fund in order to modernize outdated equipment, track, stations, and terminals. Moreover, Federal operating subsidies should be provided to prevent the public transportation system of America's largest city from pricing its ride at a level which will seriously burden working people, senior citizens, and schoolchildren. I urge the Congress to devote serious attention to these proposals.

Mr. Theodore W. Kheel, the noted New York attorney and labor mediator and an expert on transportation, has written a fine article for New York Magazine in which he stresses that the 35 cents fare must not be increased, a position which I strongly support.

In his article of April 13, 1973, entitled "A Fare Question: The Issue the Candidates Don't Discuss," Mr. Kheel suggests additional ways of preserving the 35 cents fare. I request that the article be printed in the CONGRESSIONAL RECORD:

A FARE QUESTION: THE ISSUE THE CANDIDATES DON'T DISCUSS

(By Theodore W. Kheel)

Any number can play musical chairs for Mayor. All one has to do is choose the party he wants to play in and find 10,000 people to sponsor him. This year the line-up of players and parties has been so filled with hilarity and surprise that we have forgotten, apparently, that there is a serious side of the game. It's called speaking on the issues. The primary election is less than six weeks away now, and no end to the frivolity is in sight. If we encourage the candidates to go on entertaining us instead of demanding that they speak plainly about real issues, we shall soon pay a heavy price for their folly, and our own.

My agenda of real issues is probably no different from anyone else's—I've got crime high up on my list, along with children who can't read and housing that isn't getting built. But because it is so fundamental to everything else that happens in New York City, my list also includes, at the very top, the cost of a subway and bus ride. No serious candidate for Mayor thus far is even talking about, much less proposing a program for, the preservation of the 35-cent fare. Under present arrangements, the 35-cent token is almost certainly doomed at the end of the year. One might think someone running for high office would give a damn.

We have to count ourselves lucky that the fare is "only" 35 cents right now. It went from 30 cents to 35 cents on January 5, 1972—instead of 45 or even 50 cents—only because in late 1971 for the first time in history the City of New York granted, in effect, a direct, outright subsidy of $200 million to the New York City Transit Authority to cover the operating deficit of the city's transportation system. The state came through for us then, over the prostrate bodies of a lot of upstate legislators, only because Governor Rockefeller was trying to buy our votes for a $2.5-billion transportation bond issue he had hoped to peddle. That bond issue, which paid lip service to the idea of a balanced transportation system, actually would have chiefly benefited the highway lobby, and it was defeated. As a practical matter, though, the Governor couldn't "undiscover" the money he had just "found" to help us, and so we got a small break.

Such luck won't happen again. In 1971 Rockefeller promised to make a comprehensive study of ways to finance mass transportation on a regional basis—the only sensible way to plan. He made that promise to the Regional Plan Association in return for R.P.A.'s support of his bond issue. After voters turned him down on the bond issue. R.P.A. reminded him of his promise, and so did I. If such a study has been made or is under way, it is even less in evidence than White House testimony on Watergate.

To keep the fare at 35 cents for another two years would take about twice as much—$400 million—in direct operating subsidies, even if the transit unions win no increases when their contracts expire next April. Even if the Governor wanted to help the city out again—without the incentive of another bond issue to sell—that kind of help from Albany is simply not in the cards.

But we need not wait for the Governor. There are things we can do on our own.

My premise is that clean, pleasant, efficient mass transportation is essential to the prosperity of the city and that, at the same time, in a free society people should not be ordered to ride subways or forbidden to drive their cars. Instead, we can influence people's choice by structuring the prices of those choices.

Today there are about one billion fewer riders per year on our subways than there were in 1947. The fare went from a nickel to a dime that year. With each successive fare increase the number of riders has declined. And no wonder. It not only costs seven times as much to ride the subways, but we get half as much in service for the price, making the real fare 70 cents, not 35 cents.

At the same time, we continue to build up our central city, the hub that makes New York unique, all the while making it more difficult to get to and from it.

True, we have put a shovel in the ground for the Second Avenue subway after talking about it for 54 years and, more than twenty years ago, voting $500-million to build it. But that is comfort of a very remote kind. It will be at least the year 2,000 before that subway is fully operational, if then. The city's health and well-being simply cannot afford that long a wait. Besides, with current use of our existing system down some 40 per cent from its 1947 peak, how do we know that people will use the Second Avenue subway in numbers large enough to justify its cost? We must find a way to improve the *existing* subway facilities and lower the price so that people now attracted to automobiles will return to mass transit. If the subway system could recover even half the riders it had in 1947, we could realize great financial benefits. The capital cost of these facilities (the total runs into the billions) has already been paid.

Is it financially feasible to provide better, cleaner, and more attractive subway service? The answer depends on the accounting system we use. Yes, it will cost the Transit Authority more money to run the subways, even taking into account added revenues from more passengers. But it is bound to save the users and other taxpayers billions of dollars in lower fares, less crowded streets, reduced air pollution, and improved business conditions.

