Blumer, Philip W., xxx-xx-xxxx.
Booker, Jasper L., Jr., xxx-xx-xxxx.
Booth, Dean L., xxx-xx-xxxx.
Brock, Samuel L., xxx-xx-xxxx.
Burdett, William W., xxx-xx-xxxx.
Callaway, Andrew G., xxx-xx-xxxx.
Cartledge, Robert M., xxx-xx-xxxx.
Causey, John H., Jr., xxx-xx-xxxx.
Dickinson, Robert O. III, xxx-xx-xxxx.
Diemer, Jerry W., xxx-xx-xxxx.
Ebert, Raymond C. II, xxx-xx-xxxx.
Eisenbrandt, David L., xxx-xx-xxxx.
Fischer, Larry C., xxx-xx-xxxx.
Gamby, John E., xxx-xx-xxxx.
Goetze, Jonathan B., xxx-xx-xxxx.
Grube, Steven G., xxx-xx-xxxx.
Hall, James E., xxx-xx-xxxx.
Harder, Joseph B., xxx-xx-xxxx.
Hartshorn, Rodney D., xxx-xx-xxxx.
Jordon, Ronald E., xxx-xx-xxxx.
Ksiazek, Thomas G., xxx-xx-xxxx.
Langloss, John M., xxx-xx-xxxx.
Leininger, Thomas I., xxx-xx-xxxx.
Letscher, Robert M., xxx-xx-xxxx.
Long, David A., xxx-xx-xxxx.
Mills, Andrew C. S., xxx-xx-xxxx.
Peterson, David J., xxx-xx-xxxx.
Rankin, James T., Jr., xxx-xx-xxxx.
Ritchey, William M., xxx-xx-xxxx.
Schnarr, John T., xxx-xx-xxxx.
Seiler, Jonathan W., xxx-xx-xxxx.
Stamp, Gary L., xxx-xx-xxxx.
Teeple, Terry N., xxx-xx-xxxx.
Thompson, James L., xxx-xx-xxxx.
Warner, Ronald D., xxx-xx-xxxx.
Watkins, Richard H., xxx-xx-xxxx.
Williams, Mark D., xxx-xx-xxxx.
Wright, James H., xxx-xx-xxxx.

To be first lieutenant (medical specialist)

Bojarski, Richard J., xxx-xx-xxxx.
Colgrove, Merry K., xxx-xx-xxxx.

HOUSE OF REPRESENTATIVES—*Tuesday, June 12, 1973*

The House met at 12 o'clock noon.

Rev. A. Dickerson Salmon, Jr., All Saints' Parish, Frederick, Md., offered the following prayer:

Almighty God, under whose protection and guidance our fathers founded this Republic, grant us, we pray, Your continuing help, that we may counsel together, ever mindful that all wisdom, sound judgments, and right actions come from You. Grant to the Members of this House and all others in authority the knowledge that they are Your servants in all their deliberations for our beloved country.

Grant to each of us a renewed vision of Your goodness and love, that all our actions begun, continued, and ended in You may be guided by compassion to control ambition; by truth to overcome evil and strife; and by faith to know and to do Your holy will until our life's end, through Jesus Christ our Lord. 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 bills of the following titles, in which the concurrence of the House is requested:

S. 978. An act to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; and

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices.

WELCOME TO REV. A. DICKERSON SALMON, JR.

(Mr. BYRON asked and was given permission to address the House for 1 minute.)

Mr. BYRON. Mr. Speaker, it is a pleasure to welcome the Reverend A. Dickerson Salmon, of Frederick, Md., rector of the All Saints Parish. I am a member of that body, and it is a pleasure to welcome him here this morning.

APPOINTMENT AS MEMBERS OF COMMISSION ON REVIEW OF NATIONAL POLICY TOWARD GAMBLING

The SPEAKER. Pursuant to the provisions of section 804(b), title 8, Public Law 91–452, the Chair appoints as members of the Commission on the Review of the National Policy Toward Gambling the following Members on the part of the House: Mr. HANLEY, of New York; Mr. CARNEY of Ohio; Mr. HOGAN, of Maryland; and Mr. HUNT, of New Jersey.

THE HUD NEW COMMUNITIES PROGRAM

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

Mr. BARRETT. Mr. Speaker, the Subcommittee on Housing held 2 days of oversight hearings during the last week of May on the new communities development program administered by the Department of Housing and Urban Development.

As Members know, this is one of the few HUD programs which was not devastated by the President's fiscal year 1974 budget. This program, in fact, is expanded by the budget, which calls for an additional 10 new community project approvals.

Despite this general commitment, however, there have been widespread reports of inadequate staffing, which has led to long processing delays, bureaucratic second-guessing of project decisions, and, in general, a lack of a real commitment by the administration to the program. As a result, the program's image is now a generally negative one with private developers and the investment community.

The subcommittee's oversight hearings generally confirmed these reports of inadequate staffing, leading to long processing periods and substantial losses of time and money for private developers. The Secretary of HUD, on the other hand, minimized the staffing problems, asserting that the overall complexity of projects, combined with the need to implement such time-consuming Federal requirements as the submission of environmental impact statements, are the principal cause of program delays.

In order to resolve these conflicting views of the program's difficulties, the subcommittee will continue its oversight activities with respect to the administration of the new communities program. I plan to ask several of our subcommittee members to visit three or four new-town project sites, interview the developers' staffs and HUD personnel assigned to these projects, and report to me the results of their investigation. In this way I hope the subcommittee can offer HUD some constructive suggestions for improved administration of this excellent program.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS IMPOUNDMENT AND SPENDING CEILING BILL IS AN INITIATIVE AGAINST INFLATION

(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 commend to the House bill No. H.R. 8480, the legislation setting up impoundment review procedures and fixing a spending ceiling for fiscal 1974.

Members of the House should be prepared to consider the legislation in the near future.

The bill demonstrates the intent of Congress to pursue a policy of fiscal responsibility without sacrificing our constitutional role in the ordering of national priorities.

The bill deals with the long-range question by setting up a permament mechanism for impoundment review. The procedure is similar to that long established for congressional review of executive reorganization plans.

H.R. 8480 deals with the immediate problem of inflation by fixing a spending ceiling of $267.1 billion for fiscal 1974. That is $1.6 billion less than the administration wants to spend. The bill requires impoundment—on an equitable, across-the-board basis—if necessary to stay below the spending ceiling for fiscal 1974.

This bill shows that Congress, at least, wants action on inflation. H.R. 8480 is an important step by the Congress in behalf of a comprehensive economic program to combat inflation.

CONFERENCE REPORT ON H.R. 5293, PEACE CORPS AUTHORIZATION

Mr. MORGAN. Mr. Speaker, I call up the conference report on the bill (H.R. 5293) authorizing additional appropriations for the Peace Corps, and ask unani-

mous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of June 6, 1973.)

Mr. MORGAN (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the statement of the managers be dispensed with.

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

There was no objection.

Mr. MORGAN. Mr. Speaker, the House bill (H.R. 5293) which passed this body on March 29, 1973, provided a 2-year authorization: $77 million for fiscal year 1974 and $80 million for fiscal year 1975. The Senate version, which was passed on May 21, 1973, authorized $77 million for fiscal year 1974 only. On this point, the House receded and agreed to the 1-year authorization.

The House conferees also agreed to accept one noncontroversial Senate amendment. It subjects the agency to the provisions of section 3709 of the Revised Statutes of the United States, as amended, and section 302 of the Federal Property and Administrative Services Act of 1949. This brings Peace Corps contracting policy in line with other Federal agencies—particularly with respect to advertising prior to acceptance of domestic bids. Exemptions are still permitted for procurement of necessary services and supplies overseas and therefore adequate flexibility has been insured.

The Senate conferees, for their part, have agreed to drop two amendments which the Senate put in the bill. One would have limited the Peace Corps' overall administrative costs to 25 percent and required ACTION to list these costs in its annual report. The question at issue here was primarily one of bookkeeping. The General Accounting Office will review this matter and submit its recommendations. After that, both Houses will have an opportunity to take another look at this matter.

The second Senate amendment on which the Senate receded would have required Foreign Service personnel assigned to ACTION to spend "substantially all" of their hours of work on Peace Corps' operations. While the House conferees were not unsympathetic to the Senate concern in this instance, we felt that further study was desirable. The Senate conferees agreed.

Finally, the conferees agreed to a technical amendment proposed by the Senate which would merely change the title of the bill to conform to the text.

Mr. Speaker, I believe the agreement which has been reached by the House-Senate conferees on this bill is a fair one, which adequately reflects the positions of both Houses. I urge that the conference report be adopted.

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

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

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Do I understand that the conference report produced a $77 million authorization?

Mr. MORGAN. That is correct. The same figure that was in both bills for fiscal year 1974.

Mr. GROSS. In other words, a slight reduction from $80 million?

Mr. MORGAN. The $80 million authorization was for fiscal year 1975, and was dropped entirely.

Mr. GROSS. That has been dropped?

Mr. MORGAN. The gentleman is correct.

Mr. GROSS. And all amendments adopted by the conferees are germane to the bill?

Mr. MORGAN. They are germane to the bill.

Mr. GROSS. I withdraw my reservation.

Mr. MAILLIARD. Mr. Speaker, will the gentleman yield?

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

Mr. MAILLIARD. Mr. Speaker, I support the conference report on H.R. 5293.

The conference agreement would provide a 1-year authorization of $77,001,000 for fiscal year 1974. The House bill had provided a 2-year authorization, but the House conferees agreed to the 1-year provision in the Senate bill. The conferees also agreed to place the Peace Corps under existing Federal procurement law.

The Senate conferees agreed to drop restrictive language concerning administrative expenses and the utilization of Foreign Service personnel.

With approval of the conference report now before the House, the Peace Corps can move forward with a program that emphasizes quality—not quantity.

Despite a steady increase in volunteer applications since 1969, the Peace Corps has given increasing emphasis to quality, selecting volunteers with the attitudes and skills needed to meet the requests of the countries in which they will serve.

The new directions of the Peace Corps are bringing results in terms of more requests for skilled volunteers and more applications by prospective volunteers with maturity and skills.

I urge approval of the conference report.

Mr. JOHNSON of Colorado. Mr. Speaker, on March 29, this body approved the additional appropriation of $157 million for operation of the Peace Corps in 1974 and 1975. This action was taken after very little debate on the floor and, I understand, after little scrutiny in committee.

Those in favor of continuing the Peace Corps under its present policy spcke well of its achievements, commending the program as productive to volunteers and host countries alike.

As one who dissented from the majority on the 2-year authorization, I have noted a recent article from the Daily Sentinel of Grand Junction, Colo., May 22, 1973, in which a former volunteer speaks of the mismanagement and abuse of our highly praised Peace Corps. The author is Mrs. Mary L. Johnson, who participated in projects in North Africa. I suggest this article be read by friends and foes of the Peace Corps in the hope that an expression of concern from one involved in the program might enlighten all of us on how well the Corps is actually fulfilling its purpose:

THIS IS HOW PEACE CORPS SPENDS TAX MONEY

Mary L. Johnson and her husband Alan live at 915 Rood and both are certified teachers. He taught in a handicapped school for mentally retarded and she has taught first grade and kindergarten. In Morocco she taught English as a foreign language.

(By Mary L. Johnson)

Recently my husband and I returned from Morocco as Peace Corps volunteers and have a few things to tell the public about how tax money is being spent overseas.

Here's my story:

After three months of intensive language training we were sent to our stationed sites for our two years of "diligent" work.

My husband was scheduled for four hours of teaching a week. That was all. After much hollering to Peace Corps and the director of his school he was given an extra two hours.

Later he learned that another school just out of town needed a physical education teacher since theirs had not yet shown up so he asked permission from Peace Corps to go to the school and ask to teach.

The Director of P.C. flatly refused him permission and told him to relax, enjoy himself and not to make waves. He had a job and that was it.

My husband went anyway and the school put him to work. After a month of working at the two schools he was busy. Then the P.E. instructor came who was supposed to have the position. Back to six hours.

He formed volleyball and basketball teams but when students are in school from 8 a.m. to 6 p.m. there leaves little time for extra activities. Studying Arabic for two hours a day and mingling with the people kept him going—but barely.

The only thing that saved us was the fact that there are many Moslem holidays and school is out—so we travelled. During November, December and January we had five vacation periods and spent three and one half weeks out of the three months at our site.

Here is my point: most people sign up to go to these countries for a challenge and to work but many times it just isn't possible.

Peace Corps spends millions of dollars in training, medicals, living allowances and transportation. And to what avail? So many, many volunteers aren't doing anything of any value for the countries they're in.

Peace Corps gives volunteers a generous living allowance allowing them to hire maids, rent nice apartments and Villas with nice furnishings, and all kinds of food that's available—(this is because the French are still pretty prevalent in Morocco and many items are imported). Vacation money is also allotted.

Would anyone be surprised to know that many volunteers stay only because of travel benefits. They spend time flying to Rome, Paris, Munich, the French Riviera and Spain.

We were the lucky ones who had jobs—many volunteers are unemployed. Jobs fall through, teachers are turned out by school directors because they look too young and many times are younger than 25 years old students. No cooperation with foreign governments and it goes on and on.

Peace Corps doesn't send you home because it's a black mark from Washington about job situations in that country. So volunteers stay—some of them—because they don't want to think they've failed. You see we go through training and the staff fills volunteers so full of idealistic thoughts on integrity and loyalty and so forth that you get the idea

if you terminate it's your fault because you lacked these qualities.

So many stay and study languages through Embassy centers of different countries and many have written a lot and then there are those who get strung up on dope.

Morocco is one of the most accessible marijuana countries in the world. One can buy anything though—opium, heroin, etc. in any alleyway in Tangier, Casablanca, Rabat or Meknes. And grass is available and cheap in all towns and villages.

One can also afford to buy a good used car without too much skimping. In Morocco the P.C. director has outlawed vehicles but many volunteers have them.

In countries like Afghanistan and India help is needed for their people. They work to survive famines and droughts. But in Morocco, Thailand, Liberia, etc., the U.S. government is doling out terrific amounts of money for volunteers to have a pleasurable junket.

May I close with this—Morocco was a 5-year project country. This past February Peace Corps Morocco threw a fantastic booze party celebrating their 10th anniversary in Morocco. It so happens that little third world country has outgrown the Peace Corps. But it sure makes a nice 5-year holiday playground for staff members.

Someday I hope people will wake up and protest our government funding.

Mr. MORGAN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground 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 329, nays 64, not voting 40, as follows:

[Roll No. 207]

YEAS—329

Abdnor	Broyhill, Va.	Dennis
Abzug	Buchanan	Dent
Addabbo	Burgener	Derwinski
Anderson, Calif.	Burke, Calif.	Diggs
Anderson, Ill.	Burke, Mass.	Dingell
Andrews, N.C.	Burlison, Mo.	Donohue
Andrews, N. Dak.	Burton	Drinan
Annunzio	Butler	Dulski
Archer	Byron	du Pont
Arends	Carney, Ohio	Eckhardt
Armstrong	Cederberg	Edwards, Ala.
Ashley	Chamberlain	Eilberg
Aspin	Chisholm	Esch
Bafalis	Clancy	Eshleman
Baker	Clark	Evans, Colo.
Barrett	Clausen, Don H.	Evins, Tenn.
Bell	Clawson, Del	Fascell
Bennett	Clay	Findley
Bergland	Cleveland	Flood
Biester	Cohen	Foley
Bingham	Collier	Ford, Gerald R.
Boggs	Collins, Ill.	Ford, William D.
Boland	Conable	Forsythe
Bowen	Conte	Fountain
Brademas	Conyers	Fraser
Brasco	Corman	Frenzel
Bray	Cotter	Frey
Breaux	Coughlin	Froehlich
Breckinridge	Cronin	Fulton
Brinkley	Culver	Fuqua
Brooks	Danielson	Giaimo
Broomfield	Davis, Ga.	Gibbons
Brotzman	Davis, S.C.	Gilman
Brown, Calif.	Davis, Wis.	Ginn
Brown, Mich.	de la Garza	Goldwater
Brown, Ohio	Delaney	Gonzalez
Broyhill, N.C.	Dellenback	Goodling
	Denholm	Grasso
Green, Oreg.	Mann	Schroeder
Green, Pa.	Maraziti	Sebelius
Griffiths	Martin, N.C.	Seiberling
Grover	Mathias, Calif.	Shipley
Gubser	Matsunaga	Shriver
Gude	Mazzoli	Sikes
Gunter	Meeds	Slack
Guyer	Melcher	Smith, Iowa
Hamilton	Metcalfe	Staggers
Hammer-schmidt	Mezvinsky	Stanton, J. William
Hanley	Michel	Stanton, James V.
Hanna	Miller	Stark
Hansen, Idaho	Mills, Ark.	Steele
Hansen, Wash.	Minish	Steiger, Wis.
Harrington	Mink	Stephens
Harsha	Mitchell, Md.	Stokes
Harvey	Mitchell, N.Y.	Stratton
Hastings	Mizell	Stubblefield
Hawkins	Moakley	Stuckey
Hays	Mollohan	Studds
Hechler, W. Va.	Moorhead, Calif.	Sullivan
Heinz	Morgan	Symington
Helstoski	Mosher	Talcott
Hicks	Moss	Taylor, N.C.
Hillis	Murphy, Ill.	Teague, Calif.
Hinshaw	Murphy, N.Y.	Teague, Tex.
Hogan	Natcher	Thompson, N.J.
Holifield	Nedzi	Thomson, Wis.
Holt	Nelsen	Thone
Holtzman	Nix	Thornton
Horton	Obey	Tiernan
Hosmer	O'Brien	Towell, Nev.
Howard	O'Hara	Treen
Hudnut	Owens	Udall
Hungate	Parris	Ullman
Hunt	Patman	Van Deerlin
Jarman	Patten	Vander Jagt
Johnson, Calif.	Pepper	Vanik
Johnson, Colo.	Perkins	Veysey
Johnson, Pa.	Pettis	Vigorito
Jones, Ala.	Peyser	Walsh
Jones, N.C.	Pickle	Wampler
Jones, Okla.	Pike	Ware
Jordan	Podell	Whalen
Karth	Price, Ill.	White
Kastenmeier	Pritchard	Whitehurst
Kazen	Quie	Widnall
Keating	Railsback	Williams
Kemp	Randall	Wilson, Bob
Ketchum	Rangel	Wilson, Charles H., Calif.
Kluczynski	Rees	Wilson, Charles, Tex.
Koch	Regula	Winn
Kuykendall	Reid	Wolff
Kyros	Reuss	Wright
Landrum	Rhodes	Wyatt
Leggett	Riegle	Wydler
Lehman	Rinaldo	Wylie
Lent	Robison, N.Y.	Wyman
Litton	Rodino	Yates
Long, La.	Roe	Yatron
Long, Md.	Rogers	Young, Alaska
McClory	Roncalio, Wyo.	Young, Fla.
McCloskey	Roncallo, N.Y.	Young, Ill.
McCormack	Rooney, Pa.	Young, S.C.
McDade	Rosenthal	Young, Tex.
McEwen	Roush	Zablocki
McFall	Roy	Zion
McKay	Roybal	Zwach
Macdonald	Ryan	
Madden	St Germain	
Madigan	Sarasin	
Mahon	Sarbanes	
Mailliard	Saylor	
Mallary	Schneebeli	

NAYS—64

Beard	Gross	Quillen
Bevill	Haley	Rarick
Blackburn	Henderson	Roberts
Burke, Fla.	Hutchinson	Robinson, Va.
Burleson, Tex.	Ichord	Rose
Camp	Jones, Tenn.	Rousselot
Casey, Tex.	King	Runnels
Chappell	Landgrebe	Ruth
Cochran	Latta	Satterfield
Collins, Tex.	Lott	Scherle
Conlan	Lujan	Shoup
Crane	McCollister	Shuster
Daniel, Dan	McSpadden	Skubitz
Daniel, Robert W., Jr.	Mathis, Ga.	Snyder
	Milford	Spence
Devine	Minshall, Ohio	Steed
Dickinson	Montgomery	Symms
Dorn	Myers	Taylor, Mo.
Downing	Passman	Waggonner
Duncan	Poage	Whitten
Flowers	Powell, Ohio	Wiggins
Flynt	Price, Tex.	

NOT VOTING—40

Adams	Biaggi	Carter
Alexander	Blatnik	Daniels, Dominick V.
Ashbrook	Bolling	
Badillo	Carey, N.Y.	Dellums
Edwards, Calif.	Heckler, Mass.	Rostenkowski
Erlenborn	Huber	Ruppe
Fish	McKinney	Sandman
Fisher	Martin, Nebr.	Sisk
Frelinghuysen	Mayne	Smith, N.Y.
Gaydos	Moorhead, Pa.	Steelman
Gettys	Nichols	Steiger, Ariz.
Gray	O'Neill	Waldie
Hanrahan	Preyer	Young, Ga.
Hébert	Rooney, N.Y.	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Frelinghuysen for, with Mr. Martin of Nebraska against.

Mr. Steelman for, with Mr. Huber against.

Mr. Dominick V. Daniels for, with Mr. Steiger of Arkansas against.

Mr. Gaydos for, with Mr. Fisher against.

Mr. Erlenborn for, with Mr. Gettys against.

Mr. Moorhead of Pennsylvania for, with Mr. Nichols against.

Until further notice:

Mr. Rooney of New York with Mr. Fisher.

Mr. Rostenkowski with Mr. Hanrahan.

Mr. Blatnik with Mr. Ashbrook.

Mr. Carey of New York with Mr. Carter.

Mr. Hébert with Mr. Mayne.

Mr. O'Neill with Mrs. Heckler of Massachusetts.

Mr. Sisk with Mr. McKinney.

Mr. Waldie with Mr. Ruppe.

Mr. Young of Georgia with Mr. Badillo.

Mr. Dellums with Mr. Biaggi.

Mr. Gray with Mr. Sandman.

Mr Adams with Mr. Smith of New York.

Mr. Alexander with Mr. Edwards of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that all Members have permission to extend their remarks on the conference report just agreed on.

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

There was no objection.

PERSONAL ANNOUNCEMENT

Mr. ADAMS. Mr. Speaker, on rollcall No. 207 I was unavoidably out of the Chamber. I wish to record that I would have voted "yea" had I been present to do so.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. PEPPER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

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

Mr. GROSS. Mr. Speaker, reserving the right to object, would the distinguished gentleman from Florida be good enough to give the House some idea of the bills on which he has asked permission to have until midnight to file reports?

Mr. PEPPER. One of them is the bill relative to the public debt ceiling. We

heard the distinguished chairman of the committee this morning.

The next is H.R. 3926, National Foundation on the Arts and Humanities Act.

Another is H.R. 7824, Legal Services Corporation Act.

Another is H.R. 8152, law enforcement assistance amendments.

The next is H.R. 5094, to provide for the reclassification of positions of Deputy U.S. Marshal.

The committee, I am advised, may reconsider H.R. 2990, annual authorization of appropriations, U.S. Postal Service, which was heard, on which action was incomplete on the 15th of May. I am advised it is also possible that the committee will take that measure up this afternoon. The committee has been called to meet at 2 o'clock by the chairman.

Mr. GROSS. To take that bill, H.R. 2990 up for a vote this afternoon; is that correct?

Mr. PEPPER. Yes. It is on the agenda.

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

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

There was no objection.

JOINTLY ADMINISTERED TRUST FUNDS FOR LEGAL SERVICES PLANS

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 423 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 423

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. 77) to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services. 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 Education and Labor, 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 amendment thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 77, it shall be in order to take from the Speaker's table the bill S. 1423 and to consider the said Senate bill in the House.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) 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 423 provides for an open rule with 1 hour of general debate an H.R. 77, a bill to amend section 302(c) of the Labor-Management Relations Act of 1947 to permit contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

After the passage of H.R. 77, it shall be in order to take from the Speaker's table the bill S. 1423 and to consider the Senate bill in the House.

Mr. Speaker, the principle that all citizens should have a right to access to competent counsel is a goal of our society. Today there are programs providing legal aid for the poor, but adequate counsel is still beyond the means of over 150 million moderate-income Americans. They have the same needs for adequate legal counseling as the poor, yet in many cases they are denied effective legal representation.

H.R. 77 will not direct the establishment of jointly administered legal services programs. But it will bring such programs within the scope of collective bargaining.

Mr. Speaker, I urge adoption of House Resolution 423 in order that we may discuss and debate H.R. 77.

Mr. LATTA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House is going to be considering what I look upon as one of the most important pieces of legislation we will consider in this session.

Mr. Speaker, when this legislation came before the Committee on Rules, it was the first time, I believe, a sufficient airing as to what is proposed was held. I was amazed to find after the legislation was delayed in the Committee on Rules at the request of the gentleman from New York (Mr. DELANEY) we still did not have any word from the legal practitioners in this country—and I am talking about the lawyers themselves as well as those who are going to be directly affected by this legislation, the employees and the employers—as to where they stood.

I think that it is important that we know the effect on the lawyer-client relationship which can come about with the passage of this type of legislation.

What does this legislation propose? As the gentleman from Florida (Mr. PEPPER) indicated, it amends the Taft-Hartley law to make the matter of legal services for "employees, their families and dependents" an item for bargaining in labor contracts.

In reality, if this proposal comes into being and they have a contract, the labor unions will have maybe 7 or 8 or maybe 10 lawyers with whom they will contract for for these services. It provides no choice to the employees, their dependents, or families as to whom they can go to for their contracted services.

I called this to the attention of the very able gentleman from New Jersey (Mr. THOMPSON) when he came before the Committee on Rules and explained to him that this would do harm to the lawyer-client relationship. Would the lawyer be represented the client or the union who selects him?

Let me give you an example: For instance, in a community like Defiance, Ohio, a community in my district of approximately 20,000 people, has a General Motors plant employing 6,500 people. They also have several lawyers in that community. When the union enters into a contract with the employer, they will select maybe four or five lawyers in the community to handle all of the legal services for their employees, their families, and their dependents.

What is going to happen to the lawyer-client relationship in the community which existed prior to the passage and implementation of this legislation? You know what will happen. The relationship will be destroyed and these people will be forced to share these services from attorneys selected by the union.

If you have represented a family for 20 years handled their personal affairs and have drawn up the will, they will be forced to go lawyers employed by this union to settle the estate. If they have a divorce proceeding, they will be forced for economic reasons to go to the lawyer provided under the contract. If you have a criminal action, they will go to their lawyers rather than to lawyers of their choice.

I think this is wrong; this legislation ought to be amended to give the employees and their families and their dependents the option and the right, if you please, to go to the lawyer or the counsel of their choice—their choice and not the choice of the union.

I think it is wrong to do otherwise. You ought to give these people the right to go to the counsel they have been going to for years, if we are going to pass this legislation.

Mr. Speaker, I indicated I had called this matter to the attention of the gentleman from New Jersey, and he indicated to me that he would be considering it. I must admit at this moment I do not know whether any proposed amendment will be offered. If the committee does not offer such an amendment, I will propose on page 2, line 3, after the word "dependents," to insert the words "for counsel of their choice." These words must be inserted so that you give these employees and their families and dependents the same right they have now to go to the counsel of their choice for these legal services. To do otherwise I think would destroy the lawyer-client relationship in a good many of these communities.

I think it is important to point out here that another amendment is going to be offered to make the bargaining for legal services discretionary rather than mandatory. I do not think such an amendment will mean too much in practice, however, because if you provide another exception for legal services, it is going to be a subject for contract negotiations, anyway, so what is the difference? I shall vote for the amendment but I do not think the amendment will make much difference if adopted. It will be argued in any bargaining session that you can bargain for legal services and it will become a subject for bargaining.

As I see it, what is of paramount importance to the employees and to the lawyer-client relationship is to give these employees the right to choose—not the union as to whom they shall go to for legal services.

Mr. McCLORY. As I interpret this legislation, a person who belongs to a labor union and that labor union negotiates for legal services for himself, his family, and dependents in a contract with the employer, as a result of this legislation, that person would have the advantage of having his legal services all paid for in advance. In other words there would be a lawyer available to that person, to his family, and his dependents at all times for virtually every type of legal service. In contrast, if that person sues someone else who does not happen to be a member of the union, then are we putting that nonunion person at a disadvantage in our legal system? Are we not thereby building into our society the kind of inequality under the law that we are constitutionally endeavoring to eliminate?

Mr. LATTA. There is no doubt about it that the employee, a member of their family, or a dependent of the employee would have these services paid for under this union contract.

Mr. McCLORY. Let me ask the gentleman from Ohio one other question, if the gentleman will yield further, and that is this: Conversely, the union employee who finds that his legal services are paid for because the union has negotiated for legal services for that employee, is he not, at the same time, constrained to accept those legal services and, in a sense, is being deprived of the opportunity to select the individual lawyer he wishes to represent him. And in that sense that person becomes a second-class citizen with regard to the securing of legal services?

Mr. LATTA. That is my primary concern.

Mr. McCLORY. If the gentleman will yield still further, this proposed legislation has nothing to do with legal services for the poor, does it?

Mr. LATTA. Nothing at all to do with legal services for the poor. If a person makes $20,000 a year, for example, in a plant, and this legislation becomes law and if legal services are a part of their contract with the employer, then they are entitled to it.

Mr. McCLORY. May I ask the gentleman one further question, and that is:

This would be in addition to the lawyer who represents the union organization, or the company lawyer, or the house attorney in the corporation; this is a third branch, then, that we would provide if we enact this legislation?

Mr. LATTA. That is correct.

Mr. HUTCHINSON. Mr. Speaker, will the gentleman yield?

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

Mr. HUTCHINSON. Mr. Speaker, it occurs to me that we have one further problem involved here with regard to the legal profession. I would suppose that, assuming one of these plans are negotiated, there would have to be negotiations with the lawyers in the community as to their fee structure. As a result, the fee structure of the lawyers in that community would in effect be dictated by this plan.

Would the gentleman from Ohio agree with me there?

Mr. LATTA. I think there is no doubt about it that if they agree on a fee structure in a given contract that they will have to come within that fee structure.

Mr. HUTCHINSON. And in that respect, also, the final result would be a dependence—or a failure of independence—so far as the legal profession is concerned in that community. Especially would this be true in a community where most of the employees are members of unions with which prepaid legal service plans have been negotiated. The legal profession in that community would become quite dependent upon what the plan would permit, so far as legal fees are concerned. The plan would cover such a large proportion of the employees in such a community, that there might be little law business outside the plan.

Mr. LATTA. I believe that would be true. But, let me ask the gentleman from Michigan a question, and that is whether or not the Committee on the Judiciary, on which the gentleman from Michigan is the ranking member, has given any thought or consideration to this proposition?

Mr. HUTCHINSON. The gentleman from Ohio, I am sure, knows that this matter was not referred to the Committee on the Judiciary, and this member of the Committee on the Judiciary will state that, insofar as he is aware, the Committee on the Judiciary itself has given no thought to the matter since the matter was not referred to them.

Mr. LATTA. Let me say to the lawyers in the House and throughout the Nation that, according to the information that has been furnished the Committee on Rules, the American Bar Association supports this legislation. And that is not anything new as far as legislation is concerned because they never seem to contact their membership affected by legislation before they come up with some sort of recommendation. I do not have a high regard for such recommendations.

I think if they are going to represent the legal profession, they ought to contact the people who belong to their organization before making any kind of recommendation, either in favor of or against legislation.

Mr. PEPPER. Mr. Speaker, I should like to say just a word in response to the remarks of my colleague. Section 302 of the labor amendment in fact prohibits payments by employers to employee representatives for items other than those specifically excepted in that section. There have been seven exceptions to that prohibition that have already been adopted. It permits employer contribution to trust funds to be used to finance medical care programs, retirement pension plans, apprenticeship programs, life and accident insurance, child daycare programs, and some others.

All this does is add one more exception to make it clear that out of those funds may be paid, if such a fund is provided for by collective bargaining, legal expenses of the members of the union and their families, which seems to me, Mr. Speaker, to be a meritorious purpose.

Mr. THOMPSON of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from New Jersey.

Mr. THOMPSON of New Jersey. Mr. Speaker, with respect to the argument permissive versus mandatory, I might point out that the bill mentions neither, and, as the report shows, contemplates that if the bill passes without the amendment to be offered, the NLRB and the courts will make the decision.

With respect to the selection of lawyers, in a technical sense if one group of lawyers is chosen at the bargaining table—and when we are talking about the bargaining table, we are talking about the employer and the employee having to reach an agreement—that would be called the closed panel. This legislation is absent any such instruction.

In other words, it contemplates what is known as an open panel or the lawyer of one's choice in the county, or, indeed, anyone admitted to the bar of that State.

With reference to the American Bar Association, which supports this, and the American Trial Lawyers Association, there has been much literature by a special Bar Association Committee which has come up with recommendations for adoption of it by the American Bar Association.

In California a questionnaire was sent by the California Bar Association to 35,000 lawyers in the State asking whether they would be willing to participate in a statewide legal services program. More than 20,000 lawyers in the State of California—and there are not 20,000 labor lawyers in the United States States—responded. Ninety-one percent said that they favored setting up a statewide legal services plan, and the California Bar has developed a statewide legal services plan.

Further, insurance companies in Pennsylvania, in California, and in many other States—and California's insurance commissioner has already approved their plan—are preparing insurance plans to be purchased by the employees. This legislation does not contemplate the full amount which a client might pay a lawyer in an extensive trial. It does contemplate that at the bargaining table between the employees and the employer there will be an agreement that limitations will be set and that they will conform to the local bar association's or State bar association's minimum fee scale.

So this is not going to hurt any lawyer. As a matter of fact it is going to help lawyers. Certainly it is going to to help lawyers. Certainly it is going to help millions of American working people who desire this plan. This is not a lawyers bill—it is a bill for middle-class citizens who need legal help.

Mr. PEPPER. Mr. Speaker, before I yield may I just add further in addition to the endorsement of this proposal by the American Bar Association and the Trial Lawyers Association of America the bill is endorsed by the bar associations of New York, of Colorado, of Michigan, and by the Dallas, Tex., Bar Association.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

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

Mr. LATTA. Mr. Speaker, since the gentleman from Florida mentioned the

New York Bar, let me refresh his memory about the statement made by the gentleman from New York (Mr. DELANEY). He went back home and investigated the matter and he found the bar association was for it but he did not find one lawyer who was in favor of it.

Let me say I could not agree with the gentleman more when he mentions there are seven items already provided for in law. There is, however, a tremendous difference between an insurance agent-policyholder relationship and a lawyer-client relationship. I maintain we have to give freedom of choice to the employee, his family and his dependents and not dictate to these people to whom they should go for legal services.

Mr. PEPPER. I am not aware that this bill provides any method for the selection of the lawyer. The gentleman from New Jersey would be better informed than I, but it would be my impression that matter would be left to the selective bargaining process.

Mr. DELLENBACK. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Oregon.

Mr. DELLENBACK. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, the point the gentleman makes on this is an extremely important one. If this proposal were that all plans adopted hereunder would have a closed panel, as has been dealt with by our colleague, the gentleman from New Jersey, this would be a vastly different proposal than it in fact is, but there is no such requirement in this legislation. At the present time there is no prohibition in the law that says an employer cannot set up this type of fund to take care of the legal expenses. There is no prohibition in the law that says a union cannot set up this kind of plan if it elects to do so. The proposal before us today is not to make lawful the type of legal planning here. It is an attempt to say it is already lawful for the employer to do it and it is already lawful for the union to do it with union funds, and this makes it lawful to do it with joint operations where as a result of the bargaining there is a jointly administered fund.

The very point my colleague, the gentleman from Ohio, puts his finger on could be a serious argument if it were open, but under this proposal it would be up to the negotiators to determine whether it would be a closed or open panel.

Mr. LATTA. Let me interrupt at that point. It is at this point where we are in disagreement. When your union selects a panel, it destroys the lawyer-client relationship.

Mr. DELLENBACK. But there is no prohibition against it being an open panel. Some of those that have been in existence have been and are now open panels, which means the union man or woman who would go in and ask for this kind of service, if it were existent in their particular situation, might just as well have an open panel as a closed panel, in which instance the person seeking the legal service could, as in a prepaid health plan, pick any lawyer one would wish. There is no certainty or even likelihood that the panels would be closed panels. There is at least as great a likelihood they would be open panels, and I think that is an extremely important point for us to keep in mind when we deal with this and not be led astray by what is not a valid argument.

Mr. WIGGINS. Mr. Speaker, will the gentleman yield?

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

Mr. WIGGINS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I wish to address myself to the subject of the open panels as mentioned by the gentleman from Oregon.

It seems to be clear from the debate which just preceded my remarks, that on the question of agreeing to either open or closed panels, there are very few arguments against open panels, so that the choice is vested in the client for the selection of his own attorney. However, it must be agreed that under the proposed bill the possibility exists that the negotiators will agree to a closed panel in which event a certain number of attorneys then become available to the clients on a take it or leave it basis.

If they wish to have all or part of their legal fees paid, they must accept members of the closed panel even though that is not the attorney of their choice. This legislation proposed today, Mr. Speaker, authorizes a procedure which is not now authorized under law. The question is: Is that procedure in the interests of the Nation; of employers, employees, clients, and lawyers?

I wish to suggest to all of my colleagues that it is not wise to adopt a procedure which authorizes the compulsory appointment of an unwanted attorney to litigate a claim. It is wise to leave that choice with an employee, the client.

I regret that this legislation, if we are going to consider the subject at all, does not mandate open panels. The existence of the possibility, which I am sure the gentleman from Oregon will concede, that a closed panel can exist, makes the legislation unacceptable to me.

What is the consequence of a negotiated closed panel? Unions representing thousands of employees, often the principal labor source in a community, will be empowered to channel all legal affairs in that community which may involve their members through a closed panel of attorneys. What impact does that have on the legal profession and upon the independence of litigants who wish to have their points of view presented in court?

I can only suggest to all members that that impact is a very great one, and is unacceptable from my point of view.

Accordingly, if this bill is subject to amendment, as I believe it will be, I would hope that consideration would be given to requiring open panels. If that fails, I say that the bill is not worthy of support.

Mr. DELLENBACK. Mr Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Speaker, I rise because of the good point of my friend from California has made. It is an important one.

Again, if that were so, that under this any person who sought to use the provisions of such a legal services program as here instituted would be forced to take a lawyer, then I would be objecting to the program. But, there is no mandate that anyone would need to take a lawyer. We have at the present time a series of situations where legal wrongs go unredressed because there is no legal service available to make the service possible.

We are trying to expand that and make it available in some increased degree. I would hope that some of these panels, if not all, would be open panels. If there were a closed panel, I am sure my colleague from the State of California would agree that no one would have to use it, as under the present circumstances no one has to use a doctor if, one feels his freedom of choice is more important.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, the gentleman from Oregon says he does not have to use it. It will become a part of his union contract, and the gentleman knows and I know that he will use it.

Mr. WIGGINS. If he fails to use a panel attorney, of course he would not be paid part of the fee.

Mr. DELLENBACK. He would be no worse off than he is this minute if he did not use it. However, we have what we hope is an open panel, and a great many thousands of people would be infinitely better off.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. PEPPER. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, it seems to me that this legislation is, at the very least, imperfect. There are a number of suggestions made as to how to improve something which I think is intrinsically bad.

It would seem to me that the best thing to do is for the committee to consider the legislation further with a number of suggestions that have been made here.

Furthermore, it seems to me that we should consider the Legal Services Corporation which does fulfill a real need for people who have a dire requirement for legal services.

That legislation will be before the House very soon. We should defer action on this until some later time.

I am going to ask for a rollcall, and suggest that we defeat the rule with the expectation that it be referred back to the committee, to come to us at a later time.

Mr. O'BRIEN. Mr. Speaker, will the gentleman yield?

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

Mr. O'BRIEN. I thank the gentleman for yielding.

I come from a community which lies near the biggest city of Illinois. Our legal practice, which includes workmen's compensation and general litigation, is such that 50 percent of workmen's compensation goes to a firm in that larger city,

and one-third of the Scaffolding Act cases go to this particular firm.

While this may not be immediately relative to the issue before the House, it seems to me that every safeguard such as built in by the amendment of the gentleman from Ohio, to allow freedom of choice, is extremely important. I believe, if not built in, the unhappiness produced by this legislation will be exquisite and enduring.

Mr. LATTA. Mr. Speaker, I have no further request for time.

Mr. PEPPER. Mr. Speaker, I just add that this is an open rule. The House will have ample opportunity to work its will if the rule is adopted for consideration of this bill.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McCLORY. 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 307, nays 91, not voting 35, as follows:

[Roll No. 208]

YEAS—307

Abzug	Chappell	Fraser
Adams	Chisholm	Frenzel
Addabbo	Clark	Frey
Alexander	Clausen, Don H.	Fulton
Anderson, Calif.	Clay	Fuqua
Anderson, Ill.	Cleveland	Giaimo
Andrews, N.C.	Cohen	Gibbons
Andrews, N. Dak.	Collier	Gilman
Annunzio	Collins, Ill.	Ginn
Arends	Conte	Gonzalez
Armstrong	Conyers	Grasso
Ashbrook	Cotter	Green, Pa.
Ashley	Coughlin	Griffiths
Aspin	Cronin	Grover
Barrett	Culver	Gubser
Bell	Daniel, Dan	Gude
Bennett	Danielson	Gunter
Bergland	Davis, Ga.	Haley
Biaggi	Davis, S.C.	Hamilton
Biester	de la Garza	Hammer-schmidt
Bingham	Delaney	Hanley
Blatnik	Dellenback	Hanna
Boggs	Dellums	Hansen, Idaho
Boland	Denholm	Hansen, Wash.
Bolling	Dent	Harrington
Bowen	Derwinski	Harsha
Brademas	Diggs	Harvey
Brasco	Donohue	Hawkins
Bray	Downing	Hays
Breaux	Drinan	Hébert
Breckinridge	Dulski	Hechler, W. Va.
Brooks	du Pont	Heinz
Brotzman	Eckhardt	Helstoski
Brown, Calif.	Edwards, Ala.	Henderson
Brown, Mich.	Eilberg	Hicks
Brown, Ohio	Esch	Holifield
Broyhill, N.C.	Evans, Colo.	Holt
Broyhill, Va.	Evins, Tenn.	Holtzman
Buchanan	Fascell	Horton
Burke, Calif.	Findley	Hosmer
Burke, Fla.	Fish	Howard
Burke, Mass.	Flood	Hudnut
Burlison, Mo.	Flowers	Hungate
Burton	Foley	Ichord
Byron	Ford, Gerald R.	Johnson, Calif.
Carney, Ohio	Ford, William D.	Johnson, Pa.
Cederberg	Forsythe	Jones, Ala.
Chamberlain	Fountain	Jones, Okla.
Jordan	Nix	Stanton, James V.
Karth	Obey	Stark
Kastenmeier	O'Brien	Steed
Kazen	O'Hara	Steele
Kemp	O'Neill	Steiger, Wis.
Kluczynski	Owens	Stephens
Koch	Patman	Stokes
Kyros	Patten	Stratton
Leggett	Pepper	Stubblefield
Lehman	Perkins	Stuckey
Lent	Peyser	Studds
Litton	Pickle	Sullivan
Long, La.	Pike	Symington
Long, Md.	Poage	Talcott
Lott	Podell	Taylor, N.C.
Lujan	Preyer	Teague, Calif.
McCloskey	Price, Ill.	Teague, Tex.
McCollister	Pritchard	Thompson, N.J.
McCormack	Quie	Thone
McDade	Railsback	Thornton
McEwen	Randall	Tiernan
McFall	Rangel	Udall
McKay	Rees	Ullman
McSpadden	Regula	Van Deerlin
Macdonald	Reid	Vander Jagt
Madden	Reuss	Vanik
Madigan	Rhodes	Vigorito
Mahon	Riegle	Waggonner
Mailliard	Rinaldo	Walsh
Mallary	Robison, N.Y.	Wampler
Mann	Rodino	Whalen
Martin, N.C.	Roe	White
Mathias, Calif.	Rogers	Whitehurst
Mathis, Ga.	Roncallo, N.Y.	Widnall
Matsunaga	Rooney, Pa.	Williams
Mazzoli	Rose	Wilson, Bob
Meeds	Rosenthal	Wilson, Charles H., Calif.
Melcher	Roush	Wilson, Charles, Tex.
Metcalfe	Roy	Wolff
Mezvinsky	Roybal	Wright
Michel	Runnels	Wyatt
Miller	Ryan	Wydler
Mills, Ark.	St Germain	Yates
Minish	Sarasin	Yatron
Mink	Sarbanes	Young, Fla.
Mitchell, Md.	Saylor	Young, Ga.
Mitchell, N.Y.	Schroeder	Young, Ill.
Moakley	Seiberling	Young, Tex.
Mollohan	Shoup	Zablocki
Morgan	Sisk	Zion
Mosher	Skubitz	Zwach
Murphy, Ill.	Slack	
Murphy, N.Y.	Smith, Iowa	
Myers	Staggers	
Natcher	Stanton, J. William	
Nedzi		

NAYS—91

Abdnor	Goldwater	Passman
Archer	Goodling	Pettis
Bafalis	Green, Oreg.	Powell, Ohio
Baker	Gross	Price, Tex.
Beard	Guyer	Quillen
Bevill	Hastings	Rarick
Blackburn	Hillis	Roberts
Brinkley	Hinshaw	Robinson, Va.
Broomfield	Hogan	Rousselot
Burgener	Hunt	Ruth
Burleson, Tex.	Hutchinson	Satterfield
Butler	Jarman	Scherle
Camp	Johnson, Colo.	Schneebeli
Casey, Tex.	Jones, N.C.	Sebelius
Clancy	Keating	Shriver
Clawson, Del	Ketchum	Shuster
Cochran	King	Sikes
Collins, Tex.	Kuykendall	Snyder
Conable	Landgrebe	Spence
Conlan	Latta	Symms
Crane	McClory	Taylor, Mo.
Daniel, Robert W., Jr.	Maraziti	Thomson, Wis.
Davis, Wis.	Milford	Towell, Nev.
Dennis	Minshall, Ohio	Veysey
Devine	Mizell	Whitten
Dickinson	Montgomery	Wiggins
Duncan	Moorhead, Calif.	Winn
Eshleman	Nelsen	Wylie
Flynt	Nichols	Wyman
Froehlich	Parris	Young, Alaska
		Young, S.C.