This is not wishful thinking. Atlanta has demonstrated that such accounting is real. Last year that city cut its bus fare from 40 to 15 cents. Representative Andrew Young of Atlanta, who considers improved and less costly transportation the major issue of the moment for minorities, believes this cut has done more to promote Atlanta's current renaissance and boom than any other single factor.

As part of a program for our subway system, I propose a fare reduction to 15 cents in the non-rush hours. This will encourage riders to use the system precisely when it can handle them, and it will bring customers to entertainment, cultural attractions, and the fabulous shopping in our central city. It will do more for business in New York City than a dozen convention centers and other structures built without thought about their impact on the means of getting to and from them.

Equally important, the 35-cent fare must be kept at its present level after December 31, 1973, when the pressure for a hike will be on. Where will the money come from? For reasons of fairness as well as need, there is one main source which must be tapped: the drivers of private automobiles who choose to commute to and from the central city, usually one to a car. Considering the benefits they receive and the costs they impose on the public as compared with users of mass transportation, they are being subsidized on a ratio of at least 10 to 1.

The price they pay must be brought into at least rough balance with the cost to the taxpayers of the facilities the public provides, and that must include the cost of traffic congestion and air pollution. It can be done with equitable and workable taxes, fees, tolls, and charges related to what automobile users get in return for what they pay. (As a point of comparison, if we had raised the tolls on the George Washington Bridge at the same rate that we raised the subway fare, it would now cost $7 a round-trip instead of $1.)

This is a tough program for politicians. It means stepping on the toes not only of those affluent enough to use a car to get to work but also on the toes of the most effective propagandists in the country, the highway lobby. The Senate vote last month to open up the Highway Trust Fund at least partially to mass transportation is encouraging. But the House shot down a similar measure last year and may again. The Highway Trust Fund, created in 1956, takes in some $6 billion annually in taxes on automobiles and gasoline which can only be used for highways planned and subsidized by the Fund. Although the money is now being spent at the rate of just $4 billion a year, its powerful supporters, needless to say, are not about to give any of it up quietly. The only organized opponent the highway lobby has is the Highway Action Coalition headed by John Kramer, a young and skillful Californian. I am chairman of his Advisory Committee. But the funds this group has to spend on lobbying are insignificant compared to the resources of the proponents of the Highway Trust Fund. Opening the Highway Trust Fund to mass transportation should be a matter of discussion in the mayoral election.

The mayoral candidates must also be asked to support the suit the City has brought against General Motors Corporation. New York has instituted a class action in behalf of all cities similarly situated against G.M. for monopolizing and overcharging in the buses it manufactures and sells. (G.M., for openers, is claiming that it cannot get a fair trial in New York City because of some of the statements I myself and others have made. It believes it can get a fair trial in Detroit.) G.M. makes more than half of all cars manufactured and sold in this country, and the City alleges that G.M. has a virtual monopoly of bus manufacturing as well. But these two businesses are in sharp competition with each other. The more buses that are sold, the less the demand for cars. Given the length of time it takes to build a commuter railroad or a new subway, or even to improve existing ones, bus transportation may well be the last hope for America's cities. There is room for great improvement in bus technology. And competition would surely bring the price down. But with a strangle hold on the market, General Motors has no real incentive to promote buses; that would merely reduce car sales. This, too, must be made a subject of political debate this year.

One additional point: regardless of who is Mayor, the city alone cannot do the job. Transportation must be approached regionally, since people move around without regard to the city's geographical boundaries, crossing state and city lines. There are, besides, alternative ways of getting about. This calls for a central agency with the power to plan a balanced, coordinated system on a regional basis. The Port Authority, created for that very purpose, has the mandate, the jurisdiction, the resources, and the talents to do the job.

For one brief moment, when Governor Rockefeller got New York to repeal its side of the 1962 statutory covenant limiting the Authority's role in mass transit, I thought we were going to get the Port Authority back to its original mandate. But under pressure from Governor Cahill of New Jersey and the bond market, Rockefeller retreated. The battle to get the Port Authority to plan and develop a coordinated system of transportation for the metropolitan area must continue.

By doubling the tolls on Port Authority bridges and tunnels, we can raise an additional $75 million that would help mass transit if (1) applied directly to subsidize the fare; or (2) used to support another $1 billion in Port Authority bonds for capital improvements in mass transit facilities. (If the new revenues were used to support additional bonds, it would raise the Port Authority's borrowing capacity to more than $3 billion.) The candidates for Mayor should speak to this issue as well.

These proposals, alas, have one serious drawback—they aren't very funny. They merely concern the very circulatory system through which the city's lifeblood flows. And this just happens to be the year we pick a new Mayor. What a dumb time to raise serious issues.

PRESIDENT SHOULD CANCEL SALE OF PHANTOMS TO ARABS

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, the proposed sale of 24 to 30 F–4 Phantom jet fighter-bombers to Saudi Arabia is deeply disturbing. Insofar as the U.S. posture in the Middle East to date has been one of maintaining a regional military balance and providing Israel with military assistance to enable that country to preserve its independence and territorial integrity, the recently publicized administration decision to furnish Phantoms to Saudi Arabia appears to represent a total aboutface in our established policy.

The sale serves no purpose from the standpoint of American interests, and the Saudi Arabians face no realistic external or internal threat which warrants furnishing them with this sophisticated supersonic aerial weaponry.

A very real danger exists that these aircraft may someday be utilized against Israel, for the Phantoms possess the capability of attacking Israel and returning to Saudi Arabia without refueling. We also must not overlook the possibility that the Saudis may transship these planes to other Arab states which are hostile to Israel, despite any "guarantees" in sales contracts that this would not happen. Let us not forget that in 1967, Jordan utilized its American-supplied tanks to mount an offensive land assault against Israel.

Today I have written to the President urging him not to proceed with this sale of Phantoms to Saudi Arabia, and I encourage my colleagues in the Congress to take similar action. As a member of the Near East Subcommittee of the Foreign Affairs Committee, I intend to exert every effort in the committee and in the full Congress to persuade the administration to reverse its dangerous new policy.

The text of my letter to the President follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 7, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am deeply concerned by the Administration's reported decision to sell 24 to 30 F–4 Phantom jet fighter-bombers to Saudi Arabia. The sale of these jets would serve no useful purpose from the standpoint of American interests, and the danger exists that they would be utilized in an armed conflict against Israel.

The proposed sale to Saudi Arabia appears to represent a complete reversal of our U.S. Middle East policy of maintaining a military balance in the region. No valid reason has been advanced for arming the Saudi Arabians with Phantom bombers at this time. The Saudis face no realistic external threat which justifies providing them with this sophisticated aerial weaponry, and the F–4 would be of little use in meeting the threat of a domestic guerilla insurrection. Furthermore, there is absolutely no reasonable assurance that the Phantoms will not be employed someday against Israel, a fact to which Jordan's offensive use of American-supplied tanks against Israel in 1967 bears testimony.

Your past efforts to extend military assistance to Israel in order to aid that nation in preserving its independence and territorial integrity are to be commended. In light of your Administration's past policies, which on balance were fair from the standpoint of Israel's interests, I urge that you not proceed with the sale of Phantoms to Saudi Arabia.

With best wishes,
Sincerely,

JONATHAN B. BINGHAM.

FRIDGE LEO JESTER

(Mr. ALBERT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ALBERT. Mr. Speaker, I was saddened to learn today of the death early Wednesday of Mr. Fridge Leo Jester, the "Billy Sunday" of Capitol Hill, who made so many friends among Members of the Congress and their staffs and visitors

while serving as an attendant to the Prayer Room in our U.S. Capitol.

Mr. Jester had been ill for several years and had to give up the position he loved so much—that of keeper of the Prayer Room—in 1970 because of poor health. His death was blamed on burns he suffered accidentally recently.

Mr. Jester came to Washington in 1941 to serve on the police force. He left that position to attend the Prayer Room. He loved telling visitors of the history of the Prayer Room and his lectures on special occasions such as Mother's Day and Father's Day were especially meaningful and effective.

Born in Dye Mound, Tex., in 1892. Mr. Jester moved to Elk City, Okla., at an early age. His father was a prairie physician. His brothers also are doctors and are well known in the Elk City area.

Mr. Jester was very active in Masonic work and was proud of his 50-year pin. He leaves his wife, Mildred, and two daughters. To them and his other loved ones, we extend sincere sympathy.

PENTAGON DEFIES CONGRESS ON THE F–111

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, I am simply appalled by the announcement by Deputy Defense Secretary Clements that the Pentagon will close down the production line for the F–111, America's fastest and most modern operational combat aircraft.

What is most appalling of all is that this announcement was made at the very time when the House Armed Services Committee was seriously deliberating whether to include further funds in the defense authorization bill to keep the F–111 production line open for 1 year, until the Pentagon gets around to making a final decision on putting the new B–1 bomber into actual production.

Certainly the Secretary knew what was going on in the House committee, so his announcement is just one more act of arrogant defiance on the part of the executive branch. Apparently some of the lessons of Watergate, which have persuaded some executive departments to demonstrate less defiance of and more respect for the Congress, have still failed to waft across the river to the Pentagon.

I for one intend to challenge the Secretary's defiant action and will move to include funds for the F–111 in the authorization bill. If there is any one thing that contributes more to inflated defense budgets these days it is this weird logic now employed by the Secretary that you should abandon weapons systems that finally have been made to work and sink all your billions into building dream weapons in the future, which generally prove to involve costly overruns and a myriad of operating bugs.

The real truth of the matter, as Mr. Clements knows, is that the Air Force is so desperate to build the B–1 that it is determined that when 1975 rolls around there will be no viable alternative in sight to full B–1 production. To do this it has to kill off the F–111 now, no matter how much the ultimate cost to the taxpayers may be.