NOT VOTING—35

Badillo	Gaydos	Roncalio, Wyo.
Carey, N.Y.	Gettys	Rooney, N.Y.
Carter	Gray	Rostenkowski
Corman	Hanrahan	Ruppe
Daniels, Dominick V.	Heckler, Mass.	Sandman
Dingell	Huber	Shipley
Dorn	Landrum	Smith, N.Y.
Edwards, Calif.	McKinney	Steelman
Erlenborn	Martin, Nebr.	Steiger, Ariz.
Fisher	Mayne	Treen
Frelinghuysen	Moorhead, Pa.	Waldie
	Moss	Ware

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Dominick V. Daniels with Mr. Frelinghuysen.

Mr. Rooney of New York with Mr. Smith of New York.

Mr. Rostenkowski with Mr. Erlenborn.

Mr. Shipley with Mr. Hanrahan.

Mr. Carey of New York with Mr. McKinney.

Mr. Dingell with Mr. Huber.

Mr. Gaydos with Mr. Steiger of Arizona.

Mr. Gray with Mr. Mayne.

Mr. Gettys with Mr. Martin of Nebraska.

Mr. Moorhead of Pennsylvania with Mr. Sandman.

Mr. Waldie with Mr. Ware.

Mr. Corman with Mrs. Heckler of Massachusetts.

Mr. Fisher with Mr. Ruppe.

Mr. Landrum with Mr. Carter.

Mr. Gross with Mr. Steelman.

Mr. Roncalio of Wyoming with Mr. Treen.

Mr. Badillo with Mr. Edwards of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. 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. 77) to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON).

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. 77, with Mr. SMITH of Iowa 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 New Jersey (Mr. THOMPSON) will be recognized for 30 minutes, and the gentleman from Ohio (Mr. ASHBROOK) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, in the past 10 years our society has come a long way in the direction of making legal services available to the vast bulk of our citizens. The principle that all citizens in time of need should have the right of access to competent counsel, in truth and in fact, as well as in theory, has now come to be accepted by virtually every element in our society. Yet, with the Federally-funded programs providing aid for the poor, reference to which was made in the debate on the rule, and the wealthy being able to afford counsel, adequate counsel is still beyond the means of over 150 million moderate-income Americans. Those moderate-income Americans, living in an increasingly complex society, have the same needs for adequate legal counsel as do the poor, and, indeed, as

do the rich, in such areas as the landlord and tenant relationship, debtor and creditor, consumer, property, and family relations, and yet under our system they are effectively denied proper legal representation.

By general agreement the real obstacle to the growth and development of legal service plans for these middle-income Americans is the Taft-Hartley prohibition, section 302(c), which we seek to amend. The bill under consideration today, H.R. 77, would remove that obstacle.

The prohibition contained in section 302 prohibits payments of money or other thing of value by an employer to employee representatives. This broad prohibition was enacted to prevent bribery, extortion, shakedowns, and other corrupt practices. However, section 302 (c), as originally enacted, enumerated five exceptions to the general prohibition in section 302, thus permitting employer contributions to jointly administered labor-management trust funds to finance medical care programs, retirement pension plans, and other specific programs such as the establishment of day-care centers for the children of working mothers.

By enacting a general prohibition on employer payments and then setting forth specific exceptions, the Congress impliedly prohibited payments for any purpose not specifically excepted.

It is clear from the history of section 302(c) that Congress intended only to prohibit abuses of welfare funds to the detriment of union members, and that the funds excepted from the prohibition were those types of benefit funds then in existence. Legal service plans were not mentioned in any of the deliberations leading to the enactment of section 302.

Exhaustive hearings were held on this subject, both in the last Congress and in this session. H.R. 77, as amended, was unanimously reported by both the Special Subcommittee on Labor and the full Committee on Education and Labor. Following the hearings, my friend and colleague, the ranking minority member, the gentleman from Ohio (Mr. ASHBROOK) offered amendments to meet objections that had been raised, and they were indeed comprehensive.

Under Mr. ASHBROOK's amendments, which were unanimously adopted by both the subcommittee and the full committee, legal service trust funds cannot be used to initiate or carry on proceedings directed against, first, employers, their officers or agents, except in workmen's compensation cases; second, against union officers or agents; and, third, to defend union officers or agents in situation arising in such cases as those of Mr. Hoffa and Mr. Boyle.

As amended, H.R. 77 has the broadest range of nonpartisan support by the administration, in the form of a letter from Secretary Brennan; organized labor; the American Bar Association; the American Trial Lawyers Association; the insurance industry; consumer groups, and a great many bar associations. Indeed, an identical bill, S. 1423, which passed the Senate 3 weeks ago by a vote of 79 to 15, had the support of a majority of both Democrats and Republicans alike in the other body.

Mr. Chairman, I urge my colleagues to support this bill without amendment.

By its passage it will not direct the establishment of legal service programs. It will not dictate the terms and conditions of such legal service programs. Since this will be the subject of collective bargaining, the selection of the lawyers or of the insurance company or of the amount of coverage and of an infinite other number of items will all be left to the employer and the employees.

It will not finance such legal service programs. It will not subvert State control over the practice of law with Federal control. It will not require labor or management to agree to any such legal services program, and if they agree the parties will be free to determine the types of benefits and the manner in which, entirely, the legal services will be provided.

Rather, H.R. 77 will bring joint legal service programs within the scope of collective bargaining.

There is no reason for the Federal Government to be an obstacle to private arrangements to insure the availability of legal services to the millions of moderate income Americans, to the millions not covered. This bill will remove that obstacle in a manner that will be decided by the parties themselves.

Mr. ASHBROOK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I endorse H.R. 77 and and hopeful that the House will approve this measure this afternoon.

I favor the concept of providing greater access to our legal system in this country. By permitting the establishment of joint management-labor trust funds for prepaid legal services, H.R. 77 is a positive step in this direction.

During the course of our hearings, I became convinced that certain safeguards were necessary.

Such trust funds should not be used to initiate or carry on proceedings against an employer except in workmen's compensation cases or union administering the fund, or any employer or union in matters arising under the National Labor Relations Act.

And further, such trust funds should not be used to defend union officials in the so-called Hoffa-Boyle situation.

Therefore, I offered an amendment to deal with these problems in the special subcommittee on labor. This amendment was adopted without dissent.

H.R. 77, as now amended, has the support of the Department of Labor and the administration.

It also has the support of the American Bar Association, insurance companies, and most consumer groups.

An identical bill passed the Senate 3 weeks ago by a vote of 79 to 15. As is apparent from the lopsided nature of the vote, that bill had broad-based, bipartisan support.

There is no cost to the Federal Government. The bill, as reported, simply permits the collective-bargaining process to operate freely.

And in the final analysis, the joint administration of these plans is a needed protection for employers. Without this bill, employers could be subject to legal harassment from plans unilaterally set up by unions. With passage of H.R. 77, that will not be possible.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I wish to make the point that I do not think the antagonistic give-and-take in labor-management bargaining is going to exist when these parties sit down to negotiate a trust fund for legal services. The interest of the employer is not necessarily involved in the question of whether there will be closed or open panels. It is of small interest to him.

However, it may be a matter of great interest to the union. I can understand the union's desire to select its own attorneys, because it gives a union a certain degree of control over that attorney.

That is their side of the argument. Management has no counterargument to make. It would accede to all union demands in that regard. We would have more closed than open panels as a consequence. I think that would be intolerable.

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

Mr. WIGGINS. I yield to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, of course this is the possibility when we have a free and open bargaining situation, but the facts do show that for the most part open panels have been made available.

The one in Shreveport, La., for example, has an open panel. For the most part, the parties have left them open, and I would hope that the rank-and-file members would have a lot to say in this regard. It is to their interest to have an attorney of their choice. It is important to have their legal service provided by their own lawyer where possible .

Mr. WIGGINS. Freedom to select one's own attorney is a value worth preserving. This bill, as it is now drafted, permits that freedom to be eroded.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, one of the most successful of all Federal programs was the OEO legal services projects for poor. The wealthy have always been able to afford the best of legal services but what about the average American? What about the American workingman who makes more than $6,000 a year but less than $16,000. He or she is once again the forgotten American.

The bill, H.R. 77, would meet the needs of an increasing demand among middle-income Americans for some sort of prepaid legal services plan. H.R. 77 would permit unions to negotiate with employers through collective bargaining a prepaid legal services trust fund which would be jointly administered by labor and management.

H.R. 77 costs to the employer would be minimal and the benefits to the worker would be tremendous. The added labor

cost would run about 2 cents per man-hour or about $38 a year. In terms of tangible benefits for the worker, there is an unlimited range of possibilities. Unions could negotiate programs which would provide for pretrial and trial defense of civil and criminal actions and for the bringing of civil actions in certain consumer situations for their membership.

H.R. 77 could be arranged to include preventive legal assistance through office consultation and document preparation—that is, for preparation of wills, property leases and deeds, adoption papers, and other contracts. H.R. 77 is clearly within the tradition of labor-management relations in the United States.

I ask for your support for H.R. 77 as reported and without further amendment.

Mr. ASHBROOK. Mr. Chairman, I yield 3 minutes to a distinguished Member of our committee, the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I appreciate very much the distinguished gentleman from Ohio yielding me this time.

This bill, which amends section 302(c) of the Labor Management Relations Act, would permit employer contributions to jointly administered trust funds.

As the gentleman from New Jersey, the distinguished chairman of the subcommittee which reported this bill to the full committee and now to the floor, has indicated, section 302 of the Labor Management Relations Act has prohibited payments by employers to employee representatives for the purposes other than those which are specifically excepted in section 302(c).

Section 302(c) today has seven exceptions to the prohibition. Those relate to things such as medical care programs, retirement pension plans, apprenticeship programs and the like.

The seventh, which was added in the 91st Congress, Public Law 91-86, covers employer contributions to trust funds for scholarships and day care centers.

The seventh exception specifically provides:

That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

This indicates that the subjects of scholarships and day care centers are permissive rather than mandatory subjects of bargaining.

As one of those who is a supporter of attempting to expand the availability of legal services, I am sympathetic to the thrust of the bill H.R. 77, but I must say, Mr. Chairman, I went a cropper on the decision of the Committee on Education and Labor to report the bill providing mandatory bargaining rather than permissive bargaining.

The amendment that I would intend to offer, which was printed yesterday in the RECORD, says:

That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice, however, once bargaining has produced an agreement regarding the establishment of such trust fund, it shall constitute an unfair labor practice to (A) unilaterally modify or terminate that agreement, or (B) fail or refuse to bargain in good faith regarding such trust fund in the next subsequent contract negotiation between the same parties: *Provided further,*

What we are dealing with, it seems to me, in this situation is the question as to whether or not there is in fact a legitimate reason to mandate that a trust fund for legal services shall be the subject for mandatory bargaining. The six other parts of section 302(c), except the seventh that was added in the 91st Congress, of the National Labor Relations Act, at this point are all mandatory.

I believe it is very clear, notwithstanding the subtlety of the gentleman from New Jersey, who argues that the bill is silent on whether or not it is mandatory or permissive, that the National Labor Relations Act will provide that this shall be a mandatory subject for bargaining.

On balance, I believe it is a good idea to authorize a trust fund for this purpose to be jointly administered, but I believe it is bad public policy and it is wrong for the Congress to provide that this shall be done on a mandatory basis, and thus I urge support for the amendment I shall offer.

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BRADEMAS).

Mr. BRADEMAS. Mr. Chairman, I rise in support of H.R. 77.

I want to take this opportunity to congratulate my good friend and distinguished colleague, the gentleman from New Jersey (Mr. THOMPSON) on his leadership in bringing this important bill to the floor of the House.

I want also to congratulate the distinguished ranking minority member of the subcommittee, the gentleman from Ohio (Mr. ASHBROOK) for the contributions he has made to the shaping of this legislation.

Mr. Chairman, I believe it is important to have in mind as we consider this proposal that at present employers may contribute to funds for legal services for union members but that these employers may not participate in the administration of these funds.

It is a central purpose of H.R. 77 to make possible such employer-employee participation in the operation of the jointly administered trust funds.

Mr. Chairman, I think it is also important to note—and I say this in view of some correspondence that I have had in this matter, as I am sure other Members have had—that trust funds established under H.R. 77 cannot be used to initiate legal proceedings that are directed against: first, the employer, his officers or agents except, of course, in workmen's compensation cases, or the employer who is a nominal defendant; or second, the labor organization, its parent or subordinate bodies, or its officers or agents; or, third, for the furnishing of legal services where the labor organization would be prohibited otherwise from doing so by the provisions of the Labor Management Reporting and Disclosure Act of 1959.

So, Mr. Chairman, it seems to me that, given the increased importance in our country of legal services and effective access to them, given the rise in support for assuring that poor people have effective access to legal services, it ought surely to be possible for labor union members who are not in the category of "poor" to be able to contribute to funds which would be jointly administered by themselves and by management to provide the assurance that they will have the services of a lawyer in those situations in which they need them.

So, Mr. Chairman, I think H.R. 77 is a good bill. It is a carefully drawn bill. It is deserving of our support, and I hope that the amendment offered by my friend, the gentleman from Wisconsin (Mr. STEIGER) will be rejected and that H.R. 77, as reported, will be agreed to.

Mr. ASHBROOK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, there are several matters in this bill which give me some reservations about it, and which are certainly going to have to be elucidated to my personal satisfaction before I vote for it.

One is the general question of whether it is best to amend the Taft-Hartley law in as important a feature as this bill does, in a piecemeal fashion, as this bill does. I think everyone in the House knows there are a lot of important amendments that ought to be considered to the Taft-Hartley law.

Mr. Chairman, there is the matter of the national emergency strike, for instance, on which this distinguished committee has been sitting for 5 years, to my certain knowledge, and whether we ought to bring this particular measure out here all by itself without a general overhaul of the law and extensive hearings is open to question.

Another question is the philosophy behind this matter. Is it a legitimate obligation of the employer to pay for the legal representation of his employees? Is this a matter which has a reasonable relationship to the employer-employee relationship under our system of government?

Mr. THOMPSON of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON of New Jersey. Mr. Chairman, in relation to the national emergency transportation strike matter, I am sure the distinguished gentleman from Indiana is aware that that legislation which dealt with the transportation industry was referred to the committee on Interstate and Foreign Commerce, and it was abandoned by the administration, specifically by President Nixon.

Mr. DENNIS. Well, I do not care whether it was abandoned by the administration or by whom it was abandoned, and I am not talking just about transportation.

Mr. Chairman, I think the gentleman would agree with me on this: We might not agree in all the particular instances, but I am sure he would agree with me that this whole statute needs overhauling. I merely raise the question whether

we need to bring this particular measure out as a separate matter.

Now, passing from these general philosophical questions, there are two more specific questions which concern me. One is the question of permission. Why should this be a mandatory subject of bargaining? And if it is not, what is the objection to writing in an amendment which says it is permissive, as the gentleman from Wisconsin proposes?

I would suggest that his amendment would be much better if he just said it is permissive and stopped there. I may offer an amendment to that effect, because I see no reason why once you make such an agreement you have to bargain about it thereafter, from here on, if you feel it is a mistake.

The final thing—and I think this is important, too—is this: What becomes of the ordinary practicing lawyer in the small towns across America, and what becomes of the attorney-client relationship? You know, I practiced law for a good many years in a small town, and a good many people in this House have done the same. You are setting up a situation here, unless you adopt the amendment Mr. LATTA is going to offer, which states specifically that this must be counsel of the employee's choice——

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. DENNIS. Unless you write that into the law you are actually going to have a situation here as a result of bargaining, of course, under pressure, where the only members of the bar who are going to be able to be employed are either those who have some connection with the company or those who have some connection with the union.

It was not too bad to be a smalltown lawyer 50 or 60 years ago. If you were a good one, you could represent the local companies. But there are not any local companies any more. The only thing a lawyer in a small town represents, if he is fortunate, is, he is local counsel for some gigantic corporation operating out of New York, Chicago, or some place like that. But this was not too bad, because these big corporations brought new people to town, and they were well paid people and they became the local lawyer's clients. They were middle-class people and clients for the smalltown attorney. They are going to be bracketed now into this business, and only the union lawyer will have a chance to represent them.

You know, Winston Churchill said that he did not become the king's first minister in order to preside over the liquidation or the British Empire, and, as a much smaller comparison, I am not sure that I came down here to liquidate the people practicing at the bar throughout this country with whom I spent most of my life; and that is about what we are suggesting we do in this bill.

Mr. ASHBROOK. Will the gentleman yield?

Mr. DENNIS. I yield to the gentleman.

Mr. ASHBROOK. Is the gentleman really serious on that point?

Mr. DENNIS. Certainly, I am serious about it.

Mr. ASHBROOK. You know, I have lived in a small town all my life, too, and I know the bar associations in all the counties of my district. Three-fourths of the lawyers back home would not take these cases if their lives depended on it. I think everybody knows in their own areas there are lawyers who work insurance claims, who work divorces. There are Democrat and Republican lawyers and business lawyers and labor lawyers. I see no way that this is going to change the structure of the bar association in any county in my district or anywhere throughout the country.

Mr. DENNIS. I will say to the gentleman my experience has been different from his. He has been in the Congress for a long time. I have been practicing law in these small towns, and let me tell you how it happens. In any given community——

Mr. ASHBROOK. I practiced law, too, before I came to Congress.

Mr. DENNIS [continuing]. There is a lawyer or two who represents the insurance companies and other companies and corporations. There is a lawyer or two representing the AFL–CIO and the Teamsters. There are also a few independent practitioners around who just represent clients, and it is a useful and necessary thing to society that they survive.

Mr. ASHBROOK. But they will continue.

Mr. DENNIS. Let me finish.

Once in a while you need a lawyer who does not mind running into the local corporation. You also need one who does not mind running into the union. And it is hard to find him unless there are some independent fellows who will run into anybody around. And how does he survive? In between these cases that come up he has to do the wills, and the real estate business, and the divorces, and the domestic relations, for all these people who belong to the union and who now will retain him.

This bill is for the birds. We will be destroying a useful and worthwhile way of life in our society.

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

Mr. THOMPSON of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of H.R. 77. I would like to associate myself with the remarks of our colleague, the gentleman from Indiana (Mr. BRADEMAS) who has already indicated the pride with which we view the fine bipartisan spirit which resulted in the Education and Labor Committee finally reporting a bill out unanimously. While there will be, later on in the debate, some discussion about some specific amendments; that nevertheless, does not take anything away from the efforts over a long period of time by both Republicans and Democrats on our committee to work out a bill that was agreeable and which would be beneficial.

I would like to say that it would appear to me from the remarks of the gentleman who immediately preceded me on the floor that he is mistaken in our purpose. It was not our purpose in enacting this legislation to salvage floundering unsuccessful smalltown lawyers, if any there be, wherever they might be found, but to provide legal services for people who would otherwise not have ready access to them.

Whenever we discuss employee providing legal services we have to remember who is to be directly affected. In this case it is the methods whose interest is paramount. This legislation is not intended as a 'lawyers full employment bill."

We have had no indication from any part of the organized bar, that the practice of law as all of us have known it is in any way going to be changed by the passage of this legislation. Any suggestion that any lawyer now practice either in a small town or on Wall Street will be placed at a disadvantage by virtue of the fact that people who need better and practical access to legal services would be changed in the future is not realistic.

Therefore, Mr. Chairman, I rise in support of H.R. 77, the bill which amends the National Labor Relations Act to permit employer contributions to jointly administered trust funds established by unions to defray the costs of legal services for workers, their families, and dependents.

The effect of this legislation would be to permit legal services plans to become the subject of collective bargaining—assuming employees and employers desire to do so.

At this point, Mr. Speaker, I would like to commend the distinguished chairman of the Special Subcommittee on Labor, Mr. FRANK THOMPSON, who authorized this legislation and the distinguished gentleman from Ohio (Mr. ASHBROOK) for their fine bipartisan spirit of cooperation in handling this bill. Because of their efforts, H.R. 77 was reported unanimously out of the Committee on Education and Labor.

I would also like to point out to my colleagues that this legislation contains the following restrictions and safeguards:

One. It incorporates the annual auditing and other requirements for Taft-Hartley trusts imposed under clause B of section 302(c)(5);

Two. It prohibits the use of trust funds to sue either employers or unions, except workmen's compensation cases, where the employer is usually only a nominal defendant. The bill is designed to prevent the use of funds to finance recognitional or jurisdictional disputes, internal union disputes, or any labor relations disputes between labor and management; and

Three. It prevents the use of funds for legal defense in situations in which union officials are accused of malfeasance or breach of fiduciary duties in office.

Finally, I would like to emphasize that this legislation can make legal services available to a large portion of the esti-

mated 150 million American working people with moderate incomes who presently cannot afford the cost of adequate legal assistance—and it will not cost the U.S. Government a penny.

Mr. Chairman, H.R. 77 is supported by the AFL–CIO, the UAW, the Laborers' International Union, the International Brotherhood of Teamsters, the American Bar Association, the Trial Lawyers of America, the Consumer Federation of America, the National Farmers Union, the NAACP, the National Urban League, and many other major consumer groups and labor unions, and, to the best of my knowledge, not even the White House is opposing it.

An identical bill was recently passed by the Senate by an overwhelming vote of 79 to 15, and at this point I would urge final passage of H.R. 77 by this body.

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

Mr. ASHBROOK. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. DELLENBACK).

Mr. DELLENBACK. Mr. Chairman, I rise in support of H.R. 77, reported unanimously by the Committee on Education and Labor.

The bill as amended in the subcommittee, and the full committee, will end up giving hundreds of thousands of middle-income American workers access to our legal system.

Some time later on we hope to have the Legal Services Corporation bill before the Members, which is primarily aimed at making legal services, badly needed as they are, available to some of the disadvantaged people of our society.

The bill before us today is not aimed at giving that kind of aid to the economically disadvantaged. This bill is aimed at making legal services available to the blue-collar, middle-income working American. This bill will help unplug part of the grave injustice in our legal system at the present time where a great many Americans just plain are not getting any legal services. H.R. 77, as reported, contains safeguards to prevent abuses by prohibiting suits against employers, except in workmen's compensation cases, and it prohibits suits against unions. The trust fund cannot be used to finance the defense of union officials.

At my request language was included in the report to insure that these prohibitions would extend not just to the initiation of proceedings but to all aspects of carrying on those proceedings. This, I think, is necessary language, and the prohibition itself is desired.

We are creating no new causes of action under this legislation, but we would be assuring that the average American might have the advantage of counsel when he or she buys a car or a house, has a domestic problem, or is in any way entangled with the law.

I am most impressed with the preventive law potential of legal services programs. It is my belief that these programs, when successfully developed—as they will be moved in the direction of successful development by this kind of legislation—can very well actually reduce the case load in our courts.

I urge support for H.R. 77.

Mr. ASHBROOK. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I rise in opposition to this bill. I call attention of the House to the "Additional Views" that I have placed in the report on this bill. I will offer those views when we return to our regular order.

The material follows:

ADDITIONAL VIEWS

I have serious reservations regarding permitting employer contributions to jointly administered trust funds established by labor organizations to defray the costs of legal services. My reservations are based on the following points which, I believe, were not adequately dealt with by the committee.

First of all is the question: Should legal services be provided through the labor-management collective bargaining process? No one questions the value of legal services. But there are many services of value to any employee, from legal services to life insurance to recreation to education. Are employers quasi-legal guardians of their employees? Or is the provision for expenses for such things as legal services and other personal expenses the responsibility of the individual?

It should be noted, in this context, that legal services are significantly different from other services provided for, in part, by employers. Health insurance, for example, is a service that an individual will make use of only in the case of sickness, an event which he hopes will not occur. Legal services, on the other hand, have a far greater range of usefulness. Consider the wide range of possible civil suits, where an individual may reap great rewards. Without a legal services fund, an individual will enter into a civil suit only if there is a good chance of winning and thus having his legal services paid for. But if an individual does not have to pay for his legal expenses, why not sue someone at the drop of a hat? After all, he has nothing to lose, but much to gain.

What effect would this have on our judicial system? Would there be a greatly increased caseload that may, by sheer volume, tie the hands of the courts? And what about those who would find themselves the defendants in these new lawsuits? Who will pay their expenses? These are questions that ought to be answered before the passage of H.R. 77.

Second, there is the question of the increased cost resulting from a legal services trust fund. The employer contributions will, after going through the collective bargaining process, be in addition to the other fringe benefits and will undoubtedly not come out of employee wages. Whatever costs are incurred will, therefore, be passed on to the consumer in the form of higher prices and/or goods of lesser quality and/or a smaller quantity of goods to choose from. Inflation is the obvious result—the public will pay for the benefit of a few.

What is this additional cost that will be paid by the consumer? Are there any estimates? (I trust that proponents of this bill will not pose as champions of the consumer in the future.)

One further point. If, as is likely, the National Labor Relations Board determines that legal services is a mandatory item of collective bargaining, what will be the effects in the area of labor-management relations? Will there be more in-fighting, with an increased likelihood of strikes?

All of these issues deserve far greater attention than has been given to them.

EARL F. LANDGREBE.

Mr. ASHBROOK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. I thank the gentleman from Ohio (Mr. ASHBROOK) for yielding.

I wonder if the gentleman from New Jersey (Mr. THOMPSON) would answer a couple of questions. Would legal services be the subject of mandatory bargaining under H.R. 77, in your opinion?

Mr. THOMPSON of New Jersey. That question, I will say to the gentleman from Ohio, is left under H.R. 77 to the courts of the National Labor Relations Board.

Mr. WYLIE. I think the gentleman from Wisconsin (Mr. STEIGER) made a pertinent observation when he pointed out that there are other permissive services provided for under the present law, such as day care benefits and scholarships. Others such as work training, day care, and insurance are mandatory. If we do not specifically say that legal services are the subject of permissive bargaining, then do we imply that legal services are to be the subject of mandatory bargaining or what?

Mr. THOMPSON of New Jersey. I might say to the gentleman that of the seven existing exemptions to 302(c) only one, the seventh, is permissive. I happen to be the author of that one.

Mr. WYLIE. Only one of the seven is permissive?

Mr. THOMPSON of New Jersey. That is correct.

Mr. WYLIE. Which one is that?

Mr. THOMPSON of New Jersey. The seventh, relating to day care centers and education funds. All others are mandatory, and in the course of offering the seventh amendment I made the mistake of making it permissive.

Mr. WYLIE. That is all the more reason, then, for making it quite clear in this legislation what we mean.

Mr. THOMPSON of New Jersey. I do not want to make another mistake. The amendment in H.R. 77 should not be permissive.

Mr. WYLIE. Heretofore, though, in this Congress we have made a distinction between permissive language and mandatory language. We have specifically provided for one or the other.

Mr. THOMPSON of New Jersey. In only one of seven instances is the exception permissive; in each of the other six it is mandatory.

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

Mr. WYLIE. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. I appreciate the gentleman's yielding.

I think, again reiterating what I said during my brief remarks, failure to adopt the amendment to insure that it is permissive will clearly make it a mandatory subject for bargaining. That is the precedent that has been established. That is exactly what I am sure will happen. Therefore, it seems to me the better part of wisdom to insure that we follow the precedent established in the 91st Congress on an issue like this one and make it permissive.

Mr. WYLIE. Is it the gentleman from New Jersey's position that legal services

should be the subject of mandatory bargaining??

Mr. THOMPSON of New Jersey. I leave that to the courts. I would not substitute, as the gentleman from Wisconsin would, my judgment for the courts in this instance.

Mr. WYLIE. But a court is supposed to interpret what we put in the law. The court is not supposed to make the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ASHBROOK. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding further.

It is up to us to legislate, not leave it to the court to attempt to determine what we have said, which could be the source of continued litigation, it seems to me.

Mr. THOMPSON of New Jersey. I would think, if the gentleman will be present during the debate on the Steiger amendment, that he will be persuaded. After all, the board has had 24 years of experience in determining these matters.

Mr. WYLIE. Yes, but we are here now considering the question. Why do we not say specifically whether we want legal service bargaining to be mandatory or permissive? We ought to spell it out. Leaving the issue in doubt would make a lot of work for lawyers, it seems to me, if we leave it unclear.

Mr. THOMPSON of New Jersey. I would say to the gentleman from Ohio the courts are going to get a lot of work anyway, including those struggling, smalltown lawyers, because whether or not H.R. 77 becomes law, there are already now in existence 1,500 unilaterally run prepaid legal care programs.

And in most instances they are paid for by management. H.R. 77 would give management a voice because under the present conditions the management pays for the programs but the union operates them and the management has nothing to say about them. We are trying to make management an equal partner.

Mr. WYLIE. I would just make the additional observation that I think the purpose of this bill is to provide legal services and not to create law business, which it seems to me we would be doing if we leave this issue unclear.

Mr. THOMPSON of New Jersey. In order to provide legal services, I might say to my colleague, we must inevitably create law business, because although persons not licensed to practice law in some instances do so, in the main legal services are rendered by lawyers.

Mr. WYLIE. I am not sure that is true.

Mr. THOMPSON of New Jersey. Mr. Chairman, I have no further request for time.

Mr. ASHBROOK. Mr. Chairman, the last request I have for time is from the gentleman from New York (Mr. PEYSER). I yield 4 minutes to the gentleman from New York.

Mr. PEYSER. Mr. Chairman, I rise in support of this legislation, the committee bill. However, I must admit when this bill was being discussed I did not think we were going to end up discussing whether we were going to create business for lawyers or not create business for lawyers. I did not think that was the intent of this legislation.

I think the intent of the legslation is to give working people an opportunity to have decent representation when they are confronted with legal problems. These are not problems where, as someone mentioned, we need an independent lawyer who is not afraid to take on the union or the corporation. In the first place, under this bill according to my understanding, anyone represented by one of these lawyers cannot bring an action against the company or the union. So it is not a question of whether we are going to be looking for a courageous lawyer here or not. What we are basically doing is providing an opportunity for middle income people to have decent representation when they need it.

I also think it is important to specifically understand that this legislation does not provide for mandatory or permissible legislation. This legislation was actually developed as a compromise, and it seems to me there is nothing that could be any more fair than leaving this decision to the courts. I would like the chairman to correct me if I am wrong if a union wanted to discuss this question of putting in legal services and the employer did not want to discuss it, it would then at that time be possible for the question to be submitted to the Labor Relations Board for an opinion at that time. Is that correct?

Mr. THOMPSON of New Jersey. If the gentleman will yield, the gentleman is exactly correct.

Mr. PEYSER. Then the employer does have the right to have his case heard and the Labor Relations Board then will make its ruling. It seems to me we are in the best of all possible worlds, as much as we can have it, in this effort if the intent is truly to give the opportunity to the middle income working man to have decent legal representation, and that is what I think the issue is.

I hope any amendment offered to take away this right and to make it a so-called permissive statement where either party can walk out and simply say, "I do not want to talk about it"—I hope that would be defeated and the legislation would pass as it now stands in H.R. 77.

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

Mr. ASHBROOK. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, the reason I rise is this: I would like to ask a question of the sponsors of the legislation on one side or the other of the aisle.

As I have listened to the debate on this legislation, it strikes me that this proposal is intended to meet a need we have between the poverty level members of our society and the more affluent members who can afford to hire and pay for the services of an attorney.

The thing that concerns me is this: If the union member with his attorney all paid for through this arrangement files an action against someone else who just does not happen to be a union member, who at the same time is in this gray economic area between the poor and the affluent, are we going to leave those people without similar legal representation and establish this kind of unequal system which favors one group because it happens to belong to a union, in contrast to the others who may be at exactly the same economic level but who just do not happen to have union membership, perhaps because they are working in a bank, for instance?

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

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

Mr. ASHBROOK. Mr. Chairman, I think that is one of the points we are trying to handle in this bill. There is no way in our society where everybody can have the same services. There are only a limited number of top lawyers. In our system, a right must be vindicated by the individual usually in the legal system. The more we make legal processes available to average Americans, the better our system will be truly just.

In this case, we are at least expanding the concept of availability of legal services to a large number of people who now do not have it. This is a desired goal.

Mr. McCLORY. Mr. Chairman, there is a way to solve this, and that is to nationalize the legal profession. We are going a long way toward that today in this legislation.

If we are going to be fair to everybody and not favor one group against another, than why not go all the way? This is what I think is being done. We are kidding the American people into thinking that we are doing something for a disadvantaged group in this legislation when, in fact, we are leading them down the road to nationalized legal services.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 77, that would permit employer contributions to jointly administered trust funds for legal services.

I and many of my distinguished colleagues received training in the law. We all know that, as society becomes increasingly complex, the need for lawyers and legal services increases as well. Lawyers are no longer consulted only when there is a legal crisis facing a family. It is now become more and more common for many families to turn to attorneys to advise them when they buy a home, engage in a credit transaction, draw a will, or simply as another resource for the family in making its decisions.

There are, unfortunately, all too many people who need the services of lawyers but cannot afford them. These are not the poor, who at present are being served by OEO legal services attorneys. They are, rather, the vast majority of working and middle-class men and women who simply cannot afford, or who, even worse, believe that they cannot afford, to purchase legal advice.

OEO Legal Services has, in my opinion, admirably filled this gap in adequate representation for the poor. It is

about time that we provide the means for similar legal services care for the middle class.

The legislation we are considering today expands the options available to the great majority of Americans. It removes the legal barrier to a jointly administered trust fund, drawing contributions from both employer and employee, to defray the expenses of legal representation for employees and members of their immediate families. Many labor unions have already set up their own prepaid legal services plans, financed entirely by employee contributions. But there are many more labor unions which simply cannot afford to provide such a service to their members, unless employers participate in the funding.

The bill as reported from committee deserves to be passed as is. It does not make such a trust fund a mandatory aspect of the collective bargaining process. That has been left, quite properly to the discretion of the parties at the bargaining table. It is, however, a fair topic for collective bargaining, as it is something that will directly effect how the members of a union will live.

In fact, such a legal services trust fund, where bargaining has resulted in its establishment, may well be one of the major innovations in labor-management relations in recent years. How many hours and dollars in production have been lost due to employees' legal problems? How much financial loss has resulted from the lowered morale generated by such problems? When workers know that they do not have to look any farther than their company or union offices for sound legal advice at a fair price, then problems of productivity and morale may be more easily dealt with.

We all understand the need for such programs. It is only by passing the bill before us that this need can even begin to be met. Perhaps someday we will see a nationwide program of "legal care," that will provide low-cost, high-quality legal services to all who need it. Until that day comes, however, let us at least make it possible to provide such services to a larger number of people than now receive them, by passing H.R. 77 as it stands.

Mr. ASHBROOK. Mr. Chairman, I have no further requests for time.

Mr. THOMPSON of New Jersey. Mr. Chairman, I 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 section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services: *Provided*, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds.

Mr. THOMPSON of New Jersey (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 New Jersey?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 2, after "services" insert the following: "for employees, their families, and dependents".

AMENDMENT OFFERED BY MR. LATTA TO THE COMMITTEE AMENDMENT

Mr. LATTA. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. LATTA to the Committee amendment: Page 2, line 3 after the word "dependents" insert the following: "for counsel of their choice".

Mr. LATTA. Mr. Chairman, in discussing the rule on this bill, I alluded to this amendment which will give the employees, their families, and dependents the right of choice, the right to select their own counsel.

I do not think we ought to deny this right to these employees, their families, and dependents. To do otherwise would leave a doubt in my mind as to whom the lawyer actually would be representing; whether he would be representing the union who is going to select him, or whether he would be representing the employees, the families of the employees, and dependents.

Certainly, if we are going to have freedom of choice, the so-called open panel, we have got to adopt this amendment. I think the amendment speaks for itself.

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

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I object rather strongly to this amendment. Here, by dictating that there be nothing but open panels—and a great majority of the panels which are now in existence and which will come into existence will be open—this may have the effect, first, of foreclosing or prohibiting some of those which are now in existence and are closed panels. We are in fact saying to a community or to a group of workers: "You have to use the yellow pages to find a lawyer rather than use the plan which you and your employer have bargained for."

This amendment ignores the fact that if the bill is left as it is, unamended, a determination will be made at the bargaining table by mutual agreement between the employer and his employees as to what type of legal services will be provided, and in what amount, and under what private arrangement they will be provided.

Further, I believe that the amendment is of rather dubious constitutionality. Under *United Transportation Union* v. *Michigan State Bar*, 401 U.S. 576, handed down in 1971, the Court held that groups have a 1st and 14th amendment right to secure access to the courts through private group legal services, arrangements of their choice. In that case a similar attempt by a bar association to prevent the use of closed panels was held unconstitutional. The Court expressly said that associations of people have a basic right to group legal services in whatever form best suits their own needs.

Under this rather clear language the "freedom of choice" amendment is, in my judgment, unconstitutional, the very antithesis of "freedom of choice," and I urge its defeat.

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

Mr. THOMPSON of New Jersey. I yield to the gentleman from Ohio.

Mr. LATTA. The gentleman showed me that citation. I do not believe the cases are analogous.

It just seems to me that to hold the freedom of an individual to choose a lawyer of his choice for his personal affairs, not for union affairs but for his personal matters, rather than to take the choice of his union, to be unconstitutional would be the most ridiculous and unthinkable interpretation of the Constitution of the United States I have ever heard of. I do not believe the courts have gone quite that far.

I agree with the gentleman who spoke earlier that it is incumbent upon the Congress to act, and then let the courts interpret that action.

Mr. THOMPSON of New Jersey. Mr. Chairman, that is precisely what we are trying to do. That is why we are against the Steiger of Wisconsin amendment, because we do not want to make that decision. We want the courts and the NLRB to make it.

With respect to the denial of freedom of choice, is not the gentleman aware that in the collective bargaining process the union people elect in a democratic manner their representatives, those representatives negotiate with management, arrive at an agreement, and take it back to the union, and the members of the union in a democratic way either ratify or turn it down?

Mr. LATTA. Let me say to the gentleman, if he will yield further, I have heard about some of these meetings they have. They have a handful of people who show up, and they make the determination for thousands of employees.

Mr. THOMPSON of New Jersey. And they take it back to the employees and have secret ballot votes on ratification.

Mr. LATTA. They have about as much to say in those negotiations as I do, and I do not have any.

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

I should like to rise, Mr. Chairman, in emphatic support of the amendment offered by the gentleman from Ohio (Mr. LATTA). This amendment, it seems to me, goes right to the crux of this bill. If adopted, it would go some distance toward answering some of the problems I raised when I was previously on my feet.

Mr. Chairman, this is not a question of a lawyers' bill or an antilawyers' bill. It is a question of philosophy, whether or not we should have a free enterprise situation in which we have an attorney-client relationship, one in which the client hires the attorney, or whether this

should be done in some mass situation in which the attorney is chosen for the client by other people.

Now, I think that is a very fundamental thing in our society, and I think it is beneficial to the client to maintain this free society we have always had. It is very hard, indeed, for me to see how anybody who believes in that—and all these gentlemen give it lip service—can object to writing into the statute the provision that these people shall have the choice of their own lawyer.

Mr. Chairman, that is not unconstitutional; it is not unwise; it is just plain, ordinary Americanism.

I can see no reason for objecting to putting it in, except that they want to lead these people around like cattle and deny them that choice. If that is not what we want, why do we not just allow this amendment to be adopted by acclamation?

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I am not clear on a point or two. Perhaps the gentleman from Ohio can help me. I am not clear as to whether legal services for employees are limited to labor relations or whether they run the whole gamut of litigation under this bill.

Mr. ASHBROOK. Is the gentleman from Iowa (Mr. GROSS) referring to this gentleman from Ohio?

Mr. GROSS. Mr. Chairman, I am referring to the gentleman from Ohio (Mr. ASHBROOK).

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

Mr. GROSS. I yield to the gentleman from Ohio. (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I would say to my austere friend, the gentleman from Iowa (Mr. GROSS) that we are talking about the broad range of legal services. We are talking about the man who needs help in drawing up a will, in buying a home, the man who is having domestic difficulties or being pressed by creditors—any type of legal activity except those which are stated in the bill. There are exceptions, of course. Funds, of course, could not be used to sue the employer, and they could not be used to sue the employer and the union in matters before the NLRB.

Mr. Chairman, we are talking basically about everyday legal services which the rank and file of union members might need.

Mr. GROSS. Mr. Chairman, will the gentleman from Ohio (Mr. ASHBROOK) agree with me that the label on this bill provided by the gentleman from Illinois (Mr. MCCLORY) is not quite adequate?

He said the bill will "nationalize" the lawyers, establish a system for "nationalizing" the lawyers in this country.

He must have meant "socialize" the lawyers. Do you not think that is what he meant?

Mr. ASHBROOK. That is what he said, and I think that is what he meant.

Mr. GROSS. Socialize?

Mr. ASHBROOK. I think he said "nationalize."

Mr. GROSS. Mr. Chairman, he did say "nationalize," but does the gentleman from Ohio (Mr. ASHBROOK) agree with me that this would be setting up a socialistic system of legal services in this country?

Mr. ASHBROOK. No, I would have to say honestly that I do not agree with the gentleman.

Mr. GROSS. The gentleman does not agree with me?

Mr. ASHBROOK. No, I do not.

Mr. GROSS. Mr. Chairman, I do not believe I lost that argument, although a Member has just suggested that I "lost that one."

The gentleman from Ohio (Mr. ASHBROOK), quite frankly, disturbs me with his approach to this matter. I want to ask the gentleman——

Mr. ASHBROOK. Will the gentleman from Iowa (Mr. GROSS) yield on this?

Mr. GROSS. Mr. Chairman, let me ask the gentleman this question:

Will the employers' costs of these socialistic legal services be passed on to the consumer of the goods and services?

Mr. ASHBROOK. The employers' costs relating to what?

Mr. GROSS. The cost of doing business, of contributing to this legal system relating to the hiring of attorneys. Will that be passed on to the consumers of this country?

Mr. ASHBROOK. Mr. Chairman, as I understand it—and I certainly do not need to explain it to the gentleman from Iowa—the employers and employees can negotiate as to the pay.

If they agree on $3.56 an hour to the employee, the employee then in the bargaining process can determine that 5 cents goes for this, 10 cents for medical, 12 cents for something else. It is all in the same package. This money has to be paid by the employer and the employer, if he is to make a profit, has to pass it on to the consuming public, evidently. That would be the case whether this bill passes or not.

Mr. GROSS. They would add it to the cost of doing business.

Mr. ASHBROOK. The gentleman makes an honest mistake, I think, in assuming every employer in every situation in every bargaining agreement across the country will be a patsy for anything the unions want. If you hold the line, it will only be $3.60 and then the employee has to determine whether he wants to divert 5 or 6 cents from that package.

Mr. GROSS. If he wants to slice it that way, but it is added to the cost of doing business and passed on to the consumer, is it not?

Mr. ASHBROOK. I would say to the gentleman in some cases it may not even result in an additional cost.

Mr. GROSS. What is the wage ceiling on those who will get these legal services?

Mr. ASHBROOK. The White House did not say what the limit on the wage increases will be, so I do not know.

Mr. GROSS. So it can be anything. The employee may be getting $25,000 or $50,000 and he still can get free legal services.

Mr. ASHBROOK. Again I say to the gentleman from Iowa the mistake made is to think all types of legal bonanzas are going to open up to the rank and file member. The truth of the matter is it is not unlike a scale of medical services. The contracts I have seen thus far will say, for example, a $100 limitation on legal services for a divorce. The divorce might cost $300, so the employee will have to pay $200 himself. There will be fee schedules and limitations.

Mr. GROSS. What will they be?

Mr. ASHBROOK. They will negotiate.

Mr. GROSS. We do not find any schedules or limits in the report or in the bill.

Mr. ASHBROOK. That is why I say very carefully in the ones I have seen and where it has been negotiated that has been the case. You will not pay $4,000 or $5,000 to some employee——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS, at the request of Mr. ASHBROOK, was allowed to proceed for 2 additional minutes.)

Mr. ASHBROOK. I would say to my good friend from Iowa the great mistake I have seen in listening to opponents of this is to think everything the employee wants is going to be paid for. The truth of the matter is he is only going to get the bare minimal necessary legal services, subject in most cases to a schedule.

Mr. GROSS. It will increase litigation, will it not?

Mr. ASHBROOK. As a matter of fact, I would say in all honesty I do not think so. It is exactly the other way around.

Mr. GROSS. Oh, come on.

Mr. ASHBROOK. In places where this has been in existence by having a situation where the employee has access to legal services before there is a knock on his door and before the sheriff serves the subpena and before somebody files a suit against him in many cases it cuts down litigation. And you can see it in the report. The general feeling of the bar and judges is in California that prepaid legal services giving the rank and file member access to all legal advice tends to avert a legal crisis and by having prepaid legal services in many cases it ends up reducing rather than increasing litigation.

Mr. GROSS. Did you ever see a socialistic enterprise of this kind that was labeled as nothing that did not spread and spread?

I will yield to the gentleman from California.

Mr. ASHBROOK. When you say "socialistic" with reference to this kind of thing, I do not think it is or else I would not be for it.

Mr. ROUSSELOT. I wonder if you could engage in a colloquy with our good friend from Illinois who felt that this would lead to a nationalization of lawyers by giving these free legal services.

Mr. ASHBROOK. When you are talking about nationalization, in the first place, if I understand the English language correctly and from what little knowledge I have, you are talking about Government control and talking about taking over the operation of an industry. I suppose by talking about that——

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. GROSS

was allowed to proceed for an additional minute.)

Mr. GROSS. Yes, take over the legal profession as well under this socialistic proposal. Professions as well as industries, and this is the start on another profession.

Mr. ASHBROOK. That is what I am saying. I assume the gentleman is talking about the takeover of a profession. I see absolutely no area where it can happen here. If anything, I have too much respect for the private enterprise system and the collective bargaining process, which, as I understand it, if a person who believes in the private enterprise process—and I believe in it as opposed to compulsory arbitration, because I do not think the Government should become involved in it—I believe that we should go to the private enterprise system.

Of course, the difference certainly here is making it possible to allow the parties in a free enterprise situation their choice.

Mr. GROSS. How long does the gentleman from Ohio suppose it will be before the gentleman will be in here asking for Federal funds to support this program?

Mr. ASHBROOK. No. 1, this gentleman would not be in here asking for for that.

Mr. GROSS. I do not know about that. The gentleman has not convinced me in view of the position he has taken today.

Mr. ROUSSELOT. Mr. Chairman, I would ask does the gentleman from Ohio support the Latta amendment?

Mr. ASHBROOK. I do.

Mr. ROUSSELOT. To allow free choice.

Mr. ASHBROOK. I think there are problems in it, but basically I support it.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Ohio (Mr. LATTA). I think it would be a shame if this record were left with any implication that suggests that the Latta amendment is a "freedom of choice" amendment, when it in fact denies "freedom of choice." We have here an amendment that has the effect of not permitting people to do one or two things which would otherwise be possible, and it prohibits them from at least one of the choices, or it prevents them from exercising at least one or two options available to both management and labor as represented by its collective bargaining agent.

As the bill stands now, the question is what kind of lawyers, whether staff attorneys or an open panel, a wide-open panel such as a Blue Cross type of thing, or whatever form the legal services might take, could be tailored by labor and management in each individual community where such collective bargaining takes place all across the country. What might be appropriate in southern California might not at all fit into the traditions of the area in Ohio from which the gentleman from Ohio (Mr. LATTA) comes. And even what might be appropriate in Mr. LATTA's part of Ohio might not be considered to be the most responsive way to do it in my district in the industrial area around Detroit. So I suggest that we leave it to both management and labor in each of the communities across the country to assume the freedom that they have under the bill as it is written; to bargain in good faith for that form of legal services that best fits the traditions of their area and the needs of their people.

If the Members are talking about a particular part of the country where virtually a single industry and therefore a single union constitutes the bargaining group between management and labor for that entire community, then that is a lot different than a situation where you might have within a single metropolitan area 10 or 12 different union contracts with 10 or 12 different unions, and all of these members living in the same community. One contract could provide for an open panel, another contract could provide for staff attorneys, or they could have a combination thereof, but the choice would be made by the individuals.

So, if in fact one is influenced by the phrase, "freedom of choice," and would like to be able to say that he or she supported freedom of choice, then the only way that one can do that is to support the bill as presented from the committee. Otherwise you will be putting restrictions on the choice by a prejudgment through this legislation, and not through the judgment of the parties at the bargaining table. We will be prejudging the form of every program right here in Washington. The parties to collective bargaining should have the right in free collective bargaining process to exercise their discretion as to what form legal services shall take.

Mr. LATTA. Mr. Chairman, would the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from Ohio.

Mr. LATTA. I believe it is important to keep in mind what freedom of choice we are talking about. If we are talking about freedom of choice for the union bosses, or if we are talking about freedom of choice for the workingman, that is one thing. For my part, I am for freedom of choice for the workingman and not for the union bosses.

Mr. WILLIAM D. FORD. I might say to the gentleman from Ohio that the insertion of the words "union bosses," makes about as much sense as an assertion that the discussion we have had heretofore is not valid because it is only a bunch of politicians on the floor of the House who are speaking, and that they are not speaking for individuals. The fact is that we represent the people in our various areas, and they have a remedy if we do not represent them, and there is only one remedy that they have if we do not represent them properly, and that is through the ballot box. And that is just the same as the workingman's union representatives when they go to the collective bargaining table, they are there in a representative capacity to represent all their people, and if they do not represent them then they too are subject to removal at the ballot box.

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

Mr. WILLIAM D. FORD. I yield to the gentleman from Massachusetts.

Mr. DONOHUE. I note that among the seven exceptions there is one that permits the financing of medical care programs. Under that exception does a union member have freedom of choice of the doctor that he might select to care for himself or for the members of his family, or his dependents?

Mr. WILLIAM D. FORD. My understanding of the prepaid medical programs is that we do not prohibit them from having such a plan, but in most common prepaid medical plans there are specific doctors that are made available, and they can select from several, but they must select from those provided by the plan.

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

Mr. Chairman, there are a number of legal organizations and associations in good standing that support this legislation, and I suppose I shall. I do have some concern—and it becomes deeper as we talk about—medicaid and Blue Cross and the irrelevant practices. It brings antitrust echoes to me, if the Members are familiar with the practices in the medicaid pharmacy field, as it affects independent druggists. Either we will have a plan which is bargained for between the union and the company, and then they deal, let us say, with Blue Cross, which is a big company. Metropolitan is another big one—or any of these large insurance companies. They bargain to provide these medicaid benefits. It is not necessarily simply a union matter. Sometimes it is a corporation that does not want a union, so they give high medical benefits to keep from having one.

Anyhow, it is the big employer, the large union, the large insurance company we are talking about. They come in on these prescriptions, and they go to the druggist and say, "You will now get $2 for filling a prescription."

At first it may be one that lasts for 30 days. It may get up to 60 days. It may be as long as 90 days, and in some instances they may be required to pay sales tax out of that $2 fee. They also transform what has been a cash business into a credit business, because sometimes they will wait 30, 60—and we get testimony that sometimes they wait 6 months—to get their money.

A large drugstore, for example, such as Peoples—and I do not mean this one specifically—they say, "We will give you $2," or they may say, "No; we will need $2.25."

The big insurance company has to think about it, because they are dealing with three or four locations.

But if four or five gentlemen in this room each owned an independent drugstore and did not like the prices, they might say, "Let's get together." We are here in a small town possibly. When two independent druggists get together, they violate the antitrust laws, and then they are in plenty of trouble. They cannot do it. So the big companies come to them

and they tell them what they are going to get, and sometimes they can make a living and sometimes they cannot.

If you do not like it, it is too bad for you.

I think those of us who are in the law business may find a similar circumstance coming upon us. I do not think there is going to be a $38 divorce, or anything like that, but I can see the same pattern here that when they start going to lawyers, they are going to tell them what their fees will be, and I do not think it necessarily will benefit the working man. The union negotiates the deal; that is fine; but then I think the man who owns the company, if he can bargain the price of his medicine down lower and get a cheaper rate, or if he can get the cost of legal services down, that does not make it better medicine or legal work, for the workingman seeking to be taken care of.

There is more to good medical and legal care than just price.

I have a very genuine, real concern, because the bar associations with their fee schedules are into antitrust problems now. I think there have already been one or two cases that hold legal fee schedules violate the antitrust laws.

Suppose we are in a town where there is a large employer, and that large employer has a significant number of employees. They advertise their approved lawyers or druggists to their employees. If they go there they are helped in paying their bills, otherwise it is on the employee and he does not even hear about the other druggists or lawyers—other lawyers cannot ethically advertise their services and certainly not their rates.

It seems to me the antitrust laws then protect the large chain drug company, the large union, and the large insurance company and discriminate against the small independent pharmacy and next, the small independent lawyer.

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

Mr. HUNGATE. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding. If it is put into effect it would simply permit a union and a company to agree to such a plan without violating the Labor Act. Is that not so?

Mr. HUNGATE. My understanding is it is not self-executing, but I presume it will be executed, and there is a lot of support and merit to a plan of this kind, but I am concerned about the antitrust aspects of this. We created the antitrust law to protect small business and small lawyers and now they seem in some cases to protect the large business against the small.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATTA) to the committee amendment.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LATTA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 279, noes 126, present 1, not voting 27, as follows:

[Roll No. 209]

AYES—279

Abdnor	Frey	Mills, Ark.
Alexander	Froehlich	Minish
Anderson, Ill.	Fulton	Minshall, Ohio
Andrews, N.C.	Fuqua	Mitchell, N.Y.
Andrews, N. Dak.	Giaimo	Mizell
Archer	Gilman	Montgomery
Arends	Goldwater	Moorhead, Calif.
Armstrong	Gonzalez	Murphy, Ill.
Ashbrook	Goodling	Natcher
Ashley	Green, Oreg.	Nelsen
Aspin	Griffiths	Nichols
Bafalis	Gross	Obey
Baker	Grover	O'Brien
Beard	Gubser	Parris
Bell	Gude	Passman
Bennett	Gunter	Patman
Bergland	Guyer	Pettis
Bevill	Haley	Pickle
Biester	Hamilton	Pike
Blackburn	Hammer-schmidt	Poage
Boland	Hanley	Powell, Ohio
Bowen	Hanrahan	Preyer
Bray	Hansen, Idaho	Price, Tex.
Breaux	Harsha	Pritchard
Breckinridge	Harvey	Quie
Brinkley	Hastings	Quillen
Broomfield	Hays	Randall
Brotzman	Hechler, W. Va.	Rarick
Brown, Mich.	Heckler, Mass.	Regula
Brown, Ohio	Heinz	Rhodes
Broyhill, N.C.	Helstoski	Riegle
Broyhill, Va.	Henderson	Rinaldo
Buchanan	Hicks	Roberts
Burgener	Hillis	Robinson, Va.
Burke, Fla.	Hinshaw	Robison, N.Y.
Burleson, Tex.	Hogan	Roe
Butler	Holt	Rogers
Byron	Hosmer	Roncallo, N.Y.
Camp	Hudnut	Rooney, Pa.
Casey, Tex.	Hungate	Rose
Cederberg	Hunt	Roush
Chamberlain	Hutchinson	Rousselot
Chappell	Ichord	Roy
Clancy	Jarman	Runnels
Clausen, Don H.	Johnson, Colo.	Ruth
Clawson, Del	Johnson, Pa.	Ryan
Cleveland	Jones, N.C.	Sarasin
Cochran	Jones, Okla.	Satterfield
Cohen	Jones, Tenn.	Saylor
Collier	Kastenmeier	Scherle
Collins, Tex.	Kazen	Schneebeli
Conable	Keating	Sebelius
Conlan	Kemp	Shipley
Conte	Ketchum	Shoup
Coughlin	King	Shriver
Crane	Kuykendall	Shuster
Cronin	Landgrebe	Sikes
Daniel, Dan	Latta	Skubitz
Daniel, Robert W., Jr.	Lehman	Snyder
Davis, Ga.	Lent	Spence
Davis, S.C.	Litton	Stanton, J. William
Davis, Wis.	Long, La.	Steed
de la Garza	Lott	Steiger, Wis.
Delaney	Lujan	Stephens
Dellenback	McClory	Stubblefield
Denholm	McCloskey	Stuckey
Dennis	McCollister	Studds
Devine	McEwen	Symington
Dorn	McKay	Symms
Downing	McKinney	Talcott
Duncan	McSpadden	Taylor, Mo.
du Pont	Macdonald	Taylor, N.C.
Edwards, Ala.	Madigan	Teague, Calif.
Esch	Mahon	Teague, Tex.
Eshleman	Mailliard	Thomson, Wis.
Evans, Colo.	Mallary	Thone
Evins, Tenn.	Mann	Thornton
Findley	Maraziti	Towell, Nev.
Fish	Martin, N.C.	Treen
Flowers	Mathias, Calif.	Vander Jagt
Flynt	Mathis, Ga.	Veysey
Ford, Gerald R.	Matsunaga	Waggonner
Forsythe	Mazzoli	Walsh
Fountain	Melcher	Wampler
Frenzel	Michel	Ware
	Milford	Whalen
	Miller	White
	Winn	Whitehurst
	Wolff	Whitten
	Wydler	Widnall
	Wylie	Wiggins
	Wyman	Williams
	Yates	Wilson, Bob
	Young, Alaska	Young, Fla.
		Young, Ill.
		Young, S.C.
		Young, Tex.
		Zablocki
		Zion
		Zwach

NOES—126

Abzug	Ginn	Perkins
Adams	Grasso	Peyser
Addabbo	Gray	Podell
Anderson, Calif.	Green, Pa.	Price, Ill.
Annunzio	Hanna	Railsback
Barrett	Hansen, Wash.	Rangel
Biaggi	Harrington	Rees
Bingham	Hawkins	Reid
Boggs	Holifield	Reuss
Bolling	Holtzman	Rodino
Brademas	Horton	Roncalio, Wyo.
Brasco	Howard	Rosenthal
Brooks	Johnson, Calif.	Roybal
Brown, Calif.	Jones, Ala.	St Germain
Burke, Calif.	Jordan	Sarbanes
Burke, Mass.	Karth	Schroeder
Burlison, Mo.	Kluczynski	Seiberling
Burton	Koch	Sisk
Carney, Ohio	Kyros	Slack
Chisholm	Leggett	Smith, Iowa
Clark	Long, Md.	Staggers
Clay	McCormack	Stanton, James V.
Collins, Ill.	McDade	Stark
Conyers	McFall	Steele
Cotter	Madden	Stokes
Culver	Meeds	Stratton
Danielson	Metcalfe	Sullivan
Dellums	Mezvinsky	Thompson, N.J.
Dent	Mink	Tiernan
Diggs	Mitchell, Md.	Udall
Dingell	Moakley	Ullman
Donohue	Mollohan	Van Deerlin
Drinan	Morgan	Vanik
Dulski	Mosher	Vigorito
Eckhardt	Moss	Wilson, Charles H., Calif.
Eilberg	Murphy, N.Y.	Wilson, Charles, Tex.
Fascell	Myers	Wright
Flood	Nedzi	Wyatt
Foley	Nix	Yatron
Ford, William D.	O'Hara	Young, Ga.
Fraser	O'Neill	
Gibbons	Owens	
	Patten	
	Pepper	

ANSWERED "PRESENT"—1

Dickinson

NOT VOTING—27

Badillo	Fisher	Rooney, N.Y.
Blatnik	Frelinghuysen	Rostenkowski
Carey, N.Y.	Gaydos	Ruppe
Carter	Gettys	Sandman
Corman	Hébert	Smith, N.Y.
Daniels, Dominick V.	Huber	Steelman
Derwinski	Landrum	Steiger, Ariz.
Edwards, Calif.	Martin, Nebr.	Waldie
Erlenborn	Mayne	
	Moorhead, Pa.	

So the amendment to the committee amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the second committee amendment.

The Clerk read as follows:

Committee amendment: Page 2, line 5, after "funds" insert the following: ": *Provided further*, That no such legal services shall be furnished: (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (ii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, and this Act; and (B) in any proceeding where

a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

AMENDMENT OFFERED BY MR. BAKER TO THE COMMITTEE AMENDMENT

Mr. BAKER. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. BAKER to the committee amendment: Page 2, line 10, after "agents," insert the following: "except in the case of legal services for employees to contest the validity of fines levied, or other disciplinary action taken, by such organization against its members,".

Mr. BAKER. Mr. Chairman, we have a bill here which has the evidences of big management and big labor, and possibly the rank and file employee can find himself in a bind. There is an exception here to the provisions of an action against management whereby an employee can proceed and use the legal funds which might be provided in a workmen's compensation case.

This seems reasonable, because he has very little ability to go after the big insurance companies and proceed in his own interests.

There are exceptional costs involved, certainly. Workmen's compensation is most important. The employer pays all of the cost, we recognize, to workmen's compensation. In my amendment the union member who pays the bill is allowed to use the legal fund, if he so desires, to appeal a fine or disciplinary action which has been levied upon him by the big union. He is helpless in the face of some unscrupulous union officials; he has no means by which he can protect himself. He has contributed to the legal fund just as has management. He ought to have the opportunity to benefit from his contribution.

Labor law is certainly complicated. My amendment serves the interests of the union members rather than those of the bosses. The only action in which this provision could be used by the employee would be in answer to a fine or disciplinary action which has been initiated by the union.

Mr. Chairman, I ask for an aye vote in the interests of the person who pays the bill.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition.

Mr. Chairman, I do not question the motives of the gentleman from Tennessee, but I might point out that the policy of this bill is to permit suits against neither management nor the union. The suits against the union and its officers to test the validity of fines or disciplinary actions taken without the structure of the union, presumably in violation of its own set of bylaws; the reason for permitting such suits against unions applying equally to suits against management and disciplinary actions which are prohibited under the policies of this act. The fact is that both suits of union versus union or union versus management or vice versa are inappropriate under the jointly administered fund. An obvious conflict of interest would arise if suits were permitted to be brought against either side of the joint board. In a word, there are grievance procedures and already existing procedures with respect to disciplinary action taken by union members against their own members or by management against its employees.

Mr. Chairman, in my view, this is a well-intentioned amendment but inappropriate to this piece of legislation, and I urge its rejection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. BAKER) to the committee amendment.

The amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. STEIGER of Wisconsin. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEIGER of Wisconsin: On page 2, line 3, immediately after "*Provided,*" insert the following: "That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice, however, once bargaining has produced an agreement regarding the establishment of such trust fund, it shall constitute an unfair labor practice to (A) unilaterally modify or terminate that agreement, or (B) fail or refuse to bargain in good faith regarding such trust fund in the next subsequent contract negotiation between the same parties: *Provided further,*".

Mr. STEIGER of Wisconsin. Mr. Chairman, this amendment is one which would simply make clear the intent of the Congress that this issue on the establishment of jointly administered trust funds for legal services would be permissive. I would have to say in all honesty that I am somewhat surprised at the argument of the gentleman from New Jersey, my distinguished and able friend, Mr. THOMPSON, who in effect says the bill as it was reported from the Committee on Education and Labor is silent, does not say it is mandatory, does not say it is permissive, but to let the courts and the National Labor Relations Board handle that. That kind of an argument, at the very time that the Congress is grappling with the problem as to whether it can regain its ability to deal with the executive branch, absolutely bamboozles me. It seems to me that the Congress has not only the clear responsibility but the clear opportunity to make that determination one way or another. From my standpoint, I think it is very clear that the establishment of the trust funds as provided in H.R. 77, if they are not done on a permissive basis, will make the whole collective-bargaining process basically much more difficult.

This says in effect that we do agree that there ought to be the opportunity for labor and management to jointly get together and bargain on a trust fund. But we also believe that an employer or an employee organization that fails to bargain on this particular provision ought not to be found in terms of an unfair labor practice before the National Labor Relations Board. That is what the amendment is all about. If you fail to adopt this amendment I think, just as night follows the day, this subject becomes a subject of mandatory bargaining, and it does not allow the parties involved to make the choice. But the safeguard is there, and I think the safeguard is important that says once you have established it then the employer cannot unilaterally break it off. I think that is a protection for the workers. And beyond that it says that you shall then bargain in good faith once it has been established, even if you then decide not to continue the plan.

Both of those latter provisions which stem in part from a court case, the Pittsburgh Plate Glass Co. case, are designed to insure that the right of the employee, once the fund is established, shall not be abrogated by an employer who is not in good faith or who fails to continue to fund during the time of the contract.

Thus, Mr. Chairman, I think it is clear that what this amendment would attempt to do is to insure that the will of the Congress is clearly expressed, at least, the will of the House, that this be a matter of permissive bargaining, and that it should not be an unfair labor practice for an employee to refuse to bargain on the establishment of this jointly administered trust fund.

I hope the amendment will be adopted.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. Chairman, I rise to oppose this amendment in the strongest possible terms. For more than 35 years it has been the policy of the United States to encourage the practice and procedure of collective bargaining.

Collective bargaining simply means a requirement of good faith negotiations. A requirement of discussion—not agreement.

H.R. 77 leaves this issue—the requirement of good faith negotiations—to the National Labor Relations Board, and the courts.

In other words, H.R. 77 is neither mandatory nor permissive. That decision was felt to be better left to the NLRB and the courts, to be made on a case-by-case basis.

This approach is consistent with the legislative history of section 302(c).

Mr. Chairman, the real mandatory provision before this body today is the Steiger amendment which states that it shall be an unfair labor practice—that is, mandatory—to modify or terminate legal services plans once agreed to. And, further, that once an employer agrees to a legal services plan it is mandatory that such plan be discussed in subsequent negotiations.

In other words, once an employer

agrees and has a joint legal services plan with his employees, he must then forevermore negotiate that as distinguished from the language of the bill.

It was our judgment that 25 years of experience in the NLRB and the courts indicates a better ability there than here. Contrary to the implication of the "Dear Colleague" letter from my friend, the gentleman from Wisconsin (Mr. STEIGER) and my friend, the gentleman from Illinois (Mr. ERLENBORN), H.R. 77 is not mandatory but neutral on the issue. The purpose is to give middle-income workers the opportunity for access to the system. Under the Latta amendment just so heavily agreed to, they can go to any member of the bar in their area. This would have the Congress, without the experience or the ability of the courts, deny to middle-class Americans the opportunity to consult with or be represented by counsel. The amendment would in fact take that decision from the NLRB and the courts and let the employer unilaterally determine whether or not legal service plans should be negotiated.

When the original act, the Taft-Hartley Act, was enacted in 1947, the Congress rejected the concept to delineate mandatory and permissive subjects of collective bargaining. We should continue to do so. This amendment would violate the spirit of collective bargaining, and I strongly urge its defeat.

AMENDMENT OFFERED BY MR. DENNIS TO THE AMENDMENT OFFERED BY MR. STEIGER OF WISCONSIN

Mr. DENNIS. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The Clerk read as follows:

Amendment offered by Mr. DENNIS to the amendment offered by Mr. STEIGER of Wisconsin: Insert a period following the word "practice", where that word first occurs in the Steiger amendment, and strike out everything thereafter.

Mr. DENNIS. Mr. Chairman, this makes the amendment offered by the gentleman from Wisconsin (Mr. STEIGER) simply read as follows:

That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice.

I have stricken out the part of the Steiger amendment which says that it would be an unfair labor practice to unilaterally modify or terminate the agreement, because I think that is unnecessary. If we have an agreement for a year or 2 years, or whatever it is, we have a contract. We cannot unilaterally break it without, in my judgment, being guilty of an unfair labor practice, and certainly we cannot do it without being guilty of a breach of contract for which we are liable in damages. So I do not think we need that provision.

I also strike out that part which says that if you once bargain on this subject, that thereafter, in any renewed negotiation when the contract expires, you are obligated to bargain. It will be said that you do not have to agree. I understand that, but under the Steiger amendment as proposed, while it is permissive, whether you voluntarily bargain the first time, if you ever do that, and the contract expires, if you have tried it out, and you do not think it is a good idea, you have got to bargain again, and you have got to bargain from here on; and, of course, you are under tremendous pressure to agree to something. You almost have to do it, and you will take a strike if you do not do it; so I do not think that is a good provision, and I just say, Leave it out. Make it read very plainly and very simply that no labor organization or employer is required at any time to bargian on setting up this particular scheme. They can bargain on it if they want to. If they do not want to, they do not have to. That was the original form of Mr. STEIGER's amendment. I think it is the best form of his amendment, and I urge the adoption of my amendment.

Mr. THOMPSON of New Jersey. Mr. Chairman, I rise in opposition to the amendment to the amendment.

However strongly I feel, as I expressed it, against the amendment of the gentleman from Wisconsin (Mr. STEIGER), I feel even more strongly against this amendment to it. I feel it should be defeated. There is, however unsatisfactory I feel it is—and I think a great many others do—at least an element of flexibility in the Steiger amendment which the gentleman from Indiana's amendment would strike.

I therefore say to those who say the Steiger amendment would make this permissive and to those who want to make this permissive, the language developed by the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Illinois (Mr. ERLENBORN) has been more carefully thought out and has more merit and indeed would work better than the amendment offered by the gentleman from Indiana.

Mr. ANDERSON of Illinois. Mr. Chairman, I strongly support the Steiger amendment to H.R. 77 in the hopes that it will aid in striking a balance between labor and management in the area of collective bargaining. This amendment would in no way block the establishment of jointly administered legal service trust funds for those who want them; it would simply insure that bargaining for such trust funds would not be mandatory, but would instead be the result of voluntary cooperation between labor and management.

Mr. Chairman, there are colleagues of mine here today who are probably asking the question, "Why do we need the Steiger amendment? Why not be neutral in the matter, and let the courts or National Labor Relations Board decide whether bargaining for legal services trust funds should be mandatory or discretionary?" Unfortunately, Congress cannot now be neutral in this matter, for two very good reasons.

The first reason is the action we have taken in the past. In 1969, when we added education scholarship funds and funds for day-care centers to the ever-increasing group of items for which employer contributions may be made, we tacked on a short proviso to insure that the establishment of these funds not be considered a mandatory bargaining item. As a result, an employer may not be cited for unfair labor practices if he does not choose to bargain about such funds.

Moreover, there was a very good reason for that proviso: the entire history of National Labor Relations Board rulings on section 302(c) suggested that unless Congress did take positive action in the other direction, the NLRB and the courts would make scholarship and day care funds mandatory subjects of bargaining. That was something that Congress simply did not wish to endorse.

Yet we have established a clear precedent by including that proviso in section 302(c). Without a similar proviso, is it not safe to assume that the NLRB or the courts will conclude that Congress intended legal service trust funds to be a mandatory bargaining topic?

Even without the language of section 302(c) which precedes the addition we are making today, there is still a very good reason to believe that in the absence of affirmative congressional action, the NLRB or courts will make legal trust funds part of the wide range of bargaining subjects which are now mandatory.

For example, within a year of passage of the original Labor Management Relations Act of 1947, the NLRB had ruled that indvidual merit increases and pension plans were an integral part of "other terms and conditions of employment" and therefore were mandatory subjects of bargaining.

The Inland Steel case was a landmark decision in this area and it is interesting to note that the Board ruled in that case that pension plans constituted an economic enchancement of employee wages since the employee otherwise would have had to use his wages to purchase services provided by a pension plan. For that reason, pension plans could be considered part of wages. It is not hard to see how this reasoning could be applied to just about any fringe benefit, in that without the fringe benefit, the employee clearly would have to use his earnings to purchase the services, whether they were legal services, health benefits, or a retirement plan.

And this is exactly what has happened. In *NLRB* v. *Niles-Bemont Pond Co.*, (199 F. 2d 713), Christmas bonuses were ruled to be a derivative of wages; in Cross & Co., health and accident plans were included as wages; in Black-Clawson, a profit-sharing was added; in Richfield Oil Corp., stock purchase plans were added.

In case after case, fringe benefits have been included as part of mandatory bargaining. I think the only conclusion that we can come to is that the same would be true if we were not to explicitly exempt legal services trust funds by passage of the Steiger amendment.

Mr. Chairman, let us admit that legal service trust funds are a laudable goal. Let us admit that they do serve some useful function and that those who are privileged enough to participate in legal service plans do enjoy a worthwhile benefit. But let us also ask ourselves whether legal service trust funds are a necessity

of life, a "right" to be enjoyed by all workers.

I thnk it is evident that no such right can be claimed by anyone. Certainly all workers have a right to bargain for legal services as a fringe benefit from their employers. Yet, if legal service trust funds are an inherent right, then why not cars, and sewers, and food and every other component of living in America?

Indeed, legal service trust funds are more correctly a convenience providing for payment of services which would otherwise be paid out of the worker's pocket. The claim to legal service trust funds as a right and therefore an appropriate item of mandatory bargaining must be dismissed as rhetoric and not as a reasoned argument against the Steiger amendment.

Mr. O'HARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the present situation is this: The law says one cannot pay money to a labor organization or to people associated with it except for the following purposes, and then there is a list of exceptions. One of them for instance is prepaid medical insurance, another is pension and welfare plans, and so forth.

Right now if a union wants to get the employer to agree to one of these prepaid legal services plans, all the employer has to say is, "I cannot even discuss that with you. Do you know if I discuss legal services with you I would be in violation of the law?" All that the bill before us says is that if prepaid legal service is one of the parts of the bargaining package that the union comes forward with, the employer has to discuss that along with whatever might be proposed for medical services or whatever might be proposed for pension improvements or with respect to hours and wages.

There is nothing wrong with that.

But if we were to adopt the Steiger amendment we do not really mean it. The employer can go right on the way he has and say that he will not even discuss it.

It seems to me either we are serious about prepaid legal services or we are not. If we are serious about them, we ought to say that if the union wants to make legal services part of its bargaining package the employer at least has to discuss it with the union. He does not have to agree.

Furthermore, I do not think it will add to wage costs.

As a practical matter, the way it works is the union comes in with a 65-cent-an-hour package, or whatever, and I do not see what difference it makes to the employer whether the package consists of 25 cents fringe benefits and 40 cents wage improvement or 30 cents fringe benefits and 35 cents of wage improvement. The employer treats it that way. He says, "You fellows have a 65-cent-an-hour package and I will not give you any more than 40 cents." Then they discuss how whatever they shall agree upon will be divided.

If we are serious in what we are saying about legal services, then let us defeat the Steiger amendment.

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

Mr. O'HARA. I yield to the gentleman from Wisconsin.

Mr. STEIGER of Wisconsin. Mr. Chairman, the gentleman from Michigan and I both supported in the last Congress an amended section 302(c) that established the right to have trust funds on a permissive basis for day care and other services. I did not hear the debate then refer to the adage about the daughter being permitted to swim but not go near the water. I must say to the gentleman from Michigan that statement is without any basis. Under the way the NLRB has operated there are six instances in which they are mandatory, not including day care and scholarships, and it was specifically said by Congress this would be a specific exception. Both employers and employees are using that provision and using it well.

Mr. O'HARA. Mr. Chairman, I would say in response to the gentleman that we made a mistake by giving second-class status to that day care and scholarship provision last year. I hope we do not make the same mistake with regard to legal services.

I think legal services are entitled to the same dignity as prepaid medical plans. If we accept the bill as it is, that is what we will do, give it the same status to legal services as to prepaid medical plans.

Mr. Chairman, I ask that the amendment be defeated.

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

Mr. Chairman, this term "permissive" is very deceptive. I do not, of course, mean to imply any deceptiveness on the part of the distinguished gentleman from Wisconsin. When one says that it is permissive for the employer to even bargain about a matter, one is saying, in effect, that it is virtually impossible for a union to get the benefit.

The most difficult unfair labor practice to prove in all of that list under 8(a) of the bill is 8(a)5, which is a refusal to bargain.

The act works this way: It says that an employer and a union must bargain about wages, hours and conditions of employment. It leaves the question of what are conditions of employment broadly to the board. Now, there are certain types of benefits of employment that are mandatory for bargaining. There are certain areas of benefits to employees that are held to be permissive for bargaining. The board has spelled these out and the courts have further refined the question. The decisions are related to the question of whether or not, in the course of bargaining, the company is being fair, is fairly bargaining on legitimate employee concerns relating to the employment.

These questions are extremely difficult for us to spell out in a piece of legislation like this in advance. I suggest to the Members that the wisest thing to do is to leave these questions to be determined by the board and the courts when these circumstances of the cases arise.

It is entirely possible that in some instances the company's reasonable refusal to engage in lengthy discussion of such a plan will not be held to be an unfair labor practice. I can conceive of situations in which such a rule would be right. But, it is characteristic of the labor act rights and duties are spelled out in broad terms of art. The question of unfair labor practices, refusal to baragin, rights of employees to representation, are like constitutional statements. For us in an act such as this to try to prejudge those complex issues is an act of utter futility.

Mr. O'NEILL. Mr. Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the distinguished majority leader, Mr. O'NEILL.

Mr. O'NEILL. Mr. Chairman, I want to congratulate the gentleman on his statement. It is a very concise and knowledgeable statement and I am happy to agree with him.

Mr. Chairman, I do hope the amendment is defeated.

Mr. ECKHARDT. Mr. Chairman, I thank the distinguished majority leader. I would ask merely that the amendment to the amendment be defeated, and that the amendment be defeated.

Mr. PEYSER. Mr. Chairman, I rise in opposition to the Steiger amendment.

Mr. Chairman, we spoke on this provision during general debate, and the one thing which disturbs me—for the many Members who are here now—is the real question we are discussing, is whether middle-income employees will have the right or have the opportunity at least of discussing as a benefit decent legal services.

I think it has been clearly stated that the legal services involved, if they are put in, precludes any opportunity of the employee of suing the company or suing the union, or individuals involved in it. It is not a device that is used against the companies or against the unions.

I think it is also important that everyone recognize that H.R. 77 is really a compromise in that there is nothing mandatory or permissive in its language.

It simply says that if a union wants to negotiate this matter with a company, and if the company declines to discuss the matter—that the union can go to the courts and get a decision. In other words, it allows them that right to get the decision.

Even if it is discussed, there is nothing here that says the agreement must be accepted by the company.

I do not feel this is a protection of a company situation. I really look on this as an opportunity for middle-income people who desperately need at given times some legal help and counsel to get it. For this reason I believe the Steiger of Wisconsin amendment should be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. DENNIS) to the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

RECORDED VOTE

Mr. DENNIS. Mr. Chairman I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 293, not voting 29, as follows:

[Roll No. 210]

AYES—111

Abdnor	Froehlich	Myers
Andrews, N.C.	Goldwater	Nichols
Archer	Goodling	Parris
Armstrong	Gross	Powell, Ohio
Bafalis	Gubser	Price, Tex.
Baker	Haley	Quillen
Beard	Hammer-schmidt	Rarick
Bevill	Hanrahan	Rhodes
Blackburn	Hébert	Roberts
Bray	Hogan	Robinson, Va.
Brinkley	Holt	Rogers
Brown, Mich.	Hosmer	Rose
Broyhill, N.C.	Hudnut	Rousselot
Broyhill, Va.	Hunt	Ruth
Burleson, Tex.	Hutchinson	Satterfield
Butler	Johnson, Pa.	Scherle
Camp	Jones, N.C.	Sebelius
Casey, Tex.	Keating	Shuster
Cederberg	Kemp	Snyder
Clancy	Ketchum	Spence
Clawson, Del	King	Stephens
Cochran	Kuykendall	Stubblefield
Collins, Tex.	Landgrebe	Symms
Conlan	Latta	Taylor, N.C.
Crane	Lott	Teague, Calif.
Daniel, Dan	McClory	Teague, Tex.
Daniel, Robert W., Jr.	McEwen	Thomson, Wis.
Davis, Ga.	Mahon	Treen
Davis, Wis.	Maraziti	Vander Jagt
Dennis	Martin, N.C.	Waggonner
Devine	Mathis, Ga.	White
Dickinson	Milford	Whitten
Duncan	Mitchell, Md.	Wiggins
Edwards, Ala.	Mizell	Winn
Eshleman	Montgomery	Wylie
Flynt	Moorhead, Calif.	Young, S.C.
Fountain		Young, Tex.
		Zion

NOES—293

Abzug	Cohen	Gray
Adams	Collier	Green, Oreg.
Addabbo	Collins, Ill.	Green, Pa.
Alexander	Conable	Griffiths
Anderson, Calif.	Conte	Grover
Anderson, Ill.	Conyers	Gude
Andrews, N. Dak.	Cotter	Gunter
Annunzio	Coughlin	Guyer
Arends	Cronin	Hamilton
Ashbrook	Danielson	Hanley
Ashley	Davis, S.C.	Hansen, Idaho
Aspin	de la Garza	Hansen, Wash.
Barrett	Delaney	Harrington
Bennett	Dellenback	Harsha
Bergland	Dellums	Harvey
Biaggi	Denholm	Hastings
Biester	Dent	Hawkins
Bingham	Derwinski	Hays
Blatnik	Diggs	Hechler, W. Va.
Boggs	Dingell	Heckler, Mass.
Boland	Donohue	Heinz
Bolling	Dorn	Helstoski
Bowen	Downing	Henderson
Brademas	Drinan	Hicks
Brasco	Dulski	Hillis
Breaux	du Pont	Hinshaw
Breckinridge	Eckhardt	Holifield
Brooks	Eilberg	Holtzman
Brown, Calif.	Esch	Horton
Brown, Ohio	Evans, Colo.	Howard
Buchanan	Evins, Tenn.	Hungate
Burgener	Fascell	Ichord
Burke, Calif.	Findley	Jarman
Burke, Fla.	Fish	Johnson, Calif.
Burke, Mass.	Flood	Johnson, Colo.
Burlison, Mo.	Flowers	Jones, Ala.
Burton	Foley	Jones, Okla.
Byron	Ford, Gerald R.	Jones, Tenn.
Carney, Ohio	Ford, William D.	Jordan
Carter	Forsythe	Karth
Chamberlain	Fraser	Kastenmeier
Chappell	Frenzel	Kazen
Chisholm	Frey	Kluczynski
Clark	Fulton	Koch
Clausen, Don H.	Fuqua	Kyros
Clay	Giaimo	Leggett
Cleveland	Gibbons	Lehman
	Gilman	Lent
	Ginn	Litton
	Gonzalez	Long, La.
	Grasso	Long, Md.
		Lujan
		McCloskey
		McCollister
		McDade
		McFall
		McKay
		McKinney
		McSpadden
		Macdonald
		Madden
		Madigan
		Mailliard
		Mallary
		Mann
		Mathias, Calif.
		Matsunaga
		Mazzoli
		Meeds
		Melcher
		Metcalfe
		Mezvinsky
		Michel
		Miller
		Mills, Ark.
		Minish
		Mink
		Minshall, Ohio
		Mitchell, N.Y.
		Moakley
		Mollohan
		Morgan
		Mosher
		Moss
		Murphy, Ill.
		Murphy, N.Y.
		Natcher
		Nedzi
		Nix
		Obey
		O'Brien
		O'Hara
		O'Neill
		Owens
		Passman
		Patman
		Patten
		Pepper
		Perkins
		Pettis
		Peyser
		Pickle
		Pike
		Poage
		Podell
		Preyer
		Price, Ill.
		Pritchard
		Quie
		Railsback
		Randall
		Rangel
		Rees
		Regula
		Reid
		Reuss
		Riegle
		Rinaldo
		Robison, N.Y.
		Rodino
		Roe
		Roncalio, Wyo.
		Roncalio, N.Y.
		Rooney, Pa.
		Rosenthal
		Roush
		Roy
		Roybal
		Runnels
		Ryan
		St Germain
		Sarasin
		Sarbanes
		Saylor
		Schneebeli
		Schroeder
		Seiberling
		Shipley
		Shoup
		Shriver
		Sikes
		Sisk
		Skubitz
		Slack
		Smith, Iowa
		Staggers
		Stanton, J. William
		Stanton, James V.
		Stark
		Steed
		Steele
		Steiger, Wis.
		Stratton
		Stuckey
		Studds
		Sullivan
		Symington
		Talcott
		Taylor, Mo.
		Thompson, N.J.
		Thone
		Thornton
		Tiernan
		Towell, Nev.
		Udall
		Ullman
		Van Deerlin
		Vanik
		Veysey
		Vigorito
		Walsh
		Wampler
		Ware
		Whalen
		Whitehurst
		Widnall
		Williams
		Wilson, Bob
		Wilson, Charles H., Calif.
		Wilson, Charles, Tex.
		Wolff
		Wright
		Wyatt
		Wydler
		Wyman
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Ga.
		Young, Ill.
		Zablocki
		Zwach

NOT VOTING—29

Badillo	Frelinghuysen	Nelsen
Bell	Gaydos	Rooney, N.Y.
Carey, N.Y.	Gettys	Rostenkowski
Corman	Hanna	Ruppe
Culver	Huber	Sandman
Daniels, Dominick V.	Landrum	Smith, N.Y.
Edwards, Calif.	McCormack	Steelman
Erlenborn	Martin, Nebr.	Steiger, Ariz.
Fisher	Mayne	Stokes
	Moorhead, Pa.	Waldie

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

The questions was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. STEIGER of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 223, not voting 33, as follows:

[Roll No. 211]

AYES—177

Abdnor	Broomfield	Clancy
Alexander	Brotzman	Clausen, Don H.
Anderson, Ill.	Brown, Mich.	Clawson, Del
Andrews, N.C.	Brown, Ohio	Cochran
Archer	Broyhill, N.C.	Collins, Tex.
Arends	Broyhill, Va.	Conable
Armstrong	Buchanan	Conlan
Ashbrook	Burgener	Crane
Bafalis	Burleson, Tex.	Daniel, Dan
Beard	Butler	Daniel, Robert W., Jr.
Bennett	Byron	Davis, Ga.
Bevill	Camp	Davis, Wis.
Blackburn	Casey, Tex.	Dennis
Bowen	Cederberg	Derwinski
Bray	Chamberlain	
Brinkley	Chappell	
		Dickinson
		Dorn
		Downing
		Duncan
		du Pont
		Edwards, Ala.
		Esch
		Eshleman
		Evans, Colo.
		Findley
		Flowers
		Flynt
		Fountain
		Frenzel
		Frey
		Froehlich
		Fuqua
		Goldwater
		Green, Oreg.
		Griffiths
		Gross
		Gubser
		Guyer
		Hammer-schmidt
		Hanrahan
		Hansen, Idaho
		Harsha
		Harvey
		Hastings
		Hébert
		Henderson
		Hinshaw
		Holt
		Hosmer
		Hudnut
		Hutchinson
		Johnson, Colo.
		Johnson, Pa.
		Jones, N.C.
		Keating
		Kemp
		Ketchum
		King
		Kuykendall
		Latta
		Lott
		Lujan
		McClory
		McCollister
		McEwen
		McKay
		Madigan
		Mallary
		Mann
		Martin, N.C.
		Mathias, Calif.
		Mathis, Ga.
		Mazzoli
		Michel
		Milford
		Miller
		Minshall, Ohio
		Mitchell, N.Y.
		Mizell
		Montgomery
		Moorhead, Calif.
		Mosher
		Nelsen
		Nichols
		Parris
		Pettis
		Poage
		Powell, Ohio
		Price, Tex.
		Pritchard
		Quie
		Quillen
		Rarick
		Regula
		Rhodes
		Roberts
		Robinson, Va.
		Robison, N.Y.
		Rogers
		Rose
		Rousselot
		Runnels
		Ruth
		Satterfield
		Scherle
		Schneebeli
		Sebelius
		Shoup
		Shriver
		Shuster
		Sikes
		Snyder
		Spence
		Stanton, J. William
		Steiger, Wis.
		Stephens
		Stubblefield
		Symms
		Talcott
		Taylor, Mo.
		Taylor, N.C.
		Teague, Calif.
		Teague, Tex.
		Thomson, Wis.
		Thone
		Towell, Nev.
		Treen
		Vander Jagt
		Veysey
		Waggonner
		Ware
		White
		Whitehurst
		Whitten
		Wiggins
		Williams
		Wilson, Bob
		Winn
		Wylie
		Wyman
		Young, Alaska
		Young, Fla.
		Young, Ill.
		Young, Tex.
		Zion
		Zwach

NOES—223

Abzug	Donohue	Kluczynski
Adams	Drinan	Koch
Addabbo	Dulski	Kyros
Anderson, Calif.	Eckhardt	Leggett
Andrews, N. Dak.	Eilberg	Lehman
Annunzio	Fascell	Lent
Ashley	Fish	Litton
Aspin	Flood	Long, La.
Barrett	Foley	McCloskey
Bergland	Ford, Gerald R.	McDade
Biaggi	Ford, William D.	McFall
Biester	Forsythe	McKinney
Bingham	Fraser	McSpadden
Blatnik	Fulton	Macdonald
Boggs	Giaimo	Madden
Boland	Gibbons	Mailliard
Bolling	Gilman	Maraziti
Brademas	Ginn	Matsunaga
Brasco	Gonzalez	Meeds
Breaux	Goodling	Melcher
Breckinridge	Grasso	Metcalfe
Brooks	Gray	Mezvinsky
Brown, Calif.	Green, Pa.	Mills, Ark.
Burke, Calif.	Grover	Minish
Burke, Fla.	Gude	Mink
Burke, Mass.	Gunter	Mitchell, Md.
Burlison, Mo.	Haley	Moakley
Burton	Hamilton	Mollohan
Carey, N.Y.	Hanley	Morgan
Carney, Ohio	Hansen, Wash.	Moss
Carter	Harrington	Murphy, Ill.
Chisholm	Hawkins	Murphy, N.Y.
Clark	Hays	Myers
Clay	Hechler, W. Va.	Natcher
Cleveland	Heckler, Mass.	Nedzi
Cohen	Heinz	Nix
Collier	Helstoski	O'Brien
Collins, Ill.	Hicks	O'Hara
Conte	Hillis	O'Neill
Conyers	Hogan	Owens
Cotter	Holifield	Passman
Coughlin	Holtzman	Patman
Cronin	Horton	Patten
Culver	Howard	Pepper
Danielson	Hungate	Perkins
Davis, S.C.	Hunt	Peyser
de la Garza	Ichord	Pickle
Delaney	Jarman	Pike
Dellenback	Johnson, Calif.	Podell
Dellums	Jones, Ala.	Preyer
Denholm	Jones, Okla.	Price, Ill.
Dent	Jones, Tenn.	Railsback
Devine	Jordan	Randall
Diggs	Karth	Rangel
Dingell	Kastenmeier	Rees
	Kazen	Reid
		Reuss

Riegle	Skubitz	Vanik
Rinaldo	Slack	Vigorito
Rodino	Smith, Iowa	Walsh
Roe	Staggers	Wampler
Roncalio, Wyo.	Stanton,	Whalen
Roncallo, N.Y.	James V.	Widnall
Rooney, Pa.	Stark	Wilson,
Rosenthal	Steed	Charles H.,
Roush	Steele	Calif.
Roy	Stratton	Wilson,
Roybal	Stuckey	Charles, Tex.
Ryan	Studds	Wolff
St Germain	Sullivan	Wright
Sarasin	Symington	Wyatt
Sarbanes	Thompson, N.J.	Wydler
Saylor	Thornton	Yates
Schroeder	Tiernan	Yatron
Seiberling	Udall	Young, Ga.
Shipley	Ullman	Zablocki
Sisk	Van Deerlin	

NOT VOTING—33

Badillo	Gettys	Rooney, N.Y.
Baker	Hanna	Rostenkowski
Bell	Huber	Ruppe
Corman	Landgrebe	Sandman
Daniels,	Landrum	Smith, N.Y.
Dominick V.	Long, Md.	Steelman
Edwards, Calif.	McCormack	Steiger, Ariz.
Erlenborn	Mahon	Stokes
Evins, Tenn.	Martin, Nebr.	Waldie
Fisher	Mayne	Young, S.C.
Frelinghuysen	Moorhead, Pa.	
Gaydos	Obey	

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I think we are working our will on what will turn out to be a good and productive piece of legislation, but in the course of the debate, which I have listened to with care this afternoon, one or two important questions have not been raised.