Mr. Clements ought to know, however, that by thumbing his nose at the Congress in this way he has actually jeopardized, rather than enhanced, the future of the B–1 as far as Congress is concerned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CHARLES H. WILSON of California (at the request of Mr. MCFALL), from 4 p.m. today through June 8, on account of official business.

Mr. ADDABBO (at the request of Mr. O NEILL), from 4 p.m. today through Friday, June 8, on account of official business.

Mr. BURGENER (at the request of Mr. GERALD R. FORD), for tomorrow, June 8, on account of official business.

Mr. DENNIS (at the request of Mr. GERALD R. FORD), on account of illness in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. DINGELL, for 30 minutes, on Wednesday, June 13, 1973.

Mr. RANDALL, for 30 minutes, and to include extraneous material.

(The following Members (at the request of Mr. PRITCHARD) to revise and extend their remarks and include extraneous material:)

Mr. ANDREWS of North Dakota, for 5 minutes today.

Mr. WALSH, for 15 minutes, today.

Mr. MCCLOSKEY, for 60 minutes, June 18, 1973.

Mr. NELSEN, for 15 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

(The following Members (at the request of Mr. STUDDS), to revise and extend their remarks, and to include extraneous matter:)

Mr. HAMILTON, today, for 5 minutes.

Mr. OWENS, today, for 5 minutes.

Mr. GONZALEZ, today, for 5 minutes.

Mr. EILBERG, today, for 5 minutes.

Mr. FRASER, today, for 5 minutes.

Mr. TIERNAN, today, for 5 minutes.

Mr. COTTER, today, for 5 minutes.

Mr. WOLFF, today, for 5 minutes.

Mr. BREAUX, today, for 5 minutes.

Ms. ABZUG, today, for 5 minutes.

Mr. FULTON, today, for 5 minutes.

Mr. DENT, on June 12, for 30 minutes.

Mr. GAYDOS, on June 12, for 30 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SIKES to revise and extend his remarks made in debate on H.R. 7645.

Mr. FROEHLICH to revise and extend his remarks on H.R. 7446.

Mr. RANDALL in two instances.

Mr. CONLAN, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $807.

(The following Members (at the request of Mr. PRITCHARD) and to include extraneous material:)

Mr. VEYSEY in four instances.

Mr. DERWINSKI in three instances.

Mr. BURGENER.

Mr. SNYDER in four instances.

Mr. ANDERSON of Illinois in three instances.

Mr. WYMAN in two instances.

Mr. SYMMS.

Mr. HUBER in two instances.

Mr. GOODLING.

Mr. COLLIER in five instances.

Mr. GILMAN.

Mr. CRANE in five instances.

Mr. KEMP.

Mr. CAMP.

Mr. PETTIS.

Mr. HOGAN in two instances.

Mr. FROEHLICH in two instances.

Mr. MARTIN of North Carolina.

Mr. SMITH of New York.

Mr. MCCLORY.

Mr. LANDGREBE.

Mr. STEELE.

Mr. BEARD.

Mr. SARASIN.

Mr. BOB WILSON.

Mr. HOSMER in three instances.

Mr. GOLDWATER.

(The following Members (at the request of Mr. STUDDS) and to include extraneous matter:)

Mr. DELANEY.

Mr. LEGGETT.

Mr. TAYLOR of North Carolina.

Mr. DOWNING.

Mr. BURKE of Massachusetts.

Mr. PATTEN.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. WALDIE in three instances.

Mr. HARRINGTON.

Mrs. MINK in two instances.

Mr. CORMAN.

Mr. ECKHARDT in two instances.

Mr. GAYDOS in 10 instances.

Mr. BRECKINRIDGE in 10 instances.

Mr. HAMILTON in 10 instances.

Mr. DOMINICK V. DANIELS.

Mr. ROY.

Mr. VANIK in two instances.

Mr. YOUNG of Georgia in six instances.

Mr. EDWARDS of California.

Mr. MOLLOHAN.

Mr. MADDEN.

Mr. OWENS in five instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1570. An act to authorize the President of the United States to allocate crude oil and refined petroleum products to deal with existing or imminent shortages and dislocations in the national distribution system which jeopardize the public health, safety, or welfare; to provide for the delegation of authority to the Secretary of the Interior; and for other purposes; to the Committee on Interstate and Foreign Commerce.

ENROLLED JOINT RESOLUTION SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 533. Joint resolution authorizing the President to proclaim June 17, 1973, as a day of commemoration of the opening of the upper Mississippi River by Jacques Marquette and Louis Jolliet in 1673.

ADJOURNMENT

Mr. STUDDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.) the House adjourned until tomorrow, Friday, June 8, 1973, at 12 o'clock noon.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 12, 1884 (23 Stat. 22), to be administered to Members and Delegates of the House of Representatives, the text of which is carried in section 1757 of title XIX of the Revised Statutes of the United States and being as follows:

> "I, A B do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation for purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 93d Congress, pursuant to Public Law 412 of the 80th Congress entitled "An act to amend section 30 of the Revised Statutes of the United States" (U.S.C., title 2, sec. 25), approved February 18, 1948: CARDISS COLLINS, Seventh District, Illinois.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1009. A communication from the President of the United States, transmitting an amendment to the request for appropriations to liquidate contract authority for fiscal year 1974 for the Environmental Protection Agency (H. Doc. No. 93–112); to the Committee on Appropriations and ordered to be printed.

1010. A letter from the Acting Assistant Secretary of the Navy (Installations and Logistics), transmitting notice of the proposed transfer of the destroyer escort ex-U.S.S. *Osterhaus* (DE 164) to the Little Rock Chamber of Commerce, Little Rock, Ark., pursuant to 10 U.S.C. 7308; to the Committee on Armed Services.

1011. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report for the period December 1972 through April 1973 on Export-Import Bank approved loans, guarantees, and insurance in support of U.S. exports to Yugoslavia, Romania, Union of Soviet Socialist Republics, and Poland, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Foreign Affairs.

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. HALEY: Committee on Interior and Insular affairs. H.R. 6129. A bill to amend section [illegible] of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; with amendment (Rept. No. 93–263). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interior and Insular Affairs. H.R. 2096. A bill to prohibit the imposition by the States of discriminatory burdens upon interstate commerce in wine, and for other purposes; with amendment (Rept. No. 93–264). 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 Mr. ANDERSON of Illinois:

H.R. 8476. A bill to require that future appointments to the offices of Director and Deputy Director of the Office of Management and Budget, and of certain other officers in the Executive Office of the President, be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. ANDERSON of Illinois (for himself, Mr. BROWN of Michigan, Mr. BROYHILL of Virginia, Mr. BUTLER, Mr. CHAMBERLAIN, Mr. COHEN, Mr. COLLIER, Mr. CONTE, Mr. CRONIN, Mr. DERWINSKI, Mr. ERLENBORN, Mr. FROEHLICH, Mr. HEINZ, Mr. HORTON, Mr. HUDNUT, Mr. KEMP, Mr. MCKINNEY, Mr. MOSHER, Mr. O'BRIEN, Mr. QUIE, Mr. SARASIN, Mr. SEBELIUS, Mr. J. WILLIAM STANTON, Mr. STEELE, and Mr. STEIGER of Wisconsin):

H.R. 8477. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ANDERSON of Illinois (for himself, Mr. WILLIAMS, and Mr. ZWACH):

H.R. 8478. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 8479. A bill to amend the Internal Revenue Code of 1954 to provide income tax simplification, reform, and relief for small business; to the Committee on Ways and Means.

By Mr. MADDEN (for himself, Mr. BOLLING, Mr. SISK, Mr. YOUNG of Texas, Mr. PEPPER, Mr. MATSUNAGA, Mr. MURPHY of Illinois, Mr. LONG of Louisiana, and Mr. MCSPADDEN):

H.R. 8480. A bill to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives or the Senate may disapprove the President's action and require him to cease such impounding, and to establish for the fiscal year 1974 a ceiling on total Federal expenditures; to the Committee on Rules.

By Mr. BURKE of Massachusetts (for himself, Mr. BREAUX, Mr. MEZVINSKY, and Mr. QUILLEN):

H.R. 8481. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. FRASER (for himself, Mr. DIGGS, Mr. HELSTOSKI, Mrs. SCHROEDER, Mr. DANIELSON, Mr. OBEY, and Mrs. HANSEN of Washington):

H.R. 8482. A bill to amend the United Nations Participation Act of 1945 to halt the importation of Rhodesian chrome and to restore the United States to its position as a law-abiding member of the international community; to the Committee on Foreign Affairs.

By Mr. GILMAN (for himself, Mr. ROBISON of New York, Mr. BIESTER, Mr. WON PAT, Mr. HAWKINS, Mr. WOLFF, Mr. MOLLOHAN, Mr. WALSH, Mr. FISH, Ms. ABZUG, Mr. SHUSTER, Ms. CHISHOLM, Mr. COHEN, Mr. BURTON, and Mr. RONCALLO of New York):

H.R. 8483. A bill to amend section 402 of title 23, United States Code, and section 103 of the National Traffic and Motor Vehicle Safety Act of 1966, relating to schoolbus safety; to the Committee on Interstate and Foreign Commerce.

By Mrs. HECKLER of Massachusetts:

H.R. 8484. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

By Mr. HUBER:

H.R. 8485. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement periods of service performed in nonappropriated fund instrumentalities of the Armed Forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Miss JORDAN:

H.R. 8486. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

H.R. 8487. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes; to the Committee on Armed Services.