Mr. Chairman, I would like to address the committee which has been handling this legislation for one or two inquiries. Would the distinguished Chairman, the gentleman from New Jersey (Mr. THOMPSON) be willing to answer these inquiries?

Mr. THOMPSON of New Jersey. Mr. Chairman, I would be very pleased to respond to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, would the gentleman say whether the employer contributions which are involved in this proposal, and undoubtedly there will be both employer and employee contributions, will the employer contributions be tax deductible as a business expense to the employer?

Mr. THOMPSON of New Jersey. Mr. Chairman, I thank the gentleman from Pennsylvania for asking this question. I anticipate one or two more, because I think that they are of great importance to the legislative history.

The employer contribution will be deductible to him as an ordinary and necessary business expense of augmentation of wages.

Mr. HEINZ. The employer contribution which accrues to the benefit of the employee, will that be recognized as income under current existing IRS regulations? Will that be recognized as income to the employee, and therefore taxable?

Mr. THOMPSON of New Jersey. Yes. If I may answer, the benefits of the program are includable in the gross income of the employee. They are deductible to the employer. The current half of the cost to the employer is the measure of benefit to the employee.

Earlier I had another opinion, but I have since checked this out.

Similar benefits for group health and accident plans are presently excluded from gross income of employees by section 106 of the Internal Revenue Code. To have such benefits tax free, as in the case of group health, for employees would take an amendment to section 106 of the Internal Revenue Code.

Mr. HEINZ. Is it the intention of the chairman of the committee to subsequently seek such treatment under section 106 of the Internal Revenue Code?

Mr. THOMPSON of New Jersey. I shall do that, from the Internal Revenue Service, and I shall discuss the matter with the chairman of the Committee on Ways and Means.

Mr. HEINZ. Would it also be the chairman's intention to seek exclusion of the benefits, namely the legal services received, from being taxable under section 105 of the Internal Revenue Code?

Mr. THOMPSON of New Jersey. To the employee?

Mr. HEINZ. Yes.

Mr. THOMPSON of New Jersey. It would be.

Mr. HEINZ. Might I say then for the record, if the gentleman is going to seek beneficial tax treatment of employer contributions and employer benefits under sections 106 and 105, that we should not forget the small employer, or the employee of a small employer, or the self-employed person, such as the carpenter who may be self-employed. Far too often in the past we have created inequities in the name of benefiting a large number of people and have had the opposite effect of failing to benefit equally the self-employed, the small employer, and employees of small employers.

Mr. THOMPSON of New Jersey. I quite agree with the gentleman.

Might I add that during the debate it was not made clear that insurance companies, including those in the gentleman's State of Pennsylvania, are drafting policies which will be available, provided the Secretary of Insurance, or whatever he is called in Pennsylvania or in any other State, makes these plans available on a private nongroup basis to nonunion or self-employed persons.

I thank the gentleman for yielding.

Mr. HEINZ. I thank the gentleman for his assistance in clarifying these matters.

Mr. Chairman, I urge my colleagues to support the bill, H.R. 77.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. SMITH of Iowa, 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. 77) to amend the Labor Management Relations Act, 1947, to permit employee contributions to jointly administered trust funds established by labor organizations to defray costs of legal services, pursuant to House Resolution 423, 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. STEIGER of Wisconsin. 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 257, nays 149, not voting 27, as follows:

[Roll No. 212]

YEAS—257

Abzug	Fraser	Melcher
Adams	Frenzel	Metcalfe
Addabbo	Frey	Mezvinsky
Alexander	Froehlich	Mills, Ark.
Anderson,	Fulton	Minish
Calif.	Fuqua	Mink
Anderson, Ill.	Giaimo	Mitchell, Md.
Andrews,	Gibbons	Mitchell, N.Y.
N. Dak.	Gilman	Moakley
Annunzio	Ginn	Mollohan
Ashbrook	Gonzalez	Morgan
Ashley	Grasso	Mosher
Aspin	Gray	Moss
Barrett	Green, Pa.	Murphy, Ill.
Bennett	Grover	Murphy, N.Y.
Bergland	Gude	Natcher
Biaggi	Gunter	Nedzi
Biester	Hamilton	Nix
Bingham	Hanley	Obey
Blatnik	Hanna	O'Brien
Boggs	Hansen, Idaho	O'Hara
Boland	Hansen, Wash.	O'Neill
Bolling	Harrington	Owens
Brademas	Harsha	Passman
Brasco	Hastings	Patman
Breaux	Hawkins	Patten
Breckinridge	Hays	Pepper
Brooks	Hébert	Perkins
Brown, Calif.	Hechler, W. Va.	Pettis
Burke, Calif.	Heckler, Mass.	Peyser
Burke, Mass.	Heinz	Pickle
Burlison, Mo.	Helstoski	Pike
Burton	Hicks	Podell
Carney, Ohio	Hillis	Preyer
Carter	Holifield	Price, Ill.
Chisholm	Holtzman	Pritchard
Clark	Horton	Quie
Clay	Hosmer	Railsback
Cleveland	Howard	Randall
Cohen	Hungate	Rangel
Collier	Ichord	Rees
Collins, Ill.	Johnson, Calif.	Regula
Conte	Jones, Ala.	Reid
Conyers	Jones, Okla.	Reuss
Cotter	Jones, Tenn.	Riegle
Coughlin	Jordan	Rinaldo
Cronin	Karth	Rodino
Culver	Kastenmeier	Roe
Danielson	Kazen	Roncalio, Wyo.
Davis, S.C.	Kluczynski	Roncallo, N.Y.
de la Garza	Koch	Rooney, Pa.
Delaney	Kyros	Rosenthal
Dellenback	Leggett	Roush
Dellums	Lehman	Roy
Denholm	Lent	Roybal
Dent	Litton	Ryan
Diggs	Long, La.	St Germain
Dingell	Long, Md.	Sarasin
Donohue	McCloskey	Sarbanes
Drinan	McCollister	Saylor
du Pont	McDade	Schroeder
Eckhardt	McFall	Seiberling
Eilberg	McKinney	Shipley
Esch	McSpadden	Shoup
Evans, Colo.	Macdonald	Sisk
Evins, Tenn.	Madden	Skubitz
Fascell	Madigan	Slack
Findley	Mailliard	Smith, Iowa
Fish	Mallary	Staggers
Flood	Mann	Stanton,
Flowers	Maraziti	J. William
Foley	Mathias, Calif.	Stanton,
Ford, Gerald R.	Mathis, Ga.	James V.
Ford,	Matsunaga	Stark
William D.	Mazzoli	Steed
Forsythe	Meeds	Steele

Stratton	Vigorito	Wright
Stubblefield	Waggonner	Wyatt
Stuckey	Walsh	Wydler
Studds	Wampler	Wylie
Sullivan	Whalen	Wyman
Symington	White	Yates
Thompson, N.J.	Widnall	Yatron
Thornton	Wilson,	Young, Ga.
Tiernan	Charles H.,	Young, Ill.
Udall	Calif.	Zablocki
Ullman	Wilson,	Zwach
Van Deerlin	Charles, Tex.	
Vanik	Wolff	

NAYS—149

Abdnor	Duncan	Nelsen
Andrews, N.C.	Edwards, Ala.	Nichols
Archer	Eshleman	Parris
Arends	Flynt	Poage
Armstrong	Fountain	Powell, Ohio
Bafalis	Goldwater	Price, Tex.
Baker	Goodling	Quillen
Beard	Green, Oreg.	Rarick
Bevill	Griffiths	Rhodes
Blackburn	Gross	Roberts
Bowen	Gubser	Robinson, Va.
Bray	Guyer	Robison, N.Y.
Brinkley	Haley	Rogers
Broomfield	Hammer-	Rose
Brotzman	schmidt	Rousselot
Brown, Mich.	Hanrahan	Runnels
Brown, Ohio	Harvey	Ruth
Broyhill, N.C.	Henderson	Satterfield
Broyhill, Va.	Hinshaw	Scherle
Buchanan	Hogan	Schneebeli
Burgener	Holt	Sebelius
Burke, Fla.	Hudnut	Shriver
Burleson, Tex.	Hunt	Shuster
Butler	Hutchinson	Sikes
Byron	Jarman	Snyder
Camp	Johnson, Colo.	Spence
Casey, Tex.	Johnson, Pa.	Steiger, Wis.
Cederberg	Jones, N.C.	Stephens
Chamberlain	Keating	Symms
Chappell	Kemp	Talcott
Clancy	Ketchum	Taylor, Mo.
Clausen,	King	Taylor, N.C.
Don H.	Kuykendall	Teague, Calif.
Clawson, Del	Landgrebe	Teague, Tex.
Cochran	Latta	Thomson, Wis.
Collins, Tex.	Lott	Thone
Conable	Lujan	Towell, Nev.
Conlan	McClory	Vander Jagt
Crane	McEwen	Veysey
Daniel, Dan	McKay	Ware
Daniel, Robert	Mahon	Whitehurst
W., Jr.	Martin, N.C.	Whitten
Davis, Ga.	Michel	Wiggins
Davis, Wis.	Milford	Williams
Dennis	Miller	Wilson, Bob
Derwinski	Minshall, Ohio	Winn
Devine	Mizell	Young, Alaska
Dickinson	Montgomery	Young, Fla.
Dorn	Moorhead,	Young, S.C.
Downing	Calif.	Young, Tex.
Dulski	Myers	Zion

NOT VOTING—27

Badillo	Gaydos	Ruppe
Bell	Gettys	Sandman
Carey, N.Y.	Huber	Smith, N.Y.
Corman	Landrum	Steelman
Daniels,	McCormack	Steiger, Ariz.
Dominick V.	Martin, Nebr.	Stokes
Edwards, Calif.	Mayne	Treen
Erlenborn	Moorhead, Pa.	Waldie
Fisher	Rooney, N.Y.	
Frelinghuysen	Rostenkowski	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Dominick V. Daniels for, with Mr. Landrum against.

Mr. Rooney of New York for, with Mr. Fisher against.

Mr. Gaydos for, with Mr. Gettys against.

Mr. McCormack for, with Mr. Martin of Nebraska against.

Mr. Carey of New York for, with Mr. Huber against.

Mr. Stokes for, with Mr. Erlenborn against.

Mr. Rostenkowski for, with Mr. Treen against.

Mr. Moorhead of Pennsylvania for, with Mr. Steiger of Arizona against.

Mr. Waldie for, with Mr. Ruppe against.

Until further notice:

Mr. Corman with Mr. Bell.

Mr. Edwards of California with Mr. Mayne.

Mr. Badillo with Mr. Smith of New York.

Mr. Frelinghuysen with Mr. Steelman.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services."

A motion to reconsider was laid on the table.

Mr. THOMPSON of New Jersey. Mr. Speaker, pursuant to the provisions of House Resolution 423, I call up for immediate consideration the Senate bill (S. 1423) to amend the Labor Management Relations Act, 1947, to permit employer contributions to jointly administered trust funds established by labor organizations to defray costs of legal services.

The Clerk read the title of the Senate bill.

The Clerk read the Senate bill, as follows:

S. 1423

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further,* That no such legal services shall be furnished (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workmen's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, or this Act, and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959".

MOTION OFFERED BY MR. THOMPSON OF NEW JERSEY

Mr. THOMPSON of New Jersey. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. THOMPSON of New Jersey moves to strike out all after the enacting clause of S. 1423 and to insert in lieu thereof the provisions of H.R. 77, as passed, as follows:

That section 302(c) of the Labor Management Relations Act, 1947, is amended by striking out "or (7)" and inserting in lieu thereof "(7)" and by adding immediately before the period at the end thereof the following: "; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents for counsel of their choice: *Provided,* That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: *Provided further,* That no such legal services shall be furnished: (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organizaton, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under the National Labor Relations Act, as amended, and this Act; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959.".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 77) was laid on the table.

APPOINTMENT OF CONFEREES

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, THOMPSON of New Jersey, CLAY, BRADEMAS, O'HARA, WILLIAM D. FORD, QUIE, ASHBROOK, DELLENBACK, and ESCH.

GENERAL LEAVE

Mr. THOMPSON of New Jersey. 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 New Jersey?

There was no objection.

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Steiger of Wisconsin amendment.

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

There was no objection.

APPOINTMENT OF CONFEREES ON S. 504, AMENDING PUBLIC HEALTH SERVICE ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 504) to amend the Public Health Service Act to provide assistance and encouragement for the development of comprehensive area emergency medical services systems, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, ROGERS, SATTERFIELD, NELSEN, and HASTINGS.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JUNE 13, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent to dispense with business in order under the Calendar Wednesday rule on Wednesday, June 13, 1973.

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

There was no objection.

A SALUTE TO BILL ARBOGAST ON HIS BIRTHDAY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, it gives me great pleasure to extend birthday greetings and many happy returns of the day to a man held in great esteem and respect by all of us here in the House—Bill Arbogast of the Associated Press.

Bill is 65 today, and I understand he is now looking forward to surcease from the toils and troubles of covering Capitol Hill—for which I do not blame him.

One of the finest newsmen ever to cover Capitol Hill, Bill Arbogast has been chief of the House AP staff for nearly 30 years—since December of 1944, to be exact.

He came to Capitol Hill with an excellent background. He started work with AP as a correspondent on March 16, 1931, in Louisville, Ky. After beating the great depression, he was transferred to Frankfort, Ky., in October of 1934 and covered the Kentucky State Legislature for the next 4 years.

In September of 1938 the AP powers-that-be transferred Bill Arbogast to Washington and assigned him to Capitol Hill as a regional correspondent. He was promoted to the general staff, covering the Hill, in December of 1941 and 3 years later became chief of the House AP staff.

That, briefly, is the history of the AP House chief who has been responsible for the excellent coverage given the House for nearly three decades by the Associated Press.

Mr. Speaker, I join my colleagues in saluting Bill Arbogast on this, his 65th birthday, and wish him many more birthday anniversaries.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to our distinguished Speaker.

Mr. ALBERT. Mr. Speaker, I am happy that the distinguished minority leader has taken this time to pay tribute to one of the finest men I have ever known. I do not believe that anybody in the history of either the Press Gallery or even the House itself ever has left here with more friends than has Bill Arbogast.

He has been an accurate, honest, and fine reporter of the proceedings of the House of Representatives. In my opinion, his chronicles will remain as one of the most accurate penetrating records of the proceedings and activities of the House and its committees during my time as a Member.

I have known Bill ever since I have been a Member of this House. I have always admired him. I extend my best wishes for a very happy birthday and I wish him everything that life has to offer and a long and wonderful retirement when he leaves us at the end of this month.

Mr. GERALD R. FORD. I appreciate those fine words, as I know Bill does. The Speaker has indicated his deep personal appreciation of Bill and I share those sentiments and again wish Bill a happy retirement.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, I do want to echo the words of our Speaker and the minority leader about our good friend Bill Arbogast of the Associated Press and for whom we have great respect. I have been around these halls for many a day, as has Bill Arbogast. He is capable and friendly and enormously fair as a reporter and as a human being.

I recall that some time ago when our great friend Bill was threatening to resign we had quite a day here for him. Now he is celebrating his 65th birthday and we wish him a happy birthday. We were wrong before when we saluted Bill—he did not resign. I hope we are now in error again and that Bill is not quitting at the end of the month. I hope he stays at least until he is 75 years old.

So, Bill, happy birthday, and I know I express the sentiments of all the Members of the House.

Mr. STAGGERS. Mr. Speaker, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from West Virginia.

Mr. STAGGERS. Mr. Speaker, I would like to join with all of my colleagues in paying tribute to a fine gentleman on his birthday. I have known William Arbogast since I first came to Congress 24 years ago and have enjoyed working with him. William Arbogast is a hard-working, efficient reporter and a gentleman at all times. He is continuously looking out for the things he can do for the good of others.

We have worked together on many subjects, such as, a report on the effectiveness of Salk vaccine when it first came out and the use of drugs among athletes.

It is with deep admiration and respect that I extend my warmest congratulations to Bill on this day.

Mr. HÉBERT. Mr. Speaker, I join my fellow Members in the happy opportunity of wishing Bill Arbogast a joyful birthday and in the sad duty of saying goodby to him when he retires at the end of this month. Bill Arbogast has been on Capitol Hill longer than I have. There is a rumor that he came here originally with Speaker Cannon, but I have it on good authority that he actually arrived in 1938. To some of us he seems as much a part of the Capitol as its marble and sandstone and it is simply impossible to imagine the place without him. Bill Arbogast is an old fashioned kind of reporter. He begins with the assumption that the readers are more interested in the news than in his opinion of it. Complete objectivity in news reporting is perhaps not obtainable, but Bill Arbogast is one of those great reporters who realizes that it is nevertheless always worth striving for. He has always viewed his responsibility to report the news truthfully and objectively as a public trust. In 35 years he has managed to keep his humility toward the journalist's function and has never gotten himself or his opinions confused with the story.

Most of us know of Bill Arbogast as a reporter and of the unique trust in his judgment that Members of the House have always had for him. Most of us know that he has a profound sense of loyalty toward the House and is discerning enough to refer to the Senate as "the lower body."

But many Members who know him well are unaware of a humanitarian side of Bill Arbogast. The poet, John Dunne, said:

> I have done a braver thing than all the worthies did. A braver thing there yet remains, which is to keep it hid.

In that spirit, Bill Arbogast never talks about the many things he does, his many humanitarian activities, or the countless times he has helped needy individuals. Many might be surprised to learn for example that he spends, on a regular basis, a portion of his weekend hours manning a hot line in Alexandria.

Somebody once said to Groucho Marx a certain new comedian was going to be a truly great performer and Groucho responded:

> I would rather you had told me that he was kind to his friends.

Mr. Speaker, Bill Arbogast is a great performer in a profession I happen to know something about. But above that, he is a kind and good man. We will miss him on both counts. I wish him joy in his retirement.

Mr. DORN. Mr. Speaker, it is a special personal pleasure to join my colleagues in extending birthday greetings to Bill Arbogast of Associated Press. Bill exemplifies the finest in the great traditions of journalism. We have known Bill for many years. We share with Members of the Congress on both sides of the aisle the highest respect for his integrity, honesty, and his dedication to his assignment of informing the American people of the operation of their Congress. Bill Arbogast performs a great service to the Nation, since an informed public opinion is essential to our representative form of government. Mrs. Dorn joins me in wishing Bill and his wonderful family well and we wish for him every continued happiness and success.

DISCUSSION OF IMPEACHMENT OF PRESIDENT PREMATURE

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

Mr. ROONEY of Pennsylvania. Mr.

Speaker, today the American public, like most Members of the Congress, is confused about the Watergate situation and the guilt or innocence of those involved, including the involvement of the President. It is exactly because of this confusion that Congress should not at this time begin to discuss impeachment of the President. Such discussion would not add 1 gram to the weight of evidence or information to the legal and legislative proceedings now underway and would only prematurely secure the guilt of the President in the minds of the public before the necessary evidence exists to prove this. Floor debate would only be an aimless discourse sifting through evidence accumulated by the present proceedings. I believe that Members of the House should carefully follow these present proceedings, and when either the evidence is in, or the House finds that the evidence presented before the grand jury and the Senate is inconclusive, and the House feels that only the President can supply the needed information, then we should properly begin our investigation by creating a select committee to examine the evidence and to report its findings to the House.

Until such time as the evidence is in, we must remember that we were elected to govern and not to rehash already collected evidence, hearsay, and happenstance.

NATIONAL VOLUNTEER FIREMAN'S DAY—JUNE 12, 1973

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

Mr. DU PONT. Mr. Speaker, I am pleased to introduce today a joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen's Day." I selected the date of January 17 to honor volunteer firemen for their heroic services because it is Benjamin Franklin's birthday. He founded the first volunteer fire company in Philadelphia in 1735.

At this time in our history when the willingness of people to help others seems to be on the decline, I am proud to be able to introduce a joint resolution calling for a national day to honor the volunteer firemen of America. Since the beginning of our Republic, these men have risked their lives and given of their time to protect people and property from the tragedy of fire.

While those who have been directly affected by the experience of having a fire in their homes or businesses know how much misery is caused, I do not think many people perceive the tremendous impact fire has on our country as a whole. The last year for which figures are available—1971—indicate that approximately 11,850 citizens were killed in the United States by fires; $2,743,260,000 in U.S. property losses were due to fires; and 175 firemen lost their lives in the line of duty.

These are staggering figures.

Against this background of death, destruction and damage, stand the volunteer firemen of America who account for 83 percent of all the available manpower in the United States engaged in combating this evil. The men who serve in these companies are of a high caliber and have been since the inception of the volunteer fire company by Benjamin Franklin. Included as volunteer firemen in these early days were such giants of our historical heritage as John Hancock, Alexander Hamilton, Samuel Adams, and Paul Revere. The tradition of service in volunteer fire companies is indeed a long and honorable one.

The most illustrious of these early day volunteer firemen was George Washington. In an article written for an early day firefighter's publication the following was said about him—

> Firemen were . . . inspired by the spectacle of the New World's most historic figure laboring manfully at . . . a fire engine or lugging great buckets of water.

Today a million of these heroic figures act as guardians of our lives and property. As illustrated by Currier and Ives over a hundred years ago, these volunteers still stand "always ready." Such service should not go unrecognized, and I urge my colleagues to join me in this resolution.

REMEMBER THE PAST

The SPEAKER. Under previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, I wish to announce that the special order for Mr. GAYDOS will not be used today, since Mr. GAYDOS lost his mother Wednesday morning.

It has been said that if we do not pay attention to the past, we may have to relive it again. At least for myself, I have come to the conclusion that the past is here.

If this body fails to study this past, I assure the Members that we will relive it again.

For too long we have lived in a dream world, motivated by greed and exploitation and behind the scenes power dealings.

Many times in the last year or so I have made statement after statement concerning the direction this country was moving in, being careful to place particular emphasis onto the disregard of the impact of imports on the American labor market. I said then, and now I repeat, that I was unfortunately right.

In 1962, on the day of the passage of the Kennedy round of tariff negotiations, I told this House that it was the gravest mistake we had made in all of our history economically and internationally.

At that time the Labor Department spokesmen for the BLS, before my committee studying the impact of imports, testified that with the passage of the Kennedy round there would be 3 million new manufacturing jobs through increased exports created in this country.

A week after that the Secretary of Labor, Mr. Goldberg, testified that there would be 4 million jobs created.

I was suspicious that hidden away somewhere, or at least not commonly known to be in existence, was a master plan for the destruction of this country's independence—a blueprint, if you will, misguiding our destiny. I have said all along that no nation can make as many incredible decisions as this country has in the field of foreign trade without a blueprint. My suspicions were confirmed the other day when I read where a midwestern university houses a relief map of the world the size of three football fields. On this relief map, global plans are charted for the manipulation of peoples and goods by multinationalists who are at last beginning to climb out of the woodwork, in which they have hidden for so many years.

I said, "Remember the past." I would like to bring a little of the past before you today.

On June 28, 1962, four different sources of support for the Kennedy round trade agreements made their respective predictions regarding the number of jobs that would be created under that particular agreement. These predictions were made by the following in my own committee, the Ways and Means Committee, and the Joint Economic Committee.

First. The Department of Labor predicted an additional 3 million jobs.

Second. Secretary of Labor Goldberg forecast 4 million additional jobs.

Third. Secretary of Commerce Hodges predicted the number would be nearer 6 million.

Fourth. And the Importers Council hoped for a whopping 12 million.

At the same time, Mr. CHARLES PERCY, then of Bell & Howell, now a U.S. Senator, speculated that an additional 15 million positions would be created.

At that time in 1962, there was a total of 16,800,000 persons engaged in manufacturing, with a payroll of $90 billion a year, and with a total population of 160 million people. Today, with a total population of 208 million, there are 14,127,000 persons employed in the manufacturing sector. Perhaps those prophets were talking about other jobs; Government workers numbered slightly less than 6 million in 1962, while in January of this year, they numbered nearly 13,300,000. Perhaps they were talking about the jobs created in foreign factories and on foreign ships. I point this out because, in spite of all their predictions, there has been a loss of jobs in the manufacturing sector, in the face of a production consumption increase of 50 to 60 percent.

If we in this Congress pass the administration's proposed trade bill, you can be sure that the next 10 years will be worse than the last 10 years.

We are again going through a ridiculous and shortsighted propaganda phase that generally precedes the final vote on trade legislation. We are being told that the balance of payments is turning around—and it probably will. But as everyone on this committee is aware, the appearance of the balance-of-trade switch is just that—an appearance—and is as fraudulent as a $3 bill. It is the same sort of paper maneuvering

designed to present an artificially favorable situation.

For example: The United States-Soviet pact with the Occidental Petroleum Corp. for an $8 billion, 20-year deal was endorsed by officials of both countries. Of course, this was the first time in my experience that officials of both countries exchanged letters of approval, since the United States has traditionally sought to keep out of private business deals.

I mention the Russian transaction because it bears witness to Kosygin's statement to the American trade mission. Kosygin, at that time, stated flatly that there would be no currency exchange between the two countries and that barter would be the only basis of trade. So, if you will note, in the article referred to for the RECORD, the Occidental-Soviet deal is a 20 year, $8 billion barter. About $400 million worth of capital equipment will be invested in the Soviet Union, of which $180 million is expected to be lent by the Export-Import Bank. Occidental will additionally provide Russia with technology and equipment for a new Soviet fertilizer complex, as well as storage facilities and a linking pipeline. Occidental will also supply concentrated fertilizer, in exchange for Russian chemicals at the rate of $400 million yearly for 20 years.

Of course, when one considers the wage differential between the two countries and the Russian Government role in industry and shipping, it is easy to see that Occidental will receive many times as many goods as it exports to Russia. These chemicals Occidental imports will flow into the American channels of commerce with enormous profit markups. At the same time, Occidental will make money, but American employment and job opportunities will fade away. This deal has the smell of something different than fertilizers.

I think every Member of Congress ought to consider the Russian trade deal, because it is likely that, in the Kremlin's dealings with hard currency countries, using their wedge of barter deals, it will never be financially successful for the United States to trade with Russia on a national scale.

Foreign countries make no bones or make no apologies for perpetrating this balance-of-payments fraud on the American people. The move to narrow the trade gap is strangely reminiscent of the effort preceding the 1962 trade rounds. As one publication pointed out:

To help narrow the Taiwan-U.S. trade gap and to prove to the Americans that Taiwan sincerely intends to open its market to U.S. made goods, Taipei has announced it will: buy increased quantities of agricultural products directly from U.S. farmers; buy certain percentages of cotton and industrial goods from the U.S.; and expose Taiwan's people to U.S. made machinery and consumer goods at a fair in Taipei next spring.

Another little read trade letter indicated Pakistan's apparent "interest":

The Agency for International Development has approved loans to be used for Pakistan's economic and agricultural development. One loan of $40 million will be used to buy general commodities—mostly from the U.S.—such as iron, steel, nonferrous metals, fertilizers, and tallow. A second loan, of $20 million, will finance imports of chemical fertilizer.

I find it amazing that we are unable to devise controls to better deal with the imports into the United States. The Japanese prevent our products from going into their country by every trick known—and are not hard pressed to find new methods, whether border taxes, quotas, limited licensing, distribution maneuvers, add on price arrangements, or any other mechanism available to the most elaborate control distribution system ever devised.

In a recent decision, Takeo Miki, the director of Japan's Environmental Agency, elaborated on Japan's serious problems, and has decided that his country will not follow the U.S. lead and grant a year's extension to Japanese automakers to meet automotive emission standards. By adhering to the strict vehicle emission laws, the market for American made cars is effectively closed.

The European nations, to whom we owe billions and billions of dollars, are now looking to the United States to play the leading role in the North Sea oil field development. The new fields, lying off the shores of England, Scotland, Norway, Denmark, Germany, and the Netherlands will produce 3 million barrels of oil daily by 1980. During the next 10 years, U.S. firms will supply the bulk of approximately $10 billion worth of equipment needed by the complex.

It has always bothered me, and I am sure some of you, that this country, that flaunts itself as the strongest and richest nation on the face of the earth, has hidden behind such a weak and meaningless trade policy. My forefathers came from Italy. It is common knowledge that Italy is far from the richest or strongest or most powerful country in the world family, and it has been beset with international troubles, as well as domestic financial and political ones. It appears to be a cork bobbing in a tub, hoping that no one pulls the plug so that it may stay afloat. I wish to point out, however, my friends in Congress, that the Italian Government had the courage to do what we never have. Fearing the complete breakdown of its own electronics industry, the Italian Government, when swamped by imported Japanese tape recorders, broke every European Common Market rule and slammed the door on all imported tape recorders to protect its own industry.

John D. MacArthur, one of the Nation's best known billionaires, in a recent article said that his father instilled in him and his brother a deep Calvinistic respect for money. All his life, he heeded the advice of his father, who many times told him: "If you own a cow, don't buy milk." We have all the cows we need, but we keep buying milk. Even worse—we feed the cows.

Secretary Hodges appeared a few days later and he testified that 6 million new jobs would be created.

The Import Council, which represents the exporters to this country and the importers within the country, testified that there would be a minimum of 12 million new jobs created during the 10 years of the next decade.

The then head of Bell & Howell, who is now the U.S. Senator from Illinois, Mr. PERCY, testified publicly, and in public statements said that he had every hope there would be 15 million new manufacturing jobs created under the Kennedy round.

I noted at that time that if any one of these statements were true, why should we have four different sections of the act dealing with relief to the unemployed who would be unemployed on account of imports?

At that time I testified to the House. It is in the RECORD today, for the very day the bill passed. We had then 16.8 million manufacturing jobs in America. At the end of 1971 this Nation had 12,127,000 manufacturing jobs.

Oh, there was an increase in jobs all right. Governmental jobs jumped from less than 6 million to 12,247,000, or 127,000 more jobs than all the manufacturing processes require in the entire country.

I predict that if the Congress passes the so-called Nixon addition to the Kennedy round within the next decade this Nation will move completely to a service oriented economy.

I have often said there must be a blueprint some place, because no nation could make so many mistakes without some guidelines, and I find there is such a thing. Somewhere in southern Illinois, in a university, there is a worldwide relief map tended over by 167 attendants. It is built permanently and is larger than three football fields. Every day they move nations and peoples around like one would on a jigsaw puzzle. They are planning which nations are going to produce this and which nations are going to produce that, and we are going to be a service oriented Nation depending entirely on selling services.

Mr. Speaker, no nation can survive without production, distribution, and consumption. What do we have? We have a designed plan, started under the Kennedy round and being carried on with a vengeance under the Nixon plan, to destroy the productive facilities and the trained expert workmen we have in this country, to trade them in for an academic body of citizens dealing in selling and exporting so-called substitutes.

Mr. Speaker, George Ball testified before my committee in 1961 and said that this Nation had to get out of the production of unsophisticated goods.

So I asked him, "What do you call 'unsophisticated' "?

"Oh," he said, "garments and textiles and glass and shoes."

I said, "Mr. Ball, what would you do with my 8,500 glassworkers if they no longer could work in the Flint Glass Plant and make the bottles and dishes and glasses that people use?"

"Well," he said, "It would be my plan that they would be moved into making Steuben glass."

I said, "Would you mind an interruption in your testimony while I make a test?"

Then I asked the audience—and the committee room was jammed, because when a Cabinet officer comes before my committee or subcommittee to give testimony, he makes sure he brings enough of his gang along to fill a hall—I asked if

anyone in that room had a piece of Steuben glass.

Not one person in that room had a piece of Steuben glass, including Mr. Ball. Then I said, "How many of you have ever seen a piece of Steuben glass?"

Mr. Speaker, two of them got up and said that they had seen Steuben glass.

Steuben glass is a kind of a vase—pronounced vahz—that sells for $50 when you can buy a vase—pronounced vayse—of the same size for $5.

Mr. Speaker, we cannot make this country tick, we cannot make this country survive with free trade. There has been no argument that has been sustained since the beginning of this country, nor is there one now that can be sustained, in putting a high-cost nation into a free trade world. Production will always flow, and even the most rabid free trader will admit production will flow to the low-wage country and exports will flow to the high-wage country.

Mr. Speaker, right now, today we have lost 55,000 jobs in a period of less than 6 years to the Mexican product territory. Who are they? Garment makers, shoemakers. Some electronics workers. In fact, one electronic company that moved down there from California had over 600 employees. We had given that company well over $2 million of manpower training money to train electronic workers, and they kept these workers on their payroll for a year and a half to 2 years, and we paid the bill. They moved a brandnew smacking plant, closed it down in California, and moved it across the Rio Grande and went out and picked up the peasants, many who could not even read and write Spanish, and certainly they did not know anything about English. In 6 weeks they had these raw recruit laborers doing 100 percent of the productivity that they charged this country more than $2 million to train workers for under manpower training.

Yes, under the limited wage over there—and this is the rule mind you—under that agreement signed by this State Department of ours and the Mexican National Government, we are not allowed to pay any more than the minimum wage. The minimum wage in that particular product territory is a maximum of $3.30 an hour, and the one electronics plant that shut down with 600 workers was paying $3.35 an hour.

Mr. Speaker, production of a necessity, whether that production would be by a corporation, by a domestic corporate entity, or by a conglomerate corporate entity or an international entity, will flow to the low-wage areas.

In fact, once in Hong Kong talking to the Fairchild camera people, they regretted, they said, that they had put so much into their installation in Hong Kong. I said why. Well, he said, our competitors have moved up to Taiwan from the United States—Texas Instruments, for instance. They are paying 25 cents an hour, and we are paying 50 cents an hour down here in Hong Kong. I asked him if they thought they had any obligations to meet the costs of running this government, such as building the roads and maintaining the institutions and providing for the Navy. I pointed out the window into the harbor where we saw the whole fleet of the U.S. Navy, and I said we are paying for that Navy to be here to protect you. There is no other reason for us to be here.

However, they do not pay anything toward that. First of all, they do not pay any taxes in this country unless they bring the money back in, and they just hop-skip from one country to another building plants.

Their competitors here, though, have to pay taxes and add that cost to their production.

Then they tell our American workers you are too highly paid, and they tell our American companies you have to compete because we are not going to protect you.

Well, this economy of ours has always provided a wage in this country with as great as or greater a differential than there is today between American wages and foreign wages. No country on earth has ever come near paying one-fifth of the wage that we paid at any period in our history.

What did we do? We discovered—and Henry Ford, may the Lord bless him, discovered—for the American economy the great secret to our great success and our standard of living: You can make goods, but if people cannot buy them, there is no sense in making them. So he started the old $1 an hour program. He enabled his workers to buy products that enabled other workers to get more money for their work, and they in turn bought Ford automobiles.

This was the beginning of common sense in the economics of this country. From that day on the seeds were sown for the greatest country on the face of the earth. We who were here in 1962 will have to take the brunt of the burden for destroying this America of ours.

Right now, today, the plans are to make this, as I said, a service-oriented economy, but they lay it onto the farmers and say, oh, agriculture must be built up. Why? Why? Well, for expenditure purposes. The Lord did not endow me with the wisdom of selecting who was to live as a free man able to work at a job and who was not to be allowed to work. He did not say to me your glass workers ought to be out of work so that we can subsidize the farmer so that he can work. I am not opposed to subsidies and subsidizing the farmer to 90 percent of parity, but only for the portion of his product consumed by the American people.

You think you have made money through agricultural exports? Well, from the day we exported the first subsidized pound of cotton, the first bushel of wheat, the first bag of peanuts, the first bale of tobacco, from that day on we have paid out of our own pockets for the privilege of exporting, and that burden is placed on the shoulders of the workers who have to get more money from their employers to pay taxes necessary to pay the subsidies.

What are we doing today? We gave our wheat away at a price that has caused a shortage and has increased the price of bread 13 cents a loaf.

Do you know that a family of six consumes ten average loaves of bread a week, and you and I, living in our snug little apartments, buy a pound of bread about once every week or 10 days?

I want to say to all of the Members now, my voice has not been heard, I have been the subject of some ridicule, but not much misunderstanding because they understand where I stand. And I honestly and sincerely believe that if you ignore the past you will live it again—and we will live it again.

How we ever allowed ourselves to get into a position of attempting to do that which killed Great Britain I do not know. When we dumped the tea over the side of the ship in Boston Harbor we were dumping our connections with a colonial empire. Now, what have we done? We were here as a colony to one nation, the British Empire. Do you know what we are now? We are a colony to the world.

Raw materials, foodstuffs and brain services are our exports. Shoes, automobiles, and everything we need we import.

When they dumped that tea into the harbor they did it for this purpose, and this purpose only—to make this Nation independent in peace and in war for its needs and requirements. Are you independent today? Do you know that it took us 10 years to wind down a little banana at the loss of 50 or more thousand men, and billions of dollars, because we did not have the accoutrements. We did not have the accoutrements, and we had to take the shipping that was on our intercoastal traffic and trade and increase the price of lumber 25 percent the first 6 months on every home that was built because we had to ship by rail and road. and we could not do it through our intercoastal traffic; we had to call on foreign-flag ships—that great boon to American commerce, they said 30 years ago—and wiser men than I am predicted that the day would come when we would be hauling less than 25 percent of our trade in American ships. So we got down to the low point of 3 percent, and then the war came in Vietnam, and we finally woke up that we could not provide the needs of our country in peace time, and we will never provide them in war time because they will stop the flow from coming in. We are at the mercy of friendly nations, friendly nations that build trade walls higher than the dome of this Capitol. They have a Common Market that was created to make a better place—for whom? For the people in the Common Market. They did that based on the same principle that made this country great. And that principle we destroyed, and we are destroying us, and that was the principle of free trade within our States, and protective trade without the States—and is it here yet? No.

If I pick up a bottle of whisky here in Washington and take it into Pennsylvania, my State will take my car away from me, perhaps fine me up to $10,000, and even possibly throw me in jail. But I can bring a bottle of Scotch whisky back from Scotland, or anywhere else, with impunity. In fact, up to just a few years ago you could bring back a gallon of Scotch whisky. And then the men here in our country who had the franchises on the Scotch whisky sales went to the President and said that they were losing

a lot of money because American tourists were bringing back four bottles of whisky.

I took a trip on a container ship, and went into the North Atlantic, and we were loaded to the gunwales. We went out of Norfolk with 800-some canisters on that ship, and it was the largest ship in the world. We were loaded way down five below the decks and four above.