H.R. 8488. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

H.R. 8489. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. BADILLO, Mr. BROWN of California, Mr. BURTON, Mr. DELLUMS, Mr. DIGGS, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAWKINS, Mr. METCALFE, Mr. MOAKLEY, Mr. PEPPER, Mr. RANGEL, Mr. RIEGLE, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H.R. 8490. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge

certificates, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. BADILLO, Mr. BROWN of California, Mr. BURTON, Mr. DELLUMS, Mr. DIGGS, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAWKINS, Mr. METCALFE, Mr. MOAKLEY, Mr. PEPPER, Mr. RANGEL, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H.R. 8491. A bill to amend title 10 of the United States Code to establish independent boards to review the discharges and dismissals of servicemen who served during the Vietnam era, and for other purposes; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. BADILLO, Mr. BOLAND, Mr. BROWN of California, Mr. BURTON, Mr. DELLUMS, Mr. DE LUGO, Mr. DIGGS, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAWKINS, and Mr. LEHMAN):

H.R. 8492. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of education to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. METCALFE, Mr. MOAKLEY, Mr. PEPPER, Mr. RANGEL, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H.R. 8493. A bill to amend chapter 34 of title 38, United States Code, to permit eligible veterans pursuing full-time programs of eduction to receive increased monthly educational assistance allowances and have their period of entitlement reduced proportionally; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. BADILLO, Mr. BOLAND, Mr. BROWN of California, Mr. BURTON, Mr. DELLUMS, Mr. DE LUGO, Mr. DIGGS, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAWKINS, and Mr. LEHMAN):

H.R. 8494. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. METCALFE, Mr. MOAKLEY, Mr. PEPPER, Mr. RANGEL, Mr. RIEGLE, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. WALDIE, Mr. WON PAT, and Mr. YATRON):

H.R. 8495. A bill to amend chapter 34 of title 38, United States Code, to provide additional educational benefits to Vietnam-era veterans; to the Committee on Veterans' Affairs.

By Mr. KOCH (for himself, Mr. ASPIN, Mr. BADILLO, Mr. BOLAND, Mr. BROWN of California, Mr. BURTON, Mr. DELLUMS, Mr. DE LUGO, Mr. DIGGS, Mr. EDWARDS of California, Mr. GIBBONS, Mr. HARRINGTON, Mr. HAWKINS, Mr. METCALFE, Mr. MOAKLEY, Mr. PEPPER, Mr. RANGEL, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mr. SCHROEDER, Mr. SEIBERLING, Mr. WALDIE, and Mr. YATRON):

H.R. 8496. A bill to establish a task force within the Veterans' Administration to advise and assist in connection with, to consult on, and to coordinate all programs pertaining to veterans of the Vietnam era; to the Committee on Veterans Affairs.

By Mr. NIX:

H.R. 8497. A bill to designate the birthday of "Martin Luther King, Jr." as a legal public holiday; to the Committee on the Judiciary.

By Mr. NIX (for himself, Mr. CARNEY of Ohio, Mr. DERWINSKI, Mr. DULSKI, Mr. EILBERG, Mrs. GREEN of Oregon, Mr. GREEN of Pennsylvania, Mrs. HECKLER of Massachusetts, Mr. HUNGATE, Mr. MOAKLEY, Mr. PEPPER, Mr. PODELL, Mr. RHODES, Mr. ROBERTS, Mr. ST GERMAIN, Mr. SYMINGTON, Mr. VEYSEY, Mr. WARE, and Mr. WON PAT):

H.R. 8498. A bill to provide a penalty for the robbery or attempted robbery of any narcotic drug from any pharmacy; to the Committee on the Judiciary.

By Mr. RHODES:

H.R. 8499. A bill to abolish the library of the House of Representatives, and for other purposes; to the Committee on House Administration.

By Mr. ROBISON of New York:

H.R. 8500. 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. RONCALIO of Wyoming:

H.R. 8501. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Clark's Fork River, Wyo., for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8502. A bill to amend the Wild and Scenic Rivers Act of 1968 by designating a portion of the Green River, Wyo., and its tributaries, for potential addition to the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. ST GERMAIN:

H.R. 8503. A bill to restore to certain Governmental employees the right to participate as private citizens, in the political life of the Nation, and for other purposes; to the Committee on House Administration.

H.R. 8504. A bill to amend the age and service requirements for immediate retirement under subchapter III of chapter 83 of title 5, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8505. A bill to increase the contribution of the Government to the costs of health benefits for Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 8506. A bill to amend the Postal Reorganization Act of 1970, title 39, United States Code, to provide for uniformity in labor relations; to the Committee on Post Office and Civil Service.

By Mr. JAMES V. STANTON (for himself and Mr. BURTON):

H.R. 8507. A bill to amend the Public Works and Economic Development Act of 1965 to establish a program to assist municipalities and businesses in urban industrial development, and for other purposes; to the Committee on Public Works.

By Mr. STEELMAN (for himself, Mr. WYLIE, Mr. MILLER, Mr. RINALDO, Mr. MITCHELL of Maryland, Mr. PEPPER, Mr. ASHLEY, Mr. BEVILL, Mr. MCKINNEY, Mr. QUIE, Mr. BIESTER, Mr. ASPIN, Mr. MURPHY of Illinois, and Mr. HEINZ):

H.R. 8508. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. SYMMS:

H.R. 8509. A bill to amend the act of June 4, 1897, to increase the value limitation on the amount of forest products which the Secretary of Agriculture may sell without advertisement; to the Committee on Agriculture.

By Mr. TEAGUE of Texas (for himself, Mr. DAVIS of Georgia, and Mr. MOSHER):

H.R. 8510. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WYATT:

H.R. 8511. A bill to restrain the Nation's fuel consumption rate by providing for the lowering of the maximum speed limit within each State; to the Committee on Public Works.

By Mr. BARRETT:

H.R. 8512. A bill to amend the Economic Stabilization Act of 1970 to provide for a 90-day freeze on rents at levels prevailing on January 10, 1973; to the Committee on Banking and Currency.

By Mr. BROWN of Michigan:

H.R. 8513. A bill to amend the Housing and Urban Development Act of 1968 by exempting certain industrial and commercial sales and leases; to the Committee on Banking and Currency.

By Mr. CLANCY:

H.R. 8514. A bill to amend title II of the Social Security Act to increase to $3,400 the amount of outside earnings which (subject to further increases under the automatic adjustment provisions) is permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. DICKINSON:

H.R. 8515. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FRASER:

H.R. 8516. A bill to amend title 5, United States Code, to provide for equality of treatment with respect to married women Federal employees in connection with compensation for work injuries, and for other purposes; to the Committee on Education and Labor.

H.R. 8517. A bill to provide equality of treatment for married women employees of the Federal Government under the Foreign Service Act of 1946; to the Committee on Foreign Affairs.

By Mr. FULTON:

H.R. 8518. A bill to provide effective relief from disruptive imports of nonrubber footwear in a manner that will be fair to producers, workers, and consumers; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 8519. A bill to amend the Occupational Safety and Health Act of 1970 to provide that where violations are corrected within the prescribed abatement period no penalty shall be assessed; to the Committee on Education and Labor.

By Mr. HANLEY:

H.R. 8520. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOGAN:

H.R. 8521. A bill to authorize the District of Columbia to enter into a compact with a State with respect to cooperative efforts and mutual assistance in the prevention of crime; to the Committee on the District of Columbia.

By Mr. MARTIN of Nebraska:

H.R. 8522. A bill to authorize the Secretary of the Interior to transfer title to Mirage

Flats Irrigation project works to the landowners within the Mirage Flats Irrigation District; to the Committee on Interior and Insular Affairs.

By Mr. MILFORD:

H.R. 8523. A bill to amend the Mineral Lands Leasing Act of 1920; to the Committee on Interior and Insular Affairs.

By Mr. RANGEL:

H.R. 8524. A bill the Adequate Income Act of 1973; to the Committee on Ways and Means.

By Mr. SARASIN:

H.R. 8525. A bill to repeal the bread tax on 1973 wheat crops; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 8526. A bill to provide for the restructuring of the rail system in the Northeast; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STARK:

H.R. 8527. A bill to assist the conduct of the official business and activities of the House of Representatives by establishing an emeritus status for certain former Members of the House, and for other purposes; to the Committee on House Administration.

By Mr. STRATTON (for himself and Mr. HUNT):

H.R. 8528. A bill to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers' and Airmen's Home; to the Committee on Armed Services.

By Mrs. SULLIVAN (for herself, Mr. GROVER, Mr. DINGELL, Mr. FORSYTHE, Mr. JONES of North Carolina, Mr. BREAUX, and Mr. YOUNG of South Carolina):

H.R. 8529. A bill to implement the shrimp fishing agreement with Brazil; to the Committee on Merchant Marine and Fisheries.

By Mr. UDALL (for himself, Mr. BERGLAND, Mr. BEVILL, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. COTTER, Mr. DANIELSON, Mr. DELLUMS, Mr. DE LUGO, Mr. EVANS of Colorado, Mr. FRASER, Mr. GIAIMO, Mr. GIBBONS, Mrs. GRASSO, and Mr. HARRINGTON):

H.R. 8530. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. HOWARD, Mr. KYROS, Mr. LEHMAN, Mr. METCALFE, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. OWENS, Mr. ST GERMAIN, Mr. STUDDS, Mr. TIERNAN, Mr. ULLMAN, Mr. WON PAT, and Mr. YATRON):

H.R. 8531. A bill to authorize the construction of transmission facilities for delivery to the continental United States of petroleum reserves located on the North Slope of Alaska, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. VANIK:

H.R. 8532. 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. WALDIE:

H.R. 8533. A bill to amend the Internal Revenue Code of 1954 to allow a refundable credit against the individual income tax for expenses paid in connection with the adoption of a child; to the Committee on Ways and Means.

By Mr. WHALEN:

H.R. 8534. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. BINGHAM:

H.R. 8535. A bill to amend title 10 of the United States Code to include, for purposes of determining entitlement to nonregular retired pay, participation in the Civilian Military Training Camp program; to the Committee on Armed Services.