We finally got into the North Atlantic, and ended up at a place called Glennock in Scotland. Seventy-five percent of our load was put on there. Of course, 65 percent of the load was in empty cans coming back, as well as with some stuff, but the rest of it was all Scotch whisky.

We have to realize some day that there is such a thing as a job. This, I think, is very important. Despite the fact that the United States produces the most advanced and sophisticated manufactured products in the whole world, and a superabundance of agricultural products, the American consumer consumes more goods than are imported in our goods that we produce. We spend $100 billion a year for relief and welfare through 137 agencies. That $100 billion comes out of the pockets of taxpayers, and then it is put back out into the community. The $100 billion has taken the place of $100 billion closed to imports in wages paid to workers in this country.

I will give the Members a little story they might like to hear. How many know how much of the total earnings in the United States come from the Government? The total earnings in the United States of every individual from top to bottom are 25.1 percent from the Federal Government, and an average of 10.2 percent from the State and local governments; 35.3 percent of the total income earned by Americans comes out of their own pockets back into the Treasury. They take a little cut out of it and send it back out to the people—$100 billion we owe foreign countries, not 10 cents. I defy any person in this room to get the truth out of the Department of State or the truth out of the Department of Commerce on what we really do owe.

They have told this House time and time again that we have not had a trade deficit since back in 1884. We have not had a trade deficit since 1959—not once.

We ship an automobile to Japan. What do they do? First of all, they take 10 percent on a customs charge, and then they have what they call a distribution charge, and then they have what they call a dealer charge, and then they have what they call a subdealer charge. A $2,000 Pinto sells in Japan for $5,000.

What do we do? We are very generous. Before Mr. Nixon pulled that fraud on the American people, the so-called 10-percent surcharge—Mr. Speaker, that was the biggest fraud ever perpetrated on the American people at that time—everybody thought there was going to be 10 percent added to all of the tariff charges. There was not. There was a tariff surcharge of the difference between what the tariff was and 10 percent. So the Japanese and others were paying a 3½-percent tariff on American automobiles. They were also paying a 7-percent surcharge that we were charging our own American manufacturers.

In this big shuffle of "now you see it, now you don't," the 10-percent trade surcharge was taken off.

In the meantime he also issued an edict taking the surcharge of 7 percent off of American cars and off of foreign cars, and the Japanese and others, who were shipping cars in before he made this big fraudulent proposal, who were paying 10 percent tariff are now paying 3 percent tariff, and we are paying 50 percent increase on the charges made against American automobiles.

Let me show the Members what an American automobile is worth. Mr. Speaker, what is in an automobile? I will show the Members what is in an automobile. These are 1970 figures, at the end of 1970. I cannot get others. I do not have the agency or the money and the equipment to get the real figures on everything, but I do get some.

A $3,000 automobile manufactured in the United States has $2,400 in wages and benefits, 121 hours of labor in the automobile industry, at $6.40 an hour; 165 days of labor in other manufacturing industries at $6.50 an hour; 37 hours in service and miscellaneous industries at $6.50 an hour; 28 hours in wholesale and retail trade; 20 in transportation; 9 in finance, insurance, and real estate; 6 in communications and utilities; 5 in mining; 5 in construction; and 4 in agriculture, forestry, and fishing, making a complete total of 400 hours, at $6 an hour average, equal to 10 full weeks of labor for an individual, or 1 year's work for an individual on every 5 cars.

We imported 1.4 million automobiles last year. For every five cars produced we lose 1 year's work. For every 100 cars produced we lose one man's job. In the total we lose 225,000 jobs in American enterprise.

But the free traders say to me, "Oh, well, our economy is holding up in wholesale and retail and transportation and finance." Sure, it is. It will hold up if the products are made in Timbuktu or down in "Gasoline Alley." Sure, if they are going to have goods on the shelf, they have to have transportation, and if we keep giving $100 billion a year in taxes back to the people who are not working, they will keep buying things off the shelves, and they will go where the product is the cheapest. And in every instance when they have gone to the point where the American production equipment cannot meet the demands of the American people, the prices of the imported products have been raised for the American consumers.

Take for instance shoes. We cannot buy $2 shoes any more. I was with the Taiwanian Consul. They had bought $22 million worth of Florsheim shoes. When he was asked why, he said:

> We are going to switch the trade balance so that it will show your protective tariff advocates they do not need protection.

He said:

> We sell shoes to Macy's for $38 a dozen and Macy's sells them for from $13 to $15 a pair.

Is the consumer being treated right? Is he not the man we are worried about?

But who is the consumer? In the whole history of the economy of this country every consumer has been a producer, but now the consumers are nonproducers and they are taking jobs away from producers and creating more consumers who are nonproducers.

The President himself in his talk, which gave hope to many of us that he was really going to come up with something powerful to help this Nation get back on its feet, bemoaned the fact that for every 200,000 automobiles sold in this country from foreign countries we lost 25,000 jobs. The figures come out right.

What did he do? He cut the tariff from 11½ percent to 3. It sounds like the story of the fellow who was being hit on the head with a big stick and he said to the other fellow, "Keep on hitting me." The other fellow says, "Why? You are crazy." But the first one said, "No. See how good it will feel when you stop."

That is exactly the kind of economy we are running today. There are not many in this room I believe who have had to work in daily work, being from a family of 12, in a small community of about 450, so they will not have any idea how it feels. Actually because some people have gotten through these great big institutions of learning they think this world of ours and particularly our country is one great big honeycomb and if we just keep squeezing it we will get honey all our lives. But pretty soon we will find out that in order to have honey we have to have worker bees inside the comb. These thousands of little worker bees do not do anything but go in and out day after day, finding nectar to bring in from the flowers in order to make honey.

You do not do that. You are going to go squeeze that honeycomb until there is not going to be any honey in it, because the bees will all be dead.

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore (Mr. MAZZOLI). Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 30 minutes.

(Ms. ABZUG asked and was given permission to revise and extend her remarks, and to include extraneous matter.)

GENERAL LEAVE

Ms. ABZUG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order, and to include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. ABZUG. Mr. Speaker, there can be no avoiding the fact that the real issue before us—and before the country—is the leadership of the President. It is to secure and maintain his power and his policies that his associates and subordinates have acted. The admissions made by the President himself, the allegations made by those around him, and a host of circumstantial evidence indicate the existence, almost from the beginning of Richard Nixon's tenure in office, of a broad attempt to subvert the constitu-

tional and democratic system of government in the United States—a system based on the principles of separation of powers and respect for the rights of individuals. While a number of ordinary crimes apparently have been committed in furtherance of this political crime, this political crime itself exists independently of them and towers over them. In fact, it constitutes just the sort of offense which the framers of the Constitution envisioned as being a proper subject for impeachment proceedings.

I propose that the House institute its own inquiry into the conduct of the President or at the very least establish or designate a committee to receive information and have liaison with the Ervin committee and the special prosecutor.

The colonial experience with English monarchs made the framers of our Constitution extremely fearful of granting power to the President. In the words of Edward Corwin, the founders of the Republic felt that " 'the executive magistracy' was the natural enemy, the legislative assembly the natural friend of liberty." Accordingly, they replaced an unimpeachable king, who "could do no wrong," with an impeachable President.

James Wilson, a leading framer who later served on the Supreme Court, saw as a subject for impeachment "malversation in office," and noted that impeachments "and offenses and offenders impeachable, come not within the sphere of ordinary jurisprudence. They are founded on different principles, are governed by different maxims, and are directed to different objects." Further, "impeachments are confined to political characters, to political crimes and misdemeanors, and to political punishments."

The impeachment mechanism established under the Constitution is, in the words of Justice Joseph Story, "not so much designed to punish an offender as to secure the state against gross official misdemeanors." Those who debated impeachment in the Constitutional Convention made their principal concern the President, and the phrase making "the Vice President and other civil officers of the United States" subject to impeachment was added only at the last minute. In the Virginia convention considering ratification, James Madison said that even "if the President be connected, in any suspicious manner with any person, and there be grounds to believe that he will shelter him," he would be subject to impeachment.

How much more compelling that argument is today when the activities of the executive branch have grown so vast that no one person can conduct the presidency alone or execute the laws by himself. The very phrase "the Nixon administration" exemplifies the complexity of executive government and at the same time assigns the responsibility for the actions of that administration to the President.

It is obvious that the President cannot run the executive branch or even the White House alone.

That is the function assumed by the President, together with his surrogates, those he has appointed to his personal staff and to head departments, those who act at his behest, in his name, and in his interest. In recent weeks with the resignations of Mr. Nixon's chief advisers, R. H. Haldeman and John Erlichman, with other top appointees departing and with some 40 to 50 high policy jobs left unfilled, we have been told that executive government was virtually at a standstill.

The simple fact is that as head of the Nixon administration, Mr. Nixon is responsible and accountable for its policies and its executors. It is splitting hairs more finely than is conceivable to attempt to consider him either above suspicion, above complicity or above the law which is being applied to members or former members of his administration and his reelection committee.

Under the Constitution, only the House has the power and the duty to discipline, by means of impeachment, an executive or judicial officer who is charged with "treason, bribery, or other high crimes and misdemeanors" within the meaning of article 11, section 4. No other body is conducting a direct investigation into the conduct of the President, because no other body has the authority to do so. The grand jury is neither an appropriate nor an authorized forum for its inquiry is limited to ordinary crimes of the sort which in this instance are only in aid of the larger political scheme. Even if the Senate Committee were to gain full access to all relevant material, the fact that the Senate would sit as the trier of fact if the President ever were impeached creates a natural inhibition to develop facts directly related to any involvement of the President in questionable activities. A House investigation, while focusing upon the conduct of a single individual, Richard Nixon, would consider not only his behavior regarding Watergate, but also any other acts or omissions which relate to attempts to undermine our democratic system of Government.

Any House committee or special commission that undertakes such an inquiry would, of course, be bipartisan in composition, as are the Ervin committee and other congressional committees now looking into various ramifications of Watergate and preceding criminal acts.

I believe we have all been impressed by the high degree of cooperation and thoroughness shown by the majority and minority members of those committees and their counsel, and I would expect the same objectivity and spirit of cooperation to prevail in any investigation this body authorizes.

I fully realize the gravity of undertaking a proceeding that might lead to impeachment charges against the President, and I do not do so in any frivolous or partisan spirit. No one who has any regard for the democratic traditions of our Nation and believes, as I do, that the Bill of Rights is the heart and soul of our society can view recent events with anything but the utmost seriousness and concern.

I know this is a concern shared by my colleagues on both sides of the House. Democratic Members certainly do not view this national crisis as an occasion for partisanship. In my view, they have been, if anything, too restrained in their comments on an issue that affects all Americans and the legitimacy of our political system. Republican Members are also greatly concerned and dismayed by the implications of Watergate and it is to their great credit that whatever may have been the illegal actions performed by the White House and the Committee To Re-Elect the President, no suspicion has been attached to any of the present Members of the House.

I realize there is a reluctance to face the impeachment issue. However, I do not believe that the House should shrink from a process authorized by the Constitution as a method of protecting our democracy simply because it cannot be certain of the outcome or because it finds the process itself distasteful.

It should be understood that as in any grand jury proceeding and trial, the outcome of an impeachment inquiry is not preordained. The investigation may or may not find that there are grounds for bringing formal charges against the President. A trial by the Senate, if it should come to that, may or may not result in a finding of guilt and subsequent removal from office.

But one would have to be deaf, dumb, blind, or hopelessly intransigent to refuse to acknowledge that the President is under suspicion, and thus to condone possible unconstitutional acts, political or other crimes on his part by refusing to carry out our responsibility under the Constitution to investigate his role.

It is tempting to delay, to wait and see what other incriminating evidence may turn up before we undertake such an inquiry. We hear pleas for the President that he come forward and tell the whole truth. Clearly, if telling the "whole truth" would exonerate the President once and for all, he would have long since done so. Instead, he has come forth on a number of occasions in the past year, each time purporting to tell the truth and later changing his story, and one cannot even say with any assurance that he thought he was telling the truth at the time.

Mr. Speaker, you will recall that on June 22, 1972, 5 days after the Watergate break-in, Mr. Nixon stated at a news conference that such an act "has no place whatever in our electoral process." And he added, "The White House has had no involvement whatsoever in this particular incident." Even if the President did not have advance knowledge of that particular burglary, he did know that in 1970 he had approved a domestic intelligence plan that specifically included illegal "breaking and entering."

The President approved the plan after being cautioned that parts of it were "clearly illegal" and involved "serious risks" to his administration if the operations were ever discovered, according to the texts of recommendations made to the President in July 1970 by an Interagency Government Committee, as revealed in the New York Times on June 7, 1973.

In addition to electronic surveillance, burglary, breaking into foreign embassies and consulates, the use of student spies and military undercover agents, the July 1970 plan provided for illegal mail cover-

age—the opening and examination of sealed U.S. mail before delivery to private citizens.

At a press conference on August 29, 1972, Mr. Nixon "categorically" denied that anyone employed anywhere in his administration was involved in what he called "this very bizarre incident." He promised that there would be no attempt to cover up the facts, saying:

We want the air cleared. We want it cleared as soon as possible.

A few months later, on October 5, Mr. Nixon told the press that he was pleased with the FBI's investigation. He said:

I wanted every lead carried out to the end because I wanted to make sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-election had anything to do with this kind of reprehensible activity.

Yet on May 22, 1973, the President admitted that he tried to limit the FBI's investigation, ostensibly to cover up leads that might point to the CIA. Still unexplained by the President is why he did not check directly with the CIA to find out whether the agency was involved in Watergate. Actually, as the New York Times commented on June 7, 1973, the White House was seeking to use the CIA as a screen to protect the White House investigation unit, the so-called "plumbers." The activities of the "plumbers" have not yet been fully investigated and exposed, but it is already clear that some of their secret deeds were illegal. Among these illegal deeds was the burglary of the office of Daniel Ellsberg's psychiatrist.

Elliot Richardson testified at his confirmation hearing for Attorney General that the President knew of the burglary of the office of Daniel Ellsberg's psychiatrist in late March of 1973. Why was this information withheld from Ellsberg's defense attorneys until the last week of April? The withholding of such material evidence constitutes an outright obstruction of justice. Should not the President be asked about his role in the concealment of such evidence?

Also in late April, Judge Matt Byrne, Jr., the presiding judge in the Ellsberg trial, disclosed that he had been summoned to the Western White House by John Ehrlichman and promised a high position, probably the Directorship of the FBI. At this meeting Judge Byrne also talked with the President. Judge Byrne confirms that the offer was made while he was presiding over a trial in which the President had high stakes in a guilty verdict. Should not the President be asked about his participation in such an outright abuse of the law?

In his May 22, 1973 statement, the President declared:

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up, and less to the reassurances.

The warning signals were evident to everyone but the President. Despite an earlier denial, the White House recently confirmed that the President met on numerous occasions early this year to discuss the Watergate mess with his former counsel, John W. Dean III. What did they talk about? Did the President exhibit even a normal curiosity about the Watergate events in these conversations?

John Ehrlichman has testified under oath about his many contacts with Watergate figures and has referred in passing to discussions with the President on the subject. He said that throughout February Mr. Nixon was unable to get a coherent report from Mr. Dean on the Watergate matter "in its broadest aspects." Why then did the President say he was reassured?

In fact, one wonders why the President's suspicions were not aroused when his campaign manager and former Attorney General, John Mitchell, suddenly resigned, just 2 weeks after the Watergate burglars were arrested. It is reported that the President did not inquire whether there were any connections between these two events, nor, it is said, did he do so just 5 days later, on July 6, when Patrick Gray, the acting FBI Director, personally informed the President that "the matter of Watergate might lead higher."

Not only has the President not told the whole truth about Watergate, he has been conspicuously silent about many other aspects of the unfolding Watergate scandal and the activities of his Re-Election Committee. He has not addressed himself to the charges that his Re-Election Committee sabotaged the campaigns of his Democratic opponents for the Presidency or manipulated congressional campaigns. He has not indicated whether he had any knowledge of illegal concealment of campaign funds or the use of funds to promote the illegal activities surrounding the Watergate burglary and cover-up. He has not answered any questions about the unsavory GOP convention arrangements with ITT, the Vesco deal, the wheat deal, the milk price deal or his relationships with the Teamsters Union and its former chief, James Hoffa.

There are many other unanswered questions, but perhaps the most serious of all are those relating to the Nixon administration's plans to transform our democracy into a police state. I spoke at length on this aspect of the Nixon administration's activities on May 24, shortly after the President issued his "national security" rationale for admittedly illegal wiretapping, surveillance and burglary activities, so I will not repeat myself. You can find my remarks in the CONGRESSIONAL RECORD.

This is a concern that transcends partisan concerns and goes to the very nature of democracy. President Nixon and his subordinates deliberately sought to ignore the entire framework of our constitutional government, with its coordinate branches and its respect for the rights of individuals. They established units of government wholly outside the constitution and laws and under the control of the President without anybody's consent. They directed and countenanced acts by these units in flagrant disregard of the constitutional rights of our citizens. These are activities which, as Senator SAM ERVIN has said, reveal a "gestapo-like mentality." Malcolm Moos, president of the University of Minnesota and a former speechwriter for President Eisenhower, describes them as an attempted "coup d'etat."

According to the Washington Post of June 1, 1973, domestic espionage of the kind President Nixon says he approved and then abandoned in July 1970 has been widely used against reporters, radicals, antiwar activists, foreign diplomats, and legal organizations like the NAACP since that time. Among newsmen whose homes were suspiciously burglarized and their files rifled were columnist Joseph Kraft and CBS television's reporter Dan Rather. I shall include the complete text of this alarming Washington Post article at the conclusion of my remarks.

Mr. Nixon's claim that some or all of his administration's bugging, burgling and related activities were justified by some inherent power to protect the "national security" is as fraudulent as his claim that his illegal bombing in Cambodia is justified by some inherent power to protect our interests and security.

Even if the existence of a foreign threat to the Nation were sufficient justification for illegal acts by the Executive—and I do not believe that it is—there is not a shred of evidence to support any claim that a foreign threat to the Nation existed at any time during Mr. Nixon's tenure.

Just a few days ago, Mr. Nixon's Attorney General, Mr. Richardson, stated that the national security justification advanced by the President as a basis for the illegal acts committed in the Pentagon Papers "is not convincing."

In point of fact, the claim of "national security" is no more than an excuse employed on an ex post facto basis because it is the only conceivable excuse that has not been ruled on by the Supreme Court. The rationale previously used, at least for wiretapping, was the President's "inherent power" to protect the Nation against domestic threats to its security.

But in the case of United States against U.S. District Court, the U.S. Supreme Court, in an opinion written by Nixon appointee Lewis Powell, held such wiretapping without a warrant to be unconstitutional by an 8 to 0 vote.

I believe that there is sufficient evidence of deliberate deception and illegal activities by the President to justify an inquiry to ascertain whether impeachable offenses have been committed. I do not think that I am alone in that belief. I am sure my colleagues are aware that this subject is under constant discussion in the press, that impeachment committees have been formed in various parts of the country, that Members of Congress are receiving mountains of mail calling for impeachment, that signatures on impeachment petitions by rank-and-file Americans are being collected in large numbers, and that many Americans are wondering whether the President is to be treated like any other citizen who is expected to obey the laws, or in Malcolm Moos' words, like a "semicelestial presence."

We are now seeing a cynical attempt by some of Mr. Nixon's apologists to dismiss the impeachment process out of hand. Joseph Alsop in the Washington Post of June 11, 1973, describes "responsible Democratic leaders of the House"

as recoiling "from the very idea of impeachment with open shock."

I question that many of my colleagues think that we should not discuss it, despite what was suggested here earlier. We must have discussion, and I do not disagree with the suggestion of the earlier speaker that we should have a committee of this House—the Committee on the Judiciary, or some other committee—consider the problem. But I doubt that any Member of the House would be shocked at a proposal that we invoke a constitutional responsibility which is assigned to this House by the men who wrote the basic law of our land, specifically a provision that was designed to protect the American people from malfeasance in office by the Chief Executive. I think that it is far more shocking to suggest that a President may freely break the law and then be immune from the consequences of these actions, with the silent consent of the Congress. If we have reached that stage in American life, then we might as well pack up and go home, because we will be betraying our oath of office to uphold the Constitution.

I understand that to some Members of this House the question of impeaching a President may be unthinkable. But I believe it is time to think about the unthinkable, and to act to perform our duties under the Constitution.

What is at stake here is a challenge to the responsibilities of democratic government, and only the House, which was intended to be the place where "the groans of the people" could be heard, has and should exercise this responsibility. I also believe that it is unthinkable for us to pretend that there is not a great deal of instability in the land as a result of our failure to deal with this problem, or to pretend that we can allow this to go on and on for a long period of time in the hope that somehow or other things will resolve themselves.

I believe that we can deal with this problem at the same time that we are producing programs for peace, housing, health, economic benefits, and all of the other things that we are all very arduously at work on in our committees. I want to dispel right now a propaganda campaign that suggests that the House of Representatives is not doing its job. We are doing our job, and we are doing the best job that we can. We are attempting to restore constitutional democracy to this country, and to make the people in this country, as well as ourselves, understand that we do have a great country and a great democracy, which can only survive if we fight for it. This is a challenge that all of us must face, but to do that we must inquire, we must find out, we must put ourselves in the position where we can receive the information that it is our responsibility to receive. That is why we are here, because we have sworn to uphold the Constitution. Unless we at least attempt to find out the facts, we will not have upheld our oath of office.

Mr. ROSENTHAL. Mr. Speaker, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Speaker, I thank the gentlewoman for yielding to me, and I want to commend the gentlewoman from New York (Ms. ABZUG) for the very thoughtful and very concise, very intelligible and very articulate presentation she has made. Much of what the gentlewoman says commends itself to action that I would join in.

I think the first thing is to bring this matter to the attention of the American people, and remind our colleagues of our constitutional responsibilities and obligations.

I want to commend the gentlewoman from New York for taking the leadership in this area, and to specifically ask what are the legislative recommendations that the gentlewoman proposes?

Ms. ABZUG. It is my suggestion that the House should either designate the Committee on the Judiciary or set up a select committee which will inquire into the facts, receive information being produced in evidence before the Senate committee as well as the grand jury, as it is made available, and ultimately recommend to the House what steps, if any, it should take.

Mr. ROSENTHAL. If a Member of the House were to file a resolution of impeachment, would it necessarily follow that the Committee on the Judiciary would hold hearings? Would they then have the burden of responding to that resolution?

Ms. ABZUG. I do not propose to file a resolution of impeachment or a motion to impeach. What I am suggesting is that we designate or establish a committee to conduct an inquiry into the President's conduct in office to see whether there have been impeachable offenses which would require the issuance of articles of impeachment.

Mr. ROSENTHAL. I am just trying to tie it down to a specific resolution or proposal.

Ms. ABZUG. My resolution would have either a standing or a new select committee inquire into the acts or omissions of the President in office.

Mr. ROSENTHAL. Is the gentlewoman filing a resolution of impeachment today?

Ms. ABZUG. No, I am not. I am only proposing that we inquire into the facts. What we are doing here today is having a discussion on this, since there seems to be some difference of opinion—some people do not even want to discuss it—in order to secure and determine the support for such a resolution.

Mr. ROSENTHAL. I should like to see a specific recommendation come out of this discussion. I, myself, would like a discussion of what the legislative opportunities and prerogatives are. I know certainly that if a Member files a resolution of impeachment, that would start the machinery going insofar as an assignment to the Committee on the Judiciary to do something. Would that be a resolution of inquiry which would be referred to the Committee on the Judiciary?

Ms. ABZUG. Let me clarify something. I am suggesting a committee inquiry into the facts. Is that clear?

Mr. ROSENTHAL. Is the gentlewoman suggesting that the Committee on the Judiciary——

Ms. ABZUG. The Committee on the Judiciary could conduct such an inquiry without a resolution, or the House could adopt a resolution which directs the Committee on the Judiciary or some new select committee to conduct such an inquiry. Such a resolution would probably go either to the Committee on Rules or to the Committee on the Judiciary, based upon past precedents.

Mr. Moss has proposed that there be a select committee set up which would have members appointed to it by the Speaker. In either case, the purpose would be merely to inquire and to receive the facts to determine whether there are any impeachable offenses.

If there were on the other hand, a resolution to impeach, it could either be decided on the House floor or referred to a committee.

Mr. ROSENTHAL. To get the Committee on the Judiciary started, how do we do it?

Ms. ABZUG. Members of the Committee on the Judiciary could vote to set up such an inquiry. The chairman of that committee could perhaps set up a subcommittee to inquire, or we could file a resolution which directs the Committee on the Judiciary to conduct such an investigation, which resolution would then need the approval of the House.

Mr. ROSENTHAL. I should like to join with the gentlewoman in doing that. Are we going to do that today, tomorrow, or shortly?

Ms. ABZUG. It would be my desire to do so as soon as possible. Part of the purpose of this discussion is to find out how much support there is for that.

Mr. DAVIS of South Carolina. Mr. Speaker, would the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from South Carolina.

Mr. DAVIS of South Carolina. I thank the gentlewoman for yielding.

I want to bring one thing to this discussion and that is noticing that we do have a 3-hour special order here, noticing that there is no resolution presented, we are involved in a discussion at its best that one might say is speculative. I would ask the gentlewoman if she realizes that at the present cost of $170 per page for the printing of the CONGRESSIONAL RECORD, if this discussion takes up 50 pages, by dealing with a speculative discussion—and I say it is speculative since no resolutions are introduced—the gentlewoman is costing the U.S. Government $8,500. I know that the gentlewoman is going to agree with me on this next point—that this $8,500 could provide over 2,800 days of care and food services for a needy, hungry child in a child development program.

The gentlewoman from New York has expounded on this and the gentlewoman from Colorado has expounded on our need for day-care and child development programs. I concur, but I would rather see the 2,800 days of child care and I would rather see the $8,500 used on day care than on the speculation here and have the money used here in this way.

Ms. ABZUG. I hope the gentleman will join me in saying that our democracy is big enough to be able to take care of both.

Mr. DAVIS of South Carolina. But

lately we have not taken care of the day-care centers.

Ms. ABZUG. That is correct and I hope the gentleman will join us in our efforts to get that.

Mr. DAVIS of South Carolina. I joined the gentlewoman last year.

Mr. SEIBERLING. Mr. Speaker, will the gentlewoman yield?

Ms. ABZUG. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I think the answer to the question of the gentleman from South Carolina is obvious. There can be no more important subject to discuss in this House than the preservation of our constitutional form of government. Members will recall that when the Constitutional Convention finished its deliberations in 1787, some citizens asked Ben Franklin what form of government we were going to get and he said, "a Republican, if you can keep it."

What we are witnessing in the Watergate exposures is the glimmering, to say the very least, of the most serious assault on the Constitution that has ever been leveled.

I would like to ask the gentlewoman some questions now that relate to the form of the inquiry.

The SPEAKER. The time of the gentlewoman has expired.

THE CONDUCT OF THE PRESIDENT

The SPEAKER. Under a previous order of the House the gentleman from California (Mr. DELLUMS) is recognized for 30 minutes.

Mr. DELLUMS. I thank the Speaker.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to the gentlewoman from New York so we may continue?

Mr. DELLUMS. I yield to the gentlewoman from New York.

Ms. ABZUG. I thank the gentleman from California for yielding, and I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, I think it is unfortunate if we get the question of what has happened in the executive branch and what has been done to infringe upon our constitutional system mixed up with questions as to the legal status of the person who is the present occupant of the White House.

I would like to ask the gentlewoman, since any proceeding looking toward impeachment is a judicial proceeding, which raises very serious questions about the Office of the Presidency, if we do not have here in a most acute form the same question that has been raised by the Assistant Attorney General Cox's request that the Ervin committee cease its hearings. I would like to ask the gentlewoman if she does not agree that it is more important to bring out the facts through the kinds of hearings the Ervin committee is conducting, so that all the people can see what the problems are, than it is to convict some individuals on a matter this serious?

Ms. ABZUG. I believe it is more important to bring out all the evidence than to convict some individuals.

Mr. SEIBERLING. In other words, in this case it is more important to bring out the facts, and if that makes it more difficult to convict individuals of a serious crime then we will have to forgo the latter.

Ms. ABZUG. Yes; I agree with that.

Mr. SEIBERLING. So I wonder if we should not follow the same approach in discussing the acts of the President himself, and try to avoid casting our inquiry in the direction of a possible eventual impeachment action, but rather focus simply on bringing out the facts for all the people, and particularly the Members of this House to see.

Ms. ABZUG. I think that what the gentleman may be missing is this:

There is a very serious problem here. We have a constitutional responsibility to be the guardians of this country, and to determine whether the President—the Vice President or civil officers of Government have been acting in excess of their power.

I do not know how we can do that unless we inquire into it directly. That issue is what I have been discussing in the 30 minutes I took. It is going to cost a certain sum of money. I believe that it is what I have to do in order to fulfill my responsibilities as a Member of Congress.

I do not see how we can avoid that issue or that kind of investigation, because I am convinced that only this House can act. The Senate is not going to get into the question, because it may very well have to sit as the trier of the facts at some future time. We have a responsibility to get into those facts, not because we want to punish anybody—not at all—but because we want to see to it that this country is governed under the framework of our Constitution.

We have to fight for the maintenance of separation of powers, rights of privacy, and the Bill of Rights. If they have been violated by the person who is the highest elected official in this land, we have to deal with it on those terms.

Mr. SEIBERLING. But, the Judiciary Committee ought to be able to have a resolution cast in such a form that the committee is inquiring into possible threats which would undermine our constitutional system and our separation of powers and so forth, without putting it in a form where it is pointed toward indictment and conviction of an individual. Is that not possible?

Ms. ABZUG. The gentleman means that he does not want to say the words; is that it?

Mr. SEIBERLING. No, I say the major direction should be the preservation of our system, not the impeachment of an individual.

Ms. ABZUG. The question of the preservation of our system really will determine whether or not the President has conducted himself in such a way as to make it necessary to impeach him. It may turn out that we will determine not to. You could phrase it "that the Committee on the Judiciary be authorized and directed to inquire into the conduct of Richard M. Nixon, the President of the United States, to receive information relating to such conduct, and to report whether he has been guilty of any acts or omissions which in contemplation of the Constitution constitute high crimes or misdemeanors, requiring the interposition of the constitutional power of this House."

Mr. SEIBERLING. Might I suggest that when we start to talk about the President committing high crimes and misdemeanors, we are talking about impeachment. What I am suggesting is that in carrying out our solemn duty to uphold and defend the Constitution, we need to find out the facts without necessarily implying that this will result in impeachment.

Ms. ABZUG. We are not seeking to duplicate an inquiry that is going on in the Senate, which is essentially an inquiry as to how the election laws and campaign laws of 1972 have been violated, and some other broadened jurisdiction that the Senate is now seeking.

We only have a right to get into this with respect to the office of the President and other executive officers of Government. That is our responsibility, and we cannot restore constitutional democracy if we are unwilling to face that issue.

I am suggesting that we may come to that, and of course the judiciary committee can conduct such an inquiry. However, I think you are just kidding yourself if you think we can avoid the basic issue.

Mr. SEIBERLING. I would just like to say that it is more important to preserve our Constitution than it is to impeach or convict any one individual.

Ms. ABZUG. I could not agree with the gentleman more. What I am concerned with is not the individual, but the Office of the President. Are we going to make that an office which has its proper role and jurisdiction in our framework, or are we going to allow it to just go on in complete violation of the concepts of separation of powers, checks and balances, the rights of individuals and the Constitution generally?

I do not think we are in disagreement on that issue. It is just that you have not yet reached the point of realizing that you may have to say, "We are going to have an investigation to see if there are any acts."

Otherwise, it is an unfocused duplication of the Senate investigation.

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tem. Under a previous order of the House, the gentleman from California (Mr. DELLUMS) is recognized for 30 minutes.

Mr. DELLUMS. Mr. Speaker, I would begin simply by saying that I applaud and support the statement and proposal by my distinguished colleague, the gentlewoman from New York.

Some of our colleagues in this Chamber question this general discussion on the grounds that it can be or will be construed as a partisan attack upon the President and/or his administration.

I believe this argument to be totally without merit. It is absurd at best, for the revelations of Watergate have gone far beyond partisanship, directly to the foundation of our form of government in this Nation.

These revelations point to the unmis-

takable conclusion that the customs, traditions, and constitutional rights established by and for the people have been and perhaps still are in very grave and serious danger.

Some have stated that Watergate points out that a "few people" were about the business of stealing this Nation. I would suggest to my colleague who raised the question of $8,500 that to steal a nation against that pittance dwarfs clearly the proposal and accusation that was leveled at my distinguished colleague from New York.

For these reasons I believe the entire Watergate affair is perhaps the most important event facing the people of the country in modern times. It is important for it now gives us, the people of this country, what may be our last chance to make this Nation what it started out to be; that is, a Nation of, by, and for the people—all of the people, and not simply a few.

I would further add that you and I as Members of this Congress are perhaps this Naiton's only hope to achieve that objective.

My point, very simply, is that they did not plan to be caught at the Watergate affair, but the fact that they were gives us now a chance we did not have before, for many of us with a lack of courage, with our expediency and our flamboyance, who were not willing to say what many press people of this country already know, that this has been a Nation of, for, and by the few.

But this is the Nation of the people of America.

Mr. Speaker, the Watergate affair has been valuable not only in exposing wrongdoing and corruption but in educating us about the actual working of many more "normal" Government activities. Wiretapping, classification secrecy, campaign finance abuses—if all these are now readily accepted parts of the system, it is good to understand exactly what is implied. The Watergate hearings are bringing all of this out.

We have also learned much about the realities of the Presidency during this time. In order to excuse his actions, Nixon's own defenders have shown how little control a President can have over actions of his top staff, and how a President can be unsure—after many months of investigation—about what actually happens in his own office. How much better for the country if this concession to reality had been made at the time when the escalation in Vietnam was just beginning? At that time, we were assured by supporters of the war that "the President" knew much more about the situation than anybody else, especially critics, and that President Johnson was personally supervising bombing targets on the other side of the world, so we could not be making mistakes. Even today we are told that the President—President Nixon—can manipulate the complicated internal politics in Cambodia to achieve U.S. aims, and beyond that, to bring permanent peace to the world. It seems as if the President knows more about what is going on in Phnom Penh than what is going on in the oval office.

This leads to the vital question of the reponsibility of a President for the actions of his top aides. Possibility of impeachment has been mentioned. I think we as Representatives have to keep this possibility seriously in mind, and to start making clear in our minds where we will draw the line: what—if anything—would we consider an impeachable offense?

That is why the proposal made by my distinguished colleague from New York, Congressperson ABZUG, makes sense and is important for this body to come to grips with.

But whether or not we decide the damage done to our traditions and governmental system by the Nixon White House merits the supreme political weapon or not, we have to face one inescapable task: That is, arriving at a more realistic doctrine of relations between a President and his staff.

As the Presidency becomes more institutionalized and powerful, we must reform our expectations in this area, and if we do not, we are going to find ourselves with more Watergates.

Last week, as a contribution to this process, I introduced into the RECORD some general reflections on the problem from Machiavelli's classic, The Prince. This can be found on page 18200 of Tuesday's RECORD of last week, the 5th of June. I hope those remarks will let us view the problem with some detachment.

I would like to share with my colleagues some of the main points made by Machiavelli, and I quote:

The choosing of ministers is a matter of no little importance for a prince, and their words depend on the wisdom of the prince himself. The first opinion that is formed of a ruler's intelligence is based on the quality of the men he has around him. When they are competent and loyal he can always be considered wise, because he has been able to recognize their competence and keep them loyal. But when they are otherwise, the prince is always open to adverse criticism, because his first mistake has been in the choice of his ministers.

There is another important subject I do not want to pass over, the mistake which princes can only with difficulty avoid making if they are not extremely prudent or do not choose their ministers well. I am referring to flatterers, who swarm in the courts. Men are so happily absorbed in their own affairs and indulge in such self-deception that it is difficult for them not to fall victim to this plague.

A prince should question his advisors thoroughly and listen to what they say; then he should make up his own mind, by himself. And his attitude towards his councils and towards each one of his advisors should be such that they will recognize that the more freely they speak out the more acceptable they will be. Moreover, if he finds that anyone for some reason holds the truth back he should show his wrath. Apart from these advisors, the prince should heed no one; he should put the policy agreed upon into effect straight away, and he should adhere to it rigidly. Anyone who does not do this is hustled by flatterers or is constantly changing his mind because of conflicting advice: as a result he is held in low esteem.

When seeking the advice of more than one person a prince who is not himself wise will never get unanimity in his councils or be able to reconcile their views. Each councillor will consult his own interests; and the prince will not know how to correct or understand them. Things cannot be otherwise, since men will always do badly by you unless they are forced to be virtuous. So the conclusion is that good advice, whomever it comes from, depends on the shrewdness or the prince who seeks it, and not the shrewdness of the prince on good advice.

At this time, I want to carry the process one step further, and analyze the existing Watergate record to learn what we can about present White House doctrine concerning relations between President and his staff. I think we will find it is most unsatisfactory.

Any President must find some way to use his staff for his own purposes. That is his first job. If we asume that we can give credit to a political leader for the positive accomplishments of his lieutenants, we must also assume he must take responsibility for their incompetence. He must take even more responsibility when they transgress boundaries that are more important than any particular positive accomplishment—and should have been declared off-limits in the strongest possible terms. He is even more responsible if he makes it clear that he will go easy on offenders.

Consider the known facts of the Watergate case—as presented by Nixon and his defenders. A special investigations unit is set up to plug leaks. Nixon says he did not authorize illegal activities. Fair enough; but given the fact that he was the only check and balance on the scope of operations of this top-secret unit—given the fact that he chose to play the role of police, legislature and jury in relation to the investigation unit, a decision which he still defends—couldn't we have expected him to call the people concerned into his office and tell them he would not tolerate illegal activities and that anyone who disobeyed would be fired immediately? But evidently, this was not part of his calculations.

After the Watergate arrest, what was the first priority of Nixon? He tells us he had two aims: First, to get to the bottom of Watergate, and second, to keep secret the investigations unit, which had ceased activity about 6 months beforehand. There are many conflicting accounts of White House activities in those days, but the basic, most polite question we must ask is: which aim took priority? Nixon says he did not mean for them to conflict, but it is evident they did conflict, so the question remains: When Nixon became aware of the conflict, how would he—how did he—choose to resolve it? Did he choose to protect his people, or protect the public trust?

Throughout this period, it is evident that—at the least—the President's authority was used improperly, whether by Nixon himself or not is not yet clear. What is clear is that a pattern had been set up that would allow White House staff people to bludgeon the bureaucracy in its own way.

Let us skip to spring, 1973, to examine more indications of how Nixon views the proper relations between himself and his aides. He dismisses Erlichmann and Haldemann with words of praise and encouragement. At the exact same time, Erlichmann admits he knew about the Ellsberg burglary and did nothing effective about it. Is this Nixon's idea of loyalty?

Finally, we may point to Nixon's analysis of the motives of the lawbreakers

in his May 22 statement. Nixon puts most emphasis on "a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the administration sought to achieve." That is to say, he still has kind words for the perverted loyalty that got us into this mess. Nixon still thinks the achievements of a particular administration can be mentioned along with the enduring processes of Government.

Throughout the whole sordid affair and beyond, we see loyalty to a particular person put above loyalty to the country—we see the fear of embarassment stronger than the demand for integrity—we see parochial purposes put higher than basic processes—we see people who distrust their own bureaucracy demand that we trust them with enormous grants of powers—we see not a single admission offered freely in a spirit of cooperation but only under intense and resented pressure. Furthermore, we see no sign at the top that this pattern will stop. Mr. Speaker, I submit that no matter what else happens, this syndrome of abuse must cease. These are the basic attitudes of which the Watergate is only a symptom.

What happens next? There does occur a transgression of legality; namely, the Ellsberg burglary, and this comes to the attention of Erlichmann. Erlichmann then shows his rigid intolerance of such activities by ordering Hunt never to do it again. This order is taken so seriously that 6 months later Hunt is at it again.

In conclusion, Mr. Speaker, may I only repeat that I applaud my distinguished colleague from New York for assuming some leadership in this very vital and critical area.

This is a moment in America's history that we have never had before, and it came to us gratuitously. It is a responsibility that you and I must assume far beyond the expediency of whether our courageous acts will allow us to receive enough votes for reelection but whether we came here as people committed to peace, freedom, justice, and humanity and whether or not we have the responsibility to stand up to the President and anyone else who thwarts the rights and privileges of the people of this country.

Men here attempted to steal this Nation, and you and I have a responsibility to help bring it back to the people so that it will be in fact a Nation of, by, and for the people.

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore. (Mr. McKAY). Under a previous order of the House, the gentlewoman from Colorado (Mrs. SCHROEDER) is recognized for 30 minutes.

Mrs. SCHROEDER. Mr. Speaker, last Wednesday, Representative McCLOSKEY attempted to discuss our constitutional impeachment responsibilities. I congratulate him on his courage and join in his disagreement with the apparently prevailing view that the mere discussion of our responsibilities is dangerous and untimely. The other body has not dodged its responsibility. Watergate increases in complexity as time passes. There are matters being investigated in 11 different forums. In its present posture Watergate appears to be heading for an end that will be inconclusive and totally unsatisfactory to everyone. The confusion grows every day and is hideously unfair to the people, to the political process and to the President.

For myself, I do not believe the time for a resolution of impeachment has come.

The Constitution speaks in terms of "high crimes and misdeameanors." No one is sure what that phrase means, but it must surely include illegal action or inaction of the kind that destroys public confidence in the office of the Presidency. Have we reached that point? Are there alternatives left?

I think these are proper questions for this body to raise and discuss publicly. We are charged by our heritage with the responsibility for building strong and responsive institutions, not strong men. Last week I received a petition from 1,600 constituents expressing "no confidence in President Nixon." People like these, from all over the country, are waiting to see whether we will meet that responsibility.

We have heard a number of charges of criminal misconduct—and perhaps have had some admissions. More are expected. Given this situation, the President can no longer explain his role through second hand sources or written memorandums. The President, if he is to have any chance of restoring confidence in his office and his administration, must voluntarily submit to questioning by the principal congressional body which is now investigating the Watergate and related activities.

Therefore, I call upon the leadership to immediately introduce and move a House resolution urging the President to appear before the Senate Select Committee on Presidential Campaign Activities at the first opportunity deemed appropriate by that committee and under suitable procedural safeguards to his personal legal rights. This, to me, is the most responsible action we can take at this time.

Other Members have suggested that we ourselves create an independent committee to investigate the President's role in the Watergate matter. This, I believe, would be duplicitious, costly, and time consuming. Perhaps initially it would have been more "constitutionally appropriate" to have this whole matter explored by the House. But that time has passed. I believe the Senate committee has gained the respect of the American people, and I am fully confident that it is now best able to engage in this ultimate factfinding task.

We have already been told by the White House that the President will not consent to appear before this committee. The reason he refuses, we are told, is that it would "do violence to the separation of powers" doctrine.

I will not accept that excuse, nor will the American public. If there is some kind of Executive privilege in matters such as this which flows from the separation doctrine—a proposition I seriously question—then let him waive that privilege. We are not calling on the President to answer to Congress. We are calling on the President to answer to the American people through Congress.

The continued refusal of the President to so answer will raise, in my mind, the substantial doubt that the loss of confidence in his administration can ever be restored. I believe—no, I hope—this message will not be lost on him.

It has been said that "it is a lack of confidence, more than anything else, that kills a civilization. We can destroy ourselves by cynicism and disillusion, just as effectively as by bombs."

Our continued avoidance of any and all discussions on impeachment does not absolve us of our responsibilities in this grave matter.

Mr. RANGEL. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Speaker, I would like to congratulate and commend my colleague, the gentlewoman from Colorado, for bringing this matter to the attention of the House of Representatives. If allegations of this serious nature were made against any of us, I cannot conceive that we would not feel some very compelling need to come forward to the people in our communities and in our district, and dispel those rumors once and for all, or in the words that we sometimes use on the street, to lay it on the line.

It just seems to me that all of us represent districts that require a high degree of integrity among all of its public officials and our President. It is utterly devastating when they find that a candidate or incumbent falls short of the desired attributes of those who seek or hold public office.

I call on those who are truly concerned about America, the House of Representatives; indeed about the entire country—to join us in pursuing this more honest avenue of investigation into the charges at hand. The goal is to give the President of these United States the opportunity once and for all to show that he was not involved in this affair. It is hard for me to believe that anyone, Republican or Democrat, liberal or conservative, can have absolute faith in any of the President's recent speeches, as he comes before the American people asking for God's blessings.

It is even difficult to determine whether or not Mr. Nixon's press secretary has any confidence in the statements that he is given to tell the American people.

For those who are concerned about integrity of people in high office and the preservation of the high goals that this country espouses at home and abroad; what we are doing is giving the President every chance to show the American people that he was not involved before, during, or after the burglaries were committed. I cannot see how we can be labeled as anything except responsible by discussing this issue now.

Events surrounding the investigation into the electronic eavesdropping of the Democratic National Committee by the

Committee To Re-Elect the President have raised important, fundamental questions concerning President Nixon's prior knowledge of and complicity in the plot to "bug" the Watergate offices.

When the President announced that new facts which had come to his attention made it necessary for him to conduct his own investigation into the Watergate matter, we all welcomed his setting on this course after months of silence, categorical denials, and absolute refusal to allow White House staff to appear before the special committee appointed by the Senate to investigate the Watergate affair. We waited for the President's report on his investigation in the hope that he would answer the important unanswered questions and affix responsibility for the crimes committed in the burglary of the Watergate and the attempt to obstruct justice which followed.

The President's April 20 speech, however, proved to be a distinct disappointment in this regard. In reporting to the Nation on the results of his investigation, the President failed to address himself to the most important question: whether he himself had actual or constructive knowledge of the Watergate bugging or the attempt to prevent a complete investigation of the bugging. Instead, Mr. Nixon spoke in generalities of the need to preserve the integrity of the Presidency even while undermining that integrity by refusing to address himself to the specific findings which must be revealed if the integrity of the office is to be preserved.

Since this speech, the President has returned to efforts to inhibit a full public inquiry into the Watergate matter. His posture, as increasing revelations of his complicity in tampering with the Ellsburg trial have shown him to be intimately involved in attempts to suppress certain aspects of the Watergate investigation, has been to retreat to a national security posture. The President's rationale in this regard comes close to an open admission of guilt with a plea of justification. But the justification of national security seems very hollow in the absence of public scrutiny of what specified national security implications caused the President to act to suppress the truth.

Given the President's failure to address the central issues in his investigation of the Watergate, it is incumbent upon the House to initiate its own investigation of the President's conduct in relation to the Watergate affair measured against the constitutional standard for impeachment.

It is certainly clear that if the President is found to have known of or participated in the attempt to cover up the facts in the Watergate, he will be liable for criminal indictment. In his report to the Nation on his Watergate investigation the President sought to accept responsibility for Watergate without accepting the blame. This position may prove to be untenable if indictments are brought against his top assistants or new evidence uncovered in the continuing criminal investigation show his actual or constructive knowledge of the Watergate events.

The focus of the House inquiry would be the examination of the President's conduct. This focus is entirely different from the criminal investigation which seeks to determine criminal liability, and from the investigation being conducted by Senator ERVIN's committee which is examining the Watergate from the perspective of political campaign reform legislation. The House of Representatives has the responsibility to consider the actions of the President in the light of the constitutional standard for impeachment.

There have been allegations that talk of impeachment on the basis of the evidence revealed in the Watergate investigation to date is irresponsible. Whether or not you accept this premise, it is clear that such talk will not go away so long as almost daily revelations in the press spin a web of complicity closer and closer to the oval office. It has reached the point where the latest Gallup poll indicates that 60 percent of the American people believe the President had prior knowledge of Watergate or was involved in the Watergate coverup. I do not presume to judge the President's guilt or innocence, and neither should any Member of the House. As Members, however, we are charged with the constitutional responsibility of measuring the President's conduct in the Watergate affair against the constitutional standard for impeachment. By taking the lead in the initiation of such an investigation, the House of Representatives would be acting in a responsible manner to clear the air of charges that the President was involved in the Watergate bugging and coverup.

My distinguished colleague, Representative CLAUDE PEPPER of Florida, and I have cointroduced a resolution to create a special House committee to see if the President's role in the events surrounding the Watergate bugging and its subsequent coverup constitutes grounds for impeachment. The creation of such a special committee would be in keeping with the constitutional responsibility given to the House of Representatives by the Founding Fathers. I hope that we will not shrink from this responsibility at this time of national crisis in confidence in our elected national leadership.

I thank the gentlewoman for yielding and include the text of my resolution to create a select committee to investigate the Watergate affair at this point in the RECORD.

H. RES. 380

Resolved,

SECTION 1. (a) There is established a select committee of the House of Representatives, which may be called the Select Committee on Presidential Campaign Activities, to conduct an investigation and study independently or in conjunction with the Select Committee on Presidential Campaign Activities of the Senate of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the Presidential election of 1972, or in any related campaign or canvass conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in such election, and to determine whether in its judgment any occurrences which may be revealed by the investigation and study indicate the necessity or desirability of the enactment of new congressional legislation to safeguard the electoral process by which the President of the United States is chosen.

(b) The select committee created by this resolution shall consist of seven Members of the House of Representatives, four of whom shall be appointed by the Speaker from the majority Members of the House and three of whom shall be appointed by the Speaker from the Minority Members of the House.

(c) The select committee shall select a chairman and vice chairman from among its members, and adopt rules of procedure to govern its proceedings. The vice chairman shall preside over meetings of the select committee during the absence of the chairman, and discharge such other responsibilities as may be assigned to him by the select committee or the chairman. Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the select commitee and shall be filed in the same manner as original appointments to it are made.

(d) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may fix a lesser number as a quorum for the purpose of taking testimony or depositions.

SEC. 2. The select committee is authorized and directed to do everything necessary or appropriate to make the investigation and study specified in section 1(a). Without abridging or limiting in any way the authority conferred upon the select committee by the preceding sentence, the House further expressly authorizes and directs the select committee to make a complete investigation and study of the activities of any and all persons or groups of persons or organizations of any kind which have any tendency to reveal the full facts in respect to the following matters or questions:

(1) the breaking, entering, and bugging of the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(2) the monitoring by bugging, eavesdropping, wiretapping, or other surreptitious means of conversations or communications occurring in whole or in part in the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia;

(3) whether or not any printed or typed or written document or paper or other material was surreptitiously removed from the headquarters or offices of the Democratic National Committee in the Watergate Building in Washington, District of Columbia, and thereafter copied or reproduced by photography or any other means for the information of any person or political committee or organization;

(4) the preparing, transmitting, or receiving by any person for himself or any political committee or any organization of any report or information concerning the activities mentioned in paragraph (1), (2), or (3) of this section, and the information contained in any such report;

(5) whether any persons, acting individually or in combination with others, planned the activities mentioned in subdivision (1), (2), (3), or (4) of this section, or employed any of the participants in such activities to participate in them, or made any payments or promises of payments of money or other things of value to the participants in such activities or their families for their activities, or for concealing the truth in respect to them or any of the persons having any connection with them or their activities, and, if so, the source of the moneys used in such payments,

and the identities and motives of the persons planning such activities or employing the participants in them;

(6) whether any persons participating in any of the activities mentioned in paragraph (1), (2), (3), (4), or (5) of this section have been induced by bribery, coercion, threats, or any other means whatsoever to plead guilty to the charges preferred against them in the District Court of the District of Columbia or to conceal or fail to reveal any knowledge of any of the activities mentioned in paragraph (1), (2), (3), (4), or (5) of this section, and, if so, the identities of the persons inducing them to do such things, and the identities of any other person or any committees or organizations for whom they acted;

(7) any efforts to disrupt, hinder, impede, or sabotage in any way any campaign, canvass, or activity conducted by or in behalf of any person seeking nomination or election as the candidate of any political party for the office of President of the United States in 1972 by infiltrating any political committee or organization or headquarters or offices or home or whereabouts of the person seeking such nomination or election or of any person aiding him in so doing, or by bugging or eavesdropping or wiretapping the conversations, communications, plans, headquarters, offices, home, or whereabouts of the person seeking such nomination or election or of any other person assisting him in so doing, or by exercising surveillance over the person seeking such nomination or election or of any person assisting him in so doing, or by reporting to any other person or to any political committee or organization any information obtained by such infiltration, eavesdropping, bugging, wiretapping, or surveillance;

(8) whether any person, acting individually or in combination with others, or political committee or organization induced any of the activities mentioned in paragraph (7) of this section or paid any of the participants in any such activities for their services, and, if so, the identities of such persons, or committee, or organization, and the source of the funds used by them to procure or finance such activities;

(9) any fabrication, dissemination, or publication of any false charges or other false information having the purpose of discrediting any person seeking nomination or election as the candidate of any political party to the office of President of the United States in 1972;

(10) the planning of any of the activities mentioned in paragraph (7), (8), or (9) of this section, the employing of the participants in such activities, and the source of any moneys or things of value which may have been given or promised to the participants in such activities for their services, and the identities of any persons or committees or organizations which may have been involved in any way in the planning, procuring, and financing of such activities;

(11) any transactions or circumstances relating to the source, the control, the transmission, the transfer, the deposit, the storage, the concealment, the expenditure, or use in the United States or in any other country, of any moneys or other things of value collected or received for actual or pretended use in the Presidential election of 1972 or in any related campaign or canvass or activities preceding or accompanying such election by any person, group of persons, committee, or organization of any kind acting or professing to act in behalf of any national political party or in support of or in opposition to any person seeking nomination or election to the office of President of the United States in 1972;

(12) compliance or noncompliance with any Act of Congress requiring the reporting of the receipt or disbursement or use of any moneys or other things of value mentioned in paragraph (11) of the section;

(13) whether any of the moneys or things of value mentioned in pargaraph (11) of this section were placed in any secret fund or place of storage for use in financing any activity which was sought to be concealed from the public, and, if so, what disbursement or expenditure was made of such secret fund, and the identities of any person or group of persons or committee or organization having any control over such secret fund or the disbursement or expenditure of the same;

(14) whether any books, checks, canceled checks, communications, correspondence, documents, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions the select committee is authorized and directed to investigate and study have been concealed, suppressed, or destroyed by any persons acting individually or in combination with others, and, if so, the identities and motives of any such persons or groups of persons;

(15) any other activities, circumstances, materials, or transactions having a tendency to prove or disprove that persons acting either individually or in combination with others, engaged in any illegal, improper, or unethical activities in connection with the Presidential election of 1972 or any campaign, canvass, or activity related to such election; and

(16) whether any of the existing laws of the United States are inadequate, either in their provisions or manner of enforcement to safeguard the integrity or purity of the process by which Presidents are chosen.

SEC. 3. (a) To enable the select committee to make the investigation and study authorized and directed by this resolution, the House empowers the select committee (1) to employ and fix the compensation of such clerical, investigatory, legal, technical, and other assistants as it deems neecssary or appropriate; (2) to sit and act at any time or place during sessions, recesses, and adjournment periods of the House; (3) to hold hearings for taking testimony on oath or to receive documentary or physical evidence relating to the matters and questions it is authorized to investigate or study; (4) to require by subpena or otherwise the attendance as witnesses of any persons who the select committee believes have knowledge or information concerning any of the matters or questions it is authorized to investigate and study; (5) to required by subpena or order any department, agency, officer, or employee of the executive branch of the United States Government, or any private person, firm, or corporation, or any officer or former officer or employee of any political committee or organization to produce for its consideration or for use as evidence in its investigation and study any books, checks, canceled checks, correspondence, communications, document, papers, physical evidence, records, recordings, tapes, or materials relating to any of the matters or questions it is authorized to investigate and study which they or any of them may have in their custody or under their control; (6) to make to the House any recommendations it deems appropriate in respect to the willful failure or refusal of any person to appear before it in obedience to a subpena or order, or in respect to the willful failure or refusal of any person to answer questions or give testimony in his character as a witness during his appearance before it, or in respect to the willful failure or refusal of any officer or employee of the executive branch of the United States Government or any person, firm, or corporation, or any officer or former officer or employee of any political committee or organization, to produce before the committee any books, checks, canceled checks, correspondence, communications, document, financial reords, papers, physial evidence, records, recordings, tapes, or materials in obedience to any subpena or order; (7) to take depositions and other testimony on oath anywhere within the United States or in any other country; (8) to procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the House may procure such services; (9) to use on a reimbursable basis, with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, the services of personnel of any such department or agency; (10) to use on a reimbursable basis or otherwise with the prior consent of the chairman of any other of the House committees or the chairman of any subcommittee of any committee of the House the facilities or services of any members of the staffs of such other House committees or any subcommittees of such other House committees whenever the select committee or its chairman deems that such action is necessary or appropriate to enable the select committee to make the investigation and study authorized and directed by this resolution; (11) to have access through the agency of any members of the select committee, chief majority counsel, minority counsel, or any of its investigatory assistants jointly designated by the chairman and the ranking minority member to any data, evidence, information, report, analysis, or document or papers relating to any of the matters or questions which it is authorized and directed to investigate and study in the custody or under the control of any department agency, officer, or employee of the executive branch of the United States Government having the power under the laws of the United States to investigate any alleged criminal activities or to prosecute persons charged with crimes against the United States which will aid the select committee to prepare for or conduct the investigation and study authorized and directed by this resolution; and (12) to expend to the extent it determines necessary or appropriate any moneys made available to it by the House to perform the duties and exercise the powers conferred upon it by this resolution and to make the investigation and study it is authorized by this resolution to make.

(b) Subpenas may be issued by the select committee acting through the chairman or any other member designated by him, and may be served by any person designated by such chairman or other member anywhere within the borders of the United States. The chairman of the select committee, or any other member thereof, is hereby authorized to administer oaths to any witnesses appearing before the committee.

(c) In preparing for or conducting the investigation and study authorized and directed by this resolution, the select committee shall be empowered to exercise the powers conferred upon committees of the House by section 6002 of title 18 of the United States Code or any other Act of Congress regulating the granting of immunity to witnesses.

SEC. 4. The select committee shall have authority to recommend the enactment of any new congressional legislation which its investigation considers it is necessary or desirable to safeguard the electoral process by which the President of the United States is chosen.

SEC. 5. The select committee shall make a final report of the results of the investigation and study conducted by it pursuant to this resolution, together with its findings and its recommendations as to new con-

gressional legislation it deems necessary or desirable, to the House at the earliest practicable date, but no later than February 28, 1974. The select committee may also submit to the House such interim reports as it considers appropriate. After submission of its final report, the select committee shall have three calendar months to close its affairs, and on the expiration of such three calendar months shall cease to exist.

SEC. 6. The expenses of the select committee through February 28, 1974, under this resolution shall not exceed $500,000, of which amount not to exceed $25,000 shall be available for the procurement of the services of individual $500,000, of which amount not to exceed $25,000 shall be paid from the contingent fund of the House upon vouchers approved by the chairman of the select committee. The minority members of the select committee shall have one-third of the professional staff of the select committee (including a minority counsel) and such part of the clerical staff as may be adequate.

Mrs. SCHROEDER. I thank the gentleman from New York.

IMPEACHMENT OF THE PRESIDENT

The SPEAKER pro tempore (Mr. McKAY). The time of the gentlewoman has expired.

Under a previous order of the House, the gentleman from Maryland (Mr. MITCHELL) is recognized for 30 minutes.

Mr. MITCHELL of Maryland. Mr. Speaker, I join my colleagues today in support of an unprecedented pulling together of Congress, not in a witch hunt, but in the full assumption of our responsibility as defined in the Constitution. It was of this that my colleague, Mr. McCLOSKEY, spoke last Tuesday. He spoke not of an immediate desire to prosecute the President, but merely of a need not to back down from the task which has been entrusted to us. He spoke of "investigation," not "conviction." God help us if the two ever become synonymous.

The administration has spoken a great deal, these last few months, of the need they felt to investigate "in the name of national security." Whether or not national security was involved in those instances is something many of us question and should question. But there is no question that, basic to our national security, insofar as that term means the preservation of a democratic system, is the concept of responsible investigation. I will not take the usual tack of saying "and this includes everyone, even the President" for it seems obvious to me that we are talking of a system which must start at the top, which then, applies especially to the President.

Ever since the details of the Watergate break-in and subsequent activities began to come to light, my office has been flooded by a constant stream of letters, some expressing outrage, others, disappointment, and of course most, both.

I am sure that all of you have experienced the same. The letters differ in rhetoric and in degree, but there is one theme common to them all. It is: "What do you think, Congressman?" and "What are you doing?" This message makes a basic presupposition. It assumes that there is a relationship between a Congressman's private thoughts and his public actions. And this is a reasonable assumption.

Therefore, I urge you, as representatives of your constituencies, do not let the thousands of questions pouring in from your districts die in your offices. We are not here to parry those questions or to protect the executive branch from them. We are here to relay those questions, to promote them in such a way that the stability of the system is preserved while the infectants to that system are removed.

When your body shows signs of infection, do you consistently ignore the symptoms, for fear of facing up to the fact that you may have a disease? Without examination of the symptoms, your fears will remain unallayed. Not only do you preclude the possibility of curing yourself, but you deny yourself the relief of perhaps discovering that you are not seriously ill.

Gentlemen, we have been called figureheads, we have been called administration lackies, we have been called just about everything else. Now we have the opportunity to do what the Constitution intended us to do, what the constituents put us here to do and hopefully, what we each, personally, came here to do: represent.

Our system of government is a tripartite system of checks and balances. It cannot exist if one of the three branches declines to accept its responsibility as such.

History may say of us that we did not know the answers. But let it not say of us that we were afraid to ask the questions.

The questions to be asked are outlined for us generally in the Constitution and specifically in the United States Code. The Constitution calls for impeachment in the cases of "bribery, treason, and other high crimes and misdemeanors." Title 18 of the United States Code spells out the line of action to be taken in the case of the obstruction or impediment of justice by means of concealing evidence. This is a felony and I concur with Mr. McCLOSKEY in his statement that suspicion of felony is just stimulus for an investigation.

Early in the course of the Watergate hearings, the President admitted to a concealment of evidence, again "in the name of national security." Mr. McCLOSKEY stressed that we are not interested in hearsay testimony and this is true. But a direct statement from the President is hardly hearsay testimony.

In examining the 11 historical precedents for impeachment, we come across abuses of power, from simple acquisition for personal profit to appointment of incompetent officers whose decisions affect thousands. To indicate the seriousness of the issue before us, I would point out that the questions involved in the case of the President involved both personal profits, in terms of possible illegal actions on the part of the Committee to Reelect the President and offenses against large numbers of people in terms of violation of the privacy of the Democratic National Committee.

I am not here today to ask you for an answer to the question of possible guilt. But if you cannot give me an answer, a negative answer, in which you feel absolutely, 100 percent certain, then you have questions. And if you have questions, this is the time and this is the place for them to be brought to light.

Long before Watergate seized the national headlines, I spoke at Johns Hopkins University. I spoke about a development, an alien development, occurring in our country. I spoke to the issue of the embryonic stages of facism in this country.

Since Watergate has been exposed to us with all its dirty, filthy, sordidness, I speak again to the issue of the emergence of fascism in this country. What are the elements? What are the elements of fascism as it has occurred all over the world?

Awesome power. Awesome power proceeding to one man or group of men known as an oligarchy. That is an element of fascism.

What is another element of fascism? The attempt to suppress the press, to control the press, to dictate to the press what must be done. That is a second element of fascism.

A third element in embryonic fascism is the idea expressed by one dictator who used the phrase, "credere." That means, "believe; just believe, do not question me." This is what has occurred time and time again in the revelations of Watergate. Thus we have three issues which have always accompanied the emergence of fascism.

I submit to you, my colleagues, that those three elements, and more, have been openly and nakedly exposed in the Watergate investigation to date. So, the issue is whether this House, by resolution of inquiry, or by requesting the Judiciary Committee to inquire, or by making the attempt to join in the Senate inquiry; will address itself to the thing that is more frightening to me than any other aspect of Watergate. That is the emergence of embryonic fascism in a nation that we love and hold dear, that we have fought for and that some are still prepared to die for.

That is the issue; not the President, not the Presidency, not the White House; not whether it is safe; not whether it is expedient; not whether it is political. The issue is, can we demonstrate a commitment to an imperfect system that can be perfected and should not be jeopardized by the encroachment of fascism?

THE CONDUCT OF THE PRESIDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 30 minutes.

Mr. STARK. Mr. Speaker, I have asked for this time to speak this afternoon, because I believe that it is incumbent upon the Members of the House to approach any discussion of impeachment with a recognition of the awesome re-

sponsibility thrust upon this body by the framers of the Constitution. Our Founding Fathers chose to rest in the House the sole power to impeach the President, Vice President, and all civil officers of the United States for treason, bribery, or other high crimes and misdemeanors. In such a proceeding, the House of Representatives is analogous to a grand jury. The articles of impeachment are the equivalent of an indictment.

I believe that the House now has the solemn constitutional duty to determine whether the current news which is, indeed, full of "hearsay and innuendo" is true insofar as it touches upon the Office of the Presidency. As we all know, to say that something is hearsay does not mean that it is not true. It simply means that it is a little more difficult to prove its truth or falsity.

There are those who would say that we should discontinue this debate until we have more evidence. I say that we have, as representatives, a firm duty to the American people to pursue these accounts which indicate that the President of the United States participated in, or at least was aware of, a massive conspiracy to conceal White House involvement in the political espionage, burglaries, wiretapping, campaign disruption and illegal use of donated funds that are all a part of the Watergate slime. Can we afford to ignore all warning signs and refuse to even discuss impeachment proceedings—proceedings which are the only remedy the American people have against a President who appears to have covered up the commission of felonies? Can we afford to take at face value naked assurances that there was no wrongdoing by the White House I think not. At which point can we expect those statements to become inoperative?

This is not to say that the President is not entitled to the presumption of innocence. Clearly he is. An impeachment resolution does not mean that he is guilty, it only provides a way for those who believe there has been wrongdoing to prove it. And, if in light of future disclosures, the House finds clear-cut evidence to bring charges, it is left no choice but to carry out its constitutional mandate and initiate impeachment proceedings.

There are House Members who believe that we now have probable cause to introduce an impeachment resolution. I am not prepared to join them in such a movement at this time. We should, though, demand that the House have access to all information gathered by the Justice Department's special prosecutor, the Senate committee, and other investigative bodies which possess facts bearing on our sole responsibility to initiate impeachment proceedings.

Because the procedure calls for the presentation of charges on the floor, as individual Members we must have as much information as possible before any Member develops lists of charges. We must insure that the House remain free of charges of "headline baiting" and irresponsibility.

Incidentally, I should also like to point out to colleagues who call for clear, direct evidence of criminal complicity of the President that the Constitution does not require that charges in a resolution be of an indictable nature. Evidence of corruption, abuse of office, misuse of power, and misconduct are offenses which can be charged in an impeachment resolution. As individual Members, I feel we should voluntarily impose a standard higher than the "probable cause" standard before any of us introduces an impeachment resolution. But we must have access to the information that will allow us to make such a decision.

It is, of course, possible that this whole discussion might be made moot by a full disclosure to the American people by the President. The President's continued suppression of information relating to Watergate justifies the rather unsettling inference that he does not intend to fully cooperate with various investigative bodies which seek to bring the truth of governmental involvement in this scandalous affair to the American people.

So, today, I am calling on the President to choose his own forum and tell all in the hope that we can end this discussion. But if he refuses to do so, or if he does admit to some crime, then we will be forced to exercise our constitutionally mandated responsibility. Today, I have introduced a resolution calling on the Justice Department and all investigative bodies dealing with this affair to make all pertinent data available to individual Members of the House of Representatives.

We have no choice, but to carry out our responsibility. Let us do it in an informed and cautious manner.

AN ALTERNATIVE FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. BURKE) is recognized for 30 minutes.

Mrs. BURKE of California. Mr. Speaker, impeachment is never a pleasant or desirable topic of discussion. Nor is it necessarily an easily administered procedure or desirable remedy. The very mention of the word by Members of this body bids us to act with extreme caution and sobriety of purpose.

Our words must be carefully chosen to assure that there is no misrepresentation of our specific intent. For to discuss seriously impeachment in this Chamber at this time means that we must recognize that it is likely that our words will be heard by many and given broad consideration. Indeed, as Alexander Hamilton noted, "the awful discretion which a court of impeachment must necessarily have, to doom to honor or to infamy the most confidential and the most distinguished characters of the community" must not be invoked at a whim.

I rise today with great reluctance and trepidation. I am mindful of the great heritage of this august body and of the need to preserve the integrity of our institutions of government. But I earnestly believe there is a present compelling need for this body to determine and recognize both its immediate and potential duty in light of the present crisis.

Mr. Speaker, I rise this afternoon only to discuss some of my views on the constitutional duty and prerogatives of this body with regard to impeachment of a President. I must emphatically state that I have not and do not at this time call for this body to institute formal impeachment proceedings against the President. That would at best be a premature act that would only continue to divert attention from governing this Nation. No one individual can pretend to understand the complex web of charges and accusations being hurled about.

In following the development of the Watergate scandal and its related developments, one thing seems clear to me—that the public discussion both in and out of government is not likely to abate. Senator ERVIN'S committee is proceeding to explore the facts of the Watergate and related improprieties; Mr. Cox is determining if there is any basis for bringing criminal indictments against Federal officials, and grand juries around the country are investigating a complex and extensive web of campaign corruption. The public will continue to be confronted with news relating to the Watergate affair.

At the same time, the press is being attacked for doing its duty as the fourth branch of government of reporting the news. One only has to consider the consequences to our system of government if the press had been precluded from pressing forward with its inquiry on the Watergate affair to recognize that it must not now be silenced. It is easy to shift the blame to the press for exposing the uncomfortable reality of the existence of high scale and broad level scandal in our Government. I do not believe the answer to the present crisis lies with the restraining or suppression of the press; at the same time, as guardians of civil liberties, we must insure to every individual the full rights of due process under the Constitution and all those protections guaranteed by a trial by court or by jury.

The public has become increasingly suspicious of the operation of Government. At all levels it appears on the surface that corruption abounds. The truth has been too slow in coming out, and the public demands the complete truth and that those who have been charged with wrongdoing be brought to justice.

How do we put these growing doubts, suspicions, and questions to rest? How do we channel our inquiry in a constructive and constitutional direction? It seems to me that at this point in time, we are going to answer some of these questions only by having the House gather the facts and probe the activities of the President and his staff with a view toward some finality in deciding whether

impeachment should or should not lie. We all desperately want to get on with the important business at hand of controlling our economy and finding ways to deal with our many important domestic problems.

The House of Representatives is the only organization of Government constitutionally imposed with the power to impeach the President, the Vice President, and all civil officers of the United States. The House must determine if there are sufficient grounds to vote in favor of impeachment; that is, to determine whether it should bring charges—called articles of impeachment—before the Senate for the Senate's final determination of guilt or innocence. The Constitution makes this conclusion clear: The House of Representatives "shall have the sole power of impeachment."

The House cannot delegate this power. But just as it must decide whether articles of impeachment must be presented to the Senate, so too it must make a full investigation to determine the validity of the charges. In my brief historical survey of the procedures for establishing the impeachment, it becomes evident that the mechanism for initiating such an investigation is not a simple matter.

In recent days, we have heard some Members of the House claim that the House must have clear and direct evidence of criminal complicity before it can bring an impeachment resolution. Some even say that an impeachment resolution should not be brought until all the facts are known. They point out that there are three separate and highly competent investigations now being undertaken. Others have claimed that there is only one action that the House can take, namely impeachment.

But my reading of the history and the precedents suggests a different conclusion from that reached by some of my colleagues.

First, impeachment by its very constitutional definition is a pretrial action—a pretrial investigation much like that of a grand jury, but not necessarily identical in every respect.

A review of the uses of impeachment shows that the House can act responsibly now to investigate in a preliminary way the various allegations, charges, countercharges and accounts of the present crisis. Only the House has the constitutional duty to sift through all the information being generated from the ERVIN committee, the Cox investigation, and the grand jury probes to determine whether a resolution of impeachment should be recommended. I am suggesting only that the House either through a standing committee or a select committee, begin to acquire and gather the information being developed by the ongoing investigations. At a minimum, considering the House's constitutional duty and the seriousness of the present situation, the House has a right and duty to know the facts and information.

And in its information gathering process, the House can act to insure that individuals' civil liberties and constitutional rights are protected. In this way, we minimize the use of this forum as a platform for trial by innuendo or by hearsay.

Charges and allegations have generally been examined by the Congress before a resolution of impeachment has been voted. What has not though been carefully articulated, or understood, is the fact that there have often been two types of investigations commenced before a vote on impeachment by the House. There are cases in which there have been both a preliminary investigation and fact finding activity by a standing or select committee followed by a formal investigation into the charges.

Reading the multivolumed edition of Hinds' "Precedents of the House of Representatives of the United States" does not provide dispositive legal precedents for the present situation. It does, however, give one an indication of how the House has proceeded with different cases of impeachment in the past and how this two-step investigation occurs. In one case, involving the impeachment of Judge William Story, U.S. judge for the western district of Arkansas, charges and specifications against the judge were presented to the House and referred to the Committee on Judiciary. After the committee had examined the case for some time, it determined that it needed further specific authority to inquire whether Judge Story "shall be impeached for high crimes and misdemeanors."

There are many other instances in which the House has referred charges against an impeachable official over to a committee for a preliminary investigation. In some of these cases, a report of the investigating committee was presented to the House; in other situations, a resolution was presented asking for more specific authority to consider impeachment proceedings. Indeed, if the House should be called upon to consider impeachment, it ought not have to rely on hearsay testimony or, as in the case of President Andrew Johnson, on the strength of charges made by a Member on his own responsibility only. The charge being that he removed Edwin M. Stanton from the Office of Secretary of War contrary to an act of Congress and that he criticized Congress.

Mr. Speaker, at this point I want to urge the House not to file a formal resolution of impeachment. As I have tried to make clear in my preceding remarks, I believe the situation cautions us to refrain from such a presumptious move. But I think many of my colleagues are cognizant of the constitutional responsibility of this Chamber in impeachment proceedings. If the House should be called upon to review all the information, it ought not have to do so in a mood of rush, bitterness, or anger. It is precisely because of the very cautious attitude this House has exhibited that I suggest that we now consider identifying the mechanism for sifting through the volumnious data and documents presently available. We can no longer pretend that this body has no conceivable duty in light of the seriousness of the present situation and the existing evidence, albeit hearsay and contradictory.

In gathering this information in its preliminary investigation, the House also can and should take great pains to protect the constitutional rights of anyone who may later be indicted. Due process should be afforded anyone called upon to provide information. We must insure that the rights of individuals to a fair and impartial trial are not sacrificed.

In looking outside of the historical development of impeachment of high U.S. officials, I have noted that there are other situations in which quasi-judicial bodies preview the facts before launching a formal investigation. This fact-finding exercise, I believe, presently exists under the Uniform Code of Military Justice. Further, it is my understanding that the Equal Employment Opportunity Commission first determines if there is cause to believe that a full investigation should ensue. It determines whether there is a reasonable basis for believing a violation of law has occured, and if so, it recommends a full investigation.

Some people have said that the involvement of the House at this stage would only be duplicative of the Senate's present investigation. I do not believe that is a correct interpretation. The Senate Watergate Committee is not and cannot be charged with determining if there are grounds for impeachment. That, as I have pointed out, can only be decided by the House. Moreover, there are many areas of inquiry concerning possible impeachable offenses which the Senate committee or the Cox investigation have no jurisdiction to probe. I am speaking of such issues as the continuation of the bombing of Cambodia, the wholesale impoundment of constitutionally appropriated funds, the use of the Executive privilege doctrine, and, of course, the broad spectrum of allegedly illegal campaign activities. The House is the body which should collate and sift through the information while the other investigations continue.

Mr. Speaker, I have taken the floor of the House with utmost caution and reflection, only to discuss—hopefully in a responsible manner—my concern. I believe it is important for a Member to follow his conscience on a matter as important as impeachment. I believe that by delegating to a committee the responsibility of gathering, organizing, and analyzing the facts, we are not escalating the sense of atrophy, drama, or crisis that presently exists. Rather, I believe we are letting the American public know that the underlying but unspoken possibility of impeachment of the President will be handled in a very careful, thorough, deliberative and cautious way to insure that both the right of the public to a final answer on the impeachment question is made and that the rights of innocent men and their reputations are preserved. Only then will we have truly met all of our constitutional responsibilities and only then will we be able to press ahead in a vigorous effort

to try to find ways to fulfill the promises of a better life for all Americans.

Mr. McCLOSKEY. Mr. Speaker, will the gentlewoman yield?

Mrs. BURKE. I yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Speaker, I want to thank the gentlewoman from California (Mrs. BURKE) and my colleagues who have spoken today to the issue of impeachment.

I have heard not a single word of impassioned vengeance or of partisan demagoguery. The point I sought to make last Wednesday was that we, as Members of the House, owed to our constituents and the Nation a high degree of restraint and judicious language in any consideration of this question of constitutional responsibility in the impeachment process—that under the Constitution the House is acting in much the same manner as a prosecutor and grand jury in considering impeachment; that impeachment is legal and constitutional, not a political process; that we have a meticulous obligation to respect rules of evidence and due process, as well as the presumption of innocence which occurs to the President as to all other witnesses who may be accused of high crime and misdemeanors.

Earlier today one of our colleagues suggested that it was unseemly and improper for the House to even discuss the issue of impeachment at the present time because of the danger of inflammatory remarks and exciting an already confused public.

Had the gentleman remained to hear the comments of those who have spoken today I think he would have been satisfied and pleased, as I have been, at the serious and thoughtful approach of those who have discussed the powers and duties of the House at this critical time in our history.

I have asked for an additional hour next Monday afternoon, June 18, to respond to the suggestions offered today, and the new evidence that has come forward since my last remarks last Wednesday.

I would hope that in that discussion next Monday we can maintain the same scholarly level of discussion that my colleagues, and in particular the gentlewoman from California, have demonstrated this afternoon. Again I want to thank them.

A PROFILE OF CLARENCE M. KELLEY, NOMINEE TO HEAD FBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. RANDALL) is recognized for 15 minutes.

Mr. RANDALL. Mr. Speaker, last week President Nixon nominated Clarence M. Kelley, chief of police of Kansas City, Mo., as FBI Director. Already this choice has been acclaimed to be one of the best made at the White House in these troubled times.

As a Member of Congress who in former years has been privileged to represent a portion of Kansas City Mo., I speak not from hearsay but from personal experience when I say that Chief Kelley, as a former FBI agent, is a man who worked diligently at his job as chief of police for one of our larger cities. He has been an appointive public official who has made himself available to be seen by just about any citizen who had a genuine, good faith, problem of law enforcement to discuss with his chief of police. This open-door policy has earned for him the respect and admiration of even those who might otherwise be classified as his natural adversaries. Even his enemies have praised him for his openness and straightforwardness.

My most recent experience with Chief Kelley was a brief audience with him a little over a year ago, after several persons were killed by a drug-crazed addict in Harrisonville, Mo., the county seat of Cass County, about 35 miles south of the city of Kansas City.

Some of our constituents in Harrisonville thought there might be a recurrence of violence over Memorial Day of 1972. My objective was to try to enlist the help of the State Patrol and some help, if needed, from the metropolitan police force of Kansas City, Mo., to prevent a rumored invasion of Harrisonville, Mo., over Memorial Day by drug pushers and sympathizers as reprisal for the killing of a drug addict a few weeks earlier. In my conversation with Chief Kelley, I found him to be a man whose entire life had been devoted to law enforcement. I found a willingness to cooperate with his smaller neighboring communities. He proved to me an instant readiness to do all in his power to maintain the peace and avoid a breach of the law, wherever he could help.

There have been so many fine things said about Clarence M. Kelley since his nomination that it is difficult to recall them all. Newsweek in its issue of June 18 suggests that all of the present FBI agents who have been leaderless, dispirited, and thinking they have been badly tarnished by Watergate, now welcome Kelley with extreme pleasure.

For some reason both Time magazine and Newsweek in their issues of June 18 compare Chief Kelley to Dick Tracy. It is my interpretation that this is not any kind of a slap at the new nominee. Rather it is because of the fact that he is square-jawed. He somewhat resembles the cartoonist's likeness of the great detective, Dick Tracy. There is a newspaper story that some of his subordinates, good-naturedly, call him Dick Tracy but only because of his insistence on the latest technological weapons and crime control such as Kansas City's new computerized information system, and also because of the helicopter patrol which, as chief, he instituted for the city.

It is my judgment, Mr. Speaker, that Chief Kelley's chances of confirmation by the Senate are not only good, but excellent. There may be some civil rights partisans who might try to make an issue of deaths of some blacks during the rioting of 1968. But as I observed when I first heard of his nomination and was asked for some comments by the Kansas City Star, my immediate reaction was that, "Yes, Chief Kelley had been a firm, chief of police but he had always been fair." The chief's own response to the charge of his unyielding position on law and order, during the riots in Kansas City in 1968, which his enemies charged contributed fuel to the flames rather than quenching them, is that his very hard-nosed approach kept the riots from spreading and avoided many more deaths than if he had taken a soft stand. As one who has some actual knowledge of the east-side rioting of 1968, I will concur with the chief's rebuttal to the charges that had been made against him. I think I know for a fact that if he had not acted quickly and with firmness, the riots would have spread and perhaps cost many more lives.

Clarence Kelley is completely nonpolitical. No one has ever heard him say which party he belongs to. He knows investigative procedures. Kelley has had a three-decade record as a law enforcement officer without a single blemish on his record. Coming to Kansas City in 1961, he took over the police department, shaken by a scandal, quickly restored morale, reestabilshed public confidence and made our police department at Kansas City one of the most innovative in the United States.

Mr. Speaker, on last Friday, June 8, the Washington Evening Star in its lead editorial discussed the nominee from Kansas City to be the new permanent head of the FBI. It is a well-written editorial. I am proud to be able to include it in the RECORD because it mentions the fact that, while crime was rising sharply in other cities, Kansas City's crime rate had only a gentle curve upward. The editorial is factual in that it mentions the modern police force we have in Kansas City. It points out that Chief Kelley is a believer in advanced police technology, bringing new tactical units and a helicopter fleet to the Kansas City police force.

Finally, the editorial covers the proposition that at 61 Chief Kelley is not too far away from mandatory retirement age, and there would be no temptation for empire building but only to make a record of solid achievement.

Mr. Speaker, I embrace and endorse the conclusion of the editorial that the appointment of Clarence Kelley as the new head of the FBI will restore the public respect that the FBI so long prized and enjoyed under J. Edgar Hoover. The editorial follows:

A CHIEF FOR THE FBI

President Nixon's choice of Clarence Kelley to head the Federal Bureau of Investigation may be one of the best decisions made at the White House in this troubled period. We are thankful, at least, that Mr. Nixon has reached beyond the political realm, to select a no-nonsense professional lawman with a reputation for attacking corruption in a city that has had plenty of it. There's a good prospect that Kelley can restore stability and morale to a proud agency that lately has been introduced to political squalor, deriving from the unfortunate appointment of former Acting Director L. Patrick Gray III.

It is well that Mr. Nixon has gone to the ranks, so to speak, and named a 20-year FBI veteran. This should be reassuring to those many dedicated people within the bureau who, deeply worried about its efficiency and reputation, have appealed to the White House for appointment of a career FBI man as director. True enough, Kelley finally left the bureau, but his record since then as police chief in Kansas City tends to inspire confidence.

Very few police departments, in fact, can offer crime-control statistics that come anywhere close to Kansas City's. Since taking over the police department in 1961, Kelley has weeded out internal corruption and modernized the force with a number of striking innovations, which some other cities since have copied. A major achievement was development of a cooperative regional plan of law enforcement. The result has been a 24 percent reduction of Kansas City's crime rate between 1969 and 1972. Kelly has earned a reputation, in law enforcement circles, as a skillful criminologist and administrator.

But his other reputed talents—of persuasiveness and conciliation—may be equally important in heading the FBI. He has, from all reports, won an amazing degree of community support in Kansas City. Admittedly, there are charges that his police used excessive force against black panthers a few years ago, of which we expect to hear more in his confirmation hearings. But on the record, he seems to have a keen respect for civil rights of individuals, and his personal integity has not, we understand, been questioned by anyone.

This appointment also should quieten some lawmakers' fears about installing a long-term director of the FBI, for Kelley, at 61, is not many years away from mandatory retirement age. Usually, at that seasoned stage, there is less temptation to empire-building than to strike out for solid achievement, and his past success seems to have stemmed largely from neutrality in partisan politics, which is what's needed to avoid the pitfalls into which Patrick Gray fell. With scrupulous political independence at the top, the bureau might be restored rather soon to the position of public respect that it prized so long under J. Edgar Hoover.

WAGE AND PRICE CONTROLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. HEINZ) is recognized for 5 minutes.

Mr. HEINZ. Mr. Speaker, since its inception in January, phase III has been a clear failure. Food prices have soared; rents, wholesale and industrial prices, and interest rates continue their steady rise. In retrospect, the President's decision to move to phase III has proven to be premature and correspondingly unwise.

The current economic instability can be tolerated no longer. How can the American worker ever be expected to moderate wage demands when prices, interest, and rents are breaking new records each month? Americans must be protected now from the continuing daily erosion of their wages, salaries, and savings.

Clearly, then, new tougher controls are demanded. But these economic decisions must be based on a clear understanding of the present economic turmoil and the long-range implications of any program of comprehensive controls. In short, any decision to adopt controls must take into account the impact on the economy of not only the imposition of the anti-inflation program, but also the impact of the eventual removal of those controls. This, of course, with the benefit of hindsight, is where phase III met its failure.

Mr. Speaker, in my opinion it is absolutely necessary that the President now move to adopt tough but fair controls that will stabilize the economy and bolster the flagging confidence of all Americans. I believe the wisest course would be to clamp on a short freeze on prices, interest rates, and dividends, then follow this freeze with comprehensive controls, including wages, of the type prematurely abandoned in the January move to phase III. At the same time, the President should also take action to control profit margins of all banks and other lending institutions as a means of restraining and perhaps reducing interest rates, which are now threatening to price all prospective borrowers, both large and small, out of the credit markets.

In conclusion, Mr. Speaker, the lead editorial in this morning's Washington Post contains a well reasoned analysis of the causes of the present economic deterioration. The Post sees our difficulties as arising out of poor economic planning, as well as action based more on political necessity than on economic wisdom. I commend this editorial to all my congressional colleagues. It contains sound analysis as well as wise recommendations for strong governmental action. Such action is demanded if we are to restrain inflation while assuring all Americans plentiful food supplies and other necessities in a full employment economy.

The article follows:

[From the Washington Post, June 12, 1973]

THE NEXT WAGE AND PRICE CONTROLS

President Nixon has recently been suggesting that he may indeed take action shortly to hold down inflation. As a practical matter, the only action worth taking in the present circumstances is a short freeze followed by comprehensive controls roughly along the lines of the late lamented phase II. There has been talk of keeping the freeze very short—30 days, perhaps, instead of the 90 days of the 1971 freeze. That would permit the administration to freeze only prices, without getting into the horrendous legal and administrative snarls that arise when scheduled wage increases are cancelled. That idea makes a good deal of sense.

But the nature of the next round of controls has to depend upon a candid and accurate diagnosis of our present economic troubles. Freezing prices and wages is easy. The dangerous part of the exercise is the thaw, when the economy moves toward flexible controls designed for the long haul. That is the point at which the President needs to explain to the country just what has gone wrong, and what has to be done to cure it. One of the curiosities of inflation is that the cure cannot work unless most people are persuaded that it will work. There is more than mathematics to economic policy.

The questions in most people's minds are the simple ones: Why are controls now necessary again, only five months after the administration lifted them? Why has the administration's plan turned out entirely differently from its expectations? If the effect of controls in 1971 and 1972 is only to leave us with a much more severe inflation in 1973, what can we hope from further controls in the future?