By Mr. PASCELL:

H.R. 8536. A bill to establish the Fort Zachary Taylor National Historic Site, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HÉBERT (for himself and Mr. BRAY) (by request):

H.R. 8537. A bill to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes; to the Committee on Armed Services.

By Mr. MACDONALD:

H.R. 8538. A bill to amend the Communications Act of 1934, to extend certain authorizations for the Corporation for Public Broadcasting and for certain construction grants for noncommercial educational television and radio broadcasting facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York (for himself, Mr. BIAGGI, Mr. ROYBAL, Mr. YATRON, Mr. METCALFE, Mr. BROOKS, Mrs. MINK, Mr. MITCHELL of Maryland, Mr. DIGGS, Ms. ABZUG, Mr. REES, Mr. LEHMAN, Mr. SARBANES, Mr. HICKS, Mr. ADDABBO, Mr. WALDIE, Mr. RIEGLE, Mr. DELLUMS, Mr. DOWNING, and Mr. CORMAN):

H.R. 8539. A bill to provide for the continued operation of various Public Health Service hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. WYLIE (for himself, Mr. GROSS, Mr. KETCHUM, Mr. ROUSSELOT, Mrs. HOLT, Mr. GINN, Mr. LOTT, Mr. YOUNG of Georgia, Mr. YOUNG of Florida, Mr. FROEHLICH, Miss JORDAN, Mr. ESCH, Mr. HINSHAW, Mr. MILLER, Mr. HUNT, Mr. GOODLING, Mr. TALCOTT, Mr. DEVINE, Mr. MARAZITI, Mr. ROBINSON of Virginia, Mr. YOUNG of Alaska, Mr. DEL CLAWSON, and Mr. SYMMS):

H.R. 8540. A bill to prohibit travel at Government expense outside the United States by Members of Congress who after the adjournment sine die of the last session of a Congress are not candidates for reelection in the next Congress; to the Committee on House Administration.

By Mr. QUIE:

H.J. Res. 603. Joint resolution proposing an amendment to the Constitution of the United States for the protection of unborn children and other persons; to the Committee on the Judiciary.

By Mr. RANGEL:

H.J. Res. 604. Joint resolution designating the second Sunday in June of each year as "Children's Day"; to the Committee on the Judiciary.

By Mr. SNYDER:

H.J. Res. 605. Joint resolution proposing an amendment to the Constitution of the United States relative to the balancing of the budget; to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia (for himself, Mr. ROBINSON of Virginia, Mr. WALSH, and Mr. BROWN of California):

H. Con. Res. 241. Concurrent resolution expressing the sense of Congress regarding the conservation of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. DULSKI:

H. Con. Res. 242. Concurrent resolution expressing the sense of the Congress with respect to the sale or abandonment of certain railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. SARASIN:

H. Con. Res. 243. Concurrent resolution requesting the President to proclaim August 29, 1973, as National Prevention of Cruelty to Animals Day; to the Committee on the Judiciary.

By Mr. WALSH (for himself, Mr. DULSKI, Mr. HASTINGS, and Mr. STRATTON):

H. Con. Res. 244. Concurrent resolution expressing the sense of the Congress with respect to the sale or abandonment of certain railroad lines; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H. Res. 428. A resolution to amend the Rules of the House of Representatives to provide, as an item of the order of business of the House, for a period in which heads of executive departments and agencies are questioned in and report to the House; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

242. By the SPEAKER: A memorial of the Legislature of the State of California, relative to acquiring land in the Lake Tahoe Basin for public purposes; to the Committee on Agriculture.

243. Also, memorial of the Legislature of the State of California, relative to the Office of Saline Water; to the Committee on Interior and Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRASCO:

H.R. 8541. A bill for the relief of Eleanor P., and Theodore R. Coleman; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 8542. A bill for the relief of Jorge I. Fuksman; to the Committee on the Judiciary.

By Mr. MICHEL:

H.R. 8543. A bill for the relief of Viorica Anna Ghitescu, Alexander Ghitescu, and Serban George Ghitescu; to the Committee on the Judiciary.

By Mr. MYERS:

H.R. 8544. A bill for the relief of Abelardo Aguilar; to the Committee on the Judiciary.

By Mr. RONCALIO of Wyoming:

H.R. 8545. A bill for the relief of Russell G. Wells; to the Committee on Interior and Insular Affairs.

By Mr. OWENS:

H. Res. 429. Resolution to refer the bill (H.R. 8474) entitled "A bill for the relief of J. Clarence Ingram, Don W. Ingram, and Dick L. Ingram of Nephi, Utah" to the Chief Commissioner of the U.S. Court of Claims for a report thereon; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

234. By the SPEAKER: Petition of the council of the county of Maui, Hawaii, relative to the definition of "secondary treatment" in water pollution control; to the Committee on Public Works.

235. Also, petition of the city council, Anchorage, Alaska, relative to the establishment of a national cemetery at Fort Richardson, Alaska; to the Committee on Veterans' Affairs.