In retrospect, it is very clear that the administration misused the opportunity that it created with the 1971 freeze and the following Phase II. In early 1971 we were in a recession. Unemployment was high. At the same time, prices were rising ominously. Unfortunately, the economic remedies that reduce unemployment tend to raise inflation rates, and vice versa. With an election coming, the administration felt itself to be under great political pressure. The White House decided to apply controls to hold down prices and wages artificially while it applied enormously powerful pressures to expand the economy at drastic speeds and to create jobs faster than the adult population was growing. First came massive tax cuts, then expansion of benefits such as Social Security which have high impact on personal spending. Interest rates were held down as the budget deficits soared. Rep. Wilbur Mills (D-Ark), chairman of the House Ways and Means Committee, put the matter accurately when he said, ". . . we acted as if those controls permitted us to indulge ourselves in a fiscal and monetary orgy . . . I do not care what brand of economics you prefer, you cannot have the supply of money go up by almost 10 per cent in nine months without getting an upward rush in prices afterwards . . . We wasted on a fiscal-monetary policy binge the respite which wage and price controls could have given us."

The unemployment rate dropped from 6.1 percent in August, 1971, when the President put the freeze into effect, to 5.2 percent in November, 1972. That decline undoubtedly contributed to the results of the election. The President's precise intentions for the post-election period are not known, but the outline seems fairly clear. Many economists believe that controls can only postpone price increases. By dropping Phase II last January, the administration apparently expected to let the pent-up flood of these postponed price increases work their way through the economy in a sudden bulge. It would be painful but it would be short and there was nearly two years until the next election. The White House would rely on its new rapprochement with the labor leaders to damp down a wage spiral. Meanwhile, to turn off the inflationary pressure at its source, the President invoked severe and rigid spending limits, moving the federal budget toward balance as fast as his economists dared. Those limits were then defended in a vehement and abusive campaign by the administration against the spendthrifts in Congress.

What went wrong with this strategy? Most obviously, the eruption of the Watergate scandals distracted the administration at a crucial time. But there were other surprises for the White House. The administration, like everyone else, underestimated the extent and effect of the devaluations of the dollar. The first devaluation was planned but the second was not. Since then, there has been in effect a third devaluation as other currencies' values float upward. That has raised the prices not only of all that we buy abroad, but many of the goods, notably agricultural products, that we sell abroad.

Above all, no one had fully reckoned the psychological effects of ending the controls. Many businessmen, it now appears, not only raised prices to compensate for the past but kept right on raising them in anticipation of renewed controls in the future. As the price indices began moving upward in response, the talk of a new freeze began to frighten still more businessmen into still more anticipatory increases.

The first lesson of this melancholy experience is that controls are not omnipotent. They are not a magic spell that permits a government to follow foolish and reckless policies with impunity. Our European friends, incidentally, could have told us that. They have been using controls actively, off and on, ever since World War II and they have had considerably more trouble with inflation over the years than we have. Even under parliamentary governments, with their great flexibility in calling elections, it has proved very expensive to try to make the business cycle conform to the politicians' calendar.

The second lesson is that a large and rich nation cannot afford to make economic policy simply by reacting wildly to one immediate threat. Policy has to move to a larger target than the date of the next election. Mr. Nixon's policy of 1971–72 was successful in ending the recession, but his vast budget deficits then are of course the principal cause of the present inflation. A similar reaction now to the inflation could conceivably drop the country back into a new recession. There are other uninviting prospects. It is quite possible to have a roaring inflation and rising unemployment simultaneously. The next control system will have to be more than an overreaction to an immediate peril. Controls are no more than one part of an economic program that needs to address not only the inflation that is today's concern, but the recession and the erosion of standards of living that might well be tomorrow's.

THE HOBBS ACT AMENDMENT OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANDERSON) is recognized for 60 minutes.

Mr. ANDERSON of Illinois. Mr. Speaker, last February, the Supreme Court handed down a truly unfortunate decision. The case—United States against Enmons—centered around charges of sabotage and wanton destruction of property by a group of employees who were on strike for higher wages and benefits. The Court ruled that while blowing up transformers and committing other acts of sabotage might have been Federal crimes under other circumstances, such acts were not Federal crimes if the employees were on strike for legitimate demands. In short, the Court suggesting that the end justifies the means—that in making strike demands, workers could resort even to violence, if necessary, and remain free from Federal prosecution.

The Enmons decision centered on the Hobbs Act, the Federal antiextortion statute, which has been on the books for more than 25 years. Under the act, extortion is defined as the use of violence or the threat of violence to coerce someone into unwillingly giving up property. In one form or another, such acts have been outlawed in business since 1934 by Federal law. Yet in the bizarre case I just mentioned, the Court has suddenly decided that the use of violence as a means of coercing management to meet strike demands is not extortion at all, but a perfectly legitimate bargaining tool in the eyes of the Federal courts.

How is it that we have reached this point? How is it that as we approach the final quarter of the twentieth century we are still confronted with the same type of violence rising from labor-management disputes that supposedly we had banished more than 30 years ago? How is it that despite the plethora of Federal labor laws passed in the last 40 years, men still seek to resolve their differences through violence and coercion rather than the peaceful, legal collective bargaining system we have established and perfected over the years?

The answers to these questions are certainly complex. But I do think legislation to correct the unfortunate Supreme Court decision I have referred to could make an important contribution to remedying the problem. The bill I am introducing today is designed to do just that.

RISE IN VIOLENCE ASSOCIATED WITH LABOR-MANAGEMENT DISPUTES

Violence resulting from labor-management disputes is clearly again on the rise. While the Labor Department does not collect statistics on this phenomenon, I think we need only recall some of the appalling incidents of the past few years to realize that labor violence is a far more serious problem today than it has been for decades.

In April 1970, over 1,500 construction workers stormed Spreens Volkswagen in West Palm Beach, Fla. They demolished a new addition which had been constructed by nonunion labor, damaged and destroyed over 60 cars, and assaulted newsmen who tried to document the event. After 2 hours of uncontrollable rioting, the workers had caused $200,000 in damage, which resulted in indictments handed down on charges ranging from arson to assault and battery.

Just last February—2 days before the Enmons decision was made—400 building tradesmen arrived in chartered buses at the site of a building being constructed for Shell Oil Co. in Kalkaska, Mich., by a nonunion contractor. They outnumbered 20 State troopers and used large building beams to demolish part of the new building, causing $100,000 in damage.

In March 1972, over 500 AFL–CIO pickets stormed a fuel oil facility in Port Allen, La., to protest the use of nonunion labor on the site. The pickets ignored an injunction limiting the number of pickets which could be legally stationed at the site and on March 28 damaged cars and attacked employees who tried to enter the site. The next day helicopters had to be used to get workmen into the site. Finally, on March 30, 500 National Guardsmen had to be called in to restore order in a situation which was simply too big to be handled by local authorities.

In November 1972, the Auburn Electric Co., a nonunion contractor, agreed to do some electrical work on a school being built in the Detroit area primarily by union contractors. On November 19, 1972, between 400 to 500 men stormed the construction site, started fires, ripped out electrical conduits and equipment and damaged construction trailers used by Auburn. Significantly, the damage was limited almost exclusively to the electrical work while the other portions of the site built by union workers remained untouched.

Probably the most incredible act of all occurred last June in Philadelphia. Over 1,000 building tradesmen massed to protest the construction of a large hotel-office complex by Altemose Construction Co.—a nonunion contractor. The workers stormed a cyclone fence around the site and then proceeded to systematically set fire to trucks, a bulldozer, a trailer, and a construction shed as others held fire engines and police officials at bay.

As later described by a reporter on the scene, "the scene at the King of Prussia construction site was right out of Vietnam." A judge who issued an injunction against the mob activity later that day labeled the incident "a scene you would expect to find in a war zone," a "virtual military attack."

These of course are only selected examples. Actually, similar incidents have occurred all over the Nation in recent years. The Associated Building Contractors, Inc., recently documented 170 acts of violence against ABC members, including 9 dynamitings, 34 fires, 64 acts of vandalism, and 42 assaults. All told, damage estimates exceed $5 million—all within the space of a few years.

THE ORIGINS OF RECENT CONSTRUCTION INDUSTRY VIOLENCE

Mr. Speaker, I would like to make clear at this point that the kind of serious violence in the context of labor-management disputes which I have been discussing is a problem which is largely confined to the construction industry; for the most part, it does not extend across the broad range of labor management relations into the other highly organized sectors of the economy. Indeed, with the conclusion of the recent no-strike pact in the steel industry, and its likely emulation elsewhere, we have witnessed substantial progress rather than retrogression in the evolution of labor-management relations.

The question immediately comes to mind then as to why the construction industry has experienced this dramatic upsurge of violence and property destruction. At bottom, I think the answer to that question hinges largely on the growing open-shop movement and the threat which it poses to the traditional craft unions which have so long dominated the industry.

The origins of the now burgeoning open-shop movement lie on the extraordinary wage increase spiral that beset the industry about 1967. During the early sixties wage increases in the construction industry averaged between 5 and 7 percent annually, a figure somewhat higher than the average of U.S. industry as a whole but not notably out of line with wage trends generally.

In 1968, however, construction industry settlements averaged nearly 9 percent, and the following year they rose to almost 13 percent. By 1970 wage settlements averaged 15 percent, with first year increases in settlements negotiated that year amounting to almost 20 percent in many cases.

During the peak of the wage boom in 1970 and early 1971, hundreds of 3-year contracts were negotiated which sent construction wage levels in many areas

of the country soaring out of all reasonable relationships to the rest of the economy. In the Wichita, Kans., area, for example, operating engineers negotiated a settlement which raised hourly rates from $5.40 to $10.50 over a 36-month period. In Hartford, Conn., electricians obtained a 3-year increase which boosted wage rates from $6.75 an hour to $12.50. And in Los Angeles, sheet metal workers obtained a similar agreement lifting hourly wage rates from $7.06 to more than $12. Moreover, these are only representative examples. Similar agreements were negotiated all over the country.

To be sure, these were years during which the fires of inflation ravaged the entire U.S. economy, and in which wage rates rose dramatically in almost all industries. Nevertheless, the wage boom in construction was unparalleled even in the context of an inflation-rid economy. The increases obtained by many craft unions shattered most traditional wage rate differentials and opened up a huge, unprecedented gap between wages paid construction workers and those paid workers in other sectors of the economy.

During the early 1960's, for instance, annual construction wage increases consistently averaged about 1.7 times greater than those for manufacturing, a trend that was in line with historical patterns. In 1967, however, construction hourly increases were 2.7 times greater than the average for manufacturing; by 1969 the ratio of construction wage hourly increases to manufacturing was 3.5, and by 1970, hourly increases in construction were nearly four times as large as those in the manufacturing sector—90 cents per hour as opposed to 23 cents in manufacturing.

Even labor leaders outside of the construction industry did not fail to take notice of this unjustified wage rate escalation. Leonard Woodcock, of the UAW, for example, stated:

> There is no question that wage increases in construction are excessive.

He further noted that because construction wages had leaped so far ahead of other wage rates in the economy, the pressures on union leaders outside the building trades to obtain similar settlements were almost unbearable.

Seriously compounding this round of runaway wage settlements was the fact that the construction industry posted almost no gains in productivity during the same period. Whereas large wage increases in some sectors of the economy may be offset in part by vigorous advances in output per man-hour, added wage costs in the construction industry are almost entirely reflected in higher prices or reduced profits. While the examples of productivity retarding practices and restrictive work rules in the construction industry are legion and widely known, suffice it here to say that a recent survey by the Engineering News Record found between 15 and 40 percent of the average construction payroll is accounted for low productivity.

While this figure is certainly sobering, it does not seem to far off the mark when you consider, for example, that an average brick mason laid 600 blocks per day in 1926 but only averages 100 per day at present. Or that a cement mason finished 2,000 square feet a day by hand 40 years ago, but even with the help of vibrators, mechanical screeds and power trowels finishes only 600 square feet today. The basic reason that technological advances have led to lower rather than vastly increased output as might be expected is simply that the building trades unions have insisted on preserving traditional work jurisdictions and padding payrolls with redundant labor to an almost unconscionable degree.

Thus, an electrician must be on hand in many areas during any time in which temporary lights are used on a construction project, even though electricians might not actually be employed in ongoing work on the project. Since on many projects the lights are never turned off, the attending electricians are paid $8 to $10 per hour around the clock week in, week out, to watch them burn. Similarly, in the case of automated welding machines and compressors, an operating engineer must be paid for a full day although these machines are started with the push of a button, run all day unattended, and are turned off by the flip of a switch. The situation is much the same with temporary heating on projects since operating engineers are required on a 24-hour basis even though heaters are fully automatic.

When two or more unions claim the same job jurisdiction, the payroll padding becomes even more ludicrous. For example, one contractor reported that on a powerplant job, using small gasoline-powered generators, he had to pay an operating engineer to watch each gasoline engine, an electrician to watch the generators on each machine, and a pipefitter to watch the electric wires running from the generators to handheld power tools operated by union journeymen.

In another instance, an argument between the electricians and the carpenters as to who should install a chain-hung ceiling lamp with a wire and plug attached was resolved by using one man from each union. The carpenter screwed two hooks in the ceiling and hung the chain while the electrician put the plug into the wall socket. Meanwhile, the contractor ended up paying $40 just for installing each such unit in a 350-room motel complex.

In combination, these excessive wage rate increases and the persistence of productivity retarding practices, exerted an enormous cost toll on the construction industry. Construction costs became so high that knowledgeable observers began to openly suggest that the industry would soon price itself right out of the market if these trends continued. They feared that construction activities would grind to a halt simply because few individuals or firms would be in a position to absorb the huge costs of new projects.

The fact that responsible union leaders as well as contractors accepted this assessment of the situation is attested to by the industries' voluntary acceptance of Government wage and price controls in March of 1971, 6 months before the President imposed a freeze on the economy generally. This program was implemented through the Construction Industry Stabilization Committee on which both labor and management shared the decisionmaking power. Since its inception, the CISC has had measurable success in bringing wage rate increases back to a more reasonable level.

Nevertheless, there were other significant responses to the industry's headlong dash to wage-fueled disaster. The most important of these was the rise of the open shop movement and the loss of numerous large construction projects, formerly almost entirely performed by unionized labor, to nonunion contractors. In early 1972, the head of the AFL–CIO Building Trades Department himself, Frank Bonadio, warned union men that in the previous 2 years open shop contractors had taken more than $7.5 billion worth of powerplant construction alone from unionized contractors.

Similarly, the Associated General Contractors, the largest association of general contractors in the Nation, reports that 35 percent—more than 3,000—of its members now do more than one-half of their work under open shops. A decade or more ago, fewer than 10 percent of its members even dared consider open shop construction, let alone perform the majority of their work under such arrangements.

Likewise, the National Construction Association, an organization of 35 large, nationwide heavy industrial contractors, which operate entirely under union agreements, indicates that in 1971 it lost more than one-third of its work to open shop contractors. According to a recent McGraw Hill survey, cities like Washington, D.C., and Baltimore have already become open-shop strongholds. In Pittsburgh, a traditionally strong union town, it is now reported that more than 75 percent of new construction is performed by nonunion contractors. Similar trends are reported for Ohio, Michigan, and other areas of the country.

Naturally, the building trades unions are not about to passively allow this trend toward open shop operations to continue. They fully realize that $12 per hour wage rates are of little value if unionized contractors continue to be underbid by 20 or 30 percent on projects by their nonunion competitors. Indeed, a significant segment of the national building trades leadership has been quite forthright in pinpointing the blame for current open shop inroads in the industry.

Edward Carlough, president of the sheet metal workers, told a convention of his union that:

> We've met the enemy and he is us . . . since we in the unionized sector of the construction industry helped create the problem, we are the people who can turn it around.

Similarly, Robert Georgine, secretary-treasurer of the AFL–CIO Building Trades Department has said:

> We have a philosophy about how we protect our work . . . we have to make it easier for our union contractors to be competitive. We are placing our weight behind the old labor slogan "a fair day's work for a fair day's pay."

Unfortunately, these wise counsels to self-reform and elimination of costly work rules and excessive wage demands issued by responsible national craft union leaders have been honored most often in the breach at the local level. More typical of the attitude with which many local building trades members confront their eroding share of the construction market is this recent statement made at a 5,000 man union rally in Rhode Island:

> Everything is at stake—our jobs, our wages, our benefits, our pensions, and the health and welfare of our children. The nonunion shop movement is a cancerous growth. We must stamp it out. On this day, February 18, 1973, we hereby declare a full-scale war.

In a similar vein, the president of a local sheet metal workers union in Albany wrote his membership:

> We don't plan to give up easy. We're going to fight with everything we have available. We may get a little bloody . . . but we will be successful.

Thus, craft union leaders at all levels recognize the severity of the challenge posed by the open shop movement. As this brief review of recent construction industry history suggests, the threat is largely a self-inflicted one. To a dismaying degree, however, the building trades movement has chosen to ignore the constructive advice of its own leadership and has attempted to rollback the threat through intimidation, lawlessness, and wanton destruction of property. The statistics and the examples of construction site violence that I mentioned earlier are the natural outgrowth of that wrongheaded and reprehensible response to the problem.

THE NEED FOR LEGISLATION

It should be clear then that the recent upsurge in construction industry violence is a direct outgrowth of the current struggle between the craft unions and a vigorous open shop movement which has sprung to life in response to their excesses. Since the battle as of yet has not been won by either side, such incidents of violence and wholesale property destruction are likely to grow in frequency and severity in the years ahead unless some new deterent is provided.

The legislation I am introducing today, which would make such acts Federal offenses under the Hobbs Act, can provide just such a deterrent. It can help to insure that the entirely legitimate struggle between the craft union movement and the open shop contractors is fought out peacefully on the basis of on-the-job performance rather than by means of threats and violent clashes. It can help to strengthen the hands of responsible labor leaders by emphasizing that self correction and internal reform are the only viable route for the traditional craft organizations to recoup their lost standing in the industry.

In short, the intention of this legislation is not to determine or dictate the outcome of this struggle. Rather its purpose is to establish the ground rules, to insure that the struggle is waged within the accepted framework of civil and legal restraints which govern all activities in our society.

Undoubtedly, some will interrupt the motivation and objectives of this legislation in other terms. They will brand it as merely a one more club for the open-shop movement to employ in beating the building trades into submission or oblivion.

If that happens, I am afraid it will be a sorry day indeed for the building trades movement. It will be tantamount to an admission that the oldest and for decades the most vital segment of the union movement in this country has become so weak and tradition bound that it can only survive by brute force.

I have more confidence in American trade unionism and its leaders than that. I believe they can continue to play an important role in our economic system, and that the new creative leadership which has emerged at the national level can help make union labor once again highly competitive in the industry—if only the advice of these leaders would be heeded by the rank and file.

In the years ahead, the true test will be the test of the marketplace. If building tradesmen will eschew the easy but self-defeating route of intimidation and violence and begin to revise their own archaic jurisdictional lines, set-aside outmoded work rules and featherbedding practices, and refrain from excessive wage demands, that the test can be successfully endured. If it cannot, or chooses not to, those of us charged with preserving the public order and the safety of the lives and property of our citizens have an unavoidable responsibility to provide a firm, swift and certain response to those who would violate the base code of civil conduct in our society.

To be sure, some who accept this conclusion will question the propriety of Federal involvement in local labor disputes. Are not the local and State courts adequate, it might be asked, to settle those disputes?

The plain fact is that 40 years ago Congress recognized that there were certain problems which local and State courts and governments could not handle equitably—including labor-management violence. Moreover, I think we all recognize the tremendous pressure which may be brought to bear against local legal authorities when they must somehow resolve an issue which deeply divides a community. Should we assume that individuals who are willing to engage in burning, sabotage, wanton destruction or even assault would shrink from similar acts or threats in order to avoid prosecution? Indeed, if there is any doubt about the ability of the local and State courts to solve this problem, let me provide some instructive examples.

In 1969, a group of 40 workers in Fort Lauderdale pulled a nonunion crane operator from his rig and beat him up. Even though there were photographs, eyewitnesses and a list of license plates of the assailants, local authorities refused to take action by labeling it another labor dispute in which they did not want to get involved. Similarly, in 1970, several hundred union workers injured 13 persons, including four policemen who were severely beaten. Yet no local arrests were made, and even though the State obtained five indictments, no convictions were made. Numerous additional examples could be cited.

To put it simply: if State and local courts had been successful in their attempts at prosecuting those engaged in such acts, I would not be standing here asking for Federal action. Therefore, let me briefly review the history of the Hobbs Act to show how the Enmons case fits into the picture and why new legislation is necessary.

THE ENMONS DECISION: LEGISLATIVE AND LEGAL BACKGROUND

The history of the legislative attempts to control labor violence began with the Anti-Racketeering Act of 1934. That act provided penalties for anyone who obtained or attempted to obtain "by the use of or attempt to use or threat to use force, violence, coercion, the payment of money or other valuable considerations or the purchase or rental of property; or protective services, not including, however, the payment of wages by a bona fide employer to a bona fide employee." In short, the act made extortion against employers illegal, but carefully excluded payment of wages from the definition of payments which could not be made under coercion or the use of force.

That exemption led to the United States against Local 807 decision of the Supreme Court in 1943. The Court ruled that a New York City Teamsters local could use force and violence to extort a payoff from out-of-city trucks to and from the city. The teamsters in this instance had developed the practice of waiting for out-of-town truckers and demanding payment either to allow local teamster drivers to take the trucks into the city or to simply allow the trucks to be driven in once the fee was paid.

Bills were immediately introduced to Congress to correct this loophole, although the legislative history is somewhat clouded.

When Congressman Hobbs introduced a bill eliminating the wage exception, he specifically denied on the floor that the new act would apply to force or violence used in pursuit of legitimate wage demands. It was designed, he argued only to correct the deficiency in the Anti-Racketeering Act which allowed violence, and threats to be used to exact payment for services which were neither wanted nor needed.

Despite the intent of the sponsor of the Hobbs Act, Congress chose to specifically reject an amendment offered by Mr. Celler which would have exempted "wages paid by a bona fide employer to a bona fide employee" from coverage under the act. As pointed out on the floor, the effect of this amendment would have been to reinstate the old Anti-Racketeering Act. Nevertheless, rejection of this amendment provided grounds for the inclusive interpretation of the Hobbs Act adhered to by the minority of the Supreme Court early this year.

As finally passed, the Hobbs Act prohibited robbery or extortion or any violence or threat of violence aimed at abetting such robbery or extortion which obstructs, delays, or affects commerce. As defined by the act, extortion included "the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear."

It was the appearance on the term "wrongful use of force" in the act on which the Enmons decision is hinged. The defendants in the Enmons case had

been charged with five specific acts of destruction against company transformers, but the case was dismissed in district court because no violation of the Hobbs Act had been shown.

The Supreme Court split 5 to 4 on the question of whether acts of violence could be considered extortion in instances where they involved legitimate strike demands. The majority ruled that the Hobbs Act proscribed the use of violence to gain illegal ends such as kickbacks or payment for the type of superfluous services included in the 807 case, where milk truckowners were made to pay for the driving services of union members which were clearly unneeded.

However, the use of violence to achieve legitimate union objectives was not prohibited by the act, since such violence would not be wrongful. The majority simply could see no reason for the use of the word wrongful if the Hobbs Act had been intended to outlaw all labor violence.

The dissent from that opinion was written by Douglas, a persistent champion of civil liberties. He said that there was simply no question that even legitimate wages or benefits were property as defined by the act, so that violence used to obtain such property had to be considered extortion under the act. Douglas claimed that the legislative history of the act, in which the Cellar amendment to exclude bona fide wages from the definition of extortion was defeated, shows unequivocably that Congress intended all violence—regardless of motive—to be a Federal crime.

I am afraid that 1947 was before my service in Congress. I surely do not know what Congress intended in that act. Suffice it to say that regardless of how I or anyone else here interprets the act, it is the Supreme Court majority opinion which affects its implementation. The Court has ruled, and as Justice Blackmun pointed out:

> If Congress wishes acts of that kind to be encompassed by a federal statute, it has the constitutional power in the interstate context to effect that result.

PROVISIONS OF THE AMENDMENT

The legislation I am introducing today attempts to provide the statutory clarification suggested by Justice Blackmun. First, it broadens the definition of "interference with commerce" in section 1951 of title 18 of the U.S. Code by explicitly stating that willfully injuring, damaging, burning, or destroying property of an employer to the extent of $2,000 or more is a violation of the act.

Secondly, it provides that such acts shall not be nullified or mitigated notwithstanding the fact that they occur within the course of a leigtimate objective of collective bargaining. In combination, these changes remove any doubt or ambiguity as to whether the kind of destructive acts arising out of labor disputes which I have referred to this afternoon are Federal offenses.

In conclusion, I should add that just as this legislation is not intended to determine the outcome of the current struggle within the construction industry between the craft unions and the open shop movement, neither does it provide any cause for concern or fear on the part of the overwhelming bulk of tradesmen who refuse to have any part of the type of criminal activity we have seen in Philadelphia, Florida, and many other areas of the country. This legislation in no way interferes with or abridges the legal right to strike or peacefully picket. By excluding property damage in amounts of less than $2,000, the bill insures that the minor damage resulting from the occasional scuffles which develop in the sometimes heated atmosphere of a picket situation will not be considered offenses under the act.

In brief, this amendment to the Hobbs Act deals solely with willful destruction of property which reaches serious proportions. There can be no justification for that kind of activity in a society which operates under the rule of law. The sooner the boundary line is drawn between legitimate and unlawful activities in the new kind of labor-management disputes now arising in the construction industry and the firm hand of Federal enforcement is brought into play, the sooner the current struggle will be resolved in a constructive manner. I would hope that all parties to the dispute, both union and nonunion contractors and both organized and open shop labor, will recognize the necessity for this effort to clarify the ground rules, and support its early adoption by the Congress.

REQUIRING THE OPENING OF COMPETITIVE BIDS FOR GOVERNMENT CONTRACTS IN STATE INVOLVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, today I am introducing a bill which would require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered.

In the past, Alaskans have been at a disadvantage in bidding on Government contracts for performance within the State of Alaska. This has been particularly true of construction contractors where revised bids are accepted telegraphically. This bill seeks to equalize the opportunities for all persons in each of the 50 States who desire to do business with the Federal Government.

A recent case which illustrates this point is the contract for the construction of Bureau of Indian Affairs school dormitories at Tok and Fort Yukon, Alaska. Because of the unreliability of the telegraphic service, revised bids from all Alaskan contractors were received at the BIA offices in Albuquerque, N. Mex., a few minutes past the deadline of 2 p.m., the time of bid openings. All Alaskan contractors were, thus, declared nonresponsive. The bids of three of the Alaskan contractors were lower than the successful out-of-State bidder. In this particular case—and I am sure there are many others—the Federal Government was required to accept the lowest declared responsive bid which resulted in a higher cost to the American taxpayers.

Open competitive bidding in the State in which the property or services involved are to be delivered or performed, will, I am convinced, be of benefit to all concerned, most particularly to our Government.

H.R. 8618

A bill to require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any advertisement or other solicitation for bids for a contract for the procurement of property or services, or for the construction, alteration, or repair of a public building, by an executive agency shall provide that such bids shall be submitted to and opened at an office of an executive agency which is located at the seat of government of, or the largest city of, the State in which all or a substantial part of the performance of the contract will occur, as determined under regulations of the Adminstrator of General Services. For the purpose of this section—

(1) the term "State" includes the District of Columbia, Puerto Rico, and any territory or possession of the United States; and

(2) the term "executive agency" has the same meaning given such terms in section 3(a) of the Federal Property and Administrative Services Act of 1949.

GAS BUBBLE II

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, one of the most consistent responses to the curtailment of gas deliveries by the Coastal States Gas Co. to San Antonio, has been of shock and surprise. People frequently write me or call me to say that there was little or no warning of Coastal's inability to deliver gas to San Antonio. Company stockholders sometimes complain that they are equally surprised. But the unfortunate truth is that the Coastal States Gas bubble has been on the point of bursting for some time and those who are acquainted with the company, as I have been for the past several years, are in no way surprised at its failure to deliver on its contracts and commitments.

Although there are many other contracts I could discuss today, I will only recite the history of Coastal's San Antonio contract which is its first big contract and probably quite typical of those held by the company.

Coastal undertook to supply San Antonio's gas from April 1, 1962, until April 1, 1982. Under terms of the contract, Coastal was to supply San Antonio with as much as 2 trillion cubic feet of natural gas at specified prices. In order to qualify for the contract, the company had to show reserves of at least 1.2 trillion cubic feet of gas available for San Antonio. Up until this time, San Antonio has used considerably less than one-half the amount of gas called for in the contract, that is to say, about 614 billion cubic feet. Theoretically, at this point in time, San Antonio has used only slightly more than half the gas Coastal said that it had in 1962, and less than one-third of the amount Coastal is required to deliver over the life of its contract. Yet,

today the company says it is unable to deliver.

During the early years of Coastal's San Antonio contract, the company grew very rapidly but this did not prevent the company from satisfactory performance of its contract up until January 1968, when San Antonio's gas supply was curtailed for a 27-hour period due to problems which Coastal claimed to be beyond the company's control. I might add that this, in itself, was a violation of the contract since Coastal is obliged to deliver gas to San Antonio on an uninterruptable basis.

Fresh signs of trouble appeared on March 10 and 11, 1969, when Coastal again curtailed deliveries to San Antonio. At this point, the San Antonio City Public Service Board, which administers the contract with Coastal, asked the company to cooperate with it in determining just what the problem was and also requested information on the reserve situation of the company. Coastal did provide some minimal cooperation with the city in working out engineering problems, but provided next to no information on the reserve question.

In 1970, Coastal published a report by a consulting firm, which showed that the company had available reserves sufficient to cover 125 percent of Coastal's "forward sales requirements" during the period 1969 through 1989. In other words, if this report had been true, Coastal would have had more than enough gas to meet all its obligations to San Antonio, and its other long-term customers.

In the spring of 1970, San Antonio asked for detailed information on the supposed ample reserves of Coastal, but the company provided no reply whatever. Even though during the next 3 years it did perform adequately on its contract to San Antonio, the company delivered deficient gas supplies to the city of Austin, to the Lower Colorado River Authority, to the Central Power & Light Co. and to other customers. Obviously, even though the company's 1970 report had been very optimistic and its service to San Antonio was satisfactory, the city could not rest easy.

In 1971, Coastal asked the Texas Legislature for a bill that would enable it to break all its contracts with long-term customers. The company at that time presented itself as being interested in keeping "Texas gas for Texas" and claimed that without the bill, which would allow it to raise its prices to Texas customers, the company would be forced to sell gas in interstate commerce. Ironically enough, even then Coastal was selling no less than 26 percent of its total gas to out-of-State customers. Apparently, the company was far more interested in raising prices than it was in keeping anybody's gas in Texas.

In pursuing the so-called Coastal States bill, the chairman of the Board of the Coastal States Gas Co., wrote on April 6, 1971, to Walter W. McAllister, Sr., who had been the mayor of San Antonio, as follows:

> When we entered West Texas, we bought gas at 16¢ to 20¢ in substantial quantities, and this puts Coastal in an adequate position to supply the City of San Antonio for the remainder of its contract.

What Mr. Wyatt did not say, was that on April 2—just 4 days before, Coastal had asked the Federal Power Commission to be relieved of its contract with the Transcontinental Pipe Line Co., claiming that it did not have sufficient reserves to meet the requirements of that contract. Thus, close study of the company showed that in 1970, it had claimed to have enough gas to meet all its requirements through 1989, and then on April 2, 1971, it claimed not to have such reserves, and then on April 6, 1971, it claimed to have "adequate" reserves through about 1982.

Given all these conflicting claims, the City Public Service Board continued to ask Coastal for information on the company's gas reserves, but in each insistance the company refused.

The City Public Service Board and Coastal continued to spar over the question of the company's reserves and the obligation that Coastal had to cooperate with San Antonio. It was about this time that Coastal began to seek renegotiation of its contract with San Antonio and to replace it with what the company calls for a total fuel contract, which amounts to an obligation of Coastal to supply San Antonio with either gas or fuel oil as supply conditions determine on a cost plus a fixed profit basis. San Antonio was unwilling to buy this contract without having any knowledge of Coastal's capacity to deliver on it. Proposals and counter-proposals flowed throughout 1972, and Coastal showed that it meant business when late last year and early this year it began a series of gas curtailments for San Antonio. It seemed that the company was telling San Antonio that if it did not renegotiate, the City would not get gas at all.

While it was thus pressing negotiations with San Antonio, Coastal went to the Texas Railroad Commission in January 1973, asking it to substantially revise the San Antonio contract and, in fact, to more than double the price of Coastal's gas to San Antonio. While this administrative procedure was pending, the old Coastal States Gas bill reemerged in the Texas Legislature.

Throughout the spring of this year, San Antonio was confronted with a triple threat from Coastal: The threat of continued gas curtailments as a strong inducement to meet the company's demands; and an administrative procedure which threatened to destroy San Antonio's contract through State intervention and a legislative proceeding which threatened not just San Antonio's gas contract, but those of every other gas customer in Texas.

On 13 different occasions between November 1972 and April 1973, Coastal reduced its gas deliveries to San Antonio. On a total of 65 days, San Antonio had to turn to fuel oil to supply at least some of its electrical generating requirements. Altogether, these curtailments cause the city of San Antonio to burn 16 million gallons of fuel oil which it had, fortunately, been able to procure beforehand. But this emergency operation cost the city, $1.5 million to carry on.

During all this time—during all these threats—Coastal claimed that it did, indeed, have the capacity to deliver gas to San Antonio. And then suddenly on May 1, Coastal admitted to the Railroad Commission of Texas, it was unable to deliver all the gas required by its various customers. Finally, on May 20, San Antonio suffered its first really severe cutback, which continues to this day.

Is Coastal capable of delivering on its contract? If you believe their claims of 1970, and the letters of Mr. Wyatt, and the claims of the company's representatives, at various times, the answer is that the company can deliver on its contracts. But, if you rely on other claims made by the company, on almost identical times as I have shown, then the company cannot meet its obligations. Here, then, we find that Coastal is either guilty of fraud or blackmail—you can take your pick, but either way, San Antonio and all the other millions of people affected by this company, are the victims.

When the gas bubble burst, it was not just the downfall of one company, but an explosion that affected the lives and fortunes of millions of totally innocent people—the victims of the great gas bubble.

GREATER CONTROL OVER THE CIA NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. HARRINGTON) is recognized for 15 minutes.

Mr. HARRINGTON. Mr. Speaker, for the last 20 years, there has been an erosion of authority away from Congress to the executive branch. This flow of authority over matters of vital interest, such as the declaration and conduct of war, has resulted in policy decisions being made in great secrecy. Fewer decisions are being made by the representatives of the public and more by the President and an inner council accountable only to the President himself.

The recent disclosures brought out by the Watergate investigations show the dangers of unchecked executive power. Without such a check, the President, in the name of national security, can subvert American democracy.

It is time for Congress to reassert its authority and make Government open, as it was intended to be. It is time for Congress to define the relationships between itself and the intelligence community, such as the Central Intelligence Agency, and the National Security Agency. Unless Congress acts to check secrecy, there is nothing to prevent future Watergates on a grander scale.

For this reason, today, I have introduced legislation to place greater congressional oversight control over the CIA. This legislation is, obviously, not the answer to the whole problem. It is, however, a start. This bill is identical to S. 1935, introduced in the Senate on June 4 by Senator PROXMIRE.

This bill would amend section 102 of the National Security Act of 1947 to prohibit or restrict certain CIA activities. It would prohibit the CIA from carrying out, directly or indirectly, domestic police, law enforcement, or internal security operations. It would prohibit it from providing assistance for the domestic activities unless written approval is granted by the CIA oversight subcommittees in both Houses. It would prohibit

the CIA from participating, directly or indirectly, in any illegal activities within the United States. Finally, it would prohibit the CIA from participating in any covert activities abroad without written approval from the appropriate subcommittees of both Houses.

The CIA is presently accountable only to the President through the National Security Council and the Director of Central Intelligence. Its role, as defined by law, is to correlate and evaluate intelligence, advise and make recommendations to the National Security Council. As Senator PROXMIRE has stated:

All these duties are relatively passive . . . [i]n no way can they be interpreted as authority for engagement in domestic operations or foreign operations.

Also, he pointed out that—

In the same section, the act specifically states that the CIA shall have "no police, subpoena, law-enforcement powers, or internal security functions."

Three paragraphs of the original act should be reiterated for the benefit of the House because of their "oblique" language.

And provided further, that the Director of Central Intelligence shall be responsible for protecting intelligence sources and methods from unauthorized disclosure;

To perform, for the benefit of the existing intelligence agencies, such additional services of common concern as the National Security Council determines can be more efficiently accomplished centrally;

To perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct.

These provisions could be interpreted as sanctioning, by the Executive, domestic operations and covert foreign operations that could subvert American democracy or undermine congressionally approved foreign policies, all in the name of national security.

Congress enacted legislation which set forth the duties of the CIA, but gave the Executive a blank check as to how these duties should be implemented. Therefore, under present law, interpretations of a national security nature are left in the hands of the President alone. Since decisions pertaining to intelligence operations are made in secrecy by a small inner group, there is relatively little control exerted over the agency other than the moral judgments of the President and his inner council.

The purpose of this bill it not to cripple the CIA in carrying out its legitimate activities. It only seeks to place limitations to prevent such operations from being misused. One such check is to place greater congressional oversight control over the CIA and its activities.

Between the enactment of the National Security Act of 1947 and the ending of the 92d Congress, there have been 180 bills introduced in Congress to provide more adequate congressional oversight control of the CIA. This to me demonstrates that Congress did have an active interest. However, these bills have all proposed either a joint committee, select or special committee, a subcommittee, or a separate committee. This bill differs in that that it would utilize the existing oversight subcommittees of both Houses. Presently there are 21 Members on these subcommittees—only 4 percent of the entire Congress with any real knowledge of CIA activities. They are as follows:

SENATE

ARMED SERVICES

Subcommittee: Democrats—Stennis, Symington, Jackson. Republicans—Dominick, Thurmond.

APPROPRIATIONS

Subcommittee: Democrats—McClellan, Pastore, Stennis. Republicans—Young, Hruska.

HOUSE

ARMED SERVICES

Subcommittee: Democrats—Nedzi, Hébert, Price, Fisher. Republicans—Bray, Arends, Bob Wilson.

APPROPRIATIONS

Subcommittee: Democrats—Mahon, Whitten, Sikes. Republicans—Minshall, Cederberg.

Although there is a need for secrecy to effectively carry out and safeguard operations and intelligence of a national security nature, there still needs to be some restraint to prevent abuses. Perhaps for the time being those Members of Congress who do have access and the responsibility for funding and watching the CIA should be given authority to review and approve or reject future operations—not just rubberstamp existing practices. Congress has a responsibility to insure that operations do not conflict with our own foreign policy decisions. We also have a clear-cut duty to prohibit or restrict domestic CIA activities.

Mr. Speaker, I would like at this point to insert the bill into the RECORD so that it may be examined by my colleagues:

H.R. 8592

A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), is amended by adding at the end thereof a new subsection as follows:

"(g)(1) Nothing in this or any other Act shall be construed as authorizing the Central Intelligence Agency to—

"(A) carry out, directly or indirectly, within the United States, either on its own or in cooperation or conjunction with any other department, agency, organization, or individual any police or police-type operation or activity, any law enforcement operation or activity, or any internal security operation or activity;

"(B) provide assistance of any kind, directly or indirectly, to any other department or agency of the Federal Government, to any department or agency of any State or local government, or to any officer or employee of any such department or agency engaged in police or police-type operations or activities, law enforcement operations or activities, or internal security operations or activities within the United States unless such assistance is provided with the prior, specific written approval of the Central Intelligence Agency oversight subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives;

"(C) participate, directly or indirectly, in any illegal activity within the United States; or

"(D) engage in any covert action in any foreign country unless such action has been specifically approved in writing by the Central Intelligence Agency oversight subcommittees of the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives.

"(2) As used in paragraph (1)(D) of this subsection, the term 'covert action' means covert action as defined by the National Security Council based on the commonly accepted understanding of that term within the intelligence community of the Federal Government and the practices of the intelligence community of the Federal Government during the period 1950 through 1970."

Mr. Speaker, this bill is not perfect, but it is a step in the right direction. The recent Watergate disclosures have again revealed the dangers of unchecked Executive power that is not only eroding Congress, but eroding our very democratic society.

NIXON BUDGET FOR FISCAL YEAR 1974 WOULD COST HAWAII MORE THAN $60 MILLION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 15 minutes.

Mr. MATSUNAGA. Mr. Speaker, when the Nixon administration announced its proposed fiscal year 1974 budget, many Members of Congress concerned about people-oriented programs were, in a word, shocked.

More than a hundred such programs were slated for zero funding, that is, abolishment, in complete disregard of the congressional responsibility for establishing national priorities.

Some of the programs were to be replaced by "special revenue sharing," which the administration promised to submit to Congress. Some of the programs, the budget message suggested, could be financed out of general revenue sharing funds, if the State and local governments felt they were important enough. Still others were simply to be eliminated, and scant or no justification was offered.

Concerned about the effects that the proposed budget would have on the people of Hawaii, I arranged earlier this spring for public hearings in Honolulu. I invited testimony from various public and nongovernmental officials in Honolulu who have responsibility for administering federally aided programs.

The data generated at those hearings confirmed the worst estimates I had made from figures available here in Washington. It was shown that the administration's 1974 budget would cost Hawaii more than $61,000,000. In a State with only about 800,000 residents, such a reduction would be devastating.

Quite apart from its aggregate effect on the State's economy, the budget reductions would strike at most of the programs designed to improve the quality of life in America.

A few specific examples will serve to illustrate this.

Discontinuing the Office of Economic Opportunity, for instance, would result in an annual loss to the Hawaii OEO and the corresponding Community Action Agencies of approximately $1.2 million; 19,000 to 22,000 residents would be adversely affected. The elderly would be denied further assistance in transporta-

tion and senior citizens' activities. Children would be denied Headstart, youths denied the Upward Bound and Youth Development program. In addition, the termination of 450 jobs in the State of Hawaii, where the unemployment rate is already above the national average, would contribute to further economic deterioration.

Also in the area of jobs, the planned $1.9 million cut in the public employment program, as part of a complete program termination, means that at least 414 people will be out of work. Of these 414, at least 50 percent are Vietnam veterans who have a right, if anyone has, to expect a decent break from the country for which they fought so bravely.

The administration's handling of assisted housing programs has been particularly distressing. The January moratorium on funding for federally subsidized housing suddenly left hundreds of units in Hawaii already under construction, or finished and awaiting sale, without promised subsidies. In addition, over $1 million of funds were "recaptured," a term coined by HUD to connote the withdrawal of funds already appropriated and apportioned. The fiscal year 1973 budget for one program, section 235, which provides mortgage subsidies for home ownership to lower income families, was $309,000. Amazingly, HUD recaptured $836,000, drawing from funds from previous years which had yet to be used. Hawaii is already 40,000 to 60,000 units short of a reasonable housing inventory. As Honolulu Mayor Frank F. Fasi so aptly testified at my hearings:

> The effect of this moratorium on Hawaii and the uncertainty of future funding, particularly on housing-short Oahu, will be both enormous in scope and tragic in results.

Among the hardest hit community facilities would be Hawaii's libraries, which would lose $671,000. Without these funds, guidelines for libraries to meet the special needs of the disadvantaged will not be forthcoming; the Library for the Blind and Physically Handicapped will be curtailed; residents not living near a major library will have more difficulty obtaining access to books, periodicals and reference sources; 213,000 pupils will be deprived of urgently needed print and nonprint materials; and the development of total media centers in book-oriented libraries will be discouraged.

Health programs would suffer similarly.

The regional medical program would absorb a $423,000 cut, but the loss to the people of Hawaii because of this cut cannot be so quantified. The cut would mean 28,000 residents in the Waianae area who were anticipating finally having access to health care services will not get their new health center. It would mean emergency patients will not have the benefit of fully trained ambulance personnel. Patients in intensive care units throughout Hawaii and the Pacific Basin would not have the benefits of specially trained nurses. Babies with pulmonary diseases would not receive comprehensive treatment provided by the pediatric pulmonary care project. People ailing from a highly prevalent ear disease in the Pacific Basin islands would not have trained health assistants to help care for them.

Mr. Speaker, these are merely some of the more grisly highlights of the administration's proposed budget for the coming year on Hawaii's people.

It is true that President Nixon intends many of these programs to be included in his "special revenue sharing" proposals. But the administration was unable to provide adequate figures on which to base estimates of expenditures in Hawaii during fiscal year 1974 if these "special revenue sharing" plans are implemented. I am not opposed to such streamlining in principle, but the administration bears the burden of assuring that the people of America will not fall between the cracks of some newly revised organizational chart.

From my Honolulu hearings and extensive inquiries to the executive branch in Washington, I have prepared a chart summarizing more fully the areas where the $61 million loss to Hawaii would occur if Mr. Nixon's proposed fiscal year 1974 budget is implemented. In compiling and presenting this information, I seek not to defend every program proposed for reduction or termination, but to illustrate the impact of the Nixon budget on the people of Hawaii. By making similar observations in other areas of the country, I submit, the Congress will be better able to make informed judgments about the priorities it should set in the coming fiscal year.

President Nixon claims his budget is designed to curb inflation, avoid tax increases, and streamline the Federal Government. I do not believe any of us would quarrel with any of those goals. In fact, the Congress saved the American taxpayers some $20.9 billion by appropriating that much less than what President Nixon requested in the first 4 years of his administration; and the Congress is expected to reduce the President's budget by about $700 million for fiscal 1974. It is his sense of priorities with which many Members of the Congress disagreed fundamentally. We believe the President's proposed elimination of people-oriented programs to be unconscionable.

If we are to continue as a great nation we must care for our sick and disabled, our young and our elderly who are unable to provide for themselves; we must provide education, training, and jobs for the poor and unemployed, in preference to dropping bombs on foreign soil, without even a declaration of war, at the rate of $2½ to $4 million a day. Congress must assert its own sense of priorities and insist that it prevails. The chart follows:

AGRICULTURE

[In thousands of dollars]

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Office of General Counsel: Legal Services to Programs to the Department.	3		3	
Cooperative State Research Service:				
Payments to Agricultural Experiment Stations under the Hatch Act.	420	357	63	
Grants for Cooperative Forestry Research	43	38	5	
Extension Service:				
Payments for Cooperative Agricultural Extension Work	514	502	12	
Nutrition Aid Program	209	204	5	
Agricultural Stabilization and Conservation Service: Rural Environmental Assistance Program.	231	25	206	This program provided cost-sharing grants to farmers for the implementation of conservation programs such as animal waste management, siltation control of rivers and waterways, and wildlife preserves on farmlands.
Farmers Home Administration:				
Direct Loans: Resource Conservation	59		59	
Insured Loans: Housing	10,000	5,600	4,400	This program has subsidized low income and moderate income housing. Due to the President's January moratorium on subsidies for low income housing, this category is not being funded at all for fiscal year 1974. The cut will affect about 180 units.
Administrative Expenses	230	220	10	
Soil Conservation Service: Conservation Operations	635	633	2	
Forest Service: Assistance to States for Tree Planting	35	32	3	
Total cut			4,768	

ATOMIC ENERGY COMMISSION

Food Irradiation Program	50		50	The program is developing means of disinfesting papaya and other fruits through radiation. It is now in the final stages of completion and shows great promise for economic success. Success in the program would expand exports by providing a foolproof method of treating a wide variety of packaged products without leaving residues. Three staff members would be affected by the termination.

COMMERCE

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Social Economic Statistics Administration: 19th Decennial	1		1	
U.S. Travel Service: Matching Grants	12		12	
Total			13	
HEW, OFFICE OF EDUCATION				
Formula Grants—State Agencies:				
Elementary and Secondary Education:				
Educationally deprived children (ESEA I):				
Local Educational [1] Agencies	3,794		3,794	
Handicapped Children [1]	195		195	
Neglected and Delinquent Children [1]	24		24	
State Administration [1]	150		150	
Supplementary Services (ESEA III) [1]	809		809	Since there is single, statewide school system in Hawaii, supportive services performed by State level leadership are crucial for management of educational, instructional, and service processes.
Strengthening State departments:				
Grants to States (Part A)	314		314	5 educational officers, 4 classified positions, and 8 student helpers would be affected by termination of the program.
Comprehensive Planning and Evaluation (Section 411, GEPA).	96		96	2 professional and 3 classified positions are affected.
Equipment and Minor Remodeling (NDEA III): State Administration.	10		10	
Education for the Handicapped: State Grant Program [1] (EHA, Part B).	200		200	
Occupational, Vocational, Adult Education:				
Basic Vocational Education Programs: Grants to States (VEA Part B and Smith-Hughes Act). [1]	1,345		1,345	
Programs for Students with Special Needs [1]	70		70	
Consumer and Homemaking Education (VEA, Part F) [1]	90		90	
Work-Study (VEA, Part H) [1]	23		23	
Cooperative Education (VEA, Part G) [1]	233		233	
State Advisory Council (VEA, Part A) [1]	32		32	
Innovation—Grants to States (VEA, Part D) [1]	110		110	
Research—Grants to States (VEA, Part C) [1]	32		32	
Adult Education: Grants to States (Adult Education Act) [1]	273		273	
Higher Education: University Community Services (HEA I)	101		101	
Library Resources:				
Public Libraries:				
Grants for Public Libraries (LSCA I)	273		273	Loss of these funds would (1) eliminate a program to provide guidelines for the library to meet special needs of the disadvantaged; (2) eliminate personnel and training services to more than 600 employees of the State Library System; (3) curtail expansion of the "Library for the Blind and Physically Handicapped," the only library serving both adult and juvenile patrons in the State; (4) cut back the purchasing of books, magazines, and newspapers.
Inter-Library Cooperation (LSCA III)	42		42	A resident not living near one of the major collections in Honolulu will lose access to books, magazines, newspapers, films, recordings, and research and reference services.
Library Resources (ESEA II)	356		356	213,000 pupils will be deprived of much needed print and nonprint materials. This program has been instrumental in developing previously book-oriented school libraries into total media centers.
Formula Grants—Institutions:				
Higher Education:				
Educational Opportunity Grants (HEA IV–A):				
Supplemental Opportunity Grants (SEOG)	899		899	The President proposes to replace SEOG and National Direct Student Loans (NDSL) with Basic Educational Opportunity Grants (BEOG). However, BEOG will only partially make up for the loss of these programs, leaving many disadvantaged students without aid. A University of Hawaii estimate before implementation of the recent Supplemental Appropriations Act (Public Law 93–25) indicated a loss in aid of $1.5 million (including the diminution of College Work Study) of which only $500,000 would be made up by BEOG. The deficit is supposed to be reduced by institutional aid and student insured loans. However, the former is a small source and the latter discriminates against disadvantaged students, who would experience considerable difficulty obtaining loans from commercial lending sources.
Work Study (HEA IV–C)				
College Work Study (CWS)	1,035	885	150	
Direct Loans (HEA IV):				
Contribution to Loan Fund				
National Direct Student Loan (NDSL)	1,270		1,270	
Formula Grants—Other:				
School Assistance in Federally Affected Areas (Impact Aid): Maintenance and Operations (Public Law 874): Payments to local education agencies.	10,885	7,285	3,600	Grants to children of Federal employees living off bases are eliminated in the President's budget. The elimination of this funding category accounts for the entire cut.
Total cut for Office of Education			14,491	
HEW, SOCIAL AND REHABILITATION SERVICES				
Formula Grant Programs:				
Rehabilitation Services and Facilities—Basic Support	1,972	1,810	162	
Developmental Disabilities—Basic Support	150	100	50	
Total cut for SRS			212	
HEW, HEALTH SERVICES AND MENTAL-HEALTH ADMINISTRATION				
Formula Grants—State Agencies:				
Maternal and Child Health Services	950	613	337	(Certain funds which were formerly project grants will appear in this category for the first time in fiscal year 1974. The fiscal year 1973 figure represents the amount spent for all services which will appear in this funding category for fiscal year 1974.) The "Maternity and Infant Care Project" and the "Children and Youth Project" would lose 28 positions from a staff of 50. Cuts in the former project would eliminate 30 percent of the present patients from eligibility.

HEW, HEALTH SERVICES AND MENTAL-HEALTH ADMINISTRATION—Continued

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Formula Grants—State Agencies—Continued				
Regional Medical Program	853	430	423	(The fiscal year 1974 figure represents a hold-over. The program will be completely eliminated in fiscal year 1975.) This proposed cut would cause the following: (1) Termination of the training of personnel in patient care and use of communications equipment for the "Emergency Medical Services Program" just as it is beginning to contribute to life-saving treatment of emergency patients. (2) Curtailment of Intensive Care Unit training for nurses, particularly in rural and Pacific Basin areas. (3) Termination of the "Health Information Network of the Pacific." (4) Interruption of the "Monitoring of Physiologic Data Program," designed to transmit medical data of patients from neighboring islands and rural Oahu to Honolulu medical centers, just as equipment is being installed and physicians and nurses are being trained in use of the system. (5) Termination of the "UPGrading Rural Nursing Care Project." (6) Impairment of the scope and quality of care to critically ill infants under the "Pediatric Pulmonary Care Project." (7) Elimination of many patients from the "Otology Project" in the Pacific Basin Islands. This program treats highly prevalent ear diseases, which receive the highest priority from island people as diseases most in need of treatment. (8) Preclusion of expansion of the "Regional Dialysis and Transplant Center Project."
Direct Operations:				
Preventive Health Services:				
Venereal Disease Control (317)				A $43,000 cut is anticipated in fiscal year 1975 entailing a reduction of 3 positions. Federal support constitutes 50 percent of this important program.
Other Communicable Diseases (314-e, 317)				A $65,000 cut is anticipated for fiscal year 1975 entailing a reduction of 7 positions. This will practically eliminate the immunization program for school-aged children.
Health Planning and Development:				
Planning and Analysis of Physical Hazards			37	Funds originally intended for the 5-year period ending Nov. 30, 1974, have been cutback to end Nov. 30, 1973. 5 positions will be eliminated.
Health facilities construction (Hill-Burton Program)			2,400	Termination means a loss of $1.2 million in cash grants and $1.2 million in loan guarantees to the state for modernization and new construction of hospitals and other health facilities.
Subtotal			3,197	
Total for Health Service and Mental Health Administration			17,900	

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL SERVICES

Child Care	[2] 1,700	[3] 1,400	300	The number of eligible children wuld be reduced by 300.
Family Planning	[2] 800	[3] 100	700	14,000 persons would be deprived of counseling and other services.
Community-based Mentally Retarded	[2] 2,800	[3] 500	2,300	This would reduce from 3,000 to 1,000 the number of clients presently maintained in Waimono Hospital who could be placed in the community, thus depriving others who need intensive care of needed bed space.
Transportation services	[3] 300	[3] 100	200	Approximately 1,300 persons now eligible would be dropped.
Housing Referral	[2] 600	[3] 200	400	3,800 welfare-assistance recipients would be denied help in finding low-income housing.
Other	[2] 2,000	[3] 1,500	500	
Total	[2] 9,400	[3] 5,000	4,400	

HEW, UNIVERSITY OF HAWAII

				A portion of the following figures for cutbacks already may be reflected in previous data. Due to the difficulty in tracing the overlap and to the importance of cuts to this one institution, it is listed as a separate category.
School of Social Work	814	472	342	30 percent of the cut represents student stipends. The following training programs are to be curtailed drastically: (1) Community Mental Health, including the drug abuse and alcoholism prevention program. (2) Child Welfare, including adoption programs and child abuse protection. (3) Services to the Aging. (4) Programs for the physically handicapped, including vocational rehabilitation. (5) Juvenile and Adult Correction Programs. Seven experienced faculty would have to be discharged.
School of Public Health	1,700	900	800	The proposed cut would reduce the number of students by 33 percent and the work force by 40 percent. The School of Public Health is one of only 18 such schools in the nation.
School of Nursing			75	The funds cut support a graduate program in psychiatric nursing—the first opportunity for Hawaii's nurses to obtain a master's degree in this specialty.
College of Education				The Department of Educational Psychology will suffer a 50 percent reduction in personnel money. In addition, the rehabilitation counselor training project will be terminated at the end of fiscal year 1974.
Graduate Traineeships Overall			1,100	This figure is partially reflected in the above data. The rationale for the cutbacks, that there is a recent and sudden surplus of persons with advanced degrees, is unfair for Hawaii which is still "upwardly mobile." If the cuts go through, Hawaii would have to "import" its leadership from the mainland, or subsidize its citizens with State funds to compete with those whose education was subsidized by Federal grants.
Undergraduate Aid			1,000	This figure is reflected in the previous data.

HUD

Housing Production and Mortgage Credit Programs:				
Assisted Housing				(All Assisted Housing was suspended under the Jan. 5, 1973, moratorium. "Recaptured" funds are those which were already appropriated and apportioned to Hawaii, but were then rescinded.)
Section 235	309		309	Section 235 provides mortgage subsidies for home ownership to lower income families. $309,259 in contract authority was apportioned to Hawaii. However, $836,363 of Section 235 funds have been recaptured. This was possible because funds from previous years had yet to be used. The effect has been devastating. The state has loan commitments of $10 million to 500 housing units in four projects. Of these 500 units, 291 were expected to be subsidized by Section 235 funding. Most of these units are presently under construction or have been finished and are awaiting sale.
Section 236	310		310	This program provides mortgage subsidies for the purpose of lowering rents in federally assisted housing. Of the amount apportioned, $87,218 has been recaptured. Rent increases cannot be tolerated. Hawaii will soon implement a "flat grant" welfare rental system on the private market and rent increases in public houses. Hawaii residents will be reduced to living on the beach, as some already do.
Rent Supplement	96		96	This program provides rent supplements directly to tenants. $79,244 has been recaptured.

Footnotes at end of table.

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Housing Production and Mortgage Credit Programs—Continued				
Assisted Housing—Continued				
Public Housing	379		379	This figure represents $29,430 in approved contract authority and $350,000 in applications which were submitted before the January 1973 deadline and may still be funded.
College Housing				No figures are available. The program was terminated Jan. 5, 1973.
Nonprofit Sponsor Assistance				No figures are available. The program was suspended Jan. 5, 1973.
Housing Management Programs: Public Housing Modernization	1,263		1,263	These funds are scheduled to be suspended June 30, 1973. Hawaii's public housing areas, among the most attractive in the country, cannot hope to maintain their high standards of modernization without these funds.
HOUSING AND URBAN DEVELOPMENT				
Community Development Programs:				
Model Cities [4]	6,641	7,782		Model Cities per se is scheduled to be terminated June 30, 1973. The fiscal year 1974 figure represents a special final appropriation for the "readjustment" of programs during the interim period before Better Communities Revenue Sharing, it is presumed, goes into effect. 550 employees are either totally or partially supported by this program. An estimated 21,000 persons currently receive assistance under the program.
Neighborhood Facilities [4]				The program is scheduled to be terminated June 30, 1973.
Open Space Land [4]				No figure for fiscal year 1973 is available but $798,000 was received in fiscal year 1972. The program was terminated Jan. 5, 1973.
Water and Sewer Facilities [4]				The program was terminated Jan. 5, 1973.
Urban Renewal Programs [4]				No fiscal year 1973 figure is available but $1.9 million was received in fiscal year 1972. The program is scheduled to be terminated June 30 but will receive an appropriation of about 10% of the fiscal year 1973 budget in fiscal year 1974 to close out the project.
Rehabilitation Loans [4]				The program is scheduled to be terminated June 30.
Public Facility Loans [4]				The program was terminated Jan. 5, 1973.
Community Planning and Management Programs:				
Community Development Training and Fellowship Programs				The program is scheduled to be terminated June 30.
Supplemental Grants for New Communities				Do.
Total cut for HUD			2,357	
INTERIOR				
National Park Service:				
Planning and Construction: Building Utilities, and Facilities	130		130	
Office of Water Resources Research	140	100	40	In fiscal year 1973 the President impounded $40,000 of the $140,000 apportioned to Hawaii's Center for Water Resources Research. Hawaii's principal resource for research in water resources, the Center must have more funds if it is to meet ever-growing needs in this vital area.
Office of Saline Water: Saline Water Conversion	16		16	
Bureau of Outdoor Recreation Grants	1,800	450	1,350	These are grants for planning and development of parks and other recreational resources. Quite apart from the value of these resources in improving the quality of life for Hawaii's residents, they are critical to the development of tourism, one of Hawaii's basic industries.
Total cut for Interior			1,536	
LABOR				
Manpower Training Services:				
Concentrated Employment Program [5]	1,193			
Institutional Training [5]	1,273			
Job Opportunities in the Business Sector [5]	111			
Job Optional Program—On the Job Training [5]	194			
Operational Mainstream [5]	338			
In School [5]	139			
Out of School [5]	216			
Job Corps [5]	1,849			
Public Employment Program	3,123	1,231	1,892	This program provides employment for 414 formerly unemployed persons, 50 percent of whom are veterans.
Federal Unemployment Benefits and Allowances	6,117	5,132	985	
Employment Standards Administration	237	233	4	
Total cut for labor			2,881	
TRANSPORTATION				
Federal Aviation Administration: Grants in Aid to Airports	9,989	3,934	6,055	The high fiscal year 1973 figure reflects a special grant for Honolulu International Airport under the Secretary's Discretionary Fund.
National Highway Traffic Safety Administration: State and Community Highway Safety.	255	246	9	
Total cut for Transportation			6,064	
VETERANS' ADMINISTRATION				
Compensation and pension	14,114	13,965	149	
Readjustment benefits	14,451	13,660	791	The reduction is due to the expected decrease in the number of enrollees in the G.I. Bill program.
General operating expenses	1,041	1,041	24	
Total cut for Veterans Administration			964	

EXECUTIVE OFFICE OF THE PRESIDENT

Program	Fiscal year 1973	Fiscal year 1974	Cut	Remarks
Office of Economic Opportunity: Community Action Agencies			1,119	At least 450 employees will lose their jobs through elimination of this program. CAA sponsored programs that will be affected include Head Start, Youth Programs, Senior Opportunities and Services, and Community Organization. 19,000–22,000 persons receive these services annually.
Environmental Protection Agency: Construction grants for waste water facilities:				
November 1972	6,606	9,909	19,818	Cut figure represents a loss to the State over a 2-year period due to cutbacks announced in November 1972. This cut may prevent Hawaii from meeting the 1977 deadline for completion of facilities.
Originally allocated October 1972 (Public Law 92-500)	16,515	19,818		
Solid Waste Management:				
Research and Demonstration Grants	50		50	There is a critical need to establish programs of economically sound recycling of agricultural and municipal wastes. The State has already taken the initiative through grants but needs the support of the Federal Government.
Grants for Student Training	28		28	
Total cut for Executive Office of the President			21,015	

[1] Programs proposed to be included under Administration's "Education Revenue Sharing."
[2] Existing regs.
[3] Proposed regs.
[4] Programs proposed to be included under Administration's "Better Communities Revenue Sharing."
[5] Programs proposed to be included under "Manpower Revenue Sharing."

SUMMARY OF PRECEDING TABLES

Agriculture	4,768
Atomic Energy Commission	50
Commerce	13
HEW [1]	17,900
HUD	2,357
Interior	1,536
Labor	2,881
Transportation	6,064
Veterans Administration	964
Executive Office of the President	21,015
Total cut	57,548
Social Services loss	+4,400
Total detriment to Hawaii [1]	61,948

[1] Does not include University of Hawaii figures; which are overlapping.

LEGISLATION NEEDED TO PROVIDE BENEFITS FOR SURVIVORS OF PUBLIC SAFETY OFFICER

(Mr. DORN aked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, the need for legislation to provide benefits to survivors of public safety officers killed in line of duty becomes more apparent daily. A young officer, neighbor and friend of mine, Deputy Charles A. Rodgers, was gunned down recently while on duty in Greenwood, S.C., and he leaves behind a family. The people of Greenwood are now raising funds for his family. It is time for the Congress to act.

We have introduced legislation that would provide a $50,000 gratuity to the survivors of policemen, sheriffs and deputies, highway patrolmen, firemen, state law enforcement officials and any other law enforcement official who is killed in line of duty. Our bill would provide that the wife and the dependent children of the officer would share the gratuity.

Mr. Speaker, our law officers and our firemen are our frontline soldiers against anarchy, chaos and the law of the jungle. Daily they risk their lives to protect the rights and the property of others. This legislation would provide a measure of security to their loved ones.

We are encouraged to know that our bill will be acted on soon by the Judiciary Committee. We urge its speedy approval. We urge also that the committee give careful consideration to the matter of retroactivity. Our proposal will be amended to provide benefits retroactive to January 3, 1973. This was the fist day of the 93d Congress and the day we introduced the bill.

TAXES PAID BY AMERICAN HOUSEHOLDS HAVE DOUBLED SINCE 1960

(Mr. CRANE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRANE. Mr. Speaker, most of us in this chamber are keenly aware of the ever-increasing demands of government upon the wages earned by our constituents. I wonder how many of us realize however, that the taxes paid by American households have more than doubled since 1960.

According to the Tax Foundation, Inc. of New York, Federal, State and local tax collections for fiscal 1973 will be the equivalent of $5,070 per American household. In 1960, the total tax figure was $2,400 per household; this represents an increase of $2,670—over 100 percent—in 13 years. The increase from last year alone was $300.

Total tax collections in fiscal 1960 were over $126 billion, while in fiscal 1973 they are estimated at $339 billion—over 2½ times as much. In fiscal 1974 Federal Government tax receipts alone are expected to be over $3,600 per household. In addition to this of course, the States, cities and counties will exact their own levies.

Mr. Speaker, the President of the United States very wisely declared last year, in pledging that there would be no tax increase during his second term, that

> The total tax burden of the American people, Federal, State and local has reached a breaking point. It can go no higher. If it does go higher, I believe that we will do much to destroy the incentives which produce the progress we want.

I believe that most of us will agree, Mr. Speaker, that now is certainly not a time to be considering new taxes. A sharp reduction in taxes, is, in fact an imperative.

It is for this reason that many of us are concerned about the Secretary of the Treasury's recent statement that a tax rise may be necessary in the near future. In my own view, nothing could be further from the truth. The American people are expecting—and they have a right to expect—that the administration will stand by its promise not to raise taxes.

According to Secretary Shultz, one reason some of the President's advisers have been considering new taxes is to cool off the economy. It is worth noting, however, that the Government's composite index of leading economic indicators turned down in April for the first time since October 1970, and thus the economy appears to be cooling itself off.

We should also bear in mind that if the economy needs to be deflated somewhat, the Federal Reserve Board, through the interest rate and its control of the supply of money, has the tools to do that job.

Some other advisers, I understand have offered the argument that a tax hike will enable the budget to be balanced in fiscal 1974. In my own view, Mr. Speaker, it would be far better to balance the budget the other way—by sharply cutting Federal expenditures.

There are many Federal programs which are both costly and unnecessary and some which are downright harmful—the OEO Community Action and Legal Services programs spring to mind. Before any new taxes are contemplated, the administration will be doing the Nation a great service by cutting back on such wasteful and unneeded agencies still further, at least until the budget is balanced.

Let us have no new taxes, Mr. Speaker. Let us instead have tax reductions and a balanced budget.

AIRLINE YOUTH FARES SHOULD BE CONTINUED

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on May 1, the CAB issued its decision that youth fares are to be phased out over the next year. In an editorial on June 11, the Miami News took exception with that decision and called on the Congress to act on legislation now pending to authorize the continuation of reduced fares.

As a cosponsor of the bill to authorize reduced air fares on a space available basis for young people as well as for our senior citizens, I share the Miami News' opposition to the CAB action, and urge the Interstate and Foreign Commerce Committee to schedule consideration of H.R. 5713 as soon as possible.

The Miami News editorial follows:

GIVE THEM A BREAK

There is public resentment, and understandably so, against the Civil Aeronautics Board decision to phase out the youth fares on the nation's airlines. Six months ago the CAB said the fares were discriminatory and reductions were ordered for this month, with the final step to come a year from now.

We could understand the necessity if persons using the discounted youth fares were bumping passengers who paid the full amount from scheduled flights. But this is not the case. Few of the airlines are flying at capacity. Earnings figures reflect there are many empty seats and it would seem good business to make these seats available to young people who might not have the financial means of the more mature.

It's almost too late to help this summer. But the Congress has before it legislation which would authorize lower rates on a space-available basis. This is a pragmatic approach which parents would welcome. Early action, at least would assure more air travelers for the fall return to the campus.

GENERAL LEAVE

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the tribute of the Honorable GERALD R. FORD to William Arbogast.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. DENT, for Friday, June 15, 1973, on account of official business.

Mr. CORMAN, for today, on account of official business.

Mr. EDWARDS of California (at the request of Mr. MCFALL), for today, on account of illness in family.

Mr. STEELMAN (at the request of Mr. GERALD R. FORD), for the week of June 11, on account of a back injury.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mrs. GREEN of Oregon, for 20 minutes, today; and to revise and extend her remarks and include extraneous matter.

Mr. RANDALL, for 15 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. JOHNSON of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. HEINZ, for 5 minutes, today.

Mr. ANDERSON of Illinois, for 1 hour, today.

Mr. ROBISON of New York, for 15 minutes, today.

Mr. ROBISON of New York, for 15 minutes, June 13, 1973.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. HARRINGTON, for 15 minutes, today.

(The following Members (at the request of Mrs. SCHROEDER), to revise and extend their remarks, and to include extraneous matter:)

Mr. ALEXANDER, for 60 minutes, on June 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RANDALL and to include extraneous matter in two instances.

Mr. FLYNT to follow the remarks of Mr. STAGGERS on the birthday of Bill Arbogast today.

Mr. JOHNSON of Colorado to include extraneous matter in his remarks on the Peace Corps conference report today.

Mr. GRAY in five instances.

Mr. MATSUNAGA 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 $467.50.

(The following Member (at the request of Mrs. SCHROEDER), and to include extraneous matter:)

Mr. LEHMAN in five instances.

(The following Members (at the request of Mr. JOHNSON of Colorado) and to include extraneous material:)

Mr. DICKINSON in three instances.

Mr. BLACKBURN.

Mr. HANSEN of Idaho.

Mr. HEINZ in two instances.

Mr. GUBSER.

Mr. MCCOLLISTER in three instances.

Mr. ANDERSON of Illinois in three instances.

Mr. BAKER.

Mr. MCCLORY.

Mr. TALCOTT in three instances.

Mr. FROEHLICH.

Mr. RONCALLO of New York.

Mr. ASHBROOK in three instances.

Mr. TREEN in two instances.

Mr. ZWACH.

Mr. THONE.

Mr. ROBERT W. DANIEL, Jr.

Mr. WYMAN in two instances.

Mr. HOSMER in three instances.

Mr. SHOUP.

Mr. BOB WILSON.

Mr. WHALEN.

Mr. DERWINSKI in two instances.

Mr. MICHEL.

Mr. BROYHILL of Virginia.

Mr. ROBISON of New York.

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous material:)

Mr. O'NEILL in six instances.

Mr. TEAGUE of Texas, in six instances.

Mr. GONZALEZ in three instances.

Mr. RARICK in three instances.

Mr. CARNEY of Ohio in three instances.

Mr. BREAUX.

Mrs. GRIFFITHS in two instances.

Mrs. SULLIVAN in two instances.

Mr. BURTON in two instances.

Mr. JOHNSON of California.

Mrs. SCHROEDER.

Mr. DINGELL.

Mr. CHARLES H. WILSON of California.

Mr. WALDIE in two instances.

Mr. HARRINGTON in two instances.

Mr. ROUSH in three instances.

Mr. HÉBERT.

Mr. VANIK.

Mr. DORN.

Mr. CONYERS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 978. An act to amend the Federal Trade Commission Act (15 U.S.C. 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed unlawful; to the Committee on Interstate and Foreign Commerce.

S. 1888. An act to extend and amend the Agricultural Act of 1970 for the purpose of assuring consumers of plentiful supplies of food and fiber at reasonable prices; to the Committee on Agriculture.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that the committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 4443. An act for the relief of Ronald K. Downie.

ADJOURNMENT

Mrs. SCHROEDER. 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, Wednesday, June 13, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1021. A letter from the Acting Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend chapter 73 (survivor benefit plan) of title 10, United States Code, to clarify provisions relating to annuities for dependent children and the duration of reductions when the spouse dies; to the Committee on Armed Services.

1022. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a copy of Presidential Determination No. 73–13, in which he determined that it is important to the security of the United States to waive the provisions of section 3(b) of the Foreign Military Sales Act, as amended, insofar as they relate to sales, credits, or guarantees to the Government of Peru; to the Committee on Foreign Affairs.

1023. A letter from the Assistant Secretary for Congressional Relations, transmitting a copy of Presidential Determination No. 73–14, in which he determined that the extension of credit to the Governments of Argentina, Brazil, Chile, Colombia, and Venezuela, in connection with the sale of F–5 military aircraft, is important to the security of the United States, pursuant to section 4 of the Foreign Military Sales Act, as amended; to the Committee on Foreign Affairs.

1024. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize the head of an executive department, a military department,

an agency, or an independent establishment in the executive branch to allow certain uses of Government vehicles at isolated installations, and for other purposes; to the Committee on Government Operations.

1025. A letter from the Under Secretary of the Interior, transmitting a draft of proposed legislation to authorize grants for Indian tribal governments, and for other purposes; to the Committee on Interior and Insular Affairs.

1026. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the Trademark Act to extend the time for filing oppositions, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees; to the Committee on the Judiciary.

1027. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a draft of proposed legislation to implement the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 7127. A bill to amend the act of October 15, 1966 (80 Stat. 915), as amended, establishing a program for the preservation of additional historical properties throughout the Nation, and for other purposes; with amendment (Rept. No. 93–269). Referred to the Committee of the Whole House on the State of the Union.

Mr. McSPADDEN: Committee on Rules. House Resolution 432. Resolution providing for the consideration of H.R. 3926. A bill to extend the National Foundation on the Arts and the Humanities Act; with amendment (Rept. No. 93–270). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 433. Resolution providing for the consideration of H.R. 5094. A bill to amend title 5, United States Code, to provide for the reclassification of positions of deputy U.S. marshal, and for other purposes; with amendment (Rept. No. 93–271). Referred to the House Calendar.

Mr. YOUNG of Texas: Committee on Rules. House Resolution 434. Resolution providing for the consideration of H.R. 5464. A bill to authorize appropriations for the saline water program for fiscal year 1974, and for other purposes; with amendment (Rept. No. 93–272). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 435. Resolution providing for the consideration of H.R. 7824. A bill to establish a Legal Services Corporation, and for other purposes; with amendment (Rept. No. 93–273). Referred to the House Calendar.

Mr. WHITTEN: Committee on Appropriations. H.R. 8619. A bill making appropriations for Agriculture-Environmental and Consumer Protection programs for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93–275). Referred to the Committee of the Whole House on the State of the Union.

Mr. MADDEN: Committee on Rules. House Resolution 436. Resolution providing for the consideration of H.R. 8152. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to improve law enforcement and criminal justice, and for other purposes; with amendment (Rept. No. 93–274). Referred to the House Calendar.

Mr. BOLLING: Committee on Rules. House Resolution 437. Resolution providing for the consideration of H.R. 8410. A bill to continue the existing temporary increase in the public debt limit through November 30, 1973, and for other purposes; with amendment (Rept. No. 93–276). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 438. Resolution providing for the consideration of H.R. 2990. A bill to provide for annual authorization of appropriations to the U.S. Postal Service; with amendment (Rept. No. 93–277). Referred to the House Calendar.

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. 8580. A bill to amend section 1951, title 18, United States Code, Act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. HARVEY, and Mr. FRENZEL):

H.R. 8581. 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. BROTZMAN:

H.R. 8582. A bill to prohibit most-favored-nation treatment and commercial and guarantee agreements with respect to any nonmarket economy country which denies to its citizens the right to emigrate or which imposes more than nominal fees upon its citizens as a condition to emigration; to the Committee on Ways and Means.

By Mr. BROYHILL of Virginia:

H.R. 8583. A bill to revise the pay structure and retirement and disability benefits of policemen and firemen at Washington National Airport and Dulles International Airport; to the Committee on Post Office and Civil Service.

By Mr. BURLESON of Texas:

H.R. 8584. A bill to amend the Internal Revenue Code, in order to protect farm property from estate taxation based upon its valuation for nonfarm use; to the Committee on Ways and Means.

By Mr. BURLESON of Texas (for himself and Mr. ESCH):

H.R. 8585. A bill to amend the Internal Revenue Code of 1954 and the Social Security Act to provide a comprehensive program of healthcare by strengthening the organization and delivery of healthcare nationwide and by making comprehensive healthcare insurance (including coverage for medical catastrophes) available to all Americans, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARK:

H.R. 8586. A bill to authorize the foreign sale of the passenger vessel S.S. *Independence*; to the Comimttee on Merchant Marine and Fisheries.

By Mr. DINGELL (for himself, Mr. ECKHARDT, and Mr. CORMAN):

H. 8587. A bill to amend the National Environmental Policy Act of 1969 to provide for citizens actions in the U.S. district courts against persons responsible for creating certain environmental hazards; to the Committee on Merchant Marine and Fisheries.

By Mr. FORSYTHE:

H.R. 8588. 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. FRENZEL:

H.R. 8589. A bill to improve the regulation of Federal election campaign activities; to the Committee on House Administration.

H.R. 8590. A bill to amend the Internal Revenue Code of 1954 to facilitate acquisition of ownership of private enterprises by the employees of such enterprises; to the Committee on Ways and Means.

By Mr. FREY:

H.R. 8591. A bill to authorize the President to appoint to the active list of the Navy and Marine Corps of certain Reserves and temporary officers; to the Committee on Armed Services.

By Mr. HARRINGTON:

H.R. 8592. A bill to amend section 102 of the National Security Act of 1947 to prohibit certain activities by the Central Intelligence Agency and to limit certain other activities by such Agency; to the Committee on Armed Services.

By Mr. HÉBERT (for himself and Mr. BRAY) (by request):

H.R. 8593. A bill to amend section 301 of title 37, United States Code, relating to incentive pay, to attract and retain volunteers for aviation crewmember duties, and for other purposes; to the Committee on Armed Services.

By Mr. HILLIS:

M.R. 8594. A bill to establish an arbitration board to settle disputes between supervisory organizations and the U.S. Postal Service; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN (for himself, Mr. DE LUGO, Mr. WON PAT, Mr. PODELL, Mr. MOSS, Mr. DELLUMS, Mr. REUSS, Mr. STARK, Mr. STUDDS, Mr. WILLIAM D. FORD, Mr. PEPPER, Mr. EDWARDS of California, Mr. KYROS, Mr. YATRON, Mr. HARRINGTON, Mr. GAYDOS, Mr. SEIBERLING, and Mr. LOTT):

H.R. 8595. A bill to authorize an experimental program to provide for care for elderly individuals in their own homes; to the Committee on Ways and Means.

By Mr. McDADE:

H.R. 8596. A bill to amend title 38 of the United States Code in order to make brothers and sisters of the whole blood eligible for war orphans' and widows' educational assistance if the veteran concerned has no children, wife, or widow; to the Committee on Veterans' Affairs.

By Mr. McFALL:

H.R. 8597. A bill 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.

By Mr. MATHIS of Georgia:

H.R. 8598. A bill to amend the Automobile Information Disclosure Act to require disclosure with respect to pickup trucks and farm tractors; to the Committee on Interstate and Foreign Commerce.

By Mr. MEEDS:

H.R. 8599. A bill to provide financial assistance for research activities for the study of sudden infant death syndrome, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS of Arkansas (for himself and Mr. GERALD R. FORD):

H.R. 8600. A bill to extend and improve the Nation's unemployment compensation programs, and for other purposes; to the Committee on Ways and Means.

By Mr. MINSHALL of Ohio:

H.R. 8601. A bill to amend the act of October 15, 1966 (80 Stat. 953, 20 U.S.C. 65a), relating to the National Museum of the Smithsonian Institution, so as to authorize additional appropriations to the Smithsonian Institution for carrying out the purposes of said act; to the Committee on House Administration.

By Mr. PARRIS:

H.R. 8602. A bill to amend title II of the Water Pollution Control Act Amendments of

1972 (Public Law 92–500); to the Committee on Public Works.

By Mr. REES:

H.R. 8603. A bill to amend the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. RHODES (for himself and Mr. STEIGER of Arizona):

H.R. 8604. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances and to establish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

By Mr. ROUSH:

H.R. 8605. A bill to amend section 481 of the Foreign Assistance Act of 1961, relating to international narcotics control, to provide for the suspension of economic and military assistance with respect to any country whenever the Comptroller General determines that such country has not taken adequate steps to control the production or processing of, or traffic in, narcotic drugs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. STEPHENS:

H.R. 8606. A bill to amend the Small Business Act; to the Committee on Banking and Currency.

By Mr. STUDDS:

H.R. 8607. A bill to provide that daylight saving time be observed on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself, Mr. DRINAN, Mr. FRASER, Mr. RIEGLE, Mr. STARK, and Mr. WALDIE):

H.R. 8608. A bill to improve the conduct and regulation of Federal election campaign activities and to provide public financing for such campaigns; to the Committee on House Administration.

By Mr. WALDIE:

H.R. 8609. A bill to amend the National Wild and Scenic Rivers Act of 1968 (Public Law 90–542), to include the Smith River, the Middle Fork and North Fork of the San Joaquin River, the Eel, Klamath, and Trinity Rivers as components of the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

By Mr. BOB WILSON:

H.R. 8610. A bill to provide retirement annuities for certain widows of members of the uniformed services who died before the effective date of the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. WOLFF:

H.R. 8611. A bill to amend the Railway Labor Act so as to exempt the Long Island Railroad from the provisions thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. WOLFF (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. DELANEY, Mr. DRINAN, Mr. EDWARDS of California, Mr. FLOOD, Mr. FORSYTHE, Mr. FRASER, Mr. GUNTER, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. HORTON, Mr. HOWARD, Mr. KYROS, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MAZZOLI, Mr. MCEWEN, Mr. NIX, Mr. PODELL, and Mr. ROE):

H.R. 8612. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. ROSENTHAL, Mr. ROYBAL, Mr. TALCOTT, Mr. VAN DEERLIN, Mr. VANDER JAGT, Mr. WHITEHURST, and Mr. YATRON):

H.R. 8613. A bill to amend title 18, United States Code, to strengthen and clarify the law prohibiting the introduction, or manufacture for introduction, of switchblade knives into interstate commerce; to the Committee on the Judiciary.

By Mr. YOUNG of Texas:

H.R. 8614. A bill to authorize and direct the completion of planning and advance engineering and design of the Harbor Island Project, Texas, and for other purposes; to the Committee on Public Works.

By Mr. MATSUNAGA (for himself and Mr. HANLEY):

H.R. 8615. A bill to authorize the Secretary of the Navy to construct and provide shoreside facilities for the education and convenience of visitors to the U.S.S. *Arizona* Memorial at Pearl Harbor and to transfer responsibility for their operation and maintenance to the National Park Service; to the Committee on Armed Services.

By Mr. SHIPLEY:

H.R. 8616. 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. WHITEHURST (for himself and Mr. WOLFF):

H.R. 8617. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

By Mr. YOUNG of Alaska:

H.R. 8618. A bill to require that competitive bids for Government contracts be submitted and opened in the State in which the property or services involved are to be delivered; to the Committee on the Judiciary.

By Mr. WHITTEN:

H.R. 8619. A bill making appropriations for agriculture-environmental and consumer protection programs for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. BROYHILL of North Carolina:

H.J. Res. 608. Joint resolution to establish a nonpartisan commission on political campaign reform; to the Committee on House Administration.

By Mr. DU PONT (for himself, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Carolina, Mr. ASPIN, Mr. BAKER, Mr. BEVILL, Mr. BIESTER, Mr. BLACKBURN, Mr. BOLAND, Mr. BURGENER, Mr. BYRON, Mr. COHEN, Mr. CONABLE, Mr. COLLIER, Mr. DOMINICK V. DANIELS, Mr. DAVIS of Georgia, Mr. DAVIS of South Carolina, Mr. DENHOLM, Mr. DOWNING, Mr. ESHLEMAN, Mr. FLOWERS, Mr. FORSYTHE, Mr. FRENZEL, Mr. FULTON, and Mr. GAYDOS):

H.J. Res. 609. Joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. DU PONT (for himself, Ms. GRASSO, Ms. GREEN of Oregon, Mr. GROVER, Mr. GUDE, Mr. GUNTER, Mr. GUYER, Ms. HANSEN of Washington, Mr. HASTINGS, Ms. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. HOGAN, Mr. HORTON, Mr. HOWARD, Mr. HUBER, Mr. HUNGATE, Mr. HUNT, Mr. KETCHUM, Mr. LENT, Mr. MCCOLLISTER, Mr. MCDADE, Mr. MATHIS of Georgia, Mr. MAYNE, Mr. MEEDS, and Mr. MITCHELL of New York):

H.J. Res. 610. Joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. DU PONT (for himself, Mr. MITCHELL of Maryland, Mr. MIZELL, Mr. MOLLOHAN, Mr. PARRIS, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. PREYER, Mr. QUIE, Mr. QUILLEN, Mr. RARICK, Mr. ROBINSON of Virginia, Mr. ROBISON of New York, Mr. ROE, Mr. RONCALLO of New York, Mr. ROSE, Mr. SARASIN, Mr. SARBANES, Mr. SISK, Mr. SNYDER, Mr. STEIGER of Wisconsin, Mr. THONE, Mr. TREEN, and Mr. WALSH):

H.J. Res. 611. Joint resolution authorizing the President to proclaim January 17 of each year as; "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. DU PONT (for himself, Mr. WARE, Mr. WHITEHURST, Mr. WIDNALL, Mr. WOLFF, Mr. WON PAT, Mr. YATRON, Mr. YOUNG of Florida, and Mr. ZWACH):

H.J. Res. 612. Joint resolution authorizing the President to proclaim January 17 of each year as "National Volunteer Firemen Day"; to the Committee on the Judiciary.

By Mr. FRENZEL:

H.J. Res. 613. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. GONZALEZ (for himself, Mr. BADILLO, Mr. CAREY of New York, Mr. CONYERS, Mr. DE LUGO, Mr. DUNCAN, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. WON PAT, Mr. STARK, Mr. DAVIS of Georgia, Mrs. CHISHOLM, and Mr. RANGEL):

H.J. Res. 614. Joint resolution proposing an amendment to the Constitution of the United States to require each State to provide its citizens with an opportunity for elementary and secondary education; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois:

H. Con. Res. 247. Concurrent resolution expressing the sense of the Congress that no person should be considered for appointment as Ambassador or Minister if such person or members of his immediate family have contributed more than $5,000 to a candidate for President in the last election; to the Committee on Foreign Affairs.

By Mr. BROYHILL of Virginia (for himself, Mrs. GREEN of Oregon, Mr. PODELL, Mr. WON PAT, Mr. BLACKBURN, and Mr. WHITEHURST):

H. Con. Res. 248. Concurrent resolution expressing the sense of Congress regarding the conservation of gasoline; to the Committee on Interstate and Foreign Commerce.

By Mr. HORTON:

H. Con. Res. 249. 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. COCHRAN:

H. Res. 430. Resolution amending rule XLIV of the Rules of the House of Representatives, relating to financial disclosure; to the Committee on Standards of Official Conduct.

By Mr. STARK:

H. Res. 431. Resolution to provide the House of Representatives with pertinent information with respect to the possible grounds for impeachment of the President of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

249. The SPEAKER presented a memorial of the Legislature of the State of California, relative to payments to members of the Philippine Scouts; to the Committee on Armed Services.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

238. By the SPEAKER: Petition of the board of aldermen, city of Bellefontaine Neighbors, Mo., relative to an amendment to the Constitution of the United States concerning abortion; to the Committee on the Judiciary.

239. Also, petition of the city council, Baltimore, Md., relative to most-favored-nation status for the Soviet Union; to the Committee on Ways and Means.